

ALASKA

LEGISLATURE

COMMITTEE

FILES

1991-1992

8672

7249

HOUSE STATE

AFFAIRS



ACTION ALERT

April 15, 1992

For more information contact:
Matthew Bordonaro
202/547-4646

INVASION OF PRIVACY LEGISLATION IN ALASKA

ISSUE: Legislation is currently in the House State Affairs Committee and Senate Judiciary and Finance Committee that could open records of all civil actions and prohibit courts from applying protective orders to sensitive information. It would enable public officials and others litigants access to information produced by the parties and witnesses in personal injury and wrongful death lawsuits. Action must be taken on HB 171 and SB 411 because of the legal defects and the chilling repercussions that could ensue on the civil justice system as a result of these bills.

BILL: HB 171 (House Judiciary Committee) and SB 411 (Rodey)

STATUS: HB 171 passed the State Affairs Committee and is currently in the House Judiciary and Finance Committee where it is said to pass favorably. SB 411 is currently sitting in the Senate Judiciary and Finance Committee awaiting its scheduled hearing.

DESCRIPTION:

HB 171 and SB 411 would require courts to allow much of the information produced in any lawsuit based on personal injury or wrongful death to be made public. The parties could not agree to keep the information private and the judge could not enter a court order ensuring confidentiality.

Witnesses and all of the people compelled by the court to provide information to the parties would not be able to keep that information private even if the information was not used in a trial.

Individuals or businesses, due to simply being named in a personal injury suit where negligence involving a defective product or environmental hazard is alleged, would be forced to go into court to try to maintain the basic privacy rights afforded defendants and plaintiffs in civil suits under current law.

Complete strangers to the lawsuits, including the press, could have the right to challenge any privacy agreement between parties or any court order protecting information, before or after the underlying lawsuit has been resolved.

FACTS:

In 1991, twenty-nine states introduced similar Protective Order bills of which twenty-seven states' bills were defeated for the following reasons:

Protective Order legislation would interfere with the courts' settlement procedures. The courts, like the legislature, have established operating rules which include rules governing the issuance of protective orders. The enactment of this bill would only provide chaos between the trial lawyers and the courts because of the vast discrepancies.

Legislation would mandate that the information obtained through the discovery process be accessible to the public where the repercussions may be detrimental. First off, much of the information disclosed during the discovery period is irrelevant to the case and as a result the information exposed could be destructive. Secondly, it would excuse trial attorneys when filing multiple copycat lawsuits who would no longer have to go through the discovery process.

The court system was designed to resolve civil disputes between private parties; not as a public safety regulator as the bill suggests. Court orders in private lawsuits do not interfere with the ability of government bodies to obtain the documents they need to investigate safety problems. Government agencies already have strong investigative powers.

Court workloads would become congested and litigation costs would increase dramatically.

It is a serious violation against the privacy of the individual or party involved because the bill would allow virtually anyone access to the information.

ALEC ALERT is published by the American Legislative Exchange Council for informational purposes only. This edition was written by Matthew Bordonaro, Director of ALEC's Task Force on Civil Justice. Samuel A. Brunelli, Executive Director.

Regulation and Statute	Description of Offense	Daily Forfeiture Amount
3 AAC 35.140 AS 45.75.380(a)(11)	No permit on vehicle; or, issuance cannot be readily verified	100
17 AAC 25.020(a) AS 45.75.380(a)(11)	Overwidth, 8' 6" maximum	50/ft. or fraction thereof
17 AAC 25.030(a) AS 45.75.380(a)(11)	Overheight, 14' maximum	50
17 AAC 25.030(b) AS 45.75.380(a)(11)	Overlength single vehicle (40' maximum)	50/ft. or fraction thereof
17 AAC 25.030(c) AS 45.75.380(a)(11)	Overlength semi-trailer, 45' maximum (non-designated highways)	50/ft. or fraction thereof
17 AAC 25.030(c) AS 45.75.380(a)(11)	Overlength truck tractor-semi trailer, 70' maximum bumper to bumper (non-designated highways)	50/ft. or fraction thereof
17 AAC 25.030(d) AS 45.75.380(a)(11)	Overlength truck tractor and trailers, 75' maximum bumper to bumper (non-designated highways)	50/ft. or fraction thereof
17 AAC 25.030(e) AS 45.75.380(a)(11)	Overhangs — 3' front, 4' rear maximum	20/ft. or fraction thereof
17 AAC 25.030(f), (g) or (j) AS 45.75.380(a)(11)	Overlength semi-trailer or trailer, 48' maximum (designated highways)	50/ft. or fraction thereof
17 AAC 25.030(g) AS 45.75.380(a)(11)	Overlength truck tractor & trailers, 90' front of first trailer to rear of second trailer maximum (designated highways)	50/ft. or fraction thereof
17 AAC 25.030(h) AS 45.75.380(a)(11)	Triples prohibited (three cargo carrying units)	300
17 AAC 25.030(i) AS 45.75.380(a)(11)	Oversize sign required on combinations over 75 (designated highways)	50
17 AAC 25.030(k) AS 45.75.380(a)(11)	Overlength truck-trailer, 90' maximum, bumper to bumper (designated highways)	50/ft. or fraction thereof
17 AAC 25.035 AS 45.75.380(a)(11)	Reasonable access, 25 miles maximum	150
17 AAC 25.040(a) AS 45.75.380(a)(11)	Leaking load on highway	100
17 AAC 25.040(b) AS 45.75.380(a)(11)	Unsecure load	100
17 AAC 25.060(a)(1) AS 45.75.380(a)(11) & (b)	Overweight gross	.05/lb
17 AAC 25.060(a)(2) AS 45.75.380(a)(11) & (b)	Overweight axles	.05/lb
17 AAC 25.060(a)(3) AS 45.75.380(a)(11) & (b)	Overweight tires	.05/lb

(S.C.O. 849 effective October 1, 1987)

Rule 44. Rulemaking.

(a) **Uniform Policy.** The supreme court shall make and promulgate rules governing administration of all courts, and practice and procedure in civil and criminal cases in all courts. The rules shall be uniform throughout the Alaska Court System.

(b) **Request for Rulemaking.** Any person may propose new rules or changes in present rules to the supreme court. Each proposal must:

- (1) Be in writing;
- (2) Include the language proposed for change;
- (3) Include the reason for the suggested rule or change;
- (4) Be submitted to the court rules attorney at the Anchorage Office of the Administrative Director of Courts.

The court rules attorney shall review each proposal. If the proposal is unclear or in need of further documentation, the rules attorney shall contact the person submitting the proposal and seek clarification.

(c) **Preliminary Analysis.** The rules attorney shall then prepare a preliminary legal analysis of each proposal. This shall include an examination of the present Alaska rule including adoption and amendment history, as well as a comparison with the federal rule where appropriate.

(d) **Meritless Proposal.** In the unusual case where no further consideration seems merited, the rules attorney shall forward such opinion and the reason for it along with all pertinent supporting information to the chief justice. If the chief justice concurs, a letter shall be sent by the rules attorney to the person submitting the proposal stating the reason it was not accepted.

(e) **Notice.** In all other cases notice that a rule is being considered for change, including the nature of the proposed change, shall be published in the Monthly Activity Report of the appellate courts.

(f) **Major or Minor Change.** The rules attorney shall determine whether a proposal is a major or minor rule change. All proposals for new rules and all proposals affecting substantial rights of litigants are major. Minor rules changes are those which are technical in nature.

(g) **Minor Change.** Minor rules change proposals shall be submitted to the supreme court along with the preliminary legal analysis and appropriate orders in both signature and legislative form. The chief justice shall calendar a review of the proposal at an appropriate law conference. Following review, the supreme court may adopt or reject the proposal, or refer it to a standing or advisory committee to be treated as a major rules change.

(h) **Major Change.** Major rules change proposals shall be referred by the rules attorney to the appropriate standing or advisory committee. The committee shall review the proposal, determine if a draft should be circulated to the bar or other interested persons for comment, and prepare a written recommendation supporting or opposing the change. If no circulation was made, the reason for this decision shall be stated in the recommendation. Where appropriate, the recommendation shall also include proposed orders in signature and legislative form, as well as advisory notes suitable for publication stating the rationale for the rule change. All committee written recommendations shall be forwarded to the supreme court. The chief justice shall calendar a review of the recommendation at an appropriate administrative conference. Following review, the supreme court may adopt or reject the proposal in whole or in part, or refer the proposal to the same or a different committee for further study or additional circulation.

(i) **Public Information.** The original proposal, preliminary legal analysis, circulation material, proposed order and advisory notes shall be made available to the public upon request. Committee minutes, reporter's notes, and other preparatory drafts or memoranda shall not be made public.

(j) **Standing and Advisory Committees.** Standing committees shall be established to review Civil Rules, Criminal Rules and Appellate Rules. The administrative senior staff shall act as the standing committee to review Administrative Rules. Advisory committees shall be appointed as needed to review all other rules. All committees shall receive major rules change proposals from the rules attorney or the supreme court. In addition, the standing committees shall carry on a continuous study of the operation and effect of the rules of procedure and administration. When specific proposals for change initiate in a committee, notice that the proposal is being considered must be published in the Monthly Activity Report under subsection (e) of this rule. Changes to those rules found by the committees to promote: 1) Simplicity in procedure; 2) Fairness in administration; 3) The just determination of litigation; and 4) The elimination of unjustifiable expense and delay, shall be periodically recommended to the supreme court for its consideration.

(k) **Appointment.** The chief justice shall appoint such members of the judiciary, Alaska Bar Association, and other qualified persons to the committees as it deems advisable. Nominees shall be considered from any source, but solicitation for nominee recommendations shall also be made to the board of governors of the state bar association and the statewide court clerks conference. Where possible, terms of the committee members will be staggered to preserve committee continuity. The members of the committees shall serve without compensation. However, with prior approval the members may be reimbursed for per diem and

travel expenses incident to their duties as members of the committees.

(l) **Emergency Rule Action.** Whenever the supreme court determines that an emergency exists requiring the immediate promulgation of a procedural or administrative rule, the court may take any action required by the circumstances. The court shall follow all of the requirements of this rule consistent with meeting the nature of the emergency circumstances.

(m) **Effective Date.** The effective date for each rule change order shall be stated in the order. Normally, the effective date shall be the same as the publisher's distribution date, in order to provide adequate notice to those affected by the rule change. Where this is not possible, the effective date shall be set as determined by the supreme court. When this occurs, the supreme court shall determine what additional notice, if any, shall be provided to those affected by the rule change. Adoption or rejection of a rules change proposal shall be published in the Monthly Activity Report.

