

LEG. FINANCE - BILLS 1985 - 1986 2260

SB 398 cont. - SB 401 2260

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

2/12/86

Date MARCH 7, 1986

Mr. President

The Committee on RESOURCES considered SB 398
relating to establishing a moose habitat and conservation tag and
fee; 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 398 (RES)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

3 Rick Harford Do NOT Pass
2 B. Jablonski NO REC
2 V. [Signature] NR
2 [Signature] NO REC

1 Adrian Stangulinski
Chairman
Do Pass
Chairman recommendation

COMMITTEE REPORT

SENATE

FURTHER:

4/24/86

Date _____

Mr. President

The Committee on FINANCE considered SB 399

establishing the risk management collateral fund for the University of Alaska efd.

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

Date 23 April 86

2/12/86

Mr. President

The Committee on LABOR & COMMERCE considered SB 399

establishing the risk management collateral fund for the University of Alaska; efd.

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

do pass

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

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bill Ray NR

Fred T. Zhauff
Chairman
Do Pass
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/12/86

Date _____

Mr. President

The Committee on HESS considered SB 399

establishing the risk management collateral fund for the University of Alaska; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT"
- reports it back without recommendation
- recommends referral to _____

MEMBERS SIGNING
DO PASS

Introduced: 2/12/86
Referred: Health, Education and
and Social Services
and Finance

1 IN THE SENATE

BY FAHRENKAMP

2 SENATE BILL NO. 399

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the risk management collateral
7 fund for the University of Alaska; and providing for
8 an effective date."

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

10 * Section 1. AS 14.40 is amended by adding a new section to article 3
11 to read:

12 Sec. 14.40.455. UNIVERSITY RISK MANAGEMENT FUND. (a) There is
13 established in the general fund the University of Alaska risk manage-
14 ment fund. The fund consists of money appropriated by the legislature
15 for the purpose of providing a nonlapsing collateral fund for payment
16 of uninsured losses of the University of Alaska in excess of pre-
17 established loss assumption levels.

18 (b) The fund may be used only for the purposes of making pay-
19 ments as a result of

20 (1) civil suits;

21 (2) claims, damages, or losses to real and personal proper-
22 ty owned by or in the actual or constructive possession of the Univer-
23 sity of Alaska;

24 (3) losses of income from real and personal property; and

25 (4) expenses, attorney fees, and claims investigation costs
26 associated with claims or losses.

27 (c) The legislature may appropriate into the fund earnings
28 derived from temporary investment of collateral fund assets, recover-
29 ies of losses previously charged to the fund, and restoration of funds
S

1 utilized for specified claims. The amount of the fund may not exceed
2 the amount necessary and prudent based on independent actuarial deter-
3 minations. The University of Alaska may request that University of
4 Alaska funds be deposited into the risk management collateral fund
5 under AS 37.07.080(h).

6 (d) The Department of Administration and the University of
7 Alaska shall determine the loss assumption levels at the beginning of
8 each fiscal year for the purpose of assessing the risk management
9 collateral fund. The loss assumption levels shall be established at
10 the amount necessary and prudent based on independent actuarial deter-
11 minations.

12 (e) An annual report of the activity of the fund and loss as-
13 sumption levels shall be submitted by the Department of Administration
14 to the Office of Management and Budget and the Legislative Budget and
15 Audit Committee.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).
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ALASKA STATE LEGISLATURE

14th Legislature 2nd Session

SENATE BILL NO. 399

By FAHRENKAMP

"An Act establishing the risk management collateral fund for the University of Alaska; and providing for an effective date."

Introduced in the Senate 2/12 1986.

HISTORY IN THE SENATE

19 86

Read first time and referred to Committee on

2 12

HESS & FINANCE

2 19

HESS waived L.C. added.

4 24

Reported back with recommendation that *2 do pass, 1 no rec, to Finance.*
Fix.

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

COMMITTEE REPORT
SENATE

FURTHER:

3/19/86

Date _____

Mr. President

The Committee on FINANCE considered SB 400

relating to a reporting system for fraudulent applications for permanent fund dividends; efd.

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/12/86

Date 3/18/86

Mr. President

The Committee on JUDICIARY considered SB 400

relating to a reporting system for fraudulent applications for permanent fund dividends; 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 400 (JUDICIARY)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" ~~NEW~~ FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Jim Sub
Tom Kelly
Kirk Halford
Ziegler

MEMBERS HAVING
OTHER RECOMMENDATIONS

Patrick Bodery
 Chairman
do pass
 Chairman recommendation

Offered: 3/19/86
Referred: Finance

Original sponsor: Zharoff

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 400 (Judiciary)

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 reporting system for fraudulent
7 applications for permanent fund dividends; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 43.23 is amended by adding new sections to read:

11 Sec. 43.23.035. REPORTING FRAUD. The department shall establish
12 a toll-free telephone line to allow persons who know of or suspect a
13 fraudulent application for a permanent fund dividend to report it to
14 the department and shall adopt a system that protects the caller's
15 anonymity.

16 Sec. 43.23.037. FALSE REPORTS. A person who reports a fraudu-
17 lent application for a permanent fund dividend may not knowingly make
18 a material false statement. A person who violates this section is
19 guilty of a class A misdemeanor.

20 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

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S COMMITTEE COPY

Introduced: 2/12/86
Referred: Judiciary and
Finance

1 IN THE SENATE

BY ZHAROFF

2 SENATE BILL NO. 400

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 reporting system for fraudulent
7 applications for permanent fund dividends; and
8 providing for an effective date."

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

10 * Section 1. AS 43.23 is amended by adding new sections to read:

11 Sec. 43.23.036. REPORTING FRAUD. (a) The department shall
12 establish a toll-free telephone line to allow persons who know of or
13 suspect a fraudulent application for a permanent fund dividend to
14 report it to the department, and adopt a system that protects the
15 caller's anonymity while ensuring a method of identification in the
16 case of a reward.

17 (b) A report that leads to a successful prosecution shall result
18 in the caller being rewarded with the dollar amount of the fraudulent-
19 ly claimed dividend.

20 Sec. 43.23.037. FALSE REPORTS. A person who reports a fraudu-
21 lent application for a permanent fund dividend may not knowingly make
22 a material false statement. A person who violates this section is
23 guilty of a class A misdemeanor.

24 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

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COMMITTEE COPY

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____

REQUEST

Bill/Resolution No: SSB 400 Jud
 Title: An Act relating to a reporting system for fraudulent applications for permanent fund dividends
 Sponsor: Zharoff
 Requestor: Senate Judiciary Committee
 Date of Request: 02/14/86

FISCAL DETAIL

Agency Affected: Revenue
 BRU: Permanent Fund Dividend
 Component: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	115.6	119.2	122.9	127.0	131.2
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	37.0	38.1	39.2	40.4	41.6
SUPPLIES	-	.8	.9	1.0	1.1	1.2
EQUIPMENT	-	6.0	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	159.4	158.2	163.1	168.5	174.0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	159.4	158.2	163.1	168.5	174.0
TOTAL	-	159.4	158.2	163.1	168.5	174.0

POSITIONS:

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

ANALYSIS: See the attached analysis.

Prepared By: Thomas C. Williams
 Division: Enforcement

Phone: 465-2366
 Date: 2/18/86

Approved by Commissioner: [Signature]
 Agency: REVENUE

Date: 2/18/86

Distribution (by Agency preparing fiscal note):

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

ALASKA DEPARTMENT OF REVENUE
ENFORCEMENT DIVISION
ANALYSIS OF SB 400
February 18, 1986

Assumptions

1. The effective date of the bill is July 1, 1986.
2. Permanent fund dividend (PFD) fraud calls will triple from current levels of approximately 1,000 to 3,000 per year.
3. Although increased PFD fraud prosecutions will be necessary, only 10 - 12 prosecutions will be obtained during a fiscal year.
4. For personal services, step increases are granted when due.
5. Inflation for contractual services and commodities is calculated at 3% per annum.

Personal Services (Salary and Benefits)

See attached schedule for detail of annual personal services costs.

Contractual Services

Additional telephone cost 2 x \$210/month x 12 months	\$ 5,040
RSA with the Department of Law	30,000
Printing of forms, denial letters, etc.	1,500
Mailing of contact letters, correspondence, etc.	<u>500</u>
<u>Total FY '87 Contractual Services</u>	<u>\$37,040</u>

FY '88 - FY '91 contractual services are based on FY '87 computations plus 3% annual inflation.

Commodities

FY '87 commodities For three persons @ \$250/position	<u>\$ 750</u>
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FY '88 - FY '91 commodities are based on FY '87 costs plus 3% annual inflation.

Equipment

Office equipment including systems furniture/chairs for three positions @ \$1,800	\$ 5,400
Telephone 3 telephones @ \$200	<u>600</u>
<u>Total Equipment costs</u>	<u>\$ 6,000</u>

ENFORCEMENT DIVISION
 ESTIMATED PERSONAL SERVICES COSTS
 ASSOCIATED WITH SB400
 As of February 18, 1986

PCN	JOB CLASSIFICATION	R/S	Number of Monthly Months	Salary	Supple. Benefits	Period Benefits	Total Projected FY TOTAL
FY '87							
XXXX	Investigator II	16A	12	\$2,702.00	1,987.59	8,642.96	43,054.55
XXXX	PFD Specialist I	13A	6	2,205.00			
		13B	6	2,274.00	1,647.38	7,712.94	36,234.32
XXXX	PFD Specialist I	13A	6	2,205.00			
		13B	6	2,274.00	1,647.38	7,712.94	36,234.32
							\$115,523.19
FY '88							
XXXX	Investigator II	16B	12	\$2,804.00	2,062.62	8,848.07	44,558.69
XXXX	PFD Specialist I	13B	6	2,274.00			
		13C	6	2,353.00	1,701.81	7,861.75	37,325.56
XXXX	PFD Specialist I	13B	6	2,274.00			
		13C	6	2,353.00	1,701.81	7,861.75	37,325.56
							\$119,209.80
FY '89							
XXXX	Investigator II	16C	12	\$2,895.00	2,129.56	9,031.06	45,900.62
XXXX	PFD Specialist I	13C	6	2,353.00			
		13D	6	2,433.00	1,760.29	8,021.61	38,497.90
XXXX	PFD Specialist I	13C	6	2,353.00			
		13D	6	2,433.00	1,760.29	8,021.61	38,497.90
							\$122,896.42
FY '90							
XXXX	Investigator II	16D	12	\$3,004.00	2,209.74	9,250.24	47,507.98
XXXX	PFD Specialist I	13D	6	2,433.00			
		13E	6	2,518.00	1,820.98	8,187.50	39,714.48
XXXX	PFD Specialist I	13D	6	2,433.00			
		13E	6	2,518.00	1,820.98	8,187.50	39,714.48
							\$126,936.95
FY '91							
XXXX	Investigator II	16E	12	\$3,113.00	2,289.92	9,469.42	49,115.35
XXXX	PFD Specialist I	13E	6	2,518.00			
		13F	6	2,609.00	1,885.71	8,364.46	41,012.17
XXXX	PFD Specialist I	13E	6	2,518.00			
		13F	6	2,609.00	1,885.71	8,364.46	41,012.17
							\$131,139.68

ALASKA STATE LEGISLATURE

14th Legislature 2nd Session

SENATE BILL NO. 400...

