

464

HJ

HB 392

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HB

HB

400

107

PRESENT COST PER YEAR FOR DELIVERY SYSTEM, AUTOPSY FACILITY,
AND AUTOPSY PERFORMANCE (INCLUDING LABORATORY TOXICOLOGY AND
HISTOLOGY SERVICES) **

DELIVERY TO AUTOPSY FACILITY (600 TRIPS @ \$20)	\$12,000.00
DELIVERY TO AIRPORT (300 TRIPS @ \$20)	6,000.00
FACILITY FEE (INCLUDING ASSISTANCE, EQUIPMENT, INSTRUMENTS, AND CLEAN UP)(600 @ \$50)	30,000.00
PATHOLOGY SERVICES (INCLUDES ANATOMICAL EXAMINATION TOXICOLOGY AND HISTOLOGY SERVICES)	144,000.00
LEGAL TESTIMONY AND CONSULTING	<u>7,500.00</u>
	<u>TOTAL COST \$199,500.00</u>

** DELIVERY AND FACILITY COSTS BASED ON OUR EXPERIENCE WITH PROVIDING THEM. ANATOMICAL PATHOLOGY, TOXICOLOGY, HISTOLOGY, TESTIMONY AND CONSULTING FEES BASED ON FIGURES FROM DR. MICHAEL T. PROPST, M.D., FORENSIC PATHOLOGIST. TOTAL CASE VOLUME ESTIMATES FROM MRS. DOLORES WILKS, CORONER/PUBLIC ADMINISTRATOR--ANCHORAGE.

PROJECTED COST PER YEAR FOR DELIVERY SYSTEM, AUTOPSY FACILITY,
AND AUTOPSY PERFORMANCE (INCLUDING TOXICOLOGY AND HISTOLOGY)
WHEN THESE SERVICES ARE CONTRACTED OUT UNDER HB 392 **

DELIVERY TO FACILITY ONE WAY (600 TRIPS @ \$120)	\$72,000.00
DELIVERY OF CASES TO MORTUARIES FOR RETURN TO LOCALITY OF DEATH AFTER EMBALMING (300 TRIPS @ \$120)	36,000.00
TRANSFER OF REMAINS TO AIRPORT FROM MORTUARY (300 @ \$120)	36,000.00
RETURN OF 300 SHIPPING CASES TO AIRPORT (BY DOUBLING UP, 150 TRIPS INSTEAD OF 300 @ \$120)	18,000.00
ROUTINE TOXICOLOGY (600 CASES @ \$79 PER CASE)	47,400.00
ADDITIONAL TOXICOLOGY (500 @ AVERAGE \$10 PER CASE)	6,000.00
HISTOLOGY SERVICE (PREPARE SLIDES) (600 @ \$15)	9,000.00
CHIEF MEDICAL EXAMINER (300 AUTOPSIES)	65,000.00
CONTRACT PROFESSIONAL SERVICES (300 AUTOPSIES @ \$200)	60,000.00
MEDICAL RECORDS ASSISTANTS (2 @ \$17,700.00)	35,400.00
MORGUE ATTENDANT (DIENER-24 HR. COVERAGE)	20,000.00
STATE FRINGE BENEFITS FOR PERSONNEL (20%)	36,080.00
COMMISSION TRAVEL	5,000.00
MEDICAL EXAMINER TRAVEL	6,000.00
ASSOCIATE AND ASSISTANT MEDICAL EXAMINER TRAVEL	15,000.00
3,000 SQ. FT. AUTOPSY FACILITY	54,000.00
PRINTING COSTS	10,000.00
TELEPHONE	3,600.00
OFFICE SUPPLIES	1,200.00
AUTOMOBILE LEASE	3,000.00
GAS, OIL, ETC.	1,200.00
MAG CARD 11 TYP (TYPEWRITER WITH A MEMORY)	<u>3,600.00</u>

TOTAL COST*\$543,480.00

** THESE FIGURES DO NOT INCLUDE THE COST OF SETTING UP ASSISTANT MEDICAL EXAMINER OFFICES THROUGHOUT THE STATE. WE HAVE NO WAY OF EVEN ESTIMATING HOW MUCH THAT MIGHT COST. WE ALSO HAVE NOT INCLUDED THE COST OF EQUIPMENT SUCH AS REGULAR TYPEWRITERS, PHOTOGRAPHIC MICROSCOPES, X-RAY, FLUROSCOPY, INSTRUMENTS, TWO WAY RADIO, DICTATION EQUIPMENT, TABLES, SHIPPING CASES FOR HUMAN REMAINS, OR THE REPLACEMENT COST OR SERVICE COSTS OF THESE ITEMS. ALSO, WE DID NOT INCLUDE STATE ADMINISTRATIVE COSTS FOR BOOKEEPING, ACCOUTING, LEGAL FEES, ETC. WHICH COULD RUN AS MUCH AS 15% OF THE ENTIRE COST OF THE OPERATION. WE ALSO DID NOT INCLUDE THE \$180,000.00 THE COURT SYSTEM PLANS TO KEEP FOR "ONGOING PROGRAMS IN STATEWIDE LOCATIONS".

COST FIGURES COURTESY OF OUR OWN UNDERSTANDING OF THE DELIVERY SYSTEM, LOOMIS SECURITY ESTIMATES, MUNICIPALITY OF ANCHORAGE ESTIMATES, DR. MICHAEL T. PROPST, M.D., VOLUME FIGURES COURTESY OF THE ALASKA COURT SYSTEM. OTHER ITEMS FROM THE FISCAL NOTE. SOME ITEMS FROM THE FISCAL NOTE NOT INCLUDED BECAUSE THEY ARE FRILLS OR EXTRAVAGENT AND UNNECESSARY.

PROJECTED COST PER YEAR FOR THE DEPARTMENT OF PUBLIC SAFETY
TO SET UP ITS OWN LABORATORY AND DO ITS OWN TOXICOLOGY, HISTOLOGY,
AND DELIVERY.

DELIVERY SYSTEM

TWO MEN PER SHIFT, THREE SHIFTS PER DAY, SEVEN DAYS PER WEEK, 365 DAYS PER YEAR. INCLUDING OVERTIME AND FRINGE BENEFITS. TWO VEHICLES WITH MINIMUM EQUIPMENT, GAS, OIL, INSURANCE, MAINTENANCE COSTS. (A) \$200,000.00

PERSONNEL

CHIEF MEDICAL EXAMINER	65,000.00
ASSOCIATE MEDICAL EXAMINER	55,000.00
TWO MEDICAL RECORDS ASSISTANTS	35,400.00
SECRETARY-RECEPTIONIST	15,000.00
DIENER (AUTOPSY ASSISTANCE-DAYTIME HOURS)	15,000.00
MEDICAL TECHNOLOGIST OR CHEMIST WITH DEGREE & EXPERIENCE	25,000.00
HISTOLOGY TECHNOLOGIST	20,000.00
PERSONNEL FRINGE BENEFITS (20%)	46,080.00

TRAVEL

COMMISSION	5,000.00
MEDICAL EXAMINER	6,000.00
ASSOCIATE AND ASSISTANT MEDICAL EXAMINER	15,000.00

FACILITY

LEASE- 3,000 SQ. FT.	54,000.00
TELEPHONE	3,600.00
ELECTRICITY AND REFUSE (COMMERCIAL RATE)	1,980.00

OTHER

CHIEF MEDICAL EXAMINER AUTO	3,000.00
ASSOCIATE MEDICAL EXAMINER AUTO	3,000.00
GAS AND OIL	2,400.00
OFFICE SUPPLIES	1,200.00
PRINTING	10,000.00
REAGENTS AND EXPENDABLES (TOXICOLOGY)	25,000.00
(HISTOLOGY)	10,000.00

TOTAL* \$616,660.00

*COMMENT- THESE FIGURES DO NOT INCLUDE THE COST OF SETTING UP ASSISTANT MEDICAL EXAMINERS OFFICES THROUGHOUT THE STATE. THEY DO NOT INCLUDE INFLATION, THE EQUIPMENT NECESSARY TO SET UP A LABORATORY OR AUTOPSY FACILITY, (SUCH AS PHOTOGRAPHIC MICROSCOPES, X-RAY FACILITIES, FLUROSCOPY, INSTRUMENTS, TWO WAY RADIO, DICTATION EQUIPMENT, TWO WAY RADIO, TABLES, SHIPPING CONTAINERS FOR TRANSPORTING REMAINS, OR THE REPLACEMENT OR SERVICE COSTS ON THESE ITEMS. ALSO, WE DID NOT INCLUDE STATE ADMINISTRATIVE COSTS WHICH COULD EASILY RUN AS HIGH AS 15% OF THE COST OF THE ENTIRE OPERATION. WE ALSO DID NOT INCLUDE THE \$180,000 THE COURT SYSTEM PLANS TO KEEP FOR "ONGOING PROGRAMS IN STATEWIDE LOCATIONS".
(A) A STUDY CONDUCTED SEVERAL YEARS AGO BY DR. DONALD ROGERS, M.D. INDICATED IT WOULD COST UPWARDS OF \$250,000 PER YEAR FOR THIS SERVICE.

IN ADDITION TO OUR DESIRE TO SEE THIS BILL DEFEATED,
THERE ARE A FEW SUGGESTIONS WHICH MIGHT BE IN ORDER
TO IMPROVE THE CURRENT SYSTEM.

A. THE ALASKA COURT SYSTEM CURRENTLY SETS NO STANDARDS
FOR THE FACILITIES OR EQUIPMENT USED IN PERFORMING THESE
AUTOPSIES. STANDARDS SUCH AS SIZE OF FACILITY, TYPE OF
CONSTRUCTION, LIGHTING REQUIREMENTS, VENTILATION, KINDS OF
EQUIPMENT, ETC. IF THERE IS A PROBLEM IN REGARD TO THE
ADEQUECY OF FACILITIES, IT COULD EASILY BE RECTIFIED.

B. REQUEST THAT THE CURRENT CORONERS BE ALLOWED TO RUN
THEIR OFFICES WITHOUT CONSTANT INTERFERENCE FROM COURT
SYSTEM ADMINISTRATORS.

C. PROVIDE THE CORONERS WITH ADEQUATE FUNDING TO DO THEIR
JOB.

THANK YOU FOR YOUR ATTENTION.

RESPECTFULLY,


LEE MOEGLIN

PRESIDING SUPERIOR COURT JUDGE

DISTRICT COURT JUDGES

AREA TRIAL COURT ADMINISTRATOR

CORONER/PUBLIC ADMINISTRATOR

VITAL STATISTICS.

FORENSIC SERVICES

STAFF

LEE MOEGLEIN

725 West 46th

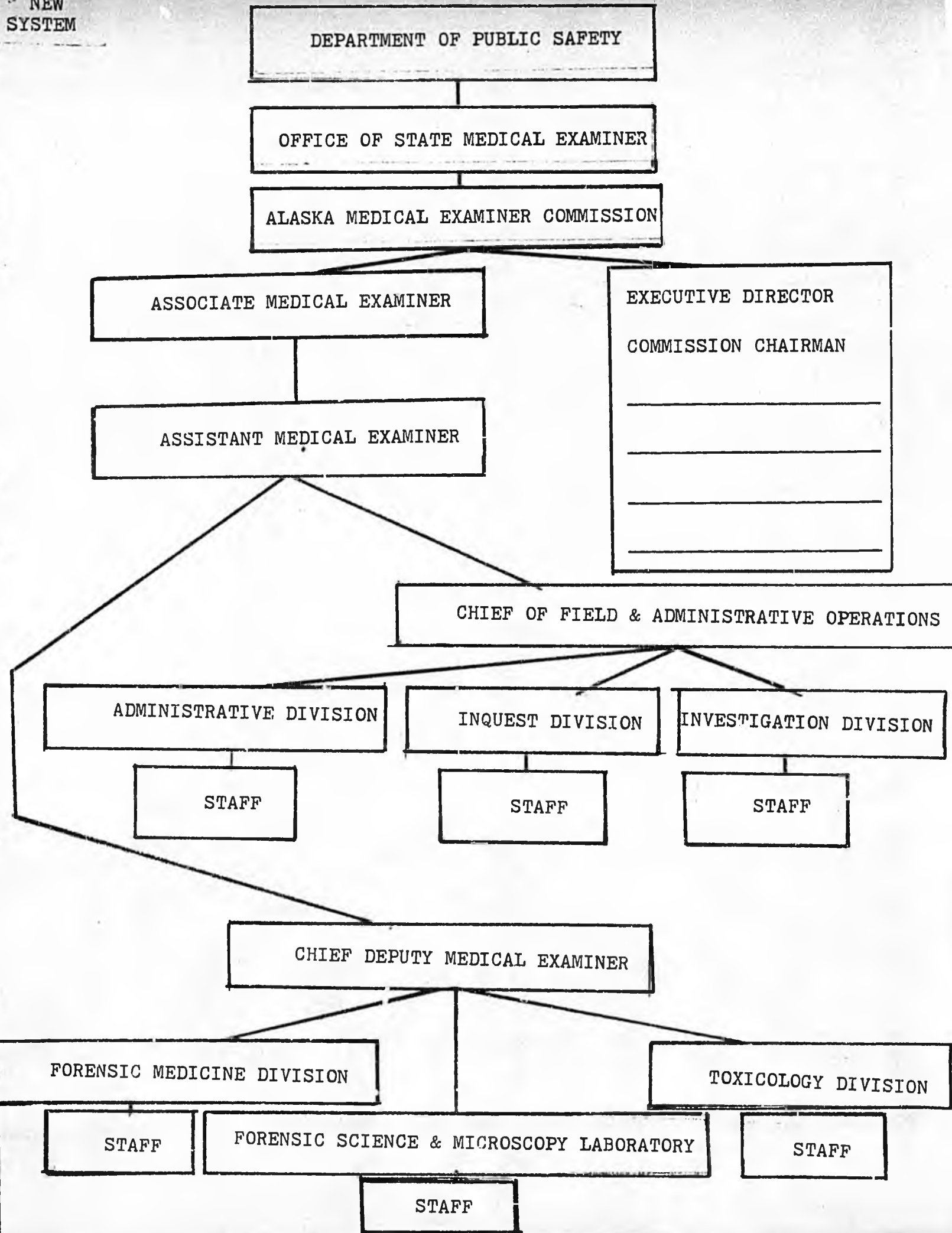
Anchorage, AK. 99501

272-3690

EVERGREEN

279-5477

office



(Critique of fiscal note

Senate Bill 285

Summary and Analysis

Currently, Alaska's death investigation system consists of coroners and medical examiners. District judges and magistrates are required to serve as ex officio coroners and perform the duties and exercise the authority of that office. When authorized by the supreme court the judge in each judicial district is required to appoint a person to act as public administrator of the estates of deceased persons and as coroner.

