

LEG. FINANCE - BILLS 1985 - 1986 2242

SB 355 - SB 356 2242

COMMITTEE REPORT
SENATE

FURTHER:

1/22/86

Date 5/1/86

Mr. President

The Committee on FINANCE considered SB 355
relating to a court facility in Fairbanks; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 355 (Fin)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- Court System
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] Do not pass

[Signature] no rec

[Signature]
Chairman
No Rec
Chairman recommendation

Original sponsor: Bennett

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 355 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a court facility in Fairbanks;
7 and providing for an effective date."

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

9 * Section 1. The legislature finds that a need exists for a new court
10 facility in Fairbanks and that the needed facility must be acquired in as
11 economical manner as possible. In acquiring the necessary court facility
12 the supreme court should

13 (1) investigate the feasibility of using state land in the
14 Fairbanks area as a site for a court facility;

15 (2) investigate the feasibility of contracting with the Alaska
16 State Housing Authority or with a local government utilizing municipal
17 revenue bonds to provide the space necessary for a Fairbanks court facili-
18 ty; and

19 (3) coordinate space acquisition in Fairbanks with other state
20 agencies.

21 * Sec. 2. The supreme court may enter into a lease-purchase agreement
22 not to exceed a cost of \$29,900,000 for construction ^{and all other related costs} of a court facility in
23 Fairbanks. ^{INSERT}

24 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).
26
27
28
29

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : _____
 Title : AN ACT MAKING A SPECIAL
APPROPRIATION FOR THE CONSTRUCTION
OF A NEW COURT FACILITY IN FAIRBANKS.
 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : ALASKA COURT SYSTEM
 BRU : TRIAL COURTS
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						3,701.0
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	3,701.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						3,701.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	3,701.0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

SEE ATTACHED SUMMARY

Prepared by : ROBERT G. FISHER Phone : 264-8215
 Division : ALASKA COURT SYSTEM Date : 4/2/86

Approved by Commissioner : _____ Date : 4/2/86
 Agency : ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note) :

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

ALASKA COURT SYSTEM
NEW FAIRBANKS COURT FACILITY
CAPITAL BUDGET REQUEST

ASSUMPTIONS: Project planning and design work to commence 7/1/86 and to finish 6/30/88. Building construction and remodeling of existing facility to commence 7/1/88 and to finish 6/30/91.

PROJECT COSTS:

Site acquisition and development, architectural and engineering fees. Remodeling of existing facility. Miscellaneous costs, permits, and fees. Building and parking construction. Construction management, furniture, fixtures and equipment, and other project costs. \$27,465,000
=====

PROJECT FINANCING:

Bond issue (89, 25 year) \$28,610,000
Underwriter costs (\$40 per \$1,000) 1,145,000

Net proceeds \$27,465,000
=====

Total debt service (see attached debt service schedule) \$62,535,000
=====

Operating and maintenance costs are responsibility of Department of Transportation.

ALASKA COURT SYSTEM
NEW FAIRBANKS COURT FACILITY
DEBT SERVICE SCHEDULE

DATE	OUTSTANDING	CONSTRUCTION PERIOD NET INTEREST	INTEREST	SINKING FUND PAYMENT	TOTAL DEBT SERVICE
Jul-86	\$28,610,000	\$0	\$0	\$0	\$0
Jan-87	28,610,000	84,286	0	0	84,286
Jul-87	28,610,000	122,773	0	0	122,773
Jan-88	28,610,000	161,259	0	0	161,259
Jul-88	28,610,000	199,746	0	0	199,746
Jan-89	28,610,000	367,685	0	0	367,685
Jul-89	28,610,000	497,137	0	0	497,137
Jan-90	28,610,000	626,590	0	0	626,590
Jul-90	28,610,000	756,042	0	0	756,042
Jan-91	28,610,000	885,495	0	0	885,495
Jul-91	28,610,000	1,014,947	0	0	1,014,947
Jan-92	28,610,000	0	1,144,400	301,077	1,445,477
Jul-92	28,610,000	0	1,144,400	301,077	1,445,477
Jan-93	28,610,000	0	1,144,400	301,077	1,445,477
Jul-93	28,610,000	0	1,144,400	301,077	1,445,477
Jan-94	28,610,000	0	1,144,400	301,077	1,445,477
Jul-94	28,610,000	0	1,144,400	301,077	1,445,477
Jan-95	28,610,000	0	1,144,400	301,077	1,445,477
Jul-95	28,610,000	0	1,144,400	301,077	1,445,477
Jan-96	28,610,000	0	1,144,400	301,077	1,445,477
Jul-96	28,610,000	0	1,144,400	301,077	1,445,477
Jan-97	28,610,000	0	1,144,400	301,077	1,445,477
Jul-97	28,610,000	0	1,144,400	301,077	1,445,477
Jan-98	28,610,000	0	1,144,400	301,077	1,445,477
Jul-98	28,610,000	0	1,144,400	301,077	1,445,477
Jan-99	28,610,000	0	1,144,400	301,077	1,445,477
Jul-99	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2000	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2000	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2001	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2001	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2002	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2002	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2003	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2003	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2004	28,610,000	0	1,144,400	301,077	1,445,477
Jun-2004	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2005	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2005	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2006	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2006	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2007	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2007	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2008	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2008	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2009	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2009	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2010	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2010	28,610,000	0	1,144,400	301,077	1,445,477
Jan-2011	28,610,000	0	1,144,400	301,077	1,445,477
Jul-2011	28,610,000	0	1,144,400	301,077	1,445,477
TOTAL		\$4,715,960	\$45,776,000	\$12,043,080	\$62,535,040

ALASKA COURT SYSTEM
 NEW FAIRBANKS COURT FACILITY
 SURPLUS FUNDS INVESTMENT SCHEDULE

DATE	SITE & PLANNING DRAWS	CONSTRUCT- ION DRAWS	TOTAL DRAWS	BALANCE	INTEREST INCOME
Jul-86	ORIGINAL ISSUE	\$0	\$0	\$27,465,000	\$0
Jul-86	962,160	0	962,160	26,502,840	0
Jan-87	962,160	0	962,160	25,540,680	1,060,114
Jul-87	962,160	0	962,160	24,578,520	1,021,627
Jan-88	962,160	0	962,160	23,616,360	983,141
Jul-88	962,160	3,236,314	4,198,474	19,417,886	944,654
Jan-89	0	3,236,314	3,236,314	16,181,572	776,715
Jul-89	0	3,236,314	3,236,314	12,945,258	647,263
Jan-90	0	3,236,314	3,236,314	9,708,944	517,810
Jul-90	0	3,236,314	3,236,314	6,472,630	388,358
Jan-91	0	3,236,314	3,236,314	3,236,316	258,905
Jul-91	0	3,236,314	3,236,314	2	129,453
	\$4,810,800	\$22,654,198	\$27,464,998		\$6,728,040

Introduced: 1/22/86
Referred: Finance

1 IN THE SENATE

BY BENNETT

2

SENATE BILL NO. 355

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to a court facility in Fairbanks;

7

and providing for an effective date."

8

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

9

* Section 1. The supreme court may enter into a lease-purchase agree-
10 ment for construction of a court facility in Fairbanks.

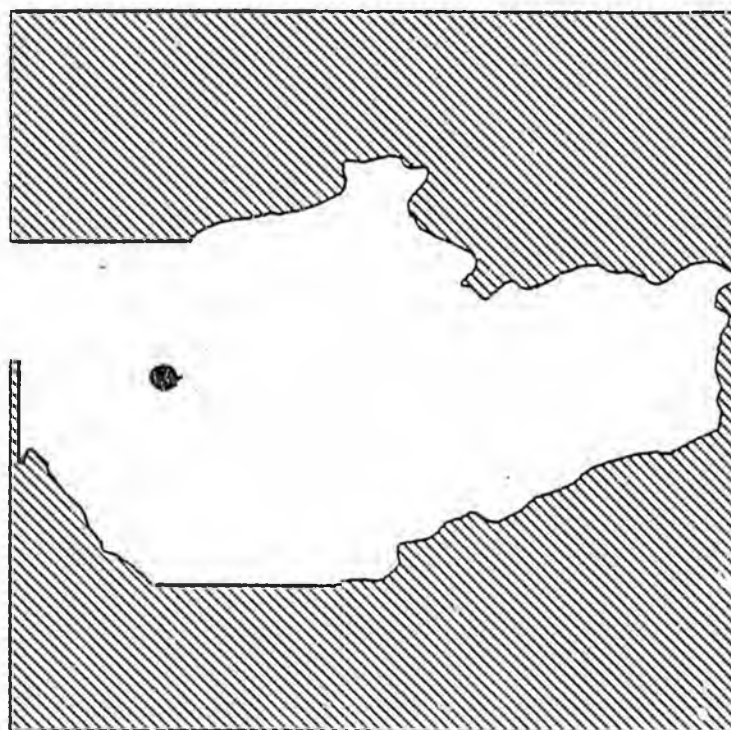
11

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

EXECUTIVE REPORT

**FAIRBANKS JUDICIAL
COMPLEX PROJECT**

**ALASKA
COURT SYSTEM**



**SPACE
MANAGEMENT
CONSULTANTS, INC.**



SPACE MANAGEMENT CONSULTANTS, INC.

F. MICHAEL WONG Ph.D. (Arch. SC.), B. Arch. (Hons.), Dip T.C.P., FRAIA, AIA, ARIBA, MRAPI, NCARB PRESIDENT

January 20, 1986

Honorable Arthur H. Snowden, II
Administrative Director
Alaska Court System
303 K Street
Anchorage, Alaska 99501

Dear Mr. Snowden:

At your request, we have completed the following Executive Report for the proposed Fairbanks Judicial Complex Project. This report was prepared with the primary purpose of providing a basis for court and legislative review. The contents of this report include the following:

- Existing Space Use Analysis
- Historic Growth and Projections
- Program Summary
- Alternate Site Analyses
- Building Concept Analysis
- Parking Analysis
- Preliminary Budgetary Cost Estimates
- Project Financing
- Implementation Schedule
- Summary of Recommendations

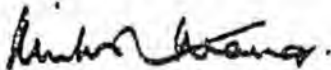
As presented in this report, SMC is recommending to the Alaska Court System the construction of a three-story court building using the most comprehensive option of the program summaries outlined. The site recommended for development is Block 76, adjacent to the existing court building; with maximized on-site parking and additional parking limited to a portion of Block 77. This development recommendation has a preliminary budgetary cost estimate of approximately \$26.8 million. As with all cost estimates contained in this executive report, the figures presented are estimates for budgetary purposes only.

We trust that this Executive Report will adequately serve the Alaska Court System in obtaining funding and financing approval.

Honorable Arthur H. Snowden, II
January 20, 1986
Page Two

The detailed tabular products of our analyses, which lead to the summary recommendations presented in this report, will be provided at a later date. If we can be of further assistance while awaiting legislative approval, please do not hesitate to contact us.

Cordially,
SPACE MANAGEMENT CONSULTANTS, INC.

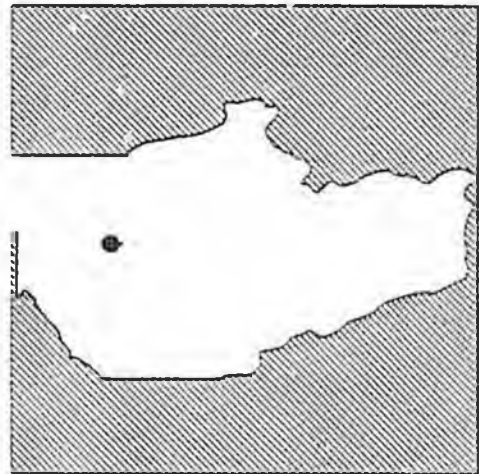


Dr. F. Michael Wong,
President

Enclosures

EXECUTIVE REPORT

**FAIRBANKS JUDICIAL
COMPLEX PROJECT
ALASKA
COURT SYSTEM**



**SPACE
MANAGEMENT
CONSULTANTS, INC.**

INTRODUCTION, BACKGROUND & CONTENTS

In October of 1985, the Alaska Court System requested an analysis and preliminary executive planning report for the proposed Fairbanks Court Complex Project. The report was to include site recommendations and a preliminary cost estimate for the proposed facility. This executive report presents the analysis and recommendations of Space Management Consultants, Inc. (SMC). The information outlined was prepared with the primary purpose of providing a basis for court and legislative review. The report is deliberately concise, and focuses specifically on those issues anticipated to be of special interest to judicial administrators and legislators.

The contents are grouped and include the following:

- Existing Space Use Analysis
- Historic Growth and Projections
- Program Summary
- Alternate Site Analyses
- Building Concept Analysis
- Parking Analysis
- Preliminary Budgetary Cost Estimates
- Project Financing
- Implementation Schedule
- Summary of Recommendations

EXISTING SPACE USE ANALYSIS

The principal court facilities for the Fairbanks North Star Borough are located in the Fairbanks Court and Office Building in downtown Fairbanks, Alaska. This facility includes three of the four levels of state courts, their ancillary and support functions and selected associated departments. A severe shortage of space within the existing facility has forced several related departments to be housed outside the court building.

The problems and deficiencies of the four-story structure have been well documented. These problems are fundamental and occur in addition to the acute space shortage. These deficiencies can be grouped into the following classifications:

- Circulation - Internal circulation throughout the building, both public, private and secure is inadequate; especially poor are the Traffic Court, Superior Court and prisoner transport arterials.
- Security - The facility lacks adequate prisoner holding and transport systems, public access control, secure sallyport for prisoner transport, emergency back-up systems and key control.
- Access - The number and location of public entrances create monitoring and control problems. Agencies with heavy public usage are located on upper floors, creating high demands on vertical circulation systems.