By ZHAROFF

"An Act relating to a reporting system for fraudulent applications for permanent fund dividends; and providing for an effective date."

Introduced in the Senate 2/12, 19 86

HISTORY IN THE SENATE

19 86

Read first time and referred to Committee on

2 12

Judiciary & Finance

3 19

Reported back with recommendation that *Judiciary replaced w/CS, F.Y. note, I do pass to Finance.*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

ANALYSIS FOR CS SB 400 (Judiciary)

An Act relating to a reporting system for fraudulent applications for permanent fund dividends and providing for an effective date.

Section 1

Adds a new section to the chapter relating to Permanent Fund Dividends. This section requires the Department of Revenue to establish a toll-free telephone line that would allow the public to report actual cases or suspected cases of Permanent Fund Dividend fraud. Persons calling to report fraudulent applications would be allowed to remain anonymous.

Section 2

Immediate effective date.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date March 17, 1986

REQUEST

Bill/Resolution No: CS SB 400
 Title: An Act relating to a reporting system for fraudulent applications for permanent fund dividends
 Original Sponsor: Zharoff
 Requestor: Senate Judiciary Committee
 Date of Request: 03/13/86

FISCAL DETAIL

Agency Affected: Revenue
 BRU: Permanent Fund Dividend
 Component: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: This bill requires the Department to establish a toll free PFD fraud telephone line. Since this is already included in the Department's budget there is no additional cost associated with this bill.

Thomas C. Williams

Prepared By: Thomas C. Williams Phone: 465-2366
 Division: Enforcement Date: 3/17/86

Approved by Commissioner: Mary G. Hurdak Date: 3/18/86
 Agency: Revenue

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 _____

REQUEST

Bill/Resolution No: SB 400
 Title: An Act relating to a reporting system for fraudulent applications for permanent fund dividends
 Sponsor: Zharoff
 Requestor: Senate Judiciary Committee
 Date of Request: 02/14/86

FISCAL DETAIL

Agency Affected: Revenue
 BRU: Permanent Fund Dividend
 Component: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	115.6	119.2	122.9	127.0	131.2
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	37.0	38.1	39.2	40.4	41.6
SUPPLIES	-	.8	.9	1.0	1.1	1.2
EQUIPMENT	-	6.0	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	159.4	158.2	163.1	168.5	174.0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	159.4	158.2	163.1	168.5	174.0
TOTAL	-	159.4	158.2	163.1	168.5	174.0

POSITIONS:

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

ANALYSIS: See the attached analysis.

Prepared By: Thomas C. Williams
 Division: Enforcement

Phone: 465-2366
 Date: 2/18/86

Approved by Commissioner: [Signature]
 Agency: REVENUE

Date: 2/18/86

Distribution (by Agency preparing fiscal note):

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

ALASKA DEPARTMENT OF REVENUE
ENFORCEMENT DIVISION
ANALYSIS OF SB 400
February 18, 1986

Assumptions

1. The effective date of the bill is July 1, 1986.
2. Permanent fund dividend (PFD) fraud calls will triple from current levels of approximately 1,000 to 3,000 per year.
3. Although increased PFD fraud prosecutions will be necessary, only 10 - 12 prosecutions will be obtained during a fiscal year.
4. For personal services, step increases are granted when due.
5. Inflation for contractual services and commodities is calculated at 3% per annum.

Personal Services (Salary and Benefits)

See attached schedule for detail of annual personal services costs.

Contractual Services

Additional telephone cost 2 x \$210/month x 12 months	\$ 5,040
RSA with the Department of Law	30,000
Printing of forms, denial letters, etc.	1,500
Mailing of contact letters, correspondence, etc.	<u>500</u>
<u>Total FY '87 Contractual Services</u>	<u>\$37,040</u>

FY '88 - FY '91 contractual services are based on FY '87 computations plus 3% annual inflation.

Commodities

FY '87 commodities For three persons @ \$250/position	<u>\$ 750</u>
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FY '88 - FY '91 commodities are based on FY '87 costs plus 3% annual inflation.

Equipment

Office equipment including systems furniture/chairs for three positions @ \$1,800	\$ 5,400
Telephone 3 telephones @ \$200	<u>600</u>
<u>Total Equipment costs</u>	<u>\$ 6,000</u>

ENFORCEMENT DIVISION
 ESTIMATED PERSONAL SERVICES COSTS
 ASSOCIATED WITH SB400
 As of February 18, 1986

PCN	JOB CLASSIFICATION	R/S	Number of Months	Monthly Salary	Supple. Benefits	Period Benefits	Total Projected FY TOTAL
FY '87							
XXXX	Investigator II	16A	12	\$2,702.00	1,987.59	8,642.96	43,054.55
XXXX	PFD Specialist I	13A	6	2,205.00			
		13B	6	2,274.00	1,647.38	7,712.94	36,234.32
XXXX	PFD Specialist I	13A	6	2,205.00			
		13B	6	2,274.00	1,647.38	7,712.94	36,234.32
							\$115,523.19
FY '88							
XXXX	Investigator II	16B	12	\$2,804.00	2,062.62	8,848.07	44,558.69
XXXX	PFD Specialist I	13B	6	2,274.00			
		13C	6	2,353.00	1,701.81	7,861.75	37,325.56
XXXX	PFD Specialist I	13B	6	2,274.00			
		13C	6	2,353.00	1,701.81	7,861.75	37,325.56
							\$119,209.80
FY '89							
XXXX	Investigator II	16C	12	\$2,895.00	2,129.56	9,031.06	45,900.62
XXXX	PFD Specialist I	13C	6	2,353.00			
		13D	6	2,433.00	1,760.29	8,021.61	38,497.90
XXXX	PFD Specialist I	13C	6	2,353.00			
		13D	6	2,433.00	1,760.29	8,021.61	38,497.90
							\$122,896.42
FY '90							
XXXX	Investigator II	16D	12	\$3,004.00	2,209.74	9,250.24	47,507.98
XXXX	PFD Specialist I	13D	6	2,433.00			
		13E	6	2,518.00	1,820.98	8,187.50	39,714.48
XXXX	PFD Specialist I	13D	6	2,433.00			
		13E	6	2,518.00	1,820.98	8,187.50	39,714.48
							\$126,936.95
FY '91							
XXXX	Investigator II	16E	12	\$3,113.00	2,289.92	9,469.42	49,115.35
XXXX	PFD Specialist I	13E	6	2,518.00			
		13F	6	2,609.00	1,885.71	8,364.46	41,012.17
XXXX	PFD Specialist I	13E	6	2,518.00			
		13F	6	2,609.00	1,885.71	8,364.46	41,012.17
							\$131,139.68

Introduced: 2/12/86
Referred: Judiciary and
Finance

1 IN THE SENATE

BY ZHAROFF

2

SENATE BILL NO. 400

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 reporting system for fraudulent
7 applications for permanent fund dividends; and
8 providing for an effective date."

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

10 * Section 1. AS 43.23 is amended by adding new sections to read:

11 Sec. 43.23.036. REPORTING FRAUD. (a) The department shall
12 establish a toll-free telephone line to allow persons who know of or
13 suspect a fraudulent application for a permanent fund dividend to
14 report it to the department, and adopt a system that protects the
15 caller's anonymity while ensuring a method of identification in the
16 case of a reward.

17 (b) A report that leads to a successful prosecution shall result
18 in the caller being rewarded with the dollar amount of the fraudulent-
19 ly claimed dividend.

20 Sec. 43.23.037. FALSE REPORTS. A person who reports a fraudu-
21 lent application for a permanent fund dividend may not knowingly make
22 a material false statement. A person who violates this section is
23 guilty of a class A misdemeanor.

24 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

Offered: 3/19/86
Referred: Finance

Original sponsor: Zharoff

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 400 (Judiciary)

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 reporting system for fraudulent

7

applications for permanent fund dividends; and pro-

8

viding for an effective date."

9

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

10

* Section 1. AS 43.23 is amended by adding new sections to read:

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14

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15

anonymity.

16

Sec. 43.23.037. FALSE REPORTS. A person who reports a fraudu-

17

lent application for a permanent fund dividend may not knowingly make

18

a material false statement. A person who violates this section is

19

guilty of a class A misdemeanor.

20

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

21

10.070(c).

COMMITTEE REPORT
SENATE

3/11/86

FURTHER:

Date _____

Mr. President

The Committee on FINANCE considered SB 401

annulling regulations adopted by the Alaska Public Offices Commission.

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT

SENATE RULES COMMITTEE

3/7/86

Date _____

Mr. President:

The Committee on Rules considered _____ SB 401

annulling regulations adopted by the Alaska Public Offices Commission.

and recommended it be placed on the _____ Calendar

with attached amendment(s).

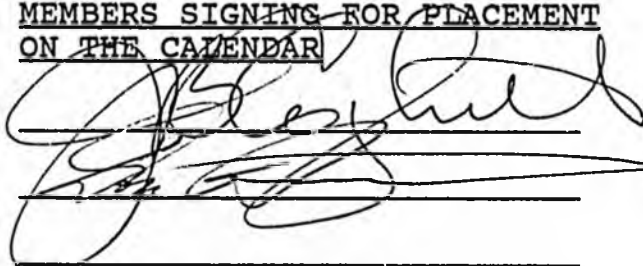
replace with CS for _____ same title
 new title

and attached a Letter of Intent

new fiscal note

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

MEMBERS HAVING OTHER
RECOMMENDATIONS





CHAIRMAN

COMMITTEE REPORT

SENATE

FURTHER:

Rules

2/18/86

Date 2/26/86

Mr. President

The Committee on STATE AFFAIRS considered SB 401
annulling regulations adopted by the Alaska Public Offices Commission.