SB 285 will establish a commission, which will appoint a state medical examiner, who will appoint associate and assistant medical examiner, who will replace coroners.

The biggest problem with this bill is financial. Among the powers granted to SME is "to approve and provide for laboratories."

It appears that the fiscal note does not reflect many costs as follows:

<u>Present System</u>	<u>FY79</u>	<u>Critics Analysis</u>
Chief Medical Examiner	64.7	1. Fails to account for \$200,000 delivery, Fails to reflect associate medical examiner, secretary-receptionist, diener, medical technologist or chemist, or histology technologist.
Medical Records Asst	17.7	
" " "	17.7	
Commission Travel	5.0	Fails to include personnel fringe benefit
SME Travel	6.0	
Associate & Assistant Medical Examiners Travel	15.0	Doesn't reflect cost of associate medical examiner or assistant medical examiner's autos, radios operation and expenses.
Rental of Autopsy Space	54.0	Does not include costs of setting up assistant medical examiners offices.
Printing	10.0	
Mag Card & AJIS Terminal	7.2	
Commodities	1.2	Does not include setting up laboratory, autopsy facility.
Photographic Microscope	10.0	Does not reflect cost of administration.
Car, radio, furniture, file cabinets, dictation, instruments.	17.3	
	(228.0)	Anticipates \$1,000.0 plus
600 autopsies \$350 @ =210,000		2.No transportation of body from remote sites; none from place of death. No X-ray equipment or technicians; no autopsy assistants; no histologist; no slide preparation equipment; no toxicolgy lab; no replacement costs for cars, radio etc.
1. Lee Moeglein, Evergreen Memorial Chapel		
2. Dr. M. Propst M.D. and Dr. R. Rogers M.D. (both are currently doing autopsies)		



ALASKA STATE LEGISLATURE - HOUSE OF REPRESENTATIVES

IN SESSION:

POUCH V
JUNEAU, ALASKA 99811
TELEPHONE: (907) 465-4948

SUITE 203
207 EAST NORTHERN LIGHTS BLVD.
ANCHORAGE, ALASKA 99503
TELEPHONE: (907) 277-6219

REP. M. F. "MIKE" BEIRNE
DISTRICT 7, ANCHORAGE

MEMBER OF:
FIFTH STATE LEGISLATURE
NINTH STATE LEGISLATURE
TENTH STATE LEGISLATURE

COMMITTEES:
HEALTH
EDUCATION AND
SOCIAL SERVICES
FINANCE SUB-COMMITTEE
ON TRANSPORTATION

March 21, 1978

The Honorable Joseph Orsini
Alaska State Senate
Pouch V, Mail Stop 3100
Assembly Building, Room 100
Juneau, AK 99811

Re: Senate Bill 285

Dear Senator Orsini:

I concur with the observations of the Anchorage doctors on this bill and believe it would be a mistake for the State to involve itself in this business at this time.

Very truly yours,

Mike Beirne
Dr. Mike Beirne
State Representative

MFB:jss

HB 392



Contact:

Alaska Clinic → Donald Rogers, M.D.
276-2131
276-1131



Art Snowden
Susan Burke



Lee Moeglein < 272-3680
279-5477-ofc > Baranof

~~Alaska Medical Lab > 349-4506
Dr. Matthews~~

prom to furn lab ^{morgue} free to state
no way - cost sev'l hund thous/yr
court sys contracted anyway
went

HR 31

level of fiscal sophistication
fiscal note shows just same >

Oil spill regs

Bob -
see with
grove

Mizera

talked to Dr. Ray
current King County
ME - says state

need exam
76-75 ground
+ need 2 474

⑤ about 30 gr.

Hrs 392 Fiscal Notes

Chuck Ziegler

Toxicology Lab

Tox Lab, Inc.

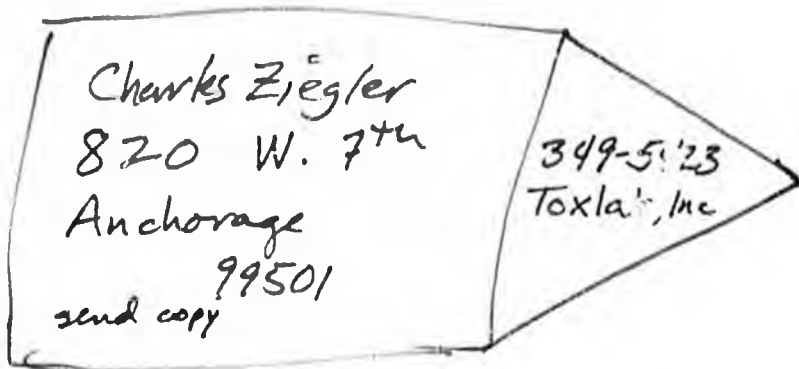
Very sophisticated lab worth up to \$80,000

much of work is clinical

check for most drugs using

state-of-art methods

best one in state



Linda - please send copy of HB 392
to Ziegler at the above
address with short cover letter.

(Just a few lines)

- Then return this note for me
to file with the bill.

HB 392

contact Lee.

Moeglein

w/ Evergreen Memorial
Chapel in Anch.

737 "E" St.

Anch. 99501

COMMENTS CONCERNING HB392/SB 285

The above costs were prepared with the advice of the Court System and a Pathologist.

Currently, the Court System has a budget of 225.0 for autopsies, statewide. We are projecting that the medical examiners office expenditures for FY 79 will be \$212.1. Establishment of the office will reduce the need for funds currently expended by the Court System by \$45.0 and this amount can be applied to funding the Office of Medical Examiner.

The balance of the Court System's current allocation of \$225.0 will be required for maintaining the ongoing program in statewide locations remote from the State Medical Examiner's office.

Revised Fiscal Note

4/25/77

IIB 392
FISCAL NOTE DETAIL

Category	FY 78	FY 79	FY 80
100			
Chief Medical Examiner	32.3	64.7	64.7
Med. Records Assistant	8.8	17.7	17.7
Med. Records Assistant	.9	17.7	17.7
Inflation			4.9
Total	42.0	100.1	105.0
200			
Commission Travel	5.0	5.0	5.0
Chief Medical Examiner		6.0	6.0
Assoc. & Assistant Examiner		15.0	15.0
Inflation			2.0
Total	5.0	26.0	28.0
300			
Rental of 3,000 Sq. Ft. Autopsy			
Work space inc. cooler & freezer	9.0	54.0	54.0
Remodeling for Anch. Headquarters	5.0		
Printing Costs (forms & procedures)		10.0	10.0
Telephone	.5	3.6	3.6
Mag Card II Typ	1.8	3.6	3.6
AJIS Terminal		3.6	3.6
Inflation - Other			7.2
Total	16.3	74.8	82.0
400			
Commodities (office supplies)	.6	1.2	1.2
500			
Photographic Microscope	10.0		
Typewriter	.8		
Furniture	2.0		
File Cabinets (Fire proof)	2.0	1.0	
Photo Equip.	3.5	1.0	
Instruments	1.0		
HWCF Car Purchase	5.0		
Radio	2.0		
Dictation Equipment	1.0		
Other - Unspecified		8.0	10.0
Total	27.3	10.0	10.0

HB

396

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

610 C STREET, SUITE 209
ANCHORAGE, ALASKA 99501
PHONE: 276-4176 AND 274-0321

JUNEAU BRANCH OFFICE:
POUCH AO
JUNEAU, ALASKA 99811
PHONE: 485-4864

April 13, 1978

The Honorable Terry Gardiner
Chairman
House Judiciary Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Gardiner:

On behalf of the Alaska Public Offices Commission, I wish to submit additional recommendations to CSHB 396, along with the Commission's rationale for these proposals.

There are three areas of the committee substitute which the Commission feels need further consideration:

1. Sec. 11 AS 24.45.161

In the original draft prepared in conjunction with House State Affairs, the Commission recommended that 161(A)(1)(B) be deleted. If this language is allowed to remain, the effect would be as follows: An individual (private citizen) would be exempt from registering and reporting as a lobbyist only if they met the criteria listed below:

- A. Have received no compensation, whatsoever, for attempts made to influence legislative or administrative action;
- B. Have made no disbursements or expenditures in excess of ~~\$100~~ ^{\$250} in the aggregate a year for, or on behalf of, a public official, or on behalf of a member of the immediate family of a public official; and
- C. Limit their lobbying activities to appearances before legislative or administrative hearings.

As you may well surmise, the inclusion of 161(A)(1)(B) could be interpreted to mean that individuals would not be allowed to address public officials outside of public hearings. This appears incongruent with the recommended change in 161(A)(1)(A), which in no way curtails open access to public officials and asks for

disclosure only if the individual spends in excess of \$100 in the aggregate a year for, or on behalf of, a public official or a member of his family.

The Commission, as always, in its attempts to administer this law, has taken great pains to avoid language which would create conflict with an individual's rights provided by the First Amendment of the Constitution of the United States. If this language is allowed to remain, they feel such conflicts would occur.

Therefore, the Commission recommends that AS 24.45.161 be amended as follows:

(1) an individual [A] who lobbies without receipt of payment, [OF] compensation or any economic [OTHER] consideration and makes no disbursement or expenditure in excess of \$100 in the aggregate a year for or on behalf of a public official, or member of the immediate family of a public official, to influence legislative or administrative action. [OTHER THAN TO PAY HIS REASONABLE PERSONAL TRAVEL AND LIVING EXPENSES: AND (B) WHO LIMITS HIS LOBBYING ACTIVITIES TO APPEARANCES BEFORE PUBLIC SESSIONS OF THE LEGISLATURE, OR ITS SOMMITTEES OR SUBCOMMITTEES, OR TO PUBLIC HEARINGS OR OTHER PUBLIC PROCEEDINGS OF STATE AGENCIES;]

2. Sec. 15 .AS 24.45.171(1)

As presently written, the definition of "administrative action" is unclear. During the 1977 session, the Commission recommended to the Legislature a suspension be imposed on the administrative portion of the law. They felt changes focusing particularly on clearly defining "administrative action" and narrowing the scope of its applicability should be developed. No action was taken by the Legislature in 1977. Therefore, in September of that year the Commission made the following decision:

It is the decision of the Alaska Public Offices Commission to take no further action in its attempt to administer the administrative lobbying portion of AS 24.45, the regulation of lobbying law, until such time as the law is changed or amended by the Legislature in such a manner as to serve the public interest in a meaningful and realistically workable manner.

The Commission feels the proposed changes in CSHB 396 would make the definition meaningful, realistic and workable for the general public. However, they also feel that further limitation should be included to insure that abuses of this type of lobbying do not occur. Therefore, the Commission recommends AS 24.45.171(1) be amended as follows:

(1) "Administrative action" means a decision made or action taken by a public official or a state agency; "administrative action" does not include: [A PROCEEDING]

(A) proceeding or action to determine the rights or duties of a person under existing laws, regulations or policies;

(B) proceeding involving the issuance, amendment or revocation of a permit, license or other entitlement for use;

(C) proceeding or action to enforce compliance with existing law or to impose sanctions for violations of existing law;

(D) proceeding at which an action is taken involving the policy, purchase or sale of property, goods or services by the agencies.

(E) [AT WHICH AN ACTION IS TAKEN WHICH IS MINISTERIAL IN NATURE]

(F) proceeding at which an action is taken awarding a grant or contract;

(G) proceeding or action involving the issuance of a legal opinion.