(n) **Rule Application.** All rules and orders in effect on the date of the adoption of this rule remain in effect.

(Added by SCO 630 effective September 15, 1985; amended by SCO 656 effective September 15, 1985; and by SCO 858 effective December 16, 1987)

Rule 45. Concurrent Jurisdiction.

(a) **Mandatory Filing.** A civil action that falls within the concurrent jurisdiction of the superior court and the district court shall be filed in the district court (except for a petition for injunctive relief under AS 25.35.010 or 25.35.020).

(b) **Amount in Controversy.** The amount in controversy is first determined by reference to the plaintiff's complaint. Jurisdiction is established by the pleading of claims as they appear at the time of filing of the complaint or other claim. Claims must be pled in good faith. Interest due at the time of filing may be included in the claimed amount. Properly joined claims may be aggregated. When a compulsory counterclaim is filed in an action in excess of district court jurisdiction, the district court judge shall order referral of the case to the superior court. When a permissive counterclaim is filed in an action in excess of district court jurisdiction, the district court judge shall either order referral of the case to the superior court or order severance of the claim to be proceeded with separately.

(c) **Transfer by District Court.** When it appears from the pleadings that the amount claimed for recovery exceeds \$50,000.00 exclusive of costs, post-filing interest, and attorney fees, then the district court judge shall upon motion or the court's own motion refer the case to the superior court.

(d) **Transfer or Retention by Superior Court.** When it appears from the pleadings, filed documents,

Alaska State Legislature

Chairman
State Affairs
Committee

Legislative Council

Transportation
Committee



Representative Eugene Kubina

During Session:
State Capitol
P.O. Box V
Juneau, Alaska 99811
(907) 465-4859

During Interim:
P.O. Box 2463
Valdez, Alaska 99686
(907) 835-2111

April 3, 1992

Christine Johnson, Esquire
Court Rules Attorney
303 K Street
Anchorage, AK 99501

Dear Ms. Johnson,

Today the House State Affairs Committee considered HB 171: "An Act restricting, court orders and certain private agreements relating to the concealment of public hazards and information on public hazards; and amending Alaska Rules of Civil Procedure 24, 26(c), 26(f), 29, 30(d), and 37(a)(2)."

HB 171 was passed out of this committee and is now in the House Judiciary Committee. We respectfully request that you consider the bill to decide whether the issue would be better addressed by court rule changes or new rules rather than by legislation. In addition, we request that you give the House Judiciary Committee your position promptly so that they may hold a hearing on HB 171 before the end of this legislative session.

I am enclosing a copy of the bill and all of the supporting documentation the committee has received. If you have any questions, please feel free to contact me. Thank you very much for your assistance in this matter.

Sincerely,


Representative Eugene Kubina, Chairman
House State Affairs Committee

— DISTRICT SIX —

• Chenega Bay • Chitina • Cooper Landing • Cordova • Hope • Moose Pass • Seward • Tatitlek • Valdez • Whittier •





A FAX

P.O. Box V
Juneau, Alaska 99811

Alaska State Legislature

Date: April 10, 1991

To: Rita Graf - Law Firm of Covington and Burling Washington, D.C.

Phone Number: 202-662-5031

Fax Number: ⁶²⁹¹ 202-662-5031

From: House State Affairs Committee, Alaska House of Representatives

Phone Number: 907-465-4859

Re: Witness Register from April 5, 1991 meeting regarding HB 171

Following this page, please find 4 page(s). If this does not reach you in full, please inform us as soon as possible.

Thank you!

* HJR 31: Relating to pollution prevention, waste reduction, and recycling.

PASSED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS

HCR 17: Establishing a Task Force on Governmental Roles.

PASSED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS

HB 188: "An Act relating to the issuance of citations and medals to members of the armed forces serving in the conflict with Iraq."

CS PASSED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS

WITNESS REGISTER

Representative Dave Donley
Chairman of Judiciary Committee
Alaska House of Representatives
P.O. Box V

Juneau, AK 99811

Phone: 465-3892

Position Statement: HB 171 sponsored by Judiciary Committee

Representative Richard Foster
Alaska House of Representatives
P.O. Box V

Juneau, AK 99811

Phone: 465-3789

Position Statement: Prime Sponsor of HB 188

Representative Fran Ulmer
Alaska House of Representatives
P.O. Box V

Juneau, AK 99811

Phone: 465-4947

Position Statement: Prime Sponsor of HJR 31

Representative Niilo Koponen
Alaska House of Representatives
P.O. Box V

Juneau, AK 99811

Phone: 465-4457

Position Statement: Prime Sponsor of HB 225

HOUSE STATE AFFAIRS COMMITTEE
April 5, 1991
8:00 a.m.

MEMBERS PRESENT

Rep. Gene Kubina, Chairman
Rep. Tom Moyer, Vice Chairman
Rep. Max Gruenberg
Rep. Dave Choquette
Rep. Betty Bruckman
Rep. Mike Miller
Rep. Larry Baker

MEMBERS ABSENT

None

COMMITTEE CALENDAR

* HB 138: "An Act making special appropriations to the Department of Environmental Conservation for solid and hazardous waste management programs and for a grant to the Pacific Northwest Pollution Prevention Center and to the Department of Administration for equipment and computer software; and providing for an effective date."

NOT HEARD - NO ACTION TAKEN

* HB 225: "An Act allowing retirement credit for the unused sick leave of an employee participating in the public employees' retirement system."

HEARD AND HELD

HB 171: "An Act restricting court orders and certain private agreements relating to the concealment of public hazards and information on public hazards; and amending Alaska Rules of Civil Procedure 24, 26(c), 26(f), 29, 30(d), and 37(a)(2)."

HEARD AND HELD

HB 167: "An Act relating to absentee voting."

NOT HEARD - NO ACTION TAKEN

Representative Mark Boyer
Vice-Chairman of Finance Committee
Alaska House of Representatives
P.O. Box V
Juneau, AK 99811
Phone: 465-3466
Position Statement: HCR 17 sponsored by Finance Committee

Mary A. Nordale
American Insurance Association
P.O. Box 21211
Juneau, AK 99811
Phone: 586-5340
Position Statement: Opposed to HB 171

Kathy Kolkhort
Association of Vehicle Manufacturers
P.O. Box 34338
Juneau, AK 99802
Phone: 789-7558
Position Statement: Opposed to HB 171

Dave Stout, Retirement Supervisor
Division of Retirement and Benefits
P.O. Box CR
Juneau, AK 99811
Phone: 465-4470
Position Statement: Opposed to HB 225

Karen Mahurin
P.O. Box 1073
Kenai, AK 99611
Phone: 283-4697
Position Statement: In Favor of HB 225

Richard Barlow
HCR 2 Box 7550 A-2
Palmer, AK 99645
Phone: 745-2157
Position Statement: In Favor of HB 225

Susan Erickson
Staff for Representative Fran Ulmer
P.O. Box V
Juneau, AK 99811
Phone: 465-4947
Position Statement: Spoke on behalf of Representative
Ulmer, Prime Sponsor of HJR 31

Jeff Mach, Chief
Hazardous and Solid Waste Management Section
Department of Environmental Conservation
P.O. Box 0
Juneau, AK 99811
Phone: 465-2671
Position Statement: In Favor of HJR 31

John Cyr
F.O. Box 780
Palmer, AK 99645
Phone: 746-1139
Position Statement: In Favor of HB 225

Susan Annis
2118 Cushman
Fairbanks, AK 99701
Phone: 452-9474
Position Statement: In Favor of HB 225

MaryLou Brent
P.O. Box 80074
Fairbanks, AK 99708
Phone: 479-4435
Position Statement: In Favor of HB 225

Bruce Garrett
1218 MaCuffee Lane
Kodiak, AK 99615
Phone: 486-8239
Position Statement: In Favor of HB 225

Jacquelin Steeves
1205 E. International Airport, Suite 101
Anchorage, AK 99518
Phone: 562-1183
Position Statement: In Favor of HB 225

Carol Burton
825 College Road
Fairbanks, AK 99701
Phone: 456-5412
Position Statement: In Favor of HB 225

Paul Cossman
310 K Street, Suite 600
Anchorage, AK 99501
Position Statement: In Favor of HB 171



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 1, 1992

PLACE: Capitol Room #102

SUBJECT OF MEETING:

- HB 171-Relating to Prohibit Sealing of Certain Court Records
- HB 528-Relating to Public Works Contr/Wage Increases
- HB 404-Relating to Filing Deadline for Certain Candid
- *HB 564-Relating to Salaries for Non-Covered State Employees
- HB 565-Relating to Approp: Contr. Settlement Costs

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
John Abshire	DOA	Juneau		465-2700		Quest. <input checked="" type="radio"/> Y N	#528
✓ Kathryn Kollchost	lawyers for civil justice	Juneau		799-0047		<input checked="" type="radio"/> Y N	171
✓ Mike McMullen	DOA	Box 110201 Juneau, AK	99811	465-4433	465-4430	Quest. <input checked="" type="radio"/> Y N	HB 564, 565
✓ Larry Glaser	Elections	PO Box 110017 Juneau	99811	4614	→	<input checked="" type="radio"/> Y N	HB 404
✓ Cheryl Fraser	OMB					<input checked="" type="radio"/> Y N	HB 564, 565
✓ MAR: NORISALTB	Dem. Sen. Area	PO Box 21211, Juneau	99802	586-5346	→	<input checked="" type="radio"/> Y N	HB 171
✓ Ross Winner		900 W 5th Ave, Ste 700 Anch AK 99501		272-0313	277-9522	<input checked="" type="radio"/> Y N	HB 171
✓ Hayden Kaden	Rep. Douby + Area Justice	Rm. 120 - St. Cap.			4990	<input checked="" type="radio"/> Y N	HB 171
						<input checked="" type="radio"/> Y N	
						<input checked="" type="radio"/> Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 3, 1992

PLACE: Capitol Room #102

SUBJECT OF MEETING:
 *HB 412 - Relating to Disclosure by Certain Fiscal Officers
 HJR 63 - Relating to Support Military at Fort Richardson
 SB 185 - Relating to Legislative Ethics