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

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

MEMBERS SIGNING
DO PASS

Edw De Vise

MEMBERS HAVING
OTHER RECOMMENDATIONS

W. Fisher - DO NOT PASS

Michael Reed
Chairman
DO PASS !!
Chairman recommendation

COMMITTEE REPORT

SENATE RULES COMMITTEE

2/14/86

Date _____

Mr. President:

The Committee on Rules considered _____ SB 401

annulling regulations adopted by the Alaska Public Offices Commission.

and recommended it be placed on the _____ Calendar

with attached amendment(s).

replace with CS for _____ same title
 new title

and attached a Letter of Intent

new fiscal note

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

MEMBERS HAVING OTHER
RECOMMENDATIONS

Tim Kelly
CHAIRMAN

*Return to State Affairs
5-Day Rule*

COMMITTEE REPORT
SENATE

FURTHER: Full

2/13/86

Date Feb. 14, 1986

Mr. President

The Committee on STATE AFFAIRS considered SB 401
annulling regulations adopted by the Alaska Public Offices Commission.

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

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

MEMBERS SIGNING
DO PASS

Bruce Ray

Edw De Vries

MEMBERS HAVING
OTHER RECOMMENDATIONS

2 Tom Kelly No Rec

Michael Hood
Chairman

Ed De Vries
Chairman Recommendation

Introduced: 2/13/86
Referred: State Affairs

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 401

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act annulling regulations adopted by the Alaska
7 Public Offices Commission."

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

9 * Section 1. The following regulations are annulled: 2 AAC 50.310, 2
10 AAC 50.313, 2 AAC 50.314, 2 AAC 50.315, 2 AAC 50.316, 2 AAC 50.319, 2 AAC
11 50.320, 2 AAC 50.321, 2 AAC 50.324, 2 AAC 50.326, 2 AAC 50.332, 2 AAC
12 50.333, 2 AAC 50.334, 2 AAC 50.340, 2 AAC 50.342, 2 AAC 50.351, 2 AAC
13 50.357, 2 AAC 50.360, 2 AAC 50.362, 2 AAC 50.363, 2 AAC 50.369, 2 AAC
14 50.370, 2 AAC 50.375, 2 AAC 50.380, 2 AAC 50.390, 2 AAC 50.397, 2 AAC
15 50.400, 2 AAC 50.401, 2 AAC 50.405, 2 AAC 50.450, 2 AAC 50.460, 2 AAC
16 50.470, 2 AAC 50.905, 2 AAC 50.910.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 401
 Title : An act annulling regulations adopted by the Alaska Public...
 Sponsor : State Affairs
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		2.5				
CONTRACTUAL		66.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	68.5	0	0	0	0

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	68.5	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	68.5	0	0	0	0

POSITIONS : None

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Passage of this legislation would force the Commission to promulgate regulations at a time when it is normally occupied assisting campaigns. Costs are largely contractual expenses necessary because existing staff is already committed to a heavy workload related to state campaigns.

Prepared by : Theda Pittman *Theda Pittman*
 Division : Alaska Public Offices Commission

Phone : 276-4176
 Date : March 4, 1986

Approved by Commissioner : Eleanor Andrews *Eleanor Andrews*
 Agency : Dept. of Administration

Date : 3/9/86

Distribution (by Agency preparing fiscal note) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 401

It is assumed that the dates on which the bill became law and the effective date of the annulment action would allow all expenditures to be made in the same fiscal year.

TRAVEL:

Transportation & Per Diem for Commissioners to attend hearing	2.5
---	-----

CONTRACTUAL SERVICES:

Legal: notice of emergency regulations, re-drafts for permanent regulations, notice of permanent regulations	20.0
--	------

Advertising: two notices of regulations, hearing, information concerning new requirements and new manuals	5.0
---	-----

Temporary Help: Typing, preparing mail-outs & manuals	5.0
---	-----

Professional:

Manual revisions (4 manuals)	15.0
------------------------------	------

Graphics, Typesetting	5.0
-----------------------	-----

Printing	15.0
----------	------

Telephone - long distance testimony	1.0
-------------------------------------	-----

68.5

ALASKA STATE LEGISLATURE

.14th.. Legislature ..2nd.. Session

SENATE BILL NO. 401.....

By THE STATE AFFAIRS.....
COMMITTEE

"An Act annulling regulations adopted by the Alaska Public Offices Commission."

Introduced in the Senate ..2/13.., 1936.

HISTORY IN THE SENATE

1936
2 13 Read first time and referred to Committee on State Affairs
2 14 Reported back with *St. aff. recommendation that 3 do pass, (ms recy to Rules)*
2 18 *Returned to S.A. 5-day rule violation*
3 7 *5 A. 2 do pass, 1 do not pass, to Rules, paid 554.00*
3 11 Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

3/6/86
 3(SA) B
 Lead of Tu
 Bureau!
 note 3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 401
 Title : An act annulling regulations adopted by the Alaska Public...
 Sponsor : State Affairs
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		2.5				
CONTRACTUAL		66.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	68.5	0	0	0	0

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	68.5	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	68.5	0	0	0	0

POSITIONS : None

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Passage of this legislation would force the Commission to promulgate regulations at a time when it is normally occupied assisting campaigns. Costs are largely contractual expenses necessary because existing staff is already committed to a heavy workload related to state campaigns.

Prepared by : Theda Pittman *Theda Pittman*
 Division : Alaska Public Offices Commission

Phone : 276-4176
 Date : March 4, 1986

Approved by Commissioner : Eleanor Andrew
 Agency : Dept. of Administration

Date : 3/9/86

Distribution (by Agency preparing fiscal note):

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

SB 401

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 401

It is assumed that the dates on which the bill became law and the effective date of the annulment action would allow all expenditures to be made in the same fiscal year.

TRAVEL:

Transportation & Per Diem for Commissioners to attend hearing	2.5
---	-----

CONTRACTUAL SERVICES:

Legal: notice of emergency regulations, re-drafts for permanent regulations, notice of permanent regulations	20.0
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---	-----

Professional:

Manual revisions (4 manuals)	15.0
------------------------------	------

Graphics, Typesetting	5.0
-----------------------	-----

Printing	15.0
----------	------

Telephone - long distance testimony	1.0
-------------------------------------	-----

68.5

S(SA) 2/21/86

POSITION PAPER
SB 401

This legislation annuls 34 administrative regulations promulgated by the Alaska Public Offices Commission in accordance with the provisions of the Administrative Procedure Act (AS 44.62). The specific regulations to be annuled include all long-standing and newly-revised regulations, twenty-nine in number, "[N]ecessary to implement and clarify the provisions of" AS 15.13, Alaska's Campaign Disclosure Law. AS 15.13.030(10). The remaining five regulations annuled by the bill are general provisions, procedural in nature, which are also applicable to AS 24.45, Regulation of Lobbying, and to AS 39.50, Conflict of Interest. The latter regulations include the Commission's procedures for handling complaints, preliminary investigations, hearings, and advisory opinions.

These changes would affect approximately 200 state candidates, 350 municipal candidates in 24 municipalities, over 250 political groups, and their major contributors. Candidates, groups, and contributors desiring to comply with AS 15.13 would be unsure of their responsibilities and would swamp the Commission with anxious inquiries. Those desiring to operate unfettered by the requirements of Alaska law would claim they didn't know their actions were improper.

With the 1986 campaigns well underway, the Commission would be required -- in order to assist those campaigns and in order to comply with its enabling legislation -- to publicize its intent to adopt Campaign Disclosure regulations and then to undertake the adoption of emergency regulations. Since emergency regulations are effective only for a short period of time, a notice of intent to adopt permanent regulations would also be undertaken as soon as the emergency action was complete. The process would require 6-9 months and additional funding due to the size of the task and the requirements of the Administrative Procedures Act.

5/8 401

Theda Pittman
Exec. Dir., Public Offices Commission

2/18/86
Date

Eleanor Andrews
Commissioner Eleanor Andrews
Department of Administration

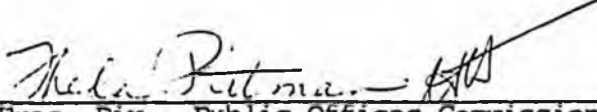
2/18/86
Date

POSITION PAPER
SB 401

This legislation annuls 34 administrative regulations promulgated by the Alaska Public Offices Commission in accordance with the provisions of the Administrative Procedure Act (AS 44.62). The specific regulations to be annuled include all long-standing and newly-revised regulations, twenty-nine in number, "[N]ecessary to implement and clarify the provisions of" AS 15.13, Alaska's Campaign Disclosure Law. AS 15.13.030(10). The remaining five regulations annuled by the bill are general provisions, procedural in nature, which are also applicable to AS 24.45, Regulation of Lobbying, and to AS 39.50, Conflict of Interest. The latter regulations include the Commission's procedures for handling complaints, preliminary investigations, hearings, and advisory opinions.

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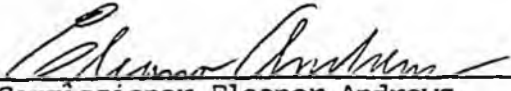
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Exec. Dir., Public Offices Commission

2/15/86

Date



Commissioner Eleanor Andrews
Department of Administration

2/18/86

Date

MEMORANDUM

State of Alaska [28]

TO: Theda Pittman
Executive Director
Alaska Public Offices Commission
Department of Administration


DATE: November 14, 1985

FILE NO: 399-069-85

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Regulations

By: 
Richard D. Monkman
Assistant Attorney General

Attached are the edited version of your regulations. There has been drastic pruning, especially of the definitions within definitions. Hopefully, the corrections will be self-explanatory and will not outrage your staff.

The regulations need to be retyped and a new adoption order written signed. Although the changes are drastic in terms of deletions, additions to the text are minor. Thus, Peter Froehlich and I concur that the regulations will not need to be re-noticed. If the regulations are back here by November 25, there should be no problem filing them in time for a January 1, 1986 effective date.

