

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

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to: (1) a political party; or (2) to a PAC formed solely for the purpose of sponsoring or opposing an initiative or referendum.

AS 15.14.110 (e) prohibits contributions in any amount to a candidate, PAC or political party in the form of a loan or a loan guarantee. This prohibition does not apply to: loans to a candidate from spouses, parents or children of the candidate; an extension of credit for goods or services to a candidate or the candidate's campaign in the normal course of business; or loans from a regulated lending institution in the ordinary course of business.

Section 15.14.120. CONTRIBUTIONS BY A POLITICAL ACTION COMMITTEE AND BY A POLITICAL PARTY. This section prohibits a PAC and a political party from making contributions in the form of a cash payment to a candidate, PAC or political party. The section also prohibits a PAC and a political party from making a loan or a loan guarantee to a candidate or to another PAC.

Section 15.14.130. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. Prohibits cash contributions by PAC's and political parties, except for the fundraiser exemption in AS 15.14.160.

AS 15.14.130 (a) permits a candidate to accept a contribution of not more than \$1,000 from an individual.

AS 15.14.130 (b) establishes no limit on the amount of contributions which a political party or a PAC which is formed solely for the purpose of influencing a ballot proposition or question may accept. Prohibits cash payments except for the fundraiser exemption in AS 15.14.160.

Section 15.14.140. EXPENDITURES. (Source: SB 356) This section permits a political party to make unlimited contributions and expenditures of money, goods or services. The section also allows a candidate to make unlimited expenditures on behalf of his or her own campaign, providing that those expenditures are consistent with new provisions regulating the use of campaign funds in AS 15.14.180.

AS 15.14.140 (c) permits a person or a PAC to make independent expenditures without limitation as to amount or value on behalf or in opposition to a candidate or ballot proposition.

Section 15.14.150. PROHIBITED CONTRIBUTIONS. (Source: SB 356) This section continues the prohibition contained in present law, AS 15.13.070 (d), against anonymous contributions or expenditures and clarifies the point at

which a contribution is accepted as 10 days after the candidate or PAC knows or should have known that the contribution is prohibited under this section.

AS 15.14.150 (d) provides that a candidate may accept a contribution only from an individual or a political party. This subsection prohibits a PAC from donating to a candidate.

AS 15.14.150 (e) provides that a PAC may only receive a contribution from an individual. This prohibition does not apply to PAC's which are formed solely for the purpose of influencing the outcome of a ballot proposition or question.

AS 15.14.150 (f) stipulates that a political party may only accept a contribution from an individual.

AS 15.14.150 (g) prohibits a PAC from making a contribution to a candidate, to another PAC or to a political party.

Section 15.14.160. PERMITTED CASH CONTRIBUTIONS. (Source: SB 356) Permits an individual to contribute in cash at a fundraiser for a candidate, PAC or a political party if the contribution does not exceed \$25 per person for admission to the fundraiser, and if there are 25 or more paying participants.

ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION

Section 15.14.170. CAMPAIGN OFFICERS. (Source: SB 356) This section is similar to the existing provisions of AS 15.13.060. The new section retains the requirement of existing law that candidates and PAC's must appoint a campaign chairman. The existing statute requires candidates for state offices to file the name of their campaign treasurers with the director of the Division of Elections, who then files it with the commission. This section deletes the requirement of filing with the Division of Elections and instead provides for filing the names of campaign officers directly with the commission. The section also requires individuals who are requested to solicit contributions for political action committees to be appointed as deputy campaign treasurers.

Section 15.14.180. USE OF CAMPAIGN FUNDS. (Source: SB 356) This section prohibits the personal use of campaign funds by a candidate. Under existing law, candidates have used campaign funds to pay their American Express bills, bank loans, and have taken funds from their campaign accounts as personal loans made to themselves.

Section 15.14.190. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF CAMPAIGN ACCOUNTS. (Source: SB 356) This section is one of the major changes made in existing law. Existing law permits office holders to continue to solicit and accept contributions to pay off campaign debts during their term in office. Not only does this give the winner in an election an enormous advantage over the losers in terms of the ability to raise post-election contributions, but it also encourages candidates to run up large debts in their campaigns, since they can always hope that they will be successful and through subsequent fundraisers, be able to reduce or pay the debt.

This section requires successful statewide candidates to close all accounts no later than the date on which they are sworn into office. Legislative candidates in the general election must close their campaign accounts by December 31st of that year. Candidates who lose in the primary, municipal candidates, and candidates who withdraw before an election must close their accounts within a brief period after the election or withdrawal from the race.

The section also prohibits candidates from soliciting or accepting contributions and from making expenditures other than disposing of surplus funds after the date on which accounts must be closed.

Section 15.14.200. SURPLUS CAMPAIGN FUNDS. (Source: SB 356) Under existing law, a candidate may use surplus campaign funds for any purpose, including as personal income; the only requirement being that it be declared as income for tax purposes. This section defines six specific purposes for which surplus funds can be used.

Section 15.14.210. SOLICITATION OF CONTRIBUTIONS. (Source: SB 356) There are currently no statutory restrictions concerning the manner in which contributions may be solicited.

AS 15.14.210 (a) prohibits state or municipal officers and employees from soliciting contributions while on state or municipal premises.

AS 15.14.210 (b) prohibits the solicitation of public officers or employees for contributions while the public officer or employee is on the premises of a state or municipal office.

AS 15.14.210 (c) provides that a candidate and his or her officers, and a political action committee and its officers may not knowingly accept a contribution which violates this

section.

AS 15.14.210 (d) exempts a scheduled meeting held by a labor union representing public employees of the state or of a municipality from subsections (a) and (b), if the meeting is held with the permission of the employer.

Section 15.14.220. COMMUNICATIONS. Subsection (a) of section 220 is identical to existing AS 15.13.090, and requires that all advertisements and other political communications be identified by a "paid for by" statement.

AS 15.14.220 (b) was contained in SB 356, and requires a person or a PAC making an independent expenditure to include a statement that the communication was not authorized by any candidate.

AS 15.14.220 (d) is a new provision which is based on an Oregon law. It prohibits a candidate, agents of the candidate, PAC's, political parties, newspapers, TV and broadcast media from publishing, circulating, disseminating or broadcasting a matter with the knowledge that the matter contains a false statement of material fact relating to a candidate, PAC, political party, ballot proposition or question.

This provision tries to accomplish several things: 1) prohibit the intentional use of false statements of material fact as a campaign strategy against an opponent; 2) prohibit the intentional use of false statements of material fact to unjustly enrich a candidate's record ; 3) allow for the frank and open discussion of matters of fact relating to a candidate or issue; and 4) to make those who knowingly report false statements of material fact accountable, on the administrative level, for their actions and for the damage which is done to a candidate or to an issue.

An increasingly disturbing characteristic of the past several campaigns is the widespread use as a campaign strategy of the following scenario:

A candidate, individual or political group communicates a matter of fact or a matter of record pertaining to a candidate for public office. The candidate responds by labeling the action as a "smear attack". Instead of reporting the facts as they appear on the record, the media often chooses to perpetuate the more sensational and confrontational "smear attack" response of the candidate.

This action unfairly punishes an individual who attempts a frank and open discussion of legitimate matters, by portraying that individual as someone who has smeared the

poor candidate. The individual is penalized for being a good citizen, and thanks to the media, the public is prevented from judging the facts as they actually appear. Actions such as these, can influence the outcome of elections. It is dirty campaigning at its worst and the people who participate in such actions should be exposed and held accountable.

The civil penalty provisions for disseminating false statements of material fact are structured so as to have the greatest severity against those who make false statements about a candidate close to the date of the election. The civil penalty is not less than \$1,000 nor more than \$5,000 for each false statement of material fact relating to the candidate. If the matter containing a false statement of a material fact concerning a candidate is disseminated within 21 days before the date of a primary, general or special election, the fine is not less than \$5,000 nor more than \$10,000 (AS 15.14.230 (o)).

The penalty for knowingly disseminating a false statement of material fact about a PAC, ballot proposition or question is subject to a civil penalty of not less than \$500 nor more than \$1,000 for each false statement. If the false matter is disseminated within 21 days before the date of the primary, general or special election, the fine is not less than \$1,000 nor more than \$5,000 (AS 15.14.230 (p)).

ARTICLE 5. VIOLATIONS, CIVIL PENALTIES, AND PROCEDURES.

As originally introduced, SB 356 contained three levels of penalties for violations of the provisions of Chapter 14 -- Class C felonies for knowing and intentional violations of the most important requirements of the law; Class A misdemeanors for knowing and intentional violations of less critical requirements, and civil penalties to be administered by the commission for inadvertent violations of the law. However, after the Attorney General testified before the Senate State Affairs Committee in 1986, that the Dept. of Law did not want to be involved in prosecuting any violations of the Act as crimes, the Committee totally revised the penalty provisions. Both SB 356 and the present SB 85, contain only civil penalties -- all to be administered by the APOC. The bill continues to make a distinction between intentional or knowing violations of the more important provisions of the law and those violations for which penalties may be imposed without proof of knowledge or intent.

The structuring of these provisions is intended to be used by the APOC staff in its prioritization of handling citizen

complaints, so as to correct the selective enforcement problems which plague the commission.

Section 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST DEGREE. This section deals with the more serious violations of the Act that are committed either knowingly or with intent to avoid public disclosure. The heaviest potential penalty under this section is provided for a person, PAC or political party that, with intent to avoid disclosure, fails to file a report due in 30 days or seven days before the election or within 24 hours after receiving a contribution. They would be subject to a penalty of not less than \$500 nor more than \$2,000 for each day the report was due but not filed, up to a maximum of \$25,000 for each report.

The following are examples of the types of fines provided under this section for intentional violations of the law. A person, PAC or political party that, with intent to avoid disclosure, files a 30 day, seven day, or 24 hour report containing false or misleading information would be subject to a fine of not less than \$500 nor more than \$5,000 plus an additional fine not to exceed twice the amount of the contribution or expenditure involving the false or misleading statement.