- Public Space - While there is a relatively large amount of public space, it is poorly designed and lacks sufficient public waiting and seating areas, especially outside courtrooms. There is an insufficient number of attorney/client conference rooms.
- Parking - The lack of adequate parking (65 spaces are provided on-site, of which 24 are permanently assigned) causes significant inconvenience to trial participants as well as delays and disruptions of court proceedings.
- Building Systems - Poor exterior shell insulation, multiple ad hoc modifications of the ventilation systems due to repeated interior space alterations, and the lack of adequate environmental zoning capabilities require an enormous expenditure of energy to heat and cool, while providing a less than adequate working environment.

Table 1 summarizes information regarding the courts, agencies and departments that currently occupy space within the existing facility. Department areas and locations are based on tabulations and analysis conducted on site in January of 1985. Areas detailed are approximate gross square footages.

Table 1
Existing Space Use

FLOOR	DEPARTMENT	AREA
Fourth	Supreme Court	2,325
	Superior Court	10,958
	Intake Office	372
	Other Space (Mech., Circ., Etc.)	4,273
	SUBTOTAL	18,428
Third	District Court	8,275
	Clerk of Court	5,684
	Pre-Trial Services	250
	Other Space	4,219
	SUBTOTAL	18,428
Second	Superior Court	2,450
	District Court	1,172
	Area Court Administrator	591
	Comptroller/Public Administrator	1,127
	District Attorney	4,777
	Calendarling	650
	Grand Jury	850
	Probate	898
	Juvenile Services	843
	Other Space (Mech., Circ., Etc.)	5,058
	SUBTOTAL	18,428
First	District Court	3,110
	Clerk of Court	537
	Transcript	1,144
	Judicial Services	1,651
	Bailiff/Supplies Coordinator	179
	Law Library	5,471
	Jury Assembly	2,106
	Other Space (Mech., Circ., Etc.)	4,230
	SUBTOTAL	18,428
	TOTAL AREA	73,712

HISTORIC GROWTH & FORECASTS

The 1984 population census estimate by the Fairbanks North Star Borough Community Research Center was 69,633. This represents an increase of 21 percent since 1980. Judicial caseloads reflect a similar increase over the same period; from 16,960 to 24,160 in Superior and District Court cases

which represents a 43 percent increase (Table 2). The impact of these increases is an expanding justice system, one which has expanding facility needs.

Table 2
Fairbanks North Star Borough Population Growth and Fourth Judicial District Filings

	1965	1970	1975	1980	1985	1990	1995	2000
Population	45,052	45,864	52,355	57,432	75,079	90,575	104,276	119,917
Case Filings	1,563	-	16,153	18,518	26,069	32,235	37,998	44,314

PROGRAM SUMMARY

A comprehensive facility program containing projections of the anticipated growth in personnel and spatial requirements for each of the courts, departments and agencies was developed for this report. This information was a composite of research, analysis, space standards and guidelines developed by SMC for each common space type required by the various courts and departments to be housed within the proposed judicial complex.

A facility program table summarizing the investigation of spatial requirements for each of three design options has been included as Table 3, to present the total projected programmatic requirements of the proposed Fairbanks Court Facility Complex. These options vary only in the distribution of certain court support and administrative functions within each option; Table 3 illustrates the distribution of functions and floor areas for each of the three design options.

Table 3
FACILITY PROGRAM SUMMARY

COURT/DEPARTMENT	TOTAL PROGRAMMED AREA					
	OPTION 1		OPTION 2		OPTION 3	
	NET SQ. FT.	GROSS SQ. FT.	NET SQ. FT.	GROSS SQ. FT.	NET SQ. FT.	GROSS SQ. FT.
NEW COURT BUILDING						
Supreme Court	3,770	5,386	3,770	5,386	3,770	5,386
Superior Court	22,830	32,514	22,830	32,514	22,830	32,514
District Court	24,199	34,570	24,199	34,570	24,199	34,570
Area Court Administrator	1,265	1,807	1,265	1,807	1,265	1,807
Clerk of Court	10,193	14,561	10,193	14,561	10,193	14,561
Calendaring	1,237	1,767	1,237	1,767	1,237	1,767
Pre-Trial Services	369	566	369	566	369	566
Judicial Services	3,952	5,646	3,952	5,646	3,952	5,646
Other Space	1,560	2,229	1,560	2,229	1,560	2,229
Jury Assembly*	3,067	4,381	3,067	4,381	-	-
Transcript Office*	1,591	2,273	-	-	1,591	2,273
Bailiff/Supplies Coordinator*	1,936	2,766	1,936	2,766	-	-
SUBTOTAL	75,969	108,566	74,378	106,293	69,375	99,146
EXISTING COURTS BUILDING						
Jury Assembly*	-	-	-	-	3,067	4,381
Transcript Office*	-	-	1,591	2,273	1,591	2,273
Bailiff/Supplies Coordinator*	-	-	-	-	1,936	2,766
Grand Jury	1,255	1,793	1,255	1,793	1,255	1,793
Probate	1,950	2,786	1,950	2,786	1,950	2,786
Coroner/Public Administrator	4,800	6,857	4,800	6,857	4,800	6,857
Law Library	6,556	9,366	6,556	9,366	6,556	9,366
Public Defender	4,401	6,287	4,401	6,287	4,401	6,287
Attorney General	5,611	8,016	5,611	8,016	5,611	8,016
District Attorney	7,629	10,899	7,629	10,899	7,629	10,899
Office of the Public Advocate	3,889	5,556	3,889	5,556	3,889	5,556
Other Space	4,100	5,856	4,100	5,856	4,100	5,856
SUBTOTAL	40,191	57,417	41,782	59,690	46,785	56,837
TOTAL	116,160	165,983	116,160	165,983	116,160	165,983

*Note: Departments which fluctuate between the new court building and the existing court building depending on the program option used.

The various potential occupants of the complex have been divided into two groups: the first group, containing those departments programmed for the New Courts Building; and the second group comprising agencies identified for tenancy within the existing courts building. The data listed in the table are anticipated gross area estimates for the proposed courts complex, and are to be used for planning and budgetary purposes only.

The total programmed areas of the three program options vary from 99,146 to 108,566 square feet, a difference of approximately 9,500 square feet. In SMC's opinion the cost of providing the additional 9,500 square feet will be more than compensated for by the functional advantages and flexibility of providing space for all of the departments indicated.

ALTERNATIVE SITE ANALYSES

In considering an appropriate location for the New Courts Building, a variety of sites both in close proximity to the existing court building and locations farther removed were identified and evaluated. In the process of evaluating functional and characteristic requirements, six sites were identified for more detailed investigation: five sites adjacent or in close proximity to the existing court building; and one farther removed, along the Chena River in downtown Fairbanks. These six sites are:

Site A: Block 95, lots 1A-10B; bordered by Seventh and Eighth Avenues and Barnette and Perry Streets.

Site B: Block 85; bordered by Sixth and Seventh Avenues, and Barnette and Perry Streets.

Site C: Block 76; bordered by Fifth and Sixth Avenues, Barnette and Wickersham Streets.

Site D: Block 77; bordered by Fifth and Sixth Avenues, and Wickersham and Cowles Streets.

Site E: Block 66; bordered by Fourth and Fifth Avenues, and Cushman and Barnette Streets.

Site F: Block 1; bordered by the Chena River and the Wendell Street Bridge, and Dunkel and the Hall Streets.

Various evaluation criteria were employed to allow rational consideration of the appropriateness and physical characteristics of the six sites. The criteria included site adequacy for building and parking; impact on surrounding neighborhood; proximity to existing facilities; future growth of the facility; vehicular traffic patterns; access; site acquisition costs; and development costs.

Site A borders the existing court building on the south across Seventh Avenue. While its proximity to the existing facility is good, the narrowness of the site could limit design flexibility.

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

The various potential occupants of the complex have been divided into two groups: the first group, containing those departments programmed for the New Courts Building; and the second group comprising agencies identified for tenancy within the existing courts building. The data listed in the table are anticipated gross area estimates for the proposed courts complex, and are to be used for planning and budgetary purposes only.

The total programmed areas of the three program options vary from 99,146 to 108,566 square feet, a difference of approximately 9,500 square feet. In SMC's opinion the cost of providing the additional 9,500 square feet will be more than compensated for by the functional advantages and flexibility of providing space for all of the departments indicated.

ALTERNATIVE SITE ANALYSES

In considering an appropriate location for the New Courts Building, a variety of sites both in close proximity to the existing court building and locations farther removed were identified and evaluated. In the process of evaluating functional and characteristic requirements, six sites were identified for more detailed investigation: five sites adjacent or in close proximity to the existing court building; and one farther removed, along the Chena River in downtown Fairbanks. These six sites are:

- Site A: Block 95, lots 1A-10B; bordered by Seventh and Eighth Avenues and Barnette and Perry Streets.
- Site B: Block 85; bordered by Sixth and Seventh Avenues, and Barnette and Perry Streets.
- Site C: Block 76; bordered by Fifth and Sixth Avenues, Barnette and Wickersham Streets.
- Site D: Block 77; bordered by Fifth and Sixth Avenues, and Wickersham and Cowles Streets.
- Site E: Block 66; bordered by Fourth and Fifth Avenues, and Cushman and Barnette Streets.
- Site F: Block 1; bordered by the Chena River and the Wendell Street Bridge, and Dunkel and the Hall Streets.

Various evaluation criteria were employed to allow rational consideration of the appropriateness and physical characteristics of the six sites. The criteria included site adequacy for building and parking; impact on surrounding neighborhood; proximity to existing facilities; future growth of the facility; vehicular traffic patterns; access; site acquisition costs; and development costs.

Site A borders the existing court building on the south across Seventh Avenue. While its proximity to the existing facility is good, the narrowness of the site could limit design flexibility.



Diagram 1
Site Location Map

EX CT: Existing Courthouse Facility

The existing courts building is located on lots 1A-6 of Site B. Siting the new facility on the remaining lots of this block would require the demolition of a church and the relocation of its congregation. It is the second most expensive site considered.

Site C borders the existing court building on the north, across Sixth Avenue. Its proximity to the existing facility, city parking garage and orientation to the business district is positive. There is a favorable possibility that the section of Sixth Avenue that separates the existing building from Site C could be modified to restrict vehicular traffic and to allow for additional parking and service access.

The lots which comprise Block 77 (Site D), are all zoned R2. This zoning classification is the most restrictive of the four classifications encountered in this site investigation. Construction on this site would require redevelopment of the entire residential block. While the proximity to the existing facility is not as good as that of either Site A, B or C, it is the least expensive of the four.

Title to Site E would be transferred free and clear to the Alaska Court System by the City of Fairbanks as a co-participant in the project, the condition imposed by the city being that the court provide additional parking to replace that lost by redevelopment of the site. Preliminary budget estimates indicate the cost of providing additional parking would more than offset the elimination of acquisition costs for Site E, creating the most expensive development option.

All of the sites pose individual challenges. While Site F, the Chena River site, may provide additional design and engineering challenges, the distance from the existing court facility would create functional and operational problems. The shape of the lots would inhibit development and design options. The existing building is too far away from this site to be of functional use to accommodate court related agencies. Three of the five remaining sites (Sites B, D, and E) were ultimately rejected for reasons of functional inadequacy, development constraints and cost. Site C offers the greatest design flexibility and is recommended over Site A.

Table 4
Site Block Analysis

BLOCK	ZONING DESIGNATION	AREA (SQ. FT.)	SET BACK AREA (SQ. FT.)	USABLE AREA (SQ. FT.)	ALLOWABLE LOT COVERAGE FACTOR	ALLOWABLE LOT COVERAGE (SQ. FT.)	ACTUAL BUILDABLE AREA (SQ. FT.)	ALLOWABLE STORIES
95	R2	36,446	10,970	25,476	40%	14,578*	14,578	3
95	R4	36,452	9,760	26,692	65%	23,694*	23,694	4
95	R2	59,884	18,890	40,994*	90%	33,896	40,994 *	3
TOTAL		132,782	39,520	112,262	-	72,168	79,266 *	-
76	R2	47,274	14,340	32,934*	90%	42,547	32,934	3
76	R3	7,261	0	7,261*	100%	7,261	7,261	unlimited
TOTAL		54,535	14,340	40,195	-	49,808	40,195 *	-
77								
Lots 1-7B	R2	41,166	11,680	29,486	40%	16,470*	16,470	3
TOTAL		41,166	11,680	29,486	-	16,470*	16,470	-
66 A	3-3	52,939	0	52,939	100%	52,939	52,939 *	unlimited
TOTAL		52,939	0	52,939	-	52,939	52,939 *	-
86	R2	29,191	10,150	19,041	40%	11,676*	11,676	3
86	R4	44,122	10,530	33,592	55%	28,679*	28,679	4
TOTAL		73,313	20,680	52,633	-	40,355	40,355 *	-

*Note: Governing Area.

*Note: Area capable of accommodating 3-story building concept.

BUILDING CONCEPT ANALYSIS

After careful examination of the site constraints; preliminary budget requirements; a study of each court and department, including organization, operations and functions; the integration of the various courts and departments; and an understanding of specific security, spatial relationships, access and circulation patterns; SMC developed design options for a single, two, three and four story courts building.

During the development and analysis process, three of the four design concepts were ultimately rejected. Both the single- and two-story concepts were rejected because, with a gross programmed area of from 99,146 to 108,566 square feet, (depending on which Facility Program Summary Option is utilized) this building would fit none of the identified potential sites when lot size, zoning requirements and budgetary constraints were considered. A four-story concept was rejected because, if it is assumed that each of the four floors would be approximately equal in area, the concept would require arbitrary division of the various courts and departments; these functions, splintered and dispersed over two or more floors, would require duplication of certain facilities and the imposition of operational changes to alleviate the effects of such fragmentation.

