

ATLANTA AIRPORT - 984  
3030 - SB 143 (FE 1) 8672

EDUCATION (Continued)

Kenai Regional Women's Conference: "Women in Political Organizations"

National Association of Colored Women's Clubs, National Conference: "The Status of Women in Alaska"

Social Impact Assessment Seminar: "The Impact on Women of Resource Development"

Information Fact Sheets:

Equal Rights Amendment

Equal Rights Amendment: Once a state has ratified the ERA is rescission legal?

Abortion

LEGISLATIVE ACTION

Testimony at legislative hearings, legislative committees, special task forces and commissions on topics including the following:

Domestic Violence and Sexual Assault  
Sex Equity in Education  
Child Support Enforcement  
Displaced Homemakers  
Affirmative Action  
Equal Employment Opportunity  
Discrimination in the Housing Market based on Parenthood  
Need for Free Legal Services  
Gender-free Terminology in State Statutes

The passage of state laws providing for sex equity in education and displaced homemaker programs are accomplishments which the Commission shared with many of the women's organizations throughout the state.

The Commission has produced a Legislative Report each session and distributed it to women's organizations throughout the state. The report has tracked 40-50 bills concerning women during each legislative session.

MEDIA

Bi-monthly newsletter distributed to more than 2,000 people and organizations statewide.

MEDIA (Continued)

Media campaign to downplay sex-role stereotyping; first PSA's aired statewide beginning summer 1982.

Women's Political Leadership Project, currently underway. Will produce a booklet outlining some of Alaska's female leaders and what inspired them to accomplish what they have.

POLICY STATEMENTS

No discrimination based on veteran's preference	10/79
Family policy	2/80
White House Conference on Families	2/80
State Wealth	2/80
Older Alaskan Women	2/80
Regarding travel by state employees to non-ratified states	2/80
Abortion	4/80
	Reaffirmed 12/80
No discrimination based on sexual preference	6/82

PUBLICATIONS

A Preliminary Study: The Status of Women in Alaska	1977
*Women in Alaska's Labor Force	5/80
Women's Legal Rights in Alaska	9/81
Five Years Later: A Review of the Recommendations Contained in A Preliminary Study: The Status of Women in Alaska, 1977	1982
Conference Reports:	
*Alaska Native Women's Statewide Organization Conference	1979, 1981
Voices of Black Women in Alaska	1979
First Regional Women's Conference, Bethel	1980
Status and Problems of the Asian-American Women in Alaska	1980
Women and Poverty Conference, Anchorage, Alaska	1980

\*Publications produced jointly with other organizations.

PUBLICATIONS (Continued)

Conference Reports:(Continued)

Diqatigiich - NANA Regional Women's Conference Kotzebue, Alaska	1981
Hoonah Regional Conference	1981
Interior and Northern Native Women's Conference Fairbanks/Galena	1981
Transcript, Public Hearing, "Women in Construction"	1981
* <u>Having a Voice</u> , Pictorial Essay, First Regional Women's Conference, Bethel, Alaska	1981

PUBLIC HEARINGS

Welfare (Statewide Teleconference)	10/80
Violence Against Women (Statewide Teleconference)	10/80
Sex Bias in Education (Statewide Teleconference)	10/80
Displaced Homemakers (Statewide Teleconference)	10/80
Women In Construction (Fairbanks)	3/81

REGIONAL CONFERENCES (funded in whole or in part by the  
Commission)

Alaska Native Women's Statewide Organization, annual conferences	1979, 1981
Asian-American Women	1980
Black Women of Alaska	1980
Women and Poverty	1980
Bethel, First Regional Women's Conference	1980
NANA Regional Women's Conference, Kotzebue	1981
Hoonah Regional Women's Conference	1981
Kenai Regional Women's Conference	1981

\*Publications produced jointly with other organizations.

REGIONAL CONFERENCES (Continued)

Interior and Northern Native Women's Conference, Fairbanks and Galena	1981
North Slope Regional Women's Conference, Barrow	1982

RESEARCH STUDIES

Child Support Enforcement in Alaska: A Report to the Alaska Commission on the Status of Women	1979
Battered Women: A Report for the Alaska Commission on the Status of Women	1979
A Woman's Place: A Survey of Anchorage Homemakers	1979
Displaced Homemakers: Research Report	1980

RESOLUTIONS

Opposing Veteran's Preference in State Land Sales	3/79
Violence Against Native Women	5/80
Alaska Public Radio Network	12/80
Child Care in State Buildings	3/81
Requesting Congressional Delegation to Reintroduce the Equal Rights Amendment	6/82

RESOURCES/MATERIALS

Clearinghouse of information both governmental and non-governmental relating to the status of women, established according to statute.

Library of over 100 texts and other works pertinent to research, education and the general study of women's issues.

Training manuals, developed for use by women's organizations:

- Methods for Better Meetings
- Needs Assessment and Goal Setting
- Program Planning
- Grant Writing Made Easy
- Assertiveness Training
- Sex Bias in Education Workshop Packet

SUBCOMMITTEE STUDIES AND RECOMMENDATIONS

Corrections	2/80
Violence Against Women	2/80
Welfare	12/79
Sex Bias in Education	1/80
Displaced Homemakers	1/80

OTHER

Survey of participants at Alaska Native Women's Statewide Convention, 1980. Results of survey provided guidelines to Commission concerning Native women's needs.

Two meetings arranged for Anchorage women's groups to discuss issues with the Lieutenant Governor.

Efforts to address problem of alcohol advertisements being aired in rural communities where alcoholism is a serious problem and where local residents have voted "dry".

Outreach: efforts to reach women across the state have included the scheduling of meetings in diverse communities and the funding of rural women's conferences throughout the state.



# ANCHORAGE POLICE DEPARTMENT

625 C STREET • ANCHORAGE, ALASKA 99501-3599  
TELEPHONE (907) 279-1441



TONY KNOWLES  
MAYOR

BRIAN S. PORTER  
CHIEF

February 28, 1983

Senator Vic Fischer  
c/o Mr. David Dye  
Senate State Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Re: Senate Bill 143

Dear Senator Fischer,

The adoption of Senate Bill 143 would bring the State Criminal Code in line with the current parallel ordinance and enforcement policy within the Municipality of Anchorage.

Some years back, Anchorage possessed a traditionally worded ordinance prohibiting soliciting for the purpose of prostitution. It was found by the Court, to be unconstitutional as it only prohibited this behavior for women and not men.

We corrected and redrafted the ordinance and used it successfully against both men and women.

A few months ago, a District Court Judge threw out this ordinance as she felt it conflicted with the intent of the State law that only includes women. While I think a wiser decision would have been to throw out the State Statute, it is now moot as her decision was overturned by the State Court of Appeals.

I support Senate Bill 143. As mentioned, I feel the current construction of AS 11.55.100 (a) is constitutionally questionable. Additionally, prohibiting both men and women from soliciting for the purpose of prostitution is a better deterrant and a much better enforcement tool.

Sincerely,

Brian S. Porter  
Chief of Police

BSP:vka

S

B

147

COMMITTEE REPORT  
SENATE

2/25/83

FURTHER: Judiciary

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

Mr. President:

The Committee on State Affairs has had SB 147

An Act relating to safeguarding self-identity and address of motor vehicle operators involved in accidents.

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

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

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*see Ray No Rec*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*V. Fisher - do pass*

\_\_\_\_\_

CHAIRMAN

SENATE AMENDMENT

By SENATE STATE AFFAIRS COMMITTEE

To: AMEND SENATE BILL No. 107

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

PAGE: 1            LINE: 18

FOLLOWING "OPERATOR'S"      INSERT: "NAME AND"

PAGE 1, LINE 21      DELETE      "NAME AND"

PAGE 22, LINE 22      DELETE      "NAME AND"

Introduced: 2/25/83  
Referred: State Affairs  
and Judiciary

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 147

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to safeguarding self-identity and  
7 address of motor vehicle operators involved in acci-  
8 dents."

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

10 \* Section 1. AS 28.35.060(a) is amended to read:

11 (a) The operator of a vehicle involved in an accident resulting  
12 in injury to or death of a person or damage to a vehicle that [WHICH]  
13 is driven or attended by a person shall give the operator's [HIS]  
14 name, address, and vehicle license number to the person struck or  
15 injured, or the operator or occupant, or the person attending [, AND]  
16 the vehicle that is struck. However, the operator of a vehicle who  
17 desires to safeguard self-identity and address may satisfy this re-  
18 quirement by providing the operator's <sup>name and</sup> vehicle license number and  
19 informing the recipient of the license information that the operator  
20 will provide the local police department or the Alaska State Troopers  
21 with the operator's <sup>name and</sup> address. In such a case the operator's  
22 <sup>name and</sup> address may only be revealed to an attorney or insurance  
23 representative of the injured party. The operator [COLLIDED WITH AND]  
24 shall render to any person injured reasonable assistance, including  
25 making of arrangements for attendance upon the person by a physician  
26 and transportation, in a manner that [WHICH] will not cause further  
27 injury, to a hospital for medical treatment if it is apparent that  
28 treatment is desirable. Under no circumstances is the giving of  
29 assistance or other compliance with the provisions of this subsection

AMENDMENT

· Offered in the State Affairs Committee

by Kerttula

TO: SB147

Page 1, line 18, following "operator's":

insert "\* name and"

MEMORANDUM

TO: Senator Kerttula

FROM: Elizabeth J. Hickerson

RE: SB 147 "An Act relating to safeguarding self-identity and address of motor vehicle operators involved in accidents."

DATE: March 21, 1983

SB 147 amends the motor vehicle statute AS 28.35.060 (Duty of Operator to Give Information and Render Assistance.) The statute presently provides that operators of motor vehicles involved in accidents that result in injury or death are required to give their name, address and vehicle license number to the person struck or injured or the operator of the other vehicle involved. Failure to so provide is punishable by imprisonment by not more than one year or by a fine of not more than \$500 or both.

The intent of SB 147 is to provide an alternative means of releasing identifying information to the operator of the other motor vehicle involved in an accident. This option would allow an operator to provide only the operator's vehicle license number and informing the recipient of the license information that the operator will provide the local police department or the Alaska State Troopers with the operator's name and address.

The purpose of providing an alternative means of identification is to safeguard one's identity particularly in circumstances where the operator is alone and fears releasing such information to a total stranger. While in most cases operators of motor vehicles will willingly provide the information as required by AS 28.35.060, there are situations where due to security measures one is apprehensive to release home location. By providing the operator's vehicle license number and additional information to law enforcement agents the essential information is properly recorded.

According to the Division of Motor Vehicles the name and address on a motor vehicle registration is public information and can be identified through the vehicle license number and released upon request.

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



March 24, 1983  
Room  
3:00pm

Butrovich  
Capitol Bldg.

## Members Present

Senator Vic Fischer, Chair  
Senator Bill Ray, Vice-Chair  
Senator Pat Rodey  
Senator Jalmar Kerttula

-----  
SB 147--Safeguarding self-identity and address of motor vehicle operators involved in accidents  
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Anna Kerttula, Aide to Senator Jalmar Kerttula, spoke in favor of the bill. She said that some persons involved in accidents found it uncomfortable to give out their names and addresses to total strangers. There is a fear that this could lead to harassment. She offered an amendment which would require persons involved in accidents to give their name and vehicle license number but not their address to the other party.

Senator Kerttula (prime sponsor) said that the intent of this bill is to deter after accident confrontations at a person's residence.

Senator Ray moved and asked unanimous consent to adopt the amendment and to move the bill from committee with individual recommendations. There was no objection.

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HCR 2--Relating to travel by senior citizens aboard vessels of the state marine highway system  
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Senator Fischer stated that Senator Eliason had requested a committee substitute which would include handicapped persons under this resolution.

Marty Nusbaum, director of the Alaska Marine Highway System, stated that in the winter there was no problem traveling on a space available basis but in the summer it was possible for someone to get bumped in the middle of their trip.

Senator Ray expressed concern that organized tours of elderly citizens would take advantage of the free passage provisions of this resolution.

Mr. Nusbaum said that this resolution would apply only to feeder lines and this would mitigate the problem since most tours are on the mainline ferries.

Senator Fischer asked why there was a zero fiscal note when the bill analysis indicated that this resolution could cause a loss of revenues of up to \$175,000.00. Mr. Nusbaum said that his understanding is that fiscal notes only reflect expenditures and not revenue losses.

Representative Grussendorf (prime sponsor) spoke in favor of the bill. He was of the opinion that the only senior citizen who would take advantage of this resolution would be residents of those communities served by the feeder lines or relatives of these residents.

Senator Ray offered an amendment which would strike the term "older Alaskans" and insert the term "senior citizens" wherever the former appears.

A general discussion followed regarding residency restrictions on the marine highway systems. The consensus was that federal rules prohibited residency restrictions where federal funds are used. The marine highway system receives federal highway funds.

Senator Eliason testified in favor of the proposed committee substitute.

Senator Ray moved and asked unanimous consent to adopt the committee substitute as amended and to move the bill from committee with individual recommendations. There was no objection.

Dove Kull, representing herself, testified in favor of the resolution.