Subsections (A), (C) & (G) are decisions of a legal nature. Action taken by an administrative agency cannot be easily influenced due to the scope of existing laws regulations and policies.

Subsections (B), (D) & (F) are issues which involve the awarding of contracts, grants, sale of property, permits and licenses to the public. Although these decisions are, in fact, bound by certain criteria, the Commission feels that any attempts to influence this type of action, unless the individual chooses to register, should be limited to proceedings where all records are

part of public documents.

Subsection (E) has been deleted due to vagueness and the broad scope which it covers. The phrase "ministerial in nature" would only lead to the development of further definitions. Also, the amendment offered in 171(6) covers what are to be considered simple inquiries and routine actions.

3. Sec. 23

The final change which the Commission would recommend in CSHB 396 concerns the "effective date." The Commission respectfully requests the effective date of these amendments be advanced until January 1, 1979. The reason for this request is twofold. First, if CSHB 396 passes in its entirety, this will require the development of new forms and manuals for both the lobbyist and the employers. The staff of the APOC would appreciate a January 1, 1979 effective date so they may be assured their work is serving the public interest in the most effective manner possible.

As you are aware, 1978 is an election year. With forty House seats, 10 Senate seats, as well as the approaching Gubernatorial race, both the Anchorage office and the Juneau Branch Office will have full work loads at the end of this session.

Secondly, lobbyists and employers are required to register annually. To impose new requirements during the middle of a calendar year would only cause confusion for those that are now registered and reporting.

We would like to take this opportunity to thank you for your time and consideration not only in the committee hearing, but also in reviewing these additional recommendations. The Commission, in its attempts over the past two years, has put much thought and energy into what they feel can be a realistic lobbying law. CSHB 396, along with the above changes can accomplish just that: a law which is not burdensome to those that fall within its scope and yet still provides the public with the information they have the right to know.

I would also like to apologize for not having this information available for you at the time of the hearing. However, our office was not notified in advance that this bill was to be considered on that day. We were made aware of the hearing late Monday, leaving very little time for preparation.

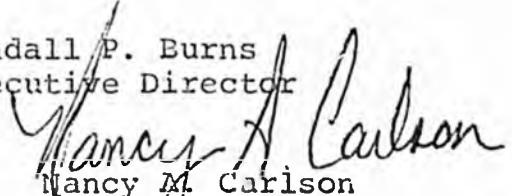
Representative Gardiner
April 13, 1978
Page 5

Once again, thank you for your time. If you should require additional information, please contact me in the Juneau office or feel free to call Randall Burns, Executive Director, in the Anchorage Central Office.

Respectfully submitted,

ALASKA PUBLIC OFFICES COMMISSION

Randall P. Burns
Executive Director


BY: Nancy M. Carlson
Administrative Assistant
Juneau Branch Office

cc: All Commission Members
APOC Anchorage Office

NCC:baw

ALASKA OIL AND GAS ASSOCIATION

505 W. Northern Lights Boulevard
Suite 219

Anchorage, Alaska 99503
Area 907 272-1481

April 26, 1978

Representative Terry Gardiner, Chairman
Judiciary Committee
House of Representatives
Alaska State Legislature
State Capitol
Juneau, Alaska 99801

Subject: 1978 Alaska Legislation
CSHB 396 (Lobbying)

Dear Representative Gardiner:

Although the narrowing of the definition of "administrative action" found in Sec. 15 of this bill (which excludes ministerial and other described proceedings) is highly desirable AOGA is opposed to the bill in its present 4/3/78 form and urges that strong effort be made to amend Sec. 18 of the bill to read as follows in order to avoid inadvertent violation by employees having infrequent or trivial lobbying contacts with State agencies:

" * Sec. 18. AS 24.45.171(8) is amended to read:

(8) "lobbyist" means [(A)] a person who is employed and receives direct or indirect payments, or who contracts for economic consideration, including reimbursement for /REASONABLE TRAVEL AND LIVING/ expenses, or makes disbursements or expenditures for or on behalf of a public official, or a member of the immediate family of a public official, to communicate directly or through his agent with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislative or administrative action; unless otherwise exempt under sec. 161 of this chapter; /OR (B) A PERSON WHO REPRESENTS HIMSELF AS ENGAGING IN THE INFLUENCING OF LEGISLATIVE OR ADMINISTRATIVE ACTION AS A BUSINESS, OCCUPATION OR PROFESSION;]"

This assumes, of course, that reasonable regulations will be adopted defining "substantial or regular."

In order to eliminate registration and reporting for those whose only lobbying activities are limited to appearances before or

Representative Terry Gardiner
Page Two
April 26, 1978

submissions to public sessions, hearings or other public proceedings, Sec. 11 of this bill should be amended to read as follows:

" * Sec. 11 AS 24.45.161(a)(1) is amended to read:

(1) an individual (A) who lobbies without receipt of payment, /OF/ compensation or any economic /OTHER/ consideration and makes no disbursement or expenditure in excess of \$100 in the aggregate a year for or on behalf of a public official, or a member of the immediate family of a public official, to influence legislative or administrative action /OTHER THAN TO PAY HIS REASONABLE PERSONAL TRAVEL AND LIVING EXPENSES/; or /AND/ (B) who limits his lobbying activities to appearances before public sessions of the legislature, or its committees or subcommittees, or to public hearings or other public proceedings of state agencies or to the preparation or submission of written statements for incorporation in the record of such public sessions, hearings or other public proceedings."

This latter change is consistent with the disclosure purpose of a lobbying law because the public has access to such public proceedings.

Very truly yours,



Keith Arnold
Public Affairs Manager

Alaska
MUNICIPAL
League

TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

TESTIMONY GIVEN BY
JIM ROLLE
FOR
THE ALASKA MUNICIPAL LEAGUE

BEFORE
HOUSE JUDICIARY
CSHB 396

APRIL 11, 1978

Alaska MUNICIPAL League

TELEPHONES
586-1325
(907) 586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

Mr. Chairman:

Our concern with CSHB 396 is on page 11, section 22. We note that 24.45.161 (a)(2) is repealed.

Mr. Chairman, Alaska statutes define a lobbyist as a person who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses to communicate directly with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislative or administrative action, or a person who represents himself as engaging in the influencing of legislative or administrative action as a business, occupation or profession.

The section which is to be repealed is an exemption for an elected or appointed state or municipal official, or an employee of the state or a municipality acting in his or her official capacity or within the scope of his or her employment.

Mr. Chairman, in the case of our municipal officials coming to the Capital, or speaking to the administration in their own area, it is to the benefit of the state. Many of the actions taken by the legislature and the administration directly effect municipal government and it would be the state's loss for an official to be reluctant to speak because he or she was not registered. On the other hand, we feel it would be absurd for 1500 or 2000 local officials to register and report.

We look back at the statute's definition of a lobbyist and we feel that none of our members fit that description.

Mr. Chairman, we would like to have 24.45.161 (a)(2) remain in the Act.

Thank You.

Amendment #1

Introduced: 3/17/78
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE
BY REQUEST

2

HOUSE BILL NO. 895

3

~~IN THE LEGISLATURE OF THE STATE OF ALASKA~~

4

~~TENTH LEGISLATURE - SECOND SESSION~~

5

~~A BILL~~

6

~~For an Act entitled: "An Act relating to lobbying; and providing for an
effective date."~~

7

8

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

9

* Section 1. AS 24.45 is amended by adding new sections to read:

10

Sec. 24.45.200. PROHIBITIONS AND PENALTIES. (a) No lobbyist may

11

offer a gift to a public official or employee in connection with an

12

attempt to influence legislative or administrative action.

13

(b) No public official or employee may accept a gift from a lob-

14

byist in connection with an attempt to influence legislative or admini-

15

strative action.

16

(c) A person who knowingly violates a provision of this section

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is, upon conviction, punishable by a fine of not more than \$5,000 or by

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imprisonment for not more than one year, or by both.

19

Sec. 24.45.210. REGISTRATION OF LOBBYISTS. (a) A lobbyist shall

20

register before engaging in lobbying. A registration is effective for

21

the remainder of the calendar year; if the information as to the iden-

22

tity of the person for whom the lobbyist is employed or retained or the

23

person who will benefit from the lobbying changes, a new registration is

24

required within 10 days of the change.

25

(b) No charge or fee may be collected in connection with a regis-

26

tration under this section.

27

(c) The commission shall prescribe the form for registration under

28

this section to include the following information:

29

(1) the lobbyist's full name, permanent business address, and

1 any temporary business address;

2 (2) the name and address of each person by whom the lobbyist
3 is employed or retained and the person who will benefit from the
4 lobbying, if different;

5 (3) a description of the subjects or matters on which the
6 lobbyist expects to attempt to influence legislative or administrative
7 action;

8 (4) the expected compensation or reimbursement for expenses
9 for lobbying.

10 (d) A person who ceases to lobby before the end of the calendar
11 year shall file a statement with the commission advising when his ser-
12 vices terminated.

13 (e) A person who fails to register within the time required by
14 this section is subject to a civil penalty of not more than \$10 for each
15 day the delinquency continues as determined by the commission. The
16 determination of the commission is subject to a right of appeal to the
17 superior court; a person subject to the civil penalty may submit facts
18 in mitigation of the penalty. Imposition of penalties does not excuse
19 a failure to register.

20 (f) The commission shall publish a report 45 days after the end
21 of each quarter containing the information reported under this section.

22 Sec. 24.45.220. REPORT BY LOBBYISTS. (a) A lobbyist who receives
23 no compensation or reimbursement for expenses for lobbying need file
24 no reports under this section and sec. 210(c)(4) of this chapter.

25 (b) A lobbyist who receives or earns compensation or reimburse-
26 ment for expenses for work as a lobbyist during any calendar quarter
27 shall report the amounts to the commission within 15 days after the end
28 of the calendar quarter in which the compensation or reimbursement for
29 expenses is received or earned.

1 Sec. 24.45.230. REGULATIONS. The commission may adopt regulations
2 to implement secs. 200 - 250 of this chapter.

3 Sec. 24.45.240. DEFINITIONS. In secs. 200 - 250 of this chapter

4 (1) "an attempt to influence administrative action" means
5 efforts by the lobbyist concerned with the approval, disapproval, modi-
6 fication, or postponement by a state agency of state action;

7 (2) "an attempt to influence legislative action" means
8 efforts by the lobbyist concerned with the approval, disapproval, modi-
9 fication, or postponement by the legislature, a committee of the legis-
10 lature, or a legislator of a bill, resolution, or other legislative
11 action;

12 (3) "agency" means a state department, commission, board or
13 other entity, including the University of Alaska, in the executive
14 branch;

15 (4) "commission" means the Public Offices Commission;

16 (5) "gift" means an act or forbearance for which equal or
17 greater value is not received in return; "gift" does not mean food or
18 beverages actually and promptly consumed in places of public or private
19 accommodation;

20 (6) "lobbyist" means a person who seeks to influence legis-
21 lative or administrative action which will benefit another person;
22 "lobbyist" does not include a person whose attempt to influence legis-
23 lative or administrative action

24 (A) will benefit only himself or members of his imme-
25 diate family;

26 (B) is limited to appearances before public sessions of
27 the legislature, its committees or subcommittees, or to public
28 hearings or public proceedings of state agencies;

29 (C) occurs within the scope of his responsibilities as

1 an elected or appointed state or municipal officer;

2 (D) results from an invitation to testify from the
3 legislature or an administrative agency;

4 (E) is limited to representations by attorneys on behalf
5 of clients before executive agencies; or

6 (F) involves contact between an elected officer of the
7 state and a constituent on the responsibilities of the elected
8 officer;

9 (7) "person" includes a labor union in addition to the terms
10 set out in AS 01.10.060(7);

11 (8) "public official or employee" means a public official as
12 defined in AS 39.50.200(1) or an employee of the executive or legis-
13 lative branch of the state government; it does not include a judicial
14 officer or employee or an elected or appointed municipal officer or
15 employee.

16 Sec. 24.45.250. CAMPAIGN CONTRIBUTIONS. Nothing in secs. 200 -
17 250 of this chapter prohibits contributions which comply with the re-
18 quirements of AS 15.13.

19 * Sec. 2. AS 24.45.011 - 24.45.181 are repealed.

20 * Sec. 3. This Act takes effect July 1, 1978.

HB

398

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAP.TOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M

March 17, 1977

SUBJECT: Analysis of recommendations of the Salary
Commission (W.O. #3646)

TO: Representative Terry Gardiner, Chairman
House Judiciary Committee

FROM: Richard A. Bradley *B*
Legislative Counsel

In a separate memorandum dated March 14, 1977, I addressed the relationship between the responsibilities of the salary commission and the response of the legislature. In this memorandum, I will seek to comment on problem areas in the Commission's recommendations. At the conclusion of this memorandum, I offer a brief summary of my recommendations as to each separate recommendation.

Initially, I note that the format of the "Final Report" of the commission is in two main sections, containing respectively its "Recommendations" and appendices. Appendix I contains "amplifications" on the "Recommendations" and Appendix II contains "General Philosophical Views of the Commission's Responsibilities." While I have reviewed the Appendices and may comment on what is contained in them, in my opinion, only the "Recommendations" are before the Legislature. AS 39.23.080.