A three-story courts building concept reduces site coverage and offers the greatest range of locational options among the potential sites identified for consideration. This building concept recognizes the various courts' intrinsic hierarchy, while responding to specific spatial relationships, accessibility, circulation and security concerns. For these reasons, SMC

adopted a three-story building concept. During the detailed analysis of this concept, three alternative configurations, or design options, were evolved; these design options differ in the distribution of functions and spaces over the first and second floors.

Table 5
3-Story Building Option Summary

FLOOR	DEPARTMENTS	TOTAL PROGRAMMED GSF		
		OPTION 1	OPTION 2	OPTION 3
Third	Supreme Court	5,386	5,386	5,386
	Superior Court	32,614	32,614	32,614
	Other Space	743	743	743
	SUBTOTAL	38,743	38,743	38,743
Second	District Court	30,434	30,434	30,434
	Other Space	743	743	743
	Area Court Admin.*	-	-	1,807
	Bailiff/Supplies Coord.*	-	2,766	-
	Jury Assembly*	4,381	4,381	-
	Pre-Trial*	-	566	566
	Calendaring*	-	-	1,767
SUBTOTAL	35,558	38,890	35,317	
First	District Court	4,136	4,136	4,136
	Clerk of Court	14,561	14,561	14,561
	Judicial Services	5,646	5,646	5,646
	Other Space	743	743	743
	Area Court Admin.*	1,807	1,807	-
	Bailiff/Supplies Coord.*	2,766	-	-
	Jury Assembly*	-	-	-
	Pre-Trial*	566	-	-
	Calendaring*	1,767	1,767	-
	Transcripts*	2,273	-	-
SUBTOTAL	34,265	28,660	25,086	
TOTAL	108,556	106,293	99,146	

*Note: Departments which fluctuate between the new and existing court buildings and the various floors depending on which option used.

Option 1 of the three-story concept summary is recommended for implementation because of the efficient functional relationships generated by the equal distribution of the various departments among the three floors of the New Courts Building. The following diagram sectionally illustrates this option and its relationship to the modified existing structure. The Supreme

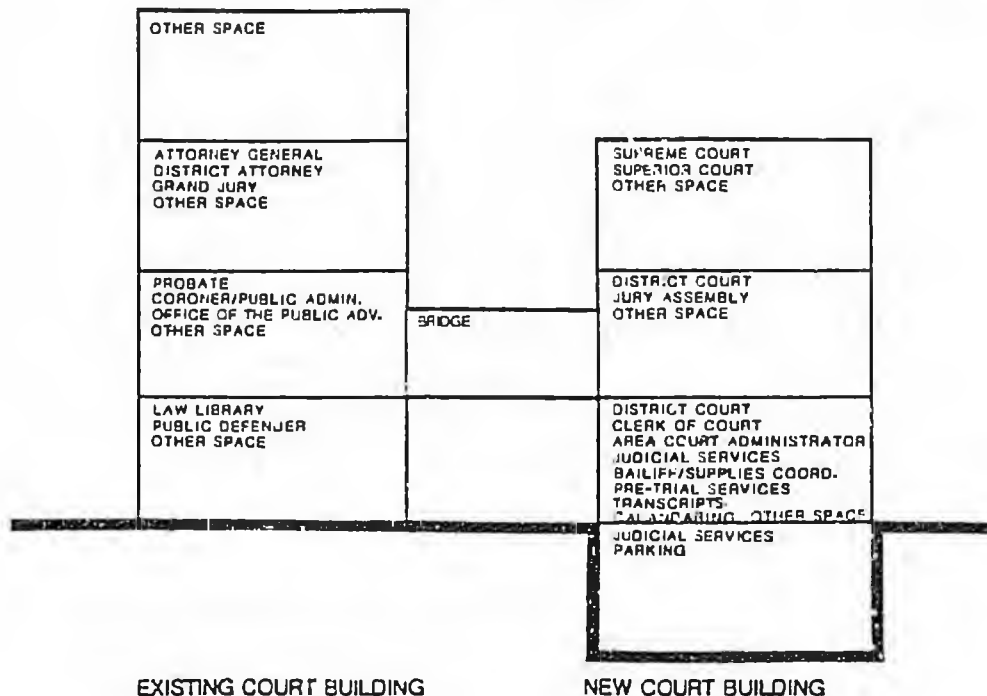


Diagram 2
Fairbanks Court Complex Section Diagram

and Superior Courts, their ancillary and support facilities, would occupy the third floor. The second floor would consist of most of the District Court and its support facilities and various combinations of administrative and limited public-user functions. The Traffic/Arraignment operation of the District Court, the Clerk of the Court and various combinations of administrative functions and departments requiring convenient public access would be located on the ground floor.

PARKING PROGRAM OPTIONS

It is essential to plan for a certain amount of vehicular parking space when planning a new courthouse complex. While it would be too costly to provide everyone utilizing the court facility with a parking space, a certain proportion of users should have convenient, protected parking. Two alternate parking options (Table 6) have been identified: a minimum and a maximum.

In projecting parking, SMC has concentrated on meeting court requirements for the year 2000. In both options, projected parking is 90 percent of projected staffing levels plus a factor for jurors and the general parking. Where a department has less than ten staff members, an equal amount of parking stalls and staff has been programmed. The options differ as a function of the number of departments being provided assigned parking. Option 1 provides 90 percent of the projected requirement for every court, department and agency that is to be housed in both the existing building and the New Courts Building; Option 2 provides 90 percent of the projected parking requirement for only those functions under consideration for inclusion in the New Courts Building. Both options provide the same number of parking stalls for jurors and the general public. Option 2 provides no parking for private attorneys.

Table 6
Parking Option Summary

DEPARTMENT:	Staff		Parking		
	Existing	Projected	Existing	Projected	
	1985	2000	1985	Option 1 2000	Option 2 2000
Supreme Court	9	10	1	9	9
Superior Court	23	30	5	27	27
District Court	17	23	7	21	21
Area Ct. Adm.	2	3	1	3	3
Clerk of Court	42	49	1	45	45
Calendarig	4	7	-	7	7
Pre-Trie	2	4	-	4	4
Jury Assembly	2	4	-	4	-
Grand Jury	-	-	-	-	-
Transcript	2.5	4	-	4	4
Probate	3	5	1	5	-
Coroner/Pub. Adm.	5	12	1	11	-
Judicial Services	14	20	5	18	18
Bailiff/Supplies Coord.	13	19	-	18	18
Law Library	1.75	3	1	3	3
District Attorney	16	22	1	20	-
Attorney General	24	32	1	29	-
Public Defender	31	45	-	41	-
Public Advocate	5	17	-	16	-
SUBTOTAL	206.25	309	24	285	163
Jurors			96-100*	125	125
Attorneys (private)				20	-
Public				75	75
SUBTOTAL				220	200
TOTAL				505	363
City Provided Parking				(96)	(96)
Existing Courthouse Parking				(65)	(41)
ADJ. TOTAL				344	226

*Note: Depending on weather conditions.

It is assumed that the parking spaces provided for the courts in the existing State Parking Garage will continue to be set aside at current levels. These 96 spaces (100 under summer conditions) have been deducted from the projected parking requirement totals.

For parking Option 1, the total number of on-site parking spaces surrounding the existing building is deducted from the projected parking requirements. For Option 2, only those spaces that are currently unassigned are deducted: by projecting parking requirements for only those departments to be included in the New Courts Building, it is anticipated that the reserved stalls currently associated with the existing facility would be reserved for users assigned to that building.

In analyzing parking program requirements, various methods for housing the projected number of parking spaces were investigated. These concepts include surface parking, with a portion of the requirement incorporated into the basement of the New Courts Building; a separate parking garage; and a combination of the two. The concept of all surface parking was rejected, due to the large amount of area involved. Site access, circulation, physical parking constraints and applicable codes were recognized in developing these concepts. Both surface lot and garage dimensions are based on preliminary layouts of conventional parking structures and systems imposed on the various site options.

The preliminary cost estimate for construction of a parking garage varies from \$3 to \$6.75 million, depending on the parking option used; these figures exclude site acquisition and development costs. While current zoning regulations would permit the construction of such a structure on any of the potential sites identified, it is SMC's opinion that the dollars would be better utilized in providing additional court and ancillary support spaces.

By maximizing surface and basement parking on the site selected for building construction, and expanding basement or below-grade parking to the edge of the site, the need for additional surface parking could be kept to a minimum. Site C, the site recommended for building construction, could accommodate an approximate maximum of 163 parking stalls: approximately 127 in the basement of the new facility and approximately 36 along the modified portion of Sixth Avenue between the existing and proposed court facilities. Additional surface parking would be limited to a requirement of 63 spaces, to be located on lots 1-9B of Block 77. Lots 1-9B could accommodate up to 84 stalls, leaving a surplus of 21 over the minimum requirement.

PRELIMINARY BUDGETARY COST ESTIMATES

SMC has developed a series of preliminary cost estimates for the purpose of providing the Alaska Court System with a basis for its budgeting process in regards to this project. As with all cost estimates contained in this executive report, the figures presented are for budgetary purposes only. More accurate construction and project cost estimates should be prepared at the completion of schematic design and design development phases of this project, as the variables affecting the determination of such costs become more closely defined.

The Site Acquisition Table (Table 7) details the assessed value of the lots which comprise Block 76, the site SMC has recommended for the location of the New Courts Building. It is unreasonable to assume that individual title

holders will relinquish ownership of a particular piece of property at current assessed value. A recognized standard markup of 10 percent is added to the assessed value as just compensation and additional incentive to sell.

Table 7
COST ESTIMATE - SITE ACQUISITION

BLOCK	ZONE	AREA	ASSESSED VALUE	11% F.M.V. MARKUP	ADMIN. COSTS 10%	PURCHASE PRICE	UNIT \$ AVERAGE
95	32	36,446	\$ 417,956	\$ 41,796	\$ 41,796	\$ 501,547	\$ 13.77
75	34	38,452	528,050	52,805	52,805	633,660	17.29
95	32	59,884	996,341	99,635	99,635	1,195,611	19.97
TOTAL	-	132,782	1,942,346	194,236	194,236	2,330,818	17.05
85	32	29,191	171,663	17,167	17,167	205,997	7.06
85	34	44,122	928,280	92,828	92,828	1,114,056	25.25
TOTAL	-	73,313	1,100,043	110,005	110,005	1,320,053	18.01
77, Lots 1-3B	32	41,166	377,323	37,783	37,783	453,289	11.02
TOTAL	-	41,166	377,323	37,783	37,783	453,289	11.02
76	32	47,274	863,043	86,305	86,305	1,035,653	21.91
76	33	7,261	132,370	13,237	13,237	159,564	21.98
TOTAL	-	54,535	996,013	99,602	99,602	1,195,217	21.32
66 A	31	52,339	1,348,756	134,876	134,876	1,618,508	30.58
TOTAL	-	52,339	1,348,756	134,876	134,876	1,618,508	30.58

Whenever a title is transferred, additional administrative costs and expenses are incurred: legal fees, title searches, processing fees and the additional costs of acquiring land through condemnation. An additional 10 percent of the assessed value is added to cover these administrative costs. Using these factors, the total purchase price for Block 76 would be approximately \$1,195,220, or approximately \$21.95 per square foot.

Construction cost estimates have been derived as the product of the gross programmed areas and several different categories of unit (square foot) construction costs. The unit costs have been determined based on SMC's familiarity with local construction costs for similar building types and are detailed below:

Courtroom/Support	\$ 160/GSF
Office	\$ 135/GSF
Storage/Other	\$ 120/GSF
Garage Parking	\$ 45/GSF
Surface Parking	\$ 4/GSF

For the purpose of completing a building/project cost estimate, the recommended three-story building concept is being utilized. The cost estimate option corresponds to the three-story building option illustrated in the Building Concept Analysis section of this report, and forms the body of the cost estimate table. Along with the construction cost estimate, the table delineates estimated project cost, including factors to cover architectural/engineering fees; construction management fees; escalation due to inflation; contingencies; furniture, fixtures and equipment; art in public places; and miscellaneous fees.

Project escalation costs are tied to current and projected rates of inflation to the estimated midpoint of the construction process. With a current rate of approximately 3.5 percent, and the prospects for continued strong economic performance and low inflation, a rate of 4 percent per year for two years is used, for a total of approximately 8 percent.