Aside from the editing, two points. The present definition of "contribution" 2 AAC 50.405(4), was not repealed by the regulations as adopted and sent down. Looking over the notice, it appears that 50.405(4) was intended to be repealed -- which explains why a new section 50.313 was adopted. However, the place for a definition of statutory terms is in the definition section of your regulations. Thus, I reorganized what was left of 50.313 after editing as several subsections of 50.405. Secondly, the proposed regulations repeal 50.355, "loans," and spread the "loans" sections out in several different places. This, according to Art, is a mistake. We recommend that the Commission not repeal 50.355. The present language seems to me to accomplish everything the reorganized language does, and it is better to have it in one spot.

Unfortunately, I will be out of state (on business this time) during the Commission meeting of November 19 - 20, and will be unable to go over the changes in detail with the Commission. Hopefully Pat Kennedy will be available to answer any questions the Commission might have.

HMB:RDM:cck
Attachment
cc w/attach.: Pat Kennedy
Assistant Attorney General
Anchorage AGO

15

Document #1

2 AAC 50.313 is amended by adding a new section ^{sub (5) (b) (7)} to read:

~~2 AAC 50.313 CONTRIBUTION (a) The term "contribution" includes the following payments of money, services, or anything of value:~~

~~(1) A gift, subscription, loan, advance, payment, transfer of funds, deposit, or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question.~~

~~(2) For purposes of 2 AAC 50.313(a)(1), the term "loan" includes a guarantee, endorsement, and any other form of security.~~

~~(A) A loan which exceeds the contribution limitations of AS 19.13.070 shall be unlawful whether or not it is repaid.~~

~~(3) A loan is a contribution at the time it is made, and is a contribution to the extent it remains unpaid. A loan, to the extent it is repaid, is no longer a contribution.~~

~~(C) Except as provided in 2 AAC 50.316(1)(C), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event the agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsees or guarantors.~~

~~(b) For purposes of 2 AAC 50.313(a), the term "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.~~

~~(7) For purposes of 2 AAC 50.313(a), the term "anything of value" includes all kind of non-monetary contributions. Examples of such in-kind goods or services include facilities, equipment, polling information, supplies, ~~personnel~~ advertising services, membership lists, mailing lists, and any item of tangible or intangible real or personal property, but does not include volunteer services specified in 2 AAC 50.313(b)(1), other than paid personal services. "Paid personal services" are personal services of every kind and nature the cost or consideration for which is paid or provided by a person other than the candidate or group for whom the services are rendered.~~

ARRIVED

NOV 15 1985

APOC-ANCH
PM (HC)

Not should they in right place.

As duplicate
50.313(2)

Further to keep
50.355
as is unclear

2 AAC 50.405(4) is amended by adding new sub sections to read:

(A) The provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods and services is a contribution. If goods or services are provided at less than the usual or normal charge, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(B) For purposes of 2 AAC 50.313(a)(4)(A), the "usual and normal charge" for goods means the price of those goods in the market which they ordinarily would have been purchased at the time of the contribution; and "usual and normal charge" for any services, other than those provided by unpaid volunteers, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

OUT
unnecessary
unclear

10-1-85
10-1-85
10-1-85

(B) ~~the~~ The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate is a contribution.

(C) ~~the~~ The payment by any person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No compensation is considered paid to any employee under any of the following circumstances:
contribution results in

(A) If an employee is paid on an hourly or salaried basis and is expected to work a particular number of hours per period, no contribution results if the employee engages in political activity during what would otherwise be a regular work period, provided that the taken or released time is made up or completed by the employee within a reasonable period of time.

OUT
unnecessary
unclear

(i) ~~the~~ No contribution results where an employee engages in political activity during what would otherwise be normal working hours, if the employee is paid on a commission or piecework basis, or is paid only for work actually performed and the employee's time is considered his or her own to use as he or she sees fit.

(ii) ~~the~~ No contribution results ^{where} time used by the employee to engage in political activity ~~if the time used~~ is bona fide, although compensable, vacation or other earned leave time.

(D) ~~the~~ The extension of credit by any person to a candidate or political group for a length of time beyond normal business ~~or practice~~ practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

~~(A) A debt owed by a political group or candidate which is forgiven or settled for less than the amount owed is a contribution unless the negotiated settlement receives the prior approval of the Commission, which will be granted when it is convinced the following conditions are met:~~

~~(i) At the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;~~

~~(ii) The campaign has made a good faith effort to repay all outstanding debts;~~

~~(iii) The creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;~~

~~(iv) The proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;~~

~~(v) The campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;~~

~~(vi) The proposed settlement agreement is similar to others proposed by the campaign.~~

*OUT
no authority
inconsistent with
AS 15.13.130(a)*

~~(E) An expenditure made by any person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, his or her campaign, its agents, or campaign consultants is a contribution to the candidate, and the financing by any person of the issuance, republication, or distribution of any broadcast or any written, graphic, or other form of campaign material provided by the candidate, his or her campaign committee, campaign agents, or campaign consultants is a contribution to the candidate.~~

~~(A) For purposes of 2 AAC 50.314(8), "cooperation, consultation, or in concert with, or at the request of" means any arrangement, coordination, course of communication or direction by or with the candidate or his or her campaign agents prior to the publication, distribution, display or broadcast of any communication. Any expenditure is presumed to be so made when it is:~~

~~(i) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate or his or her campaign agents with a view to having an expenditure made;~~

~~(ii) Made by or through any person who is, or has been, authorized to raise or expend funds for the candidate, who is, or has been, an agent of a candidate's campaign, or has received any form of compensation or reimbursement from the candidate, members of his campaign committee, campaign agents or campaign consultants.~~

*OUT
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which are defined
by statute to*

(iii) Made by any person or group based on data from a candidate's former pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign.

out unclear

(iv) Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or his or her campaign agents.

(8) For purposes of 2 AAC 50.313(8), "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(F) ~~the~~ The term "contribution" does not include the following payments, services or other things of value:

*As Unrec'd
15, 13, 130
(4)*

(1) Funds received and payments made solely for the purpose of determining whether an individual should become a candidate. The individual shall keep records of all such funds received and payments made. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions, and requirements of the law, and shall be reported on the first Campaign Disclosure Statement filed by the candidate, regardless of when the funds were received or the payments made.

*(1) Amend.
to add
to 130
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of 130
of 130*

(2) Any costs incurred in covering or carrying a news story, commentary or editorial by any broadcasting station, newspaper, or periodical of regular publication unless the facility is owned by or controlled by any political party, political group, or candidate, in which case the cost of the news story is a contribution unless the news story represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility. Further, it is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

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of 130*

(i) ~~the~~ Any non-monetary contribution or in-kind donation of a single item with a usual and normal charge of \$50.00 or less.

(4) The value of services provided without compensation by any individual other than one who volunteers services for which one would ordinarily be paid ~~or~~ a payment made by any individual for his or her own travel expenses if such payments are voluntary and without any understanding that they will be directly or indirectly repaid.

(ii) ~~the~~ No contribution is made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections when it makes payments to communicate directly with its members or employees or their families on any subject; provided the

communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to provide goods and services to a campaign other than to exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

~~(iii)~~ A gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election is not a contribution.

(F) ~~let~~ ^{AS} contribution or payment made by a married individual shall not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / ,

Register)

Authority: ~~AS 15.13.010(5)~~ ✓
~~AS 15.13.030(2)~~ & (10)
✓AS 15.13.040

~~AS 15.13.070~~
~~AS 15.13.110~~
~~AS 15.13.130(2)~~ & (4)

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

(d) Groups satisfying the criteria of subsection (a) and groups granted an exemption under subsection (b) are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register)

Authority: ✓AS 15.13.030(10)
-AS 15.13.040
-AS 15.13.070
~~AS 15.13.130(2)~~ & (4)

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) Candidates for state or municipal office may make unlimited contributions from ~~their personal funds or assets.~~

~~(1) For purposes of this section, "personal funds or assets" means~~

~~(A) any assets which, under Alaska law, at the time he or she intended to seek elective office, the candidate had legal right of access to or control over, and with respect to which the candidate had~~

~~either~~ ^{including}
~~(1) legal and rightful title, or~~
~~(2) in equitable interest~~

~~(b) (1)~~ Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stock or other investments; bequests to the candidate; income from trusts established before he or she intended to become a candidate; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; and gifts of a personal nature which had been customarily received prior to candidacy.

(b) ~~(2)~~ A candidate may use a portion of assets jointly owned as personal funds. The portion of the jointly owned assets that shall be considered as personal funds shall be that portion which is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse where there is no instrument of conveyance or ownership, the percent of the asset belonging to the candidate shall be the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the value by the number of owners.

(c) ~~(3)~~ A candidate's personal donation of goods remaining from a prior campaign are not a contribution.

(d) ~~(4)~~ No contribution is made from a loan of money by a regulated banking institution to a candidate if the loan is made in accordance with applicable banking laws and regulations and made in the ordinary course of business. A loan is made in the ordinary course of business if it: bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. ~~Loans under this section are reported as a candidate's personal contribution.~~

(5) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing, and all or a portion of the proceeds are used in a campaign. Sale proceeds used by a candidate in a campaign are reported as personal contributions. (Eff. / / , Register)

unnecessary
2 AAC
50.316
(a) covers

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P
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for

- Authority: AS 15.13.010(1)
~~AS 15.13.030(2)~~
~~AS 15.13.030(10)~~
~~AS 15.13.040~~
~~AS 15.13.070(a)(1)~~
~~AS 15.13.110~~
~~AS 15.13.130(1)~~
~~AS 15.13.130(2)~~
~~AS 15.13.130(4)~~
~~AS 15.13.130(5)~~

2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY. (a) Each candidate and political group intending to raise or spend more than \$5,000.00 in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission one or more regulated banking institutions as its campaign depository or depositories. ~~whose~~ title shall indicate it is a campaign account.

The account

(b) All monetary contributions to and expenditures by a candidate or political group shall be deposited to or made from a designated campaign depository.

(c) Any candidate or political group required to designate a campaign account may obtain and use credit cards in making travel-related campaign expenditures, transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes, and shall indicate it is a campaign account.

