

ALASKA TELETYPE COMMITTEES 1985-1986 7/00

366 HSTA • HB 124 - HB 136

279

Kotzebue Senior & Cultural Center, Box 260, Kotzebue, Alaska 99752

Metlakatla Senior Citizens, P.O. Box 520, Metlakatla, Alaska 99926

Minto Senior Services, P.O. Box 22, Minto, Alaska 99758

Nenana Tortella Council on Aging, Inc., P.O. Box 209, Nenana,
Alaska 99760

Nome Community Center, P.O. Box 98, Nome, Alaska 99762

Palmer Senior Citizens, Inc., P.O. Box 2429, Palmer, Alaska 99645

Seward Senior Citizens Program, P.O. Box 1195, Seward, Alaska 99664

Stevens Village Council, General Delivery, Stevens Village, AK 997774

Tapraq, Inc., Stebbins, Alaska 99761

City Tanana Residential Care, P.O. Box 181, Tanana, Alaska 99777

University of Alaska, Rural Education, Fairbanks, Alaska 99701

Upper Tanana Development Corp., P.O. Box 459, Tok, Alaska 99780

Wasilla Area Seniors, Inc., Floyd D. Smith Senior Center,
P.O. Box 1456, Wasilla, Alaska 99678

* Calendar Year unless otherwise indicated.

<u>Year</u>	<u>Older Americans Act Funds</u>	<u>State Funds</u>
1983	10,000	
1984	12,170	45,590
1983	82,758	2,553
1984	89,538	
1983	53,122	
1984	76,310	
1983	11,103	27,060
1984	24,126	38,317
1983	93,788	18,775
1984	102,410	31,147
1983	127,172	28,800
1984	130,522	57,600
1983		15,000
1984		30,000
1983		12,500
1983		16,360
1984		11,096
FY 1983		225,000
FY 1984		225,000
1984		25,549
1983	193,015	12,928
1984	200,971	29,614
1983	98,517	16,200
1984	116,659	32,400

SENIOR EMPLOYMENT PROGRAM

<u>GRANTEES</u>	<u>FY 1983</u>	<u>FY 1984</u>
Adult Learning Center, Fairbanks	\$ 33,616	\$ 27,322
Agricultural Experimental Station, Palmer	51,810	33,521
Alaska Historical & Transportation Palmer	99,034	50,776
Anchor-Age Senior Center, Anchorage	15,477	39,879
Anchorage Community Mental Health	63,549	45,392
Southcentral Counseling, Anchorage		2,032
Angoon, City of		10,438
Aiding Women from Abused Rape Emergencies, Juneau	11,354	11,215
Abused Women's Aide in Crisis, Anchorage	34,475	
Bering Sea Women, Nome	32,479	31,728
Bethel, City of	148,070	18,533
Chugiak Seniors	61,985	120,603
Copper Valley Library		8,649
Cordova, City of	41,928	40,086
Crisis Line & Information Center, Wasilla		6,968
Department of Labor, Juneau	128,663	
Dillingham, City of	14,894	13,597
Displaced Homemakers, Juneau		8,907
Enep'ut Children's Center, Fairbanks	7,848	8,764
Fairbanks Arts Association	22,466	41,248
Fairbanks Native Association, Inc.		9,025
Foster Grandparents, Anchorage		7,452

<u>GRANTEES</u>	<u>FY 1983</u>	<u>FY 1984</u>
Fairbanks Community Mental Health	7,325	8,722
Homer Museum	\$ 28,611	\$ 31,122
Kenai River Runner		2,575
Ketchikan Arts and Humanities Council	1,571	
Ketchikan Museum	5,068	1,779
Kodiak Seniors	35,144	38,092
Juneau Women's Resource Center		14,025
Mabel T. Caverly Senior Center, Anchorage	45,229	43,901
Mat-Su Valley Humane Society	9,583	
City of McGrath	7,100	
Metlakatla		3,748
Minto Village	30,064	25,612
Nikolai, City of		10,025
Nome Community Center	17,913	14,115
Older Persons Action Group, Anchorage	21,479	21,146
Palmer, City of	11,415	
Palmer Seniors	27,187	38,382
Petersburg Children's Center	7,699	6,885
Salvation Army, Anchorage	286,235	241,935
Southeastern Alaska Community Action Program, Juneau	38,091	27,527
Southeast Regional Resource Center, Juneau	75,372	51,106

<u>GRANTEES</u>	<u>FY 1983</u>	<u>FY 1984</u>
Southeast Senior Services, Juneau	\$ 98,219	\$ 115,344
Seward Community Library		6,779
Seward Senior Citizens		6,772
Susitna Limited		4,404
St. Joseph Child Care, Cordova	10,439	22,987
Stevens Village		3,892
Tanana Valley Community College, Fairbanks	24,770	31,417
Tims Janitorial, Kenai		7,090
Central Council of Tlingit/Haida Indian Tribes of Alaska, Juneau	50,152	28,963
University of Alaska, Fairbanks, Center for Cross-Cultural Studies		3,432
The Upholstery Shop, Kena.		1,358
Upper Tanana Development Corporation, Tok	66,230	61,984
Wasilla, City of	9,015	8,049
Wasilla Area Seniors, Wasilla	8,165	25,539
Women In Crisis Counseling and Assistance, Fairbanks	6,091	10,976
Valley Women's Resource and Crisis Center, Kenai	17,258	10,065

OLDER ALASKANS COMMISSION
Pouch C, M.S. 0209
Juneau, Alaska 99811
(907) 465-3250

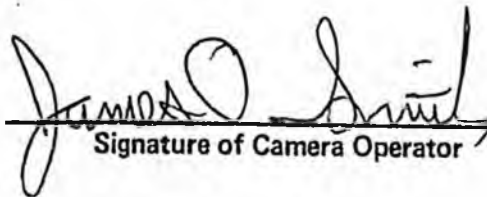
Jon B. Wolfe
Executive Director

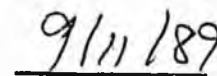


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Signature of Camera Operator


Date

HB

1 2

COMMITTEE REPORT
HOUSE

4/10

JUDICIARY

(7)

FURTHER: FINANCE

1/25/85

Date: Feb 19 1985

The Committee on STATE AFFAIRS has had HB 132

"An Act establishing a salary limit for certain public employees."

under consideration and recommends:

- 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 Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature] No Rec.

[Signature] No Rec.

[Signature] No Rec.

[Signature]
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 15, 1985

Page 1 of 1

REQUEST

Bill/Resolution No.: HB132
 Title: Prohibiting salaries from exceeding Governor's salary.
 Sponsor: _____
 Requestor: State Affairs
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Centralized Administrative Services
 BRU, Program or Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

There are no positions in this division that would be subject to this bill.

Prepared By: Frank Raye
 Division: Personnel

Richard P. Raye

Phone: 465-4430

Date: 2/18/85

Approved by Commissioner: Lisa Rudd
 Agency: Department of Administration

A. B. Smith

Date: 2-18-85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Position Paper
HB 132

House Bill 132 would limit basic monthly salaries to not more than the salary of the Governor. The limit would apply to all employees of the State including the University of Alaska; all school boards; State boards, commissions, and authorities; and the Alaska Railroad Corporation. Current collective bargaining agreements are not affected. The bill also exempts current employees who exceed the limit while they remain in their current position.

HB 132 seeks to limit only basic monthly salaries, and does not include geographic differentials (AS 39.27.020), longevity increments (AS 39.27.022), or the various forms of "premium" pay (overtime, shift differential, standby, hazard duty, etc.). Therefore, this bill will have no effect on any classified or partially exempt employee. Specific Legislative action to reduce the Governor's salary below Step F, Range 30 (AS 39.20.010), or extending the salary schedule above Step F, Range 30 (AS 39.27.011(a)) would be required before HB 132 would ever affect a classified employee not covered by collective bargaining or a partially exempt employee. HB 132 would have a potential impact on only two current exempt positions in the Executive Branch. This would effect only future employees because of the "grandparent" clause in the bill (see Section 3).

The Governor's salary is set on a different basis than those subject to the State's classification and pay plans created under AS 39.25.150(a) and (b). Setting of the Governor's salary is essentially a political decision for political office. In addition to the salary, the Governor receives housing through the budget for the Executive Mansion. The salary of jobs subject to the classification plan are based on a "fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work" (AS 39.25.150(b)). This difference makes use of the Governor's salary as a cap for other employees a questionable practice.

for Michael P. Fran Muller, Dep. Dir.
Frank Raye, Director
Division of Personnel

2/15/85
Date

Lisa Rudd for
Commissioner Lisa Rudd
Department of Administration

2-18-85
Date




ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 4, 1985

MEMORANDUM

TO: Representative Mike Szymanski

FROM: Jeanne Fortier, Legislative Analyst 

RE: Administrators' Salaries: University of Alaska versus the
National Median
Research Request 85-212

This memorandum addresses your request for a comparison of University of Alaska administrators' salaries with the median salaries for similar positions in other states. After adjusting for the higher cost of living in Alaska, University of Alaska administrators' salaries averaged 40 percent above national median.¹

The national median salary of presidents of university systems is 11 percent greater than the median salary of governors. The president of the University of Alaska earns 18 percent more than the \$81,648 earned by Governor Sheffield. However, the Alaska governor's salary is also above the median. The median governor's salary is \$60,862. After adjusting for the cost-of-living differential, the governor of Alaska earns 15 percent more than the median governors' salary.

Table 1 provides information regarding the salaries of University of Alaska administrators, corresponding national median salaries, the national salaries adjusted for Alaska cost-of-living differentials, and the percentage difference between those salaries and the actual salaries earned by UA administrators. Salary figures are based on 1983-84 earnings; higher education administrators received an average pay increase of 3.7 percent in 1984.² Information regarding professors' median salaries in the UA system is being researched by the University payroll office, and should be available early next week. An addendum will be provided regarding that information.

¹All salary figures are for 1984, which is the latest year for which comprehensive data are available. All salaries are base pay; they do not include housing, transportation and expense allowances. Allowances are commonly provided to these officials in all states. The cost of living differential was calculated using a formula provided by Ron Phipps, Director of Academic Planning and Research at the Postsecondary Education Commission. The formula adds 9.7 percent of base salary plus \$3,983 to determine an equivalent Alaska salary.

²"Administrative Salaries Rise, But Increase is Smaller than Before," Higher Education Daily, April 4, 1984, page 3.

Table 1
 A Comparison of UA Salaries with the National Median
 Selected Administrative Positions 1983-1984

Title	UA Salary	National Median Salary	Median Salary Adjusted for Alaska COLA	UA Salary Percentage Above Adjusted National Median
Statewide				
President	\$96,737	\$67,675	\$78,222	24
Executive VP	94,398	50,184	59,035	60
UAF				
Chancellor	94,037	58,101	67,720	39
Vice Chancellor	86,903	46,600	55,103	58
UAA				
Chancellor	85,816	58,101	67,720	27
Vice Chancellor Academic Affairs	79,636	46,600	55,103	45
Vice Chancellor Campus Affairs	74,917	38,340	46,042	63
Vice Chancellor Business Affairs	78,091	43,500	51,702	51
UAJ				
Chancellor	87,050	58,101	67,720	29
Vice Chancellor	71,495	43,500	51,702	38
Vice Chancellor	76,715	46,600	55,103	39
ACC				
Chancellor	85,817	58,101	67,719	27
Vice Chancellor	66,398	46,600	55,103	20
Vice Chancellor	71,827	38,340	46,042	55
CCREE				
Chancellor	83,353	58,101	67,720	23
Vice Chancellor	75,252	43,500	51,702	46

Source: Alaska Postsecondary Education Commission.