Table B
Preliminary Project Cost Estimate

CLASSIFICATION		AREAS (SQ. FT.)/ PERCENTAGES	\$ UNIT COST	COST ESTIMATE	TOTALS
BUILDING					
FLOOR Third	DEPARTMENTS				
	Supreme Court	5,386	\$160.00	\$ 861,760	
	Superior Court Other Space	32,614 743	160.00 120.00	5,218,240 89,160	
SUBTOTAL		38,743		6,169,160	
Second	District Court	30,434	160.00	4,869,440	
	Jury Assembly Other Space	4,381 743	135.00 120.00	591,440 89,160	
	SUBTOTAL		35,558		5,550,040
First	District Court	4,136	160.00	661,760	
	Clerk of Court	14,561	135.00	1,965,740	
	Judicial Services	5,646	135.00	762,210	
	Area Ct. Administrator	1,807	135.00	243,950	
	Calendarng	1,767	135.00	238,550	
	Pre-Trial	566	135.00	76,410	
	Transcripts	2,273	135.00	306,860	
	Bailiff/Supplies Coord.	2,766	135.00	373,410	
	Other Space	743	120.00	89,160	
SUBTOTAL		34,265		4,718,050	
BUILDING CONSTRUCTION SUBTOTAL:		108,556		\$16,437,250	\$16,437,250
Architectural/Engineering Fee		2.0%		1,150,610	
Construction Management Fee		2.5%		410,940	
Escalation (2 yrs. @ 4.0% per yr.)		8.0%		1,314,980	
Contingencies		10.0%		1,643,730	
FF & E Costs		7.0%		1,150,610	
Art		1.0%		164,380	
Misc. (taxes, permits, etc.)		1.0%		164,380	
BUILDING PROJECT COSTS SUBTOTAL				\$5,999,630	\$5,999,630
PARKING					
Surface (Block 77, lots 1-98)		29,475	4.00	118,980	
Basement (Block 76)		40,000	45.00	1,800,000	
PARKING CONSTRUCTION SUBTOTAL		69,475		1,918,980	1,918,980
Architectural/Engineering Fee		4.0%		76,760	
Construction Management Fee		2.5%		47,980	
Escalation (2 yrs. @ 4.0% per yr.)		8.0%		153,520	
Contingencies		5.0%		95,950	
FF & E Costs		1.0%		19,190	
Art		1.0%		19,190	
Misc. (taxes, permits, etc.)		1.0%		19,190	
PARKING PROJECT COSTS SUBTOTAL				431,780	431,780
SITE ACQUISITION & DEVELOPMENT					
Acquisition Block 76 (Building & Basement Parking)				1,195,220	
Block 77, Lots 1-98 (Surface Parking)				453,390	
SUBTOTAL				1,648,610	
Development Block 76				298,610	
Block 77, Lots 1-98				113,150	
SUBTOTAL				412,160	
SITE ACQUISITION & DEV. SUBTOTAL				\$2,060,770	\$2,060,770
TOTAL PROJECT COST					\$26,848,410

Contingencies are used as a means of allowing for uncertainty regarding the final configuration of the project. In the preliminary planning phase of a project, it is usual to employ a contingency amount of 10 percent of construction costs. This figure gradually declines as the design of the project becomes more closely defined, finally reaching a level of 3 to 4 percent when the project goes to bid.

Alaska's art-in-public-places regulations will require reservation of an amount equal to 1 percent of the construction budget for acquisition and installation of art objects for this complex.

In developing a preliminary budgetary project cost summary for the proposed new Fairbanks Court Facility Complex, SMC investigated a number of possible scenarios to compare project development costs. The projected costs varied from approximately \$26 million to over \$32 million depending on the site identified and the parking concept utilized:

- Scenario A: Placing the New Courts Building on Block 76 (Site C) adjacent to the existing courthouse. Block 77 (Site D) to be purchased and completely developed for surface parking. This option has a preliminary cost estimate of approximately \$26 million.
- Scenario B: Locating the New Courts Building on Block 76 (Site C) adjacent to the existing courthouse. Maximizing on-site and basement parking to keep additional surface parking to a minimum. Additional surface parking to be located on lots 1-9B of Block 77 (Site D). This option has a preliminary cost estimate of approximately \$26.8 million.
- Scenario C: Developing Block 66A (Site E) for the New Courts Building. This option proposed building the court facility on top of a three-story garage; with a preliminary cost estimate of approximately \$29.6 million.
- Scenario D: Placing the facility on lots 1-10B of Block 95 (Site A) adjacent to the existing courthouse. Even with a portion of the programmed parking requirement located in the basement of the building, a garage structure would be necessary to accommodate minimum parking requirements in this option. The remaining lots in Block 95 would be purchased to accommodate the garage. This option has a preliminary cost estimate of approximately \$30.2 million.
- Scenario E: Same as Scenario D, with the maximum parking requirement substituted for the minimum requirement. This option has a preliminary cost estimate of approximately \$31.4 million.
- Scenario F: Locating the facility on lots 7A-14B of Block 85 (Site B), the church site. Block 77 would be purchased and completely developed for surface parking. This option has a preliminary cost estimate of approximately \$26.1 million excluding relocation costs.

In all scenarios, the building construction cost estimate used represents the most comprehensive of the program summary options (Option 1). These figures do not include funds for the upgrading and renovation of the existing court building.

PROJECT FINANCING

Based on previous experience with funding and financing of court facilities in the State of Alaska, it is probable that the Fairbanks Judicial Complex would be funded or financed through one of three methods:

1. Direct Appropriation. While it is likely that the state legislature will fund site acquisition and A/E design fees through direct appropriation, it is not as likely that the legislature will

From planning and programming initiation to relocation, the entire process is estimated at three years and seven months. With the appropriation of initial funding in January of 1986, the New Fairbanks Courts Complex could be operational by August of 1989.

SUMMARY OF RECOMMENDATIONS

SMC's recommendation to the Alaska Court System is to construct a three-story courts building using Program Summary Option 1 on Site C, adjacent to the existing courts building (Scenario B described on page 12). It is further recommended that the minimum parking option be utilized when programming parking. By maximizing surface and below-grade parking on Site C, the provision of additional surface parking on Site D can be kept to a minimum.

PROJECT IDENTIFICATION SHEET

SMC Project ID: AK/FAI 8501-I
Date of Completion: January 15, 1985

SMC Project Staff: F. Michael Wong
Gordon S. Wood
Charles D. Stone
Terence Berggren
Valerie K. Durkin

WANG Document No's: 0073A Program Tables
0074A Site Block Analysis & Tables
0079A Executive Report Cover Letter
0085A Building Concept & Tables
0087A Parking Analysis & Tables
0090A Surface Parking Analysis & Tables
0094A Analysis Text
0095A Project Summary Costs
0096A Labels
0097A Executive Report

COMMITTEE REPORT
SENATE

*Did not receive
Final Finance CS
Delivered directly
to Sen. Sec. Office*

FURTHER:

3/17/86

Date 4/25/86

Mr. President

The Committee on FINANCE considered SB 356
relating to election campaign financing; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 356 (Finance)
- new title
- same title and recommends DO PASS
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
SFC 4/25/86
6135
4/30/86
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Kentful will offer 1 and.

[Signature]

[Signature]

Paul Grish Note

[Signature]
Co-Chairman

do pass
Chairman recommendation

April 25, 1986

ALASKA PUBLIC OFFICES COMMISSION

SB 356

LETTER OF INTENT

It is the intent of the Senate Finance Committee that candidates under this statute when contracting for public relations services give priority to Alaskan firms. If a candidate should choose a non Alaskan firm, a letter of explanation shall be provided to the Legislature. This includes contracts covering the creation and production of printed materials, such as type setting, photography and printing, creation of advertising materials, such as magazine advertisements and television commercials, as well as the media space and time for the appearance of these advertisements.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 356 (Fin)
 Title : Act relating to election
campaign financing and the
Alaska Public Offices Commission
 Sponsor : Senate State Affairs
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. of Law
 BRU : Legal Services

 Components : Legal Services Operations

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This fiscal note zeroes all previous fiscal note funding for the Dept. of Law.

Prepared by : _____
 Division : Senator Jan Faiks, Co-chairman
Senate Finance Committee

Phone : 465-4523
 Date : April 30, 1986

Approved by Commissioner : _____
 Agency : _____

Date : _____

Distribution (by Agency preparing fiscal note) :

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

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 4-25-86

REQUEST

Bill/Resolution No.: CSSB-356 (Fin)
 Title: relating to election
campaign financing
 Sponsor: State Affairs
 Requestor: Senate Finance
 Date of Request: 4-25-86

FISCAL DETAIL

Agency Affected: Dept. Administration
 BRU: Alaska Public Offices
Commission
 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		410.4				
TRAVEL		32.5				
CONTRACTUAL		157.9				
SUPPLIES		8.7				
EQUIPMENT		4.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		613.5				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		610.5				
FEDERAL FUNDS						
OTHER		3.0				
TOTAL		613.5				

POSITIONS :

FULL-TIME		9.0				
PART-TIME		1.0				
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Senate Finance Committee
 Division: Legislature

Phone: 465-3753
 Date: 4-25-86

Approved by Commissioner: Senator Sackett
 Agency: Legislature

Date: 4-25-86

Distribution (by Agency preparing fiscal note):

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

4/25/86

AMENDMENTS (Reflect 4/24 Finance Meeting)

TO: CSSB 356 (C & RA)

By: Faiks

✓ Amendment #1 **ADOPTED**

Page 8, line 11, delete "\$100" and insert "\$250"

Page 9, line 10, delete "\$100" and insert "\$250"

Page 11, line 3, delete "\$100" and insert "\$250"

Page 12, line 3, delete "\$100" and insert "\$250"

✓ Amendment #2 ^{ADOPTED} **REVISED** FF - y - 20 5/1

Page 19, line 19, after "time", insert:

"An individual who is requested to solicit a contribution for a candidate shall be appointed by the candidate as a deputy campaign treasurer. An individual who is requested to solicit a contribution for a political action committee shall be appointed by the political action committee as a deputy campaign treasurer."

Amendment #3 **REVISED** J.F. HOLD to be revised

Page 16, after line 19, insert new subsection to read:

"(f) A shareholder of a corporation and the corporation may each make a contribution to a candidate or political action committee up to the limits provided in (a) and (b) of this section."

Page 18, after line 10, insert new subsection to read:

"(e) A candidate or political action committee may accept a contribution from a shareholder of a corporation not to exceed \$1000 in the aggregate during a year and may also accept a contribution from the corporation not to exceed \$1000 in the aggregate during that year."

Page 18, line 26, after "corporation" insert:

"and a contribution made by a shareholder of a corporation is not a contribution in the name of the corporation" unless

J.F. Am-Am

the shareholder owns the controlling majority of shares in that corporation"

Amendment #4

Adopted 4/24/68

Page 23, after line 20, insert a new subsection to read:

"(c) A candidate who is a public official may at any time use funds raised for a campaign for a purpose described in (a)(5) of this section."

✓ Amendment #5 ^{11/20/24} **REVISED AND ADOPTED**

Page 2, line 16 - page 3, line 8, delete all material and insert:

"(c) The governor shall appoint four members of the commission. Each of the two political parties whose candidates for governor received the highest and the second highest number of votes for the office of governor at the most recent preceding gubernatorial election is, as vacancies occur, entitled to submit nominations of four individuals to the governor for two members of the

commission. The four members appointed by the governor under (d) of this section shall appoint, by a majority vote, the fifth member when a vacancy in that position occurs.

(d) In filling a vacancy that is subject to appointment by the governor, the governor shall make the appointment within 30 days after receiving the nominations of four names from the central committee or other governing body of the party. The governor shall make the appointment from nominees submitted to the governor by the central committee or other governing body of the party."

Reletter remaining subsections accordingly.

Page 4, line 10, delete "(h) and insert "(f)"

✓ Amendment #6 **ADOPTED**

Page 21, line 29 - page 2, line 1,

Delete: "30 days after the date of the election"

Insert: "by December 31 of that year"

Amendment #7 **PENDING**

HOLD (See Bradley rewrite for
Am #7)

Page 15, lines 25 - 26, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 16, lines 22 - 23, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 17, lines 20 - 21, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 18, line 7, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 26, line 18, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 26, lines 26 - 27, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 27, lines 6 - 7, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 29, lines 27 - 28, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 30, line 3, delete:

"in excess of \$100 in the aggregate during the
calendar year"

Page 30, lines 20 -21, delete:

"in excess of \$100 in the aggregate during the
calendar year"

✓ Amendment #8 ^{ADMITTED} **PENDING**

Page 24, line 6, insert new subsection to read:

"(e) Subsections (a) and (b) of this section do not
apply to a scheduled meeting held by a labor union
representing public employees of the state or of a
municipality of the state if the meeting is held with the
permission of the employer."

Amendment #9 ^{IF WITHDRAWN} **PENDING**

Page 14, after line 7, insert a new section to read:

"Sec. 15.14.085. STATEMENT BY CANDIDATE OR POLITICAL ACTION COMMITTEE MAKING CONTRIBUTION OR EXPENDITURE. (a)

If a candidate makes a contribution in goods, services, or money or an expenditure from the campaign funds of the candidate that benefits another candidate directly, the candidate or the treasurer of the candidate making the contribution or expenditure shall make and file in the central or a district office of the commission a signed

statement on a form made available by the commission reporting the activity within 10 days after the contribution or expenditure is made.

(b) If a political action committee makes a contribution in goods, services, or money or an expenditure from the campaign funds of the political action committee that benefits a candidate directly, the treasurer of the political action committee making the contribution shall make and file in the central or a district office of the commission a signed statement on a form made available by the commission reporting the activity within 10 days after the contribution or expenditure is made.

(c) The statement shall list the name, address of the candidate or political action committee that paid for the contribution or expenditure and include the date, amount,

4/24/86

TO: CSSB 356 (C & RA)

4/25/86
By: Sackett 3
M-

✓ Amendment #1

Page 21, delete line 6 and insert the following:

"the candidate knew or a reasonable person would have known"

Rationale: Amendment will require an objective test and would remove the potential of candidates avoiding responsibility for actions by using "Don't tell me" as an excuse for not knowing of improper acts.

TO: CSSB 356 (C & RA)

By: Sackett

4/25/86

[Handwritten signature]

✓ Amendment #2

Page 24, delete line 4 & 5

[(c) subsections (a) and (b) of this section do not apply to a public officer elected to office by popular vote.]

Rationale: Amendment will remove an advantage that an incumbent would have if only they could solicit contributions from public employees on the premises of a state or municipal office.

TO: CSSB 356 (C & PA)

By: Sackett

4/25/84

3-
JL

Amendment #3

Page 33, delete lines 18 - 20 and insert the following:

"the complaint of the information reviewed and the fact that the Commission has terminated the investigation and will not be taking further action concerning the complaint."