Knowingly accepting or making contributions in excess of the dollar limitations would carry a fine of not less than \$1,000 nor more than \$5,000, plus an additional fine not to exceed the limit. Knowingly accepting or making contributions in excess of the \$100 cash limitation would carry a fine of not less than \$100 nor more than \$1,000 if the cash contribution is less than \$500; if the cash contribution is \$500 or more; the commission would be authorized to assess an additional penalty not to exceed twice the amount of the cash contribution. Knowingly making or accepting a contribution made anonymously or in the name of another would carry a penalty of not less than \$500 nor more than \$5,000; if the contribution is \$500 or more, the commission would be authorized to assess an additional penalty not to exceed twice the amount of the contribution.

Section 15.14.240. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND DEGREE. This section provides for lesser civil penalties for acts and omissions included under the previous section for which knowledge or intent to avoid public disclosure need not be proven. These would be inadvertent violations. These violations in the second degree carry maximum fines ranging from \$2,000 to \$5,000. This section also provides for civil penalties for less serious violations of the law, those that do not impede pre-election disclosure of the sources and amounts of

campaign contributions. Maximum penalties for these violations range between \$500 and \$2,000.

Under existing law, any violation of the law is a misdemeanor. As the Attorney General noted in his 1986 testimony before the Senate State Affairs Committee, there never has been a criminal case brought under this Act in its 12 years of existence. By the same token, the only penalties that the commission is authorized to assess under the current statutes are daily fines for late reports. The penalty provisions in SB 85 will ensure that for the first time, persons who violate other provisions of the law -- not just those who file reports late -- will receive some penalty.

These provisions are also more likely to bring about a fair and consistent manner by which complaints can be prioritized by commission employees, thus avoiding accusations of selective enforcement and selection based on staff's personal agenda. It is poor public policy to leave it to commission employees to decide what is or is not in the public interest.

Section 15.14.250. PAYMENT OF FINES. (Source: SB 356) Provides that civil fines imposed by the commission may not be paid with campaign funds.

Section 15.14.250. REMOVAL FROM OFFICE. (Source: SB 356) Subsection (a) is similar to existing AS 15.14.120 (f), and outlines the procedures to be followed for removing a successful candidate from office. This section provides that these procedures be initiated only if a successful candidate is found to have committed an intentional or knowing violation in the first degree under AS 15.14.230.

Section 15.14.270. LIMITATION ON ACTIONS. (Source: SB 356) Existing law contains a four year statute of limitations for both crimes and violations. This section adopts a series of statutes of limitations -- four years for first degree violations and two years for second degree violations. Subsection (c) makes it clear that for violations involving late reports, the violation is considered to have been committed on the day after the report was due.

Section 15.14.280. INVESTIGATIONS. (Source: SB 356, Existing statutes governing commission investigations and procedures are hopelessly confused. This section retains the provision of existing law (AS 15.14.120 (d)), which permits the commission to begin an investigation upon receiving a citizen's complaint. This section, however, incorporates into the law the commission's current regulation that requires these complaints to be signed and verified.

Subsection (b) requires the commission to send a copy of a citizen's complaint to the person charged in the complaint, and to inform both the complainant and the person being investigated if and when the investigation is closed or an accusation has been filed. Existing law provides only that the complainant be informed of the closing of an investigation. Existing law permits the complainant to appeal a decision to terminate an investigation to the superior court. In light of Alaska's Supreme Court decisions involving similar issues, a judicial order requiring the commission to prosecute a matter would be a violation of separation of powers. This bill therefore deletes that provision of existing law.

Section 15.14.290. ACCUSATIONS. (Source: SB 356)
Existing law contains very few provisions governing the actual administrative procedures that the commission must follow in adjudicating contested violations and imposing penalties. The commission has generally followed the provisions contained in AS 44.62, the Administrative Procedure Act. It is better policy to include the basic procedures in the law rather than leaving such an important matter to regulations and staff interpretation. This section is taken from the Administrative Procedure Act provisions which are applicable to the initiation of proceedings by nearly every other administrative agency in State government.

Section 15.14.300. NOTICE OF DEFENSE. (Source: SB 356)
This section is also almost verbatim from the Administrative Procedures Act, and describes the "answering" document that the respondent to an accusation files with the commission.

Section 15.14.310. HEARINGS. (Source: SB 356, except for 15.14.310 (b)(3))

AS 15.14.310 (a) requires the commission to provide notice of contested hearings. This is a requirement which is contained in the Administrative Procedures Act.

AS 15.14.310 (b) adopts by reference for the commission the general hearing procedures contained in the Administrative Procedures Act for other agencies' hearings. In contrast to the Administrative Procedures Act, however, this section provides that the commission does not have to appoint hearing officers to preside at its hearings. Requiring them in every case in place of the commissioners, along with the transcripts of the proceedings, would be extremely costly and it could be effectively argued that this duty should be performed by the commissioner's themselves. This subsection does require, however, that an assistant attorney general must be present to advise the commission on legal matters during a hearing if a hearing officer is not appointed.

In its sweeping 1986 amendments and repeal of its regulations, the commission deleted every reference to the 'commission chairman' and the 'designee of the chairman,' and substituted 'hearing officer.' In the last several years, the APOC has increasingly relied on hearing officers to conduct selected commission business. Unlike other State agencies who use hearing officers only in disputed cases, the APOC uses hearing officers in place of the commissioners at the hearing which follows staff's preliminary investigation. This is a relatively recent occurrence and was not a common commission practice at the APOC until three or four years ago.

The commissioners, for the most part, do not participate or even attend the proceedings with the hearing officer. This is left to commission staff. In at least one case, the commissioners didn't even review the tape or transcript of the proceedings before voting on the matter, when requested by the attorney of record for the respondent to do so.

The commission bases its final decision solely on the recommendation of its staff and on the hearing officer. It can also be argued that the commission is influenced by the banner-headline stories on staff's recommendations to the commission which are conveniently timed to appear within 24 hours before the commission is due to make a decision.

Since the commissioners choose not to participate at the hearing and do not review the tapes or have at their disposal the transcript of testimony given under oath at the proceeding, the commission makes no independent judgement on the matter, but accepts or rejects the recommendations of the hearing officer as an invisible "third party", who is entirely absent until the end.

AS 15.14.310 (b) (3) is a new subsection which stipulates that a hearing may not proceed except with a quorum of the commission being present. This is to apply whether or not a hearing officer is appointed.

Section 15.14.320. IMPOSITION OF PENALTY. (Source: SB 356) This section has no counterpart in existing law. It provides that the commission may impose penalties only after a person has admitted or pled no contest to an accusation or after the commission holds a hearing at which certain rights have been afforded to the respondent, and at which the commission determines that the person has committed the violation.

This section also proposes that violations must be proven

by clear and convincing evidence. The existing law does not address standards of proof in hearings before the commission. Most agencies are governed by what the court terms 'substantial evidence.' For violations resulting from inadvertent errors where a report is late or contains inaccuracies, proof of the violation will be simple even under a heightened standard of proof such as "clear and convincing." But a determination that someone deliberately attempted to deceive the public has obvious and major implications for one's life, to say nothing of one's political career. For these reasons, this section requires proof by "clear and convincing" evidence.

AS 15.14.320 (b) and (d) contain what in essence is a ban on plea bargaining. The purpose is to prohibit the policy of commission staff from striking a bargain with a respondent in a pending matter, so that the respondent agrees to admit guilt in order to pay a lesser fine and put an end to the commission proceedings and to the media which accompanies them. Commission staff are also prohibited from making formal or informal recommendations to the commission as to a particular penalty in a pending matter or from making such a recommendation until after the respondent has admitted or plead no contest to the accusation or until after a hearing and a final determination by the commission that the respondent has committed the acts charged in the accusation.

AS 15.14.320 (d) contains broad guidelines for the commission to follow in imposing penalties in particular cases. This section suggests that the higher penalties should be reserved for egregious conduct involving relatively large contributions. Including a section like this will provide some guidance to the commission in exercising its discretionary "sentencing" authority, as well as provide some standards for judicial review of commission actions.

Section 15.14.330. SUMMARY DISPOSITION OF VIOLATIONS.
(Source: SB 356) This section authorizes the commission to adopt a schedule of fines for the least serious violations -- with maximum penalties of up to \$500 for a single violation. The vast majority of violations that have come or will come before the commission involve reports that are filed a few days late.

This section will permit the commission to continue to deal with those minor violations in a summary fashion, without having to employ the more elaborate procedures of the Administrative Procedures Act. The concept of summary disposition of violations by means of a schedule of fines is modeled after the mail-in-bail provisions of the Motor Vehicle Code (AS 28).

Section 15.14.340. CONFIDENTIALITY. (Source: SB 356)
This section requires that all commission investigations must remain confidential until such time as an accusation is filed. The Federal Elections Commission, as well as some other state commissions and agencies abide by a confidentiality rule. The APOC staff was vehemently opposed to this provision in 1986. This opposition in great part, was responsible for the APOC's wholesale disapproval of SB 356.

AS 15.14.340 (b) & (c) are modeled after the confidentiality requirements governing employees of the Department of Revenue with respect to tax matters. Like the Revenue statute and the Federal Elections Commission provision, this proposed section makes it a misdemeanor for a current or former commission employee to divulge confidential information about a past, pending, or contemplated investigation.

Section 15.14.350. JUDICIAL REVIEW. (Source: SB 356)
This section has no counterpart in existing statute and is modeled after a similar section in the Administrative Procedure Act.

Section 15.14.360. POWERS OF THE COMMISSION. (Source: SB 356)
This section is, apart from minor editing, identical to existing AS 15.13.045, and provides the commission with the power to compel witnesses, issue subpoenas, and so forth, with respect to an investigation or hearing.

Section 15.14.370. LEGAL COUNSEL. (Source: SB 356)
This section is modeled after existing AS 15.13.122. It provides that the Attorney General is the legal counsel for the commission. The existing statute allows the commission to request the Chief Justice of the Supreme Court to appoint a special prosecutor "if the public interest warrants." Because the bill has removed criminal penalties for violations of the Act, this provision was deleted from the bill.