Prepared by the House Research Agency, March 1985.

* * * * *

We hope that this information has been useful to you. Should you have questions or need additional information, please contact our agency.

JF

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the file.

Mary Van Nimwegen

HSA 2-19-85 3pm

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4453/4530

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ANCHORAGE, ALASKA 99503
(907) 248-4234



MEMBER
HOUSE RESOURCES COMMITTEE
MEMBER
HOUSE STATE AFFAIRS COMMITTEE

Representative Roger Jenkins

DISTRICT 11

MEMORANDUM

TO: Representative Katie Hurley, Chairman, State Affairs

FROM: Representative Roger Jenkins

DATE: March 20, 1985

SUBJECT: Amendment to HB 132 - Salary Limits

The salaries of employees of the State of Alaska in my mind should be limited to the level of the Lt. Governor, Range 2, Step F, which is currently \$76,188.00 per year in accordance with AS 39.20.030. The Governor's current salary level is \$81,648.00. A salary limit set at the level of the Lt. Governor's salary still provides everyone in this bracket with an excellent standard of living without creating hardships.

Our office has requested information from the Office of Management and Budget about a study that was conducted regarding establishment of a Professional Executive Service similar to some other states and the federal government. However, in the meantime it seems logical that the salaries be reduced to the level of Lt. Governor rather than Governor.

I hope that the committee will consider this amendment and I offer this amendment to open up the discussion on the question of how high salaries ought to be and how we as legislators can get a handle on skyrocketing labor costs.

The Federal Government currently has a pay cap for their Executive Level personnel (those appointed by the President) it is \$72,300.00.

Level 1	- \$86,200
Level 2	- \$75,100
Level 3	- \$73,600
Level 4	- \$72,300
Level 5	- \$68,700

In addition the Federal Government currently has a pay cap for their Senior Executive Service (not appointed positions) it is \$ 68,700.00.

ES-1	- \$61,296
ES-2	- \$63,764
ES-3	- \$66,232
ES-4	- \$68,700
ES-5	- \$70,500
ES-6	- \$72,300

As you can see many of the persons occupying federal positions do not come close to some of the salaries currently be paid out to employees of the State of Alaska. In addition the salaries listed cover all of the major positions of policymaking in the federal government.

A M E N D M E N T # 1

Offered in State Affairs Committee

by Jenkins

TO: HOUSE BILL 132

Page 1, after line 13, insert the following:

"* Sec. 1. AS 39.20.095. is amended to read:

Monthly salary of the Lt. Governor set out in AS 39.20.030.

Page 1, after line 26, insert the following:

"* Sec. 1. AS 39.20.095 is amended to read:

tive officers that exceed the basic monthly salary of the
Lt. Governor set out in AS 39.20.030. For purposes of this section,

Section

- 60. Exclusive compensation
- 60. Exclusion of governor and lieutenant governor from personnel laws
- 70. Subsequent legislation relating to AS 39.20.050 and 39.20.060

Section

- 80. Salary of executive department head and deputy
- 90. Salaries and expenses

Sec. 39.20.010. Monthly salary of governor. The monthly salary of the governor is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 39 SLA 1959; am § 1 ch 115 SLA 1965; am § 4 ch 101 SLA 1969; am § 4 ch 193 SLA 1970; am § 5 ch 34 SLA 1974; am § 7 ch 148 SLA 1976; am § 9 ch 263 SLA 1976; am § 6 ch 3 SLA 1980; am § 21 ch 3 SLA 1980)

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 5, 360-413.

67 C.J.S., Officers, § 218 et seq.

Sec. 39.20.020. Date of entitlement of governor's salary. The governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the governor. (§ 2 ch 39 SLA 1959)

Sec. 39.20.030. Monthly salary of lieutenant governor. The monthly salary of the lieutenant governor is equal to Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 40 SLA 1959; am § 2 ch 115 SLA 1965; am § 1 ch 123 SLA 1967; am § 5 ch 101 SLA 1969; am § 5 ch 193 SLA 1970; am § 6 ch 34 SLA 1974; am § 8 ch 148 SLA 1976; am § 10 ch 263 SLA 1976; am § 7 ch 3 SLA 1980; am § 22 ch 3 SLA 1980)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.040. Date of entitlement of lieutenant governor's salary. The lieutenant governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the lieutenant governor. (§ 2 ch 40 SLA 1959)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "lieutenant governor" in conformity with that office.

Sec. 39.20.050. Exclusive compensation. The compensation fixed by law for the governor and lieutenant governor is in full for all services rendered by each of them in any official capacity or employment whatsoever during their respective terms of office, and shall be paid throughout their respective terms of office unless the office becomes vacant. (§ 1 ch 160 SLA 1960)

§ 39.20.050

§ 39.20.060 PUBLIC OFFICERS AND EMPLOYEES § 39.20.080

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.060. Exclusion of governor and lieutenant governor from personnel laws. Notwithstanding the provisions of any other law, the governor and lieutenant governor are not considered employees of the state for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time, and travel allowances. Nothing in this section shall be construed to deprive the governor and lieutenant governor of the right to participate in the state retirement system or in state group insurance plans. (§ 2 ch 160 SLA 1960)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.070. Subsequent legislation relating to AS 39.20.050 and 39.20.060. AS 39.20.050 and 39.20.060 are not superseded or modified by any subsequent legislation except to the extent that the legislation does so expressly. (§ 3 ch 160 SLA 1960)

Sec. 39.20.080. Salary of executive department head and deputy. (a) The monthly salary of the head of each principal executive department of the state is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) The monthly salary of a deputy head of a principal executive department of the state is not less than Step A nor more than Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(c) Except as provided by a general law applicable to all officers of the state, the compensation of the head of each principal executive department of the state may not be reduced during the executive's tenure in office. (§ 1 ch 105 SLA 1959; am § 1 ch 128 SLA 1962; am § 3 ch 115 SLA 1965; am § 1 ch 156 SLA 1966; am § 2 ch 123 SLA 1967; am § 6 ch 101 SLA 1969; am § 6 ch 193 SLA 1970; am § 37 ch 71 SLA 1972; am § 7 ch 34 SLA 1974; am § 9 ch 148 SLA 1976; am § 11 ch 263 SLA 1976; am §§ 8, 9, 15, 23, 24 ch 3 SLA 1980)

Effect of amendments. — Section 8, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary of the head of each principal executive department of the state is \$57,500, payable monthly in 12 equal installments" for the former provisions, which read: "The annual salary of the head of each principal executive department of

the state shall be prescribed in accordance with AS 39.23."

Section 23 of ch. 3, retroactive to January 1, 1980, substituted "The monthly salary of the head of each principal executive department of the state is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the material substituted by § 8 of ch. 3.

Section 9, ch. 3, SLA 1980, retroactive to

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personnel rule, of any employee of the state, if the employee does not purport to speak or act in an official capacity.

(b) The heads of the administrative departments of the state may adopt internal management regulations for their respective departments, specifying exceptions to (a) (5) of this section. These regulations shall be submitted for approval to the personnel board provided for in AS 39.25.060.

(c) The provisions of (a) of this section do not diminish the authority of an authorized law enforcement agency to conduct criminal investigations of state employees suspected of being involved in criminal activity. (§ 1 ch 102 SLA 1971)

Sec. 39.26.015. Dress codes and appearance standards. Dress codes and appearance standards adopted by a department, division, agency, official, or other employee of the state, that are to be applied to state employees shall be in the form of a regulation subject to legislative review under the Administrative Procedure Act (AS 44.62). (§ 1 ch 13 SLA 1976)

Sec. 39.26.020. Application of provisions. The provisions of AS 39.26.010 and 39.26.015 apply to those state employees in the classified and partially exempt services. (§ 1 ch 102 SLA 1971; am § 2 ch 13 SLA 1976)

Chapter 27. Pay Plan for State Employees.

Section

- 11. Salary schedule
- 12. Temporary salary schedules
- 20. Pay step differentials by election district and in other states
- 22. Pay increments for longevity in state service
- 25. Swing and graveyard shift differentials

Section

- 30. Annual salary survey
- 35. Preparation and submission of pay schedules
- 40. University salary survey
- 45. Definition

Sec. 39.27.010. Basic salary schedule. [Repealed, § 12 ch 80 SLA 1978. For current law covering the subject matter, see AS 39.27.011.]

Sec. 39.27.011. Salary schedule. (a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range	Step	Step	Step	Step	Step	Step
No.	A	B	C	D	E	F
05	1,321	1,357	1,397	1,435	1,478	1,517
06	1,397	1,435	1,478	1,517	1,561	1,607
07	1,478	1,517	1,561	1,607	1,657	1,708
08	1,561	1,607	1,657	1,708	1,757	1,812

§ 39.27.011

ALASKA STATUTES

§ 39.27.011

§ 39.27.012

Range	Step	Step	Step	Step	Step	Step
No.	A	B	C	D	E	F
09	1,657	1,708	1,757	1,812	1,871	1,924
10	1,757	1,812	1,871	1,924	1,983	2,043
11	1,871	1,924	1,983	2,043	2,111	2,177
12	1,983	2,043	2,111	2,177	2,252	2,329
13	2,111	2,177	2,252	2,329	2,410	2,498
14	2,252	2,329	2,410	2,498	2,586	2,684
15	2,410	2,498	2,586	2,684	2,771	2,876
16	2,586	2,684	2,771	2,876	2,980	3,088
17	2,771	2,876	2,980	3,088	3,193	3,303
18	2,980	3,088	3,193	3,303	3,411	3,540
19	3,193	3,303	3,411	3,540	3,649	3,785
20	3,411	3,540	3,649	3,785	3,900	4,045
21	3,649	3,785	3,900	4,044	4,170	4,321
22	3,900	4,044	4,170	4,321	4,464	4,628
23	4,170	4,321	4,464	4,628	4,782	4,961
24	4,464	4,628	4,782	4,961	5,129	5,303
25	4,782	4,961	5,129	5,303	5,498	5,705
26	4,961	5,129	5,303	5,498	5,705	5,910
27	5,129	5,303	5,498	5,705	5,910	6,135
28	5,303	5,498	5,705	5,910	6,135	6,349
29	5,498	5,705	5,910	6,135	6,349	6,572
30	5,705	5,910	6,135	6,349	6,572	6,804

6,349 *governor*
6,572
6,804
governor's salary

(b) [Repealed, § 38 ch 3 SLA 1980.]

(c) If a state officer or employee is appointed a deputy department head or a division director and, at the time of appointment, the officer or employee is receiving a salary higher than that set for the position to which appointment has been made, the officer or employee is entitled to continue receiving the higher salary. This subsection does not apply to the salary of a person appointed to a position other than a deputy department head or a division director. (§ 12 ch 148 SLA 1976; am § 1 ch 92 SLA 1977; am §§ 1, 10 ch 80 SLA 1978; am §§ 1, 16, 30, 31, 38 ch 3 SLA 1980; am § 1 ch 50 SLA 1982; am § 1 ch 83 SLA 1983)

Cross references. — For applicability of the salary schedule in (a) of this section to employees of the judicial and legislative branches, see § 4, ch. 83, SLA 1983, in the Temporary and Special Acts; for the Public Employment Relations Act, see AS 23.40.

Effect of amendments. — Sections 1, 16, and 30, ch. 3, SLA 1980, all rewrote subsection (a). Section 1 of ch. 3 is retroactive to January 1, 1979 and applied to calendar year 1979; section 16 of ch. 3 is retroactive to January 1, 1980, and applies to calendar year 1980; and section 30 of ch. 3 is effective January 1, 1981. Sections 31

and 38 of ch. 3 repealed subsection (b) and added subsection (c).