Rationale: Amendment will remove any accusations of a cover-up and provide the public with the basis for determinations.

TO: CSSB 356 (C & RA)

By: Sackett

4/25/84

84

Amendment #4

Page 38, line 17 add the following:

"accusation by the Commission, except as necessary for the Commission to conduct an investigation."

Rationale: Amendment will allow the Commission to subpoena former members of the Commission or a former employee in the course of an investigation."

4/25/86

AMENDMENTS

TO: CSSB 356 (C & RA)

By: Faiks

*Faiks Moved - ADOPTED
(replaces former # 3)*

Amendment #1 ****REVISED AND PENDING****

Page 16, after line 19, insert new subsection to read:

"(f) A shareholder of a corporation and the corporation may each make a contribution to a candidate or political action committee up to the limits provided in (a) and (b) of this section unless the shareholder owns the controlling majority of shares in that corporation"

Page 18, after line 10, insert new subsection to read:

"(e) A candidate or political action committee may accept a contribution from a shareholder of a corporation not to exceed \$1000 in the aggregate during a year and may also accept a contribution from the corporation not to exceed \$1000 in the aggregate during that year unless the shareholder owns the controlling majority of shares in that corporation"

Page 18, line 26, after "corporation" insert:

"and a contribution made by a shareholder of a corporation is not a contribution in the name of the corporation unless the shareholder owns the controlling majority of shares in that corporation"

Amendment #2

3. - 10 (Replaces Bradley language)

Page 9, line 14, delete "and"

Page 9, line 16, after "expenditure" insert:

"; and

(8) for each fundraiser held under AS 15.14150(d), the date and place of the fundraiser, the total number of paying participants at the fundraiser, the total cost of the fundraiser, and the amount of contributions received"

Page 12, line 13, after "expenditure," insert:

"; and

(7) for each fundraiser held under AS 15.14.155, the date and place of the fundraiser, the total number of paying participants at the fundraiser, the total cost of the fundraiser, and the amount of contributions received"

Page 15, line 24, after "(a) delete "A" and insert:

"Except as provided in AS 15.14.155. a"

Page 15, lines 25 - 26, delete:

"in excess of \$100 in the aggregate during a calendar year"

Page 16, lines 22 - 23, delete:

"in excess of \$100 in the aggregate during a calendar year"

Page 17, line 17, after "(a)" delete "A" and insert:

"Except as provided in AS 15.14.155, a"

Page 17, lines 20 - 21, delete:

"in excess of \$100 in the aggregate during a calendar year"

Page 18, line 6, after "(2)" insert:

"except as provided in AS 15.14.155,"

Page 18, line 7, delete:

"in excess of \$100 in the aggregate during a calendar year"

Page 19, after line 10, insert a new bill section to read:

"Sec. 15.14.155. PERMITTED CASH CONTRIBUTIONS.

Notwithstanding the prohibition against the contribution in the form of a cash payment to a candidate or a political action committee, an individual may contribute and a candidate or a political action committee may accept cash at a fundraiser held by the candidate or the political action committee if food will be served at the fundraiser, if the contribution for admission to the fundraiser from any one individual is not in excess of \$25, and if there are 25 or more paying participants."

Page 26, line 18, delete:

"during the year of more than \$100 in the aggregate"

Page 26, lines 26 - 27, delete:

"during the year of more than \$100 in the aggregate"

Page 27, lines 6 - 7, delete:

"during the year of more than \$100 in the aggregate"

Page 29, lines 27 - 28, delete:

"during the year of more than \$100 in the aggregate"

Page 30, line 3, delete:

"during the year of more than \$100 in the aggregate"

Page 30, lines 20 - 21, delete:

"during the year of more than \$100 in the aggregate"

4/23/86 Adopted Faiks Amend. #1 (1st half) *split question*
2) " " #4 *2nd half withdrawn*
3) Halterd Amend. p. 23 line 15
4) Faiks Amend. #5 (as amended)
5) " " #6

Offered: 3/17/86
Referred: Finance

Original sponsor: State Affairs
Committee

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 356 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaign financing and
7 the Alaska Public Offices Commission; and providing
8 for an effective date."

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

10 * Section 1. AS 15 is amended by adding a new chapter to read:

11 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

12 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

13 Sec. 15.14.010. APPLICABILITY. (a) This chapter applies in
14 each election for governor, lieutenant governor, a member of the state
15 legislature, a delegate to a constitutional convention, and a judge
16 seeking electoral retention.

17 (b) This chapter applies to each election for mayor, municipal
18 governing body, and school board in a municipality with a population
19 of more than 1,000 according to the latest estimates of population
20 certified by the Department of Community and Regional Affairs under
21 AS 29.60.020. A municipality may exempt its elections from the re-
22 quirements of this chapter if a majority of the voters voting on the
23 question at a regular election as defined by AS 29.71.800 or a special
24 municipality-wide election called for that purpose vote to exempt its
25 elections from the requirements of this chapter. The question of
26 exemption from the requirements of this chapter may be submitted to
27 the voters by initiative or by the city council or borough assembly by
28 ordinance.

29 (c) This chapter does not prohibit a municipality from

1 additional regulation of campaign contributions and expenditures by
2 ordinance.

3 (d) Except as otherwise provided, this chapter applies to a
4 contribution, an expenditure or a communication made by a candidate, a
5 political action committee, a municipality, or a person for the pur-
6 pose of influencing the outcome of a ballot proposition or question as
7 well as that made to influence the nomination or election of a candi-
8 date.

9 (e) This chapter does not apply to contributions or expenditures
10 made for the sole purpose of acquiring signatures on a state or munic-
11 ipal initiative or referendum petition.

12 Sec. 15.14.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The
13 Alaska Public Offices Commission is established in the Department of
14 Administration.

15 (b) The commission consists of five members.

16 (c) The governor shall appoint two members from each of the two
17 political parties whose candidates for governor received the highest
18 and second highest number of votes in the most recent preceding gener-
19 al election at which a governor was elected. The governor shall
20 appoint each member from a party from a list of four names submitted
21 to the governor by the central committee or other governing body of
22 the party.

23 (d) The four members who were appointed by the governor from
24 nominations submitted by political parties shall, by a majority vote,
25 appoint the fifth member.

26 (e) The governor shall fill a vacancy or appoint a successor to
27 a member appointed under (c) of this section within 30 days after
28 receiving the nominations from the central committee or other govern-
29 ing body of the party. An appointment may be made in anticipation of

1 an impending vacancy, and the appointment takes effect on the actual
2 vacancy.

3 (f) When the term of the member appointed under (d) of this
4 section expires or the position becomes vacant, a majority of the four
5 members appointed under (c) of this section shall appoint a successor
6 within 30 days after the position becomes vacant. An appointment may
7 be made in anticipation of an impending vacancy, and the appointment
8 takes effect on the actual vacancy.

9 (g) The term of office for each member of the commission is five
10 years and until a successor is appointed and qualifies. If a vacancy
11 occurs before the expiration of a member's term, the member appointed
12 to fill the vacancy serves for the remainder of the unexpired term. A
13 commission member may not serve more than one term, but a person
14 appointed to fill an unexpired term may be appointed to a successive
15 full five-year term.

16 (h) A member of the commission, during tenure, may not

17 (1) hold or campaign for elective office;

18 (2) be an officer of a political party, political commit-
19 tee, or political action committee;

20 (3) publicly support or oppose or make a contribution in
21 support of or in opposition to a candidate or proposition or question
22 that appears on a state, municipal or other ballot in the state;

23 (4) participate in an election campaign or participate in
24 or contribute to a political party; or

25 (5) lobby, employ, or assist a lobbyist.

26 (i) Members of the commission are entitled to receive compen-
27 sation of \$100 a day while attending commission meetings and are
28 entitled to travel expenses and per diem authorized by law for state
29 employees.

1 (j) The members of the commission shall elect a chairman. A
2 majority of the commission constitutes a quorum. The affirmative vote
3 of at least three members is required to take official action. A
4 vacancy does not impair the power of the remaining members to exercise
5 the powers of the commission.

6 (k) The commission may employ an executive director and other
7 employees it considers necessary. The executive director and an
8 employee of the commission may not, during tenure,

9 (1) serve as a member of the commission;

10 (2) engage in an activity described in (h) of this section.

11 (l) The commission shall establish a central office and shall
12 establish or designate a commission office in each election district
13 of the state for the filing and public inspection of the reports,
14 registrations, or statements required to be filed with the commission.
15 Only one commission office may be established or designated in a
16 municipality that contains more than one election district. A dis-
17 trict office designated under this subsection may be a municipal or
18 other public office.

19 (m) The forms and material required for compliance with this
20 chapter shall be made available in each commission office to candi-
21 dates, persons, and political action committees required to file
22 reports under this chapter.

23 (n) The commission shall promptly forward a copy of each report
24 filed by a statewide candidate to each district office and it shall
25 promptly forward a copy of each report filed by a legislative candi-
26 date to the district office in the election district where the candi-
27 date is seeking office.

28 (o) The commission shall ensure that copies of each report filed
29 by a candidate for municipal office are made available for public

1 inspection in the municipality in which the candidate is seeking
2 office.

3 Sec. 15.14.030. DUTIES OF THE COMMISSION. The commission shall

4 (1) develop and provide forms for the reports, registra-
5 tions, and statements required under this chapter, AS 24.45, and
6 AS 39.50;

7 (2) prepare and publish a manual setting out uniform meth-
8 ods of bookkeeping and reporting for use by persons required to make
9 reports, registrations, and statements under this chapter and other-
10 wise assist candidates, political action committees, and persons in
11 complying with this chapter;

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

15 (4) compile and maintain a current list of each report,
16 registration, and statement filed with the commission;

17 (5) prepare a summary of each report, registration, or
18 statement filed under this chapter and make a copy of the summary
19 available to an interested person at cost;

20 (6) notify, by registered or certified mail, each person
21 whom the commission or its staff has probable cause to believe is
22 delinquent in filing a report, registration, or statement required
23 under this chapter;

24 (7) compile within 60 days after each election a list of
25 the names of all persons, candidates, and political action committees
26 who have failed to timely file a report, registration, or statement
27 required under this chapter and make the list available to the public;

28 (8) examine, investigate, and compare reports, registra-
29 tions, statements, and actions required by this chapter, AS 24.45, and

1 AS 39.50;

2 (9) prepare and publish an annual report to the legislature
3 concerning the activities of the commission, the effectiveness of this
4 chapter, and recommendations and proposals for change;

5 (10) adopt regulations necessary to implement and clarify
6 the provisions of this chapter, AS 24.45, and AS 39.50, subject to the
7 provisions of the Administrative Procedure Act (AS 44.62).

8 ARTICLE 2. REGISTRATION AND REPORTS.

9 Sec. 15.14.040. REGISTRATION BY CANDIDATES. (a) An individual
10 shall register with the commission on a form prescribed by the commis-
11 sion within 10 days after the individual either

12 (1) accepts contributions of \$1,000 or more in the aggre-
13 gate from persons or from political action committees for the purpose
14 of seeking elective office; or

15 (2) files for an elective office.

16 (b) The registration under (a) of this section must designate
17 the office and the year of the election for which the campaign will be
18 conducted, and designate whether the election is for a state or a
19 municipal office.

20 (c) An individual required to register under this section shall
21 include with the registration information required under AS 15.14.160.

22 Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES.

23 (a) A political action committee shall register with the commission
24 on a form prescribed by the commission within 10 days after the polit-
25 ical action committee either

26 (1) accepts contributions of \$1,000 in the aggregate; or

27 (2) makes

28 (A) a contribution to an individual who has registered
29 with the commission under AS 15.14.040; or

1 (B) an expenditure in support of or in opposition to
2 the election of an individual to an office covered by this chap-
3 ter, or on behalf of or in opposition to a ballot proposition or
4 question.

5 (b) A political action committee formed solely for the purpose
6 of sponsoring an initiative, a referendum or a recall shall register
7 with the commission within 30 days after it files a petition with the
8 lieutenant governor or with a municipal clerk.

9 (c) The registration of a political action committee is valid
10 from the date of registration until the following January 31.

11 (d) A political action committee may not use or file with the
12 commission a name that is the same as or materially similar to the
13 name of a political action committee whose registration is then on
14 file with the commission.

15 (e) If a political action committee intends to support or oppose
16 only one candidate or to contribute to or expend more than 50 percent
17 of its funds on behalf of or in opposition to one candidate, the name
18 of the candidate must be part of the name of the political ac on
19 committee. On receipt of the registration, the commission shall
20 promptly notify the candidate of the political action committee's
21 organization and its intent.

22 (f) A political action committee that makes expenditures or re-
23 ceives contributions with the authorization or consent, express or
24 implied, or under the control, direct or indirect, of a candidate is
25 controlled by the candidate. A contribution to a political action
26 committee controlled by a candidate is a contribution to the candi-
27 date.

28 (g) A political action committee required to register under this
29 section shall include with the registration the information required

1 under AS 15.14.160 and shall designate the year of the election for
2 which the campaign will be conducted or shall indicate that it antici-
3 pates continuing existence.