The existing law also permits the commission, without the concurrence of any official, to employ temporary legal counsel. With the exception of the APOC, all of the other State agencies are required to seek the concurrence of the Attorney General before legal counsel outside the Department of Law may be employed, because the Attorney General must be in charge of all State legal policy.

AS 15.14.370 (b) requires concurrence by the Attorney General before the commission may employ its own legal counsel.

ARTICLE 6. GENERAL PROVISIONS

Section 15.14.900. DEFINITIONS. The definition section is similar to Sec. 15.13.130 in the present law with the following major changes:

(3) Expenditure. The existing definition of "expenditure" is confusing primarily because it is poorly drafted. The new definition attempts to clarify the meaning of the term without changing the substance of the existing law.

(8) Political Action Committee. A definition of "political action committee" replaces the present definition of "group". A political action committee is not simply a combination of persons who act "jointly" for political purposes, but instead is defined as a person or combination of persons that accepts contributions for the purpose of influencing elections. It does not include a political party and its state, regional or local subdivisions.

A PAC includes individuals who raise money and use their own discretion as to how that money is spent; present law does not specifically cover such individuals. Individuals who do not use the contributions of others but simply spend their own funds are not a PAC -- the expenditures must be reported, however, under 15.14.080.

(9) Political Party. There is no current definition in present statute of a political party in Alaska. The previous definition contained in AS 15.60.010 (20) defined a political party as a group of organized voters representing a political program and that nominated a candidate for governor who received at least 10 percent of the vote at the preceding general election. This definition was struck down in Vogler v. Miller, 660 P.2d 1192 (Alaska 1983) as unduly restrictive. Three members of the court indicated through reference to definitions from other states that replacing the 10 percent figure with a five percent requirement would be sufficient to restore the validity of the definition. While two justices stated that their decision on a new definition would depend on the interplay between the rights of a political party to receive unlimited donations and the restriction on contributions to candidates who might not be supported by established political parties, it is nonetheless reasonable to believe that the court would approve the definition proposed in this section, based on a five percent support figure from the 1982 gubernatorial election.

OTHER SECTIONS OF THE BILL

Sections 2,4,5,6,7,8,9,10 and 11 amend other statutes that refer to "AS 15.13." These references have been changed to "AS 15.14."

Section 3. Adds a section to the criminal penalties for election code violations under AS 15.56. Under the original version of SB 356, it was a crime to solicit a contribution by threats of physical force, job discrimination or financial reprisal. The 1986 Senate State Affairs Committee believed that this was one type of campaign financing activity -- in essence extortion -- that should be a crime, regardless of the way other violations were treated. This section would make such a crime a Class C felony.

Section 11. (Page 46, lines 10 & 11) - The conflict of interest statute is amended to require the executive director and employees of the APOC to file conflict of interest statements as well as commission members.

Section 12. Contains a technical amendment to the Administrative Procedure Act that makes it clear that the procedures contained in SB 85 will govern APOC investigations and hearings rather than any inconsistent provisions in the Administrative Procedure Act.

Section 13. Repeals the existing campaign financing laws (AS 15.13.), and the two subsections of AS 15.56.010 that make it a misdemeanor to knowingly fail to include the "paid for by" information in campaign communications and to knowingly print, publish or broadcast a communication without that information. These two provisions have been relocated to the civil penalty provisions of this bill.

Section 14. Clarifies that members of the commission appointed under the existing statutes continue in office under the new law.

Section 15. Provides that any municipality that has voted to exempt its elections from the provisions of AS 15.13 need not hold a new election after the effective date of this bill in order to maintain the exemption.

Section 16. Provides that the provisions of this bill relating to the closing of campaign accounts do not require the closing of campaign accounts that were used during an election held before the effective date of the Act. This section further provides that all campaign accounts from prior elections must be closed by January 1, 1989.

Section 17. Provides that this bill applies to election campaign activities that take place after January 1, 1988.

Section 18. Provides for a general effective date of January 1, 1988.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

REPLY TO:

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April 8, 1988

Nancy Lord
Office of Sen. Joe Josephson
PO Box V
Juneau, AK 99811

Dear Nancy:

On behalf of Sen. Josephson you asked me to provide any suggestions from the Alaska Public Offices Commission for language changes to CSSB 85.

Please be aware that I have not had the opportunity to review all of these specific changes with the commission. However, I believe that the commission would find this language preferable to existing language in the bill.

Section 44.21.460(d) (page 5, line 18) is a provision of major concern to the commission. At a teleconference with the commission several weeks ago at which I reviewed a work draft of CSSB 85, the commission indicated its preference that this language be deleted from the bill. However, I believe the commission would not oppose the following language, which is taken almost verbatim from Florida's campaign financing law:

* * *

Before or during a hearing, any person noticed to appear before the commission may file with the commission for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the hearing officer, may be adversely affected thereby, may, upon the person's request or the request of any member of the commission, appear personally before the commission and testify on the person's own behalf or file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

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The hearing officer may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record. No request to appear, appearance or submission shall limit in any way the commission's power of subpoena. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

* * *

I realize this language is lengthy. However, it addresses fully the problem alleged to have occurred in the past. The allegation is that the commission has heard testimony from witnesses about persons who were not parties, and the testimony was false, but that the persons were not allowed to rebut the testimony. The foregoing language squarely addresses this problem. Also, although in Florida the commission's hearings are closed to the public, I believe it is useful to rely on language developed by another jurisdiction to address the problem of adversely affected persons. Finally, the language addresses any scenarios I can envision under which a problem of this nature would arise.

[The language fully protects the rights of persons who are not parties but could be harmed by testimony at a hearing, keeps control of the hearing with the commission rather than witnesses, and has no chilling effect whatsoever on the investigation.]

I have attached an annotated copy of the Florida law so you can see the changes.

A second major area of concern is confidentiality. The commission, by its most recent vote of 3-2, favors a less restrictive proposal than the provision in CSSB 85. However, at least one member supports the language in CSSB 85.

The commission is on the record as supporting confidentiality language in SB 241, the Governor's campaign finance reform bill, still in Senate State Affairs and unlikely to move. However, in a subsequent teleconferenced meeting, the commission authorized me to suggest language changes to the provision in the Governor's bill, with a view toward addressing some concerns about the language expressed by Sen. Abood. The language set forth below is taken from the Governor's bill, with amending language approved by the commission. This language would be substituted for section 44.21.480 of CSSB 85 (page 8, line 20).

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This language was given to Senate State Affairs committee staff in conjunction with SB 241, but not specifically debated since the bill has not received a full hearing.

* * *

An investigation by the commission is confidential. A complaint filed with the commission is a public record. A written response to a complaint is available for public inspection if authorized by the respondent. All other documentary material, written or verbal information, and testimony of witnesses which is produced, obtained, recorded or compiled during an investigation by the commission may not be disclosed to anyone other than a commission member, an employee of the commission for use in the investigation, the attorney general, or the person or group who produced the material or gave the testimony until such time as

- (1) an accusation is filed under AS 44.62,
- (2) the commission, by majority vote, closes an investigation without filing an accusation under AS 44.62; or
- (3) the superior court, for good cause shown, orders the information disclosed.

Violation of this section constitutes an abuse of public office under AS 11.56.

* * *

In plain language, this means that a complaint and response would be open, but an investigation would be closed. However, once the commission decided either to go forward or to dismiss, then the entire investigatory file would be open, so the public would have a chance to know what was dismissed and why. The only change from current commission procedure is that under this language the staff preliminary investigation report would be closed until the commission's deliberation, whereas now it is a public record once it is transmitted to the commission. The language in CSSB 85 would keep complaints, responses and investigations closed until a formal accusation by the commission. If the commission dismissed the complaint, all materials would remain closed.

Although there are other minor problems with the bill, the provisions about notice to affected persons and confidentiality are of greatest concern.

Nancy Lord
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I hope this information is helpful. Please feel free to call me either at the office or at home this weekend if you have questions.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



Karla L. Forsythe
Executive Director

cc: APOC Members
Dick Monkman, Department of Law

or persons under investigation shall have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit is guilty of a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083.

*History.—*s. 25, ch. 73-128; s. 11, ch. 74-200; s. 60, ch. 77-175; s. 3, ch. 78-403; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 39, ch. 84-202.

*Note.—*Repealed effective October 1, 1990, by s. 1, ch. 82-46, as amended by s. 2, ch. 83-265 and scheduled for review pursuant to s. 11.611 in advance of that date.

106.28 Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider all matters reported to it by the Division of Elections or otherwise coming to its attention. In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chairman thereof shall issue said process on behalf of the commission. The chairman or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him of the subject matter of the commission's investigation or inquiry and a notice that he may be accompanied at the hearing by counsel of his own choosing.

(2) Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded. The failure of any witness to comply with such

order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly.

(3) All witnesses summoned before the commission, other than on the request of the subject of a hearing, shall receive reimbursement for travel expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(4) Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chairman or, in his absence, the vice chairman shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chairman or, in his absence, the vice chairman not to discuss his testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chairman. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him after receiving such instructions he shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chairman.

(5) The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. The record shall include rulings of the chair, questions of the commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and all other pertinent matters. A witness at a hearing, upon his advance request and at his own expense, shall be furnished a certified transcript of all testimony taken at the hearing.

(6) Before or during a hearing, any person noticed to appear before the commission, or his counsel, may file with the commission, for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

* (7) Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby may, upon his request or upon the request of any member of the commission, appear personally before the commission and testify on his own behalf or, with the commission's consent, file a sworn written statement of facts or other documentary evidence

for incorporation into the record of the hearing. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(8) Upon the consent of a majority of its members, the commission may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission shall limit in any way the commission's power of subpoena. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(9) Any person who appears before the commission pursuant to this section shall have all the rights, privileges, and responsibilities of a witness appearing before a court of competent jurisdiction.