The 1982 amendment rewrote subsection (a). Section 6, ch. 50, SLA 1982 provides that the salary increases for the governor and lieutenant governor made by the 1982 amendment through the operation of AS 39.20.010 and 39.20.030, respectively, take effect when the new governor and lieutenant governor take office following November 1982 general election.

The 1983 amendment rewrote subsection (a).

Editor's notes. — 1983, provides that is retroactive to Jan

Sec. 39.27.011: personnel may than those in th requirements for established unde employees provi tiated under the 23.40). (§ 2 ch 1

Revisor's notes. SLA 1975, provides: immediately in a 01.10.070(c), and effective date of th lished by the State l

Sec. 39.27.01. SLA 1978.)

Sec. 39.27.02 in other states as an amendm 39.27.011: Election Distric

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- 15a (exclu
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- 16a (south
- 16b (north



Finance Committee
Oil and Gas Committee

Alaska State Legislature

House of Representatives

Representative Mike Szymanski

11920 Johns Road
Anchorage, Alaska 99515
Phone (907) 349-3373

While in Session:
Pouch V
State Capitol

Juneau, Alaska 99811
(907) 465-4978/4979

February 12, 1985

TO: Representative Katie Hurley
FROM: Representative *Mike Szymanski*
RE: HB 132 Position Paper

HB 132 proposes to limit all State employees' base salaries to a level equivalent to the Governor's (Range 30, Step F or approx. \$81,600 annually). The definition of "base salary" contained in the bill excludes consideration of adjustments for cost-of-living, overtime compensation, geographical differentials, length-of-service increases, hazardous duty pay, travel per diem, and travel expenses.

A similar measure, SB 100 sponsored by P. Fischer, is currently being heard in Senate State Affairs. However, to avoid confusion, I would point out that the Senate version of the bill is much more comprehensive and takes most of the above mentioned variables into consideration when computing base salary.

The intent behind HB 132 is simple - to curb escalating state salaries by establishing the office of our state's chief executive, the Governor, as the pinnacle of our salary system. Still, given logistical realities in Alaska, my bill does not regulate total compensation, but only limits the base salary of state employees. Thus, even with passage of this measure there would be a number of state employees who would make greater annual salaries than the Governor.

Nonetheless, HB 132 is an important measure which will establish a precedent for curbing runaway state salaries. For once base salary is fixed, the process of determining and controlling salary variables becomes much easier.

Thank you for your consideration.

Rep Szymanski
Anchorage Daily News 1/8/85 edition 1 of 1

Railroad salaries way out of line

Here's a couple of budget-busting wage settlements: The Alaska Railroad will pay its new general manager about \$337,000 plus benefits for two years, and a new assistant general manager \$93,000 per year. Those salaries are not way out of line for comparable public officials, but also a poor precedent for running the railroad.

Some reports say the pay-and-benefits package for new general manager Frank Turpin will be more than double that of the governor himself. The contract includes a \$133,000 annual salary and a 35 percent incentive bonus to complete the two years. The total — \$337,000 plus benefits over two years — would put Mr. Turpin in the same league, financially, with most professional athletes and corporate chief executives. New assistant general manager Marvin Yetter, at \$93,000 per year, would earn more than the governor.

No doubt, both the genial Mr. Turpin and his new assistant bring years of high-quality management experience to the "new" Alaska Railroad. But whether Alaskans want, need or should pay so much for competent railroad management is another matter. James Campbell, chairman of the board of the new Alaska Railroad Corp., said last week that Mr. Turpin was paid "a hell of a lot" more as head of Alyeska Pipeline Service Co. until he retired recently. The implication, of course, is that in the private sector an executive of Mr. Turpin's experience and demonstrated ability would command even more.

That may be true, but it's irrelevant. The \$337,000 is quite a bit more than what Alaskans pay the governor, the chief justice of the Alaska Supreme Court, the Commissioner of Transportation, the Commissioner of Natural Resources, or anyone else in state government.

Do those jobs go unfilled because they don't pay enough? Hardly. Will top railroad managers have bigger duties and challenges than top executives elsewhere in government? Not particularly. Should the couple dozen other public officials who ordinarily would be thought to outrank the railroad chief in state government be offered similar or better two-year packages? Not at all.

Private and public-sector management are not the same, and should not be. Private executive management is essentially entrepreneurial activity; public service is public service, with considerable public power involved. The railroad salaries are too high, not because the new executives wouldn't be worth them in the private sector — undoubtedly they are — but because they are unnecessary and inappropriate in the public sector.

UNIVERSITY OF ALASKA

EMPLOYEES ANNUAL BASE SALARY OVER \$81,648
(Excluding Geographical Differential)

	<u>PCN</u>	<u>CAMPUS</u>	<u>TITLE</u>	<u>NAME</u>	<u>LOCATION</u>	<u>AMOUNT</u>
1.	10000	Statewide	President	O'Dowd	Fairbanks	\$90,938
2.	4000	UAF	Chancellor	O'Rourke	Fairbanks	88,060
3.	29678	Org. Research	Professor-Research	Akasofu	Fairbanks	88,020
4.	29689/52546	Org. Research	Professor-Research	Westcott	Fairbanks	88,174
5.	79200	Kodiak CC	Campus President	Flood	Kodiak	87,648
6.	10300	Statewide	Executive Vice President	Carter	Fairbanks	87,185
7.	05615	CCREE	Chancellor	Okeson	Anchorage	86,448
8.	60000	UAA	Chancellor	Cutcalt	Anchorage	85,487
9.	80500	UAJ	Chancellor	Paradise	Juneau	85,487
10.	29652/52550	Org. Research	Professor-Research	Shapiro	Fairbanks	84,945
11.	72561	ACC	Chancellor	Lyon	Anchorage	83,203
12.	29675	Org. Research	Director	Roderer	Fairbanks	82,952
13.	40019	UAF	Vice Chancellor	Phillips	Fairbanks	82,745
14.	40461	UAF	Vice Chancellor	Mather	Fairbanks	82,613
15.	51530/32106	Org. Research	Professor-Research	Neland	Fairbanks	82,568
16.	33000	Org. Research	Director	Bligh	Fairbanks	82,153
17.	32200	Org. Research	Director	Drew	Fairbanks	81,742

nmb/2656

FACT SHEET: HB 132 (SALARY CAP BILL)

- * APPLIES TO ALL STATE EMPLOYEES - EXEMPT AND CLASSIFIED
- * DOES NOT APPLY TO GRANTS (SENATE BILL DOES)
- * LIMITS BASE SALARIES TO LEVEL OF GOVERNOR (\$81,600)
 - but excludes consideration of:
 - a) cost of living adjustments;
 - b) overtime compensation;
 - c) geographic differentials;
 - d) merit/length of service increases;
 - e) travel allowances and travel per diem; and
 - f) hazardous duty pay.
- * DOES HAVE "GRANDFATHER" CLAUSE (SEC. 3.) which states:
"An officer or employee who is receiving a basic monthly salary higher than the limit set out in AS 39.20.095 (GOV's) on the effective date of this act is entitled to continue receiving the higher salary while employed in that position."
- * A COMPUTER RUN DONE BY PAYROLL (ADMIN) SHOWED THAT OF ALL CLASSIFIED AND EXEMPT STATE EMPLOYEES, ONLY 15 POSITIONS WILL BE AFFECTED (ALL IN THE UNIVERSITY SYSTEM). THAT DOES NOT INCLUDE THE RAILROAD, WHICH HAS NOT BEEN CONFIRMED YET.
- * NO POSITIONS WITHIN THE FERRY SYSTEM, AHFC OR THE PERMANENT FUND WOULD BE AFFECTED.
- * SEE ATTACHEMENT FOR UNIVERSITY EMPLOYEES AFFECTED.

UNIVERSITY OF ALASKA
EMPLOYEES ANNUAL BASE SALARY OVER \$81,648
(Excluding Geographical Differential)

	<u>PCN</u>	<u>CAMPUS</u>	<u>TITLE</u>	<u>NAME</u>	<u>LOCATION</u>	<u>AMOUNT</u>
1.	10000	Statewide	President	O'Dowd	Fairbanks	\$90,938
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17.	32200	Org. Research	Director	Drew	Fairbanks	81,742

nmb/2656

2/21/85

Daily News

Salary limit bill may be toughened

By BRUCE SCANDLING
The Associated Press

JUNEAU — A proposal saying no state worker should earn more than the governor stalled in a legislative committee Tuesday as lawmakers said they will consider amendments to toughen the measure.

The bill, introduced by Rep. Mike Szymanski, D-Anchorage, would limit the state's basic wage scale to that of Alaska's chief executive.

Currently, Gov. Bill Sheffield earns \$81,648 annually.

At a hearing before the House State Affairs Committee, Szymanski said he wants to slow the steady escalation of state salaries.

"What has occurred over the past years . . . is an effort to slowly, but surely, push up salaries," Szymanski said. "There's really no restraint."

He said two Alaska Railroad workers and 15 University of Alaska administrators and top professors earn basic wages higher than the governor.

His bill, however, would not cut pay for those employees. Instead, any salaries above those of the governor would be frozen until employees retired or left those positions.

Szymanski said his measure defines "basic monthly salary" as base pay before cost-of-living, overtime compensation, geographic differentials and other salary boosters are added.

"This is probably more liberal than most people would want to have it," Szymanski said, "and I would consider any amendments."

Rep. Virginia Collins, R-Anchorage, said she wants to take a closer look at salary boosters, including the geographic differential paid to state workers.

Under that formula, for example, state workers in Fairbanks have their paychecks boosted 10 percent because of the higher cost of living.

A similar bill introduced in the Senate is tougher than the Szymanski measure, one state administrator said, because it counts salary boosters as part of base pay.

That means several more employees would be classified as earning more than the governor when overtime compensation, geographic differentials or other salary adjustments are added.

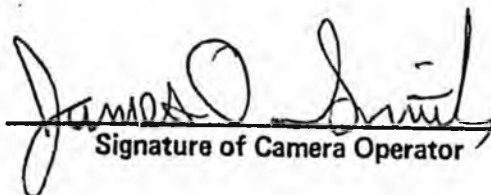
"It's
star



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 3/28/85

REQUEST

Bill/Resolution No: SSHB 136
 Title: An act relating to campaign financing
 Sponsor: Thompson and Clocksin
 Requestor: House State Affairs
 Date of Request: 2/7/85

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: General Government
 BRU, Program of Subprogram(s) Affected: Administration & Support - Administrative Services Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-	64.1	14.8	14.8	14.8	14.8
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	6.9	1.4	1.4	1.4	1.4
400 SUPPLIES	-	0.3	0.1	0.1	0.1	0.1
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	71.3	16.3	16.3	16.3	16.3
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	71.3	16.3	16.3	16.3	16.3
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	71.3	16.3	16.3	16.3	16.3

POSITIONS:

FULL-TIME	-	1	-	-	-	-
PART-TIME	-	1	1	1	1	1
TEMPORARY	-	-	-	-	-	-

ANALYSIS: See attached.