4 Sec. 15.14.060. REPORTS BY CANDIDATES OF CONTRIBUTIONS, LOANS,
5 AND EXPENDITURES. (a) A candidate shall make full reports upon a
6 form prescribed by the commission of the contributions and loans
7 received and the expenditures made by the candidate for the designated
8 election campaign, including

9 (1) for each individual, person, or political action com-
10 mittee from which contributions in the aggregate amount of more than
11 \$100 were received:

12 (A) the full name, complete address, principal occupa-
13 tion, and employer of each individual;

14 (B) the full name, complete address, and principal
15 business activity of each person other than an individual;

16 (C) the full name, complete address, and principal
17 area of interest of each political action committee; and

18 (D) the date and amount of each contribution;

19 (2) for each person or political action committee that lent
20 any amount to the candidate or that guaranteed or otherwise agreed to
21 assume a financial obligation in any amount for or on behalf of a
22 candidate,

23 (A) the full name, complete address, principal occupa-
24 tion, and employer of each individual;

25 (B) the full name, complete address, and principal
26 business activity of each person other than an individual;

27 (C) the full name, complete address, and principal
28 area of interest of each political action committee;

29 (D) the purpose of the loan;

1 (E) the date and total value of the loan or financial
2 obligation;

3 (F) the interest rate of the loan or financial obliga-
4 tion;

5 (G) the date the loan or financial obligation is due;
6 and

7 (H) the security, if any, for the loan or financial
8 obligation;

9 (3) the total number and amount of all contributions re-
10 ceived of \$100 or less;

11 (4) a total of all contributions received;

12 (5) the total of all expenditures made or obligated;

13 (6) the total amount of all funds that the candidate con-
14 tributed or lent to the campaign of the candidate; and

15 (7) the date, check number, the amount of the check, the
16 full name of the payee, and the purpose of each expenditure.

17 (b) A report containing the information required under (a) of
18 this section must list the contributions and loans received and the
19 expenditures made during the period ending three days before the due
20 date of the report and beginning on the last day covered by the most
21 recent previous report. The report shall be filed in the central
22 office or a district office of the commission at the following times:

23 (1) 30 days before the election unless the deadline for
24 filing a nominating petition or declaration of candidacy is less than
25 34 days before the election;

26 (2) seven days before the election.

27 (c) A candidate shall file a special contribution, loan, or
28 expenditure report with the commission for each contribution, loan, or
29 expenditure of more than \$250 that is received within the last 10 days

1 before the election. The report must include the full name, complete
2 address, principal occupation and employer of the contributor or
3 lender and the date and amount of the contribution or loan, or the
4 purpose of the expenditure. The report shall be filed within 24 hours
5 after the contribution or loan is received or the expenditure is made.

6 (d) A candidate shall file an annual report on or before January
7 31 of each year, except that a candidate shall file a final report
8 covering contributions and loans received and expenditures made during
9 the year in which an election designated under AS 15.14.040(b) is
10 held. The final report shall be filed no later than 30 days after the
11 date on which the candidate must close campaign accounts under AS 15.-
12 14.180. The annual report must include all of the information re-
13 quired under (a) of this section for contributions and loans received
14 and expenditures made between January 1 and December 31 of the immedi-
15 ately preceding year, except that a final report covering the year in
16 which an election designated under AS 15.14.040(b) is held

17 (1) need include only the contributions, loans, and expen-
18 ditures that were not reported to the commission in the reports re-
19 quired under (b) and (c) of this section;

20 (2) must include contributions and loans received and
21 expenditures made through the date that a campaign account is required
22 to be closed under AS 15.14.180; and

23 (3) must include the amount and the disposition of surplus
24 funds.

25 Sec. 15.14.070. REPORTS BY POLITICAL ACTION COMMITTEES OF CON-
26 TRIBUTIONS, LOANS, AND EXPENDITURES. (a) A political action commit-
27 tee shall make a report on a form prescribed by the commission of
28 contributions and loans received by the political action committee,
29 including

1 (1) for each individual, person, or political action com-
2 mittee from which contributions in the aggregate amount of more than
3 \$100 were received:

4 (A) the full name, complete address, principal occupa-
5 tion, and employer of each individual;

6 (B) the full name, complete address, and principal
7 business activity of each person other than an individual;

8 (C) the full name, complete address, and principal
9 area of interest of each political action committee; and

10 (D) the date and amount of each contribution;

11 (2) for each person or other political action committee
12 that lent any amount to the reporting political action committee or
13 that guaranteed or otherwise agreed to assume a financial obligation
14 in any amount for or on behalf of the reporting political action
15 committee,

16 (A) the full name, complete address, principal occupa-
17 tion, and employer of each individual;

18 (B) the full name, complete address, and principal
19 business activity of each person other than an individual;

20 (C) the full name, complete address, and principal
21 area of interest of each political action committee;

22 (D) the purpose of the loan;

23 (E) the date and total value of the loan or financial
24 obligation;

25 (F) the interest rate of the loan or financial obli-
26 gation;

27 (G) the date the loan or financial obligation is due;

28 and

29 (H) the security, if any, for the loan or financial

1 obligation;

2 (3) the total number and amount of all contributions re-

3 ceived of \$100 or less;

4 (4) a total of all contributions received;

5 (5) a total of all expenditures made or obligated;

6 (6) the date, check number, the amount of the check, full

7 name of each payee, and the purpose of each expenditure including

8 (A) for each expenditure that is a contribution to a

9 candidate or a political action committee, the name of the candi-

10 date or political action committee; and

11 (B) for each expenditure that is an independent expen-

12 diture, the name of the candidate or ballot proposition or ques-

13 tion supported or opposed by the independent expenditure.

14 (b) A report containing the information required under (a) of

15 this section must list the contributions and loans received and expen-

16 ditures made during the period ending three days before the due date

17 of the report and beginning on the last day covered by the most recent

18 previous report. The report shall be filed in the central office or a

19 district office of the commission at the following times:

20 (1) 30 days before the election;

21 (2) seven days before the election.

22 (c) A political action committee shall file a special contribu-

23 tion, loan, or expenditures report with the commission for each con-

24 tribution, loan, or expenditure of more than \$250 that is received

25 within the last 10 days before the election. The report must include

26 the full name, complete address, principal occupation and employer of

27 the contributor or lender and the date and amount of the contribution

28 or loan or the purpose of the expenditure. The report shall be filed

29 within 24 hours after the contribution or loan is received or the

1 expenditure is made.

2 (d) A political action committee shall file an annual report on
3 or before January 31 of each year. The annual report must include all
4 of the information required under (a) of this section for contribu-
5 tions and loans received and expenditures made between January 1 and
6 December 31 of the immediately preceding year, except that an annual
7 report covering contributions and loans received and expenditures made
8 during the year in which an election designated under AS 15.14.050(f)
9 is held need include only those contributions, loans, and expenditures
10 that were not reported to the commission in the reports required under
11 (b) and (c) of this section. If the political action committee has
12 not indicated a continuing existence under AS 15.14.050(g), the report
13 filed under this section is the final report.

14 Sec. 15.14.080. STATEMENT BY PERSON MAKING CONTRIBUTION OR
15 EXPENDITURE. (a) A person who makes contributions of more than \$250
16 in the aggregate in goods, services, or money to a candidate or polit-
17 ical action committee or who makes independent expenditures described
18 in AS 15.14.090 with a value of more than \$250 in the aggregate to
19 influence the election of a candidate or the passage of a ballot
20 proposition or question shall make and file in the central or a dis-
21 trict office of the commission a signed statement on a form made
22 available by the commission reporting the activity within 10 days
23 after the contribution or expenditure is made.

24 (b) The statement must list the name, address, principal occupa-
25 tion, and employer of the person who paid for the contribution or
26 expenditure and include the date, amount, payee, and purpose of the
27 contribution or expenditure.

28 (c) The statement must include a certification by the person
29 making the statement that the contribution or expenditure consists of

1 funds or property belonging to the contributor and that the funds have
2 not been given or furnished by another person or political action
3 committee.

4 (d) The person filing the statement shall furnish a copy of the
5 statement to the candidate or the campaign treasurer of the political
6 action committee at the time the statement is filed with the commis-
7 sion.

8 Sec. 15.14.090. INDEPENDENT EXPENDITURE. (a) An independent
9 expenditure is an expenditure by a person or political action commit-
10 tee for a communication expressly advocating the election or defeat of
11 a clearly identified candidate that is made without arrangement,
12 coordination, or direction with or by the candidate or the agent of
13 the candidate before the publication, distribution, display, or broad-
14 cast of the communication. An expenditure is a contribution and not
15 an independent expenditure if it is based on information about the
16 candidate's plans, projects, or needs provided to the expending person
17 or political action committee by the candidate or by an agent of the
18 candidate with a view toward having an expenditure made.

19 (b) An expenditure is made in coordination with the candidate or
20 the agent of the candidate if it is made by or in consultation with a
21 person

22 (1) who is or within one year before the date of the expen-
23 diture has been authorized by the candidate or by a campaign officer
24 to raise or expend funds on behalf of the candidate;

25 (2) who is or within one year before the date of the expen-
26 diture has been an officer of a campaign committee of the candidate;
27 or

28 (3) who is or within one year before the date of the expen-
29 diture has been receiving any form of compensation or reimbursement

1 from the candidate or from campaign funds for professional services
2 that require the exercise of discretion or judgment relating to the
3 conduct of the campaign.

4 (c) In this section, an "agent of the candidate" means an indi-
5 vidual

6 (1) who has actual oral or written authority, either ex-
7 press or implied, to make or to authorize the making of an expenditure
8 on behalf of a candidate; or

9 (2) who has been placed in a position within the campaign
10 organization where it would reasonably appear that in the ordinary
11 course of campaign related activities the individual may authorize an
12 expenditure.

13 Sec. 15.14.100. CERTIFICATION OF REPORTS. Each report, regis-
14 tration, or statement required under this chapter shall be certified
15 as correct by the candidate or the campaign treasurer of the candi-
16 date, by the campaign treasurer of the political action committee, or
17 by the person making the report, registration, or statement. The
18 report, registration, or statement must include or be accompanied by
19 the following certification signed by the individual filing the re-
20 port, registration, or statement:

21 "I certify that, to the best of my knowledge, this report
22 is true, correct, and complete."

23 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

24 Sec. 15.14.110. CONTRIBUTIONS BY A PERSON. (a) A person may
25 not make a contribution in the form of a cash payment in excess of
26 \$100 in the aggregate during a calendar year to a candidate or a
27 political action committee.

28 (b) A person may not make a contribution in excess of \$1,000 in
29 the aggregate during a calendar year in money, goods, or services to a

1 candidate.

2 (c) Except as provided in (d) of this section, a person may not
3 make a contribution in excess of \$1,000 in the aggregate during a
4 calendar year in money, goods, or services to a political action
5 committee.

6 (d) Except as provided in (a) of this section, a person may
7 contribute any amount in money, goods, or services

8 (1) to a political action committee formed solely for the
9 purpose of sponsoring or opposing an initiative or referendum; or

10 (2) to a political party.

11 (e) An individual or person may not make a contribution in any
12 amount to a candidate or political action committee in the form of a
13 loan or loan guarantee. This subsection does not prohibit

14 (1) a contribution in the form of a loan by a candidate or
15 the spouse, parent, or child of the candidate to the campaign of the
16 candidate; or

17 (2) an extension of credit by a person providing goods or
18 services in the normal course of business to a political action com-
19 mittee, a candidate, or a candidate's campaign.

20 Sec. 15.14.120. CONTRIBUTIONS BY A POLITICAL ACTION COMMITTEE.

21 (a) A political action committee may not make a contribution in the
22 form of a cash payment in excess of \$100 in the aggregate during a
23 calendar year to a candidate or political action committee.

24 (b) Except as provided in (c) of this section, a political
25 action committee may not contribute or make an expenditure, other than
26 as an independent expenditure, of more than \$1,000 in the aggregate
27 during a year to a candidate or to a political action committee.

28 (c) Except as provided in (a) of this section, a political
29 action committee may contribute any amount in money, goods, or

1 services to

2 (1) a political action committee formed solely for the pur-
3 pose of sponsoring or opposing an initiative or referendum; or

4 (2) a political party.

5 (d) A political action committee may not make a loan or a loan
6 guarantee to a candidate or to another political action committee.

7 (e) Two or more political action committees sharing a majority
8 of their officers are considered to be a single group for purposes of
9 the contribution limitations under (a) and (b) of this section.

10 (f) An expenditure for a communication in support of the elec-
11 tion of more than one candidate shall be prorated equally among the
12 candidates for purposes of calculating the amount of the expenditure
13 made on behalf of one of the candidates.

14 (g) A political party and its state, regional, and local subdi-
15 visions are not subject to the limitations prescribed in this section,
16 but each is subject to the reporting requirements of AS 15.14.070.

17 Sec. 15.14.130. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
18 candidate, a campaign officer of a candidate, a political action
19 committee, and an officer of a political action committee may not
20 accept a contribution in the form of a cash payment in excess of \$100
21 in the aggregate during a year from a person or a political action
22 committee.

23 (b) A candidate and a campaign officer of a candidate may not
24 accept a contribution in excess of \$1,000 in the aggregate during a
25 calendar year in money, goods, or services from a person or a politi-
26 cal action committee.

27 (c) Except as provided in this subsection, a political action
28 committee and an officer of a political action committee may not
29 accept a contribution in excess of \$1,000 in the aggregate during a

1 calendar year in money, goods, or services from a person or a politi-
2 cal action committee. A political party or a political action com-
3 mittee formed solely for the purpose of sponsoring or opposing an
4 initiative or a referendum may

5 (1) accept any amount in money, goods, or services;

6 (2) not accept a contribution in the form of a cash payment
7 in excess of \$100 in the aggregate during a calendar year from a
8 person.

9 (d) A candidate and a political action committee may not accept
10 a contribution in the form of a loan or a loan guarantee.

11 Sec. 15.14.140. EXPENDITURES. (a) A political party may make a
12 contribution or expenditure of money, goods, or services without
13 limitation as to amount or value.

14 (b) Except as provided under AS 15.14.170, a candidate may make
15 expenditures of money, goods, or services on behalf of the candidate's
16 own campaign without limitation as to amount or value.