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SB 106--Prison overcrowding  
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David Dye, aide to the committee, explained a proposed committee substitute to the committee. A memo summarizing Mr. Dye's remarks is attached to this report.

Mike Stark, Department of Law, testified in favor of the CS and stated that Mr. Endell, director of the Division of Corrections also supported it.

Senator Ray commented that many inmates who are eligible for parole under the present system do not apply and choose to remain incarcerated.

Senator Fischer asked what the public safety considerations were under this bill. Mr. Stark stated that he thought that these concerns would

1  
be minimal since only non-violent felons would be released and that they would all be within 120 days of the end of their original sentence.

Senator Ray expressed concern that the public would blame the legislature if inmates released under this bill committed an offense while on parole.

Senator Fischer asked if some screening process could be built into the bill. Mr. Stark stated that there was already a built in screening process. No violent criminals would be released. Under the regular parole process violent felons can be released but not under this bill.

Senator Rodey moved and asked unanimous consent for adoption of the committee substitute and to move the bill from committee with individual recommendations. There was no objection.

Senator Fischer adjourned the meeting at 4:00pm.

by  
*David Dye*  
Committee Aide

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



TO: Senate State Affairs  
Committee Members

FROM: David Dye,   
Committee Aide

DATE: March 24, 1983

RE: Draft CS for Senate Bill 106--Prison overcrowding

This draft CS addresses concerns identified by the committee at the first hearing on this bill. The draft is the product of the cooperative effort of committee staff, department of law staff and corrections staff.

According to the Division of Corrections estimates, SB 106 would release approximately 40 felons in an emergency overcrowding situation. This draft CS would release approximately 55 felons and an additional 30 misdemeanants. To be eligible for release, misdemeanants must be serving a sentence of 20 days or longer and have served at least one-half of that sentence. Under these criteria drunk drivers incarcerated for a mandatory minimum sentence on first or second offense would not be eligible for release.

The draft differs from the original bill in the following ways (page and line references are to the draft CS):

Page 2, line 2. A state of emergency overcrowding is certified after a 25 day waiting period instead of 30 days.

Page 2, line 3. The director shall immediately certify the state of overcrowding following the 25 day waiting period rather than have 48 hours to so certify.

Page 2, line 5. The director has 5 days to submit a list of prisoners eligible for release after the 25 day waiting period rather than 15 days.

Page 3, lines 6, 17 and 21. Parole or probation may be revoked for a violation of a municipal ordinance which is punishable by imprisonment. In the original bill violation of any municipal ordinance could revoke probation or parole.

Page 3, line 25. Limits the applicability of subsection (a) to felons (a new subsection (b) applies to misdemeanants, see below).

Page 3, line 28. The requirement that a prisoner be continuously incarcerated during the 25 day period of the waiting period has been deleted.

Page 4, lines 3-4 and 6-7. This bill is made applicable to crimes committed under the old criminal code.

Page 4, line 12. Adds language to subsection (E) limiting its applicability to felons (a new subsection (b) applies to misdemeanants, see below).

Page 4, line 14. Changes this criterion to 120 days rather than 90 days.

Page 4, line 16. Adds a requirement that a felon serve at least one-half of his or her sentence.

Page 4, line 17. Subsection (b) is added to release with misdemeanants under different eligibility criteria than felons.

Page 5, lines 13-16. Adds definitions of "felony" and "misdemeanor".

# STATE OF ALASKA

**DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONER**

**BILL SHEFFIELD, GOVERNOR**

*POUCH N  
JUNEAU, ALASKA 99811  
PHONE:*

March 14, 1983

Senator Vic Fischer  
Pouch V  
Juneau, AK 99811

Dear Senator Fischer:

In response to your request for a Position Paper on SB 147, the following is submitted.

First let me state that all motor vehicle traffic accidents are not investigated by the police. If there is not bodily injury, and property damage is less than \$500, an accident need not be reported to the police. Even if damages exceed \$500, not all accidents are reported and/or investigated by police for several reasons, sometimes due to nonavailability of an officer at the time of the accident.

If this Bill were to pass, the person at fault, or any other operator, could legally refuse to provide any other driver or injured person with name and address information at the scene of the accident. They could state they will call the police, and leave said information with a police agency. However, a large percentage of those who refused to give their name and address at the scene would not call the police, thus the other driver or injured person would have little recourse. For those who did call the police it could create a burden on police agencies in trying to coordinate the information. A participant, and an attorney may contact different police agencies.

The section of the Bill which states the operator must provide the vehicle license number would basically be of little value. The other party to the accident can easily determine that by looking at the vehicle. Plus, this is of little benefit in determining the party responsible for damages as a person cannot tell from the registered owners name who was driving at the time of the accident. The other party, or injured person, would be required to contact the registered owner, which may also prove to be of little value in determining who the driver was if the owner does not know (stolen vehicle, etc.), or does not wish to reveal that data to the other person involved.

An injured party would not be able to file action in small claims court without an attorney, because they would be unable to obtain the name and address of the operator.

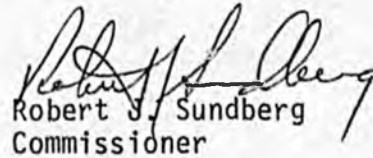
Senator Vic Fischer  
March 14, 1983  
Page Two

The Division of Motor Vehicles currently releases information from accident reports to participants, however, not attorneys or insurance companies without authorization from the participant, per AS 28.15.151. In situations where a person takes advantage of this Bill, and refuses to release his name to the injured party, and the accident is investigated, the injured party must hire an attorney to obtain the information from an investigating agency or DMV, and provide a written release authorization form.

If the police or DMV have the data, I'm sure the injured party will be able to obtain the name and address from their attorney, if they can afford to hire one. Therefore, I feel this does little more than drum up business for attorneys. In an effort to protect victims of accidents, it has the tendency to create extreme hardships on others. I don't feel this "benefit" would be used by the "sweet young lady", but by the "rebel rousers".

The law is too open for misuse, and places an unnecessary burden on the public and police agencies.

Sincerely,

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB 147  
 Title: Act relating to safeguarding identity.  
 Sponsor: Sen. Kertulla  
 Requestor: Sen. State Affairs

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Crime ID/Pub Pro  
 BRU, Program of Subprogram(s) Affected: AST & DMV-Driver Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis - No Fiscal Impact Anticipated

Prepared By: Paul Conger Phone: 465-4338  
 Division: Administrative Services Date: \_\_\_\_\_  
 Approved by Commissioner: [Signature] Date: 3/18/83  
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

S B

153

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



April 5, 1983  
3:00pm

Butrovich Room  
Capitol Bldg.

## Members Present

Senator Vic Fischer, Chair  
Senator Tim Kelly  
Senator Arlis Sturgulewski  
Senator Pat Rodey

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SB 27--Toll free telephone calls  
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Held over pending House State Affairs Committee action on new proposal.  
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SB 115--Individual rights of police officers  
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Senator Rodey (prime sponsor) explained the provisions of the bill. He said that police officers support the bill but that police chiefs oppose it.

Chief Joe Ciraulo, Juneau Police Department (also representing other police chiefs in S.E. Alaska) spoke against the bill. He felt that having a representative of an officer present at each stage of a disciplinary hearing was unnecessary. He also opposed having to get a search warrant to search an officer's locker.

Senator Rodey said that management policies which address some of these problems can change over time. This bill offers uniform rights for all officers.

Senator Sturgulewski asked if this bill would change present policies regarding disciplinary investigations. Chief Ciraulo answered "yes".

Senator Kelly asked if this bill would apply to only local police departments. Senator Rodey responded that the bill would apply to all peace officers in the state.

Senator Fischer stated that this bill requires a written complaint pursuant to a disciplinary action and asked if that is current practice in the Juneau Police Department. Chief Ciraulo said that he thought so.

John Strutko, an Anchorage police officer, spoke in favor of the bill. He felt that it was a good management tool and that officers should not have to give up their civil rights when they put on a badge.

Senator Kelly asked if there was anything in this bill which is not already covered in the negotiated contract with the Anchorage Police Department. Mr. Strutko stated that the provisions prohibiting involuntary polygraph tests were not in the contract.

Richard Ross, Kenai Police Chief, spoke against the bill. He felt it would be a statutory interference with his municipal personnel system. He felt this system works well. He saw some merit to the polygraph provisions.

Senator Fischer asked if police officers have full fifth amendment rights under the present system. Mr. Ross answered "yes". Senator Fischer then asked if officers would lose their jobs for refusing to answer questions relating to a disciplinary investigation. Mr. Ross said "no".

Ed Martin, Kodiak Chief of Police, spoke against the bill. He said that most of the procedures in this bill are now covered in current state and federal statutory and constitutional law as well as most personnel systems.

Holli Ploog, Attorney for the Anchorage Police Officers Association, spoke for the bill. She stated that current laws limiting polygraph tests exempt police officers. She favors the use of a polygraph exam as a hiring tool but opposes its use as an investigatory tool during employment. She said that locker searches without permission were probably unconstitutional. She said that the Fairbanks Police Officers Association also supports this bill as do many officers in other departments.

Brian Porter, Anchorage Police Chief, spoke against the bill. He said that the bill is a special interest of the Anchorage Police Officers Association but is not supported by other police organizations. He felt that it was inappropriate to use a criminal law standard of proof in a personnel disciplinary matter.

Senator Rodey commented that various blue ribbon commissions have recommended approaches similar to this bill.

Rick Potter, an Anchorage police officer, spoke for the bill. He said that thirteen states have similar legislation. He opposes compulsory use of polygraphs.

Louis Bencardino, Seward Chief of Police, spoke against the bill. He said the bill would cause unneeded expenditures in overtime and other costs.

Senator Kelly commented that he is in favor of police rights but that he does not favor putting provisions into state law that are already incorporated into labor contracts.

Jean Krause, President of N.E.A. Alaska, spoke for the bill. N.E.A. believes that all employees should have full due process rights.

It was the consensus of the committee to hold the bill over.

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SB 153--Punishment for obstructing a private citizen who assists a peace officer

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Senator Rodey (prime sponsor) explained the bill.

Senator Kelly moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

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SB 218--Disclosure of information

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Senator Kelly asked that the bill be held over.

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SB 227--Alaska Council on Science and Technology

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Senator Fischer said that this bill is the product of the extensive hearing the committee held on the sunset of the council and that it addressed all the concerns identified at that hearing.

Senator Rodey moved and asked unanimous consent to pass the bill from committee with individual recommendations. There was no objection.

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SJR 13--Urging repeal of the Jones Act

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Greg O'Cleary, Maritime Trades, testified against the resolution. He said the Jones Act is a bill of rights for American Seamen. Repeal would affect 2000 workers.

Senator Fischer stated that the Administration has problems with the timing of this measure. There are political problems with related federal issues.

Greg Olsen, FOSS Alaska Lines, said that repeal would only decrease freight rates for a short time and reduce the overall quality of service.

The resolution was held over.

Meeting adjourned at 5:00 pm.

by  
David Dye  
Committee Aide

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB 153  
 Title: punishment for obstructing a ...  
 Sponsor: Senator Rodey  
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Crime & ID  
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 36	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis: No Fiscal Impact Anticipated

Prepared By: Paul Conger  
 Division: Administrative Services

Phone: 465-4338

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

Approved by Commissioner: [Signature]  
 Department: Public Safety

Date: 4/5/83

Distribution:

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3/8/83

STATE OF ALASKA  
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SB 153  
 Title: Punishment for obstructing a ...  
 Sponsor: Senator Rodey  
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Crime & ID  
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis: No Fiscal Impact Anticipated

Prepared By: Paul Conger Phone: 465-4338  
 Division: Administrative Services Date: \_\_\_\_\_  
 Approved by Commissioner: [Signature] Date: 4/5/83  
 Department: Public Safety

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S

B

15

5

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



March 17, 1983  
3:00pm

Butrovich Room  
Capitol Bldg.

## Members Present

Senator Vic Fischer, Chair  
Senator Bill Ray, Vice-Chair  
Senator Pat Rodey  
Senator Tim Kelly  
Senator Arliss Sturgulewski

---

HJR 25--Time Zone Change

---

Senator Fischer stated that this bill was similar to SJR 17, which the committee had previously considered. It would move the Alaska and Pacific time zones to the Yukon time zone and move the Bering time zone to the Alaska time zone. Senator Fischer also stated that he had sent a questionnaire to all senators asking them their preference for time zone consolidation. Out of nine responses, eight senators favored putting the entire state on Yukon time and one favored putting the entire state on Alaska time.

Senator Fischer proposed a committee substitute which asks the Secretary of the U.S. Department of Transportation to put the entire state on Yukon Standard time and to rename that time zone "Alaska Standard Time."

Senator Sturgulewski asked how the people of western Alaska would view such a change. Senator Fischer responded that some would like it and some would not; however he had spoken with both senators from that region and that they had concurred with the committee substitute.

The committee discussed the effects of a time change on school children, farmers and sportsmen.

Senator Rodey moved and asked unanimous consent to adopt the committee substitute and to move the bill from committee with a do pass recommendation. There was no objection.