Prepared By: Ervin B. Jones, Director
 Division: Administrative Services

Phone: 465-2313
 Date: 3/28/85

Approved by Commissioner: Bruce Prohaska
 Agency: _____

Date: 3/28/85

Distribution (by Agency preparing fiscal note):

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

Department of Revenue
Administrative Services Division
Fiscal Note Analysis - SSHB 136
March 28, 1985

Assumptions:

1. An implementation date is set which will limit the requirements of the new section 15.13.210 (P. 1, lines 20 - 29 of HB 136) to Permanent Fund Dividends for years after 1985.
2. The Department of Revenue will accumulate the total of contributions made under AS 15.13.210(a) and transmit this information to A.P.O.C. on a regular basis.
3. If a person claims to have made a contribution under AS 15.13.210(a) during the prior year, the department will verify that the claimant did in fact make such an election and that the dividend was approved and paid, before honoring the claim.
4. If a person claims to have made a contribution under AS 15.13.210(b) during the prior year, the department will require the same evidence of the donation as is required for contributions made under AS 43.20.013(a)(1) and (2).
5. There will be no DP chargeback in FY86 and thereafter.

Program Summary:

The Permanent Fund Dividend system is run on the mainframe computer of the Department of Administration. The Refundable Credits system runs on the Wang mini-computer of the Department of Revenue. Information between the two can be passed via tape. Section 1 of this bill will require several changes in the PFD program:

- 1) The PFD application will need major revision to provide the donation options envisioned, and the instruction booklet will require changes.
- 2) The Document Processing group will need to review applications for the donation option and the data entry section will be keying additional information on each application.
- 3) The data processing programs of the PFD system will require major revisions. Specifically, the data capture programs, the warrant writing stream of programs, the screen-print programs, the history file programs and literally most of the 100+ computer programs that make up this very complex system will need to be revised. In addition, new programs will be needed to gather the information on donations by PFD applicants to provide the information to A.P.O.C. and to feed the detail information to the Refundable Credits system on a regular basis.

Section 3 of this bill will also require rewriting most of the programs in the Refundable Credits system. As above, the application will need revision and there will be additional steps in review as well as data capture.

1. Positions

1 PFT Analyst/Programmer IV, R 19, @ \$4,100.75/Mo
including salary and benefits for 12 months = \$49,209

This position will augment the existing DP staff to perform the system analysis and programming required, as described above. This position would be needed for design only, with maintenance of the changes and new programs to be done by current staff.

1 PPT Data Entry Clerk I, R 8, @ \$2,120.77/Mo
including salary and benefits, for 7 months = \$14,845

This position would perform the equivalent additional data capture in both the PFD system and the Refundable Credits system.

TOTAL Personal Services

\$64,054

2. Other Expenditures:

a) Travel - None.

b) Contractual:

1. 1 Wang 4250 workstation rented for 12 months
@ \$398/Mo, + \$805 for an emulator board, so
it may be used both as a Wang VS terminal
and an IBM 3278 terminal by the Analyst/Pro-
grammer in programming both systems = \$5,581

2. 1 Wang data entry terminal, rental
for \$194.00/Mo, including maintenance
7 monthly payments = \$1,358

TOTAL CONTRACTUAL

\$6,939

c) Supplies - computer paper, desk supplies
for two positions = \$300

d) Equipment - will use existing work areas = -0-

TOTAL EXPENDITURES

\$71,293

3. Funding - Although the administration of the PFD program is funded from the Permanent Fund Dividend Fund, since these changes are brought about by the changes to the Refundable Credits program, it would seem appropriate to fund these costs from the General Fund.

4. Section Cost Analysis - N/A.

Computations - N/A.

Economic Impact - N/A.

Impact on Local Government - N/A.

Attachments:

General comments on legislation.

- 1) Both PFD's and Refundable Credits are taxable income on an Alaskan's Federal Income tax return. This bill sets up the potential consequence of an Alaskan having to include a PFD amount as taxable income in two different years: once when it is originally received constructively and then contributed, and secondly when he/she receives a refundable credit based on this contribution.
- 2) Asking Alaskans to surrender some portion of one entitlement grant from the state in exchange for the right to receive the same amount later from another grant program is confusing to this reader.

Suggested revisions:

- 1) There should be an effective date clause; for dividend years after December 31, 1985.
- 2) Eliminate 43.20.013(a)(3).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 4

REQUEST

Bill/Resolution No.: SSHB 136
 Title: An act relating to
campaign financing...
 Sponsor: Thompson & Clocksin
 Requestor: House State Affairs
 Date of Request: 3/22/85

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Independent
Operations
 BRU, Program or Suoprogram(s) Affected:
Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	43.9	79.4	79.4	79.4	79.4
200 TRAVEL	0	1.5	3.0	3.0	3.0	3.0
300 CONTRACTUAL	0	32.5	36.4	36.4	36.4	36.4
400 SUPPLIES	0	2	6	6	6	6
500 EQUIPMENT	0	9.0	1.0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	87.2	120.4	119.4	119.4	119.4
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	0	87.2	120.4	119.4	119.4	119.4
FEDERAL FUNDS						
OTHER						
TOTAL	0	87.2	120.4	119.4	119.4	119.4

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	0	0	2	2	2	2
PART-TIME	0	3	1	1	1	1
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Theda Pittman *Theda Pittman* Phone: 276-4176
 Division: Public Offices Commission Date: 3/26/85

Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 3/27/85
 Agency: Dept. of Administration

Distribution (by Agency preparing fiscal note):

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

7/1/84

SSH8 136 - Campaign Financing Fund Fiscal Note - First Full Year, FY 87
Alaska Public Offices Commission
Page 2 of 4

100 - Personal Services

1 PFT Regulations Specialist II, Range 16A	\$42.7
1 PFT Data Entry Clerk/Auditor, Range 9A	\$28.3
2 mo. Research Analyst II, Range 16F	\$8.4
(Expands 10 month seasonal position to 12 months)	<u>\$79.4</u>

200 - Travel

Field Audit Travel Expenses	\$3.0
-----------------------------	-------

300 - Contractual Services

Computer Programming Services	\$10.0
Certified Public Accountant Audit Procedures Consulting	\$15.0
Office Space, 300 sq. ft. @ \$2/sq. ft.	\$7.2
Telephone @ \$100/month	\$1.2
Misc. Advertising, Printing	\$3.0
	<u>\$36.4</u>

400 - Commodities

Office Supplies, \$100/month	.6
------------------------------	----

500 - Equipment

Office Furniture/Equipment	\$1.0
[Major one-time expenditures totaling \$9.0 proposed for FY 86.]	

Total	<u>\$120.4</u>
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1.	POSITION TITLE Regulations Specialist II			RANGE/STEP 16A	DARG UNIT PX	PAGE/LINE	COY.	APPROV.	DISAST.
2.	TYPE OF POSITION PFT	STAFF MONTHS 6	RF NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	Type of Expenditure			AMOUNT	<p>Under the direction of the Commission's existing Research Analyst, the Regulations Specialist would respond to inquiries about the fund, assist those who wished to apply, develop instructional materials and regulations concerning the reportability of disbursements as expenditures, and perform field audits for compliance. Six months of funding is requested in FY 86 to prepare for the first round of grants which would take place in the summer of 1986.</p> <p>Travel - Field Audits</p> <p>Contractual Services - Computer programming, \$10.0; Audit consultants, \$15.0.</p> <p>Equipment - Office equipment, \$1.5; computer terminal, \$3.0</p>				
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	16,290							
6.	Benefits	2,748							
7.	Supplemental Benefits	999							
8.	Fixed Benefits	1,314							
9.	TOTAL PERSONAL SERVICES	21,351							
10.	Travel	02	1,500						
11.	Contractual	03	30,400						
12.	Commodities	04	150						
13.	Equipment	05	4,500						
14.	Other								
15.	TOTAL COST		57,901						
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts	1002						
18.		C.F. Match	1003						
19.		General Funds	1004	57.9					
20.		I-A Receipts	1005						
21.		Program Receipts	1078						
		Other							
FOR DEM USE ONLY									
KEY NUMBER _____									

**REQUEST FOR
NEW POSITION**

AGENCY Administration

PROGRAM Independent Operations

BRU Alaska Public Offices Commission

COMPONENT Alaska Public Offices Commission

Page 3 of 4

Revised Date _____

FY 86

1.	POSITION TITLE Data Entry Clerk/Auditor				RANGE/STEP 9A	ORG. UNIT PX	PAGE/LINE	COV.	APPROV.	DISAP.						
2.	TYPE OF POSITION PFT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	ORU PRIORITY	LOCATION EBA	ELECTION DISTRICT	CCG.								
3.	CONTINUATION LEVEL				JUSTIFICATION											
4.	TYPE OF EXPENDITURE				<p>The individual in this position would perform two functions: maintenance of a computerized program for monitoring eligibility and compliance of candidates for the fund; and accounting/clerical tasks associated with in-depth audits.</p>											
5.	PERSONAL SERVICES															
5.	Salary		10,440													
6.	Benefits		1,761													
7.	Supplemental Benefits		640													
8.	Flood Benefits		1,314													
9.	TOTAL PERSONAL SERVICES		14,155													
10.	Travel		02													
11.	Contractual		03	2,100												
12.	Commodities		04	150												
13.	Equipment		05	4,500												
14.	Other															
15.	TOTAL COST		20,905													
16.	RECEIPT CODE	FUNDING SOURCE														
17.		Federal Receipts 1002														
18.		G. F. Hatch 1003														
19.		General Funds 1004		20.9												
20.		I-A Receipts 1005														
21.		Program Receipts 1020														
		Other														
FOR BSA USE ONLY																
KEY NUMBER _____																

**REQUEST FOR
NEW POSITION**

AGENCY Administration
 PROGRAM Independent Operations
 BRU Alaska Public Offices Commission
 COMPONENT Alaska Public Offices Commission

FY 86

Page 4 of 4
 Revised Date _____

POSITION PAPER
SSHB 136

This legislation would establish a fund from which the Alaska Public Offices Commission would make grants to eligible candidates. Individual donations, and a "check-off" provision on the Permanent Fund application would generate income for the fund; such donations would be eligible for a Political Contribution Credit. Eligible candidates would be those appearing on the General Election ballot who agreed to a spending limit and who had received at least 10% of the limit from contributions. Grants could not exceed 10% of the spending limit and might be less if the fund lacked sufficient revenue for full grants.

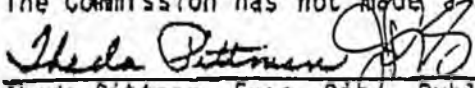
In light of the eligibility criteria, grants would likely be issued 4-5 weeks before the General Election. Total disbursements might reach over \$700,000 with each candidate eligible for the following maximum: House - \$3500; Senate - \$7500; Lieutenant Governor - \$50,000; and Governor - \$50,000.

Because eligibility for most candidates hinges on winning the Primary, the Commission would not have time to perform in-depth audits on all applicants prior to issuing grants. It can be anticipated that post-election audits may find some candidates who should not have received grants. Although the legislation sets out a particular situation where a candidate can avoid a misdemeanor by returning the grant, it provides no administrative remedies for the Commission other than referral to the Attorney General. It may be more effective to provide civil penalties and the power to order refunds in addition to the criminal sanctions.

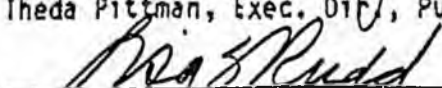
The spending limits apply to General Election expenses and section 15.13.230 specifies that an obligation is considered a General Election expense if it was incurred after the date of the Primary. A substantial portion of the administrative load will likely be devoted to disputes over whether particular expenditures satisfy the letter of that definition while violating the intent of the act. Section 15.13.220(c) specifies that "The total amount of all contributions to the general election campaign ... may not exceed the spending limit..." The concept may be useful in an effort to prevent the candidate who has agreed to limits from effectively escaping them by accepting non-monetary contributions, but it is not clear whether the legislation intended to leave the definition of a General Election contribution up to the Commission.