17 (c) A person or political action committee may make an indepen-
18 dent expenditure as defined in AS 15.14.090 of money, goods, or ser-
19 vices without limitation as to amount or value on behalf of or in
20 opposition to a candidate or ballot proposition.

21 Sec. 15.14.150. PROHIBITED CONTRIBUTIONS. (a) A contribution
22 may not be made and an expenditure may not be made or incurred either
23 directly or indirectly in a fictitious name, anonymously, or by one
24 person or political action committee in the name of another. A con-
25 tribution made by a corporation is not a contribution in the name of a
26 shareholder of the corporation for the purposes of this subsection.

27 (b) A contribution made by a person wishing to remain anonymous
28 and received by a candidate or political action committee may not be
29 accepted, but shall be returned to the donor if the identity of the

1 donor is known. If the identity of the donor is not known, the con-
2 tribution shall be donated to an organization that qualifies as a
3 charitable organization under 26 U.S.C. 501(c).

4 (c) A candidate, a campaign officer of a candidate, political
5 action committee, and a campaign officer of a political action commit-
6 tee may not accept a contribution described in this section. A con-
7 tribution under this section is accepted unless it is returned or
8 donated under (b) of this section within 10 days after the candidate
9 or political action committee knows or should have known that the con-
10 tribution is prohibited under this section.

11 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

12 Sec. 15.14.160. CAMPAIGN OFFICERS. (a) Each candidate may and
13 each political action committee shall appoint a campaign chairman.
14 Each candidate and each political action committee shall appoint a
15 campaign treasurer who is responsible for receiving, holding, and
16 disbursing all contributions and expenditures, and for filing all
17 reports and statements required by law. Each candidate and each
18 political action committee may appoint deputy campaign treasurers at
19 any time. A candidate may be a campaign treasurer.

20 (b) At the time a candidate registers with the commission under
21 AS 15.14.040, the candidate shall file a statement in the central or a
22 district office of the commission listing the name, address, and
23 telephone number of the candidate's campaign treasurer. At the time a
24 political action committee registers with the commission under AS 15.-
25 14.050, the political action committee shall file a statement in the
26 central or a district office of the commission listing the name,
27 address, and telephone number of the political action committee's cam-
28 paign treasurer. Each candidate who appoints a campaign chairman and
29 each political action committee shall include in the statement the

1 name, address, and telephone number of the campaign chairman.

2 (c) An individual may not act as the campaign chairman, campaign
3 treasurer, or deputy campaign treasurer for a candidate or political
4 action committee until the name, address, and telephone number of the
5 individual has been filed with the commission. The address of a
6 candidate's campaign treasurer is the address of the candidate unless
7 the candidate files a different mailing address with the commission.

8 (d) In the case of the death, resignation, or removal of a
9 campaign officer required to be appointed under this section, the
10 candidate or political action committee shall file the name, address,
11 and telephone number of the successor in the central or a district
12 office of the commission within 10 days after the vacancy occurs.

13 (e) A candidate may receive contributions and make expenditures
14 only in person or through a campaign chairman, a campaign treasurer,
15 or a deputy campaign treasurer. A political action committee may re-
16 ceive contributions and make expenditures only through the campaign
17 chairman, campaign treasurer, or deputy campaign treasurer of the
18 political action committee. A person does not receive or make a
19 contribution under this section on behalf of a candidate or political
20 action committee if

21 (1) the person transfers or delivers a contribution to a
22 candidate or a campaign officer of a candidate or political action
23 committee and discloses to the candidate or political action committee
24 the identity of the contributor;

25 (2) the person does not exercise discretion or control as
26 to the amount or as to the identity of the recipient of the contribu-
27 tion; and

28 (3) the person is not a campaign officer of the candidate
29 or political action committee ultimately receiving the contribution.

1 (f) The candidate is responsible for the performance of the
2 campaign officers of the candidate. The campaign chairman of a polit-
3 ical action committee is responsible for the performance of the other
4 officers of the political action committee. A default or violation by
5 the officer is considered a default or violation by the candidate if
6 the candidate knew or had reason to know of the default or violation.
7 A default or violation by the officer of the political action commit-
8 tee is considered a default or violation by the campaign chairman of
9 the political action committee if the campaign chairman knew or had
10 reason to know of the default or violation.

11 Sec. 15.14.170. USE OF CAMPAIGN FUNDS. (a) Campaign funds
12 received by a candidate or by a political action committee may be used
13 only to

14 (1) influence or attempt to influence the actions of the
15 voters for or against the election of a candidate or the passage or
16 defeat of a ballot proposition or question; or

17 (2) repay a loan made to the campaign of the candidate.

18 (b) Campaign funds may not be used to repay a loan not timely
19 reported as a loan under AS 15.14.060(a)(2).

20 (c) Surplus campaign funds shall be disposed of under AS 15.14.-
21 190.

22 Sec. 15.14.180. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF
23 CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account
24 relating to a designated election campaign on or before one of the
25 following dates:

26 (1) for a statewide candidate in the general election, the
27 date on which the successful candidate in the designated election is
28 sworn into office;

29 (2) for a legislative candidate in the general election, 30

1 days after the date of the election;

2 (3) for a candidate in a municipal election, 30 days after
3 the date of the election or, in the case of a run-off election, 30
4 days after the date of a run-off election;

5 (4) for a candidate who loses in a primary election, 30
6 days after the date of the election;

7 (5) for a candidate who withdraws before an election, 30
8 days after filing a notice of withdrawal; or

9 (6) for a candidate who withdraws after registering under
10 AS 15.40.040 but before filing for office, 30 days after the deadline
11 for filing a declaration of candidacy or a nominating petition;

12 (7) for a judicial candidate or a delegate to a constitu-
13 tional convention, 30 days after the date of the election.

14 (b) A candidate and a campaign officer of a candidate may not
15 solicit or accept a contribution for the designated election campaign
16 after the date on which the candidate is required to close campaign
17 accounts under (a) of this section.

18 (c) A candidate and a campaign officer of a candidate may not
19 make expenditures of any kind, except for the disposition of surplus
20 funds, after the date on which the candidate is required to close
21 campaign accounts under (a) of this section for

22 (1) goods or services provided to the candidate with re-
23 spect to the designated election campaign;

24 (2) the payment of campaign debts to an individual, person,
25 or political action committee; or

26 (3) the payment of loans made by the candidate to the
27 campaign of the candidate.

28 Sec. 15.14.190. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall
29 dispose of campaign funds that are not spent during the designated

1 election campaign by

2 (1) donating the funds to an organization that qualifies as
3 a charitable organization under 26 U.S.C. 501(c);

4 (2) donating the funds to the general fund of the state or
5 of a municipality organized under AS 29;

6 (3) after registering with the commission under AS 15.14.-
7 040, transferring the funds to a newly designated election campaign
8 account for a designated state election to be held not more than four
9 years after the election designated under AS 15.14.040(b);

10 (4) paying an individual who worked in the candidate's
11 designated election campaign;

12 (5) transferring the funds to an account for the office, in
13 the case of a successful candidate only, and using the funds only for
14 communication with constituents and other voters in the state by
15 telephone, ~~or~~ newsletter, *or personal contact;*

16 (6) returning the funds to contributors on a pro rata
17 basis.

18 (b) A candidate shall dispose of surplus funds under (a) of this
19 section before the date on which a final report of expenditures is
20 required to be filed under AS 15.14.070.

21 Sec. 15.14.200. SOLICITATION OF CONTRIBUTIONS. (a) A public
22 officer or employee of the state or of a municipality of the state may
23 not, while on the premises of a state or municipal office, solicit or
24 request a contribution to a candidate, political action committee or
25 political party.

26 (b) A person may not solicit or request a public officer or
27 employee to contribute to a candidate, political action committee, or
28 political party while the public officer or employee is on the prem-
29 ises of a state or municipal office.

4/24/86
Holford
Amend.
Adopted

1 (c) A candidate, an officer of a candidate, a political action
2 committee, and an officer of a political action committee may not
3 knowingly accept a contribution obtained in violation of this section.

4 (d) Subsections (a) and (b) of this section do not apply to a
5 public officer elected to office by popular vote.

6 Sec. 15.14.210. IDENTIFICATION OF COMMUNICATION. (a) An adver-
7 tisement, billboard, handbill, paid-for television or radio announce-
8 ment, or other communication intended to influence the election of a
9 candidate or the outcome of a ballot proposition or question shall be
10 clearly identified by the words "paid for by" followed by the name and
11 address of the candidate, political action committee, or the person or
12 persons paying for the communication.

13 (b) A person or political action committee making an independent
14 expenditure for an item described in (a) of this section shall, within
15 the printed material or during a broadcast, state: "This communication
16 was not authorized by any candidate."

17 (c) The information required under (a) and (b) of this section
18 need not be included on an object used for a campaign advertisement,
19 if the object is one that the commission, by regulation, has deter-
20 mined is too small to practicably include the information.

21 ARTICLE 5. VIOLATIONS, CIVIL PENALTIES, AND PROCEDURES.

22 Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
23 DEGREE. (a) A person who, with intent to avoid disclosure, fails to
24 file a report of contributions, loans, or expenditures required to be
25 filed 30 days or seven days before an election under AS 15.14.060(b)
26 or fails to file a report within 24 hours after receiving a contribu-
27 tion or making an expenditure under AS 15.14.060(c) is subject to a
28 civil penalty of not less than \$500 nor more than \$2,000 for each day
29 that the report is due but not filed up to a maximum of \$25,000 for

1 each report.

2 (b) A political action committee that, with intent to avoid
3 disclosure, fails to file a report of contributions, loans, or expend-
4 ditures required to be filed 30 days or seven days before an election
5 under AS 15.14.070(b) or fails to file a report within 24 hours after
6 receiving a contribution or making an expenditure under AS 15.14.-
7 070(c) is subject to a civil penalty of not less than \$500 nor more
8 than \$2,000 for each day that the report is due but not filed up to a
9 maximum of \$25,000 for each report.

10 (c) A person who, with intent to avoid disclosure, files a
11 report of contributions or expenditures containing a false or mislead-
12 ing statement as to a contributor, contribution, loan, or expenditure
13 required to be included in a report under AS 15.14.060(a) is subject
14 to a civil penalty

15 (1) of not less than \$500 nor more than \$5,000 for each
16 false or misleading statement; and

17 (2) not to exceed twice the amount of the contribution or
18 expenditure involving the false or misleading statement.

19 (d) A political action committee that, with intent to avoid
20 disclosure, files a report of contributions or expenditures containing
21 a false or misleading statement as to a contributor, contribution,
22 loan, or expenditure required to be included in a report under AS 15.-
23 14.070(a) is subject to a civil penalty

24 (1) of not less than \$500 nor more than \$5,000 for each
25 false or misleading statement; and

26 (2) not to exceed twice the amount of the contribution or
27 expenditure involving the false or misleading statement.

28 (e) A person who knowingly makes a contribution in excess of the
29 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

1 (1) of not less than \$1,000 nor more than \$5,000; and
2 (2) not to exceed twice the amount that the contribution
3 exceeds the limitation.

4 (f) A political action committee that knowingly makes a contri-
5 bution in excess of the limitation under AS 15.14.120(b) is subject to
6 a civil penalty

7 (1) of not less than \$1,000 nor more than \$5,000; and
8 (2) not to exceed twice the amount that the contribution
9 exceeds the limitation.

10 (g) Except as provided in AS 15.14.130(c), a political action
11 committee that knowingly accepts a contribution in excess of the
12 limitation established in AS 15.14.130(c) is subject to a civil
13 penalty

14 (1) of not less than \$1,000 nor more than \$5,000; and
15 (2) not to exceed twice the amount that the contribution
16 exceeds the limitation.

17 (h) A person who knowingly makes a contribution in the form of
18 cash during the year of more than \$100 in the aggregate in violation
19 of AS 15.14.110(a) is subject to a civil penalty of

20 (1) not less than \$100 nor more than \$1,000 if the contri-
21 bution is less than \$500, in the aggregate; and

22 (2) an additional civil penalty of not to exceed twice the
23 amount of the cash contribution if it amounts to \$500 or more in the
24 aggregate.

25 (i) A political action committee that knowingly makes a contri-
26 bution in the form of cash during the year of more than \$100 in the
27 aggregate in violation of AS 15.14.120(a) is subject to a civil penal-
28 ty of

29 (1) not less than \$100 nor more than \$1,000 if the

1 contribution is less than \$500, in the aggregate; and

2 (2) an additional civil penalty of not to exceed twice the
3 amount of the cash contribution if it amounts to \$500 or more in the
4 aggregate.

5 (j) A person or political action committee that knowingly ac-
6 cepts a contribution in the form of cash during the year of more than
7 \$100 in the aggregate in violation of AS 15.14.130(a) is subject to a
8 civil penalty of

9 (1) not less than \$100 nor more than \$1,000 if the contri-
10 bution is less than \$500, in the aggregate; and

11 (2) an additional civil penalty of not to exceed twice the
12 amount of the cash contribution if it amounts to \$500 or more in the
13 aggregate.

14 (k) A person or political action committee that, with intent to
15 avoid disclosure, makes or accepts a contribution in violation of
16 AS 15.14.150(a) or (c) is subject to a civil penalty of

17 (1) not less than \$500 nor more than \$5,000; and

18 (2) if the contribution amounts to \$500 or more, an addi-
19 tional civil penalty of not to exceed twice the amount of the contri-
20 bution.

21 (l) A person or political action committee that knowingly ac-
22 cepts a contribution obtained in violation of AS 15.56.025 through a
23 threat of physical force, job discrimination, or financial reprisals
24 is subject to a civil penalty of not less than \$1,000 nor more than
25 \$10,000.