The credit card account name

(d) Contributions which appear to be illegal shall, within ten days, be returned to the contributor or deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question shall be included in the report. The treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) When a contribution cannot be determined to be legal, refunds shall be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. (Eff / / , Register)

Authority:

- ~~AS 15.13.030(1)~~
- ~~AS 15.13.030(2)~~
- ~~AS 15.13.030(3)~~
- ~~AS 15.13.070(1)~~
- ~~AS 15.13.070(2)~~
- ~~AS 15.13.070(3)~~
- ~~AS 15.13.070(4)~~
- ~~AS 15.13.070(5)~~
- ~~AS 15.13.070(6)~~
- ~~AS 15.13.070(7)~~
- ~~AS 15.13.070(8)~~
- ~~AS 15.13.070(9)~~
- ~~AS 15.13.070(10)~~
- ~~AS 15.13.050~~

2 AAC 50.325-1 is repealed.
2 AAC 50.325 / / .

2 AAC 50.330 is repealed.
2 AAC 50.330 / / .

2 AAC 50.350 is repealed.
2 AAC 50.350 / / .

2 AAC 50.355 is repealed.
2 AAC 50.355 / / .

405
2 AAC 50 is amended to add a new ^{sub} section to read:

~~2 AAC 50.356. GROUP~~ ~~(?)~~ ~~the word "group" is defined as including~~ ^{es}
^{combination of}

(1) every [^]two or more persons who are elected, appointed, or otherwise chosen or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the raising, solicitation, or disbursement of money or anything of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition. A group includes a political action committee, ~~political party (or the official subdivisions thereof)~~ draft group, association, club, ~~or two or more persons that receive contributions or make expenditures to support or oppose any person for election or defeat or passage of any ballot proposition.~~ A group is any corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition. Two or more persons who make a contribution in the name of another as provided in 2 AAC 50.357 create a political group.

(2) A corporation, partnership, sole proprietorship, trade association, fraternal, charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as an individual pursuant to AS 15.13.040(d) and (e) ~~on APCC forms 15-1 and 15-2~~ if

(A) All contributions and expenditures to influence the outcome of an election are made from the organization's general day to day operating account;

(B) The organization does not conduct a fundraising drive or assessment among those ~~satisfying the conditions of~~ membership or employment for the purpose of influencing an election; ~~etc.~~ ^{ees}

(C) The organization does not exercise direction, control, or discretion over ~~the choice of the recipient candidate or group with~~ money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. ~~An organization exercises direction and control over a contribution or expenditure, and then must file as a group, when it makes the final selection of the recipient candidate or group.~~ (Eff. / / , Register)

unnecessary

- Authority: ~~AS 15.13.010~~
✓ AS 15.13.030(10)
~~AS 15.13.030(21)~~
~~AS 15.13.030(10)~~
✓ AS 15.13.040(b) for
~~(4) and (5)~~
~~AS 15.13.070(1)~~
~~AS 15.13.070(1)~~
✓ AS 15.13.130(2)

2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by any person other than in the legal name of the original source of the contribution.

(1) No person, employer, principal, supervisor or contractor shall lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employees, agents, or other persons name, or in a name other than the original source of the contribution.

(2) A contribution controlled by or made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another.

(A) Two or more organizations are controlled for purposes of 2 AAC 50.357(a)(2) when such organizations

(i) Share the majority of members of their board of directors;

(ii) Share two or more corporate or organizational officers;

(iii) Are owned or controlled by the same shareholders or members;

(iv) Are in a parent subsidiary relationship.

(b) Unless a group registration statement is filed with the Commission, no persons, acting alone or with or through any other person may directly or indirectly subject any person to undue influence, command, coercion, direction or control with the result of inducing a contribution to a clearly identified candidate or political group.

(1) "Undue influence" occurs when a person secures a contribution from another by physical or economic threats, making contributions to candidates a term or condition of employment, or use of a reverse check-off in a payroll deduction plan.

(b) If a minor makes a contribution the source of which is money or a thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register)

- Authority: ~~AS 15.13.010(0)~~
- ~~AS 15.13.030(2)~~
- AS 15.13.030(10)
- ~~AS 15.13.040~~
- AS 15.13.050
- AS 15.13.070
- ~~AS 15.13.070(d)~~
- ~~AS 15.13.070(h)~~

- ~~AS 15.13.130(2)~~
- ~~AS 15.13.130(3)~~
- ~~AS 15.13.130(4)~~
- ~~AS 15.13.130(5)~~

no undue coercion political

if registered can coerce?

detention

(a)
2 AAC 50.360, MUNICIPALITIES, is amended to read:

(a) When a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e), ~~on ARDC forms 15-3 and 15-4~~

reports present language

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.

(c) The municipality shall file with the commission a list of candidates and their mailing addresses within seven days following the deadline for filing for municipal office.

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) When a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group, ~~in accordance with 2 AAC 50.342, and AS 15.13.050, 040(b) and (c)~~ (Eff. 5/16/76, Register 58; am / / , Register)

Authority: ~~AS 15.13.010~~
~~AS 15.13.030(10)~~
~~AS 15.13.060~~
~~AS 15.13.090~~

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

(e) "Communications" as used in AS 15.13.090 includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register)

Authority: ~~AS 15.13.030(10)~~
~~AS 15.13.090~~

2 AAC 50.370, OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION, is amended to read:

If the size of an object utilized for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement shall instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects which are smaller than 3 1/2" x 5" in size. Television, radio, cable or other electronic media advertisements shall be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: ~~AS 15.13.030(10)~~
~~AS 15.13.090~~

2 AAC 50.380. EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall comply with AS 15.13.100 by providing written notification to the commission of his or her candidacy for a particular municipal office only if the filing period has not opened. An individual wishing to campaign for state elective office shall comply with AS 15.13.100 by filing a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent is valid only for the next election or until withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file.

(Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: ~~AS 15.13.030(10)~~
~~AS 15.13.100~~

2 AAC 50.385 is repealed.
2 AAC 50.385 / / .

2 AAC 50.390(d)(1) CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty as follows:

(A) \$10 a day for each 30 Day Report or 10 Day Report

(B) \$10 a day for each Year-end Report received after January 16;

(C) \$50 a day for each 7 Day Report; and

(D) \$50 a day up to a maximum of \$300 for each 24 Hour Report of contributions received by a candidate or a group;

(Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am / / , Register)

Authority: ~~AS 15.13.010~~
~~AS 15.13.030(10)~~
~~AS 15.13.040(b), (c), (d) & (e)~~
~~AS 15.13.100(1)~~
AS 15.13.125

2 AAC 50.395 is repealed.
2 AAC 50.395 / / .

TSP:
 "is debt"

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or his or her controlled group may make expenditures for the purpose of raising funds to discharge a ~~reported indebtedness~~ from his or her own ~~previous~~ campaign.

a prior

Notes

(b) Absent an ~~indebtedness~~ arising from a prior campaign, a ~~person~~ may not spend money for the purpose of seeking public office unless the individual is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or ~~is in compliance with~~ an advisory opinion under 2 AAC 50.401(c).

cont. date

(c) A ~~person~~ who has ~~not extinguished his or her indebtedness~~ from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to ~~extinguish his or her indebtedness~~. Absent ~~such~~ an advisory request, the Commission staff ~~will~~ commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the ~~person~~. Among the criteria which may be considered are:

candidate

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is in debt

cont. date

may, in its discretion,

(1) whether the indebtedness to vendors or suppliers of campaign goods or services should be considered a contribution under 2 AAC 50.313(a)(7);

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(2) whether personal funds or assets are included in the indebtedness; and

(3) the nature and extent of efforts which have been made to discharge the indebtedness.

(d) For purposes of 2 AAC 50.401(a)-(c), an indebtedness arising from a previous campaign shall include

(1) a candidate's personal contributions or loans made from his or her personal funds or assets before the date of the prior election;

(2) any campaign debts to others remaining unpaid after the candidate or controlled group has reported the same on a 10 Day Post-election Campaign Disclosure Statement;

(3) any post-election expenditures made for the purpose of discharging an indebtedness arising from a previous campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees to comply with the

Just include unnecessary

TSP phone: (d) can probably be resolved

2 AAC 50.401
2 AAC 50.450

Campaign ~~Disclosure~~ Law.
(Eff. / / , Register)

Authority: ~~AS 15.13.010(1)~~
~~AS 15.13.030(2)~~
~~AS 15.13.030(8)~~
✓ AS 15.13.030(10)
✓ AS 15.13.040
~~AS 15.13.050~~
✓ AS 15.13.070
~~AS 15.13.100~~
✓ AS 15.13.110
~~AS 15.13.120(1)~~
~~AS 15.13.120(2)~~
~~AS 15.13.120(3)~~
~~AS 15.13.120(4)~~

2 AAC 50.450(d) is amended to read:

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote:

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and will be handled under (e), (1), (2), and (4) of this section.

(Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: ✓ AS 15.13.030(8)
✓ AS 15.13.030(10)
✓ AS 15.13.045
✓ AS 15.13.120(d)
✓ AS 24.45.021(b)
✓ AS 24.45.131
✓ AS 39.50.050(b)

OK

2 AAC 50.460(d) ~~PRELIMINARY INVESTIGATION~~, is amended to read:

(d) Upon ~~completion~~ of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

- Authority: AS 15.13.030(8)
- AS 15.13.030(10)
- AS 15.13.045(a)
- AS 15.13.120(d)
- AS 18.65.090
- AS 24.45.021(b)
- AS 24.45.131
- AS 39.50.050(b)

2 AAC 50.470, HEARINGS, is amended to read:

2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.62.360 and AS 44.62.370.

(b) Notice of a hearing ~~will~~ ^{will} be provided to all parties ~~at least 30 days~~ ^{under AS 44.62.47} before a hearing.

(c) 2 AAC 50.470(c) ^{is} repealed.

(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, ~~but~~ will be considered as a party to the hearing.

(e) ~~The only~~ parties to the hearing will be the staff, representing the complainant ~~or itself~~, and the respondent.

(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.

(g) The rules of evidence are ~~the same as~~ in AS 44.62.460. In addition

(l) ~~documentary evidence may be presented in the form of copies if the original is not readily available; upon request, the parties will be given the opportunity to compare the copy to the original.~~

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut.

(3) 2 AAC 50.470(g)(3) ²repealed.

(h) 2 AAC 50.470(h) ²repealed.

(i) 2 AAC 50.470(i) ²repealed.

(j) Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording. ~~if a transcript is prepared by the commission, the respondent may have access to it for the purpose of duplication.~~

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.62.310, ~~or when the hearing officer, for any good cause, determines that a closed hearing is appropriate.~~ If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place, ~~and whatever recording is made by the commission will be made available to the public.~~

(n) 2 AAC 50.470(n) ²repealed.

(o) 2 AAC 50.470(o) ²repealed.

(p) 2 AAC 50.470(p) ²repealed.