The major administrative effect on the Commission will be to require its staff to perform field or in-depth audits rather than the present desk audits. Issues of unreported expenditures have generated few cases in the past, but will begin to do so. Both the audit and investigation resources will need to accommodate the added issues.

The Commission has not made a recommendation on this legislation at this time.


Theda Pittman, Exec. Dir., Public Offices Commission

3/28/85
Date


Commissioner Lisa Rudd
Department of Administration

3/28/85
Date

INTRODUCTION OF BILLS (House)(cont'd)

HB 136 (cont'd)

dividend to the campaign financing fund. Larger amounts could be donated if the applicant so stated. A candidate for governor, lieutenant governor, or the state legislature could apply for a campaign grant from the fund.

In order for a candidate to receive a grant from the fund the candidate would first have to file a statement with the Alaska Public Offices Commission (APOC) promising to limit campaign expenditures, and have already received contributions for the campaign of at least 10 percent of the spending limit. APOC would then match amounts the candidate has raised at the time of application, not in excess of 10 percent of the spending limit established for the specified office.

Limits spending for gubernatorial and lieutenant governor candidates to \$500,000; state senate to \$75,000; and state house to \$35,000. Candidates would not be allowed to rescind an agreement, and candidates who makes or permit's his campaign treasurer to exceed agreed upon limits would be guilty of a misdemeanor (a drafting error appears in this section, so it is not clear whether it would be simply a misdemeanor or a class of misdemeanor).

Amends AS 43.20.013 (Individual Tax Credits) to state that an individual is "...entitled to a tax credit not to exceed a total of \$100 ..." for donations to political campaigns and adds language allowing the credit for donations to the campaign financing fund.

Does not provide for an effective date (takes effect 90 days after Governor signs bill).

Introduced January 28 and referred to State Affairs, Judiciary, then Finance.

Aggravation
of Sentencing
(death/injury
to fetus)

HOUSE BILL NO. 137, by Rep. Binkley. Adds a new factor to those which may be considered by the sentencing court and which may aggravate a presumptive term. The new paragraph allows consideration if the "(27) defendant's conduct during the commission of the offense resulted in the death or serious physical injury of an embryo or fetus being carried by the victim." No effective date (takes effect 90 days after Governor signs bill).

Introduced January 28 and referred to Judiciary.

Real Estate
Commission
(time share
programs &
regulations)

HOUSE BILL NO. 138, by the Rules Committee by Request of the Governor. Gives Real Estate Commission authority to establish regulations for time-sharing programs for residential property, and clarifies the Commission's authority to adopt regulations (see Governor's message). Varying effective dates.

Introduced January 28 and referred to Labor & Commerce, Judiciary and Finance.

page 185

In his letter transmitting the bill to the House, Governor Sheffield stated:

INTRODUCTION OF BILLS (House)(cont'd)

HB 135 (cont'd)

--ties the initial rate of interest on the loan to the federal discount rate in effect on the first of the month preceding the month of closing the loan, plus three percentage points. Interest rate to be adjusted annually to be three points more than the federal discount rate in effect on the first of the month preceding the month of the anniversary date of the loan;

--an applicant couldn't be disqualified for a loan because the applicant has previously received one, but the total principal amount outstanding could not exceed \$150,000 (does not include reference to fire protection systems).

Amends AS 45.95.050 (Power of Commissioner to Assign and Sell Mortgages) by allowing the Commissioner to assign and sell small business development loans to the Alaska Permanent Fund, the Department of Revenue, the Alaska Industrial Development Authority, or to a bank or other private purchases (currently small business loan mortgages may be assigned or sold only to the state mortgage association).

Amends AS 45.95.060 (Creation of Fund) to read "Establishment of Fund," and changes name of fund to Smal. business Development Fund. States the fund "may not" be used for any other purpose (currently the fund "shall be used for no other purpose").

Amends eligibility section (AS 45.95.070) by deleting requirement that an applicant must establish his good character and knowledge of Alaska economic conditions. Also deletes requirement that applicant be a state resident, and gives responsibility for judging if applicant meets requirement to the commissioner of commerce, rather than to the department.

Adds definition of "small business" to definition section, stating that it means "...a sole proprietorship, partnership, or corporation operating only in the state that is not a subsidiary of another business and that does not employ more than 10 employees."

Removes language from section of a 1980 law, "An Act Relating to State Loan Programs, State Mortgage Programs, and State Revenue Bonding Programs; and Providing for an Effective Date," that prohibited further loans from the Small Business Revolving Loan Fund.

Provides Act takes effect immediately.

Introduced January 28 and referred to the House Special Committee on State Loans, then Finance.

Campaign
Financing Fund
(creation)

HOUSE BILL NO. 136, by Reps. Thompson and Clocksin.
Creates a campaign financing fund in the Department of Administration. Private individuals would be allowed to make donations, and the Commissioner of Revenue is directed to inform all applicants for Permanent Fund dividends about the fund, and applicants would be given an opportunity to donate \$2 from the

ALASKA PUBLIC OFFICES COMMISSION

BILL SHEFFIELD, GOVERNOR

REPLY TO:

610 C STREET, SUITE 211
ANCHORAGE, ALASKA 99501-3598
(907) 276-4176

JUNEAU BRANCH OFFICE
POUCH CO
JUNEAU, ALASKA 99811-0222
(907) 465-4864

March 12, 1985

The Honorable Dave Thompson
Alaska House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Thompson:

The following remarks are in response to your request for comments on HB 136 which would establish a Campaign Financing Fund to be administered by the Public Offices Commission.

To date the Commission members have not taken a position on any of the proposals to limit campaign expenditures or whether such a process, if enacted, should be implemented by a separate fund such as you propose or by limiting those eligible for Political Contribution Credits.

With respect to the administrative and technical aspects of the proposal, the three provisions that have the most impact on the grant procedures are the requirements that the candidate appear on the General Election ballot (Page 2, line 7), have already received contributions of at least 10% of the spending limit (Page 2, line 12), and be granted a proportionate amount of the money in the fund if there is not enough for each grantee to receive the maximum.

The Commission would want to establish objective measures of each applicant's eligibility. The most objective way to determine who was on the General ballot would require waiting for certification of the Primary results plus notice from the Division of Elections for those who qualified as non-party candidates. The most consistent way to determine who met the "contributions of at least 10%" rule would be to specify a uniform date for compliance with this threshold, e.g., the 10 Day Post-primary Campaign Disclosure Statement. Thus, party candidates could use the existing documentation from their primary reports and only non-party candidates would have to file documentation specifically intended to show they had received the contributions required to make them eligible for a grant. Finally, a date of record for the fund could be used to determine whether proportional grants were necessary because of inadequate funds. In order to determine precisely how much each applicant could receive, it would be necessary to know how many had met the first two eligibility criteria.

Using the above assumptions, it appears that grantees might receive their funds 4-5 weeks before the General Election. The 10 Day Post-primary

report is due about eight weeks before the General Election. Even though the Commission would generally have to accept the reports as accurately reflecting the contributions received to date, it takes several days for all the reports to arrive and it would take several more days to check the reports for total contributions. In the last two state elections, certification of the Primary occurred about six weeks before the General Election and would allow the Commission to assemble a final list of qualified applicants shortly after certification.

Regardless of whether it was possible to predict the mailing date for grants in advance, I would think the Commission would want to mail all grants on the same day in an effort to minimize allegations of favoritism. If the application date were earlier than the 10 Day Post-primary, the Commission staff would have more time to verify the accuracy of the figures reported, but requiring applications to be filed by an earlier date might disadvantage those whose fund-raising got off to a slow start.

One of the biggest logistical questions has to do with whether it is feasible to finalize a list of approximately 100-110 candidates in mid-September and have the checks mailed within a week or ten days. I'm trying to research the question of whether the Commission could actually issue payments ranging up to \$50,000 per candidate or whether a list of qualified candidates would have to be submitted to Revenue or the Department of Administration. If each candidate qualified for the maximum, the total disbursements in a gubernatorial election year might be as much as \$730,000.

In Section 15.13.230, the bill specifies that an obligation is considered a General Election expense if it was incurred after the date of the Primary. Page 3, line 19. That language is easy to understand but leaves a potential loophole in limiting expenditures. Candidates who think they are likely to win may try to purchase items before the date of the Primary in hopes that such purchases won't count against their limit. The fact that it makes any difference whether a purchase is for the purpose of the General Election will require the Commission to resolve disputes which generally take the form of formal complaints.

Although subsection 220(c) specifies "The total amount of all contributions to the general election campaign ... may not exceed the spending limit....", I did not see any basis for determining when a contribution was considered to be one for the general election. Page 2, line 26. In the absence of such a definition, the Commission would have to establish guidelines through regulation. It appears to me that in the rest of the subsection you are trying to prevent candidates from using their grant to repay their personal contributions by specifying that if they receive more than they are allowed to spend, they may return a portion of the grant funds and avoid prosecution.

Allowing a candidate to refund the grant if contributions exceeding the spending limit are received should be a useful tool for those who find they need to do so, but there is no mention of any authority on the part of the Commission to order such a refund. Instead, the sanction appears to rest solely on a misdemeanor conviction under AS 15.13.240. Some misdemeanors involving complicated facts are given low priority by the prose-

cutors and it is unlikely judicial resolution would be had before the election. It may be more efficient to provide an administrative remedy such as a Commission order to refund and/or civil penalties.

Any spending limitation proposal will undoubtedly require the Commission to perform field audits rather than the present desk audits. Given the competitive atmosphere of campaigns, there will be more third party complaints alleging unreported expenditures, and such complaints would require field audits to verify whether the limits had been exceeded. The Commission would have to rely largely upon the Campaign Disclosure reports as filed in making its original determination that candidates were qualified to receive funds. In the past we have barely completed desk audits on the 30 Day Pre-primary reports by the time the 7 Day Pre-primary reports were due. This is especially true in a gubernatorial year. Although I will include in any fiscal note some increased emphasis on audits, I suspect the fund would necessarily involve after-the-fact remedies for those who should not have qualified.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



THEDA S. PITTMAN
Executive Director

TSP/tg

cc: Ervin Jones, Dept. of Revenue
Rebecca Burch, Dept. of Administration
APOC Members

Affairs, divided by the number of seats in the house district if the candidacy is for the state house of representatives. The expenditure limitations in this section include expenditures for both a primary and a general election campaign, or for a special election.

(g) Each general election year the commissioner shall adjust the campaign expenditure limitations for each category of (f) of this section to reflect cost-of-living changes as determined and published by the Bureau of Labor Statistics of the United States Department of Labor.

(h) No campaign expenditure of any type whatsoever shall be made by any candidate, treasurer, or group unless the source is disclosed as required by the provisions of this chapter whether or not those funds were received prior to May 10, 1974. (§ 1 ch 76 SLA 1974; am §§ 20, 21 ch 189 SLA 1975)

Editor's notes. — In *Buckley v. Valeo*, 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976), the supreme court held that the 1st amendment of the federal constitution required the invalidation of certain provisions of the Federal Election Campaign Act of 1971, as amended in 1974: Its independent expenditure ceiling, 18 U.S.C. § 608(e)(1), its limitation on a candidate's expenditures from his own personal funds, 18 U.S.C. § 608(a), and its ceiling on overall campaign expenditures, 18 U.S.C. § 608(c), since these provisions placed substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression. This holding has been accepted as law in Alaska and the expenditure limits in this chapter have not been enforced. See notes from the opinion of the attorney general dated May 13, 1976, cited below.

Opinions of attorney general. — There seems to be no difference between § 608(c) of the Federal Elections Campaign Act of 1971, former 18 U.S.C. § 608(c), and subsection (f) of this section, accordingly, based on the reasons stated in *Buckley v. Valeo*, 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976), for finding unconstitutional § 608(c) of the federal act, subsection (f) of this section is invalid as a violation of the rights and privileges protected by the 1st amendment. May 13, 1976, Op. Att'y Gen.