---

SB 155--Truth in campaign advertising

---

Senator Rodey, prime sponsor, spoke in favor of the bill. He stated that upon reflection he had reservations about making the Alaska Public Offices Commission (APOC) into a quasi-judicial body.

Brooke Miles, APOC staff, state that the commission had not formulated a position on the bill. She conveyed several concerns expressed to her by Theda Pittman, executive director, of the APOC. These included a reservation about creating a quasi-judicial responsibility for the commission and a concern that the commission would be flooded with complaints during the last days of an election.

Senator Fischer appointed Senator Rodey as a subcommittee of one to meet with the commission and to develop improvements to the bill.

-----

HB 198--Relating to membership of the Legislative Budget & Audit Committee, the Alaska Legislative Council and to records of the legislative audit division

-----

The committee briefly discussed the substance of the bill. All were familiar with its substance and spoke in favor of it.

Senator Kelly moved and asked unanimous consent that the bill move from committee with a do pass recommendation. There was no objection.

Senator Fischer adjourned the meeting at 3:35pm.

Introduced: 3/1/63  
Referred: State Affairs  
and Judiciary

BY RODEY, KELLY, STURGULEWSKI,  
KEHTTULA, V. FISCHER AND RAY

1 IN THE SENATE

2 SENATE BILL NO. 155

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to truth in political campaign  
7 advertising; and providing for an effective date."

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

9 \* Section 1. AS 15.13 is amended by adding a new section to read:

10 Sec. 15.13.115. CIVIL PENALTY FOR RECKLESS DISREGARD FOR TRUTH  
11 IN POLITICAL CAMPAIGNS. (a) Each candidate is responsible for the  
12 truth of the statements contained in political advertising paid for by  
13 the candidate.

14 (b) Each director and officer of a group is responsible for the  
15 truth of the statements contained in political advertising paid for by  
16 the group.

17 (c) Each person is responsible for the truth of the statements  
18 contained in political advertising paid for by the person.

19 (d) A candidate, a group, or an individual may file a complaint  
20 with the commission <sup>which</sup> under AS 15.13.045 alleging that a statement  
21 contained in political advertising was issued in reckless disregard  
22 for the truth.

23 (e) If, after an investigation, the commission determines that a  
24 candidate, group, or person knowingly made an untrue statement or  
25 statements in political advertising in reckless disregard for the  
26 truth, the candidate, group, or person is subject to censure by the  
27 commission and to a civil penalty of not more than \$5,000 for each  
28 untrue statement. A determination of the commission under this  
29 section may be appealed to the superior court.

1 \* Sec. 2. This Act takes effect January 1, 1984.

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB155  
 Title: Truth in Political Campaign Ad-  
 Sponsor: Rodey vertising  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: Gen. Governmer.  
 BRU, Program of Subprogram(s) Affected:  
Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		0	10.8	3.8	20.0	4.2
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	10.8	3.8	20.0	4.2
CAPITAL		0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	10.8	3.8	20.0	4.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Theda Pittman *RPB* Phone: 276-4136  
 Division: Alaska Public Offices Commission Date: 3/16/83  
 Approved by Commissioner: Lisa Rudd *L. Rudd* Date: 3/16/83  
 Department: Administration

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P. 1 of 2

3/8/83

Analysis:

FY 84 - Because there are no state elections in FY 84, APOC could absorb costs of administering for municipal elections. This assumes FY 84 funding at the Governor's request level of 590.6 general funds and continuation for subsequent years.

FY 85 - Three additional commission meetings at \$3.6 per meeting (per diem travel and salary for Commission members) totalling \$10.8.

FY 86 - One additional commission meeting municipal election year, option well known and potentially more widely used. Assume 6% inflation \$3.8.

FY 87 - Five additional commission meetings at \$4.0 per meeting. A regular state/municipal election year would entail three additional meetings. The increased activity generated by a Governor's election would warrant two additional meetings totalling \$20.0.

FY 88 - Same as FY 86 with inflation of 6% - \$4.2.

# MEMORANDUM

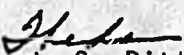
# State of Alaska

TO: Commission Members  
Alaska Public Offices Commission

DATE: March 12, 1983

FILE NO:

TELEPHONE NO: 276-4176

FROM:   
Theda S. Pittman  
Executive Director

SUBJECT: SB 155

SB 155 amends AS 15.13 to provide a \$5,000 civil penalty for a candidate, group, or person who knowingly makes "...an untrue statement or statements in political advertising in reckless disregard for the truth..." and provides that a complaint may be filed with the Alaska Public Offices Commission alleging that such a violation has occurred.

The bill addresses one of the most frustrating aspects of political campaigns, the unscrupulous advertisement or brochure -- often aired or distributed at the last minute so that effective rebuttal is virtually impossible -- which attempts to influence the outcome of an election through the use of misleading information, half-truths, and personal vilification.

In 1982 the California Fair Political Practices Commission undertook a substantial effort to research the constitutionality and the pragmatic problems associated with government regulation of political advertising. As a result of that effort, the California Commission adopted the concept of a voluntary fair campaign practices model agreement subsequently endorsed by the California League of Women Voters which agreed to spearhead efforts to promote candidate use of the agreement.

The California information concerning legal issues and practical enforcement of provisions such as those contained in SB 155 should receive careful attention prior to enactment. (A copy of the final version of the model agreement is attached. I also have a copy of the California briefing paper, but have not yet seen any information assessing the result.)

AS 15.13.090 presently requires that political campaign material be properly identified and staff's experience with that requirement suggests that informal complaints are often registered by those whose interest originates in using the Commission to harass their opponents rather than in a civic duty to assure compliance. A formal complaint has even more potential for harassment. A major difference between AS 15.13.090 and the proposed requirement is that §.090 provides a relatively specific requirement, whereas SB 155 sets a standard that is so subjective and so broad that extensive administrative regulations would be necessary to define the prohibited behavior. Since the proposal is bound to be controversial,

enforcement efforts would be best served by inclusion of a statutory definition.

Page 1, lines 19-22 provide that a complaint could be filed with the Commission "under AS 15.13.045...." Since AS 15.13.120(d) already provides that "A person who believes a violation of this chapter has occurred may file a complaint with the commission....," lines 19-22 could be eliminated from the bill.

Page 1, line 27, the establishment of a \$5,000 civil penalty raises a question about the nature of the Commission which I have tried unsuccessfully to address in other bills which amended the APOC's responsibilities and authority. Basically, there appears to be some disagreement over the possibility that the Commission would be required to become quasi-judicial in order to administer a civil penalty involving such discretion. It seems most sensible to address that question prior to enacting a measure such as this rather than find the State subject to a court challenge which would either complicate or undermine any enforcement.

cc: Brooke Miles, APOC Juneau ✓  
Elizabeth P. Kennedy, AG's Office  
Mark E. Ashburn, AG's Office  
Rebecca Burch, Dept. of Administration



**FPPC**

Vol. 8, No. 5  
Vol. 9, No. 5

# BULLETIN

FAIR POLITICAL PRACTICES COMMISSION

1100 K Street, Sacramento 95814  
1100 K Street, Sacramento 95814

May 27, 1982  
May 27, 1982 **ARRIVED**

## COMMISSION RECOMMENDS FAIR CAMPAIGN PRACTICES AGREEMENT

JUN 2 1982

The Fair Political Practices Commission has formally voted to adopt the concept of a voluntary agreement designed to help reduce mud-slinging and negative attacks in campaign advertising. The May 3, 1982 action also included a recommendation to seek the support of the Democratic and Republican parties in urging the voluntary utilization of such an agreement during 1982 general election campaigns. The final version of the agreement was revised substantially from the draft version originally prepared by the staff as a result of comments and testimony presented to the Commission at its March 29 public hearing in Los Angeles. A copy of the model agreement appears on page 10. Los Angeles. A copy of the model agreement appears on page 10.

APOC-ANCH  
PM HC  
5-20-82

## A COST-EFFECTIVE REFORM

Overall state expenditures and individual state agency budgets have demonstrated a steady growth over the years. At the same time, however, an analysis of FPPC budget figures shows that, when inflation is factored out, there has been zero growth in the Commission budget since 1975. There has been zero growth in the Commission budget since 1975.

The Commission was provided with an appropriation of one million dollars as part of the 1974 initiative. The Political Reform Act also provides for an annual cost-of-living adjustment equivalent to what other state agencies receive. Yet, as the chart on page 3 clearly demonstrates, the FPPC budget increase has been consistent with the Consumer Price Index (CPI) and is some 40 percent less than the increase in overall state expenditures during the same period of time. In overall state expenditures during the same period of time.

Continued on Page 2  
Continued on Page 2

MODEL FAIR CAMPAIGN PRACTICES CODE/AGREEMENT

I. Fair Campaign Pledge

We pledge to conduct our campaigns for public office openly and fairly. We will discuss the issues and participate in fair debate with respect to our views and qualifications. We will not engage in, or permit, defamatory attacks upon the character of our opponents; nor shall we engage in unwarranted invasions of personal privacy unrelated to campaign issues. We also will not use or permit the use of any campaign material or advertisement which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate. Finally, we will publicly repudiate support deriving from any individual or group whose activities would violate this Fair Campaign Pledge.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

II. Specific Agreements

We further agree to the following specific conditions:

A. Direct Mailings

1. We will clearly identify ourselves (or our campaign committees) as the sender of all our campaign mailings.

2. During the last 14 days preceding the election, we agree to provide to each other a copy of all campaign mailings at least 48 hours before they are placed in the mail.

B. Use of Polls or Polling Information

1. We will not use in our campaign advertisements any false statements concerning the results of any poll.

2. We will not originate or allow questions to be asked in polls which misrepresent, distort, or otherwise falsify the facts regarding any candidate.

C. Submission and Review by Independent Panel

We agree to submit a copy of all campaign advertisements to an independent panel at least 48 hours before they are placed in the mail, broadcast or otherwise published. Each candidate shall pick one person for the panel, and an additional member will be agreed to by the other panelists. The panel will review the advertisements for any statements which are clearly false or misleading. The panel shall be guided by the "Fair Campaign Pledge" in making its determinations.

Following its review of an advertisement, the panel may take no action or it may recommend changes to the candidate. If changes are suggested, the candidate affected may either accept the changes, amend the advertisement in some other way to be acceptable to the panel, or forego the advertisement. Should he or she elect, however, to proceed with an advertisement despite an adverse panel recommendation, the panel shall immediately make its recommendation public. All recommendations made and actions taken by the panel must be done by majority vote.

Any expenses incurred by the panel or panelists will be borne equally by the candidates.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance  
(916) 322-5662

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322-5660

• • Executive/Legal • •  
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• • Enforcement • •  
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322-6444

BRIEFING BOOK

ON

MISLEADING, NEGATIVE AND

LAST MINUTE CAMPAIGN ADVERTISING

---

MODEL FAIR CAMPAIGN PRACTICES  
CODE/AGREEMENT

MARCH 1982

BRIEFING BOOK ON MISLEADING,  
NEGATIVE AND LAST MINUTE  
CAMPAIGN ADVERTISING

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. THE FAIR POLITICAL PRACTICES COMMISSION'S LIMITED JURISDICTION OVER CAMPAIGN ADVERTISING	1
-- The Senders of Political "Mass Mailings" Must Be Identified	
III. THE CONTENT OF POLITICAL ADVERTISING CANNOT BE REGULATED BY THE GOVERNMENT	3
IV. APPORTIONING THE CAMPAIGN ADVERTISING BUDGET	5
A. Gubernatorial and other Statewide Races	5
-- (30-60 Second TV and Radio Spots Dominate)	
B. Legislative Races	6
-- (Mass Mailings Occupy Over 50 Percent of the Campaign Budget)	
V. WHY THE USE OF "MASS MAILINGS" IS INCREASING	7
VI. SPECIAL PROBLEMS PRESENTED BY MASS MAILINGS	10
VII. OTHER FACTORS CONTRIBUTING TO MISLEADING OR NEGATIVE POLITICAL ADVERTISING	12
-- "Contingency Fees" and/or "Bonuses" for Campaign Management Firms	
-- Policies of Broadcast Stations and Newspapers	
VIII. SUMMARY OF VOLUNTARY PROGRAMS DESIGNED TO REDUCE MISLEADING, NEGATIVE, OR LAST MINUTE CAMPAIGN ADVERTISING	13
IX. MODEL FAIR CAMPAIGN PRACTICES CODE	1

## I.

### INTRODUCTION

Misleading, negative and last minute political advertising unfairly damages the reputations of many candidates and elected officials, unnecessarily discourages qualified individuals from running for office, provides an unfair advantage to unscrupulous candidates or unscrupulous campaign managers, and serves to further erode public confidence in elected officials.