(10) If the commission fails in any material respect to comply with the requirements of this section, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(11) Whoever willfully affirms or swears falsely in regard to any material matter or thing before the commission shall be guilty of a felony in the third degree and punished as provided by s. 775.082, s. 775.083, or s. 775.084.

(12) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of four of the members present whether a violation of this chapter has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chairman or vice chairman.

History.—s. 26, ch. 73-128; s. 12, ch. 74-200; s. 60, ch. 77-175; s. 4, ch. 78-403; s. 64, ch. 79-400.

106.265 Civil penalties.—

(1) The commission is authorized upon finding of violation of this chapter to impose civil penalties in the form of fines not to exceed \$1,000 per count. In determining the amount of such civil penalties, the commission shall consider, among other mitigating and aggravating circumstances:

- (a) The gravity of the act or omission;
- (b) Any previous history of similar acts or omissions;
- (c) The appropriateness of such penalty to the financial resources of the person, political committee, or committee of continuous existence; and

(d) Whether the person, political committee, or committee of continuous existence has shown good faith in attempting to comply with the provisions of this chapter.

(2) If any person, political committee, or committee of continuous existence fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission may bring an action in any circuit court of this state to enforce such penalty.

(3) Any civil penalty collected pursuant to the provisions of this section shall be deposited into the General Revenue Fund.

History.—s. 61, ch. 77-175.

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(2) Civil actions may be brought for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. Such civil actions shall be brought in the appropriate court of competent jurisdiction, and the venue shall be in the county in which the alleged violation occurred or in which the alleged violator or violators are found, reside, or transact business. Upon a proper showing that such person or political committee has engaged, or is about to engage, in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court, and the civil fines provided by this chapter may be imposed.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

History.—s. 27, ch. 73-128; s. 13, ch. 74-200; s. 62, ch. 77-175.

106.28 Limitation of actions.—Actions for violation of this chapter may be commenced before 2 years have elapsed from the date of the violation.

History.—s. 28, ch. 73-128.

106.29 Reports by political parties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed

Senate OKs bill making APOC inquiries secret

By SUE CROSS
The Associated Press

JUNEAU — In a move to protect politicians from bad publicity, the Senate voted Monday to make preliminary investigations by the Alaska Public Office Commission secret unless they result in formal accusations by the watchdog agency.

Sen. Mitch Abood said the current system of making complaints public as soon as they are filed allows politicians to attack their enemies by filing unwarranted complaints.

"A person who is targeted for staff investigation should not be blind-sided by the dissemination of prejudicial and defamatory material before the commission even makes a determination that there is probable cause to proceed," the Anchorage Republican said.

Another key portion of the

bill would require notification of anyone whose name is mentioned to the APOC in connection with a possible violation of the law. The person named would have the right to rebut whatever the APOC was told.

Opponents said the provision would send officials who have done wrong running for their paper shredders as soon as they learn they are under investigation.

"We wouldn't countenance that for a minute in police investigations. We wouldn't hamstring the law enforcement agencies," Sen. Joe Josephson said.

Because proof of the type of crime investigated by the APOC usually is found in documents that are easily destroyed, telling people they were under investigation would undercut the APOC's

See Back Page, APOC

STATE OF ALASKA

STEVE COWPER, GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

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CSSB 85 (State Affairs)

Position Paper
April 5, 1988

The Alaska Public Offices Commission supports one provision of this measure, but opposes two other provisions. Other sections of the bill also raise concerns.

The commission supports proposed sections 44.21.450 (a)-(c), dealing with appointment procedures for commission members. This language makes it clear that all commission appointments are made by the governor, subject to legislative confirmation, in accordance with Article III, Section 26 of the Alaska Constitution. The bill retains existing procedures which provide for four appointees recommended by the two major political parties, and one appointee recommended by the other four.

Section 44.21.480 makes a major change in confidentiality provisions covering commission investigations into allegations of violations of the laws which APOC administers. Under this section, complaints, responses, and staff investigatory reports to the commission would be confidential unless the commission decides to issue a formal accusation and proceed to hearing. The commission favors language under which complaints and responses would be public record, as is currently the case, but which would provide statutorily for confidentiality of investigations and the subsequent staff report until the commission determines whether or not to issue a formal accusation. The commission believes the public has a right to know the subject of complaints under investigation, and also the right to know which complaints have been dismissed and the reasons why.

The commission opposes language in section 44.21.460 (d) which requires notice to all persons mentioned in an investigation who may have violated a law the commission administers. Although the commission agrees that all persons under investigation are entitled to respond fully to allegations against them, language in this section is far broader, and will have a chilling effect on the investigatory process.

The commission is also concerned about possible adverse impacts arising from restrictions on staff's ability to settle matters prior to issuance of a formal accusation (proposed Section 44.21.470) and from requirements that various staff action be undertaken immediately or within strict time frames, such as ten days.

CORRECTION

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See Back Page, APOC

APOC: Senate approves bill to keep preliminary investigations confidential

Continued from Page A-1

ability to do its job, the Anchorage Democrat said.

Commission Director Karla Forsythe agreed.

"It's going to get unwieldy. It's going to chill the investigation. People are going to stop saying anything," Forsythe said.

The director said aside from the two confidentiality provisions, she generally supports Abood's bill.

Opponents also said the provision would keep the public from knowing what kind of cases the APOC decides to drop, and why.

"After all, it's a public

body. There's got to be accountability," said Josephson, who voted for the measure despite arguing against its confidentiality portions.

The bill passed the Senate 15-2. Josephson said he voted for it only in the expectation the House will cut or rewrite two confidentiality clauses.

The commission regulates election campaigns. Its investigations concentrate on three areas of law: campaign financing, conflicts of interest and lobbying.

The measure would revise many aspects of APOC operations. It would set legal deadlines for action and put in statute guidelines now set

by regulation.

Abood cut campaign reform provisions from the bill, choosing to focus on the APOC itself. Campaign reforms — such as limits on fund raising — can be handled separately, he said.

Rep. Kay Brown, D-Anchorage, has drafted a House bill that would set caps and time limits for campaign fund raising.

Her measure, now in the House Rules Committee, overlaps Abood's on one key point that the APOC is anxious to see passed this session.

The measure would change the selection process for the commission's fifth member.

Forsythe said the commis-

sion has been told the current appointment process may be unconstitutional. People are beginning to raise that argument when they appeal APOC decisions, she said.

The Democratic and Republican parties now get to nominate two commission members each. The nominees are appointed by the governor and confirmed by the legislature.

The fifth is appointed by the other four with no confirmation.

Both the Abood and Brown bills would leave nomination of the fifth member to the other four, but make the nominee subject to the governor's

appointment and legislative confirmation.

Brown said it's possible some parts of her bill might be incorporated in Abood's measure.

But Rep. Fran Ulmer said she cannot foresee any marriage of the two measures. The Juneau Democrat chairs the House State Affairs Committee, which is expected to hear the Senate bill once it is sent to the House.

Ulmer said she can't predict what kind of reception the Senate bill will get in the House because the measure has been changed often and she has not read the latest version.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

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CSSB 85 (State Affairs)

Position Paper
April 5, 1988

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The commission opposes language in section 44.21.460 (d) which requires notice to all persons mentioned in an investigation who may have violated a law the commission administers. Although the commission agrees that all persons under investigation are entitled to respond fully to allegations against them, language in this section is far broader, and will have a chilling effect on the investigatory process.

The commission is also concerned about possible adverse impacts arising from restrictions on staff's ability to settle matters prior to issuance of a formal accusation (proposed Section 44.21.470) and from requirements that various staff action be undertaken immediately or within strict time frames, such as ten days.

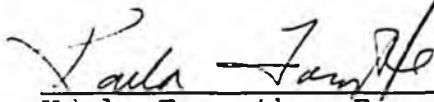
CSSB 85
Position Paper
April 5, 1988
Page 2

Other provisions of the bill either restate existing law with minor changes; or establish procedures similar to current practices.

The fiscal note submitted by the commission reflects costs of holding additional hearings anticipated if this measure is enacted.

 4/5/88

Daniel Patrick O'Tierney, Chairman



Karla Forsythe, Executive Director

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT H ANCHORAGE
3111 C STREET, SUITE 550
ANCHORAGE, ALASKA 99503
(907) 561-7611



WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4525

April 16, 1988

TO: Representative Fran Ulmer, Chair
House State Affairs Committee

FROM: Senator Joe Josephson *J.P.J.*

RE: CSSB 85 -- Power and Duties of the APOC

Although I generally support this bill, there are two provisions in particular that disturb me. These are the issues of confidentiality and the notification of people mentioned during an investigation.

I had prepared floor amendments to address these issues, but because I didn't have a chance to consult with the sponsor, I decided not to offer them. Instead, I mentioned my concerns to the body and told members I would recommend further consideration of the amendments by the House.

Please find attached the two amendments. I encourage your committee to discuss them.

The first amendment would delete the confidentiality provision of the bill and replace it with a new section, disclosure of records. In CSSB 85 the confidentiality provision would keep the complaint and investigation confidential until and unless an accusation is filed by the commission. The problem with this is that nothing can prevent any complainant from taking his or her case to the press and "trying" it there. I believe a better solution, as provided for in the amendment, would be to have the complaint and response open and the staff investigation closed. Once the commission decides to either go forward or to dismiss the complaint, the file would be opened. In the case of a dismissal, the public would have a chance to know what was dismissed and why. This proposed procedure differs from current procedure in that the staff preliminary investigation would be closed until the commission's deliberation.

The second amendment would revise the subsection regarding notification of a person identified in an investigation. As approved by the Senate, subsection 44.21.460(d) is overly broad. Notifying a person mentioned during an investigation of details of a case would certainly chill the investigation and perhaps result in the destruction of evidence. The amendment's alternative language would serve to protect the rights of a person identified in an investigation by allowing him or her to appear and testify before the commission.

These two amendments are supported by APOC staff. Please feel free to contact me to discuss the issues further.