HB 171 - Relating to Prohibit Seal'g of Certain Court records

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
MARY NORDELL	Un. Ins. Assn	PO Box 21711, Juneau	99801		586-3340	(Y) N	HB 171 ✓
Kathy Kalkhorst	Lawyer for civil justice	Box 34338 Juneau	99803		739-0247	(Y) N	HB 171 ✓
C.S. CHRISTENSEN	ALASKA COURT SYSTEM	308 K ST ANCHORAGE	99501		264-8228	(Y) N	HB 171 ✓
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 5, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HCR 17 - Relating to Task Force on Govern-
 mental Roles
 *HB 171 - Relating to Prohibit Sealing of
 Certain Court Records
 *HB 225 - Relating to Retirement Credit for
 Unused Sick Leave

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
MARY A. NORDALE NORSACTZ	AIA	PO Box 21211, Juneau	99802		586-5340	(Y) N	HB 171
Kathy Kolkhorst	Non vehicle manufachs	PO 34773 Juneau	99802	789-7553	789-0247	(Y) N	HB 171
BOB STANAKER	DIV. OF RETIREMENT	P.O. Box CR			4470	(Y) N	HB 225
KAREN MAHURIN	KPESALAYA	Box 1073 Pensacola	99641	283-4697	283-4826	(Y) N	HB 225
Richard Burlew	MAT-SUCER AIEA	Hco 2 Box 7550 H-2 Palmer AK	99647	745-2784	745-2157	(Y) N	HB 225
Rose Palmquist	Self-	Box 878294 Wasilla	99687	2274 376		(Y) N	adv. Voting
Susan Calkins	Ulmer	PO Box ✓	99811			Y N	HJR 31
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 5, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

- *HJR 31 - Relating to Pollution Prevention, Waste Reduction, and Recycling
- HB 167 - Relating to Absentee Voting
- *HB 138 - Relating to Approp: Clean Water Fund/Waste Mgt Loans

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
JEFF WACH	AKDEC	P.O. BOX 0 Juneau			2671	<input checked="" type="radio"/>	N	HJR 31 HB 138
Bob Mitchell	BOA	AS 0224 JNO			4803	<input checked="" type="radio"/>	N	HB 138
Susan Erickson	HJR 31	Po Box V			4917	<input checked="" type="radio"/>	N	HJR 31
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 3, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 *HB 1.. - Relating to Prohibit Sealing of Certain Court Records
 *HB 188 - Relating to Citations/Medals for Persian Gulf Vets
 *HJR 29 - Relating to Persian Gulf Conflict
 HCR 17 - Relating to Task Force on Governmental Roles

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
MARY ANORDALTS	ATA	PO Box 21211 Juneau 99802			586-3340	(Y) N	HB 171
Larry LaRolle	Rep Foster	611 Court Bldg 99811			465-3789	Y N	HB 188
✓ Jeff Morrison	DMVA	PO Box 6 Juneau 99811			465-4600	(Y) N	HB 188
✓ John Walsh	Foster				3789	(Y) N	HB 188 ✓
Tom Duro	Morgan					(Y) N	HJR 29
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Kathy Kolkhorst	Asian vehicle manufacturers	Box 34338 Seward Ak	99503	787-7557	787-0247	<input checked="" type="radio"/>	N	HB 171
TONY YOST	Pharmaceutical Manufacturers	5251 DTC Parkway #1090 Englewood Co. 80111	80111	(303) 799-6246	(303) 740-8554	<input checked="" type="radio"/>	N	HB 171
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HB

177

Sec. 36.30.260. Contract execution. A contract awarded under competitive sealed proposals must contain

- (1) the amount of the contract stated on its first page;
- (2) the date for the supplies to be delivered or the dates for construction, services, or professional services to begin and be completed;
- (3) a description of the supplies, construction, services, or professional services to be provided; and
- (4) certification by the project director for the contracting agency, the head of the contracting agency, or a designee that sufficient funds are available in an appropriation to be encumbered for the amount of the contract. (§ 2 ch 106 SLA 1986)

Sec. 36.30.270. Architectural, engineering, and land surveying contracts. (a) Notwithstanding conflicting provisions of AS 36.30.100 — 36.30.260, a procurement officer shall negotiate a contract for an agency with the most qualified and suitable firm or person of demonstrated competence for architectural, engineering, or land surveying services. The procurement officer shall award a contract for those services at fair and reasonable compensation as determined by the procurement officer, after consideration of the estimated value of the services to be rendered, and the scope, complexity, and professional nature of the services. When determining the most qualified and suitable firm or person, the procurement officer shall consider the

(1) proximity to the project site of the office of the firm or person unless federal law prohibits this factor from being considered in the awarding of the contract; and

(2) employment practices of the firm or person with regard to women and minorities.

(b) If negotiations with the most qualified and suitable firm or person under (a) of this section are not successful, the procurement officer shall negotiate a contract with other qualified firms or persons of demonstrated competence, in order of public ranking. The procurement officer may reject all or part of a proposal.

(c) This section does not apply to contracts awarded in a situation of public necessity if the procurement officer certifies in writing that a situation of public necessity exists.

(d) Notwithstanding the other provisions of this section, a procurement officer may include price as an added factor in selecting architectural, engineering, and land surveying services when, in the judgment of the procurement officer, the services required are repetitious in nature, and the scope, nature, and amount of services required are thoroughly defined by measurable and objective standards to reasonably enable firms or persons making proposals to compete with a clear understanding and interpretation of the services required. In order to include price as a factor in selection, a majority of the persons involved by the procurement officer in evaluation of the proposals must

FISCAL NOTE

Revision Date: 03/01/91
Title: Procurement Code Amendments

Department Affected: DOT&PF
BRU: STW Engineering and
Operations Standards
Component: Eng. & Operations Stds.
Component Serial Number: 547

Sponsor: House Judiciary Committee
Requestor:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
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
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL FUNDING:	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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

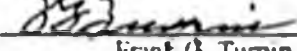
This fiscal note is zero because the bill will have a minimal impact on the department.

Prepared by: Roger A. Allington, Director

Phone: 465-2951

Division: Engineering & Operations Standards

Date: January 9, 1992

Approved by Commissioner: 
Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: January 9, 1992

Distribution By Preparer: Leg. Finance, Leg. Sponsor, Requestor, OMB/DBR, Gov. Leg. Office, Impacted Agency(ies).

HB

181

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-25-91

The STATE AFFAIRS Committee considered:

HB 181

HOUSE BILL NO. 181

SALARY SCHEDULE FOR STATE EMPLOYEES

"An Act relating to salaries for officers and employees who are not members of a collective bargaining unit; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 181 (State Affairs) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note OMB

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Kubina</i>	-	<i>Tom...</i>		✓	
<i>Mr. Greenberg</i>	-	<i>David...</i>		✓	
		<i>E. Br...</i>		✓	
		<i>Jerry...</i>		✓	

Gene Kubina
 CHAIRMAN'S SIGNATURE

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the compensation of
7 justices and judges; and providing for
8 an effective date."

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

10 *Section 1. AS 22.05.140 is amended to read:

11 Sec. 22.05.140. COMPENSATION. (a) The monthly base
12 salary of the chief justice is \$8,333 and for each other
13 justice, the monthly base salary is \$8,292.

14 (b) The dollar amount of the monthly base salary shall
15 change, as provided in this section, in proportion to any
16 general salary increases received after December 31, 1990 by
17 the classified and partially exempt employees of the
18 executive branch who are not members of a collective
19 bargaining unit.

20 (c) The dollar amount changes on the day that a
21 general salary increase under (b) of this section takes
22 effect.

23 (d) Following a general salary increase under (b) of
24 this section, the Department of Administration shall
25 promptly adopt a regulation announcing the change in the
26 dollar amount in (a) of this section.

1 (e) [B] A salary warrant may not be issued to a
2 justice of the supreme court until the justice has filed
3 with the state officer designated to issue salary warrants
4 an affidavit that no matter referred to the justice for
5 opinion or decision has been uncompleted or undecided by the
6 justice for a period of more than six months.

7 (f) [C] In addition to the monthly salary, each
8 justice is entitled to receive a geographic cost-of-living
9 adjustment under AS 22.35.010, based on the location of the
10 primary office assignment. Retirement contributions and
11 benefits shall be computed only on the monthly base salary
12 not including the geographic cost-of-living adjustment.

13 *Sec. 2. AS 22.07.090 is amended to read:

14 Sec. 22.07.090. COMPENSATION. (a) The monthly base
15 salary of a judge of the court of appeals is \$7,833. The
16 compensation of a judge may not be diminished during the
17 term of office, unless by a general law applying to all
18 salaried officers of the state.

19 (b) The dollar amount of the monthly base salary shall
20 change, as provided in this section, in proportion to any
21 general salary increases received after December 31, 1990 by
22 the classified and partially exempt employees of the
23 executive branch who are not members of a collective
24 bargaining unit.

25 (c) The dollar amount changes on the day that a

1 general salary increase under (b) of this section takes
2 effect.

3 (d) Following a general salary increase under (b) of
4 this section, the Department of Administration shall
5 promptly adopt a regulation announcing the change in the
6 dollar amount in (a) of this section.

7 (e) [B] A salary warrant may not be issued to a judge
8 of the court of appeals until the judge has filed with the
9 state officer designated to issue salary warrants an
10 affidavit that no matter referred to the judge for opinion
11 or decision has been uncompleted or undecided by the judge
12 for a period of more than six months.

13 *Sec. 3. AS 22.10.090 is amended to read:

14 Sec. 22.10.090. COMPENSATION. (a) The monthly base
15 salary for each superior court judge is \$7,667.

16 (b) The dollar amount of the monthly base salary shall
17 change, as provided in this section, in proportion to any
18 general salary increases received after December 31, 1990 by
19 the classified and partially exempt employees of the
20 executive branch who are not members of a collective
21 bargaining unit.

22 (c) The dollar amount changes on the day that a
23 general salary increase under (b) of this section takes
24 effect.

25 (d) Following a general salary increase under (b) of
26 this section, the Department of Administration shall

1 promptly adopt a regulation announcing the change in the
2 dollar amount in (a) of this section.

3 (e) [B] A salary warrant may not be issued to a
4 superior court judge until the judge has filed with the
5 state officer designated to issue salary warrants an
6 affidavit that no matter referred to the judge for opinion
7 or decision has been uncompleted or undecided by the judge
8 for a period of more than six months.

9 (f) [C] In addition to the monthly salary, each
10 superior court judge is entitled to receive a geographic
11 cost-of-living adjustment under AS 22.35.010, based on the
12 location of the primary office assignment. Retirement
13 contributions and benefits shall be computed only on the
14 monthly base salary not including the geographic cost-of-
15 living adjustment.