In preparing this briefing book on Misleading, Negative, and Last Minute Campaign Advertising, and the proposed Voluntary Campaign Practices Code (See Chapter 9) the staff of the Fair Political Practices Commission:

- Reviewed court cases limiting government regulation of political advertising;
- Surveyed laws in other jurisdictions as well as bills introduced over the years in the California State Legislature;
- Searched the Commission's files for examples of misleading and negative advertisements including misleading "logos" or "warning labels" on campaign envelopes;
- Analyzed various voluntary programs for reducing misleading, negative and last minute campaign tactics;
- Studied testimony presented to the Commission in past public hearings on "Rising Campaign Costs" and the "PAC Phenomenon" and;
- Interviewed (on an "off the record" basis) candidates, professional campaign consultants, and political observers on the origin, use and impact of misleading, negative and last minute political advertising.

## II.

### THE FAIR POLITICAL PRACTICES COMMISSION'S LIMITED JURISDICTION OVER CAMPAIGN ADVERTISING

The Fair Political Practices Commission has no statutory control or authority over the content, timing, or demeanor of political advertising. Rather, the task of designing, developing, and publishing campaign advertisements is left

solely to the discretion and self-regulation of candidates and their campaign managers. In the final analysis, of course, it is the voters who judge the propriety of misleading, negative or last minute political advertising when they go to the polls.

Despite the perceived problems created by misleading, negative, or last minute campaign advertising, the Fair Political Practices Commission has always been of the opinion that no government agency (including the FPPC) should ever attempt to regulate either the content or timing of political advertising. Free and robust debate, particularly in political campaigns, is crucial to our notions of a democracy, and the United States and California constitutions clearly protect against government intrusion into this area. Thus, the Commission has long believed that any solutions to the problems associated with false or misleading political ads must ultimately come from the candidates themselves and any voluntary advertising/ethics code or dispute resolution system they may choose to follow. (See discussion in Chapter 8.)

The FPPC does, however, have the responsibility for enforcing Section 84305 of the Political Reform Act ("Act")<sup>1/</sup> which requires any candidate or committee which sends over 200 pieces of identical campaign literature through the mails to accurately identify itself on the outside of the envelope as well as on at least one insert in the mailing. Section 84305 is commonly known as the "mass mailing" provision. (See also Sections 82041.5 and 2 Cal. Adm. Code Sections 18241 and 18435.) Since its establishment in 1975, the FPPC has received and processed numerous complaints concerning alleged violations of the "mass mailing" provision and has instituted formal enforcement proceedings in several leading cases.

Prior to 1978, Section 84250 also required that copies of all mass mailings be sent to the Commission at the time of their public distribution. This requirement was eliminated in 1978, however, for two major reasons. First, a false expectation was created that the Commission has some authority to take action against false or misleading campaign literature when in fact it did not. Second, the Commission was deluged with unnecessary paper as thousands of copies of campaign literature arrived on its doorstep.

Other than the "mass mailing" identification requirement contained in Section 84305, the FPPC exercises no statutory

---

<sup>1/</sup>All statutory references in this briefing book are to the Government Code unless otherwise specified.

authority over campaign mailings or broadcast advertising. However, in fulfilling its primary duty of keeping the voter "fully informed" about contributions and expenditures in election campaigns so that "improper practices may be inhibited" (Section 81002(a) of the Act), the Commission has issued several reports on campaign contributions and expenditures. These have served to highlight payments made for various types of political advertisements and for the professional campaign and/or computer firms which specialize in political advertising. In addition, the Commission has sponsored several public hearings during which campaign advertising practices and trends have been discussed.

### III.

#### THE CONTENT OF POLITICAL ADVERTISING CANNOT BE REGULATED BY THE GOVERNMENT

The right to free political expression is guaranteed by both the California and United States Constitutions and ensures that debate in the political arena is "uninhibited, robust, and wide-open." As Justice Black wrote for the United States Supreme Court in Mills v. Alabama, 384 U.S. 214, 218-219 (1966):

Whatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs. This of course includes discussions of candidates, structures and forms of government, the manner in which government is operated or should be operated, and all such matters relating to political processes.

Courts have been particularly suspicious of government interference with speech concerning candidates for public office.<sup>2/</sup> See Monitor Patriot Co. v. Roy, 401 U.S. 265, 271-72 (1971) ("if it be conceded that the First Amendment was 'fashioned to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people' . . . then it can hardly be doubted that the constitutional guarantee has its fullest and most urgent application precisely to the conduct of campaigns for political office") (emphasis added); United States v. CIO, 335 U.S. 106, 144 (1948) (Rutledge, J., concurring) (most complete exercise of first amendment rights "essential to the full, fair and untrammelled operation of the electoral process"). Cf. Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974).

---

<sup>2/</sup> There are other possible approaches to regulating campaigns. One possibility is to require candidates to exchange their campaign materials in the closing days before the election. The courts have not ruled on the constitutionality of these alternative approaches.

Only one case, however, has directly dealt with the constitutionality of a campaign falsity statute. Vanasco v. Schwartz, 401 F.Supp 87 (E.D.N.Y. 1976), Aff'd., 96 S.Ct. 763 (1976). The New York State Board of Elections was required to enforce a Fair Campaign Code, which prohibited certain campaign practices, including misrepresentations of a candidate's position or party affiliation, political espionage, and the use of personal vilification or personal attacks. When two candidates challenged the Code and the Board's role in enforcing the Code, the court found the law repugnant to the freedom of speech clause of the United States Constitution. The three-judge District Court panel first noted the "chilling effect" of the Code on the public debate of the issues in an election:

Initially we note that the inhibitory "chilling effect" resulting from the overbreadth of the Code, applies to important First Amendment speech. Free debate on public issues is essential to the survival of the Republic.... In our view, the Code creates a "substantial chill" and has a significant likelihood of deterring this important First Amendment speech.

401 F.Supp. at 97.

Then the court concluded:

Nothing in our decision downgrades the state's legitimate interest in insuring fair and honest elections. Undoubtedly, deliberate calculated falsehoods when used by political candidate can lead to public cynicism and apathy toward the electoral process. However, when the State through the guise of protecting the citizen's right to a fair and honest election tampers with what it will permit the citizen to see and hear even that important state interest must give way to the irresistible force of protected expression under the First Amendment.

401 F.Supp. at 100.

California courts have placed similar importance on the protection of the right to political expression in the election context. See, e.g., Wilson v. Superior Court, 13, Cal. 3d 652 (1975) (court cannot enjoin distribution of a campaign mailing or require that any newspaper article reprints concerning the candidate's opponent be presented in a "fair and balanced" manner); Canon v. Justice Court, 61 Cal. 2d 446 (1964) (statute held void which required the identification of a California voter on any communications which attacked a candidate's personal character or political action; Schuster v. Imperial County Municipal Court, 109 Cal. App. 3d 887 (1980) (statute

prohibiting the distribution of anonymous campaign literature held unconstitutional).<sup>3/</sup>

Thus any effort to shore up voter confidence in the electoral process by reducing misleading, negative or last minute political advertising must focus on policies, programs and codes which can be voluntarily adopted by candidates and monitored by the press and public.

#### IV.

#### APPORTIONING THE CAMPAIGN ADVERTISING BUDGET

##### A. Gubernatorial and other Statewide Races (30-60 second broadcast commercials dominate)

In gubernatorial and other statewide contests, the largest portion of the campaign budget (roughly 65 percent) is generally directed to broadcast advertising and only a very small percentage to direct mail (2-3 percent) and to newspaper advertising (5 percent). The broadcast advertising budget in turn is heavily weighted toward 30-60 second television ads (roughly 55 percent of the total budget) with radio ads playing a clearly secondary role (roughly 10 percent of the budget).

For statewide candidates seeking to reach large audiences TV advertising is clearly the most cost-effective. But, because of the 30-60 second limit on such ads they are generally designed to address only one issue at a time or to convey only an "image"<sup>4/</sup> (positive or negative) of the candidate or his opponent.<sup>4/</sup> Competition for "prime time" time slots is intense and bookings must be generally made a minimum of a week or two in advance. A 60 second TV spot on a Los Angeles station can cost up to \$15,000.

Radio ads are much less expensive, of course, than TV ads -- \$300 for a 60 second spot in Los Angeles. And, since radio stations are known to appeal to certain types of audiences, radio ads can be better tailored for selected audiences, e.g., rock stations/the youth vote, classical music/intellectuals,

---

<sup>3/</sup>Section 84305, the "mass mailing" provision of the Political Reform Act, is distinguishable from the section of the Elections Code struck down in Schuster and has been upheld against constitutional challenge in its only court test. See Republican State Central Committee v. Fair Political Practices Commission, L.A. Superior Court No. C 399720 (Judge Pacht) (May 6, 1980).

<sup>4/</sup>Almost everyone interviewed thought 30-60 second TV ads were far more effective than five minute mini-programs or the longer 30 minute special presentations.

news-talk/middle of the road conservative voters, etc. Radio ads also generally run for 30-60 seconds (occasionally for a minute and a half) and thus impose the same content limitations as to TV ads. Since the time allotted by radio stations to advertising time (versus entertainment or news time) is very flexible and radio stations are very interested in selling more advertising space, they are very willing to accommodate the last minute purchase and placement of additional political ads.

B. Legislative Races (over 50 percent of the budget is spent on direct mailings)

Past reports prepared by the Commission have shown that an ever increasing percentage of campaign funds in legislative races are being devoted to mass mailings, particularly computerized last minute advertisements. In its report on campaign costs 1958 through 1980 ("The Twenty-Year Report"), for example, the Commission documented how expenditures for mail advertising had increased from roughly 30 percent of all legislative campaign costs in 1958 to over 50 percent in 1978. And, on the basis of conversations with leading campaign consultants this trend toward greater and greater reliance on mass mailings in legislative races is clearly continuing. Expenditures in legislative campaigns for radio and TV ads have remained relatively constant at 8 percent of the campaign budget, and those for newspaper ads at below 5 percent of the budget.

As a general rule, TV advertisements are not cost effective in legislative races since the cost for a 30-60 second spot is very high and the coverage far more extensive than desired in a legislative race. Thus while a 60 second spot on a leading Los Angeles TV station can cost \$15,000, it will cover the entire Los Angeles metropolitan area when only coverage of a small portion, i.e., the legislator's district, is desired. In areas where legislative districts coincide more closely with a TV market such as in Sacramento, Fresno, Redding, or Eureka, legislative candidates rely more heavily on TV advertising. Obviously very little TV advertising is done by legislative candidates in the metropolitan areas of Los Angeles, San Francisco, San Diego and San Jose.

Radio advertisements suffer from the same "overkill" problems as do TV ads. However, because radio ads are substantially cheaper and can be better directed to selected audiences, they continue to be used in legislative contests.

WHY THE USE OF "MASS MAILINGS"  
IS INCREASING

Not only are mass mailings now clearly the predominate means for conducting legislative campaigns, but they are also being increasingly used to qualify and generate funds for ballot measures, and by ideologically oriented political action committees, to solicit monetary contributions.<sup>5/</sup>

There are at least four reasons for this steady increase in campaign mass mailings. First, and most importantly, mass mailings can be carefully targeted to selected audiences through the use of computers and refined mailing lists. Second, because mailers are sent into the privacy of the home they can convey a variety of different, and if desired, contradictory, messages to respective voters. Third, mass mailings have proven to be an effective fund raising tool as well as a solid advertising vehicle. Fourth, mailings can be used to deliver a message on the eve of the election which, because of time restraints, cannot be effectively countered by the opposition.

During its 1980 Los Angeles hearing on "Rising Campaign Costs" the Commission received testimony and information concerning the growing sophistication of mass mailing techniques as well as the increasing potential for mass mailing to be contradictory as well as negative in tone. During the 1980 primary election in San Diego, for example, a mass mailing was developed that had 90 different variables which could be adjusted depending upon the recipient's profession, occupation, income level, type of dwelling occupied, number and types of initiative petitions signed, etc. By adjusting these variables, the campaign could assure that all segments of the voting public received a specially tailored appeal for its candidate or against its opponent. This example also illustrates why it is more and more unlikely that the contents of such mailings will be shared or discussed with neighbors or friends in different occupations, tax brackets, etc. Thus, the potential for contradictory statements on any selected issue is increasingly present should a campaign wish to fully exploit modern technology.

The following excerpt from the Direct Mail and Mail Order Handbook, Dartnell Services 2nd Ed. (1974) emphasizes the "audience selectivity" of mass mailings.

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<sup>5/</sup>Several campaign consultants interviewed stressed that mass mailings are on the increase primarily because expenditures for Legislative races are increasing so dramatically.

Direct mail is the most selective of all mass media. Indeed, its selectivity makes it superior to radio, TV, or newspapers for some candidates in some campaigns. Where radio or TV coverage might be too broad, direct mail can be pinpointed to selected areas of the state, or town -- or even a ward or precinct. And it can let you talk about specific issues to people you know in advance will be most interested in those issues.

The possibilities are as wide as your imagination for using direct mail's unique selectivity to appeal to the individual interest of individual voters.

Ibid at 469.

The ability of a campaign to send different messages to different groups of voters should it so desire, is illustrated by the following excerpt from a New West magazine article published January 4, 1980, and entitled Target Practice; Their Aim is True.

The basis of targeted mail ... is the ability of a computer specialist to identify a particular population, then break it down by "lifestyle" characteristics relevant to current political issues.