While I have no desire particularly to offer a counterpart set of "philosophical views." I should advise you that in my view Ch. 263, SLA 1976, of which AS 39.23 is a part, grants the Commission the authority to make recommendations as to compensation and retirement benefits of certain public officers. It is similarly my view that efforts by the Commission to manipulate its agreed upon responsibilities to achieve other goals viewed by it as worthwhile are extraneous to the Commission's responsibilities, classically ultra vires, and may generally be disregarded by the legislature.

Parenthetically I note that the delegation of authority from the legislature to the Commission fails to instruct the Commission on what factors were to be considered in setting salaries. Neither the customary cost-of-living concepts nor comparability factors (AS 39.27.030, as enacted by ch. 42, SLA 1971) nor longevity (which may have more value for merit system employees than for elected officers) are specified in AS 39.23 and the commission's structure of "longevity" is flatly contrary to accepted concepts of cost of living adjustments. Notwithstanding inflation, it appears that the governor's salary (and others') is to be frozen and adjusted only as a governor continues in office. See Appendix I, ¶1.

My analysis will follow the order in which the commission made its recommendations.

(1) Governor.

No legal or constitutional problems with the salary recommendation. It does not violate Art. III, §15 of the State Constitution. The governor currently receives \$50,000 per annum. AS 39.20.010. The commission recommends that he be paid \$52,992 per annum.

The commission recommends that the governor "remain" in the retirement system. While the incumbent governor (and lieutenant governor) have elected to join the retirement system, under AS 39.35.125 their coverage is their individual option.

In the Commission's Appendix I, I note that the Commission proposes to give "longevity" pay increases to "incumbent governors" for every two years of service accrual. Whatever the policy justification for that proposal, the question of longevity raises for the governor or lieutenant governor is not before the legislature at this time.

(2) Lieutenant Governor.

No legal or constitutional problems are presented by the Commission's recommendations. It recommends \$47,304 per annum. The lieutenant governor currently receives \$44,000 per annum. AS 39.20.030.

As to retirement, and to "longevity" increases, note my comments relative to the governor.

(3) Department Commissioners.

The Commission recommends that departmental commissioners receive \$47,304 annually. Commissioners currently receive \$40,000. The recommendation presents no legal or constitutional problems; I note that the proposed salary is identical to that proposed for the lieutenant governor.

Departmental commissioners are in the retirement system and it is proposed that they remain there.

Longevity increases are proposed. New appointees apparently will be compensated at the initial level. My earlier comments to the effect that "longevity" apparently ignores cost-of-living factors are appropriate here also.

(4) Deputy Commissioners.

The commission recommends that deputies receive their present entry salary of \$42,372. The present statutory steps for increases (at 39.20.080(b)) is superseded by discretionary longevity increases of 3.75% for each two years of continuous service.

No legal or constitutional problems are created. The existence of deputies in the retirement system is continued.

(5) Directors.

The commission recommended "no change in the salary level of directors." Since there is neither statutory nor regulatory authority for existing levels, it is unclear what is not to be changed; the existing procedure has the level set by the classification of the individual position. The generally understood level for directors of executive line agencies is at Range 26, but not all directors are at that range and it is possible that agencies are working at reclassification subsequent to the Commission's recommendations, apparently without authority of law. Some directors are compensated at levels above Range 26; the various directors not compensated at Range 26 include:

(1) Mental Health	Range 30
(2) Public Health	Range 29
(3) Admin. Services, DC and ED	Range 24
(4) Alaska Disaster Office	Range 24
(5) Alcoholic Beverages Control Board	Range 24
(6) Elections	Range 24
(7) Alaska Commission for Human Rights	Range 24
(8) Rural Development Assistance	Range 24
(9) Wage and Hour Compliance Board	Range 24
(10) Workmen's Compensation	Range 24
(11) Management Services	Range 24

It seems that there is a substantial ambiguity in the recommendation and that from the brief statement in the recommendation, it is possible to conclude (1) either that all positions are frozen at their present level and that reclassification may not occur without the Commission making a recommendation, (2) that a single level at which all directors are compensated should be established, or that (3) nothing is to be changed but when a director is appointed, he starts at Step A. Commissioner Elton advised at the hearing on March 14 that the Commission was aware of the existence of directors at different levels. All interpretations will cause some confusion and the committee and the legislature may wish to consider alternatives.

The commission's recommendation for changes "in the administrative rules" and the following comments are not recommendations to the legislature and are not before it.

Longevity raises are not proposed for directors; rather the salary schedule at AS 39.27.011 is utilized, presumably at the times now established, that is, annually.

(6), (7), (8), and (9) Certain listed commissions.

The Commission recommends that the Public Utilities Commission, Alaska Transportation Commission, Alaska Commercial Fisheries Entry Commission, and the Alaska Pipeline Commission commissioners be compensated at \$39,372. They apparently earn \$33,500 at the present time. The commission also recommends that they receive "longevity" increases "at the discretion of the Governor." It seems questionable policy to allow the governor to control the compensation of commissioners who have quasi-judicial responsibilities and who may be called upon to rule on administration proposals.

(10), (11), and (12) The Judiciary.

The commission recommended no increase for any member of the judiciary and no changes in retirement benefits for incumbent judges.

Its other recommendations regarding retirement coverage create some problems.

(C) It recommended that incumbent judges begin contributing to their retirement package at the rate of 2.5% in 1979 and 1980; it says it intends to recommend a pay increase to offset the resulting decrease in compensation. Recommendations 10c, 11c, and 12 c. This, the Commission says, will solve the constitutional question (Art. IV, §13) While the possibility exists that a finely-tuned proposal of this sort may meet the constitution's mandate, in my judgment the "recommendation"

containing this proposal is not before the legislature at this time. It is only a promise, conditioned on another promise not yet contained in a recommendation and no action is required on it at this time.

(D) The last recommendation is that judges appointed after January 1, 1977 contribute to their retirement system. Present law contains no requirement of contributions; while the legislature may establish such a requirement, it may only do it prospectively. If it wishes to do so, it will only be effective for judges appointed subsequent to the date of the amendment of the retirement act and, since judges have been or will be appointed subsequent to January 1, 1977, the law will not apply at the time recommended.

(13) The Legislature

(A) The commission recommends an annual salary of \$11,750 for members of the legislature. Such a recommendation is appropriate.

The commission then recommended that the salary be paid in four increments. Whether that recommendation has merit or not, in my judgment Ch. 263 did not authorize the Commission to vary explicit state law.

Each member of the legislature is entitled to ... compensation ... in approximately equal monthly installments. AS 24.15.020.

The legislature may approve the recommendation and disregard the payment as ultra vires.

(B) The Speaker and the president are each entitled to \$500 under the commission's recommendations. It presents no particular problems.

(C) Members of the legislature get "longevity" increases; under the commission's approach, longevity raises are granted to present members reelected in 1978. The recommendation presents no legal or constitutional problems.

(D) The commission recommends a "vouchered" annual allowance of \$4,000. The amount may appropriately be set by the Commission; the conditions on its payment may not.

The legislature may approve the recommendation and disregard the voucher provision as ultra vires.

(E) The commission recommends that participation in the Public Employee Retirement System be made mandatory for members of the legislature, unless they are now contributing to a state retirement fund and will continue to be a contributing member while a legislator.

The two state retirement funds at present are PERS and Teachers. In the past, members of the legislature while on leave from teaching positions have served in the legislature and made their personal contributions as well as their employers' while in the legislature. (Bob Palmer was said to have done it that way. Presumably the benefits might have been better under the alternative system.)

My information is that such an arrangement would not be possible for employees of the state government, since they would need to resign their position to seek election. Art. II, §5, Alaska Constitution.

Members of the legislature who are retired from PERS (e.g., Ed Dankworth) would have their retirement benefits suspended during their tenure as a legislator if this recommendation is enacted, and then have their benefits recomputed at the end of their term or terms.

(F) The commission recommends that legislators receive the same per diem as is set for other state officers and employees under AS 39.20.110, including the regional variations. Appendix V to the Recommendations indicates the variations.

The commission then picks up the concept from the "Administrative Manual" of "long-term" and "short-term" per diem rates. Section 7640 of the manual establishes the procedures for payment of per diem claims. The usual per diem rate is described as the "short term rate." The Manual states:

A short term per diem allowance is authorized when the circumstances of travel are such that the traveler can reasonably be expected to incur expenses comparable to those arising from the use of good and moderately priced establishments catering to the general public. The short term per diem rate is intended for trips of such duration that monthly rates are not obtainable. The short-term per diem may not be used after the 30th consecutive day in one location unless a continuation has been obtained in advance by the Commissioner of Administration. §7640(1)

Representative Terry Gardiner
March 17, 1977
Page 7

On the other hand;

A long term per diem allowance is authorized when the circumstances of travel are such that the traveler can reasonably be expected to incur expenses comparable to those arising from the use of establishments catering to the long-term visitor. The long term rate may not be used after six months in one location unless a continuation has been approved in advance by the Commissioner of Administration. §7640(2)

A so-called "non-commercial" rate is also authorized by §7640(3) in situations not at all analagous or relevant to the legislative situation.

The per diem allowance concepts quoted above are designed to achieve certain goals of limited relevance to the legislature. They are designed to compensate the true traveler for his reasonable expenses on short-term trips of 30 days or less. If his trip exceeds 30 days, then the assumption is that the traveler should lose the travel status where hotels and restaurants are to be expected and also that the traveler should seek less expensive accomodations, perhaps including cooking facilities. Finally, if the trip continues too long, the assumption is made that the employee has in fact changed his duty station and he is put off per diem.

Since no one expects the legislative session to be completed in 30 days, the logic of a conclusion that long term per diem is at all relevant would be that members of the legislature should move to it on the 30th day (or earlier), since it is quite reasonable to the state to expect legislators to use "establishments catering to the long term visitor." (§7640(2))

In fact, however, the Commission recommended that the long term rate be used after the 100th day of the session. The inference is in my judgment inescapable that the commission may have used the structure of the per diem allowances articulated in §7640 but it misunderstood the logic of §7640, notwithstanding Chairman Diebels' letter of March 2, 1977 to the contrary. (Senate Journal Supplement No. 23).

There is no justification for per diem to be used to encourage the members of the legislature to establish a permanent residence in the state capitol. Use of the lower, long term per diem subsequent to the 100th day must, accordingly, have been designed for some other purpose.

Since it is expected that the typical member of the legislature is maintaining a second household in the district from which he or she was elected, and that, moreover, the public interest is served by this fact, then it seems that the logic of the higher, short term per diem for the entire length of the session is more in keeping with the goals of short term per diem.

In the final analysis, however, the question of concern to me is whether the Commission overreached its authority when, after setting a per diem rate, it sought to change the rate after the 100th day, an event having no apparent relevance to per diem rates.

In my opinion, the answer to the question must be that the commission sought to achieve some purpose other than the narrow responsibility given it to set the "rate of per diem instead of subsistence for each member..." AS 24.15.010. It is of some significance, perhaps, that the law requires the establishment of a single "rate."

My difficulty in providing advice to you on this question, however, is that the commission did not technically exceed the narrow language of the law, that is, it only attempted to set per diem. Unlike the other situations where either recommendation was made that is inconsistent with statutory law or a feature not included in the law was added (vouchering), in this case the apparent manipulation was more subtle.

If the legislature concludes that the commission exceeded its authority, then I suggest that the per diem recommendation be rejected and that AS 24.15.010 be amended to make it explicit that only a single per diem rate may be established.

(g) The final recommendation relative to the legislature is that each legislator be allowed the cost of a round-trip to his home district during the session. While it is not clear what the recommendation is implementing, arguably it comes in under "additional allowances" at AS 24.15.030.

In conclusion, I offer the following analysis of the Salary Commission's recommendations and the action required to implement them:

(1) Governor:

(A) Salary at \$52,992. Requires a resolution to adopt.

(B) The governor "remain" in PERS. The recommendation is ambiguous; if the desire is to put him there without an option out, AS 39.35.125 will need to be amended by law.

(2) Lieutenant Governor:

(A) Salary at \$47,304. Requires a resolution to adopt.

(B) See (1)(B).

(3) Department Commissioners:

(A) Salary at \$47,304. Requires a resolution to adopt.

(B) Commissioners remain in PERS. No action required to implement it.

(C) "Longevity" raises. Requires a resolution to adopt.

(4) Deputy Commissioners:

(A) No change in starting salary recommended. No action required.

(B) Deputies remain in PERS. No action required.

(C) "Longevity" raises. Requires a resolution to adopt.

(5) Directors:

(A) No change in salary level recommended. No action required to implement this recommendation. If legislature wishes to clarify any of the questions presented in my analysis, then a bill would be required.

(B) Salary progression apparently under existing law. No action required.

(C) Remain in PERS. No action required.

(6) Alaska Public Utility Commission:

(A) Salary at \$39,373 annually. Requires a resolution to adopt.

(B) Chairman paid an additional \$500. Requires a resolution to adopt.

(C) PUC commissioners remain in PERS. No action required.

(D) "Longevity" raises at governor's discretion. Requires a resolution to adopt.