16 *Sec. 4. AS 22.15.220 is amended to read:

17 Sec. 22.15.220. COMPENSATION. (a) The monthly base
18 salary for each district court judge is \$6,500.

19 (b) The dollar amount of the monthly base salary shall
20 change, as provided in this section, in proportion to any
21 general salary increases received after December 31, 1980, by
22 the classified and partially exempt employees of the
23 executive branch who are not members of a collective
24 bargaining unit.

25 (c) The dollar amount changes on the day that a

1 general salary increase under (b) of this section takes
2 effect.

3 (d) Following a general salary increase under (b) of
4 this section, the Department of Administration shall
5 promptly adopt a regulation announcing the change in the
6 dollar amount in (a) of this section.

7 (e) [B] Each magistrate shall receive annual
8 compensation to be determined by the supreme court. Salary
9 increases shall be determined on the basis of percentage of
10 pay increase the legislature provides for state employees
11 in the classified service. The base salary of a magistrate
12 shall be increased by a percentage equal to three and one-
13 half per cent times the number of step increases provided
14 under AS 39.27.020 that a state employee would receive
15 working in the same election district. A magistrate's
16 annual compensation may be payable, at the option of the
17 magistrate, either monthly in 12 equal installments or semi-
18 monthly in 24 equal installments.

19 (f) [C] A salary warrant may not be issued to a
20 district court judge or magistrate until the judge or
21 magistrate has filed with the state officer designated to
22 issue salary warrants an affidavit that no matter referred
23 to the judge or magistrate for opinion or decision has been
24 uncompleted or undecided by the judge or magistrate for a
25 period of more than six months.

1 (g) [D] In addition to the monthly salary, each
2 district court judge is entitled to receive a geographic
3 cost-of-living adjustment under AS 22.35.010, based on the
4 location of the primary office assignment. Retirement
5 contributions and benefits shall be computed only on the
6 monthly base salary not including the geographic cost-of-
7 living adjustment.

8 *Sec. 5. A change in the salary of justices and judges
9 under this Act is retroactive to the same extent as the
10 underlying general salary increase received by the classified and
11 partially exempt employees of the executive branch who are not
12 members of a collective bargaining unit.

13 *Sec. 6. This Act is retroactive to January 1, 1991.

14 *Sec. 7. This Act takes effect immediately in accordance
15 with AS 01.10.070(c).

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 1, 1991

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Speaker Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that grants a 5.0 percent pay increase to certain state employees not covered by collective bargaining agreements.

Section 1 of the bill increases the pay of certain legislative and classified and partially exempt executive-branch employees who are not covered by a collective bargaining agreement. It repeals and reenacts AS 39.27.011(a), the statutory salary schedule for such workers.

Section 2 provides the same increase to permanent employees of the judicial and legislative branches, the chief clerk of the house of representatives and the clerk's staff, the senate secretary and staff, and permanent and temporary employees of the executive branch in the exempt service not otherwise covered by AS 39.27.011(a). The salaries of certain other officers, such as the ombudsman, are affected by the change, as they are tied to AS 39.27.011(a).

Section 3 provides that University of Alaska employees not covered by a collective bargaining agreement are entitled to receive salary increases in accordance with the university's compensation plan. All provisions of the bill, including the pay increases, are retroactive to January 1, 1991.

This legislation should put these state employees on an equal footing with employees in collective bargaining units who will receive a 5.0 percent cost-of-living increase by operation of negotiated contracts agreed to in 1990.

Sincerely,

Walter J. Hickel
Walter J. Hickel
Governor



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: Mar. 25, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 *HB 181 - Relating to Salary Schedule for State Employees
 *HB 182 - Relating to Approp: Public Employee COLA, FY 91
 SB 18 - Relating to Investment of Pension Fund

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
C. D. CHRISTENSEN	ALASKA COURT SYSTEM	505 K ST. ANCHORAGE 99501			264-4225 465-4770	<input checked="" type="radio"/> Y N	HB 181
P. Bethhill	JRTA	157 Behrens Cir.	99501			Y N	SB 18
Rosalive Drummond	JRTA	P.O. Box 021368 Juneau	99802		586-1172	Y <input checked="" type="radio"/> N	
✓ Marie Darlin	self	Box 2-1283 Juneau 99802-7			6-3637	<input checked="" type="radio"/> Y N	SB 18
VIOLA Gilda Shaw	ASRTA JRTA	631 W. 11th	99801		6-1609	Y <input checked="" type="radio"/> N	SB 18
✓ Mary Lee Meener	AARP	805 Gold Belt	99801		586-2568	<input checked="" type="radio"/> Y N	SB 18
Carole Oien	JRTA	P.O. Box 34852 Juneau, AK	99803		789-9264	Y <input checked="" type="radio"/> N	SB 18
Boice Cummings	Admiral Labor Relations	Box C-2220, Juneau 99811			465-4404	<input checked="" type="radio"/> Y N	HB 181/182
						Y N	
						Y N	
						Y N	

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 1, 1991

The Honorable Ben Grussendorf
Speaker of the House
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P.O. Box V
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Section 2 provides the same increase to permanent employees of the judicial and legislative branches, the chief clerk of the house of representatives and the clerk's staff, the senate secretary and staff, and permanent and temporary employees of the executive branch in the exempt service not otherwise covered by AS 39.27.011(a). The salaries of certain other officers, such as the ombudsman, are affected by the change, as they are tied to AS 39.27.011(a).

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This legislation should put these state employees on an equal footing with employees in collective bargaining units who will receive a 5.0 percent cost-of-living increase by operation of negotiated contracts agreed to in 1990.

Sincerely,

Handwritten signature of Walter J. Hickel in cursive script.
Walter J. Hickel
Governor

HPB

183

**The Fair Campaign Practices Codes of
West Virginia, Montana and Wyoming**

The State Election Commission and the Secretary of State invite you to subscribe and adhere to the Code of Fair Campaign Practices. If you desire to participate, please file this document with the county clerk if you are running for a county office or with the Secretary of State if you are running for legislative, statewide or federal office.



CODE OF FAIR
CAMPAIGN PRACTICES

Names of individuals signing this Code will be provided to the public.

STATE ELECTION COMMISSION

Dr. Allan S. Hammock, Chairman
Benjamin Bryant
Terry O. Reed
Barbara M. Rulay
Ken Mechlar, Ex Officio Member

There are basic principles of decency, honesty and fair play which every candidate for public office in the United States has a moral obligation to observe and uphold. In order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free choice and the will of the people may be fully and clearly expressed on the issues before the Country.

THEREFORE:

I SHALL CONDUCT this campaign openly and publicly, discussing the issues as I see them, presenting positions and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of candidates or political parties which merit such criticism.

I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

I SHALL CONDEMN the use of campaign advertising or communication of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate or issue raised in any campaign.

I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, or voting, or intended to affect voting through the buying of influence or votes.

I SHALL NOT COERCE election help or campaign contributions for myself or my committee or for any other candidate from my employees or from any person under my authority, influence or control.

I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support derived from any individual or group which resorts to the methods and tactics which I condemn on behalf of or in opposition to any candidacy. I shall accept responsibility to take firm action against any subordinate or associate who violates any provision of this code or the laws governing elections.

I PERSONALLY SUPPORT a limit on campaign expenditures that when reasonable, sufficient and fairly applied, does not limit or restrict the expression of ideas of the candidate or others on behalf of the candidate, but instead challenges individuals to engage in open dialogue on the issues rather than merely to purchase the excessive repetition of images and slogans.

ACCORDINGLY, I WILL ADHERE to the following limits on campaign spending:

	PRIMARY	GENERAL
U.S. Senate	1,000,000	1,000,000
U.S. House of Representatives	250,000	250,000
Governor	1,000,000	1,000,000
Constitutional Officers	100,000	100,000
Supreme Court	125,000	125,000
State Senators	25,000	25,000
House of Delegates	12,500	12,500

I SHALL DEFEND AND UPHOLD the right of every qualified voter to full and equal participation in the electoral process.

AS A PUBLIC OFFICIAL, I PLEDGE to conduct my official duties in the public interest of all people without discrimination against any person, faction or group. Furthermore, as a public official I pledge not to utilize my office personnel or equipment on behalf of any ballot issue or candidate.

I, the undersigned, a candidate for election to public office in the State of West Virginia, or the chairperson of a political committee supporting one or more candidates for election, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct this campaign in accordance with the above principles and practices.

Date

Signature

It is suggested that you might want to publicize the fact that you have signed this Code, and challenge your opponents to do likewise.

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973; amd. Sec.

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17-128.

13-35-230. Repealed. Sec. 407, Ch. 571, L. 1979.
History: Ea. 23-47-137 by Sec. 37, Ch. 334, L. 1977; R.C.M. 1947, 23-47-137.

**13-35-231. Unlawful for political party to endorse judicial candi-
date. A political party may not endorse, contribute to, or make an expendi-
ture to support or oppose a judicial candidate.**

History: Ea. 23-47-138 by Sec. 38, Ch. 334, L. 1977; R.C.M. 1947, 23-47-138; amd. Sec. 223,
Ch. 571, L. 1979.

Cross-References

Election of Supreme Court Justices, 3-2-101,
3-2-102.

Election of District Court Judges, 3-5-201,
3-5-202.

Election of Justice of the Peace, 3-10-201.
Violation as misdemeanor, 13-35-103.

13-35-232. Repealed. Sec. 407, Ch. 571, L. 1979.
History: Ea. 23-47-139 by Sec. 39, Ch. 334, L. 1977; R.C.M. 1947, 23-47-139.

**13-35-233. Solicitation of votes on election day. (1) It is unlawful
for a person or a political committee to place an advertisement supporting or
opposing a candidate or a ballot issue for use on election day. Failure to
remove billboard, yard signs, or posters on election day is not considered a
violation.**

(2) A person convicted of solicitation of votes on election day is guilty of
a misdemeanor and shall be imprisoned in the county jail for a term not to
exceed 6 months or be fined not to exceed \$1,000, or both.

History: Ea. Sec. 1, Ch. 539, L. 1979.

**13-35-234. Political criminal libel — misrepresenting voting
records. (1) It is unlawful for any person to make or publish any false state-
ment or charge reflecting on any candidate's character or morality or to
knowingly misrepresent the voting record or position on public issues of any
candidate. A person making such a statement or representation with knowl-
edge of its falsity or with a reckless disregard as to whether it is true or not
is guilty of a misdemeanor.**

(2) In addition to the misdemeanor penalty of subsection (1), a successful
candidate who is adjudicated guilty of violating this section may be removed
from office as provided in 13-35-106 and 13-35-107.