\* \* \*

That produces the data. It then takes a shrewd campaign manager to "pitch" right into the voter's strike zone. The philosophy underlying the pitch has been around for at least 60 years in the advertising and direct-mail marketing fields - it's finding that untapped tingling zone of "self-interest" in the voter.

No one knows this better than ... the downtown campaign consulting firm that defeated rent control (Proposition R) in San Francisco last fall. Renters and homeowners alike received more individually targeted pieces of mail than some unpopular people would receive in a lifetime. Over \$165,000 was spent generating "25 to 35 pieces of literature," .... Fourteen versions were mailed, and in some instances, the effort to appeal to the "self-interest" of particular voting groups was pretty far-fetched.

"Our personal freedom to choose our lifestyles is once again threatened," was the pitch on the piece directed to gay renters. The pamphlet implied that the mechanism of rent control would somehow inhibit people from choosing the style of life they wished to lead, and compared

Proposition R with the scurrilous antigay Briggs initiative (Proposition 6) of 1978. It also claimed the law "would outlaw all private housing decisions between owners and renters," which was not true.

To homeowners, the company predicted that rent control would cause "higher homeowners' taxes" and "neighborhood decay." To renters, two pieces were sent during the campaign's final week that warned that rent control would actually raise their rents. Special pieces were mailed in Chinese and Spanish, others to blacks, conservatives, liberals, landlords and church groups.

Several campaign consultants who were interviewed defended the practice of sending contrasting messages to different groups of voters by saying: "Most voters only focus on personalities or one or two issues that affect them personally, anyway."

The utilization of mass mailings to generate substantial political contributions in addition to delivering a potent political message has been demonstrated on numerous occasions including, most recently, the qualification of the Reapportionment Referendum, and before that the qualification of the Gann Initiative. Since the mid-70's, the Gun Owners of California (a political action committee) has successfully been raising millions of dollars through direct mail appeals while at the same time endorsing or attacking legislative proposals or candidates.

Finally, most campaign consultants interviewed believe that mailings are most effective the last few days before an election when there is no time left for them to be refuted by the opposition. One campaign consultant commented that "the thing that makes last minute mail so damaging is that it cannot be answered effectively." Several consultants estimated that in legislative races, a really good mailer, particularly one which is negative in tone, can shift the vote for or against a candidate by as much as 5 percent. Others, while declining to give a percentage figure, agreed that last minute mailers, particularly those accusatory in tone, can often be decisive in legislative contests. And, as one political consultant noted "since the voters sometimes only make up their minds during the last week, last minute mailers are unavoidable."

In a few instances during 1980 legislative campaigns, the charges and counter-charges contained in the last minute mailings, as well as the sheer number of such mailings reached almost comic proportions. During the 1980 primary campaign for State Assembly in Sacramento County, for example, two or

three attack or "hit" pieces arrived in voters' mail boxes daily during the last seven days preceding the election. It is too early to tell whether the receipt of so many mailers will eventually cause a backlash by voters or cause them to disregard all political mailings. Almost all professional consultants agree, however, that the saturation point has not been reached. As one commented:

Mailings are becoming more and more sophisticated and it will never "peak." It's just up to people like me to come up with new ideas and approaches. The "ad game" will always be around.

## VI.

### SPECIAL PROBLEMS PRESENTED BY MASS MAILINGS

For the same reasons that mass mailings are so effective as campaign weapons they are also the most likely to be used in a misleading, negative, or last minute fashion.

Campaign advertisements sent by mail arrive in the "privacy" of selected homes. They are not generally designed to be shared among neighbors or to otherwise enter into the public market place for debate. As a result, campaign mailers may be contributing to what many observers see as the growing "privatization" of political campaigns in California and the seeming decline in debate and discussion of campaign issues among neighbors. As Professor Eugene C. Lee, Director of the Institute of Government Studies at U.C. Berkeley, has said:

Direct mail privatizes the political process. It comes directly into the house of an interest group without any discussion, without any mediation, without the necessity to put together an organization.

Los Angeles Times, February 14,  
1980, p.14.

Because mass mailings are generally not designed for public exposure there is no sunlight to serve as a deterrent or as a disinfectant. Thus they are free to be particularly misleading and negative in tone. As Martin Smith, political writer for the Sacramento Bee recently observed in comparing broadcast to political mail advertising:

Mail advertising lends itself more to negative political campaigns than do broadcast commercials, which, being more in the open, easily can set off a backlash against the campaign making the charges.

Sacramento Bee, February 28,  
1982, Editorial page.

Unfortunately, among campaign professionals there appears to be a growing belief that negative mailings (i.e., those in which you criticize your opponent rather than praising your own record) may be the most effective campaign device in legislative contests. The most common subject matters for negative mailers include selected discussions of voting records, charges of low attendance, accusations of being a "big spender," membership in certain clubs or organizations, and ethical breaches. It is rare for a writer to focus on a "personal" issue such as a drinking problem.

In preparing for the 1978 general election, a survey of selected voters revealed that while a letter of endorsement from Howard Jarvis would be helpful to a legislative candidate, a letter from Mr. Jarvis attacking or criticizing one's opponent would be much more effective. Consequently, millions of letters were sent by Republican candidates for the State Legislature in 1980 which contained negative comments about their opponents by Mr. Jarvis. This is but one example of the increasing use of mass mailings to convey a negative rather than a positive image about candidates for office.

To combat this trend, many campaign consultants revealed that they are already in the process of planning strategy to combat or offset what they anticipate will be a barrage of last minute negative mailers during the 1982 campaign season. A strategy which worked fairly well in 1980 and which is expected to be used on an increased basis during 1982 is to send two mailers immediately before the election: One from the candidate praising his record, and one from his wife bemoaning the unfair negative campaign being run by the opposition against her husband.

Others are seeking to avoid negative mailings against them by retaining and thus "neutralizing" campaign firms known for their "hit" pieces. "It's not so much that we want them working for us. We don't dare have them working against us."

Mass mailings, unlike other campaign advertising techniques, are also well suited to last minute surprise attacks. The post office can generally guarantee delivery of campaign mailers on the Monday preceding the election. However, most campaign consultants, so as not to take a chance, tend to target the Saturday before the election as the optimum delivery date. And, because of the privacy of campaign mailers, it is rare that their contents will be discovered by the opposition in time for any steps to be taken to refute any charges or inaccuracies contained in such mailers.

It is also for mass mailings that "independent expenditures" (i.e., those which are not made by or at the behest of a

candidate) are most likely to occur. Broadcast stations which must sell time to qualified candidates or their representatives are not similarly required to sell time to independent expenditure committees. Thus, such groups (which traditionally solicit funds through the mails) are often relegated to mass mailings as their chief campaign weapon. Obviously groups which are not directly affiliated with a candidate have less to deter them from mailing misleading or extremely negative campaign literature.

Finally, campaign mailers are sent in envelopes which themselves can be used to convey misleading inferences as to their true sender or contents. The Commission has seen several instances in which the sender's identification has been left off or a false identification has been placed on the envelope. In other cases the true sender's name is placed on the back of the envelope or in very small print. On the front or in bolder type is placed a misleading identification such as County Sheriff's Office, Patrolman John Doe, Howard Jarvis, Ronald Reagan, etc. The Commission has also been presented with numerous examples of various "logos" or "warning labels" which have been stamped on campaign envelopes to ensure that they are immediately opened by the homeowner. Warning labels such as "Emergency Cable," "Court Action Notice," "Official Tax Rebate Information," "Official Documents Enclosed," "Important Social Security Information," etc., have been successfully employed in the past. Such ploys, while insuring that campaign envelopes are opened, serve only to further erode the public's attitude towards campaign mailings and candidates for public office in general.

## VII.

### OTHER FACTORS CONTRIBUTING TO MISLEADING OR NEGATIVE POLITICAL ADVERTISING

During the review and interview process undertaken in preparation for the Commission's public hearings, several other factors were identified which may be contributing to the increase in misleading or negative advertising. Concern was expressed, for example, over the practice of paying campaign firms on a "contingency" or "bonus" basis. Under such an arrangement a firm is paid, or is paid a larger sum, only if their candidate wins the election. Such a scheme clearly inserts a "pecuniary" motive in the campaigns and may well result in more heated or desperate last minute mailings. It may also lead to situations where a candidate loses effective control of his campaign down the final stretch. A campaign firm looking at a potential loss or profit of \$10,000 - \$50,000 may be far more willing than a candidate to engage in false or misleading advertising. Many of these

same sentiments towards "contingency" fees were echoed by campaign consultants interviewed by the staff. Fortunately, it appears that only a few firms are still working on a contingency or bonus system.

Strange as it may seem, policies adopted by some broadcast stations and newspapers which were originally designed to prevent last minute or misleading advertising may, in fact, be encouraging such practices to occur in mass mailings. Several newspapers either refuse to publish political advertising on days immediately preceding the election or to provide news coverage of any "new" campaign issue during such time frame. A few television stations have adopted similar policies designed to ensure that they are not used to transmit last minute or unfair campaign charges.

While such policies may be beneficial in statewide races where TV advertising and news coverage is so extensive, the same policies may be backfiring in legislative races where mass mailings dominate. Without access to the news media or the ability to buy last minute TV or newspaper advertising space, the candidate has little means effectively to combat a misleading last minute mailer. And, while it is relatively easy to get radio stations to carry last minute rebuttal ads, the air waves are flooded with political announcements on the days immediately preceding an election, and thus the impact of any one candidate's ad declines proportionately. Consequently, a legislative candidate may often be left at the mercy of an unscrupulous opponent.

#### VIII.

##### SUMMARY OF VOLUNTARY PROGRAMS DESIGNED TO REDUCE MISLEADING, NEGATIVE, OR LAST MINUTE CAMPAIGN ADVERTISING

Several voluntary (non-governmental) programs have been utilized in California and other states to deter misleading, negative, or last minute campaign advertising. The theory underlying all of these programs is that candidates (and their campaign committees) will show greater restraint if they have agreed to submit political advertisements to their opponents prior to publication or there exists some independent body with jurisdiction to review and comment on misleading or false campaign advertising. Many candidates and campaign consultants stated that the single most important step that could be taken to clean up California campaigns would be to somehow require candidates to share their advertisements with their opponents 48 hours before they are published. This was adjudged particularly important during the last two weeks of the campaigns.

A brief description of the voluntary programs studied follows:

1. Fair Campaign Practices Committee -- Washington, D.C. (1965 through 1976). This nonprofit organization provided a panel of impartial referees (arbitrators from the American Arbitration Association) to receive and resolve complaints of unfair or misleading advertising. Under the procedures of the committee, all candidates had to agree to the submission and resolution of complaints before the commission assumed jurisdiction. However, the commission would publish information concerning any candidate's refusal to agree to arbitration. The former executive director of the FCPC, Sam Archibald testified before the Fair Political Practices Commission at its public hearing in Sacramento on March 1, 1982.
2. San Jose Mercury-News 1980 Experiment. During the 1980 elections the San Jose Mercury-News requested that opposing candidates voluntarily submit copies of their campaign literature to the newspaper prior to distribution. On its own initiative the newspaper would endeavor to review the literature, spotting inconsistencies or falsehoods. This review process generated stories and editorial comment and was taken into consideration in issuing the newspaper's formal endorsements. One endorsement, in fact, was withdrawn by the Mercury-News after a candidate it previously supported sent out misleading campaign brochures. Mr. Dale Lane, Political Editor of the San Jose Mercury-News will be testifying before the FPPC at its March 29 public hearing in Los Angeles.
3. Brown v. Younger Gubernatorial Campaign Agreement. Under an agreement between the campaign managers for Governor Brown and Attorney General Younger, each campaign agreed to submit copies of its campaign literature to a review panel, consisting of members appointed by each candidate, 48 hours prior to distribution. To most observers this arrangement worked well. Mr. Gray Davis, who conceived and administered the agreement as Governor Brown's campaign manager, will be testifying at the Commission's March 29 hearing in Los Angeles.

In addition to these non-governmental programs, there is at least one government sponsored program which adjudicates and comments on complaints concerning misleading advertisement.

4. Orange County Fair Campaign Practices Commission. This county Commission is authorized to receive complaints relating to false or misleading campaign advertising and to issue public findings. Although the Commission

can impose no sanctions other than publishing its findings, it assumes jurisdiction over disputes whether or not the candidate mentioned in the complaint agrees to submission. The Commission's activities have generated considerable debate within the county. Ms. Joan Riddle, chairperson of the Orange County FCPC, will discuss the FCPC's successes and failures during the FPPC's March 29 public hearing in Los Angeles.

There are also several associations as well as individual newspapers and broadcast stations which have adopted policies or ethics codes to govern political advertising.

5. The American Association of Professional Campaign Consultants. This Association is composed of persons actively involved in the management of political campaigns. The AAPCC has developed and recently updated an ethics code which deals with advertising standards, contingency fees, etc. This Code was recently updated to reflect new campaign techniques. Mr. Joseph Cerrell, the Vice President of AAPCC and an active campaign consultant/manager in California, will discuss the Code and its effectiveness during the Commission's public hearing on March 29, 1982.