A M E N D M E N T

Offered in the SENATE

By Josephson

TO: CSSB 85(State Affairs)

Page 5, lines 18 - 25:

Delete all material:

Reletter the following subsections accordingly.

Page 6, after line 15:

Insert the following new subsections to read:

"(b) A person who is required to appear at a hearing may, before or during the hearing, submit a sworn written statement for incorporation into the record if the person agrees to answer questions from the hearing officer or commission regarding the statement. A person who is identified during a hearing and who, in the opinion of the hearing officer or the commission, may be adversely affected by the hearing shall be notified and may appear and testify or file a sworn written statement or other evidence for incorporation into the record if the person agrees to answer questions from the hearing officer or commission regarding the statement or evidence.

(c) Upon request the hearing officer or the commission may permit a person to appear and testify at a hearing or file a sworn written statement or other evidence for incorporation into the record of a hearing if the person agrees to answer questions from the hearing officer or commission regarding the statement or evidence. This subsection does not limit the subpoena power of the commission."

Reletter the following subsection accordingly.

A M E N D M E N T

Offered in the SENATE

By Josephson

TO: CSSB 85(State Affairs)

Page 8, line 20, through page 9, line 8:

Delete all material.

Insert a new section to read:

"Sec. 44.21.480. DISCLOSURE OF RECORDS. (a) A complaint filed with the commission is a public record. Notice of the termination of an investigation under AS 44.21.460(f) shall be made public only at the request of each person against whom the complaint was filed. Unless the disclosure is authorized under AS 44.21.460 - 44.21.500, information and material obtained during an investigation by the commission may not be disclosed to anyone other than a commission member, a commission employee, the attorney general, or the person or group that produced the information or material until

(1) an accusation is filed as a result of the investigation;

(2) the disclosure is approved by the commission by majority vote; or

(3) a court, for good cause shown, orders the disclosure.

(b) Violation of this section constitutes misuse of confidential information under AS 11.56.860."

STATE OF ALASKA

STEVE COWPER, GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

April 8, 1988

REPLY TO:

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Anchorage, AK 99508
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- Juneau Branch Office
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Juneau, AK 99811-0222
(907) 465-4864

Senator Rick Uehling
P.O. Box V
Juneau, AK 99811

Dear Senator Uehling:

You asked me to provide a breakdown of hearing costs for the Alaska Public Offices Commission.

A one-day hearing involves six hours of testimony, and costs are figured accordingly:

Hearing officer costs:

One day of preparation, \$75/hr, 7 hours billed	\$525
One day of hearing, \$75/hr, 6 hours billed	\$450
One day of post-hearing work (reviewing the testimony and preparing a recommended decision) \$75/hr, 7 hours billed	\$525
Two hours meeting with the commission in deliberation	\$150

TOTAL HEARING OFFICER COSTS \$1,650

Transcription and Recording costs

Recording costs of \$35/hr, for 6 hours of testimony	\$210
Transcription costs of \$160/hr, for 6 hours of testimony	\$960

TOTAL TRANSCRIPTION COSTS \$1,170

Associated Costs

Subpoena service	\$25/subpoena
Witness fees	\$20/witness per/day
Witness travel	\$10/day per witness
Copies of transcribed testimony	.15/page

Aggregated costs \$180

TOTAL COSTS \$3000

FISCAL NOTE

REQUEST:

Revision Date: 3/8/88
Title: "An Act Relating to the
Alaska Public Offices Commission
Sponsor: Sen. Abood
Requestor: Senate State Affairs

Agency Affected: Alaska Public Offices Comm.
BRU: A.P.O.C.

Components : _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	19.5	19.5	19.5	19.5	19.5
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	19.5	19.5	19.5	19.5	19.5

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	19.5	19.5	19.5	19.5	19.5
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	19.5	19.5	19.5	19.5	19.5

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)

see attachments

Prepared by: Karla Forsythe Executive Director Phone: 376 4176
Division: Alaska Public Offices Commission Date: 3/10/88

Approved by Commissioner: Daniel Patrick O'Tierney Chairman Date: 3/10/88
Agency: Alaska Public Offices Commission

Distribution (by preparer):

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

CORRECTION

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TOTAL TRANSCRIPTION COSTS \$1,170

Associated Costs

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Witness fees	\$20/witness per/day
Witness travel	\$10/day per witness
Copies of transcribed testimony	.15/page

Aggregated costs \$180

TOTAL COSTS \$3000

Senator Uehling
April 8, 1988
Page 2

As you can see, the costs of a hearing add up quickly, even for hearings of relatively short duration. However, hearings are even more costly when commissioners sit with the hearing officer, which adds to this figure expenses for travel, per diem and \$50 daily honorarium for each commissioner.

I hope this information is helpful. I regret that it was not in front of me at the time you raised your question.

If you have additional questions or comments, please let me know.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Karla L. Forsythe /jb

Karla L. Forsythe
Executive Director

cc: Senator Halford, Chairman Senate Finance Committee
Senator Abood
APOC Members

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PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	19.5	19.5	19.5	19.5	19.5
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	19.5	19.5	19.5	19.5	19.5

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	19.5	19.5	19.5	19.5	19.5
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	19.5	19.5	19.5	19.5	19.5

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)

see attachments

Prepared by: Karla Forsythe, Executive Director Phone: 376 4176

Division: Alaska Public Offices Commission Date: 3/10/88

Approved by Commissioner: Daniel Patrick O'Tierney, Chairman Date: 3/10/88

Agency: Alaska Public Offices Commission

Distribution (by preparer):

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

CS SB 85: State Affairs

Detail:

Personal Services		0
Travel		0
Contractual Services		19.5
legal services (hearing officer contracts @ \$75/hr), transcription and witness fees, @ \$3.0/day aggregate cost:		
3 hearings (cases in which respondent will not settle with no contest plea)		
- 2 cases @ 1 day ea x 3.0 day =	6.0	
- 1 case @ 3 days x 3.0 day =	9.0	
5 hearings on factual disputes for late reports 3.0/day x 1.5 days total =	4.5	
Supplies		0
Equipment		0
	total:	<u>19.5</u>

CSSB 85 (State Affairs)

Fiscal Analysis

Although many of the provisions contained in this measure would codify existing commission procedures, two sections would change current practice in ways which would create a fiscal impact for the agency.

Proposed Section 44.21.470(a) states that the commission may impose a penalty only if the respondent either admits or pleads no contest to allegations, or if the commission holds a hearing. This language has the effect of prohibiting the commission from settling a matter unless the terms of the settlement agreement contain an admission or a statement of no contest to factual allegations of wrongdoing.

In FY 87 the commission settled three matters. None of the settlement documents contain an admission or a plea of no contest; two of the documents expressly indicate that the respondent does not admit to the allegations. It is assumed for purposes of this fiscal note that these respondents would have chosen to proceed to hearing rather than to enter into a settlement which required an admission of wrongdoing or a statement of no contest.

Two of the settled matters involved simple factual allegations, and each hearing could have been concluded within one day. One of the matters involved more complex facts as well as a large number of respondents, and would have required a minimum of three hearing days. Costs for a hearing officer, witness fees and transcription total \$3000 per hearing day. Since it is difficult to quantify additional time spent by commission members in deliberation over these matters and additional staff time devoted to hearing preparation, these costs are not reflected in the fiscal note.

Proposed Section 44.21.475 will have a minor fiscal impact on the agency. This section provides that in matters amenable to summary disposition, the commission may follow less formal due process standards unless respondents wish to dispute the facts. In FY 87 150 matters subject to summary disposition were appealed to the commission. Of these, five matters appear to have involved factual disputes (focusing primarily on controverted facts about mailing of reports). Since these matters center on very simple facts, and it is unlikely that respondents will raise complicated issues through legal counsel, it is assumed that these five matters would have required a total of one and one-half days of hearings. Staff would endeavor to schedule these matters at one time to avoid any hearing officer costs attributable to five separate appearances at commission offices. Based on costs of \$3000 per day, one and one-half days of hearing would require an additional expenditure of \$4500 to fund the more formal due process procedures warranted when factual disputes arise.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 85 (SA)
PUBLISH DATE: Senate 3/10/88

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____
Tide: "An Act relating to the powers and BRU: _____
duties of the Alaska Public Offices Commission; etd"
Sponsor: Abood Components: _____
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

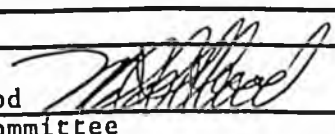
FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee Phone: 465-4522
Division: _____ Date: _____
Approved by ~~Commissioner~~ Senator Mitch Abood  Date: 3/9/88
Agency: Senate State Affairs Committee

Distribution (by preparer):

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

S B

8 6

STATE OF ALASKA



REPRESENTATIVE
FRAN ULMER

HOUSE OF REPRESENTATIVES

P.O. Box V
JUNEAU, ALASKA 99811
(907) 465-4947

M E M O R A N D U M

May 14, 1987

TO: Representative John Sund, Chair
House Judiciary Committee

FROM: Representative Fran Ulmer

SUBJECT: SB 86

I respectfully request that you carry over SB 85, "Garden Week", from today's calendar to tomorrow's calendar so that we can pass it out of committee expeditiously.

It does not require much discussion or any amendment as it is unanimously supported. It was heard by the State Affairs Committee several weeks ago and was not objected to by anyone. Perhaps you could waive the bill to Rules Committee if you don't think we'll have the time to take it up in Judiciary tomorrow.

Thank you for your consideration.