History: Ea. Sec. 2, Ch. 539, L. 1979; amd. Sec. 1, Ch. 545, L. 1983.

Cross-References

When owner of radio station not held respon-
sible for defamatory broadcast, 27-1-811.

Misdemeanor penalty, 46-18-212.

Part 3

Code of Fair Campaign Practices

**13-35-301. Adoption of code of fair campaign practices. The fol-
lowing code of fair campaign practices is adopted by Montana:**

"There are basic principles of decency, honesty, and fair play that every
candidate for public office in the United States has a moral obligation to
observe and uphold, in order that, after vigorously contested but fairly con-
ducted campaigns, our citizens may exercise their constitutional right to a
free and untrammled choice and the will of the people may be fully and
clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on my opposition or his personal or family life.

I will not use campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I have pledged not to use or condone."

History: En. Sec. 1, Ch. 475, L. 1979.

13-35-302. Candidates to be given opportunity to subscribe to campaign practices code — publicity. (1) The commissioner of campaign practices shall prepare a form which contains the code of fair campaign practices provided for in 13-35-301 and a place for a candidate to sign the form and to indicate that the candidate endorses, subscribes to, and pledges to abide by the code.

(2) Each candidate required to file statements or reports with the commissioner shall be sent a copy of this form. Signing the form is voluntary, and a failure or refusal to sign is not a violation of the election laws. A form shall be sent for each election as soon as feasible. The signed form shall be returned to the commissioner.

(3) The commissioner shall supply the secretary of state, the county registrars, and the city and town clerks with forms. Any candidate not required to file with the commissioner but wishing to subscribe to the code may obtain the form from the commissioner, the secretary of state, a county registrar, or a city or town clerk and may sign the form and deliver it to the commissioner.

History: En. Sec. 2, Ch. 475, L. 1979.

CHAPTER 38

CONTESTS

Part 1 — General Provisions

- 13-36-101. Grounds for contest of nomination or election to public office.
 13-36-102. Time for commencing contest.
 13-36-103. Court having jurisdiction of proceedings.

13-36-104. Nomination c

- 13-36-201. Contents of c
 13-36-202. Reception of
 13-36-203. Form of comp
 13-36-204. Bond required
 13-36-205. Recovery of c
 13-36-206. Notice of filin
 13-36-207. Hearing of cor
 13-36-208. Advancement
 13-36-209. Forfeiture of r
 13-36-210. Punishment
 13-36-211. When nomina
 13-36-212. Declaration of

Chapter Cross-Reference
 Salaries withheld durin
 2-18-202.
 Role and duties of C
 Recorder, 7-4-2811.
 Challenges to local gove
 nments, 7-7-105.
 Definitions applicable
 13-1-101.

13-36-101. Grounds for contest of nomination or election to public office. An election or election to public office shall be contested for any of the following reasons:
 (1) on the ground that the candidate is ineligible for the office by provision of the law relating to the office;
 (2) whenever the person elected is ineligible for the election, eligible to be elected, or qualified to hold the office;
 (3) on account of illegal practices or fraud in the election.

History: En. Sec. 45, Iak. R.C.M. 1935; Sec. 94-1464, R.C.M. 59, Ch. 345, L. 1977; R.C.M.

Cross-References
 Definition of "elector" and
 13-1-101.

13-36-102. Time for commencing contest. A candidate who has been certified for nomination to any public office may contest the nomination of another person whose nomination he intends to contest. The contestant shall

League of Women Voters of Wyoming

FAIR CAMPAIGN PRACTICES STATEMENT

Every candidate for public office in the State of Wyoming has a moral obligation to observe and uphold principles of decency, honesty and fair play, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) CANDIDATES shall conduct their campaigns honestly, discussing the issues, as they see them, without misstatement, presenting their record and policies with sincerity and frankness, and may criticize the record and positions of their opponents or their political parties. Candidates or their campaigns shall refrain from knowing misrepresentation of an opponent's actions, positions or record for political advantage.

(2) CANDIDATES shall refrain from the use of character defamation, whispering campaigns, libel, slander, or baseless attacks on any candidate or his or her personal or family life.

(3) CANDIDATES shall not use or permit any appeal to negative prejudice based on race, sex, religion, national origin, physical health status or age.

(4) CANDIDATES shall refrain from corrupting or undermining our American system of free elections, or that which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) CANDIDATES shall not coerce election help or campaign contributions for themselves or for any other candidate from their own or public employees.

(6) CANDIDATES shall immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of their candidacy or in opposition to that of their opponents, to the methods and tactics which violate this statement. CANDIDATES shall accept responsibility for any subordinate who violates any provision of this statement or the laws governing elections.

JSG - 02/18/80

Joseph S. Golden, President
O. Box 2882
Cheney, WY 82003

NCSL Report

STATE LEGISLATIVE EFFORTS TO REGULATE NEGATIVE CAMPAIGN ADVERTISING

OVERVIEW. Negative campaign advertising attracted unprecedented attention in 1988 as President Bush's successful campaign ads attacked the credibility of opponent Michael Dukakis. Local and state politicians continued to stage controversial campaigns in 1989, spending millions of dollars on negative ads in races for governors' seats in Virginia and New Jersey and mayors' offices in New York and Cleveland. While negative campaign advertising is not a new phenomenon, the way political consultants assess negative ads has changed. Many candidates--previously cautioned that nasty ads could result in backlash votes against them--are now counseled that negative ads command more viewer attention and switch more votes than positive ads.

And while the true merits of negative campaign advertising are arguable, there is an inarguable political reality now faced by candidates for public office: negative ads are a fact of political life. Despite complaints from some voters and legislators that "attack" ads demean the electoral process and deter voters from participating, legal scholars warn that the constitutional issues raised when regulating the free speech of candidates are difficult, if not impossible, to overcome. Even so, state legislative efforts to regulate negative campaign ads continue.

SURVEY RESULTS. The following summary and table show the results of a 50-state telephone survey conducted by the National Conference of State Legislatures in December 1989. The individuals contacted in each state were those working in state departments, agencies or commissions charged with enforcing election and campaign laws. Contacts were asked the following with regard to their states: (1) is there a fair campaign practices code, voluntary or mandatory, that applies to candidates for state office?; (2) does this code provide sanctions for violations?; (3) are there other statutory provisions that affect negative ads (other than disclaimer or disclosure provisions)?; (4) have there been any court challenges to these provisions?; and (5) have there been any legislative proposals to regulate negative campaign ads since 1985 (responses to this question are not necessarily exhaustive). Names and telephone numbers of contacts providing information are listed on the table.

Fair Campaign Practices Codes: Seven state legislatures have endorsed or adopted a fair campaign practices code (CA, IL, MT, NY, WA, WV, WY). These codes are generally signed by candidates on a voluntary basis. Code provisions typically include a clause similar to that found in Washington's code, vowing to "not participate" in "personal vilification, defamation, and other attacks on any opposing candidate or party" (WAC Sec. 390-32). The Connecticut General Assembly enacted a voluntary code in 1974, but repealed the code in 1978.

Laws Prohibiting False Campaign Statements: Laws in twenty-one states (AK, CA, CO, FL, IN, LA, MA, MI, MN, MS, MT, NV, NC, ND, OH, OR, TN, UT, WA, WV, WI) prohibit false campaign statements. In Michigan and Nevada, these prohibitions apply specifically to false incumbency designations; in California, misrepresentation of party support is the type of false statement prohibited. Seven state prohibitions (in AK, CO, IN, MN, ND, OR, TN) apply only to *written* false statements. Most states punish violations as misdemeanors. Nebraska's campaign falsity statute, enacted in 1978, was repealed in 1986.

Court Challenges: Key provisions of New York's Fair Campaign Code were struck down as unconstitutionally overbroad in *Vanasco v. Schwartz*, 401 F. Supp. 87, aff'd 423 U.S. 1041 (1975). The *Vanasco* ruling, which has become the leading opinion on campaign falsity statutes, held that any state regulation of campaign speech must be premised on the "actual malice" standard applicable to public figures according to *New York Times Co. v. Sullivan*, 376 U.S. 251 (1964). Similarly, Nebraska's campaign falsity statute (NRS Sec. 49-14,132) was ruled "constitutionally invalid as overbroad" by the Nebraska Supreme Court and was repealed in 1986. See, *Fowler v. Nebraska Accountability Commission*, 330 N.W.2d 136 (1983). Ohio's current prohibition against false statements was ruled unconstitutional by a federal district court in 1987 (*Pestrak v. Ohio Elections Commission*, 670 F.Supp. 1368 (1987)); that ruling is now on appeal. A successful 1989 challenge to the constitutionality of Louisiana's false statement prohibition is also on appeal. See *State v. Burgess*, 543 S.2d 1332 (1989).

Legislative Proposals Since 1985. While some survey contacts report increasing, bipartisan legislative interest in regulating negative campaign ads, others say such efforts in their states would be met with solid opposition. States where recent legislative proposals in this area have received bipartisan support include Alaska, Connecticut, Florida, Iowa, Maine, Minnesota, New Jersey, New York and Pennsylvania. 1990 proposals in Florida and New Jersey would require that a candidate's own voice and/or photograph be used in campaign ads that make reference to an opposing candidate.

7-LS0630D ✓
Casey
2/3/92

CS FOR HOUSE BILL NO. 183 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FINKELSTEIN, Ellis, Parnell, Kubina, Carney, Koponen, Gruenberg, Bruckman, Ulmer, Brown, Donley, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Fair Campaign Practices Code."

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

3 * Section 1. AS 15.20 is amended by adding new sections to read:

4 ARTICLE 6. FAIR CAMPAIGN PRACTICES CODE.

5 Sec. 15.20.810. SUBSCRIPTION TO FAIR CAMPAIGN PRACTICES CODE. (a) The
6 director shall prepare a form that contains the Fair Campaign Practices Code established under
7 AS 15.20.820 with a place for a candidate to sign the form and to indicate that the candidate en-
8 dors, subscribes to, and pledges to abide by the code.

9 (b) The director shall provide a copy of the Fair Campaign Practices Code to each
10 candidate who files a declaration of candidacy or nominating petition with the director. A
11 candidate who agrees to comply with the Fair Campaign Practices Code shall sign the form and
12 return the signed copy to the director at the time the candidate files a declaration of candidacy
13 or nominating petition. A candidate who does not sign the Fair Campaign Practices Code does
14 not violate a provision of this chapter.