(q) If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of

(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;

(2) ~~a~~ verbatim transcript of the proceedings before the commission;
and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or

(4) new evidence has come to light which, if presented at hearing, would have substantially altered a material finding of fact.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member ~~facts, and~~ states on the public record, that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, or the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, ~~must be~~ publicly disclosed by a member, and the member's participation is subject ~~to~~ approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business or business associate is similar to that possessed by a large class of persons;
or

(1) ~~and~~ person involved in the specific transaction or activity with respect to which an advisory opinion is rendered approving the activity, or

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(h) The Commission may reconsider an advisory opinion at any time upon the motion of a Commissioner who voted with the majority that originally approved the opinion, and the Commission adopts the motion to reconsider by the affirmative vote of 4 members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates, ~~and~~ actions taken in good faith reliance by the requesting party ~~and~~ they receive written notice of reconsideration shall not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(i) or 2 AAC 50.507(i). (Eff. / /, Register)

before

Authority: A.S. 15.13.030(2)
A.S. 15.13.030(10)

2 AAC 50.910 is amended to read:

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/16/76, Register 58; am / /85, Register)

Authority: AS 15.13.030(10)
AS 15.13.040(f)
AS 15.13.110(c)
AS 39.50.020(b)
AS 39.50.050(c)

(3) the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment. (Eff. 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

2 AAC 50. is amended by adding a new section 905 to read:

2 AAC 50.905. ADVISORY OPINIONS (a) Any person or group may request an advisory opinion concerning the Campaign Disclosure Law (AS 15.13), the Conflict of Interest Law (AS 39.50), or the Lobbying Act (AS 24.45).

(b) ^{Each} ~~any~~ advisory opinion request shall ^{must describe} ~~set forth~~ a specific transaction or activity that the requesting party plans to undertake, is presently engaged, or intends to undertake in the future. Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made. ~~Requests representing a general description of interpretation or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.~~

(c) The Commission staff shall review all requests for advisory opinions submitted under 2 AAC 50.905(a)-(b). ~~and~~ if the staff determines a request is incomplete or otherwise ^{not} qualified under (a)-(b), it shall notify the requesting person or political group and specify the deficiencies in the request. ~~or which are incomplete will not be~~

(d) Advisory opinion requests are public records.

(e) The Commission staff shall issue ^{an advisory opinion} ~~a staff advice letter~~ approving or disapproving of the activity, and ~~set forth any staff recommendations in writing~~ ^{may make other} ~~make~~ to the Commission. ^{in its discretion}

(f) At ~~its next~~ regularly scheduled meeting, the Commission shall review the ~~staff recommendation~~ written or oral comments by any person ~~and~~ any other relevant evidence, ~~and shall approve, disapprove or modify the staff recommendation.~~ ~~If the Commission is unable to approve an advisory opinion by the affirmative vote of 4 members, the staff recommendation shall be disapproved.~~ ^{or the advisory opinion will be deemed disapproved}

(g) An advisory opinion rendered by the Commission may be relied upon to the extent Commission staff shall not commence a preliminary investigation pursuant to 2 AAC 50.460, 2 AAC 50.390(1), or 2 AAC 50.507(1) of:

① and may, in its discretion, consider

Insert 50.45
not to trigger
hearing
procedures!

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 485-4714



Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

November 25, 1985

Jean Rogers, Chairman
Alaska Public Offices Commission
1790 Evergreen Drive
Juneau, Alaska 99801

file

Dear Ms. Rogers:

On behalf of the Senate Committee on State Affairs, I would like to give notice under AS 44.62.190 and AS 24.37.010, of the Committee's intent to review the administrative regulations which have been recently proposed by the Alaska Public Offices Commission.

My intent is to take up the APOC regulations as one of the first orders of business during the 1986 legislative session.

Very truly yours,

Mitch Abood/CA

Senator Mitch Abood

MEA:tdd
Enclosures

cc: Members of the Committee on State Affairs
Commissioner Eleanor Andrews, Dept. of Admin.
Billy G. Bender, Director, Division of Legal Services

Document #2

Chapter 37. Review of Administrative Regulations by Standing Committees of the Legislature

Section

10. Review of administrative regulations by standing committees of the legislature

Sec. 24.37.010. Review of administrative regulations by standing committees of the legislature. (a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

(b) A standing committee conducting a review of a regulation under (a) of this section shall determine whether the regulation properly implements legislative intent.

(c) A standing committee shall conduct preliminary reviews under this section while the legislature is in session and during the interim between legislative sessions.

(d) If a standing committee determines that a regulation, amendment to a regulation, or repeal of a regulation does not properly implement legislative intent, the standing committee's findings shall be transmitted to the Administrative Regulation Review Committee. (AS ch 1 SLA 1982; AS 24.99.001)

Editor's notes. — This chapter and section were enacted as AS 24.99 and AS 24.99.001 but were renumbered by the revisor^s of statutes pursuant to AS 01.05.031.

Chapter 45. Regulation of Lobbying.

Article

- 2. Administration (§ 24.45.031)
- 3. Disclosure: Registration and Reports (§ 24.45.051)
- 4. Enforcement (§ 24.45.121)
- 5. General Provisions (§ 24.45.171)

NOTES TO DECISIONS

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Section

31. Powers and duties

Sec. 24.45.031. I duties under this ch

(1) prescribe the and other document

(2) prepare and accounting, bookkee tate compliance wit the duties of perso instructions shall be

(3) provide assist this chapter;

(4) prepare and p and recommendatio able to the governor. calendar year;

(5) report suspec general.

(b) The commissio (1) hold hearings provisions of this ch

(2) in conjunction pel the attendance a affirmations, and re documents or other is under this chapter;

(3) prepare, publi at least quarterly a reports received; th lobbyists and emplo

Editor's notes. — This above to correct an error i phlet.

Article 3. E

Section

51. Reports

Sec. 24.45.051. R. 24.45.041 shall file activities during eac long as the lobbyist

Supplement

Sec. 44.62.180. Effective date. A regulation or an order of repeal filed by the lieutenant governor becomes effective on the 30th day after the date of filing unless

(1) otherwise specifically provided by the statute under which the regulation or order of repeal is adopted, in which event it becomes effective on the day prescribed by the statute;

(2) it is a regulation prescribing the organization or procedure of an agency, in which event it becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(3) it is an emergency regulation or order of repeal adopted under AS 44.62.250, in which case the finding and the statement of the facts constituting the emergency shall be submitted to the lieutenant governor, together with the emergency regulation or order of repeal, which, in that event only, becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(4) a later date is prescribed by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal. (§ 3 art IV (ch 1) ch 143 SLA 1959; am § 7 ch 40 SLA 1969.

NOTES TO DECISIONS

Cited in Mukluk Freight Lines v. No. 967 (File No. 1870). 516 P.2d 404 Nabors Alaska Drilling, Inc., Sup. Ct. Op. (1973).

Sec. 44.62.190. Notice of proposed action. (a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

(1) published in the newspaper of general circulation, or trade or industry publication, which the state agency prescribes;

(2) mailed to every person who has filed a request for notice of proposed action with the state agency;

(3) if the agency is within a department, mailed or delivered to the commissioner of the department;

(4) when appropriate in the judgment of the agency, (A) mailed to a person or group of persons whom the agency believes is interested in the proposed action, and (B) published in the additional form and manner the state agency prescribes;

(5) furnished the Department of Law together with a copy of the proposed regulation, amendment, or order of repeal for the department's use in preparing the opinion required after adoption and before filing by AS 44.62.060;

(6) furnished to all Legislative Affairs

(7) furnished to the Legislature having legislative jurisdiction, together with the regulation or order of repeal authorized by AS

(8) furnished to the Commission

§ 44.62.190
The adm
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P

amendment to substitute

Opinion

There are 1. Opinion of the sufficiency of the regulation for adoption of rule.

Op. Att'y Gen., No. 26.

Where a lengthy regulation on one subject is to be proposed the best policy would be to briefly summarize the content and purpose of the regulation. 1959 Op. Att'y Gen., No. 26.

If only a very short regulation is proposed then ordinarily it would be most practicable to set forth the regulation in full. 1959 Op. Att'y Gen., No. 26.

Where a great many regulations are to be promulgated which are of a varied nature, such as fish and game regulations, or oil leasing regulations, then the only practical thing to do would be to give a general listing of the subjects to be covered, a reference to any other existing body of regulations which are being adopted, amended or superseded which might be informative to the particular public or industry concerned (such as a reference to existing regulations of a state agency or department or to existing federal regulations) and a brief listing of

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tive on the 30th day after

statute under which the
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ate agency in a written
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am § 7 ch 40 SLA 1969.

VS

File No. 1870). 516 P.2d 448

tion. (a) At least 30 days
a regulation, notice of the

al circulation, or trade or
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of repeal for the depart-
ed after adoption and before

(6) furnished to all incumbent State of Alaska legislators and the
Legislative Affairs Agency;

(7) furnished to the standing committee of each house of the legis-
ture having legislative jurisdiction over the subject matter treated in
the regulation under the Uniform Rules of the Alaska State Legis-
ture, together with a copy of the proposed regulation, amendment,
order of repeal for the committee's use in conducting the review autho-
rized by AS 24.37.010;

(8) furnished to the staff of the Administrative Regulation Revi-
Committee.

(b) If the form or manner of notice is prescribed by statute, in ad-
dition to the requirements of filing and mailing notice under this sec-
tion, the notice shall be published, posted, mailed, filed or otherwise
publicized as prescribed by the statute.

(c) The failure to mail notice to a person as provided in this sec-
tion does not invalidate an action taken by an agency under AS 44.62
— 44.62.290. (§ 5 art IV (ch 1) ch 143 SLA 1959; am § 2 ch 149 SLA
1962; am § 1 ch 3 SLA 1968; am § 16 ch 143 SLA 1968; am § 4 ch 64
SLA 1978; am § 5 ch 1 SLA 1982)

Effect of amendments. — The 1982
amendment added paragraphs (7) and (8)
to subsection (a).

Opinions of attorney general. —
There are few cases and little text discus-
sion of the requirements of notice and the
sufficiency of notice in proceedings for
adoption of rules and regulations. 1959
Op. Att'y Gen., No. 26.