(7), (8), and (9), as to the Alaska Transportation Commission, the Alaska Pipeline Commission, and the Alaska Commercial Fisheries Entry Commission have identical recommendations.

(10) Supreme Court:

(A) Salary at \$52,992. No changes recommended; no action required.

(B) No change in benefits for incumbent justices. No action required.

(C) Incumbent justices start contributing in 1979 and 1980 with a raise that the commission promises. There is in fact no present recommendation pending before the legislature and no action is required.

(D) Justices appointed after January 1, 1977 become contributing members of Judicial Retirement System at 7.5%. The date cannot become the date for its implementation. The legislature must amend the Judicial retirement act by a bill and that becomes the earliest effective date. Requires an amendment to law to implement.

(11) Superior Court:

(A) Salary at \$48,576. No change recommended and no action required.

(B) Identical to 10 (B)

(C) Identical to 10 (C)

(D) Identical to 10 (D)

(12) District Court:

(A) Salary at \$41,068. No change recommended and no action required.

(B) Identical to 10 (B)

(C) Identical to 10 (C)

(D) Identical to 10 (D)

(13) Legislature:

(A) Salary of \$11,750. Requires a resolution to adopt. If the legislature agrees, the resolution should recite that the recommendation as to payment violates AS 24.15.020. and that payment should be made pursuant to that section.

(B) Presiding officers receive an additional \$500. Requires a resolution to adopt.

(C) "Longevity" pay increases. Requires a resolution to adopt.

(D) Annual allowance at \$4000. Vouchered. Requires a resolution to adopt. If the legislature agrees that the vouchered concept is extraneous to the commission's authority at AS 24.15.030, it should recite that fact in the resolution.

(E) Participation in PERS be made mandatory. Requires an amendment to law to implement. Questions regarding the election to continue coverage under Teacher's Retirement and regarding members who have already retired from PERS need to be addressed.

(F) Legislative per diem at the higher, "short term" state rate, for the first 100 days of the session, with regional variations. Legislators at home get lower, "long term" rate. "Long term rate" applies after the 100th day. While I believe that the change after the 100th day violates the intent of the legislature, I am not as certain that it violates the letter of the law. Note that the legislature has traditionally had dual per diem rates, though in a different context. If the legislature disagrees with the recommendation, it may amend the authorizing law to require the establishment of a single rate; it would then also reject, by resolution or by nonaction, the recommendation.

(G) A midsession trip home. Requires a resolution to adopt.

RAB:hjd

Jed

March 8, 1978

Legislative Board of Retirement Benefits analysis and recommendations on:

House Bill No. 398

The board endorses the attached fiscal note as its fiscal analysis of HB 398.

A majority of the board recommends that HB 398 do pass; one member has no recommendation; and one member was absent.

SUMMARY OF HOUSE BILL NO. 398

(assuming adoption of amendments suggested by Legislative Affairs Agency)

Retirement system affected: PERS

Requires that the governor, lieutenant governor, and members of the state legislature be members of PERS. Takes effect immediately and is retroactive to January 1, 1978.

A M E N D M E N T

IN THE HOUSE

TO: House Bill No. 398

Page 1, between lines 9 and 10:

add the following new material:

* Section 1. AS 39.35.120(b) is amended to read:

(b) Inclusion in the system is a condition of employment
for an employee except an elected official of a political
subdivision.

Renumber the remaining bill sections consecutively

Page 1, lines 21-22:

delete "a participating" and insert "an" in its place

Page 2, lines 1-11:

delete all material and renumber remaining bill sections
consecutively

Page 2, line 12:

change "1977" to "1978"

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 398
 Title An Act Implementing Recommendation of Salary Commission Relating to Retirement
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (PERS)
 Budget Request Unit(s) Affected Public Employees' Retirement System

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars) NONE

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

1. There are currently only 8 out of 62 elected state officials not already members of PERS.
2. Increase in state employer contribution rate would be minimal.

Paul B. Arnoldt

IV. DATE 1/24/78 PREPARED BY Paul B. Arnoldt
 AGENCY Division of Retirement and Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Representative Gardiner
 Office of the Governor (Keith Specking)

ok

HOUSE JUDICIARY COMMITTEE MEETING
March 29, 1977

The Meeting was called to order at 7:00p.m. Present at the meeting were Representatives Gardiner, Dankworth, Rudd, Miles, Specking, Brown and Eliason.

HB 265

HB 265 was taken up as the first order of business. Mr. Dankworth gave a brief testimony in favor of the bill. Mr. Specking made the motion to move the bill out of Committee. The motion was unanimously passed.

The Next order of business was HCR 45 and HB 398. The Committee members read over the opinions in the files from the AG's office and Dick Bradley, Legislative Affairs.

Rod Pegues was the first witness to speak on the bill, representing the Attorney General's Office.

Dick Bradley also gave testimony on these bills and it was pointed out by the Committee members that these two witnesses' interpretations of the bills varied considerably. Some points brought up were concerned with the constitutionality of the bills.

A number of motions for amendments were made by the Committee:

Specking Delete 13(f) Line 18 "for the first hundred days of the session". Then asked if both of the attorney's agreed on this particular change. The attorney's did not agree that this was acceptable.

Specking noted the diversitive opinons among the legal opinions that were at the meeting. He stated that he would follow Pegues' opinion and also suggested another change in the bill: \$50 a day away from home and \$35 a day near home..and asked the staff to draft accordingly.

Brown Line 16, change to Legislators who do not reside....asked the attorney's if this would upset the apple cart?

Bradley caution continues that you are either authorized to accept or reject recommendations of the Salary Commission, he thought that the Commissions recommendations were legal.

Rudd The language of the salary Commission is beyond the scope of the Salary Commissioner because they are only authorized to decide the rate and form of legislative contributions.

continued confusion-----

Brown Motion to change (Line 16) "change the.....city of residents to "do not reside in their election districts"
Line 17, put a period after short term rate and delete the rest.(18,19 &20

Specking brought out the problems with Brown's change.

Rudd Amendment - (;) after rate and delete lines 18, 19.

Gardiner asked for vote on the motion: 4 in favor
3 opposed

Pegues spoke to 13(g) and said that setting salaries by residence is shakey by the constitution.

Specking suggested drafting this idea into a bill and run it through also.

Brown: Motion to delet lines 21 through 23, motion carried unanimously.

Bradley spoke to the LAST RESOLVED section of the resolution: give the Commission a mandate in establishing an equitable balance is altered - justification for this last session.

Specking Motion to delet lines 2 through 5, no objection to motion.

Eliason Move to rescend motion on pg. 4 lines 14-20, motion failed.

HB 398

Pegues testified on the bill, said that it couldn't be done.

HB 278 was briefly brought up and Art Snowden gave brief disertation.

Gardiner asked if there were any amendments to HB 398?

There was further discussion on this bill but no motions or amendments were brought before the Committee.

The Meeting was adjourned at 9:00 p.m. with no final action being taken on HCR 45 and HB 398.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 398
 Title An Act Implementing Recommendation of Salary Commission Relating to Retirement
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits
 Program Category Affected Retirement and Benefits (PERS)
 Budget Request Unit(s) Affected Public Employees' Retirement System

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars) NONE

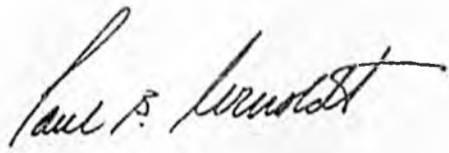
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

1. There are currently only 8 out of 62 elected state officials not already members of PERS.
2. Increase in state employer contribution rate would be minimal.



IV. DATE 1/24/78 PREPARED BY Paul B. Arnoldt
 AGENCY Division of Retirement and Benefits
 PHONE 465-4460
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Representative Gardiner
 Office of the Governor (Keith Specking)

OK

HPB

400

MEMORANDUM
LEAGUE OF WOMEN VOTERS OF ALASKA

TO: Rep. Hugh Malone, Speaker
Rep. Bob Bradley & Rep. Terry Gardiner DATE: April 1, 1977

FROM: Marjorie Gorsuch & Janice Gates, Lobbyists, LWV Ak.

SUBJECT: H.B. 400 An Act Relating to Conflict of Interest

The League of Women Voters of Alaska supports the passage of H.B. 400 and respectfully urges its consideration. The reporting requirements of the Conflict of Interest law are an on-going responsibility of those covered by the law, therefore many would benefit from legislative action to improve the law this session.

H.B. 400 should be given consideration for the following reasons:

I. Enforcement (AS 39.50.060 (a) AS 39.50.085)

(a) The League's primary concern with the present conflict of interest law has been in the area of enforcement. The Saylor's Case pointed up a deficiency in the wording of the law which makes it unenforceable.

According to a ruling by a District Court judge in the First Judicial District, Section AS 39.50.060 (a) is constitutionally vague and he opined that a person could be charged under either part of the section given the same set of circumstances, and that the first portion of the section required general intent and the second specific intent, and that the Court could not instruct on both. On the basis of this he dismissed the case.

The proposed wording attempts to solve this problem. The League supports a change in this section which will reinstate effectiveness and reestablish confidence in the enforceability of the law.

(b) Another enforcement defect in the present law relates to the omission of penalties for noncompliance by municipal officers. H.B. 400 addresses this omission in an effective and reasonable manner.

II. Reporting by Municipal Officers (AS 39.50.085)

The League has long supported an amendment contained in H.B. 400 which would require municipal officers to disclose contracts with the municipality. When the original initiative was extended to cover municipal officers, this reporting of contracts was not amended to reflect an interest which should be reported under the law in the case of a municipal officer.

III. General Clarification

H.B. 400 clarifies existing language and eliminates unnecessary and burdensome requirements (such as having candidates file an additional conflict of interest statement when a current one is on file). The League supports these efforts at making the existing law more reasonable and comprehensible for those who are required to comply.

The League will be pleased to present section by section comments on request..



JUNEAU ALASKA

HB 400
HB 401

Alaska State Legislature
House

M E M O R A N D U M

TO: Representative Terry Gardiner, Chairman
House Judiciary Committee

FROM: Hugh Malone *Hm*

DATE: February 23, 1978

Attached are proposed amendments to HB 400 and 401 recommended by the APOC in accordance with AS 15.13.030 (9)

*If we have these
in our Com or will
get them - hold*

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

610 C STREET, SUITE 209
ANCHORAGE, ALASKA 99501
PHONE: 276-4176 AND 274-0321

February 15, 1978

Honorable Hugh Malone, Speaker
House of Representatives
Pouch V - State Capitol
Juneau, Alaska 99811

Dear Rep. Malone:

Transmitted herewith on behalf of the Alaska Public Offices Commission are copies of bills containing proposed amendments to AS 15.13, the campaign disclosure law, and AS 39.50, the conflict of interest law. These have been prepared and are being submitted in accordance with AS 15.13.030(9).

In addition, enclosed are two other documents which are provided as back-up and rationale for these short amendments being suggested by the Commission to the Legislature. These proposed amendments are in addition to legislation first introduced during the last session and currently pending in the form of HB 400 (amendments to AS 39.50), which is presently in House Judiciary, and HB 401 (amendments to AS 15.13) presently in House State Affairs.

The Commission respectfully requests that consideration be given to an early introduction of and action on bills containing these recommended amendments.

Respectfully yours,

ALASKA PUBLIC OFFICES COMMISSION

Randall P. Burns

RANDALL P. BURNS, Executive Director

RPB/kjb
Enclosures

A BILL

For an Act entitled: "An Act relating to conflict of interest; and providing for an effective date."

* Section 1. AS 39.50.020(a) is amended to read:

Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a) A judicial officer, commissioner, chairman or member of a state commission or board specified in 200(9) of this chapter, person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, person appointed as assistant to the governor, and a municipal officer, shall file a statement giving his income sources and business interests, under oath and on penalty of perjury, within 30 days after he takes office as a public official. Candidates for state elective office shall file such a statement at the time of filing a declaration of candidacy or within 30 days of the filing of any nominating petition, or within 30 days of becoming a candidate by any other means. Candidates for state elective office who filed for office during an off-election year shall file another such statement on or before June 1 of the election year. Candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that his previously accepted filing fee be returned and his name removed from the filing records. A statement shall also be filed by public officials no later than April 15 [OR 15 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX RETURN] in each following year [, WHICHEVER SHALL COME FIRST]. Upon termination from a position subject to the reporting requirements of this chapter, a person must file a statement covering the period from the final date of his last previous statement through the date of his termination. [PERSONS WHO, ON OR AFTER DECEMBER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED IN 200(9) OF THIS CHAPTER ARE NOT REQUIRED TO FILE FINANCIAL STATEMENTS.]

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

RATIONALE FOR PROPOSED CHANGES
TO AS 39.50, ALASKA'S CONFLICT OF INTEREST LAW

The following changes are proposed and rationale provided:

I. PROPOSED CHANGE:

"Candidates for state elective office who filed for office during an off-election year shall file another such statement on or before June 1 of the election year."

RATIONALE:

A "current" conflict of interest statement discloses a person's business and financial interests for the preceding calendar year. Arguably, it was the intent of AS 39.50 that candidates for state elective office would file for office during the year in which they planned to campaign for nomination and election. Therefore, all candidates would have a COI statement on file disclosing their financial interests during the same preceding year.