26 (m) A person or political action committee that intentionally
27 solicits or requests a contribution from a public officer or employee
28 of the state or a municipality of the state in a manner prohibited
29 under AS 15.14.200(a) or (b) is subject to a civil penalty of not less

1 than \$500 nor more than \$5,000.

2 (n) A person or political action committee that knowingly ac-
3 cepts a contribution from a public officer or employee of the state or
4 a municipality of the state in a manner prohibited under AS 15.14.-
5 200(a) or (b) is subject to a civil penalty of not less than \$500 nor
6 more than \$5,000.

7 Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND
8 DEGREE. (a) A person who fails to file a report of contributions or
9 expenditures required to be filed 30 days or seven days before an
10 election under AS 15.14.060(b) or fails to file a report within 24
11 hours after receiving a contribution or making an expenditure under
12 AS 15.14.060(c) is subject to a civil penalty of not less than \$25 nor
13 more than \$100 for each day that the report is due but not filed up to
14 a maximum of \$5,000 for each report.

15 (b) A political action committee that fails to file a report of
16 contributions or expenditures required to be filed 30 days or seven
17 days before an election under AS 15.14.070(b) or fails to file a
18 report within 24 hours after receiving a contribution or making an
19 expenditure under AS 15.14.070(c) is subject to a civil penalty of not
20 less than \$25 nor more than \$100 for each day that the report is due
21 but not filed up to a maximum of \$5,000 for each report.

22 (c) A person who fails to file a report, registration, or state-
23 ment required to be filed under this chapter, other than a report
24 described in (a) or (b) of this section, is subject to a civil penalty
25 of not less than \$10 nor more than \$100 per day for each day that the
26 report, registration, or statement is due but not filed, up to a
27 maximum fine of \$3,000 for each report, registration, or statement.

28 (d) A person who files a report of contributions or expenditures
29 containing a false or misleading statement as to a contributor,

1 contribution, loan, or expenditure required to be included in a report
2 under AS 15.14.060(a) is subject to a civil penalty

3 (1) of not less than \$50 nor more than \$500 for each false
4 or misleading statement; and

5 (2) not to exceed the amount of the contribution or expendi-
6 ture involving the false or misleading statement.

7 (e) A political action committee that files a report of contri-
8 butions or expenditures containing a false or misleading statement as
9 to a contributor, contribution, loan, or expenditure required to be
10 included in a report under AS 15.14.070(a) is subject to a civil
11 penalty of

12 (1) not less than \$50 nor more than \$500 for each false or
13 misleading statement; and

14 (2) not to exceed the amount of the contribution or expendi-
15 ture involving the false or misleading statement.

16 (f) A person who makes a contribution in excess of the limita-
17 tion under AS 15.14.110(b) or (c) is subject to a civil penalty

18 (1) of not less than \$50 nor more than \$500; and

19 (2) not to exceed the amount that the contribution exceeds
20 the limitation.

21 (g) A political action committee that makes a contribution in
22 excess of the limitation under AS 15.14.120(b) is subject to a civil
23 penalty

24 (1) of not less than \$50 nor more than \$500; and

25 (2) not to exceed the amount that the contribution exceeds
26 the limitation.

27 (h) A person who makes a contribution in the form of cash during
28 the year of more than \$100 in the aggregate in violation of AS 15.14.-
29 110(a) is subject to a civil penalty of not to exceed the amount of

1 the cash contribution.

2 (i) A political action committee that makes a contribution in
3 the form of cash during the year of more than \$100 in the aggregate in
4 violation of AS 15.14.120(a) is subject to a civil penalty of not to
5 exceed the amount of the cash contribution.

6 (j) A candidate or an officer of a candidate that accepts a
7 contribution in excess of the limitation under AS 15.14.130(b) is
8 subject to a civil penalty

9 (1) of not less than \$50 nor more than \$500; and

10 (2) not to exceed the amount that the contribution exceeds
11 the limitation.

12 (k) A political action committee that accepts a contribution in
13 excess of the limitation under AS 15.14.130(c) is subject to a civil
14 penalty

15 (1) of not less than \$50 nor more than \$500; and

16 (2) not to exceed the amount that the contribution exceeds
17 the limitation.

18 (l) A candidate, an officer of a candidate, a political action
19 committee, or an officer of a political action committee that accepts
20 a contribution in the form of cash during the year of more than \$100
21 in the aggregate in violation of AS 15.14.130(a) is subject to a civil
22 penalty of not to exceed the amount of the cash contribution.

23 (m) A candidate who fails to close a campaign account by the
24 date established in AS 15.14.180(a) is subject to a fine of not less
25 than \$25 nor more than \$100 per day for each day that the account
26 should have been but was not closed, up to a maximum of \$2,000.

27 (n) A person who fails to dispose of surplus funds by the date
28 established in AS 15.14.190(b) is subject to a civil penalty of not
29 less than \$25 nor more than \$100 per day for each day that the surplus

1 funds should have been but were not disposed of, up to a maximum of
2 \$2,000.

3 (o) A person is subject to a civil penalty of not less than \$100
4 nor more than \$2,000 if the person

5 (1) solicits or accepts a contribution or makes an expendi-
6 ture, other than a disposition of surplus funds, after the date that
7 campaign accounts are required to be closed under AS 15.14.180;

8 (2) uses campaign funds for a purpose not permitted under
9 AS 15.14.170;

10 (3) uses surplus funds for a purpose not permitted under
11 AS 15.14.190;

12 (4) acts as a campaign officer at a time when the name of
13 the person has not been filed with the commission; or

14 (5) fails to include in a communication intended to influ-
15 ence the election of a candidate or the outcome of a ballot proposi-
16 tion or question the information required under AS 15.14.210(a) or
17 (b).

18 Sec. 15.14.240. PAYMENT OF CIVIL PENALTY. A civil penalty
19 imposed by the commission under AS 15.14.220 or 15.14.230 may not be
20 paid from campaign funds.

21 Sec. 15.14.250. REMOVAL FROM OFFICE. (a) If, after being sworn
22 into office, a person who was a successful candidate is found to have
23 committed a violation in the first degree under AS 15.14.220, proceed-
24 ings shall be held and appropriate action taken under

25 (1) art. II, sec. 12, Constitution of the State of Alaska,
26 if the candidate is a candidate for the state legislature;

27 (2) art. II, sec. 20, Constitution of the State of Alaska,
28 if the candidate is a candidate for governor or lieutenant governor;

29 (3) AS 29.20.170, if the candidate is a candidate for

1 borough assembly;

2 (4) AS 29.20.280, if the candidate is a candidate for
3 borough mayor;

4 (5) AS 29.20.170, if the candidate is a candidate for city
5 council;

6 (6) AS 29.20.280(a), if the candidate is a candidate for
7 city mayor;

8 (7) the provisions of the call for the constitutional
9 convention, if the candidate is a candidate for constitutional conven-
10 tion delegate;

11 (8) art. IV., sec. 10, Constitution of the State of Alaska,
12 if the candidate is a candidate for judicial retention.

13 (b) Information developed by the commission under AS 15.14.270
14 shall be considered during a proceeding under (a) of this section.

15 (c) When, after being sworn into office, a successful candidate
16 is charged with a violation in the first degree under AS 15.14.220(a),
17 the commission shall promptly hear the matter and accord it a pre-
18 ferred position for purposes of argument and decision so as to assure
19 a speedy disposition of the matter.

20 Sec. 15.14.260. LIMITATIONS ON ACTIONS. (a) A proceeding
21 alleging a violation of AS 15.14.220 must be commenced within four
22 years from the date of the alleged violation.

23 (b) A proceeding alleging a violation of AS 15.14.230 must be
24 commenced within two years from the date of the alleged violation.

25 (c) For the purposes of this section, a violation involving the
26 failure to file a report, statement, or registration is considered to
27 have been committed on the day after the report, statement or regis-
28 tration was due.

29 Sec. 15.14.270. INVESTIGATIONS. (a) The commission may

1 investigate a violation of AS 15.14.220, 15.14.230, AS 24.50 and
2 AS 39.50 on its own motion or upon receiving a signed and sworn
3 complaint from any person.

4 (b) If an investigation is commenced by a signed and sworn
5 complaint by a person other than a member of the commission or its
6 employees, the commission shall, within five days after receiving the
7 complaint, mail a copy of the complaint to each person named in the
8 complaint.

9 (c) If, after an investigation, the commission determines that
10 there is probable cause to believe that a person has committed a
11 violation, the commission may commence violation proceedings by filing
12 and serving an accusation on the person alleged to have committed the
13 violation. The commission shall serve an accusation in the manner
14 provided by court rules for serving a complaint in a civil action.

15 (d) If the commission terminates an investigation without filing
16 an accusation, the commission shall, within five days after terminat-
17 ing the investigation, inform the complainant and each person named in
18 the complaint only of the fact that the commission has terminated the
19 investigation and will not be taking further action concerning the
20 complaint.

21 Sec. 15.14.280. ACCUSATIONS. (a) The accusation must be a
22 written statement of the charges setting out in ordinary and concise
23 language the acts or omissions with which the respondent is charged,
24 so that the respondent is able to prepare a defense. The accusation
25 must also specify the statute or regulation that the respondent is
26 alleged to have violated, and the maximum penalty provided for the
27 violation. The accusation may not consist merely of charges phrased
28 in the language of the statute and regulation.

29 (b) The commission shall include in or with the accusation a

1 statement in substantially the following form:

2 "To the Respondent: Unless you deliver or mail a written
3 request for a hearing signed by you or on your behalf to
4 the commission within 15 days after this accusation was
5 personally served on you or mailed to you, the commission
6 may proceed upon the accusation without further notice to
7 you. You may request a hearing by delivering or mailing
8 the enclosed form entitled 'Notice of Defense,' or by
9 delivering or mailing a notice of defense under AS 15.14.290
10 to the commission at its central office address (insert central
11 office address)."

12 (c) The commission shall include with the accusation served upon
13 the respondent a post card or other form entitled, "Notice of Defense"
14 that, when signed by or on behalf of the respondent and returned to
15 the commission constitutes a notice of defense under AS 15.14.290.

16 Sec. 15.14.290. NOTICE OF DEFENSE. (a) Within 15 days after
17 service upon the respondent of the accusation, the respondent may file
18 with the commission a notice of defense. In the notice the respondent
19 may

20 (1) deny the accusation in whole or in part and request a
21 hearing;

22 (2) object to the accusation on the ground that it does not
23 state acts or omissions upon which the commission may proceed;

24 (3) object to the form of the accusation on the ground that
25 it is so indefinite or uncertain that the respondent cannot identify
26 the transaction or prepare a defense;

27 (4) present new matter by way of defense;

28 (5) admit or plead no contest to the accusation in whole or
29 in part, and present material in mitigation of penalty.

1 (b) Within the time specified in (a) of this section, the re-
2 spondent may file one or more notices of defense upon any or all of
3 the grounds set out in (a) of this section but all of the notices must
4 be filed within the period unless the commission in its discretion
5 authorizes the filing of a later notice.

6 (c) The respondent is entitled to a hearing on the merits if the
7 respondent files a notice of defense. The notice of defense is con-
8 sidered a specific denial of all parts of the accusation not expressly
9 admitted. Failure to file a notice of defense within the time spec-
10 ified in (a) of this section constitutes a waiver of the respondent's
11 right to a hearing, but the commission in its discretion may neverthe-
12 less grant a hearing. Unless objection is taken as provided in (a)(3)
13 of this section, all objections to the form of the accusation are
14 waived.

15 (d) The notice of defense must be in writing, signed by or on
16 behalf of the respondent, and must state the respondent's address.
17 The notice of defense need not be verified or follow a particular
18 form.

19 Sec. 15.14.300. HEARINGS. (a) If a respondent requests a
20 hearing on a contested accusation or, in the absence of a request, the
21 commission in its discretion decides to hold a hearing, the commission
22 shall mail or deliver a notice of hearing to the respondent at least
23 10 days before the hearing. The hearing may not be held before the
24 expiration of the time within which the respondent is entitled to file
25 a notice of defense. The notice to respondent must be consistent with
26 the form for notice of hearing under AS 44.62.420.

27 (b) The commission shall conduct its hearings under AS 44.62.-
28 440 - 44.62.500, except that

29 (1) the commission may, but is not required to, appoint a

1 hearing officer under AS 44.62.350; and

2 (2) if a hearing officer is not appointed, the chairman of
3 the commission, or the commission member designated by the chairman,
4 shall preside at the hearing, and the attorney general shall assign an
5 assistant attorney general to the commission to advise it on matters
6 of law during the hearing.

7 (c) A hearing under this section shall be open to the public
8 except that a respondent may request and the hearing officer or the
9 presiding commission member may order that the hearing be closed if
10 one or more of the requirements for holding an executive session under
11 AS 44.62.310(c) is met.

12 Sec. 15.14.310. IMPOSITION OF PENALTY. (a) The commission may
13 impose the penalty provided by law for the violation only if the
14 accused person, having been advised of the right to a hearing, admits
15 or pleads no contest to the allegations contained in the accusation,
16 or if the commission

17 (1) holds a hearing at which the person accused is afforded
18 the right to appear, with or without counsel, the right to present
19 witnesses or other evidence and the right to cross examine witnesses;
20 and

21 (2) following the hearing, determines by clear and convinc-
22 ing evidence that the person has committed the violation of which the
23 person was accused.

24 (b) The executive director of the commission may not formally or
25 informally make a recommendation to the commission as to a particular
26 penalty in a pending matter or make a commitment to the respondent to
27 make a particular recommendation to the commission in the future until
28 after the respondent has admitted or pleaded no contest to the accusa-
29 tion or until after a hearing and a final determination by the