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or oil leasing regulations, then the only
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covered, a reference to any other existing
body of regulations which are being
adopted, amended or superseded which
might be informative to the particular
public or industry concerned (such as a
reference to existing regulations of a state
agency or department or to existing
federal regulations) and a brief listing of

any significant changes which are
proposed if an existing body of regulations
is to be effected. In such case it would be
well to indicate that copies of the proposed
regulations can be obtained from the
agency in order to indicate the agency has
done everything reasonably possible to
give the public affected by its regulations
an opportunity to familiarize itself with
the regulations and to prepare itself to
submit its views at the hearing. This
should constitute substantial compliance
with the Administrative Procedure Act
and would serve the purpose of the act.
1959 Op. Att'y Gen., No. 26.

And when a summary of a large number
of proposed regulations is to be used it
would be safe for the departments and
agencies of the state government to follow
the Ohio and federal practice and to give
notice of the areas in which regulations
may or may not be promulgated by listing
the subject matter to which the proposed
rules would relate. 1959 Op. Att'y Gen.,
No. 26.

Public notice referring only to regu-
lation numbers and subject headings. —
See 1959 Op. Att'y Gen., No. 26.

For illustrations of the notice required
by this section, see 1959 Op. Att'y Gen.,
No. 26, Exhibits A, B, C and D.

Publisher: new §§ 313, 314, 316, 319, 357, & 401 to the 1st list for Art. 2. THE PBT BUSINES

2 AAC 50. is amended by adding a new section 313¹ to read:
~~DEFINITION OF~~ ~~2 AAC 50.310-2 AAC 50.316~~ ~~except as otherwise provided in this section.~~

2 AAC 50.313 CONTRIBUTION (a) ~~The term "contribution" includes the following payments, of money, services, or anything of value: a donation, gift, subscription, loan, advance, payments transfer, of funds or deposit, or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and includes a personal contribution as described in 2 AAC 50.316.~~

(b) ~~In this section, the term "loan"~~ includes a guarantee, endorsement, and any other form of security. ~~The following apply to loans:~~

(1) ~~A loan that~~ exceeds the contribution limitations of AS 15.13.070 shall be unlawful, whether or not it is repaid.

(2) ~~A loan is a contribution at the time it is made.~~

(3) ~~Except as provided in 2 AAC 50.316, a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event the agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsees or guarantors.~~

(4) ~~In this section, the term "money"~~ includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(5) ~~In this section, the term "anything of value"~~ includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

(e) ~~is~~ The provision of ~~any~~ goods or services without charge, or at a charge which is less than the usual and normal charge for ~~such~~ goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) ~~is~~ The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) ~~is~~ The payment by ~~any~~ person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) ~~is~~ ^{when} ~~where~~ an employee who ~~is~~ paid on an hourly or salaried basis and ~~is expected to work a particular number of hours per period,~~ engages in political activity during what would otherwise be a regular work period, ~~provided that the taken or release time is made up or completed~~ by the employee within a reasonable period of time;

(2) ~~is~~ ^{when} ~~where~~ an employee ~~engages in political activity during normal working hours and~~ ^{the employee is} paid on a commission or piecework basis, or ~~is paid only for work actually performed and the~~ whose employee's time is considered ~~the employee's own, to use as he or she sees fit~~ ^{the employee's} engages in political activity during normal working hours;

(3) ~~is~~ ^{if} ~~where~~ time used by the employee during normal working hours to engage in political activity is bona fide ~~although cancellable~~ vacation or other earned leave time.

(h) ~~is~~ The extension of credit by ~~any~~ person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(i) ~~(1)~~ A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The Commission will, in its discretion, ~~may~~ consider the following factors before directing staff to commence a preliminary investigation:

(1) ~~(1)~~ Whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) ~~(2)~~ Whether the campaign has made a good faith effort to repay all outstanding debts;

(3) ~~(3)~~ Whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(4) ~~(4)~~ Whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) ~~(5)~~ Whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) ~~(6)~~ Whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) ~~(1)~~ An expenditure made by ~~any~~ person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, ~~his or her~~ campaign, ~~any~~ agents, or campaign consultants is a contribution to the candidate. The financing by ~~any~~ person of the issuance, republication, or distribution of ~~any~~ broadcast or ~~any~~ written, graphic, or other form of campaign material provided by the candidate, ~~the candidate's~~ campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes an expenditure:

(1) ~~(1)~~ Based on information about the candidate's plans, projects, or needs provided ~~to the expending person~~ by the candidate or ~~the candidate's~~ campaign agents, ~~with a view to having an expenditure made,~~

(2) ~~(2)~~ Made by or through ~~any~~ person who is, or has been, authorized to raise or expend ~~money~~ for the candidate, who is, or has been, an agent of a candidate's campaign, or ~~who~~ has received any form of compensation or reimbursement from the candidate, members or ~~the~~ campaign committee, campaign agents, or campaign consultants;

~~(3) Made~~ Made by any person or group based on data from a candidate's ~~former~~ pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

~~(4) Made~~ Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or ~~his or her~~ the candidate's campaign agents.

~~(k) In (j) of this section, (5) For purposes of 2 AAC 50.313(9),~~ "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

~~(l) In 2 AAC 50.310--2 AAC 50.405,~~

~~(5) The term~~ "contribution" does not include the following payments, services, or other things of value:

(1) ~~Any~~ costs incurred in covering or carrying a news story by ~~any~~ broadcasting station, newspaper, or periodical of regular publication, unless the facility is owned by or controlled by ~~any~~ political party, political group, or candidate; ~~In that case, the cost of the news story is a contribution, unless the news story represents a bona fide news account that is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.~~

(2) ~~Any~~ non-monetary contribution or in-kind donation of a single item with a usual and normal ~~charge~~ of \$50.00 or less.

(3) ~~A~~ payment made by any individual for his or her own travel expenses, if such payments are voluntary ~~and~~ without any understanding that they will be directly or indirectly repaid.

(4) ~~No contribution is~~ made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections ~~when it makes payments to communicate directly with its members or employees, or their families, on any subject, provided the~~ if

the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to ~~provide~~ ^{do anything} goods and services to a campaign, other than ~~to~~ exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(5) ~~A~~ gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election, ~~is not a contribution.~~

(n) ~~Let~~ A contribution made by a married individual ~~shall~~ ^{is} not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / , Register)

Authority: ~~AS 15.13.010(1)~~
AS 15.13.030(2) & (10)
AS 15.13.040

AS 15.13.070
~~AS 15.13.130~~
AS 15.13.130(2) & (4)

2 AAC 50.314. DEFINITION OF "GROUP". [Publisher, pls insert new § 314 from p. P.]

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

(d) Groups satisfying the criteria of ~~subsection (a)~~ ^{of this section} and groups granted ~~an~~ exemption under ~~subsection (b)~~ ^{of this section} are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.040
AS 15.13.070
~~AS 15.13.130(2) & (4)~~

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) ^A Candidates ~~for state or municipal office~~ may make unlimited ~~contributions from any~~ ^{assets} assets which, under Alaska law, at the time he or she ~~became a candidate~~ ^{became a candidate} ~~alleged office~~ ^{the candidate had legal right or access to or control over} and ~~with respect to which the candidate had legal and rightful title~~ ^{including} ~~including~~ salary and other earned income from bona fide employment; dividends; ~~and~~ proceeds from the sale of ~~the candidate's stock or other investments~~; bequests to the candidate; income from trusts established before he or she ~~intended to~~ ^{became a candidate} candidacy; income from trusts established by bequest after candidacy; ~~of which the candidate is a beneficiary~~ and gifts of a personal nature which had been customarily received ~~prior to~~ ^{before} candidacy.

These assets include

(b) A candidate may use a portion of assets jointly owned as ^a personal contribution funds. The portion of the jointly owned assets that ~~shall be considered~~ ^{may be used} ~~personal funds shall be that portion which~~ is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used ~~shall be~~ considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, ~~where~~ ^{where if} there is no instrument of conveyance or ownership, the ~~share~~ ^{portion} of the asset belonging to the candidate ~~shall be~~ the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the ~~value~~ ^{present} by the number of owners.

(c) A candidate's ~~personal~~ ^{present} donation of goods remaining from a prior campaign is ~~not~~ a contribution.

(d) ~~No contribution is made from a loan of money by a regulated banking institution to a candidate if the loan is made in accordance with applicable banking laws and regulations; and made in the ordinary course of business. A loan is made in the ordinary course of business if it bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.~~

(e) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing, ~~and all or a portion of the proceeds are used in a campaign.~~ Sale proceeds used by a candidate in a campaign ~~are~~ ^{must} be reported as personal contributions. (Eff. / / , Register)

- Authority: ~~AS 15.13.010(1)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
AS 15.13.040
AS 15.13.070(1)(e)
~~AS 15.13.110~~
AS 15.13.130(1)(e)
~~AS 15.13.130(2)~~
~~AS 15.13.130(3)~~
~~AS 15.13.130(5)~~

2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY; (a) Each candidate and political group intending to raise or spend more than \$5,000 ~~per~~ in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. ~~The~~ ^{Each} account title ~~shall~~ ^{must} indicate ~~it~~ ^{that} is a campaign account.

(b) All monetary contributions to, and expenditures by, a candidate or political group ~~shall~~ ^{must} be deposited to or made from a designated campaign depository.

(c) ~~Any~~ ^{(b) (a) of this section} candidate or political group required to designate a campaign depository ~~account~~ may obtain and use credit cards in making travel-related campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card account name ~~shall~~ indicate ~~it~~ is a campaign account.

(d) Contributions ~~that~~ ^{must} appear to be illegal ~~shall~~ ^{after receipt} within ten days be returned to the contributor. ~~as~~ deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question ~~shall~~ ^{must} be included in ~~the report~~ ^{next mailing}.