However, as a result of the Commission's decision regarding AS 15.13.100, persons wishing to expend money to raise money must first formally file for office. This creates the following problem:

A public official, who files to run for state elective office in 1978 prior to January 1, 1978, does not need to file a conflict of interest statement because he/she already has a current statement on file (covering 1976). On or before April 15th of 1978 the public official, who is also a declared candidate, will have to file the annual COI statement, covering the preceding year: 1977.

A person (not a public official), who files to run for state elective office in 1978 prior to January 1, 1978, must file a conflict of interest statement covering their financial interests during the preceding year: 1976.

A person, who files for state elective office after January 1, 1978, must file a conflict of interest statement covering their financial interests during the preceding year: 1977.

Therefore, the person who files to run for state elective office in 1977 will not have a current conflict of interest statement on file during 1978 -- the year in which he is actively campaigning for his nomination and election.

Since AS 39.50.020 specifically states that "candidates for state elective office shall file such a statement at the time of filing a declaration of candidacy" (emphasis added), the proposed additional language would result in all candidates having a COI statement for the same prior year.

II. PROPOSED CHANGE:

"Upon termination from a position subject to the reporting requirements of this chapter, a person must file a statement covering the period from the final date of his last previous statement through the date of his termination."

RATIONALE:

Public officials subject to the reporting requirements of AS 39.50, the conflict of interest (financial disclosure) law, file conflict of interest statements each year (by April 15th) for so long as they hold such a position.

The report filed covers the preceding calendar year.

If a public official retires, resigns, or otherwise ceases to hold a position subject to AS 39.50 before the due date of his next report (April 15th), the law does not currently require that official to disclose his business and financial interests for any part of the period that he was in office since his previous report. The following are examples of what presently occurs:

- 1) An official files his annual conflict of interest (COI) statement on April 15th of this year, covering 1977 (the preceding year). He then resigns his position in late October of this year. Since he is not required to file a statement upon termination, his financial and business interests for the ten (10) months he held office in 1978 go undisclosed.
- 2) An official files his annual COI statement on April 15th of this year, covering 1977 (the preceding year). He resigns just short of a year from then, on April 10, 1979. If only public officials, as defined by AS 39.50.200(1), are required to file a COI statement on or before April 15th, and if an official resigns from a position subject to AS 39.50 before that due date, then the person cannot be required to file a statement, as in this example, for the year and three months that he held office as a public official (January 1, 1978 - April 10, 1979), nor is he required to disclose his business and financial interests for any of that period of time.

The Commission has discussed this problem at length and feels it is not in the public's interest to allow a "loophole" such as this one to continue unremediated. Currently, the public has no accurate way of knowing whether or not an official has acted "upon a private or business interest in the performance of a public duty [AS 39.50.010(a)(1)]" if there is no statement of that official's financial and business interests from the final date of his last report through his termination date in the position.

Why should the business and financial interests of an official's last months -- or year -- in office go undisclosed? It seems contrary to the scope and intent of AS 39.50. The Attorney General's Office has stated a change of this nature requires legislative remedy: here is our request.

III. The other changes were proposed by the Commission earlier this year and exist in HB 401. Basically, both are administrative changes. The Commission has no way of enforcing the "15 days after the person files his federal income tax return," and the final sentence in 39.50.020 is no longer applicable since the law has now been in effect since early 1975.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to campaign disclosure; and providing for an effective date."

* Section 1. AS 15.13.070 is amended by adding a new subsection to read:

(i) No contribution may be made and no expenditure may be made or incurred, directly or indirectly, by the state or an entity of the state, to influence the election of a candidate or for or on behalf of a group organized to support or defeat a ballot proposition or question. All other communications which are paid for by the State or an entity of the State 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 or regulation. When the State or an entity of the State seeks to influence the outcome of an election, it shall report in the same manner as a group. For the purpose of complying with AS 15.13.040(b)(1)'s requirement to list the name and address of each officer and director, the State or an entity of the State shall list the name and address of the governor and the entity's principal officials. For the purpose of complying with AS 15.13.040(b)(1)'s requirement to list the name and address of its campaign treasurer, the State or an entity of the State, shall list the name and an address of the department or agency's finance director, fiscal officer, or equivalent officer. For the source of contributions [AS 15.13.070(h)], the State or an entity of the State shall list the particular department, division, agency or entity from whose budget the appropriation is made.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

RATIONALE FOR PROPOSED CHANGE

IN AS 15.13, ALASKA'S CAMPAIGN DISCLOSURE LAW

The rationale for the proposed language amending AS 15.13.070 is simple: the Alaska Public Offices Commission firmly believes that the State of Alaska and any agency, entity, or instrumentality of the State should be prohibited from involving itself in directly attempting to influence the election of a candidate or supporting groups attempting to influence the outcome of a ballot proposition question.

Although one would perhaps assume that the State remains removed from such issues, i.e., that public money is not be expended to influence the election process, the University of Alaska's veiled involvement in attempting to influence the passage of its bond issues is a good example.

A previous proposed amendment, found in HB 401, Section 1, included the State and its instrumentalities within the purview of AS 15.13. The affect of this current proposal and the one already in HB 401 would, it seems to me, do the following:

- 1) Require that any money spent by any State agency on communications related to an election be reported by the applicable agency. For instance, if the Department of Natural Resources was to run a series of advertisements simply stating the contents of the Homestead Initiative as part of the State's thrust to educate the public as to issues before it, the cost of printing the advertisement would have to be reported by the Department.
- 2) Prohibit absolutely State agencies from contributing directly or indirectly to candidates or groups, and prohibit the making or incurring of expenditures for or on behalf of candidates or groups.

The Commission does not wish to prohibit the State or entities of the State from communicating with the citizenry regarding voter information on bonds, ballot issues, etc. It feels, however, that such expenditures are reportable as campaign expenses and should be disclosed as such. (All municipalities subject to AS 15.13 currently report as this proposed amendment would require the State.)

The Commission does believe the State and entities of the State should not be involved in supporting any candidate or group attempting to influence the outcome of an election.

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

610 C STREET - ROOM 209
ANCHORAGE 99501
PHONE (907) 274-0321 or 276-4176

March 11, 1977

MAR 14 1977

Honorable Hugh Malone, Speaker
House of Representatives
Pouch V - State Capitol
Juneau, Alaska 99811

Dear Rep. Malone:

Transmitted herewith on behalf of the Alaska Public Offices Commission are copies of bills containing proposed amendments to AS 15.13, campaign disclosure law and AS 39.50, conflict of interest law. These have been prepared and are being submitted in accordance with AS 15.13.-030(9).

Also enclosed is an analysis of the effect of and rationale for the recommended changes and is intended to offer a general explanation of the amendments.

The Commission respectfully requests that consideration be given to an early introduction of and action on bills containing these recommended amendments.

Respectfully yours,

ALASKA PUBLIC OFFICES COMMISSION

Wilda G. Hudson

WILDA G. HUDSON, Executive Director

WGH/cl
enclosures

in journal

HB 400
401

ALASKA PUBLIC OFFICES COMMISSION
610 C Street, Suite 209
Anchorage, Alaska 99501

EFFECT OF AND RATIONALE FOR AMENDMENTS TO THE CONFLICT OF INTEREST LAW
PROPOSED BY THE ALASKA PUBLIC OFFICES COMMISSION

* Section 1. AS 39.50.020(a) - amended.

The first amendment is language change to reflect in the law the commonly used term "financial and business interest" rather than the little-used term "income sources."

The second amendment simply to reference the section of the law which sets out the reporting requirements.

The third amendment adding "within 15 days after" and deleting "at the time of" is to accomodate the severe problem that was experienced in 1976 by candidates when they filed for office and by the lieutenant governor's office and the APOC when determining whether the candidate had met the filing requirements. This will avoid candidates having to file this rather extensive form at the time they file (particularly when they file on the last day) yet it will assure that they have filed prior to the ballots having to go to the printers. "15" replaces "30" days for other forms of filing for consistency.

The amendment relating to municipal candidates adding "within 7 days after" and dropping "at the time of" is to accomodate the municipal candidates in their filing; however, the time frame for municipal candidates must be shorter in order for the municipal clerks to get their ballots to the printers in a timely manner.

The amendment "except that if the candidate has a current statement on file with the commission this requirement does not apply" is necessitated due to two court cases brought by disqualified candidates in 1976. APOC had not required a candidate to file another conflict of interest if they had a current one on file. A Superior Court judge ruled that this was unequal treatment of candidates and that the law required that a statement be filed "at the time of filing a declaration of candidacy"; therefore, every candidate must do so regardless of having one on file. The Supreme Court reversed the ruling of the Superior Court judge. This amendment will, by law, make it unnecessary for a candidate to file a duplicate statement.

The final amendment to this section establishes only one firm deadline for filing statements: April 15. The last sentence is deleted because it is no longer applicable.

* Section 2. AS 39.50.030(a) - amended.

The first amendment is language change for consistency. The second amendment dropping the last sentence is because this sentence has been a source of confusion as to whether assets over \$500 are required to be reported. This has been added as subsection (9) of this section so that there will be no doubt but what assets over \$500 must be reported.

- * Section 3. AS 39.50.030(b)(2) and (7) - amended.

Subsections (2) and (3) as presently written are practically duplicates and cause confusion. The requirements of these two sections have been designed as one section on the reporting form. By combining the requirements of both subsection (2) and (3) into subsection (2) and repealing subsection (3) the law is made more clear.

As subsection (7) is presently written it requires municipal officers to report contracts they hold with the state but not those they hold with the municipality. This would correct that problem. Also this section is amended to require the reporting of only contracts "held" and not those "offered or bid."

- * Section 4. AS 39.50.050(d) - amended.

It is unrealistic to require the "publishing" of all 450 plus conflict of interest statements. These amendments reflect the administrative method being used this year. APOC has had no requests for "published" conflict of interest statements; we have had a few requests for the listing of names of public officials.

- * Section 5. AS 39.50.030(b) is amended by adding a new subsection.

See Section 2 for rationale of this amendment.

- * Section 6. AS 39.50.060(a) - repealed and re-enacted.

According to a ruling by a District Court judge in the First Judicial District, in a case before his court, this section as presently written was found to be constitutionally vague and he opined that a person could be charged under either part of the section given the same set of circumstances, and that the first portion of the section required general intent and the second specific intent, and that the Court could not instruct on both. On the basis of this he dismissed the case. This amendment was suggested in 1976, to a legislator who was concerned about the problem, by an assistant attorney general.

- * Section 7. AS 39.50.060(c) - new section added.

This section sets out the penalties for violation of (a) under this section.

- * Section 8. AS 39.50.085 - new section added.

The law does not provide for penalties for failure to report by municipal officers as it does for state public officials. This amendment does that. It is patterned after penalties for state officials. Municipal clerks and attorneys have inquired about this "void" in the law.

* Section 9. AS 39.50.200(1) and (9) - amended.

(1) The Act establishing the ombudsman's office in 1975 provided that the "ombudsman, the deputy ombudsman and their professional staff" were subject to AS 39.50; however, AS 39.50.200(1) was not amended in the Act to reflect this fact. This amendment corrects that oversight.

(9)(E) and (KK). These two committees had an expiration date of January 1, 1977, by law.

(9)(J). The Board of Fish and Game was abolished and two boards created in its place: The Board of Fisheries and the Board of Game. These two new boards were not brought under the provisions of AS 39.50.

(9)(EE). This was abolished when the State Operated Schools were replaced by the establishment of the Rural Education Associations.

(9)(MM). The Act establishing the Alaska Power Authority provides that members of this commission are subject to AS 39.50; however, AS 39.50.-200(9) was not amended to reflect this fact. This amendment corrects that oversight.

* Section 10. AS 39.50.030(b)(3) and AS 39.50.150 - repealed.

Subsection (b)(3) has been incorporated into subsection (b)(2).

Section 150 is no longer applicable.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to conflict of interest; and providing for an effective date."

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

* Section 1. AS 39.50.020(a) is amended to read:

(a) A judicial officer, commissioner, chairman or member of a state commission or board specified in §200(9) of this chapter, person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, person appointed as assistant to the governor, and a municipal officer, shall file a statement of [GIVING] his financial [INCOME SOURCES] and business interests required under sec. 30 of this chapter, under oath and on penalty of perjury, within 30 days after he takes office as a public official. Candidates for state elective office shall file such a statement within 15 days after [AT THE TIME OF] filing a declaration of candidacy or within 15 [30] days of the filing of any nominating petition, or within 15 [30] days of becoming a candidate by any other means, except that if the candidate has a current statement on file with the commission this requirement does not apply. Candidates for elective municipal office shall file such a statement within 7 days after [AT THE TIME OF] filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office, except that if the candidate has a current statement on file with the municipality this requirement does not apply. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that his previously accepted filing fee be returned and his name removed from the filing records. A statement shall also be filed by public officials no later than April 15 [OR 15 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX

RETURN] in each following year[, WHICHEVER SHALL COME FIRST]. [PERSONS WHO, ON OR AFTER DECEMBER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED IN SEC. 200(9) OF THIS CHAPTER ARE NOT REQUIRED TO FILE STATEMENTS.]