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/2/87

FURTHER REFERRALS: Resources
Judiciary

DATE: 3-13-87

The State Affairs Committee has considered CSSB 86(Res)

"An Act establishing Alaska Garden Week; and providing for an effective date.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 2-4-87
- zero with analysis

SIGNING DO PASS:

Cliff Davidson

Tom Ulmer

Cliff Davidson

Terron

SIGNING OTHER RECOMMENDATIONS:

Tom Ulmer

Chairman's signature



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

STATE AFFAIRS COMMITTEE

SENATE BILL 86

FILE CONTENTS

1. CS SC 86 (RESOURCES): AN ACT ESTABLISHING ALASKA GARDEN WEEK; AND PROVIDING FOR AN EFFECTIVE DATE
2. SENATE STATE AFFAIRS COMMITTEE REPORT DATED FEBRUARY 3, 1987
3. MEMORANDUM FROM SENATE RESOURCES COMMITTEE STAFF TO COMMITTEE MEMBERS
4. LETTERS FROM NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC., DATED MARCH 31, 1986

FISCAL NOTE

- A. DEPARTMENT OF ADMINISTRATION: -0-

SENATE COMMITTEE REPORT

2

FIRST COMMITTEE OF REFERRAL

Date of 1/28/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: RESOURCES

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/27/87
Mr. President:

DATE TURNED INTO OFFICE 2/3/87

STATE AFFAIRS _____ Committee considered SB 86

establishing Alaska Garden Week.

and recommended:

[] replace with CS _____ [] same title
[] attached amendment(s) and [] new title

do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [] attached or [] adopted fiscal note(s)
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman signature and recommendation

Committee Backup Attached

Alaska State Legislature

Senate Resources Committee

3



Sen. John B. (Jack) Coqhill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-1007

February 18, 1987

MEMORANDUM

To: Members of the Senate
Committee on Resources

From: Committee Staff

Re: SB 86, Garden Week

SB 86 adds a new section to Chapter 12, relating to holidays within Title 44, State Government.

Sponsored by Sen. Duncan, SB 86 would officially proclaim that June 1 to June 7 of each year is Alaska Garden Week. Garden Week is intended to recognize the importance of gardening to Alaskans and hopefully would encourage public participation in activities sponsored by the National Council of State Garden Clubs, in conjunction with National Garden Week.

Included in your packet today are:

Fiscal Note
National Council of State Garden Clubs, Inc. letter
Senate State Affairs Committee Report



National Council of State Garden Clubs, Inc.

4

Providence, Ky.

March 31, 1986

RECEIVED
MAY 27 1986

Dear Legislative Chairman:

Within the past year, commercial interests related to gardening combined their efforts to have National Garden Week established in April rather than June as National Council of State Garden Clubs, Inc. has proposed and promoted.

Through Senator Mark Hatfield of Oregon, -SJR 136 was introduced in the U. S. Senate and was passed on June 18, 1985. Soon after, a corresponding House Joint Resolution (HJR 266) was introduced by Representative Luken of Ohio. This HJR has been referred to the Post Office/Civil Service Committee.

Since the legislation to establish National Garden Week from June 1-8 seems to be in trouble in Washington, National Council wishes to have this legislation introduced and passed in all State Legislatures by April 1987.

Some states have already passed this legislation, and we would like to know the status of this legislation in every state. I know that the Kentucky Legislature enacted this legislation in 1983.

Please investigate the status of your state, and I would appreciate your informing me of your findings as quickly as possible. It is important that this date be set by an act of the legislature rather than by proclamation as a proclamation expires after June 8th. If your legislature is not in session, -however, this date could be set by a Proclamation which would be most helpful this year.

I would also appreciate you sending me a Legislative Report on other legislative activities in your state by April 30th.

Sincerely,

Mrs. J. Murray Blue (Genev
National Legislative Chair
300 West Main Street
Providence, Ky. 42450



National Council of State Garden Clubs, Inc.

Providence, Ky.

April 16, 1986

Dear Legislative Chairman,

National Council of State Garden Clubs, Inc. would like to have all garden clubs celebrate National Garden Week from June 1-7. This is the time to have flower shows, displays in malls, radio and television programs, talk shows, etc. to proclaim to everyone that we, as gardeners, are showing "Pride In The Land".

I am enclosing an article by our publicity chairman, Mrs. Harold V. Pasley, which will give some ideas on how to accomplish this observance. This would be an excellent time to recruit new gardeners and increase our membership.

A number of our states have enacted in their state legislatures a bill to establish "Garden Week" the first full week in June of each year, while other states have asked Mayors and Governors to issue a proclamation which would proclaim the first week in June as Garden Week.

A proclamation would expire after June 7th, however, legislation would remain from year to year. The real importance is that we let everyone know that this week is the time for a celebration of better gardening and a more beautiful America.

National Council of State Garden Clubs, Inc. does not participate in political activity, and if you desire to seek legislation for setting this date, it must be done on an individual basis.

Please help your president make plans for an exciting observance of this week. Let's show America that we are dedicated to "Gardening With Pride In The Land."

Sincerely,

Geneva Blue (Mrs. J. Murray)

NATIONAL GARDEN WEEK

JUNE 1 - 7

With the theme of our National Council President, Mrs. John N. Fehrer "Pride in the Land" in particular focus this year, members of our 10,553 garden clubs will celebrate NATIONAL GARDEN WEEK June 1 - 7, the first full week in June. Although observances will be varied in form, NATIONAL GARDEN WEEK is an event which brings a sense of togetherness among us and a sense of pride in membership in a garden club federated with the National Council of State Garden Clubs, Inc., the largest organization in the world devoted to gardening in its broad context. Community residents will respond favorably to well-planned observances and these provide our organization with visibility in a very positive way--the ideal climate for securing new club members.

A strong, nation-wide effort to project NATIONAL GARDEN WEEK and "PRIDE IN THE LAND" is now in progress under the direction of Mrs. Graem Yates, Fourth Vice-President and Promotion Coordinator, National Council of State Garden Clubs, Inc., who has completed plans with the McDonald Corporation to carry this message:

SHOW PRIDE IN THE LAND
OBSERVE NATIONAL GARDEN WEEK, JUNE 1 - 7
NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.

on its community service readerboards located in the interior of each restaurant throughout our country.

NATIONAL GARDEN WEEK is our opportunity to tell the story of gardening and its benefits; aesthetic, economic and therapeutic and to tell the story of the importance of garden clubs. Let it be known that the idea of a NATIONAL GARDEN WEEK originated in The National Council of State Garden Clubs.

Whatever may be the form of observance, do relate it to your garden club, your state federation and our National Council of State Garden Clubs, Inc. and to our National Council President's theme "Pride in the Land".

Television and radio stations schedule community service time with advance reservation. It will be an educational experience to participate in a "talk show" not only discussing horticultural practices but also explaining selected National Council programs relating them to your area when applicable, our conservation and environmental concerns and our contributions to the betterment of our country: In a shopping mall, set up a display or a "how to do" exhibit including information about your own club and its projects. Place an artistic design in a location where it can be appreciated. Plan something special for garden therapy.

Within the past year, commercial interests related to gardening, combined their efforts and introduced SJR 136 in the U.S. Senate to hold a "National Gardening Week" beginning on April 13, 1986. The Resolution passed in the Senate on June 13, 1985. Soon thereafter, a corresponding Resolution was introduced in the House of Representatives (HJR 266) which is, as of this writing, yet in the Post Office/Civil Service Committee. It is understood that should this Resolution become a reality, its duration would be one year.

Be that as it may, together we will continue on ~~the same~~ without interruption, for OUR NATIONAL GARDEN WEEK,

So much work has already been done in that direction by so many people in our organization that it seems in order to proceed to accomplish what is evident our members want, a NATIONAL GARDEN WEEK, in perpetuity.

A number of our states have enacted in their state legislatures a Bill to establish a Garden Week the first full week in June of each year. It is the goal that all states will have such legislation by June 1987, the conclusion of the present biennium. We will then have achieved a NATIONAL GARDEN WEEK for always. Mrs. J. Murray Blue, National Council Legislation Chairman, will direct this activity.

Celebrate NATIONAL GARDEN WEEK June 1 - 7, with pride in your membership and "Pride in the Land".

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

A

Bill Version: SB 86
Publish Date: _____

REQUEST _____

Revision Date: _____
Title: Establishing Alaska Garden Week.

Agency Affected: Administration
BRU: _____

Sponsor: Duncan
Requestor: Senate State Affairs

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
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

This bill does not affect the Department of Administration.

Prepared By: Michael P. McMillen Phone: 465-2200
Division: Commissioner's Office Date: 2/3/87

Approved by Commissioner: Garrey Peska Date: _____
Agency: Department of Administration

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

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HOUSE COMMITTEE REPORT

(7)

Date referred: 2/13/87

FURTHER REFERRALS:

DATE: 3-2-87

The State Affairs Committee has considered SB 90

"An Act relating to the eligible age for service in the militia of the state; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures: Eugene Hoffman, Terry Martin, [unclear], [unclear], [unclear]]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature: [unclear]]
Chairman's signature



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

STATE AFFAIRS COMMITTEE

SENATE BILL 90

FILE CONTENTS

1. SB 90: AN ACT RELATING TO THE ELIGIBLE AGE FOR SERVICE IN THE MILITIA OF THE STATE; AND PROVIDING FOR AN EFFECTIVE DATE.
2. FISCAL NOTE, DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, -0-
3. GOVERNOR'S TRANSMITTAL LETTER, DATED JANUARY 29, 1987

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

SENATE
BILL VERSION: 5L JJ
PUBLISH DATE: 2/1/87

REQUEST 1B90
 Bill/Resolution No.: Law Log #773-87-0003
 Title: Eligibility age in the Alaska State Militia
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Military & Veterans Affairs
 BRU: Alaska National Guard
 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

No fiscal impact on this department.

Prepared by: Richard L. Rountree, Director
 Division: Administrative & Support Services

Phone: 465-4600
 Date: 10/13/86

Approved by Commissioner: Richard L. Rountree
 for MG Edward G. Pagano
 Agency: Dept. of Military & Veterans Affairs

Date: 10/13/86

Distribution (by Agency preparing fiscal note):

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

3

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to eligibility for service in the militia of the state. The bill amends AS 26.05.010 to remove from the statutes an age ceiling for eligibility in the Alaska State Militia. AS 26.05.010(a) currently states that "able-bodied citizens" between 17 and 59 years of age, with certain other qualifications, comprise the militia of the state.