1 Sec. 15.20.820. FAIR CAMPAIGN PRACTICES CODE. The Fair Campaign Practices
2 Code is:

3 There are basic principles of decency, honesty, and fair play that every candidate for
4 public office in the state has a moral obligation to observe and uphold in order that, after
5 vigorously contested but fairly conducted campaigns, our citizens may exercise their
6 constitutional right to a free and untrammled choice and the will of the people may be clearly
7 expressed on the issues before the state. Therefore,

8 I will conduct my campaign without the use of personal vilification, character defamation,
9 whispering campaigns, libel, slander, or false communications about my opponent or the
10 personal or family life of my opponent.

11 I will not use campaign material of any sort that misrepresents, distorts, or otherwise
12 falsifies the facts nor will I use malicious or unfounded accusations that aim at creating
13 or exploiting doubts, without justification, as to the loyalty and patriotism of my
14 opponent.

15 I will not make any appeal to prejudice based on race, religion, color, national origin, age,
16 sex, physical or mental disability, marital status, changes in marital status, pregnancy, or
17 parenthood.

18 I will not undertake or condone any dishonest or unethical practice that tends to corrupt
19 or undermine our American system of free elections or that hampers or prevents the free
20 and full expression of the will of the voters.

21 I will not attempt to air charges against my opponent through another individual or group
22 in an attempt to circumvent this code.

23 Insofar as is possible, I will immediately and publicly repudiate support deriving from any
24 individual or group that resorts, on behalf of my candidacy or in opposition to that of my
25 opponent, to the methods and tactics that I have pledged not to use or condone.

26 * Sec. 2. AS 15.58.030 is amended by adding a new subsection to read:

27 (h) The page that contains the candidate's photograph or statement must also prominently
28 reflect whether the candidate has agreed to the Fair Campaign Practices Code under
29 AS 15.20.810 - 15.20.820.



Official Business

Alaska State Legislature

House

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

MEMORANDUM

To: Representative Gene Kubina, Chair
House State Affairs Committee

From: Representative David Finkelstein 

Date: March 18, 1991

Re: HB 183; "An Act Relating to the Fair Campaign Practices Code."

I would like to request that HB 183 be scheduled in your committee.

HB 183 would establish a Fair Campaign Practices Code that all political candidates would be asked to voluntarily sign when they register to run for office. The official election pamphlet would reflect whether or not candidates signed the code.

Although the bill contains no penalties for not signing or violating the code, limited experience in other states indicates it may reduce dishonest negative campaigning. In Montana, similar legislation has apparently resulted in a significant reduction in "dirty" campaigning.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 183

Revision Date: 3/8/91 Department Affected: Office of the Governor-Elections
 Title: Fair Campaign Practices Code BRU: Division of Elections
 Component: II - Primary & General Elections
 Sponsor: Representative Findelstein
 Requestor: State Affairs COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						
---------	--	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Elizabeth Ziegler, Deputy Director Phone: 465-4611
 Division: Elections Date: 3/8/91
 Approved by Commissioner: *Charles E. Stikather*
 Agency: Division of Elections Date: 3/8/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska State Legislature

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WHILE IN SESSION
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CHAIR
LABOR AND COMMERCE COMMITTEE
HOUSE ETHICS COMMITTEE

RESOURCES COMMITTEE
MILITARY AND VETERANS AFFAIRS
BUDGET SUBCOMMITTEE

Representative David Finkelstein

TO: House State Affairs Committee

FROM: Rep. David Finkelstein

DATE: January 24, 1992

SUBJECT: HB 183, relating to the Fair Campaign Practices Code.

HB 183 establishes a Fair Campaign Practices Code that all political candidates are asked to voluntarily sign when they register for office. The official election pamphlet will state whether or not candidates have signed the code.

The purpose of HB 183 is to set a higher standard of conduct for candidates and help clean up political campaigns in Alaska. Although the bill contains no penalties for failing to sign or violating the code, when candidates sign the code they will be publicly committing themselves to conduct honest campaigns. Experience in other states indicates a Fair Campaign Practices Code may help reduce dishonest negative campaigning.

DISTRICT THIRTEEN

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FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 183

Revision Date: _____
Title: Fair Campaign Practices Code
Sponsor: Representative Finklestein
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: 11-Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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 FUND SOURCE:	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 FUND SOURCE:	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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Elizabeth Ziegler, Deputy Director
Division: Elections

Phone: 465-4611
Date: 01/16/92

Approved by Commissioner: Mark L. Finkbeiner
Agency: Office of the Governor

Date: 01/16/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/14/92

The STATE AFFAIRS Committee considered:

HB 183

HOUSE BILL NO. 183

FAIR CAMPAIGN PRACTICES CODE

"An Act relating to the Fair Campaign Practices Code."

RECOMMENDATIONS:

be replaced with CSHB183 (STA) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note DIV of ELECTIONS

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ernest A. Kubisa</i>	<input checked="" type="checkbox"/>				
<i>Mr. Greenberg</i>	<input checked="" type="checkbox"/>				
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Jim Butler</i>	<input checked="" type="checkbox"/>				
<i>St. Green</i>	<input checked="" type="checkbox"/>				

Ernest A. Kubisa
CHAIRMAN'S SIGNATURE

H B

1 8 8

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 15, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-5-91

The STATE AFFAIRS Committee considered:

HB 188

HOUSE BILL NO. 188

CITATIONS/MEDALS FOR PERSIAN GULF VETS

"An Act relating to the issuance of citations and medals to members of the armed forces serving in the conflict with Iraq."

RECOMMENDATIONS:

be replaced with CS HB 188 (STA) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact Military & Vets Affairs

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Gene Kubina</i>					
<i>Tommy</i>	<input checked="" type="checkbox"/>				
<i>David</i>					
<i>E. Smith</i>	<input type="checkbox"/>				
<i>Jim</i>	<input type="checkbox"/>				
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Mr. [unclear]</i>	<input type="checkbox"/>				

Gene Kubina
CHAIRMAN'S SIGNATURE

Alaskan falls in battle

Soldotna man, father-to-be, killed in action

By TOM KIZZIA
and JAY BLUCHER
Daily News reporters

Army sergeant David Quentin Douthit, a 24-year-old father-to-be and graduate of Soldotna High School, has been reported killed in action against Iraqi troops. He is the only Alaskan known to have been killed in the war to liberate Kuwait.

Douthit died Wednesday, the day the cease-fire was announced, according to his family. He was crew chief on an M2 Bradley, a tracked armored personnel carrier, was based at Fort Lewis, Wash., and assigned to the 134th Armored Detachment. Few other details of his death were available Saturday.

U.N., Iraqi military leaders meet

INSIDE

More full stories appear on Pages A-15, A-16, F-1 and F-2.

VICTORY: Road showed the United States as a superpower in its best F-1

Daily News and Times

ALLIED OCCUPIED SOUTHERN IRAQ - Allied and Iraqi commanders met at a heavily guarded desert site near the Kuwaiti border today for the first talks to forge a permanent truce in the Persian Gulf War.

Inside a large tent, U.S. Gen. H. Norman Schwarzkopf and Saudi Lt. Gen. Khalid bin Sultan, commander of the Arab forces, sat across a table from two Iraqi military officers, who were not immediately identified.

As reporters were allowed inside before the talks began,

Please see Page A-14, GULF

Family members in Soldotna received official notice Friday afternoon from two full-dress military officers, who said Douthit was killed in the line of duty

while engaging the Iraqi enemy" and was pronounced dead on arrival at the nearest medical facility. The family was told more details would be available later.

The Pentagon had not yet officially listed Douthit among service members

Please see Back Page ALASKAN



Sgt. David Douthit (a corporal when this photo was taken)

Sgt. Douthit

ALASKAN: Soldotna man killed in action during Persian Gulf War

Continued from Page A-1

killed in action, but a spokeswoman noted a lag time of some 24 hours after notification of family members. On Saturday, the Pentagon had set the number of U.S. service members killed in action in Operation Desert Storm at 97, though the Pentagon had only listed 87 names so far. Non-combat deaths were set at 64.

"It just seems so unreal," Douthit's sister, Angela Holler of Soldotna, said Saturday. "There was only \$9 out of 400,000, and you just never think it will be ... someone you know."

Douthit's parents, Harvey and Nita Douthit of Soldotna, had celebrated last Wednesday night's cease-fire announcement with a baby shower for David's absent wife, Jessica, who is expecting the couple's first child April 1.

By Friday, the senior Douthits were on their way to the ferry terminal in Haines, planning to join Jessica at Fort Lewis in Tacoma, Wash., for the birth. The military contacted the Alaska State Troopers, who spot-

ted the Douthits Friday night on the Alaska Highway south of Tok and told them to call home.

Their daughter Angela delivered the news. She had received word Friday from two military officers, one of whom was a chaplain from Fort Richardson.

Trooper Jim Gellen drove the senior Douthits in their camper back to Anchorage, and they flew to Tacoma Saturday morning.

"They're pretty broke up," Holler said of her parents. "David is the baby of the family."

Jessica Douthit, 19, was examined at Madigan Army Medical Center near Fort Lewis Saturday, when she showed signs of premature labor, but was released later in the afternoon, according to the hospital.

Holler said the family had followed news of the war closely and believes Douthit was killed in the tank battle in southern Iraq that preceded the cease-fire. Pausing at Anchorage International Airport Saturday afternoon between connecting flights on her way to Tacoma, she recalled, the

6He didn't really want to go and leave his pregnant wife behind, but he said it was his job. He was in the Army.9

— Angela Holler, David's sister

family's relief at news of the cease-fire.

"We thought it was over, that David was safe ... and their baby," she said, choking back tears.

David had told his family he believed in the U.S. mission to the Middle East.

"He told me once that if they didn't stop Saddam Hussein, they'd just be doing it five years from now," Holler said. "He didn't really want to go and leave his pregnant wife behind, but he said it was his job. He was in the Army."

David Douthit was born in Ketchikan and moved to Soldotna when he was about 3, Holler said. He had four brothers and sisters, all older. Their father worked for Arco and is now retired. David was a downhill skier

and a 1982 state motocross champion, she said.

Douthit graduated from Soldotna High School in 1984, a member of the first class to proceed four years through the new school. After a year in mechanic's school in Denver, he enlisted in the Army.

He met Jessica when he was stationed in Bad Kreuznach, West Germany. Holler said her brother had a free time considered a military career and reenlisted. But with eight months left in his second tour, he had decided to leave the service.