* Sec. 2. AS 39.50.030(a) is amended to read:

(a) Each statement shall be an accurate representation of the financial and business interests [AFFAIRS] of the public official or candidate and shall contain the same information for each member of his family, as specified in (b) of this section, to the extent that it is ascertainable by the public official or candidate. [AN ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS, AND PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

* Sec. 3. AS 39.50.030(b)(2) and (7) are amended to read:

(2) the identity, by name and address, of each business, and the nature of each interest owned in any business, in which he or his spouse or dependent child of his or nondependent child of his who is living with him was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year;

(7) a list of all contracts [AND OFFERS TO CONTRACT] with the state, or an instrumentality of the state, in the case of state public officials, and with the municipality in the case of municipal public officials, during the preceding calendar year[,] held[, BID OR OFFERED] by him, his spouse, dependent child of his or nondependent child of his who is living with him, his mother or father or a partnership or professional corporation of which he is a member, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest; and

* Sec. 4. AS 39.50.030(b) is amended by adding a new subsection to read:

(9) assets over \$500 not otherwise described in this section; household goods and personal effects need not be reported.

* Sec. 5. AS 39.50.050(d) is amended to read:

(d) To facilitate the filing of reports under AS 24.45[.25] (Regulation of Lobbying) and the information required to be provided under AS 24.45.051(4) and (5), the commission shall prepare a listing of names of all public officials and their official positions who are [PUBLISH COPIES OF THE REPORTS] required to file statements under this chapter not later than the convening of each regular session of the legislature. Copies of this listing and copies of any reports, [PUBLICATION] shall be provided on request; however, the commission may make a charge for the copies [PUBLICATION] which may not exceed the actual cost of printing, postage and handling.

* Sec. 6. AS 39.50.060(a) is repealed and re-enacted to read:

(a) A person required to file a statement of financial and business interests under this chapter

(1) who wilfully refuses to disclose required information when due is guilty of a misdemeanor;

(2) who wilfully fails to disclose required information when due is guilty of a misdemeanor; or

(3) who wilfully provides false or misleading information on such a statement is guilty of a misdemeanor.

* Sec. 7. AS 29.50.060 is amended by adding a new section to read:

(c) A person convicted under (a) of this section is punishable by a fine of not more than \$5,000 and by imprisonment for a period of not more than 1 year or both.

* Sec. 8. AS 39.50 is amended by adding a new section to read:

Sec. 39.50.085. FAILURE TO REPORT BY A MUNICIPAL OFFICER. (a) If an elected municipal officer refuses or fails to file the required statements when due he shall not be paid his salary, per diem, or travel expenses after the due date until he complies with the requirements of this chapter and is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000.

(b) A person hired or appointed as a municipal officer shall not receive salary, travel expenses, or per diem for any period after the initial 30 days after the completion of his appointment or after his entry into municipal employment if he has not complied with the requirements of this chapter; if he has not complied with the requirements of this chapter by the 60th day he shall be removed from office and his position is vacant. If after installation as an appointed municipal officer he refuses or fails to file the required statement when due, he is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000.

* Sec. 9. AS 39.50.200(1) and (9) are amended to read:

(1) "public official" means a judicial officer, a member of the legislature, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch, an assistant to the governor, chairman or member of a state commission or board, the ombudsman, the deputy ombudsman and their professional staff, and each appointed or elected municipal officer;

(9) [(E) CAPITAL SELECTION COMMITTEE (INITIATIVE #1, 1974);]

[(J) BOARD OF FISH AND GAME (AS 16.05.220);]

[(EE) BOARD OF DIRECTORS, STATE OPERATED SCHOOLS (AS 14.08.030);]

[(KK) GAS PIPELINE IMPACT COMMITTEE (AS 31.30.040)]

(MM) Alaska Power Authority (AS 44.56.020).

* Sec. 10. AS 39.50.030(b)(3) and AS 39.50.150 are repealed.

ALASKA PUBLIC OFFICES COMMISSION
610 C Street, Suite 209
Anchorage, Alaska 99501

EFFECT OF AND RATIONALE FOR AMENDMENTS TO THE CAMPAIGN DISCLOSURE LAW
PROPOSED BY THE ALASKA PUBLIC OFFICES COMMISSION

General comment: Throughout the law there has been an attempt to make the language consistent, which has been cause for amendments that otherwise would not have been suggested had not amendments of substance been required. For instance, in some sections "persons" is used alone, other sections "persons" and "candidates" are used and other sections "candidates" and "groups" are used.

* Section 1. AS 15.13.010(b) - amended.

"Person" is added for consistency in language.

"State or instrumentality of the state" is in response to inquiries from the public and the desire to have the state covered. The Commission feels that the state should have to report any monies spent for influencing the outcome of an election.

* Section 2. AS 15.13.020(b), (c), (d) and (f) - amended.

(b) This would have no effect upon the present method of appointment. It would modify the language to deal with future appointments rather than the initial appointments.

(c) The effect of this amendment is merely to modify the language to read more clearly and specifically.

(d) The effect of this is to modify the language to delete reference to initial appointments and to deal with future appointments.

(f) At times members of the Commission, particularly the chairman, spend time on Commission business apart from the meetings, even to the extent of taking time off ^{from} work. It is felt in such instances members should be compensated.

* Section 3. AS 15.13.020(j) and (k) - repealed and re-enacted.

These two sections address the establishing of district offices and what is required of them and also speaks to municipalities.

As presently worded, these two sections are confusing and incomplete. As rewritten, they attempt to make it clear that the Commission shall establish district offices (they are called only "district offices" in the re-enacted wording and no mention is made of "regional offices"). It outlines specifically where reports shall be made available to the public. It is felt that there should be flexibility to allow persons to file in the municipalities since the objective is to have the reports available to the public in a timely manner. To require municipal candidates to file first with the Alaska Public Offices Commission does not provide for this objective. The specifics of filing can

be worked out administratively through regulations and the manual of instructions. Also, the law as presently written does not require that reports filed by groups, etc., be made available in the district offices. The new language covers this area.

* Section 4. AS 15.13.030(2), (4), (6), (7) and (9) - amended.

(2), (4) and (6) are to achieve consistency in language.

(7) has been substantially changed. As presently written it does not state what shall be reported to the attorney general and what has been reported in the past clutters up the files with minor infractions that will not be, nor should they be, prosecuted by the attorney general. It is suggested that perhaps what should be addressed in this section should be the failure to file reports. With this in mind, subsections (6), (7) and (8) have been tied together with sec. 125 to reach the issue of violations in a meaningful way.

Sec. 125, civil penalties, speaks to the issue of late filing and such infractions would not need to be included in the report to the attorney general as seemingly is now required in the vague wording of the present law: "who have failed to comply with any of the provisions of this chapter."

Subsection (6) is expanded to require APOC to notify by certified mail all those who are delinquent in filing under the law.

Subsection (7) is re-written to require that APOC report to the attorney general those persons who fail to file reports within 30 days after they have been notified. This, then, would lessen the names sent to the attorney general and would require notification to the attorney general in a meaningful time frame for this more serious violation.

Subsection (8) would reach those violations not covered under sec. 125 for late filing and subsection (7) for failure to file. This subsection is meant for the more serious violations.

(9) is amended to be consistent with the language of AS 24.45 as concerns the annual report.

* Section 5. AS 15.13.030 - New subsection added.

(11) is added to be consistent with the other two disclosure laws for the retention of reports and statements by the Commission. AS 15.13 does not have a requirement as to length of time records must be retained. Sec. 120(e) speaks to the fact that prosecution may not be commenced after 4 years.

* Section 6. AS 15.13.040 - repealed and re-enacted.

Note: This section as presently written is inconsistent. [e.g. Sec. (a) speaks to candidates, then secs. (b) & (c) speak to groups, secs. (d) & (e) to individuals. Also secs. (a) & (b) do not require anything but the date and amount of expenditures to be reported]. This section as re-enacted does the following:

(a) speaks to candidates and is more specific in what the candidate must include on his report broken down into subsection (1) contributions and (2) expenditures. The requirements here are what is now being required by design of form; however, the law does not now require it.

(b) speaks to groups and sets forth what must be included on their reports in a manner consistent with the reporting requirements for candidates. The requirement of existing sec. 40(b)(1), that officers and directors be listed, has been moved to sec. 50(a). This places all group requirements under one section (b) instead of (b) and (c), as now written. Also, it adds that the reports may be signed by the group's chairman. To require that a group's report may be signed by only the group's treasurer has been placing a hardship on some groups.

(c) speaks to individuals and persons (other than groups) and incorporates the present requirements of secs. (d) and (e). It sets forth what must be included on their reports in a manner consistent with the requirements of candidates. It also corrects \$100 to \$250. The reporting date of "10 days" has been moved to sec. 110(e), filing of reports, to be consistent.

(d) speaks to suppliers of services and contains what is now contained in sec. (f). The last sentence has been dropped because sec. 30(3) states that all records are public records and this is a repeat that is unnecessary here. The last sentence of this section is new, however, and requires that all records of the suppliers of services shall be available to the Commission upon request.

* Section 7. AS 15.13.045(a), (b) and (c) - amended.

(a) The replacement of "conduct investigation" is merely a language change as it is felt an investigation would be conducted while holding a hearing. This section has been expanded to include AS 24.45 and AS 50.

(b) has been expanded to include AS 24.45 and AS 39.50.

(c) has been expanded to include AS 24.45 and AS 39.50.

* Section 8. AS 15.13.050 - amended.

"Groups" are spoken of in two sections of the law as presently written: sec. 50 and sec. 130(3) under definitions. Additionally, sec. 50 presently does not require groups to register prior to filing their first report. This section has now been broken down into three thoughts:

(a) speaks to when candidates and groups must register. It has been expanded to include the requirement that groups must also register before making an expenditure concerning a ballot proposition or question. The requirement to report the names of officers and directors has been placed here rather than in sec. 40(b)(1) as presently written.

(b) speaks to the requirement that the name of the candidate must be included in the name of the group. This is the same language as presently in the middle portion of sec. 50.

(c) speaks to the candidate's control of a group. Except for the last sentence in sec. 50 (the portion NOT underlined in this section), the underlined wording is "lifted" from sec. 130(3). This change was suggested last year by the LWV and was included in the bill which was introduced last year.

* Section 9. AS 15.13.060(b), (c), (d) and (f) - amended.

(b) This is expanded to require a group to appoint a chairman and file the name with the APOC. This is necessary if a chairman as well as a treasurer, is going to be allowed to sign reports (refer to Section 6, subsection (c) of this analysis).

(c) This drops the requirement that a candidate must have filed his treasurer's name with APOC or his name will not appear on the ballot. This is the same amendment the Commission recommended last year.

(d) This is the same amendment the Commission recommended last year. It is felt that the "punishment" is too great for the "crime," and it is considered to be an unenforceable section.

(f) This amendment places more of the "burden of compliance" on the candidate.

* Section 10. AS 15.15.060 - new section added.

As presently written, it would appear that the group's treasurer is held solely responsible for the group's activities as concerns campaign disclosure. Yet, a treasurer is not the sole policy maker for a group and often merely carries out the policy decisions of the group's officers. This is an attempt to hold persons in the group, in addition to the treasurer, responsible.

* Section 11. AS 15.13.070(a), (b) and (d) - amended.

(a) "Individual" and "persons" [in (a)(2)] is for consistency in language. The remaining amendments are to bring Alaska's law in line with the U. S. Supreme Court decision, Buckley vs. Valeo.

(b) "Group" is for consistency in language.

(d) As presently written, the law does not prohibit groups from receiving anonymous contributions as are candidates. This language change would do so.

* Section 12. AS 15.13.090 - amended.

"Person" is for consistency in language. The other amendment would delete the requirement that a candidate include the fact that he is his own campaign treasurer on political advertising.

* Section 13. AS 15.13.100 - amended.

This would allow candidates to accept contributions and make expenditures prior to filing a nomination for office. It does require that such must be reported, however.

* Section 14. AS 15.13.110(a)(4), (b) and (c) - amended.

(a)(4) is amended to make it clear that, during an election year, the December 31 report is for reporting any campaign contributions received and expenditures made which occurred after the 10 day post-election report and not for reporting contributions and expenditures not previously reported within their appropriate reporting period. Any such contributions or expenditures not reported within the appropriate period pose a different problem and would be handled in a different manner.

(b) This is the same amendment that was included last year. It closes the 3 day "hole" in the reporting procedure between the cut off date of the 7 day pre-election report and the first day the "24 hour" report is due.

(c) The substantive amendment to this section provides, by law rather than regulation, that the postmark date shall be considered the filing date. The remainder of the corrections are language changes.

* Section 15. AS 15.13.110 - new sections added.

(c) This new section states when an individual or person who makes a contribution or expenditure shall file their reports. This was previously included in sec. 40(e) under what must be reported. This change is for consistency in the law.