The Public Offices Commission should not undertake investigations of violations of subsection (f) of this section, and candidates or others may be advised that no implementation or enforcement of subsection (f) of this section is planned by the office of the attorney general. May 13, 1976, Op. Att'y Gen.

NOTES TO DECISIONS

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

Collateral references. — Construction and application of provisions of corrupt practices act regarding contributions by corporations. 125 ALR 1029.

Power of corporation to make political

contribution or expenditure under state law. 79 ALR3d 491.

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 AJR3d 944.

Sec. 15.13.080. Statement by contributor. A person or group contributing to a candidate over \$250 or contributing goods or services

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or. A person or group
buting goods or services

to a candidate with a value of more than \$250 to influence the election
of a candidate shall furnish the commission a signed statement, on a
form made available by the commission. The statement shall itemize
the contributions and goods and state that the contributor is not a
person or group prohibited by law from contributing and that the
contribution consists of funds or property belonging to the contributor
and has not been given or furnished by another person or group. The
contributor's statement shall be filed with the commission by the
contributor no later than 10 days after the contribution is made. A copy
of the statement shall be furnished the candidate, campaign treasurer
or deputy campaign treasurer at the time the contribution is made. (§
ch 76 SLA 1974; am § 29 ch 189 SLA 1975)

Sec. 15.13.090. Identification of communication. All adver-
tisements, billboards, handbills, paid-for television and radio an-
nouncements and other communications intended to influence the
election of a candidate or outcome of a ballot proposition or question
shall be clearly identified by the words "paid for by" followed by the
name and address of the candidate, group or individual paying for the
advertising. In addition, candidates and groups must identify the name
of their campaign chairman. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA
1975; am § 36 ch 100 SLA 1980)

Effect of amendments. — The 1980 construction of state statute prohibiting
amendment substituted "chairman" for anonymous political advertising.
"treasurer" at the end of the section. ALR4th 741.
Collateral references. — Validity and

Sec. 15.13.100. Expenditures before filing. No political cam-
paign expenditure may be made or incurred by a person in an election
or by a person or group with his knowledge and on his behalf before the
date upon which he or she files for nomination for the office which the
person seeks, except for personal travel expenses or for opinion survey
or polls. These expenditures shall be charged against the spending
limitation that applies to the office for which he subsequently files, and
shall be included in the first report required under this chapter after
filing for office. (§ 1 ch 76 SLA 1974; am § 23 ch 189 SLA 1975)

Editor's notes. — For discussion notes and notes from the opinion of the
relating to the enforcement of the expendi- attorney general dated May 13, 197
ture limits of this chapter, see the editor's following AS 15.13.070.

Sec. 15.13.110. Filing of reports. (a) Each candidate and group
shall make a full report in accordance with AS 15.13.040 during the
period ending three days before the due date of the report and
beginning on the last day covered by the most recent previous report
or, if a first report, all contributions received and expenditures made
before three days before the due date of the report. The report shall be
filed at the following times:

(1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election;

(2) one week before the election;

(3) ten days after the election; and

(4) December 31 of each year for expenditures and contributions received which were not reported that year.

(b) Each contribution or expenditure which exceeds \$250 and which is made within one week of the election shall be reported to the commission by date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the candidate or campaign treasurer.

(c) The reports of candidates shall be filed with the commission's central office. All reports required by this chapter shall be kept open to public inspection. Within 30 days after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall use uniform categories of reporting.

(d) Within 30 days after each election, each supplier shall make a full report to the commission in accordance with AS 15.13.040. Within 60 days after each election, the commission shall prepare a summary by candidate or group of the transactions and make the summaries public.

(e) A group formed to sponsor an initiative, a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section. (§ 1 ch 76 SLA 1974; am § 24 ch 189 SLA 1975; am § 2 ch 133 SLA 1977)

Effect of amendments. — The 1977 amendment added subsection (e). affected by the amendment, it is not set out.

As the rest of the section was not

NOTES TO DECISIONS

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

Sec. 15.13.120. Penalty; limitations on actions. (a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than \$5,000. A violation includes but is not limited to any of the following acts or omissions:

(1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter;

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(2) making a campaign contribution or expenditure which exceeds the limitations of AS 15.13.070(f);

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

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

(5) making a communication to support or defeat a candidate without identification of sponsorship, in violation of AS 15.13.090;

(6) knowingly accepting a contribution in violation of AS 15.13.070.

(b) Repealed by § 6 ch 134 SLA 1982.

(c) Promptly after the final date for filing statements and reports, the commission shall notify all persons who have become delinquent in filing them, including contributors who failed to file a statement in accordance with AS 15.13.040, and shall make available a list of these delinquents for public inspection. The commission shall also report to the attorney general the names of all candidates in an election whose campaign treasurers have failed to file the reports required by this chapter.

(d) A person who believes a violation of this chapter has occurred may file a complaint with the commission. If the commission determines there is substantial reason to believe that a violation has occurred, it shall expeditiously make an investigation, which may also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. When, in the judgment of the commission, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of a provision of this chapter, or a regulation or order issued under it, it shall promptly report the information to the attorney general for appropriate action. The commission shall report its determination and recommendation to the person who filed the complaint with the commission within 60 days of receiving the complaint unless circumstances require additional time to make an adequate investigation. The finding of the commission may be appealed to the superior court.

(e) Prosecution for violation of a provision of this chapter may not be commenced after four years have elapsed from the date of the alleged violation.

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

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

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

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

(4) AS 29.23.130(f), if the candidate is a candidate for borough mayor;

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

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

(7) the provisions of the call for the constitutional convention, if the candidate is a candidate for constitutional convention delegate;

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

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

(h) When, after being sworn into office, a successful candidate or the campaign treasurer or deputy campaign treasurer of a person who was a successful candidate is charged with a violation of this chapter, the case shall be promptly tried and accorded a preferred position for purposes of argument and decision, so as to assure a speedy disposition of the matter. (§ 1 ch 76 SLA 1974; am § 25 ch 189 SLA 1975; am §§ 1, 6 ch 134 SLA 1982)

Effect of amendments. — The 1982 amendment repealed subsection (b), which read "The nomination for, or election to, an office of a candidate who violates a provision of this chapter, or whose campaign treasurer or deputy campaign treasurer violates a provision of this chapter, is void, and, if he is elected, the successful candidate may not hold office and the office shall be filled as required by law in the case of a vacancy. When a violation of this chapter is alleged, the candidate's right to the nomination or the office may be tested in an action brought in the supreme court as a matter of original jurisdiction. All cases of this nature shall be in a preferred position for purposes of argument and decision, so as to assure the speedy disposition of the matter." The amendment also added subsections (f)-(h).

Editor's notes. — In *Buckley v. Valeo*,

424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976), the supreme court held that the 1st amendment of the federal constitution required the invalidation of certain provisions of the Federal Election Campaign Act of 1971, as amended in 1974: its independent expenditure ceiling, 18 U.S.C. § 608(e)(1), its limitation on a candidate's expenditures from his own personal funds, 18 U.S.C. § 608(a), and its ceiling on overall campaign expenditures, 18 U.S.C. § 608(c), since these provisions placed substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression. This holding has been accepted as law in Alaska and the expenditure limits in this chapter have not been enforced. See notes from the opinion of the attorney general dated May 13, 1976, cited under AS 15.13.070.

NOTES TO DECISIONS

I. General Consideration.

II. Forfeiture Sanction.

I. GENERAL CONSIDERATION.

This section contains no scienter requirement and the court would not

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

Quoted in *Messerli v. State*, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

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Pub. Offices Comm'n v.
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 No. 4326), 626 P.2d 81

II. FORFEITURE SANCTION.

Constitutionality of forfeiture sanction. — The forfeiture sanction of subsection (b) does not conflict with any constitutional provision delimiting the qualifications of assembly or council members or with any provision reserving exclusive authority to determine a member's election to those local entities. State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Even if the forfeiture sanction of subsection (b) may conflict with Alaska Const., art. II, § 12, insofar as state legislative elections are concerned, it can nonetheless constitutionally apply to local elections. State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

The forfeiture sanction is valid. State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

The deadlines for filing are mandatory, and the plain meaning of this section makes the forfeiture sanction applicable. State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

The statutory forfeiture of office provision applied to the election of a city councilman and borough assemblyman whose 1980 seven-day pre-election report was not filed until well after the election. State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

The absence of regulations is not fatal to enforcement of the forfeiture sanction because they are not necessary to implement the sanction or to protect a constitutional right. State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 15.13.122. Legal counsel. (a) The attorney general is legal counsel for the commission. He shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in actions to which it is a party. If, in the opinion of the commission, the public interest warrants, the commission may request the chief justice of the supreme court to appoint a special prosecutor to represent the commission in a proceeding involving an alleged violation of this chapter and to prosecute that violation.

(b) When the public interest warrants, the commission may employ temporary legal counsel from time to time in matters in which the commission is involved. (§ 26 ch 189 SLA 1975)

Sec. 15.13.125. Civil penalty: late filing of required reports. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(1), (3), (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse that person from filing reports required by this chapter. (§ 6 ch 167 SLA 1976)

Editor's notes. — The section originally numbered AS 15.13.125 was repealed by § 27, ch. 189, SLA 1975, and derived from § 1, ch. 76, SLA 1974.

Legislative history reports. — For report on ch. 167, SLA 1976 (FCCS SCS CSHB 522), see 1976 House Journal, pp 470, 562.

NOTES TO DECISIONS

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

Sec. 15.13.130. Definitions. In this chapter.

(1) "candidate" means a person who files for election to the state legislature, for governor, for lieutenant governor, for municipal office, for retention in judicial office, or for constitutional convention delegate, or who campaigns as a write-in candidate for any of these offices;

(2) "contribution" means purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services for which charge is ordinarily made and which is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation of the personal services of another person which are rendered to the candidate or political party; however, "contribution" does not include

(A) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or ballot proposition or question, but it does include professional services volunteered by individuals for which they ordinarily would be paid a fee or wage;

(B) services provided by an accountant or other person to prepare reports and statements required by this chapter;

(C) ordinary hospitality in a home;

(3) "group" means every state and regional executive committee of a political party and, in addition, means any combination of two or more persons or individuals acting jointly who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one person, or intends to expend more than 50 per cent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with his knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group he files with the commission, on a form provided by the commission, an affidavit that the group is operating without his control; a group organized for more than one year preceding

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an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 per cent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate:

(4) "expenditure" means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of (A) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate; or (B) use by a political party; or (C) the payment by a person other than a candidate or political party of compensation for the personal services of another person which are rendered to a candidate or political party; (D) influencing the outcome of a ballot proposition or question; however, "expenditure" does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter:

(5) "individual" means a natural person:

(6) "municipality" means a home rule or general law borough or city including but not limited to a unified municipality organized under AS 29.68;

(7) "person", in addition to the terms set out in AS 01.10.060(7), includes a labor union. (§ 1 ch 76 SLA 1974; am § 29 ch 189 SLA 1975)

NOTES TO DECISIONS

Quoted in Messerli v. State, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

Chapter 15. General Procedure for Elections.