6. Newspapers and Broadcast Stations. Individual newspaper and broadcast stations have adopted a variety of practices and policies to govern the acceptance or nonacceptance of last minute, negative or misleading advertisements. These include refusing to carry ads immediately preceding the election, refusing to carry advertisements which contain new issues or new charges immediately preceding the election, refusing to provide news coverage for new issues or charges raised in the closing days of a campaign, etc. (Some unintended ramifications of these policies are discussed in part in Chapter 8.)

Finally, the State Legislature has considered several proposals for regulating campaign practices and political advertising.

In 1979 Senator Omer Rains sponsored legislation (SB 988) which would have established a Voluntary Code of Campaign Ethics prescribing "minimum standards of campaign behavior and responsibility." (Letter from Senator Omer Rains dated March 9, 1982.) The bill died in its first committee.

This year Assemblymen Art Agnos and Richard Mountjoy are sponsoring legislation which would provide sanctions for "false" campaign statements. Copies of these as well as past legislative proposals are available at the Commission's offices.

IX.

MODEL FAIR CAMPAIGN PRACTICES CODE

In preparing the following voluntary proposed Model Fair Campaign Practices Code/Agreement the staff of the Commission attempted to draw the best features from the various campaign ethics codes/agreements and voluntary programs studied in preparation for the Commission's March 29 public hearing. The code consists of a general "Fair Campaign Pledge" followed by a list of optional specific agreements. Candidates would be encouraged to select only those paragraphs which seem applicable to their campaigns and situations.

The campaign consultants interviewed were equally divided between those who thought the code would be beneficial and those that thought it would accomplish little. Those who favored the code stressed its self-enforcing nature noting that breaches of the code would result in adverse publicity, a commodity ill afforded by any candidate. Most of those responding positively to the code thought that requiring candidates to share their advertisements with the opposition prior to publication, particularly during the week before the election, was the code's most important provision. The second most important provision was thought to be the establishment of an impartial panel to review charges of misleading advertisements. There follows a few examples of supportive comments offered on the code during interviews.

The single most important thing the FPPC could do would be to require candidates to share their advertisements with their opponents 48 hours before publication.

A code may or may not be needed in highly publicized races like the Ronka-Reiner race where misleading ads can (and did) quickly backfire, but in less visible contests something like your code would definitely help.

The code or agreement would be a major step forward, particularly if you could get the Democratic and Republican parties to sponsor it.

The mere thought that you will have to show your advertisements to your opponent, or to an impartial panel, will generally deter misleading advertisements.

Obviously the most important sanction available for violation of any such code would be the adverse publicity that would accompany any violations.

The existence of a panel to review campaign literature will deter misleading advertising because of the fear of adverse publicity if the panel rules against you.

I'm not sure you need a panel if you have an agreement to share your ads with opposing candidates. As soon as your opponent sees something in an ad which he believes is obviously misleading, he'll run to the press; so the deterrent factor is already sufficiently present.

Those campaign consultants who disagreed with the need or desirability of a code stressed that it would be essentially unenforceable, and therefore, would really not deter misleading advertising particularly "down the stretch." Some also thought that more "honest" or "naive" candidates might be lulled into a false sense of security vis-a-vis their more unscrupulous opponents. Among the adverse comments offered were these.

Since the only action the proposed panel could take would be to publish its findings of a violation, who would really care?

Your campaign agreement will be like the SALT treaty, everyone agreeing, but then violating and explaining why their actions are really not a violation.

Those with "black hearts" are the ones who will sign and agree to anything and then continue their practices to cover their tracks.

It's very hard to determine whether an issue is new to a campaign or has been previously raised, for example, at some obscure event or rally.

Refusals to sign the code and charges of code violations would become major campaign issues -- detracting the voters from more important and substantive issues.

Additional comments on the proposed code will be presented by witnesses testifying during the Commission's Los Angeles hearing.

MODEL FAIR CAMPAIGN PRACTICES

CODE/AGREEMENT

MODEL FAIR CAMPAIGN PRACTICES CODE/AGREEMENT

I. Fair Campaign Pledge

We, the undersigned, agree to conduct our campaigns for public office in the State of California openly and fairly. We shall discuss the issues and participate in fair debate with respect to our views and qualifications. We shall not engage in, nor will we permit, the character defamation of, or scurrilous attacks upon, any candidate or his or her personal or private life; nor shall we engage in unwarranted invasions of personal privacy unrelated to campaign issues. We shall not use or permit the use of any campaign material or advertisement which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate. We further pledge to immediately and publicly repudiate support deriving from any individual or group which resorts on behalf of our candidacies to advertisements, methods, or tactics which do not live up to the standards of this pledge.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

II. Specific Agreements

We further specifically agree to the following:

Direct Mailings

(1) We will clearly identify ourselves or our campaign committees as the sender of all campaign mailings and literature.

(2) We will not attempt to misrepresent to the recipient of campaign mailings and literature the source or nature of materials.

(3) During the last 14 days preceding the election, we agree to provide to each other a true and complete copy of all campaign mailings at least 48 hours before they are placed in the mail.

Use of Polls or Polling Information

(1) We will not use in our campaign advertisements any false statements concerning the results of any poll.

(2) We will not originate or allow questions to be asked in polls which misrepresent, distort, or otherwise falsify the facts regarding any candidate.

The Raising of Last Minute "New" Issues

We will not introduce any new issues relating to a candidate's character, qualifications or personal life into our campaign advertisements during the three days preceding election day, unless it is in response to issues raised by an opposing candidate or committee or by an independent person or entity not associated with the campaign or the candidates.

Professional Campaign Firms or Consultants

We will not enter into a "contingency" or "bonus" payment agreement with any campaign management firm or consultant.

Submission and Review by Independent Panel

We agree to submit a true and complete copy of all campaign advertisements to an independent panel at least 48 hours before they are placed in the mail or otherwise published. Each candidate shall pick one person for the panel, and an additional member will be agreed to by the other panelists. The panel will review the advertisements for any statements which are clearly or deliberately false or misleading concerning a candidate's character, qualifications or personal life, including but not limited to statements on employment or service records, political activities, party, organization or club affiliations, and voting records. The panel shall be guided by the "Fair Campaign Pledge" in making its determinations.

Following its review of an advertisement, the panel may take no action or it may recommend changes to the candidate. We agree that we may either accept the changes, amend the advertisement in some other way to be acceptable to the panel, or forego the advertisement. Should we elect, however, to proceed with an advertisement despite an adverse panel recommendation, the panel shall immediately make its recommendation public. All recommendations made and actions taken by the panel must be done by majority vote.

The panel will perform its duties on a voluntary basis, but any expenses incurred by the panel or panelists will be borne equally by the candidates.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_



Analysis:

FY 84 - Because there are no state elections in FY 84, APOC could absorb costs of administering for municipal elections. This assumes FY 84 funding at the Governor's request level of 590.6 general funds and continuation for subsequent years.

FY 85 - Three additional commission meetings at \$3.6 per meeting (per diem travel and salary for Commission members) totalling \$10.8.

FY 86 - One additional commission meeting municipal election year, option well known and potentially more widely used. Assume 6% inflation \$3.8.

FY 87 - Five additional commission meetings at \$4.0 per meeting. A regular state/municipal election year would entail three additional meetings. The increased activity generated by a Governor's election would warrant two additional meetings totalling \$20.0.

FY 88 - Same as FY 86 with inflation of 6% - \$4.2.

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*HOLLIS*  
*FOR JK'S WORK*  
*(745-3057)*

DRAFT: LETTER TO THE LYONS RE: STATE ATHLETIC  
COMMISSION (SB 166 - REGULATING BOXING IS IN  
STATE AFFAIRS COMMITTEE).  
Prepared 9/22/83 by G. Baim  
DSK: GINGER DOC: GOV/ATHLETICCOMMISSION

(NOTE: Victor, you need to speak with JK about whether Labor & Commerce or State Affairs are going to be handling this legislation/issue.)

September 25, 1983

Commissioner Richard Lyons  
Department of Commerce and Economic Development  
Pouch ----  
Juneau, Alaska 99811

Dear Dick:

*follow-up*  
I am writing in response to the Division of Legislative Audit's report on the State Athletic Commission for the period July 1, 1975 through April 30, 1983. It's obvious from this audit that serious issues confront the state in regulating sporting events, particularly combative sports. It's also apparent that the State needs to take immediate action to clarify both the legal status of the State Athletic Commission and the extent of its jurisdiction.

SB 166, an act establishing the Boxing Commission, is currently in the Senate State Affairs Committee. It's House counterpart, HB 366, is in the Senate Labor and Commerce Committee. Public hearings on SB 166 held last winter in Anchorage raised basically the same concerns identified in the audit. Among them are:

- What is the legal status and jurisdiction of the State Athletic Commission? What sports are under their authority -- both amateur and professional? If so, how can we resolve inherent conflicts with other states' laws prohibiting regulatory authority on both amateur and professional sports by one official body. The current situation creates serious problems when local organizations contemplate hosting national combative sport events.
- Should the state, from a public policy viewpoint, attempt to regulate combative sports at all, particularly boxing. Several people, including two doctors (one of them a member of the Alaska House of Representatives) testified that there is simply no way to make boxing "safe" for participants. One, in fact, likened boxing to other blood sports such as cock-fighting and urged that it be outlawed. There is no other widely

practiced professional sport in Alaska where the primary objective is to inflict serious bodily injury on your opponent.

- When considering the regulation of combative sports, the State must also look at the economic aspects. Currently there isn't enough combative sports activity in the State to warrant the expense of establishing or maintaining a board or commission to regulate it. In addition, proposals to fund the commission through surcharges or filing fees for managers or boxers (proposals contained in both bills currently before the legislature) would probably spell an end to competitive boxing in the State because the profit margin is so slim already that additional fees would be prohibitive.

- So far, Alaska has escaped the "worst case scenarios" of serious injury or death to a boxer, or a major "rip-off" by an unscrupulous promoter. Testimony suggests we have simply been lucky. Other testimony appears to agree with Legislative Budget and Audit finding that one way the State could (and should) avoid any inherent liability is to repeal statutes established to regulate boxing and leave it to the "free market". Such a position does have it's appeal as a "quick and dirty" way to resolve state responsibility. It also ignores the serious health and safety problems for boxers outlined in the audit report.

I would appreciate a Department position paper on this issue before session resumes and the Senate schedules additional hearings on the bills before them. Specifically, I'd like to know what the Department's immediate intentions are, particularly in response to Legislative Audit's "short term" suggestion in the last paragraph of Recommendation #1.

Please contact Suzanne Tryck, aide to the Senate State Affairs Committee, for additional information or backup material. Ms. Tryck can be contacted in my Anchorage interim office at 278-3654.

Best regards,

Senator Vic Fischer

cc: Senator Joe Josephson  
Representative Terry Martin

/gb

# STATE OF ALASKA

57  
AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

## THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

August 31, 1983

Senator V. Fischer  
Chairman  
Senate State Affairs Standing Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Chairman Fischer:

At a recent meeting, the Legislative Budget and Audit Committee approved for release to the public the attached audit reports which may be of interest to your Committee.

If you have any questions on this report, please contact our office.

Sincerely,

*Gerald L. Wilkerson*  
Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

→ ATHL. COMM

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

June 20, 1983

SUMMARY OF: A Report on the Office of the Governor, State Athletic Commission, For the Period July 1, 1975 - April 30, 1983.

### PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee request and Title 24 of the Alaska Statutes, this special report has been prepared to document and evaluate the activities of the State Athletic Commission for the period July 1, 1975 through April 30, 1983.

Statutorily, the State Athletic Commission (SAC) should have a role in a myriad of sporting and athletic events (see discussion of statutes and the Commission's role in the Organization and Function section of this report). However, the Commission role is best defined and most visible in its regulatory responsibility over combative sports - primarily boxing. As a result, the primary focus of this report is the past and current roles that the Commission has played in the regulation of boxing in the State of Alaska. In addition, we examined the prospective status of boxing in the State and discuss possible alternatives of the nature and extent of the Athletic Commission in regulating the sport.

### SUMMARY OF HISTORICAL PERFORMANCE

The history of the State Athletic Commission has been one of neglect on the part of the Executive Branch. It is amazing that the Commission accomplished as much supervision and regulation as it has. The situation, as it has been allowed to exist, is fraught with potential for abuse. Indeed, we have identified one situation where license fees were not remitted to the State, largely due to neglect on the part of the Office of the Governor.

### FINDINGS AND RECOMMENDATIONS

1. The Office of the Governor and the Department of Commerce and Economic Development, in conjunction with the Department of Law, should clarify both the legal status of the State Athletic Commission and the extent of its jurisdiction.

In short term, we believe it is in the best interests of the State to develop a legally defensible policy and approach towards the regulation of combative sports under the current statute. The lack of a clear, legally sound approach to regulation has the potential for abuse by unscrupulous promoters, and may place the State in legal jeopardy. We recommend the Department of Law consider the issues raised by Director of Occupational Licensing's inquiries and those involved with legal exposure of the State in order to advise and act to protect the interests of the State.