"Now that he was starting a family, this was going to be it," she said.

"The military can be real hard on a family because you have to move so often."

She said her brother, a gifted mechanic, would

probably have moved back to Alaska.

Douthit had been stationed at Fort Lewis since September 1989. His best friend there, Sgt. Steve Brown, said Douthit was considered an excellent soldier and an expert gunner. He was also trained in chemical warfare decontamination techniques, a specialty that got him summoned to the Middle East ahead of others in his unit. But Douthit wasn't a career man, Brown said.

"He wanted to get out and work on cars," Brown said. "He always said he just wanted to go back to Alaska to fish and work on cars."

Holler said her brother had a freedom over here and make sure his baby would grow up in a free land." Jessica said the Tacoma News Tribune Saturday night. "He wanted to do what was right."

Douthit left Fort Lewis the day after Christmas. After reaching the Middle East, he was able to phone home several times.

"At first he seemed real

excited," Holler said. "He liked seeing the camels walking around loose. He always sounded really up."

His mother, Nita, was active in the Great Alaskan Hug letter-writing and family support effort, said Hug organizer Mary Keith. News of Douthit's death, coming a day after the cease-fire, was a blow to other network families, Keith said.

"We'd felt so good that all our kids had made it out," she said. "It seemed like we'd slid through."

The family has been told it will be seven to 10 days before Douthit's body reaches Fort Lewis. They planned to meet Saturday night to discuss burial and memorial plans after arrival in Tacoma.

before going on seas. The funeral may have to wait until after his child is born so that Jessica can travel, Holler said.

"I'm sure that we'll have something here, whatever happens," she said. "He had so many friends here."

□ Daily News reporter Paul D. contributed to this story.

the Persian Gulf.

Please see Page A-7, POWs

Family prepares to bury soldier

By TOM KIZZIA
Daily News reporter

SOLDOTNA — The remains of Sgt. David Douthit will be returned to Alaska and laid to rest in a picturesque Kaslof cemetery beside the grave of a buddy who shared some harrowing high school escapades and then joined the Army with him.

Burial will follow a funeral set for 3 p.m. Tuesday at the Soldotna High School auditorium, according to Douthit's family. Organizers scrambled Monday to find a space big enough to hold the crowd expected to honor Douthit, the only Alaskan known to have been killed in action in the war against Iraq.

City and borough flags in Soldotna were lowered to half-staff Monday. State law says only the governor has authority to order the state and U.S. flags lowered. Gov. Walter Hickel will probably issue a proclamation that flags be lowered Wednesday for Douthit and others who died in the war, press spokesman Harry Gamble said.

A memorial service for students has been

Please see Back Page, DOUTHIT

Joe Carr



P
H
D
W

Section A	NATIC
Section B	
Section C	
Section D	
Bombeck col	H
Bridge	H
Comics	G-4
Crossword	C
Doogan col	I
Helena	

Douthit funeral set

The funeral of Sgt. David Douthit of Soldotna, the only Alaskan known to have been killed in the war with Iraq, has been confirmed for 3 p.m. Tuesday at Soldotna High School.

The date had been tentative because doctors had not given Douthit's widow, Jessica, permission to fly. She is in her eighth month of pregnancy.

That permission was granted Friday, and she will travel with the rest of the family to Alaska this weekend, said Gary Hollier, a brother-in-law of Douthit.

The family has asked that instead of flowers, donations be made to two memorial funds for Jessica Douthit and the baby.

The Douthit Memorial Fund and Douthit Baby Fund can be reached through the National Bank of Alaska, Box 509, Soldotna, 99669.

Carpenter had tried everything else. The Anchorage musher had watered the dog let them rest. He had fed the dogs and let them He pleaded with the dogs. He walked out in front

Please see Back Page, ID17

commissioner hammering on

AN discrimination laws. In an interview : Alleman tried to clarify positions, saying he urged the state to stop "hammering on white people." "I'm not a human rights activist," he said. "What you might say is equal rights activists aren't doing what the Alaska Constitution and statutes say. They are all equal."

The Hickel administration was quick to disavow man's statements. "We wouldn't say comments of that nature any way, shape or said Deputy Press Secretary Eric Rehmann.

LL Gen Thomas W. Kelly, director of operations for the Joint Chiefs of Staff, said Monday that allied intelligence has spotted in southern Iraq both Soviet-made T-95 tanks, apparently in the hands of regular Iraqi army units, and T-72 tanks in the hands of Republican Guards.

"They're both apparently trying to exert an influence on the situation and we don't

know what they're going to do," Kelly said. "What you have on your hands returning to Iraq is a beaten army, and beaten armies can be politically dangerous."

Several Iraqi soldiers interviewed by the British Broadcasting Corp. on the highway leading to Basra through allied positions in southern Iraq confirmed that, for the first time since Saddam took sole control of his nation 12 years ago, his own army now harbors open resentment toward him.

Although Iran has remained officially neutral in the Gulf war, the Islamic Republic has long sought to dislodge Saddam, whose Baathist ideology of secularism and violence is a bane to Iran's fundamentalist religious leadership.

What is more, Saddam's inner ruling circle, which consists largely of Iraq's minority Sunni Islamic sect, has systematically sought to oppress and subjugate the nation's Shiite majority, the predominant community in neighboring Iran.

DOUHLIT: Soldier killed in gulf war to be buried next to old friend

Continued from Page A-1

scheduled for 9:10 a.m. Wednesday at Soldotna High School, where Douhlit graduated in 1984.

Douhlit's body is expected to reach Fort Lewis in Tacoma, Wash., by Friday, when a memorial service for him is planned, said Douhlit's brother-in-law, Gary HOLLIER. Douhlit's parents, brothers and sisters will return to Alaska with the body over the weekend, Hollier said.

Joining them for the funeral will be Douhlit's 18-year-old wife, Jessica, who is expecting the couple's first child in less than a month.

Douhlit's parents, Harvey and Nita Douhlit of Soldotna, have decided to bury their youngest child at Spruce Grove Memorial Park south of Soldotna next to the grave of Spencer Reeder, who raced and

partied with Douhlit through high school and then "walked the wall" in Berlin with him during their several years together, under the Army's buddy system.

Reeder died in 1988 when a small aluminum skiff swamped in the Kenai River canyon above Skilak Lake. Reeder was on leave from the Army at the time.

Hollier said Reeder's father had bought two burial plots when he had to bury his son and told the Douhlits he would be proud to have David buried next to Spencer.

Douhlit and Reeder were part of a tight-knit group of five friends who drove fast cars and survived close calls through high school. Though luck rode with them in their high school years, only two are alive today; a third friend committed suicide last spring.

Dwayne Self, one of the remaining friends, recalled Monday how his buddy, Dave "honed his skills" as a teen-ager by snowboarding over cliffs, "test-driving"

sports cars off used-car lots in Anchorage, and racing side-by-side in pickups through the middle of Soldotna at 3 a.m.

A state motocross champ one year, Douhlit had his share of narrow misses. Once, Self said, Douhlit went into a spin while passing on the highway outside Kenai at 70 mph. He had the presence of mind to keep his Plymouth Charger going straight backward off the embankment so that it flipped end-over-end instead of rolling dangerously sideways, Self said. Douhlit and his passenger walked away from the wreck.

"We were bulletproof at 16, guaranteed," said Self. "We were the best at what we did."

Douhlit grew up in his parents' Jakefront log home in Soldotna. As a teen-ager he had an outlying cabin of his own, its walls papered over with rock and swimsuit posters, where he and his friends listened to music — his favorite song was the Eagles'

IDITAROD: Musher who took a tow to get his dogs going ruled out of the race

Continued from Page A-1

tried to lead the team himself.

"I had balls and tangies," Carpenter said. "The dogs started growling at each other and getting argumentative — and this is a team that's always happy and never fights."

Or, so it had been. After the leadership in the team broke down, it became a rabble.

Carpenter was left to lament a lead dog injured three weeks before, a lead dog left home.

"When you say go to him, he gets up and goes whether he wants to or not," Carpenter said.

This team needed that kind of leadership.

In the shade of the tall cottonwoods and spruce-birch forest on the west bank of the river, it was

hard to get the team moving — even with Moore's help. Both he and Lee felt the pangs of empathy for Carpenter's plight. Any musher would. Few things ache more strongly of betrayal than a trusted dog team that quits for no obvious reason.

"Something happened out there that I can't explain," Carpenter said. "I guess I let them go out too fast."

Perhaps they hit the so-called wall that can bring human marathon runners to their knees. The dogs didn't even want to chase other teams.

"My expectations for the dog team probably got in the way of reality. I ended up expecting too much."

Lee, a 35-year-old Anchorage man who has been running dogs since the age 9, suggested Carpenter rest the team 24 hours. Lee had been through this before.

"There's a schedule that will bring them back," Lee said. "Two hours on, two hours off, if the musher can handle it."

The problem is the musher spends the two hours off making sure the dogs get plenty of food and water, and never sleeps.

Together with Moore, Lee managed to help Carpenter get his team to Yentna. By then it was as much a matter of propping up the musher as urging on the team.

Carpenter was disappointed; his bowed shoulders showed it.

This was his second Iditarod. The first had ended in McGrath, and he wanted to make Nome to prove to himself that he could do the 1,000-mile run. The prospect of letting down the people who had sponsored this expensive expedition weighed on him.

He hoped to travel with Lee and Moore at the tail end of the race. Lee, who'd spent the warmth of the day sleeping on his sled in the hot spring sun, had a happy and playful dog team that looked ready to make the march.

"I can almost guarantee I won't be the last guy to Nome," he said.

Moore's team did not look as strong, but their attitudes were good and so was his.

"We'll either make it or we won't," he said at Yentna. "I'm not going to push them."

The dogs rested in the snow in the sun. They roted and began yapping when he dug out the cook kit to fix dinner.

Carpenter left as Moore was making sure his dogs were all taken care of.

"I'm gonna go drink a few more glasses of water and

get some spaghetti," Carpenter said. "Maybe I'll take a little nap, too."

"Is there a place to sleep in Skwentna?" Moore asked.

Lee said mushers are always welcome to grab a space on the floor at Joe Della's cabin. Those words gave Carpenter something to look forward to.

"I've had a long hard day," he said.

It went only slightly better that night. In the cold, the dogs made their way up the Yentna and Skwentna rivers. By early Monday morning, they were at Della's cabin.

There Carpenter rested and waited for the news of his fate. Iditarod officials were huddling to decide if he should be disqualified.