(f) This new section provides that a candidate may file an affidavit stating that he does not plan to receive contributions or make expenditures during his campaign. He would not be required to file any other reports. If, however, he should receive contributions or make expenditures he must then file the appropriate reports.

* Section 16. AS 15.13.120(a)(2) and (5) - amended.

(2) Amendment necessary to bring Alaska's law into conformity with the U. S. Supreme Court decision, Buckley vs. Valeo.

(5) This is amended to include a ballot proposition or question.

* Section 17. AS 15.13.125 - amended.

This amendment brings the late filing of the statements of designation of treasurer and registration of a group under the civil penalties section.

* Section 18. AS 15.13.120(2), (3), (4) - amended.

(2) Correction of sentence structure and to make it read same as language in subsection (4) "expenditure." (2)(D) is added to make it clear that by law a personal loan from a bona fide lending institution is not considered a loan. This reflects the present policy of the Commission.

(3) This amends the definition of "group" to include "political action committees," which more and more are becoming a common type of campaign organization.

(3)(A) This addition makes it clear that a candidate's personal campaign committee is not a "group" which would be required to report separately from the candidate.

(3)(B) This addition makes a distinction between those groups formed primarily for political purposes and those that are ongoing groups whose primary purpose is other than political. Such groups will be treated as "persons" rather than "groups."

The last amendment to (3) deletes a large portion of the definition of "group." This deleted portion has been incorporated in sec. 50 which is the more logical place.

(4) These amendments reflect correction of sentence structure only.

* Section 19. AS 15.13.030 - New subsections added.

(8) This definition of "instrumentality of the state" is necessary due to amendments in sec. 10(b) which brings the state under the requirements of AS 15.13.

(9) The meaning of the term "political committee" has never been too clear and is the cause of inquiry by the public. This makes it clear.

* Section 20. AS 15.13.070(f) and (g) and AS 15.13.080 - repealed.

(f) and (g) are repealed in order to bring Alaska's law into conformity with the U. S. Supreme Court decision, Buckley vs. Valeo.

(080) is repealed because its contents have been incorporated in secs. 40(c) and 110(e) where they should more logically be placed. The requirement that the candidate be furnished a copy of the contributor's report generates unnecessary paperwork of questionable value.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to campaign disclosure; and providing for an effective date."

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

* Section 1. AS 15.13.010(b) is amended to read:

(b) Except as otherwise provided, this chapter applies to contributions, expenditures, and communications made by a candidate, group, person, municipality, the state or instrumentality of the state, or individual for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate.

* Sec. 2. AS 15.13.020(b), (c), (d) and (f) are amended to read:

(b) [~~THE GOVERNOR SHALL APPOINT TWO MEMBERS OF EACH OF THE TWO~~] The political parties whose candidates for governor received the highest and second highest number of votes in the most recent gubernatorial election [PRECEDING GENERAL ELECTION AT WHICH A GOVERNOR WAS ELECTED] are each entitled to two seats on the commission as vacancies occur. The names of two nominees shall be submitted to the governor by the central committee of the respective party for each vacancy and the governor shall fill the vacancy from the nominees submitted to him by the central committee. [~~THE TWO APPOINTEES FROM EACH OF THESE TWO PARTIES SHALL BE CHOSEN FROM A LIST OF FOUR NAMES TO BE SUBMITTED BY THE CENTRAL COMMITTEE OF EACH PARTY.~~]

(c) The four members selected under (b) of this section shall, by majority vote, appoint the [~~REMAINING~~] fifth member of the commission as vacancies in that seat occur.

(d) [~~UPON SELECTION OF THE COMMISSION'S FIFTH MEMBER, THE COMMISSION'S FOUR MEMBERS SELECTED UNDER (b) OF THIS SECTION SHALL DRAW LOTS TO DETERMINE~~]

THE LENGTH OF THEIR TERMS OF OFFICE SO THAT ONE COMMISSION MEMBER SERVES ONE YEAR, ONE SERVES TWO YEARS, ONE SERVES THREE YEARS AND ONE SERVES FOUR YEARS. HOWEVER, THE TERMS OF NO TWO COMMISSION MEMBERS WHO ARE MEMBERS OF THE SAME POLITICAL PARTY MAY EXPIRE IN CONSECUTIVE YEARS. THE TERM OF OFFICE OF THE FIFTH MEMBER, APPOINTED UNDER (c) OF THIS SECTION, EXPIRES IN THE FIFTH YEAR.] Terms of office of the [INITIAL APPOINTEES TO THE] commission members [, INCLUDING THE FIFTH MEMBER,] shall date from February 1 [BEFORE THEIR APPOINTMENT]. The terms of no two commission members who are members of the same political party may expire in consecutive years. [AFTER THE TERMS OF OFFICE OF THE INITIAL APPOINTEES TO THE COMMISSION EXPIRE,] The [THE] term of office of a member of the commission is five years, or until his successor is appointed and qualifies. No commission member may serve more than one term. However, initial appointees to the commission who do not serve a full five-year term and a person appointed to fill the unexpired term of his predecessor may be appointed to a successive full five-year term.

(f) Members of the commission shall receive compensation of \$50 a day while attending commission meetings or tending to authorized commission business and shall be entitled to travel expenses and per diem authorized by law for members of other boards and commissions.

* Sec. 3. AS 15.13.020(j) and (k) are repealed and re-enacted to read:

(j) The commission shall establish an office in each senate district in the state; however, where one municipality contains more than one election district, only one commission office shall be established in that municipality. All forms and pertinent material which are necessary for compliance with the law shall be made available to candidates, groups, persons and individuals at the commission's central and district offices and other places the commission deems appropriate. As pertains to candidates for state elective office and state ballot propositions or questions, all reports or statements required to be filed

under this chapter shall be filed with the commission's central office. As pertains to candidates for municipal elective office and municipal ballot propositions and questions, all reports required to be filed under this chapter shall be filed with either the commission's central office or the respective municipality in a manner prescribed by the commission. In all instances, the official records shall be maintained in the commission's central office.

(k) Copies of all reports and statements filed with the commission shall promptly be made available for inspection by the public in the commission's central office and in the commission's district offices and municipalities as follows:

(1) copies of all reports and statements shall be made available in all district offices

(A) which are filed by candidates for statewide offices, and

(B) which are filed by groups, or the state or an instrumentality of the state, who support or oppose candidates for statewide office of statewide ballot propositions and questions;

(2) copies of all reports and statements shall be made available in the appropriate district offices

(A) which are filed by candidates for legislative office in that district, and

(B) which are filed by groups who support or oppose candidates for legislative office in that district; and

(3) copies of all reports and statements shall be made available in the appropriate municipality

(A) which are filed by candidates for municipal office in that municipality, and

(B) which are filed by groups or municipalities who support or oppose candidates for municipal office in that municipality or municipal

ballot propositions or questions in that municipality.

* Sec. 4. AS 15.13.030(2), (4), (6), (7) and (9) are amended to read:

(2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, persons, and individuals in complying with the requirements of this chapter;

(4) compile and maintain a current list of all [FILED] reports and statements filed under this chapter;

(6) notify, by registered or certified mail, all candidates, groups, persons, or individuals who are delinquent in filing reports and statements required to be made under this chapter;

(7) report to the office of the attorney general the names of all candidates, groups, persons or individuals who have failed to cure their delinquency within 30 days after notification of delinquency under (6) of this section [REPORT WITHIN 60 DAYS AFTER THE ELECTION THE NAMES OF ALL PERSONS AND GROUPS WHO HAVE FAILED TO COMPLY WITH ANY OF THE PROVISIONS OF THE CHAPTER TO THE OFFICE OF THE ATTORNEY GENERAL];

(9) prepare and publish an annual report to the legislature concerning the activities of the commission, the effectiveness of AS 24.45, AS 39.50 and this chapter, their [ITS] enforcement by the office of the attorney general [GENERAL'S OFFICE], and recommendations and proposals for changes, which shall be made available to the legislature, governor, and to the public within 30 days after the convening of the legislature;

* Sec. 5. AS 15.13.030 is amended by adding a new subsection to read:

(11) retain reports and statements required to be filed under this chapter for a period of six years.

* Sec. 6. AS 15.13.040 is repealed and re-enacted to read:

Sec. 15.13.040. CONTRIBUTIONS, EXPENDITURES AND SUPPLYING OF SERVICES TO BE REPORTED. (a) Each candidate shall make a full report, upon a form prescribed

by the commission, which shall be filed in accordance with sec. 110 of this chapter and shall be certified correct by the candidate or campaign treasurer.

The report shall contain the following:

(1) the total amount of all contributions of \$100 or less, all funds contributed by the candidate himself, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor; and

(2) the date and amount of each expenditure, along with the check number, name and address of the payee, and the purpose for which the expenditure was made.

(b) Each group shall make a full report, upon a form prescribed by the commission, which shall be filed in accordance with sec. 110 of this chapter and shall be certified correct by the group's treasurer or chairman. The report shall contain the following:

(1) the total amount of all contributions of \$100 or less, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor; and

(2) the date and amount of each expenditure, including all contributions made by the group, along with the check number, name and address of the payee, and the purpose for which the expenditure was made.

(c) Every individual or person making a contribution or expenditure shall make a full report, upon a form prescribed by the commission, which shall be filed in accordance with sec. 110 of this chapter and shall be certified correct by the individual or person making the contribution or expenditure. The report shall contain the following:

(1) any contribution of cash, goods or services valued at more than \$250 in the aggregate a year to any candidate or group, along with the name, address, principal occupation, and employer of the individual or person making the contribution; and

(2) the date and amount of any expenditure whatsoever for advertising in the newspapers, on radio or television, or for the publication, distribution or circulation of brochures, flyers, or other campaign material for or against any candidate or ballot proposition or question, along with the check number, name and address of payee, and the purpose for which the expenditure was made.

(d) All businesses, persons, or groups which furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio or television advertising, printing, billboards, advertising agency services, media production or preparation, public opinion polls, research and professional campaign consultation or management, secretarial services, or computer services. The supplier of services shall file a report, on a form prescribed by the commission, of the complete record of each transaction with each candidate or group to whom he provides services, facilities or supplies in excess of \$250 in the aggregate a year. The report shall be filed in accordance with sec. 110 of this chapter and shall be certified correct by the person filing the report on behalf of the business, person or group. Businesses, persons or groups supplying services noted in this section to a candidate or group shall maintain their records in such a manner as to be readily identifiable and these records shall be available for inspection by the commission upon request of the commission.

* Sec. 7. AS 15.13.045(a), (b) and (c) are amended to read:

(a) The commission may conduct investigations, issue subpoenas, administer oaths, and hold hearings [AND CONDUCT INVESTIGATIONS] which are necessary to carry out the responsibility of the commission under this chapter, AS 24.45, and AS 39.50.

(b) In conjunction with (a) of this section, the commission may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the powers and duties assigned to the commission by this chapter, AS 24.45, and AS 39.50.

(c) The commission may examine the papers, books, records, accounts and documents of any person subject to this chapter, AS 24.45, and AS 39.50 to ascertain the correctness of a report filed with the commission, or in conjunction with an investigation or inspection conducted under (a) of this section.

* Sec. 8. AS 15.13.050 is amended to read:

Sec. 15.13.050. GROUPS. (a) Each group, before making a contribution to a candidate or an expenditure on behalf of, or in opposition to, a candidate or a ballot proposition or question [CONTRIBUTION TO A CANDIDATE], shall register with the commission, on a form [FORMS] provided by the commission[, WITH THE COMMISSION]. The name of each officer and director of the group shall be included on the registration form.

(b) If the group intends to support or oppose only one candidate, or to contribute to or expend on behalf of or in opposition to, one candidate 50 per cent or more of its funds, the name of the candidate shall be a part of the name of the group.

(c) A group that receives contributions or makes expenditures with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate. Promptly upon receiving the registration of a group whose major purpose is to further the nomination, election, or candidacy of only one person, or which intends to expend more than 50 per cent of its money on a single candidate, the commission shall notify the candidate of the group's organization and intent. The group shall be considered to be controlled by that candidate and its

actions done with his knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group he files with the commission, on a form provided by the commission, an affidavit that the group is operating without his control. A group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by the candidate.

* Sec. 9. AS 15.13.060(b), (c), (d) and (f) are amended to read:

(b) In addition, each group shall appoint a chairman, which, in the case of an ongoing group, shall be the duly elected or appointed chairman or president. Each group shall file the name and address of its chairman and campaign treasurer with the commission at the time it registers with the commission under §50 of this chapter.

(c) Each candidate shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. [THE NAME OF THE CANDIDATE MAY BE PLACED ON THE BALLOT BY THE LIEUTENANT GOVERNOR OR MUNICIPAL CLERK ONLY IF THE CANDIDATE HAS COMPLIED WITH THIS SUBSECTION.]

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN FOUND TO HAVE BEEN IN WILFUL VIOLATION OF THIS SUBSECTION.]

(f) The candidate is responsible for the performance of his campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate [IF HE KNEW OR HAD REASON TO KNOW OF THE DEFAULT OR VIOLATION].

* Sec. 10. AS 15.13.060 is amended by adding a new subsection to read:

(g) The principal officers of a group are responsible for the performance