2. The Governor, upon considering the State's responsibility for the welfare and protection of the participants and spectators of combative sports, should develop proposed legislation to do one of the following:
  - a. Introduce legislation to more clearly define the nature and extent of the SAC's responsibilities and fund it accordingly.
  - b. Introduce legislation to abolish SAC and repeal its statutes.
  - c. Request funding for the current SAC in order that it can adopt and enforce regulations to more effectively regulate combative sports.

TABLE OF CONTENTS

	<u>Page</u>
Purpose of the Report. . . . .	i
Organization and Function. . . . .	3
Historical Background. . . . .	5
Current and Prospective Status of Boxing in Alaska . . . . .	7
Findings and Recommendations . . . . .	9
Note on Appendixes . . . . .	17
Appendixes	
A. Schedule of Combative Sport Events Sanctioned and/or Held in Alaska, July 2, 1975 - February 12, 1983 . . . . .	19
B. Licensed Boxers, Circa 1976/1977 - April, 1983. . . . .	21
C. Licensed Referees and Judges, Circa 1976/1977 - April, 1983. . . . .	23
D. Licensed Managers and Promoters, Circa 1976/1977 - April, 1983. . . . .	25
E. Licensed Attending Physicians, Trainers, and Seconds, Circa 1976/1977 - April, 1983 . . . . .	27
F. Schedule of Expenditures, State Athletic Commission, July 1, 1974 - April 30, 1983. . . . .	29
G. Schedule of Revenues, State Athletic Commission, July 1, 1974 - April 30, 1983. . . . .	31
H. Memorandums Re: State Athletic Commission Meeting of November 3, 1980. . . . .	33
I. Minutes of April 8, 1981 Meeting of the State Athletic Commission. . . . .	35
J. Attorney General Memorandum Re: State Liability Exposure Upon Passage of HB 241, April 21, 1983 . . . . .	39

TABLE OF CONTENTS

	<u>Page</u>
Agency Response:	
Department of Commerce & Economic Development. . .	42

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

June 20, 1983

Members of the  
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes and your special request, the attached report is submitted for your review.

A REPORT ON THE  
OFFICE OF THE GOVERNOR  
STATE ATHLETIC COMMISSION

For the Period July 1, 1975 - April 30, 1983



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

## ORGANIZATION AND FUNCTION

The State Athletic Commission (SAC) was created by the first State Legislature in 1959. The Commission is made up of five members, all appointed by the Governor. The statutes require that there be an appointee from each of the four major Senate districts described in Article XIV of the State Constitution. The four appointees serve overlapping two-year terms. The fifth member, designated as the State Commissioner of Athletics is appointed by the Governor for a five-year term. The Commissioner of Athletics serves as chairman of the State Athletic Commission.

AS 05.05.020(b) allows the Commissioner of Athletics, "with the aid and counsel of the Commission" broad discretionary powers over athletics in the State. The Commissioner may adopt regulations, with the force and effect of law, to govern athletics, athletic programs, and events as he considers necessary.

SAC has extensive statutory rights and duties concerning the regulation of combative sports in the State, such as boxing and wrestling. The Commission has authority to license boxers, wrestlers, referees, trainers, event judges, seconds, and attending physicians. It also has authority to certify and license promoters of events, and may require the posting of adequate performance bonds. The statutes give SAC the authority to select the referee for combative sports events.

In past years the legislature, in conjunction with the Governor, have used the State Athletic Commission as a vehicle for directing State funds to special athletic events. In FY'75 the Arctic Winter Games received \$15,000 in support from the Commission. In FY'76 the Games received \$90,000 in funding support and the Special Olympics was appropriated \$27,000 through the auspices of SAC.

## HISTORICAL BACKGROUND

For the period that we conducted our review, (1975-1983) we found that the State Athletic Commission (SAC) has not operated as a body in fulfilling its function to oversee athletics and athletic programs. The primary reason the Commission has been inactive is that it has received no appropriations for operations since FY'77. As a result, the Commission has met irregularly over the past five years and has done little work developing regulations and procedures, especially in the area of boxing regulation, its primary statutory responsibility.

Rudimentary oversight of combative sports, essentially boxing, has been provided through the efforts of individual Commissioners acting independently. In fact, members have acted so independently that their files and records of their activity are much more comprehensive than any of those retained by the State. There are no uniform procedures governing Commissioner activities. What an individual Commissioner does and how he does it is left to his own discretion.

We could find no State record of issued licenses, sanctioned fights, evidence of promoter's performance bonding, or other requirements of SAC under their statutes, for the period that it was administered by the Office of the Governor. Revenues generated by boxer, promoter, referee, etc. licenses were not accounted for by the State. Administrative expenses for SAC operations were borne individually by Commissioners or were offset with the collection of the aforementioned, unreported receipts (see Recommendation No. 2 for further discussion of this lack of control over receipts and expenditures).

The history and current status of the State Athletic Commission is further clouded by the countermandate of the statutes and former Governor Hammond's memorandum of July 30, 1980. The statutes assign administrative responsibility for the Commission to the Office of the Governor. The July 30, 1980 memorandum of Governor Hammond assigned administrative responsibility for the Commission to the Department of Commerce and Economic Development's Division of Occupational Licensing (DOL). Once DOL assumed authority, they began issuing licenses to promoters, boxers, trainers, etc. as specified in AS 05.10.120.

However, the DOL's authority to do this is unclear. There have been no regulations promulgated setting forth criteria for licensing, and it appears that the authority to license may rest solely with the Commission. Indeed, Governor Hammond's memorandum states "...official transfer cannot be made without legislative approval." Legislative

ratification of the transfer had not yet been made as of the date of this report.

There are currently no licensing requirements other than a completed application, a license fee, and for a promoter, the posting of a performance bond. However, under present conditions, if a Commissioner denies an applicant a license, the applicant could circumvent the Commission and apply directly to DOL. It is difficult to ascertain what regulatory purpose the current licensing procedures serve. License fees are essentially a tax on participants of boxing.

The Alaska statutes also require boxing promoters to submit to the State pre and post-fight reports. Reports include such things as the names of boxers involved in the event, results of matches, and ticket revenue received. We were able to locate only two such reports in our examination of DOL's records and none in our search of the Office of the Governor's files.

In summary, the history of the State Athletic Commission has been one of neglect on the part of the Executive Branch. It is amazing that the Commission accomplished as much supervision and regulation as it has. The situation, as it has been allowed to exist, is fraught with potential for abuse. Indeed, we have identified one situation where license fees were not remitted to the State, largely due to neglect on the part of the Office of the Governor.

## CURRENT AND PROSPECTIVE STATUS OF BOXING IN ALASKA

Currently, the only combative sporting event which is being held on a regular basis is what is termed "rough house" boxing. At the time of field work for this report rough house boxing cards were being held weekly in Anchorage at two different locations, weekly in the spring and summer in Fairbanks, and bi-weekly in Kenai. It appears that the revenue generated from these events is limited. One promoter told us that he typically grosses \$1,000 in receipts on a given evening and incurs expenses in the range of \$750 to \$800.

Rough house boxing has been likened to the club fights of the 1940s and 1950s by its proponents. They claim that "rough house" provides an opportunity for individuals to learn and practice boxing on a regular basis and improve their skills and expertise.

Detractors claim that rough house boxing is little more than organized brawling. Generally, untrained individuals, mostly men, come weekly to a bar or saloon where the events are held. They sign up to fight that night and are ostensibly matched with an opponent along the lines of skill, weight, and experience. Winners of fights are awarded nominal purses, generally less than \$100.

Critics we interviewed in the course of our audit feared for the safety of the participants and reported what they felt were abuses or dangerous practices that go on at rough house events. Cited abuses and concerns expressed include the following:

1. No follow-up of knocked out boxers. - One interviewee said that he had seen a boxer who had been knocked out at one rough house event, return within a week to fight at another location. Standard procedure in other states is not to allow a boxer who has been knocked out to fight for at least 30 days in order to reduce the possibility of serious head injury.
2. Mismatches. - An interviewee reported he had seen matches between savvy veteran boxers and inexperienced street fighters. He and others also told us there were often weight differentials of up to 25 lbs. between opponents. Such a difference between heavyweights is considered insignificant but between boxers in the middle range weight classes such a difference is substantial.
3. Lack of adequate medical attention. - Critics claim that there are not adequate medical precautions taken and that ringside paramedics are not sufficiently trained to insure the safety of participants in the event of an emergency.

Other criticisms leveled at rough house boxing include the excessive cigarette smoking present in the barroom setting, disregard of the loss of protective mouthpieces, and inexperienced referees.

In Fairbanks, the SAC Commissioner said that in the past he or his designee have attended rough house fights, but he did not really believe this was a function of SAC. He felt the SAC presence at the events kept the promoters from taking too many "shortcuts" and served to make the event safer for the participants. However, he indicated that he would probably reduce even this limited role in the future.

In Anchorage, where the greatest amount of the State's boxing activity occurs, the Athletic Commissioner responsible for that area does not attempt to regulate rough house boxing. As a result, he limits his activities to the monitoring of the infrequently occurring "big event" matches.

In recent years, there have been few "big event" matches which feature quality boxers and are usually held in an Anchorage area sports arena. Attempts by several promoters to hold these events in Anchorage on a more regular basis have been limited due to the lack of profitability.

It is possible that the new George M. Sullivan Sports Arena in Anchorage will result in a greater number of "big-name" events. However, many of the people whom we talked to that are knowledgeable about Alaskan boxing, expressed doubts about Alaska ever being able to profitably support "big event" matches. They feel that the small population and the remoteness of the State will always make "big event" boxing infeasible.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Office of the Governor and the Department of Commerce and Economic Development, in conjunction with the Department of Law, should clarify both the legal status of the State Athletic Commission and the extent of its jurisdiction.

The current legal status of the State Athletic Commission (SAC) and the manner in which it is operated by the State is unclear. The statutes that created SAC and its responsibilities have been rendered meaningless by the Governor's transfer of administrative responsibility and the lack of funding for operations or meetings. Questions and issues of legality that result from this collection of circumstances were identified by the Director of Occupational Licensing in a request for opinion from the Attorney General dated August 19, 1982. The questions asked of the Attorney General in that request are as follows:

1. Does the function of licensing continue without the Legislature providing the funding?(1)
2. Is it legal and in compliance with [law] for [the Division of Occupational Licensing] to issue licenses without a commission to function because of lack of funding?
3. Does the lack of funding dissolve the commission and thereby terminate the required license?
4. Can resources of [the Division of Occupational Licensing] legally be used for the licensing of applicants or would the position of using resources (i.e., personnel, equipment, mail, telephone, etc.) budgeted for other functions be in error?

As of the date of this report, these questions have remained unanswered. We believe that the interpretation of these questions are crucial to the proper administrative functioning of SAC. In addition, the Department of Commerce and Economic Development should seek clarification of the jurisdiction and responsibilities of SAC as they pertain to the current primary boxing activity in the State.

(1) In Executive Budget documents for FY's 1977 - 1980 the Office of the Governor requested no funding for SAC administration. In FY'81 some activity was carried out using funds from the Governor's Contingency Fund. In FY'82 DOL requested \$10,000 for meeting and travel costs but the request was deleted in Free Conference Committee deliberations. No request for funding was made in FY'83.

As described in the Current Status of Boxing Section, there is a great deal of boxing activity being conducted that can be generically described as "rough house". Generally, untrained individuals are matched together in events for nominal prize money ranging from \$20 to \$200. Admission is charged and the events are generally held in bars or saloons. Under strict definition, the participants in these matches are professional. The Attorney General's office has indicated to us that these and other circumstances surrounding these events could be interpreted as to put them under the current statutorily prescribed jurisdiction of SAC (AS 05.10.010-.030).

None of the promoters of these events have a current valid promoter license as required by AS 05.10.070. Only the more experienced and accomplished of the participants have licenses as required under AS 05.10.120. The Commission has not exercised any authority over referees as required by AS 05.10.120(e). In short, under our understanding of the statute and based on discussions with the Attorney General's office, these rough house events in the State are not in compliance with the letter of the law.

An April 21, 1983 memorandum (see Appendix J) from the Attorney General's Office states that there is "definite liability exposure in the existing [State Athletic Commission] statutory scheme..." The memorandum goes on to say that the State can be held liable for breach of duties owed to persons who are injured by such breach. The State's neglect in not effectively regulating "rough house" events may be interpreted as breach.

In short term, we believe it is in the best interests of the State to develop a legally defensible policy and approach towards the regulation of combative sports under the current statute. The lack of a clear, legally sound approach to regulation has the potential for abuse by unscrupulous promoters, and may place the State in legal jeopardy. We recommend the Department of Law consider the issues raised by Director of Occupational Licensing's inquiries and those discussed above in order to advise and act to protect the interests of the State.

#### Recommendation No. 2

The Governor, upon considering the State's responsibility for the welfare and protection of the participants and spectators of combative sports, should develop proposed legislation to do one of the following:

- a. Introduce legislation to more clearly define the nature and extent of the SAC's responsibilities and fund it accordingly.