Section	Section
10. General administrative supervision by director	130. Majority decision of election board
20. Date of general election	140. Permitted use of unofficial ballots
30. Preparation of official ballot	150. Official opening of polls
35. Printing of ballots and other material	160. Prohibition of political discussion by election board
40. Preparation of other election materials	170. Prohibition of political persuasion near election polls
50. Distribution of election materials	180. Keeping of register
60. Procurement of polling places and other supplies	190. (Repealed)
70. Public notice of election required	195. Voters on official registration list
80. Time for opening and closing polls	198. Voters not on official registration list
90. Designation of precinct polling place	200. (Repealed)
100. Time off for voting	210. Questioning of voters of suspect qualification
110. General duties and oath of election board and clerks	213. Questioning a voter's ballot
120. Filling vacancies in election board	215. Disposition of questioned votes
	220. Administration of oaths

Effect of amendments. — The 1980 amendment substituted "director" for "lieutenant governor" where it appears at the beginning of the first sentence and near the beginning of the third sentence, deleted "the same rate of" preceding "compensation" near the middle of the second sentence, and substituted "as provided in AS 15.15.380" for "paid elections judges" at the end of the second sentence.

The 1982 amendment, effective May 28, 1982, substituted "state ballot counting review" for "canvassing of the vote" in the first sentence and for "canvassing" in the fifth sentence.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 56, SLA 1982.

NOTES TO DECISIONS

Applied in *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Chapter 13. State Election Campaigns.

Section

- 10. Applicability
- 11. Inapplicability to presidential primary
- 20. Alaska Public Offices Commission
- 30. Duties of the commission
- 40. Contributions, expenditures and supplying of services to be reported
- 45. Investigations, hearings
- 50. Groups
- 60. Campaign treasurers
- 70. Contributions and expenditures; amount and form of payment

Section

- 80. Statement by contributor
- 90. Identification of communication
- 100. Expenditures before filing
- 110. Filing of reports
- 120. Penalty; limitations on actions
- 122. Legal counsel
- 125. Civil penalty: late filing of required report.
- 130. Definitions

Collateral references. — 25 Am. Jur. 2d, Elections, §§ 4-7, 10, 280-290.

29 C.J.S., Elections, §§ 2-4, 6, 116(7), 216(1)-216(5).

Sec. 15.13.010. Applicability. (a) This chapter applies in every election for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, or judge seeking electoral confirmation. It also applies to every candidate for election to a municipal office in a city or borough with a population of more than 1,000 inhabitants according to the latest United States census figures or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs. A municipality may exempt its elected municipal officers from the requirements of this chapter if a majority of the voters voting on the question at any regular election, as defined by AS 29.78.010(14), or a special municipality-wide election called for that purpose, vote to exempt its elected municipal officers from the requirements of this

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§ 15.13.020

chapter. The question of exemption from the requirements of this chapter may be submitted by the city council or borough assembly by ordinance or by initiative ordinance. Nothing in this chapter prohibits a municipality from regulating by ordinance campaign contributions and expenditures.

(b) Except as otherwise provided, this chapter applies to contributions, expenditures and communications made by a candidate, group, municipality or individual for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate. (§ 1 ch 76 SLA 1974; am §§ 1, 2 ch 189 SLA 1975)

NOTES TO DECISIONS

Constitutionality. — In the case of First Nat'l Bank v. Bellotti, 435 U.S. 765, 98 S. Ct. 1407, 55 L. Ed. 2d 707, rehearing denied, 438 U.S. 907, 98 S. Ct. 3126, 57 L. Ed. 2d 1150 (1978), the supreme court of the United States has indicated in unmistakable terms that state disclosure laws pertaining to ballot issues are constitutional. Messerli v. State, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

When there is no showing that an individual must remain anonymous with respect to advertising as to ballot propositions because of the possibility of being subject to reprisals, economic or otherwise, the state campaign disclosure laws are not unconstitutional as applied to a contributor hoping to influence the outcome of a ballot issue because the objective of an informed electorate is sufficiently compelling to overcome an interest in anonymous political expression.

Messerli v. State, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

Initiative substantially similar to ch. 76, SLA 1974, correctly withheld from ballot. — Substantial similarity existed between ch. 76, SLA 1974, which enacted this chapter, relating to election campaigns, and an initiative relating to campaign contributions and expenditures, which was filed with the lieutenant governor prior to the regular 1974 session of the legislature. The act effectively displaced the initiative, and the lieutenant governor was correct in withholding the initiative from the ballot. Warren v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

For comparison of ch. 76, SLA 1974, and the initiative, see Warren v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

Sec. 15.13.011. Inapplicability to presidential primary. The provisions of this chapter do not apply to a presidential primary election conducted under AS 15.25.220 — 15.25.280. (§ 3 ch 20 SLA 1980)

Sec. 15.13.020. Alaska Public Offices Commission. (a) There is created in the Department of Administration the Alaska Public Offices Commission consisting of five members.

(b) The governor shall appoint two members of each of the two political parties whose candidate for governor received the highest number of votes in the most recent preceding general election at which a governor was elected. The two appointees from each of these two parties shall be chosen from a list of four names to be submitted by the central committee of each party.

(c) The four members selected under (b) of this section shall, by a majority vote, appoint the remaining fifth member of the commission.

(d) Upon selection of the commission's fifth member, the commission's four members selected under (b) of this section shall draw lots to determine the length of their terms of office so that one commission member serves one year, one serves two years, one serves three years and one serves four years. However, the terms of no two commission members who are members of the same political party may expire in consecutive years. The term of office of the fifth member, appointed under (c) of this section, expires in the fifth year. Terms of office of the initial appointees to the commission, including the fifth member, shall date from February 1 before their appointment. After the terms of office of the initial appointees to the commission expire, the term of office of a member of the commission is five years, or until his successor is appointed and qualifies. No commission member may serve more than one term. However, initial appointees to the commission who do not serve a full five-year term and a person appointed to fill the unexpired term of his predecessor may be appointed to a successive full five-year term.

(e) No member of the commission, during tenure, may

(1) hold or campaign for elective office;

(2) be an officer of a political party, political committee or group;

(3) permit his name to be used, or make any contributions whatsoever, in support of or in opposition to a candidate or proposition or question that appears on any ballot in the state including but not limited to that of a municipality; however, contributions may be made to a candidate for the office of President of the United States;

(4) participate in any way in an election campaign or participate in or contribute to any political party; or

(5) lobby, employ or assist a lobbyist.

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

(g) The members shall elect a chairman. Three members of the commission constitute a quorum. A vacancy does not impair the powers of the remaining members to exercise all of the powers of the commission.

(h) A vacancy on the commission shall be filled by the appropriate appointing authority within 30 days of the occurrence of the vacancy. The appointee shall serve for the remaining term of his predecessor.

(i) The commission may employ an executive director and other employees it considers necessary. Neither the executive director nor an employee may have a vote.

(j) The commission shall establish an office, which may be called a regional office, in each senate district in the state to keep on file for public inspection copies of all reports filed with the commission by candidates for statewide office and by candidates for legislative office in that district; however, where one municipality contains more than

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one election district, only one commission office shall be established in that municipality. The regional office shall make all forms and pertinent material available to candidates. All reports shall be filed by candidates, groups and individuals directly with the commission's central district office. The commission shall insure that copies of all reports by statewide and legislative candidates in each senate district are forwarded promptly to that district or regional office.

(k) The commission shall insure that copies of reports filed by candidates for municipal office are made available for public inspection in the appropriate municipality. (§ 1 ch 76 SLA 1974; am § 23 ch 25 SLA 1975; am §§ 3—10 ch 189 SLA 1975; am Executive Order No. 41 § 2 (1980))

Effect of amendments. — Section 2. of the lieutenant governor" near the Executive Order No. 41 (1980), substituted beginning of subsection (a). "Department of Administration" for "office

NOTES TO DECISIONS

Subsection (j) requires forms to be made available in a regional office in each senate district. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Furnishing forms to Nome regional office constituted compliance with law. — Nome is designated center for forms pursuant to both subsection (j) and AS 15.10.110, and since Nome is the

central office for Senate District P, which encompasses House District 21 and therefore Kotzebue, the lieutenant governor complied with the law by virtue of furnishing forms to the Nome regional office, even though such forms were not available in Kotzebue. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Sec. 15.13.030. Duties of the commission. The commission shall

- (1) develop and provide all forms for the reports and statements required to be made under this chapter, AS 24.45 and AS 39.50;
- (2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter;
- (3) receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons;
- (4) compile and maintain a current list of all filed reports and statements;
- (5) prepare a summary of each report filed under AS 15.13.110 and make copies of this summary available to interested persons at their actual cost;
- (6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter;

(7) report within 60 days after the election the names of all persons and groups who have failed to comply with any of the provisions of this chapter to the office of the attorney general;

(8) examine, investigate and compare all reports, statements and actions required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter, AS 24.45 or AS 39.50;

(9) prepare and publish an annual report to the legislature concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change;

(10) adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50 and this chapter, subject to the provisions of the Administrative Procedure Act (AS 44.62). (§ 1 ch 76 SLA 1974; am § 24 ch 25 SLA 1975; am §§ 11, 12 ch 189 SLA 1975; am §§ 3—5 ch 167 SLA 1976)

Legislative history reports. — For CSHB 522), see 1976 House Journal, pp. report on ch. 167, SLA 1976 (FCCS SCS 470, 562.

NOTES TO DECISIONS

- I. General Consideration.
- II. Regulations.

I. GENERAL CONSIDERATION.

Applied in *Messerli v. State*, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

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

No regulations were necessary to implement the mandatory provisions for filing an appointment of campaign treasurer established by AS 15.13.060(c). *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

II. REGULATIONS.

The absence of regulations is not fatal to enforcement of the AS 15.13.120(b) sanction because they are not necessary to implement the sanction or to protect a constitutional right. *State*,

Sec. 15.13.040. Contributions, expenditures and supplying of services to be reported. (a) Each candidate shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate himself, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified correct by the candidate or campaign treasurer.

(b) Each group shall make a full report upon a form prescribed by the commission, listing

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

(3) the date and amount of all contributions made by it and all
expenditures made, incurred or authorized by it.

(c) The report required under (b) of this section shall be filed in
accordance with AS 15.13.110 and shall be certified as correct by the
group's treasurer.

(d) Every individual, person or group making a contribution or
expenditure shall make a full report, upon a form prescribed by the
commission, of the following contributions or expenditures:

(1) any contribution of cash, goods or services valued at more than
\$100 a year to any group or candidate; or

(2) any expenditure whatsoever for advertising in newspapers, on
radio or on television; or, for the publication, distribution or circulation
of brochures, flyers, or other campaign material for any candidate or
ballot proposition or question.

(e) The report required under (d) of this section shall contain the
name, address, principal occupation and employer of the individual
filing the report, and an itemized list of expenditures. The report shall
be filed with the commission by the contributor no later than 10 days
after the contribution or expenditure is made. A copy of the report shall
be furnished to the candidate, campaign treasurer or deputy campaign
treasurer at the time the contribution is made.

(f) During each year in which an election occurs, all businesses,
persons, or groups which furnish any of the following services,
facilities, or supplies to a candidate or group shall maintain a record
of each transaction: newspapers, radio, television, advertising,
advertising agency services, accounting, billboards, printing, secre-
tarial, public opinion polls, or research and professional campaign con-
sultation or management, media production or preparation, or
computer services. The records shall be maintained on the forms pro-
vided and in the manner required by the commission. The supplier
shall file a report of the complete record of each transaction with all
candidates or groups to whom he provides services, facilities or supplies
in excess of \$250 in the aggregate in accordance with AS 15.13.110. All
records shall be available for public inspection. (§ 1 ch 76 SLA 1974;
am § 13 ch 189 SLA 1975)

NOTES TO DECISIONS

Constitutionality. — In the case of
First Nat'l Bank v. Bellotti, 435 U.S. 765,
98 S. Ct. 1407, 55 L. Ed. 2d 707, rehearing
denied, 438 U.S. 907, 98 S. Ct. 3126, 57 L.