The Alaska National Guard, the Alaska Naval Militia, and the Alaska State Militia (sometimes referred to as the Alaska State Guard) are all components of the organized "militia of the state." It is felt that many Alaskans beyond age 59 are capable of participation in the Alaska State Militia component. Rather than setting a special statutory age limit for that component, it is more appropriate to remove the 59-year age limit from the statute, and authorize the adjutant general to adopt regulations setting the appropriate maximum age for eligibility for the Alaska State Militia. The statutory age limits for the other components of the militia remain, although in slightly different form (see proposed AS 26.05.010(c)).

Section 2 of the bill merely amends AS 26.23.230(7) to assure consistency among the provisions, in two different AS chapters, pertaining to the unorganized militia.

Sincerely,



Steve Cowper
Governor

S B

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HOUSE COMMITTEE REPORT

(7)

Date referred: 4/3/87

FURTHER REFERRALS: Judiciary

DATE: 4-15-87

The State Affairs Committee has considered SB 91

"An Act limiting liability for activities of the Alaska National Guard."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published 1-29-87
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Cliff Davidson

Terry Martin

SIGNING OTHER RECOMMENDATIONS:

NO REC

[Signature]

 Chairman's signature

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SB91

2

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to liability immunity of the state, its employees and agents, and members of the Alaska National Guard.

While training or on duty under federal mandate, the state national guards are performing a United States Government activity. Nevertheless, there have been occasions in which states, rather than the United States, have been exposed to tort liability for injuries or damage resulting from federally mandated guard activities.

In 1981, Congress amended 28 U.S.C. sec. 2671 by adding to the definition of "employees of the government" members of the National Guard training or on duty pursuant to federal order under 32 U.S.C. The effect of this amendment was to clarify that the United States considers the Guard as a federal function during 32 U.S.C. activities and that claims for injuries resulting from such activities could be pursued under the Federal Tort Claims Act, 28 U.S.C. sec. 2671 et seq. In spite of this change in the law, there are rare occasions when the state remedy is preferred by an injured third party who consequently will file a claim for damages in state court on the basis of state law. This bill will prevent suits of this nature, and assure that persons injured or property damaged as a result of federally mandated and controlled Guard activities will be required to seek damages from the United States Government. Existing worker's compensation coverage of guardsmen will not be affected by this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Cowper".

Steve Cowper
Governor

No 196

H/B

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

3

REQUEST _____

Bill Version: SB 91
Publish Date: 1/29/87

Revision Date: _____
Title: An act limiting liabilities for activities of the Alaska National Guard
Sponsor: Rules Committee
Requestor: Governor Cowser

Agency Affected: Dept. of Military & Veterans Affairs
BRU: Alaska National Guard
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
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	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
TOTAL	0	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)

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

The fiscal benefit is difficult to project because the State insurance deductible varies, also this bill will only affect future claims. There will, however, be savings in claims defense costs.

Prepared By: Donald J. Hitchcock Phone: 465-2180
Division: Risk Management Date: February 26, 1987

Approved by Commissioner: Garrey Peska Date: 3/2/87
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

[Signature]
MAR 05 1987

LEGISLATIVE FINANCE

No 12

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

4

REQUEST SB 91

Bill/Resolution No. : LL#773-87-0016
 Title : Civil Liability for National Guard activities.

Sponsor : Rules Committee
 Requestor : Governor
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Military & Veterans Affairs
 BRU : Alaska National Guard

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill would have no known fiscal impact.

Prepared by: Richard N. Rasmussen
 Division: Administrative & Support Services Division

Approved by Commissioner for MG Edward G. Pagano
 Agency: Dept. of Military & Veterans Affairs

Phone: 465-4600
 Date: 10/07/86

Date: 10/07/86

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

S B

95

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: FINANCE

BILL: SB 95

CURRENT VERSION: CS SB 95 (SA) am

SCHEDULED: MARCH 16, 1988

SPONSOR: KERTTULA

PHONE NO: 3717

CONTACT FILE: _____

BILL SUBJECT: RENEWAL OF A DRIVER'S LICENSE

SPONSOR BACKUP: PUT IN FOLDERS

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
PUBLIC SAFETY	HORETSKI/4322	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
P.S./DIANA PAGE		1/10/88	-0-	20,800

ACTION

<u>DATE</u>	<u>COMMENT</u>
3/16/88	PASSED FROM HOUSE STATE AFFAIRS

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

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 files.

Mary Van Nimwegen

Senate SA	2-9-87	
House SA	3-16-88	3:00p.m.

SB-95

The purpose of SB-95 is two fold.

1. Provide a convenient method of Drivers license renewal for the public.
2. Rewards those individuals with a 5 year clean driving record.

Motor Vehicle offices are open Monday-Friday during regular business hours.

This requires that a person take time off work in order to renew a licence.

Many people also need to travel long distances to get to a Motor Vehicle office. It is not uncommon in the Mat-Su Borough for a person to drive 200 miles round trip in order to get a licence renewed. Mat-Su borough is about the size of West Virginia.

In addition Alaska residents such as students attending schools out of state frequently need to renew a licence and sometimes are forced to get an out of state licence in order to keep a licence that has not expired. (Some students have expressed a concern that this is an indication that they may be giving up there Alaska residency and put them in a difficult situation when apply for a loan the following year.)

The renewal-by-mail program will provide greater convenience to the public.

The legislation allows only those individuals with a driving record free of any moving violations or other action that may have been taken by the Department for the previous 5 years to renew by mail.

Alaska State Legislature

Senate Advisory Council



PO Box V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

MEMORANDUM

TO: Senator Kerttula
Alaska State Legislature

ATTN: Beth Kerttula

FROM: Lee Ann Lucas *id*
Senate Advisory Council

DATE: February 26, 1987

RE: Renewal by Mail of Driver Licenses
Research Request 87-003173

I contacted Mr. Jerry Holman, Division of Motor Vehicles, who is Program Director for Arizona's renewal by mail program which went into effect January 1, 1987.

Mr. Holman related that the program has presently generated 57,000 applications and he expects it to generate 200,000 applications by the end of the year. Mr. Holman stated that Arizona had looked at California's demonstration program prior to implementing a program; however, Arizona did not model their legislation after California.

Mr. Holman pointed out that Subsection A, paragraph 5 of ARS 28.426.01 (copy attached) has been extended to include vision testing at any state motor vehicle office due to complaints by individuals who do not want to or cannot afford to spend the money to have a vision test by a licensed ophthalmologist, optometrist or physician.

I have asked Mr. Holman to send relevant information on the program as well as any background materials on the enacting legislation. I will make copies available to you as soon as they are received.

LAL:lal
Attachment

CORRECTION

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The Motor Vehicle Department expressed to me that the cost would approximately 10,000 a year. This is based on a 12,000 to 13,000 participation.

Approximately 80,000 renewals each year.

56,000 would meet the criteria set out in SB-95.

The Dept has a 75% renewals rate which would mean about 42,000 possible renewals by mail.

Based on the renewals by mail for auto registration about 30% take advantage of this program.

If the same percentage take advantage of the Drivers license renewal it could be expected that 12,000 to 13,000 individuals might participate in this method of licence renewal.

No Evidence to show that there is an increase in accidents when visual acuity test are not given.

A number of states do not give eye test at all

U.S. Passport photo good for 10 years.

Some states do not use a photo on the drivers licence.

Some of the states which currently use mail in drivers licence renewal are: California, Utah, Florida, and Arizona.

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TRANSPORTATION

TRANSPORTATION

§ 28-426.01

of a violation of the... shall be entitled to... of this chapter... or vehicle in any manner... to him.

... see § 13-801 et seq... § 13-701 et

ion by mail

operator's or chauffeur's... the applicant's birthday.

... six months prior to the... four years from the... require an examination of

... chauffeur's license expires... to renew his operator's or... of his discharge from

... operator's or motorcycle... of this state at the time the... to last at least thirty... not extend the expiration... by the applicant of the fee... of extension which is valid... In addition, applicants for

... applicants, except that the

... § 28-205, the department... license of a spouse or child... armed forces of the United... photograph of the licensee... applicant would be denied a... to this state. In addition,

... Laws 1984, Ch. 81, §

... the provisions of... Revised Statutes, the director... transportation, in order to... the four year license provided

for in § 3 of this act and to avoid uneven workloads in calendar years 1986, 1987 and 1988 may issue or renew licenses for three years in accordance with the following schedule:

Calendar Year	Not to Exceed
1984	75%
1985	50%
1986	25%

"B. The director of the department of transportation may enact rules which will establish a random basis for selection of applicants to be issued a three year license so as to distribute the

renewal workload as uniformly as practicable throughout the twelve months of the calendar year.

"D. The provisions of this section expire from and after December 31, 1986."

1977 Reviser's Note:

In the section heading "renewal" was inserted pursuant to authority of § 41-1304.02.

Library References

Automobiles §136.

C.J.S. Motor Vehicles §§ 21, 146 et seq.

§ 28-426.01. Driver's license; renewal by mail; application; eyesight standards; rules; violation; classification

A. On payment of the fee prescribed in § 28-205, the department may renew by mail the operator's or motorcycle operator's license of a person who meets all of the following requirements:

1. Has not been convicted of a moving traffic violation pursuant to chapter 6 of this title for the four years immediately preceding the determination of eligibility for renewal under this section.
2. Has not had his license suspended, revoked, cancelled or denied according to the records of the department for the four years immediately preceding the determination of eligibility for renewal under this section.
3. Is renewing the license for the same class of license currently held.
4. Is not seventy years of age or older.
5. If sixty years of age or older, has presented or mailed to the department on a form prescribed by the department a report based upon an examination not more than three months prior to the date of its submission of the applicant's eyesight by an ophthalmologist, optometrist or physician licensed to practice medicine.
6. Has been issued a driver's license for at least seven years, the last three years of which have been issued by this state.
7. The license issued by this state has not been renewed by mail in the last four years immediately preceding the expiration of the current license.

B. The department shall notify persons meeting the requirements of subsection A of this section that they may renew their license by mail and shall enclose an application in the form prescribed by the director. If renewing by mail, the applicant shall complete and return the application to the department.