- b. Introduce legislation to abolish SAC and repeal its statutes.
- c. Request funding for the current SAC in order that it can adopt and enforce regulations to more effectively regulate combative sports.

As recounted and discussed in prior parts of this report, SAC historically has not been supervised nor administered in a very professional manner by the Office of the Governor. Evidence of neglect is provided by the following:

1. Lack of supervision of receipts and expenses. - The Office of the Governor provided no guidance to individual commissioners on how to remit receipts to the State or account for expenses. One commissioner related to us that he collected license fees as required by statute and retained them to offset the expense of his SAC duties. He made no attempt to submit to the State an accounting for his receipts or expenses.
2. No requesting of funding. - In the Executive Budgets for FY's 1978-1980, the Governor requested no funding for SAC to carry out its statutory responsibilities.
3. Lack of general guidance. - Commission members we spoke to said that the Office of the Governor often talked about developing a more active commission but there was little active commitment.
4. Duplicate appointments. - On at least two occasions the Office of the Governor had to retract appointments because the subsequent composition of the commission did not comply with statutes.

Since assuming administrative responsibility for SAC, the Division of Occupational Licensing (DOL) has taken steps to improve fiscal controls over SAC. In addition, DOL has requested funding for travel and meetings in FY'82, but had the request denied in the Free Conference Committee. However, steps should be taken to clarify the legal status of SAC in both the short (essentially as discussed in Recommendation No. 1) and long run (which involves issues discussed in this Recommendation).

In the following pages we discuss issues and alternatives involved with the contemplation of changing SAC's role. The course of action selected turns on arguments of the State's role in regulatory matters, and an assessment of potential legal liability to the State. Our discussion of issues and alternatives are as follows:

- a. Introduce legislation to more clearly define the nature and extent of the SAC's responsibilities and fund it accordingly.

As stated in the Historical Background Section of this report, the statutes that set forth the duties and responsibilities were adopted almost 25 years ago. The statutes have changed little and were in all likelihood developed with no contemplation of rough house boxing or telecommunication television coverage and the larger prize purses involved with current day "big event" boxing.

Development of new statutes would force debate and reconsideration of the State's policy towards all forms of combative sport regulation given the new circumstances that surround the competition in modern Alaska. The proposed statutes could speak directly to rough house boxing, including or excluding the sport from SAC jurisdiction.

Consideration may be given to the recommendation of the American Medical Association's (AMA) Council on Scientific Affairs, when contemplating new legislation. In the January 14, 1983, issue of the Journal of the American Medical Association the Council recommended to the AMA that it implement the following measures:

1. Inform State legislatures that unsupervised boxing competition between unlicensed boxers in "tough man" contests is a most dangerous practice that may result in injury or death to contestants, and should be condemned.
2. Urge State and local boxing commissions to mandate the use of safety equipment, such as plastic safety mats and padded corner posts, and encourage continued development of safety equipment.
3. Urge State and local boxing commissions to upgrade, standardize, and strictly enforce medical evaluations for boxers.

It is these recommendations and issues that are pertinent to the debate of the proper role of the State in the regulation and supervision of boxing. The Governor, in conjunction with the Legislature, should consider these issues in the current context of professional boxing as it is being conducted in the State, when determining if new statutes are needed. The outcome of the debate may result in the choice of another option, (see the following discussions) but the future regulatory role of the State should be considered.

b. Introduce legislation to abolish SAC and repeal its statutes.

Boxing is regulated by State or local boxing commissions established under law in forty-six states, five territories, and the District of Columbia. However, the states of Georgia, Oklahoma, South Carolina, and Wyoming have no boxing statutes. Alaska may want to consider joining those states in electing not to have statutory regulation of boxing.

120  
An alternative to boxing regulation by a centralized state affiliated SAC is advanced by the Alaska Boxing Association (ABA). ABA proponents advocate their non-profit corporation made up licensed boxers, judges, referees, managers, trainers, promoters, and time-keepers would be the chief oversight group and regulator of boxing in the State. The DOL would still serve as recordkeeper and issuer of licenses but would do so under the guidelines and rules established by the ABA. As envisioned by advocates, the working relationship between DOL and ABA would be similar to that the Division maintains with other professional licensing boards in medical, dental, and accounting professions.

Critics of this regulatory model claim that it would not be independent enough to protect the interests of the participants and the State. They feel that promoters would have too much influence over the rules set by such a body. They feel an independently appointed board which is knowledgeable of, but not financially involved with, the sport of boxing would better serve the interests of the State.

Abolishing the boxing statutes may also reduce the State's liability for not regulating events as stated in statutes. As discussed, current statutes suggest more regulative responsibility than is actually taking place. Elimination of boxing statutes and SAC would bring reality and the statutes closer together. It would also eliminate the obligation for funding required by the other two options.

c. Request funding for the current SAC in order that it can adopt and enforce regulations to more effectively regulate combative sports.

As stated in the Historical Background Section of this report, SAC as a group, has done virtually nothing over the last eight years. They have had few meetings, sketchy agendas, and proposals have never really advanced beyond the preliminary discussion stages. The Commission's inactivity as a body can be attributed almost entirely to a lack of appropriations over the past six fiscal years.

The Governor, after the recommended consideration, may feel that the current regulatory apparatus is adequate to protect the interest of the State. By funding that apparatus, with adequate appropriations for travel and meetings the SAC may begin acting in the regulatory role envisioned by the original statutes. Regulations establishing criteria for licenses may be adopted. Procedures for the supervision of combative sports events may be made uniform for all commissioners. Better system for monitoring the health of participants may be implemented. The current statutes are broad enough to allow all these activities, but lack of recent funding commitment has rendered them inoperative.

### Summarizing Remarks and Conclusion

When considering the State's prospective role in regulating boxing, the following should be considered:

1. Even if rough house boxing is to be considered a part of the State's regulatory jurisdiction, the total boxing activity in Alaska would at most be described as light. If the rough house variety of boxing is excluded from the Commission's jurisdiction, then professional boxing activity in the State would be minimal. In either case, the Governor, and/or the Legislature should be wary of devoting an undue amount of resources to regulating boxing.
2. To best regulate boxing, a commissioner should have a thorough understanding of the sport. Many of those involved in Alaskan boxing feel that past commissioners lacked this expertise.
3. Participant safety could be jeopardized if rough house boxing events were to be run by unscrupulous promoters. If a fatality or severe accident were to occur as a result, the reputation of boxing in Alaska, as a whole, would suffer. While many people involved with boxing would like to see some safety regulations imposed on these events, most do not want to see rough house boxing eliminated. These observers fear that excessive regulation would put an end to the rough house sport.

In summary, it is time to re-examine what has become an uncoordinated regulatory effort. A determination needs to be made what role, if any, the State should play in monitoring and licensing participants in combative sports. We feel that there should be some change in the current status where the SAC is implicitly regulating boxing by statute, but actually it is providing only rudimentary, unstructured supervision.

NOTE ON APPENDIXES

As discussed in the report, the State has only recently begun to keep some records regarding licensure by the State Athletic Commission (SAC). As a result, in order to compile Appendixes A-E we had to consult sources outside of State records for the time prior to July, 1980.

Appendix A was compiled through a review of Anchorage and Juneau newspapers carrying reports of events. We then attempted to confirm if these events were sanctioned by SAC by consulting individual Commissioner records. If confirmation was provided by the records we indicate such with a "Yes" in the Sanction Designation column of Appendix A. If sanction status was not confirmed by a review of the available records we indicate the lack of verification in the same column.

For Appendixes B-E information for the earlier years is drawn from those participating in all sanctioned events. Records were not detailed enough to see a complete listing of all issued licenses, but we were verbally assured that all participants in sanctioned events were appropriately licensed. Thus, we use the term "circa" to indicate the approximate time that the listed individuals participated in sanctioned events and were reportedly licensed by SAC.

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
STATE ATHLETIC COMMISSION  
PROFESSIONAL BOXING EVENTS, DATES, LOCATIONS, AND PARTICIPANTS  
July 2, 1975 - April 30, 1983

<u>Date of Event</u>	<u>Location</u>	<u>Contestants on the Event Card</u>	<u>Weight Class</u>	<u>Promoter</u>	<u>Sanction Designation</u>
July 2, 1975	Anchorage Sports Arena	Gary "Hobo" Wiler v. Ibar Arrington Mike Kettleson v. Jesse James Toro Bob Patterson v. Eddie Ostavich Billy Corbett v. Beau Jackson (1)	Heavyweight Middleweight Lightweight Unknown	Unknown	Unable to Verify (2)
February 2, 1977	Anchorage Sports Arena	Jerry Quarry v. Mike Quarry Ibar Arrington v. "Big" Bill Jackson Joe "King" Roman v. James "Slugger" Anthony Bruce "K.O." Hannon v. Bob Patterson Jo Thomas v. Betty Rogers	Heavyweight Heavyweight Heavyweight Heavyweight Unknown	Global Productions Joe Williams	Yes
March 23, 1977	Anchorage Sports Arena	Ron Bailey v. Jeff Lopez Al Banks v. Dale Grant Mike Quarry v. Fred "Cookie" Wallace Bob Patterson v. Bruce "K.O." Hannon Ernie Smith v. Joe "King" Roman	Heavyweight Heavyweight Light/Heavyweight Heavyweight Heavyweight	Global Productions Joe Williams	Yes
May 25, 1977	Anchorage Sports Arena	Tony Gardner v. "Sugar" Ray Seales Terry Daniels v. Joe "King" Roman Dale Grant v. Fred "Cookie" Wallace Lee Black v. Bruce "K.O." Hannon	Middleweight Heavyweight Light/Heavyweight Heavyweight	Global Productions Joe Williams	Yes
June 29, 1977	Anchorage Sports Arena	Vincent Medina v. "Sugar" Ray Seales Dale Grant v. Bobby Rascon Bruce "K.O." Hannon v. Mike Kollvosky Ronnie Bailey v. Les Vegas	Middleweight Light/Heavyweight Heavyweight Middleweight	Global Productions Joe Williams	Yes
July 8, 1977	Centennial Building Sitka, Alaska	Ronnie Bailey v. Wellington Grant Dave Brown v. Russ Dailey J.J. Johnson v. Jeff Lopez James Johnson v. Gary "Hobo" Wiler	Jr. Middleweight Light/Heavyweight Welterweight Heavyweight	H & B, Incorporated Anchorage, Alaska	Yes
August 10, 1977	Anchorage Sports Arena	Bruce "K.O." Hannon v. Mike Kollvosky Rich Peterson v. Eugene "Windmill" White Dave Brown v. Russ Dailey	Heavyweight Jr. Middleweight Light Heavyweight	H & B, Incorporated Anchorage, Alaska	Yes
September 13, 1977	Anchorage Sports Arena	Bruce "K.O." Hannon v. John Balla Mike Weaver v. David Martinez Ronnie Bailey v. J.J. Johnson Victor Van Fleet v. Travis Pickering Dave Brown v. Randy Bailey James Johnson v. Mike Kollvosky	Heavyweight Heavyweight Welterweight Heavyweight Heavyweight Heavyweight	Big H. Productions Anchorage, Alaska	Yes
October 5, 1977	Anchorage Sports Arena	Jose Peterson v. Tony Dowling Bob Patterson v. Victor Van Fleet Buff Gilliam v. Ron "Schoolboy" Bailey Russ Dailey v. Mike Kettleson	Welterweight Heavyweight Jr. Middleweight Light/Heavyweight	Big "H" Productions Bob Haag	Yes
November 9, 1977	Anchorage Sports Arena	Jose Peterson v. "Irish Paddy" Wilson Bruce "K.O." Hannon v. Stan Johnson Ronnie J.J. Johnson v. Eddie Rogers Tony Lear v. "Spenny" Ruth Maynard Infa Jee v. Travis "Plowboy" Pickering	Welterweight Heavyweight Welterweight Unknown Heavyweight	Big "H" Productions Bob Haag	Yes
January 18, 1978	Anchorage Sports Arena	Mike Stuart v. Raul Pacheco Freddie Washington v. Hector Fernandez Paul Murray v. Victor Van Fleet Ronnie Bailey v. Jesse James Castleberry	Flyweight Middleweight Heavyweight Welterweight	Grizzly Promotions Tom Gravely	Yes
February 22, 1978	Anchorage Sports Arena	Honroe Brooks v. Rafael "Aonilo" Lopez Russ Dailey v. Harry Ochs Al Newman v. Vic Van Fleet Franco Thomas v. Travis Pickering (3) Franco Thomas v. Bruce "K.O." Hannon (3)	Welterweight Light/Heavyweight Heavyweight Heavyweight Heavyweight	Grizzly Promotions Tom Gravely	Yes

(1) Exhibition match between boxer Beau Jackson and karate expert Billy Corbett.

(2) Unable to determine whether the match was sanctioned by the State Athletic Commission.

(3) Franco Thomas fought both Travis Pickering and Bruce "K.O." Hannon in two six round matches.

Source of Information: Anchorage Times, Juneau Empire, past State Athletic Commission member Junior Ramos' records, and State records.