Ed. 2d 1150 (1978), the supreme court of
the United States has indicated in
unmistakable terms that state disclosure
laws pertaining to ballot issues are

constitutional. *Messerli v. State*, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

When there is no showing that an individual must remain anonymous with respect to advertising as to ballot propositions because of the possibility of being subject to reprisals, economic or otherwise, the state campaign disclosure laws are not

unconstitutional as applied to a contributor hoping to influence the outcome of a ballot issue because the objective of an informed electorate is sufficiently compelling to overcome an interest in anonymous political expression. *Messerli v. State*, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

Collateral references. — Construction and application of statute regarding statement by candidate as to his expenses, or his interest in, or the financial value of publicity through newspapers or other publicity sources. 103 ALR 1424.

Statement by candidate regarding salary or fees of office as violation of Corrupt Practice Acts or bribery. 106 ALR 493

Sec. 15.13.045. Investigations, hearings. (a) The commission may issue subpoenas, administer oaths, hold hearings and conduct investigations.

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

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

(d) Subpoenas may be issued and shall be served in the manner prescribed by AS 44.62.430 and court rule. The failure, refusal or neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court rule. The superior court may compel obedience to the commission's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court. (§ 14 ch 189 SLA 1975)

NOTES TO DECISIONS

Cited in *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Sec. 15.13.050. Groups. Each group, before making an expenditure on behalf of, or in opposition to, a candidate or a contribution to a candidate, shall register, on forms provided by the commission, with the commission. If the group intends to support or oppose only one candidate, or to contribute to or expend on behalf of, or in opposition

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to, one candidate 50 per cent or more of its funds, the name of the candidate shall be a part of the name of the group. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent. (§ 1 ch 76 SLA 1974; am § 15 ch 189 SLA 1975)

Sec. 15.13.060. Campaign treasurers. (a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under AS 15.13.050.

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the director for filing with the commission, no later than 15 days after the date of filing the declaration of candidacy or the nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing the declaration of candidacy or the nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified when he has been found to have been in wilful violation of this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

(f) The candidate is responsible for the performance of his campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate if he knew or had reason to know of the default or violation. (§ 1 ch 76 SLA 1974; am §§ 16 — 19 ch 189 SLA 1975; am § 1 ch 133 SLA 1977; am § 35 ch 59 SLA 1982)

Effect of amendments. — The 1977 amendment rewrote subsection (c).

The 1982 amendment, effective May 28, 1982, substituted "director" for "lieutenant governor" in the first sentence of subsection (c).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

NOTES TO DECISIONS

- I. General Consideration.
 II. Subsection (c).

I. GENERAL CONSIDERATION.

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

II. SUBSECTION (C).

Editor's notes. — *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977), cited in the notes below, was decided under subsection (c) as it existed before the 1977 amendment. Prior to that amendment, subsection (c) read: "Each candidate shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. The name of the candidate may be placed on the ballot by the lieutenant governor or municipal clerk only if the candidate has complied with this subsection."

This section is not unconstitutional in that it sets up "invalid class legislation." *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

The two groups classified by virtue of this section are those candidates who have complied with the law and those who have not: the failure to adhere to this section is the dividing line. Therefore, under any possible equal protection test this section passes constitutional muster. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Statutory requirement that a candidate's designation of treasurer be filed by a specified due date is not constitutionally unreasonable. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Subsection (c) should be strictly enforced. — *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Effect of unequal enforcement of AS

39.50.020 on enforcement of subsection (c). — Unequal enforcement of AS 39.50.020, which requires candidates to file a financial disclosure statement did not require the conclusion that a candidate had in fact substantially complied with the filing requirements of subsection (c) where the record did not show any intentional or purposeful discrimination against the candidate. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Subsection (c) requires candidates to "file" campaign treasurer statements within a specified time limit. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

The definition of "file" is well established in the law. It has been consistently held that a document is filed only when the proper officer has received it, and that it is not considered filed when it is deposited in the mails. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Telephone conversation not appropriate filing. — Given the text of subsection (c), the legal meaning of the term "file" and the supreme court's adoption of the doctrine that statutory election deadlines are to be strictly enforced, a telephone conversation between the candidate's treasurer and the Alaska Public Offices Commission seven days after the declaration of candidacy was filed cannot be deemed an appropriate filing within the intentment of subsection (c). *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

No regulations were necessary to implement the mandatory provisions for filing an appointment of campaign treasurer established by subsection (c) of this section. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Sec. 15.13.070. Contributions and expenditures; amount and form of payment. (a) No person or group, including but not limited to all political committees, businesses, corporations, and labor unions, may contribute to or expend more than \$1,000 a year on behalf of or in opposition to the competing candidates for each elective office. Political parties and their subdivisions are not subject to the limitation

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prescribed in this subsection, but they are subject to the reporting requirements prescribed by AS 15.13.040(b) and 15.13.110. Nothing in this chapter prohibits

(1) a candidate from contributing more than \$1,000 of his own money to his own campaign; or

(2) individuals or groups, including but not limited to all political committees, businesses, corporations, and labor unions, from contributing to or expending on behalf of a ballot proposition or question more than \$1,000 a year; however, these contributions and expenditures shall be reported in accordance with AS 15.13.040 and 15.13.110.

(b) No contribution over \$100 may be made in cash or by cash payment and it may not be accepted by or on behalf of a candidate.

(c) No expenditures over \$100 may be made in cash or by cash payment unless a written receipt is obtained and filed with the commission.

(d) No contribution may be made, and no expenditure may be made or incurred, directly or indirectly, anonymously, in a fictitious name, or by one person or group in the name of another, to influence the election of a candidate in an election. A contribution made by a person wishing to remain anonymous, and received by a candidate, campaign treasurer or deputy campaign treasurer, may not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution escheats to the state if not donated by the candidate to the charity of his choice.

(e) Contributions to a candidate or a political committee may be received by, and expenditures of a candidate or political committee may be made by, only the candidate, campaign treasurer, or deputy campaign treasurer.

(f) The total amount of expenditures made by a candidate and by all groups operating under his control may not exceed (1) 40 cents times the total population of the state according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, if the candidacy is for governor or lieutenant governor, of which amount no more than 50 per cent may be spent in a primary election campaign and no more than 50 per cent in the general election campaign; (2) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided by the number of seats in the senate district if the candidacy is for the state senate; (3) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional

League of Women Voters of Alaska

STATEMENT IN SUPPORT OF HOUSE BILL 136

The League of Women Voters of Alaska supports the concept of limiting campaign expenditures as set forth in HB 136. In fact, we have supported this idea since establishment of an Election Laws position in 1973, but the United States Supreme Court decision of 1976 more or less rendered that portion of the position moot. We are pleased to see the issue raised again and hope that the method proposed, that of voluntary compliance with the incentive of access to a campaign fund, will be effective.

We do have some fear that, because there is no way under the law to make compliance with limitation provisions other than voluntary, inequity will result between those candidates who do promise to limit and those who do not. Perhaps a candidate's concern with her or his image being enhanced by limiting spending will be enough motivation. There is also the argument made that expenditure limitations give an advantage to an incumbent. Because this advantage is difficult to quantify, the argument is difficult to refute, but the League believes that some attention must be paid to it and a way found to equalize the use of government services for challengers and incumbents alike.

Public funding of campaigns, usually in the form of a public/private mix, has also long been supported by the League because we see this as one of the best ways to achieve a broadly-based campaign contribution system. The use of a \$2.00 deduction from an individual's permanent fund dividend is innovative and would be effective, we believe. The question arises, however, as to where the funding would come from if the time ever came when the dividend program no longer existed.

In short, the League supports HB 136 but feel it does raise some logistical questions; it goes without saying we support the effort to answer those questions.

Paula Ziegler
President

Election Laws & Procedures

STATEMENT OF POSITION: The League of Women Voters of Alaska believes that a voter registration system should encourage maximum interest and participation in the electoral process, be simple and efficient to administer, and should aid in preventing fraudulent voting practices. To achieve these objectives, the League supports:

- Voter identification
- Mandatory training of election officials
- A state voter education program

The League believes that a statewide preregistration system should reflect the above objectives and should:

- provide for permanent registration
- make registration easily accessible
- allow registration by mail
- permit registration as close to election day as possible
- provide for routine purging of registration rolls

Established 1968

The League of Women Voters of Alaska favors public disclosure of campaign contributions of money, goods or services, and believes that contributions and expenditures should be limited. Political campaigns also should be limited in length. We encourage broad-based contributions from the general public and the use of tax credits and deductions. We support the disclosure of financial interests of public officials, both elected and appointed. All disclosure reports should be compiled and published by an independent commission, which should have final responsibility for monitoring and enforcement.

The goal of a campaign finance system should be:

- to ensure the public's right to know
- to combat corruption and undue influence
- to enable candidates to compete more equitably for public office

To achieve these goals, we favor:

- Disclosure of campaign contributions and expenditures of hard cash monies, goods and services
- Limitations on the length of campaigns
- Broadening the base of campaign funding sources
- Disclosure of financial interests of elected and appointed officials
- Enforcement and monitoring by an independent commission which shall compile and publish disclosure reports

AMPLIFICATION: On the premise that high moral and ethical standards among public officials in all branches of government are essential to the conduct of free government, the League of Women Voters of Alaska adopted Election Laws and Procedures as a program item at its convention in 1973. At the same time, the League was studying campaign practices, with emphasis on the federal level, as part of a nationwide program.

The League's position on campaign financing reflects our continuing concern for open and honest elections and for maximum citizen participation in the political process. We therefore support broad-based citizen involvement in campaigns, including volunteer efforts and limited financial contributions. Recognizing, however, that limited private contributions alone cannot provide adequate funding, the League favors the use of public funds, in addition, to finance political campaigns.

Goals: "To enable candidates to compete more equitably for public office" reflects two distinct concerns: first, that differences in candidates' personal wealth and other financial resources not be a necessary consideration in seeking public office, and second, that insofar as possible there be an equalization of opportunity for challengers and incumbents.

Disclosure: "Disclosure" means disclosure of contributions before elections and disclosure of expenditures and other financial transactions by a stated deadline.

Limitations: The League believes that limits on contributions and expenditures should be realistic and reasonable: high enough to be enforceable and to allow both for discussion of the issues and for visibility of the candidates. Limits should not be so low as to affect challengers adversely.

"Contributions" refers to contributions in goods and services, such as office space and personnel, telephone and mail, use of credit cards, etc., as well as money.

Enforcement: An "independent commission" refers to an election commission to centralize reporting and overseeing of campaign receipts and expenditures of each candidate and to enforce the campaign financing laws. Such a commission must be adequately funded and staffed, with powers to investigate, to subpoena and to initiate court action against violators. Strong penalties should be provided for violations.

Base of Funding: The League favors a system of private and public funding of campaigns that encourages small individual contributions and includes the use of tax credits and deductions and the income tax checkoff.

Length of Campaigns: The League believes that the length of campaigns should be shortened, for example, by limiting the time period between primary and general elections. Campaigns should be long enough, however, to allow for discussion of the issues and adequate visibility of all candidates, especially challengers.

Conflict of Interest: Disclosure of financial interests of public officials, both elected and appointed, is a way of making known any possible conflicts of interest. Disclosure reports should be compiled and published by an independent commission.

Established 1973
League of Women Voters of Alaska

* U. S. Supreme Court decision of January 30, 1976 permits limits on contributions, but not on expenditures.