C. The department shall issue a certificate of renewal to those applicants qualifying which shall include the applicant's name, date of birth, address, driver's license expiration date, number of the license renewed and other information as the department requires. The certificate is not valid until it is signed by the applicant and attached to the last license issued by this state which contains the photograph of the applicant.

D. The department shall decide whether in each case the eyesight reported pursuant to subsection A, paragraph 5 of this section is sufficient to meet current eyesight standards.

E. An ophthalmologist or optometrist licensed to practice in this state who examines a person licensed under this article and determines that such a person does not meet the standards set by the medical advisory board pursuant to § 28-433 shall notify the director of such failure to meet the standards. Upon receipt of such a notification, the director shall promptly notify the individual that his eyes must be examined within ten days of notification as prescribed by the director. If the individual fails the eye examination or fails to report for the eye examination, his license shall be revoked until such time that he passes the examination.

F. The department may promulgate rules for the issuance of the renewals of licenses under this section as it deems necessary for the safety and welfare of the traveling public.

G. Notwithstanding § 13-2704, a person who makes a false certification on an application permitted under this section is guilty of a class 1 misdemeanor.

Added by Laws 1986, Ch. 308, § 3, eff. Jan. 1, 1987.

¹ Section 28-501 et seq.

Effective January 1, 1987

For delayed effective date of provision of Laws 1986, Ch. 308, see Historical Note following § 16-112.

1986 Reviser's Note:

Pursuant to authority of § 41-1204.02, in the heading of this section "eyesight standards" was added following "application;"

§ 28-427. Notice of change of address or name

Cross References

Service of notice of suspension, revocation, or cancellation of operator's or chauffeur's license, see § 28-453.

Law Review Commentaries

Name change, minors. 18 Ariz.L.Rev. 725 (1976).

§ 28-428. Records to be kept by department

A. The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each application a note of the reasons for the denial.
2. All applications granted.
3. The name of every licensee whose license has been suspended or revoked by the department and after each name a note of the reasons for the action.

B. The department shall also file all abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of the licensee and the traffic accidents in which he has been involved is readily ascertainable and available for the consideration of the department upon an application for renewal of license and at other suitable times.

C. The department shall maintain all such records for a period of five years after the application, suspension, revocation or abstract of a court record of conviction has become inactive.

Amended by Laws 1983, Ch. 66, § 2.

Notes of Decisions

1. Construction and application

In personal injury action wherein motorist and his wife alleged that State breached duty owed to them when motor vehicle department issued driver's license in violation of statute to driver with known history of psychomotor seizure who, while unconscious due to seizure, struck motorist and thereby injured him, substantial fact issue existed as to whether any duty state may have breached was owed to public generally and not to plaintiffs, precluding summary judgment. *Oleszczuk v. State* (1979) 124 Ariz. 373, 604 P.2d 637.

Statutory duties requiring motor vehicle department to keep records of driver's license applications, suspensions of licenses and reasons therefor and convictions and traffic accidents for all licensees and to establish medical advisory board to advise department of medical standards for driver licensing are specific and designed to protect that portion of public using highways. *Id.*

Portion of driver's license application which required applicant to indicate whether he was subject to epilepsy, seizures, or fainting spells was designed to protect persons who might be injured in automobile accident as result of driver suffering such spell. *Id.*

FISCAL NOTE

REQUEST:

Revision Date: 1-14-88
Title: An Act relating to renewal of a driver's license.
Sponsor: Kerttula
Requestor: Rules

Agency Affected: Public Safety
BRU: Motor Vehicles
Components: Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		20.8	10.3	10.6	10.9	11.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	20.8	10.3	10.6	10.9	11.2
CAPITAL						
REVENUE	-0-	6.3	12.6	12.6	12.6	12.6

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	20.8	10.3	10.6	10.9	11.2
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	20.8	10.3	10.6	10.9	11.2

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Page 2.

Prepared by: Charles R. Hosack *CRH/HOS* Phone: 269-5551
Division: Motor Vehicles Date: 1-14-88

JPR Approved by Commissioner: [Signature] Date: 1/15/88
Agency: Public Safety

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

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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 95 (SA)

ASSUMPTIONS:

1. Each year 80,000 licenses are due for renewal. (400,000 active licenses divided by 5 year license term)
2. Of these, 70%, or 56,000, will be eligible for mail renewal, and will be sent notices. The other 30% will not be eligible due to a license action, conviction, or age.
3. Of the eligible drivers, 25% have left the State during the 5 year period, leaving 42,000 drivers who could take advantage of the program. (Percentage is based on renewal statistics for 1986).
4. Of these drivers, only 30%, or 12,600, will take advantage of the mail renewal program. The 30% estimate is based on the actual figures from the mail-in vehicle registration program. Other factors affecting this figure will be drivers who have changed addresses, and have not notified DMV, and drivers who wish to have a new photo, personal information, or new address recorded on the actual license.

EXPENDITURES:

Contractual

Postage

28,000 notices @ \$.18	5.1
6,300 renewals @ \$.22	1.4

Forms

Renewal notices and stickers	1.5
Savings on photo licenses (6,300 @ \$.75)	(4.7)

Data Processing Costs

Initial programming (One time cost)	15.0
Monthly runs of renewal notices	2.5

TOTAL 20.8*

*Based on effective date of 1-1-89 A 3% inflation factor was used for FY90 and subsequent years.

ANALYSIS:

Personnel costs were not included because there will be no change in this area. Due to this program it is estimated there will be 12,600 less customers annually statewide in the field offices, which will result in some savings. At the same time, there will be extra work to do the monthly mailing, update the records, and process the returns for mailing. The savings and the extra work are roughly equal, resulting in no change in personnel costs.

REVENUE:

Section 3 increases renewal fee by \$1.00 if the driver's license is renewed by mail. Since bill is only effective for half of FY89, the amount generated is estimated to be \$6,300 page 2 of 2

S B

102

BILL NO: SB 102

DATE: 2/23/87



TITLE: "An Act relating to reports of missing persons..."

CONTACT: Maj. Walter J. Gilmour
Acting Director

DEPARTMENT OF PUBLIC SAFETY

The purpose of this bill is to establish, by statute, a Missing Persons Clearinghouse. In previous years, a missing persons unit has been maintained within the division of Alaska State Troopers without specific funding. Due to reduced budgets, this is no longer possible.

This bill requires all state and local law enforcement agencies to coordinate missing persons' reports through one central clearinghouse operated by the Department of Public Safety. The effect is the establishment of a central storage area for the collection, maintenance and dissemination of information relating to the identification, locating and return of missing persons.

In order to comply with this legislative mandate, we are conservatively requesting a part-time Clerk IV and the necessary equipment for this individual to perform the required tasks.

The Division of Alaska State Troopers supports passage of this legislation.


William R. Nix
Acting Commissioner



Alaska State Legislature

3

PRESIDENT
907-465-3755



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

May 11, 1987

MEMORANDUM

TO: Representative Fran Ulmer, Chairman
House State Affairs Committee

FROM: Senator Jan Faiks *Jan Faiks*
President of the Senate

SUBJECT: Background on Senate Bill 102
An Act relating to reports of missing persons;
and creating a missing persons information
clearinghouse.

The Senate Judiciary Committee Substitute to Senate Bill 102 has been referred to your committee for consideration. The purpose of this bill is to establish a statewide system for handling information about missing persons.

The locating of missing persons has been hampered in the state by the lack of consistent procedures for receiving, processing and sharing information about lost persons. Each law enforcement agency seems to have its own method for handling reports of missing persons, for dealing with relatives of the victim, and for coordinating search efforts with others.

Often, this lack of consistency has resulted in undue expense to the government and needless anxiety for friends and relatives. The problem is aggravated by the vastness of our state. A body washed up on the shores of the Bering Sea is not matched with a missing persons report filed in Ketchikan. Village officials continue to investigate the disappearance of a teenager long after she has been found by authorities in Fairbanks.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

By creating a central repository for collecting and handling information about missing persons, Senate Bill 102 should relieve these problems.

Senate Bill 102 proposes the following:

Section 1. Amends AS 18.65 (Police Protection) by adding AS 18.65.600 - 18.65.660.

Sec. 18.65.600. MISSING PERSONS INFORMATION CLEARINGHOUSE. Establishes the Missing Persons Information Clearinghouse.

Sec. 18.65.610. DUTIES OF MISSING PERSONS INFORMATION CLEARINGHOUSE. Requires the Clearinghouse to create a statewide system for handling information about missing persons. The Clearinghouse will collect and disseminate this information throughout Alaska. It will communicate with the National Crime Information Center about missing persons cases, and will train officials on how to best use the Clearinghouse.

Sec. 18.65.620. DUTY OF LAW ENFORCEMENT AGENCIES. Places a duty on all law enforcement agencies to send to the Clearinghouse all reports of missing persons who have not been found within forty-eight hours.

Sec. 18.65.630. MEDICAL AND DENTAL RECORDS OF MISSING PERSONS. Allows agencies to obtain medical and dental records that will help identify bodies. If relatives of the missing persons are available, these records cannot be obtained by a government agency unless they are requested by family members. If no relatives are available, the law enforcement agencies can obtain records on their own initiative. When the agencies obtain these records, they must forward them to the Clearinghouse. Upon the location of the missing person, the law enforcement agency and the clearinghouse shall destroy all records in their files.

Sec. 18.65.640. REPORTS UPON FINDING A MISSING PERSON. Requires a person who files a missing person report to notify the clearinghouse or law enforcement agency once the person who has been reported missing has been found.

Sec. 18.65.650. CIVIL PENALTY. Failure to notify the Clearinghouse or law enforcement agency when the missing person is found may be punishable by a civil fine of not more than \$1,000.

Section 2 REPORT AND INVESTIGATION OF DISAPPEARANCE. Amends AS 18.60.170 which deals with procedures for handling missing persons reports within the Department of Public Safety. This section adds the additional duty of filing these reports with