A campaign treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) ~~When~~ a contribution cannot be determined to be legal, a refund ~~shall~~ ^{must} be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. (Eff / / , Register Authority:)

- AS 15.13.030(1) ~~x~~
- AS 15.13.030(2) ~~x~~
- AS 15.13.030(3) ~~x~~
- AS 15.13.030(4) ~~x~~
- AS 15.13.050
- AS 15.13.060
- AS 15.13.070(1) ~~x~~
- AS 15.13.070(2) ~~x~~

2 AAC 50.325 is repealed.
2 AAC 50.325 / / .

2 AAC 50.330 is repealed.
2 AAC 50.330 / / .

2 AAC 50.350 is repealed.
2 AAC 50.350 / / .

2 AAC 50.355 is repealed.
2 AAC 50.355 / / .

LOANS. Repealed

Publisher: Please set out the section heading + "Repealed" for all repealed sections as I have for 5-3

*Thx
PBF
12/4/85*

Publisher:
Pls move new
§ 314 to p. 5.
The
PBF
12/14/85

2 AAC 50 is amended to add a new section to read:

314 DEFINITION OF "GROUP"; REPORTING by BUSINESSES.

2 AAC 50.314. ~~ORCUP~~ (a) The word "group" is defined as including ^{es} ~~in 2 AAC 50.310 -- 2 AAC 50.405,~~

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the ^{or raising, solicitation, or disbursement of money or anything} ~~of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition; a group includes~~ a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization ~~intended~~ to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition; (2) two or more persons who ^{jointly} ~~create a political group~~ make a contribution in the name of another as ~~provided in 2 AAC 50.357.~~ ^{described}

(b) ~~A~~ A corporation, partnership, sole proprietorship, trade association, fraternal, charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as ~~individual pursuant to AS 15.13.040(d) and (e) on 1980 forms as an individual~~ ^{if}

(1) ~~All~~ All contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) ~~The~~ The organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) ~~The~~ The organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. / / , Register)

- Authority: ~~AS 15.13.010~~
~~AS 15.13.030(1)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
~~AS 15.13.040(b), (c),~~
~~(d) and (e)~~
~~AS 15.13.070(1)~~
~~AS 15.13.070(1)~~
AS 15.13.130(3)

2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by any person other than in the legal name of the original source of the contribution.

(b) ~~Any~~ No person, employer, principal, supervisor, or contractor shall ~~may~~ lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employees, agents, or other persons name, or in a name other than the original source of the contribution.

(c) ~~Any~~ A contribution ~~controlled by or~~ made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another. ~~Two or more corporations or organizations are controlled for purposes of this paragraph when such organizations to the same recipient are in the name of another if the~~ ^{two or more corporations or organizations} ~~corporations or organizations~~

(1) ~~Any~~ share the majority of members of their board of directors;

(2) ~~Any~~ share two or more corporate or organizational officers;

(3) ~~Any~~ are owned or controlled by the same shareholders or members;

(4) ~~Any~~ are in a parent-subsidary relationship.

(d) ~~Any~~ If a minor makes a contribution ~~the source of which is~~ money or any thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register)

Authority: ~~AS 15.13.010(1)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
AS 15.13.040
~~AS 15.13.050~~
AS 15.13.070(1)
~~AS 15.13.070(1)~~
~~AS 15.13.070(2)~~

~~AS 15.13.130(2)~~
~~AS 15.13.130(3)~~
~~AS 15.13.130(4)~~
~~AS 15.13.130(5)~~

Register

1986

ADMINISTRATION

2 AAC 50.360

2 AAC 50.370

2 AAC 50.360(a), MUNICIPALITIES, is amended to read:

(a) ~~When~~ a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e) ~~on 1986 forms 15-5 and 15-2~~ as an individual

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) ~~When~~ a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group ~~in accordance with 2 AAC 50.312, and AS 15.13.050~~ .040(b) and (c) and 15.13 (Eff. 5/16/76, Register 58; am / / , Register)

Authority: AS 15.13.010

AS 15.13.030(10)

~~AS 15.13.060~~

AS 15.13.090

AS 15.13.040
AS 15.13.050

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

IN THIS SECTION ONLY IN AS 15.13.090,
(e) "Communications" ~~as used in AS 15.13.030~~ includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)

AS 15.13.090

2 AAC 50.370, OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION, is amended to read:

2 AAC 50.370. If the size of an object ~~utilized~~ ^{used} for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement ~~shall~~ ^{must} instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects ~~which~~ ^{that} are smaller than 3 1/2" x 5" in size. All media advertisements ~~shall~~ ^{must} be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: AS 15.13.030(10)

AS 15.13.090

2 AAC 50.380 EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall ~~comply with AS 15.13.100~~ ^{comply with AS 15.13.030 by} providing written notification to the commission of his or her candidacy ~~for a particular municipal office only if the filing period has not yet opened.~~ An individual wishing to campaign for state elective office shall ~~comply with AS 15.13.100~~ ^{comply with} a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent ^{filed under (a) of this section} is valid only for the next election or until it is withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.100

2 AAC 50.385 is Repealed:

2 AAC 50.385. / / 2

~~REPORTING BY ORGANIZATIONS AND BUSINESS OR TRADE ASSOCIATIONS~~

2 AAC 50.390(d)(1) ~~CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT~~ is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty, ^(for each day of delinquency.) as follows:

(A) \$10 a day for each 30-day Report or 10-day Report

(B) \$10 a day for each Year-end Report received after January 16;

(C) \$50 a day for each 7-day Report; and

(D) \$50 a day up to a maximum of \$300 for each 24-hour Report ^{of contributions received by a candidate or a group;} (Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.010
AS 15.13.030(10)
~~AS 15.13.040(5), (6), (7) & (8)~~
~~AS 15.13.100(2)~~
AS 15.13.125

2 AAC 50.395 is repealed.

2 AAC 50.395. / / 2

~~REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION. Repealed~~

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or ~~candidate~~^{a candidate} controlled group may make ~~expenditures~~^{expenditures} for the purpose of raising ~~money~~^{money} to discharge a ~~reported indebtedness~~^{debt} from a prior campaign, ~~in accordance with (c) of this section.~~

(b) Absent a debt arising from a prior campaign, a candidate may not spend money for the purpose of seeking public office unless the individual ~~is~~^{has} in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or an advisory opinion, issued under ~~2 AAC 50.905~~^{2 AAC 50.905} (c) of ~~this section and 2 AAC 50.~~

(c) A candidate who ~~is not~~^{is in debt} ~~awakened his or her indebtedness~~^{has not} from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to pay off the debt. Absent an advisory ~~request,~~^{request,} the Commission staff may ~~in its discretion~~^{in its discretion} commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the candidate.

(d) ~~for purposes of 2 AAC 50.401(a) (c), an indebtedness arising from a prior campaign shall include~~^{A debt}

(1) a candidate's personal contributions ~~or loans~~^{or loans} made ~~from his or her personal funds or assets~~^{from his or her personal funds or assets} before the date of the prior election;

(2) ~~any~~^{that were} campaign debts to others ~~remaining unpaid after the candidate has reported the same on a 10-day Post-election Campaign Disclosure Statement;~~^{remaining unpaid after the candidate has reported the same on a 10-day Post-election Campaign Disclosure Statement;}

(3) ~~any~~^{any} post-election expenditures made for the purpose of discharging an ~~indebtedness~~^{indebtedness} arising from a ~~previous~~^{previous} campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign, including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees, ~~to comply with the AS 15.13 and 2 AAC 50.310 -- 2 AAC 50.405.~~^{reasonably incurred}

Register

1975

2 AAC 50.401
2 AAC 50.450

~~Campaign Disclosure Law~~

(Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~ AS 15.13.030(2)
~~AS 15.13.020(2)~~ AS 15.13.030(10)
AS 15.13.040 AS 15.13.050
AS 15.13.070 AS 15.13.100
AS 15.13.110 AS 15.13.130(1)
~~AS 15.13.130(2)~~ AS 15.13.130(3)
~~AS 15.13.130(4)~~

2 AAC 50.405(4) is repealed.

~~2 AAC 50.405(4)~~ / /
repealed

(Eff. 7/22/78, Register 67; am 6/29/84, Register 90; am / / , Register

Authority: AS 15.13.030(10)
AS 15.13.130

2 AAC 50.450(d) is amended to read:

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and it will be handled under (e), (f), and (g) of this section.

(Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

~~11/25/85 399-363-25~~

2 AAC 50.460(d), PRELIMINARY INVESTIGATION, is amended to read:

(d) Upon completion of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045(a)
AS 15.13.120(d)
AS 18.55.090
AS 24.45.021(b)-
AS 24.45.131
AS 39.50.050(b)

*Publisher:
pls set out unchanged
all of § 470 to which amendments
are disapproved.
TAX
PBF
12/5/85*

2 AAC 50.470, HEARINGS, is amended to read:

- ~~2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.52.260 and AS 44.52.370.~~ *Disapproved PBF*
- ~~(b) Notice of a hearing will be provided to all parties under AS 44.52.~~
- ~~(c) 2 AAC 50.470(c) is Repealed.~~ *Approved*
- ~~(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, but will be considered as a party to the hearing.~~
- ~~(e) The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.~~ *Disapproved PBF 12/5*
- ~~(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.~~
- (g) The rules of evidence are in AS 44.52.460. In addition *Approved*

(1) ~~documentary evidence may be presented in the form of copies if the original is not readily available.~~

Disorder
PBF
12/5/85

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut.

← approved

(3) ~~2 AAC 50.470(g)(3) is repealed.~~

(h) ~~2 AAC 50.470(h) is repealed.~~ ← approved

(i) ~~2 AAC 50.470(i) is repealed.~~

Disorder
PBF
12/5/85

(j) ~~Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.~~

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) ~~The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording.~~

Disorder
PBF
12/5/85

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.52.310. If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place.

(n) ~~2 AAC 50.470(n) is Repealed.~~ / / .

(o) ~~2 AAC 50.470(o) is Repealed.~~ / / .

(p) ~~2 AAC 50.470(p) is Repealed.~~ / / .

↑
← Approved
←

(q) ~~if the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of~~

(r) ~~a copy of the commission's hearing decision, including its findings of fact and conclusions of law;~~

Disorder
PBF
12/5/85

All changes on this page are Draft for 12/5/85

~~and (2) a verbatim transcript of the proceedings before the commission~~

~~(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceedings~~

~~(r) The commission will, in its discretion, reconsider its decision in accordance with AS 14.52.540. A decision will be reconsidered only if~~

~~(1) there was a substantial procedural error in the original proceedings;~~

~~(2) the commission acted without jurisdiction in the original proceedings;~~

~~(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or~~

~~(4) new evidence has come to light which, if presented at hearing, would have substantially altered a material finding of fact.~~

~~(s) Contempt before the commission will be handled under AS 14.52.530.~~

~~(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member states on the public record that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.~~

~~(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, or the member's employer, business or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether~~

~~(1) the financial relationship or interest is relatively insignificant; and~~

~~(2) the interest held by the member or the member's family, business or business associate is similar to that possessed by a large class of persons or~~