Iditarod rules say mushers are allowed incidental, emergency help from other mushers but there is a prohibi-

tion on one team towing another.

Carpenter got the word from officials shortly after 10 a.m. A year of his life and a \$20,000 investment in equipment and dogs had gone for naught.

"They said it was an infraction of the rules, and they won't let me go on," he said. "I can't feel anything. I'm so totally dejected I'm almost ill."

"I'm in debt a few thousand dollars. I figured if I was going to do this, I'd do the best I could. It's a little more than disappointing. When I came in last night, I said I can take this dog team to Nome."

"It wouldn't have been easy. It wouldn't have been the race I expected, but I know I could have done it. I don't know what I'll do now. It's hard to put things in perspective."

RIGHTS COMMISSIONER: Hickel appointee says he's there to represent other side

Continued from Page A-1

Ether Wunniche.

Wunniche said she was surprised by Allemen's in-

Greater Juneau Area District Chairman.

Allemen's appointment was never announced publicly. Commission members

row," he said. "My recollection is of Japanese Zeros coming over the hills and the bombs falling ... and whenever I recall that I call

Tanner, I'm sorry."

It was during a preview of a workshop called Reducing Racism that Allemen made his comments about

she, too, had suffered. Allemen shot back, "Yeah, and I've suffered as a white male and as a landlord and as various other things. But

some before giving him the appointment two weeks ago.

Allemen said Tanner didn't go into any depth in the interview.

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 188

Revision Date: _____ Department Affected: Military & Veterans Affairs
 Title: Citations & Medals to Alaskan residents in Persian Gulf crisis. BRU: Veterans Affairs
 Component: Veterans Services

Sponsor: Rep. Foster

Requestor: House DMVA

COMPONENT SERIAL NO.

4	2	1	
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	67.3					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	67.3					

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

REVENUE	12.5					
---------	------	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	67.3					
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached page

Prepared By: Jeff Morrison Phone: 465-4600

Division: Administrative Support & Services Date: 13 March 91

Approved by Commissioner: MG Hugh L. Cox III by J Morrison

Agency: Military and Veterans Affairs Date: 13 March 91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE TO HB 188
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

The bill as drafted provides for the issuance of both medals and citations. There are three expenditure elements to the fiscal note: advertising and administration; medallion production costs, and citation production costs. In addition, the fiscal note is based on the assumption that surplus medallions will be sold at a profit to generate revenue to the state. If the legislature wishes to not allow the sale of surplus medallions, this fiscal note will need to be revised.

The fiscal note is based on a maximum number of 1500 potential recipients. The position paper for HB188 supports a statistical projection of about 1200 Alaskans serving in the Persian Gulf conflict. The use of 1500 as a working figure is intended to cover a possible margin of error in estimating.

EXPENDITURE INFORMATION

Advertising and Administration: 22.0

These expenses are for advertising in military publications and other publications to inform the potential recipients of the medals and citations of the need to apply for them, and the procedures to apply for them (\$20,000). The contest to design the medal will be contracted out to a veterans organization for \$2,000.

Medallion production costs: 37.8

Fiscal note assumes the production of 2000 each 2 ounce silver medallions (about 2" diameter). Die casting is \$1800. Unit costs of medallions includes: \$3.00 striking cost; \$3.00 packaging and shipping; and \$12.00 silver (2oz. @ \$6.00/oz).

Citation Production costs 7.5

Fiscal note is based on unit cost of \$5.00 for citation and presentation folder, for 1500 citations.

TOTAL EXPENSES 67.3

REVENUE INFORMATION 12.5

Revenue is based on selling an estimated 500 surplus medallions at a wholesale selling price of \$25.00. The retail value of a 2 oz. silver medallion would be about \$35.00. Selling the medallions wholesale would still generate a profit of about \$5.00 per unit, and would also reduce administrative time and effort that would be faced if the medallions were to be sold retail by state employees. Overproducing the medallions would also ensure that there were sufficient numbers of medallions if the number of medallions exceeded the estimated maximum figure needed of 1500.

POSITION PAPER

HB 188

Summary of Bill: This bill requires the Department of Military and Veterans Affairs to issue citations and medals to Alaskan residents who served in the Persian Gulf conflict.

Background: A statistical approach to estimating the number of Alaskans involved in the Persian Gulf conflict leads to a rough estimate of about 1200 Alaskan residents who would benefit from the provisions of this bill. The two methods used are as follows:

1. The 1990 census lists the population of the United States as 248,710,000, and Alaska as 550,000. The number of American men and women serving in the Persian Gulf, according to newspaper reports, totaled about 540,000. Assuming that the ratio of Alaskans in the Persian Gulf is the same as the percentage of Alaskans in the total U.S. population, there would be about 1194 Alaskans of the 550,000 service personnel in the Persian Gulf.

2. The Juneau Empire recently listed the names of 60 residents who were serving in the Persian Gulf. The 1990 census lists the Juneau population as 26,751, and the Alaska population as 550,000. Assuming that the ratio of Alaskans serving in the Persian Gulf is the same as the ratio of Juneau residents serving in the Persian Gulf, there would be 1233 Alaskans stationed in the Persian Gulf.

A medal issued by the State of Alaska is not permitted to be worn on the military uniforms of the United States armed forces. Unless further clarified through legislative intent or direction, the medal to be issued would be in the form of a medallion, rather than a military decoration or award.

Impact of Legislation on Department of Military and Veterans Affairs: DMVA would administer the bill. We would obtain the names of eligible residents through advertising and other public relations efforts. If SB152 becomes law (bonus for Persian Gulf veterans), we would work closely with the Department of Revenue to obtain names of eligible Alaskans. We would contract with a veterans organization to design the medal, which would be done on a competitive basis open only to Alaskan veterans. So far, the Disabled American Veterans has expressed an interest in performing the service of administering a contest to design the medal. An attached fiscal note details the fiscal impact of the proposed legislation.

Departmental Position: This is an appropriate way to recognize the efforts of the men and women who served in the Persian Gulf conflict, and we believe that the public would support such a gesture by the State of Alaska. The legislature may wish to consider making the provisions of the bill applicable to survivors of men or women killed in the Persian Gulf conflict.

A further suggestion we offer is to amend the bill (if deemed necessary) to make it possible to sell additional copies of the medallion to the public to generate revenue. It is likely that there would be sufficient demand to sell as many as 500 of the medallions to interested investors, perhaps more. This would enable the net cost to the state to be less.

Approved: _____

Hugh L. Cox III
for MG Hugh L. Cox III

Date: 3/13/91

Notes to press release:

FOSTER

Juneau, Rep. Richard Foster, D-Nome, today introduced legislation that would honor Alaskans who served in the war against Iraq by awarding them a state medal of honor and an official citation.

"This bill reflects our appreciation for the sacrifices and contributions our military personnel have made in the conflict with Iraq," said Foster, a two term Viet Nam veteran. "Alaska is home to over 70,000 veterans of previous military conflicts, the highest rate per capita for all America," Foster estimates "and there may be as many as 1500 service men and women from the Iraq conflict."

"It is my hope that the first medal and citation will be awarded to the family of Army Sgt. David Douthit of Soldotna," Foster stated. Sgt. Douthit is the only Alaska known to have been killed in the Iraq conflict.

HB 188, co sponsored by Rep. Ivan Martin Ivan, D-Bethel and Rep. Max Gruenberg, D-Spenard, instructs the Department of Military and Veterans Affairs to present a medal and citation to all Alaskan residents assigned to the conflict. The Disabled American Veterans Association has pledged support of this measure and indicates a willingness to assist in medal design competition. Following distribution, the Department will prepare a listing of all recipients for permanent recording in the State of Alaska Archives.

- Sponsor Statement -

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

April 5, 1991

SUBJECT: Residency requirement for artists in CSHB 188 () (W.O. 7LS0793)

TO: Representative Max Gruenberg
Attn: Mike

FROM: Theresa L. Bannister ^{TB}
Legislative Counsel

This memo accompanies the draft that you requested as CSHB 188 () relating to the issuance of medallions and citations to Persian Gulf veterans.

Please be aware that the restriction of the design competition to Alaska residents raises an issue under the privileges and immunities clause (sec. 2, art. IV, Constitution of the United States).

If a right to participate in the competition is considered to be a "fundamental right that involves basic and essential activities", the clause will apply and must be satisfied. Although the right does not seem very fundamental at first glance, one can argue that some artists earn their living by the money they receive from governmental art competitions. If considered the right to earn a living, the clause would apply.

If the clause applies, discrimination against nonresidents is prohibited unless the state has a substantial justification for the discrimination, and the means employed by the statute are closely related to the interests served by the statute. Robison v. Francis, 713 P.2d 259 (Alaska 1986). To overcome a challenge based on the clause, the state would have to show that nonresidents are "a peculiar source of the evil" which the state's action is meant to remedy, and that the state's purpose is something other than protecting residents from competition. Robison v. Francis, 713 P.2d 259 (Alaska 1986). It is unclear whether the arguments for having an Alaskan design an Alaska veteran's medallion would satisfy this criteria.

The state is given certain leeway in preferring its own residents in its own activities. In Robison v. Francis, 713 P.2d 259, 265 (Alaska 1986), the court indicated it could give little deference to the state, despite the fact that the state was acting as a

Representative Max Gruenberg

April 5, 1991

Page 2

"market participant" (owner), because all municipal and state construction projects were covered by the resident preference and because those projects amounted to 60 - 70% of all commercial construction in the state. In this case, however, the state could make a healthy argument that it is entitled to deference in this case, since the restricted activity is limited to a single event and to a relatively small amount of money.

In conclusion, although the limited competition raises a privileges and immunities clause issue, the outcome of the challenge is unclear.

If I may be of further assistance, please advise.

TLB:lmb
91-102.lmb

Enclosure



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 3, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 *HB 171 - Relating to Prohibit Sealing of Certain Court Records
 *HB 188 - Relating to Citations/Medals for Persian Gulf Vets
 *HJR 29 - Relating to Persian Gulf Conflict
 HCR 17 - Relating to Task Force on Governmental Roles

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
MARY ANERDACHS	AIA	PO Box 21211 Juneau 99802			572-3340	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 171
Larry LaRolle	Rep Foster	611 Court Bldg 99811			465-3789	<input type="radio"/> Y <input type="radio"/> N	HB 188
✓ Jeff Morrison	DMVA	PO Box 6 Juneau 99811			465-4600	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 188
✓ John Walsh	Foster				3789	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 188 ✓
Tom Dierp	Moye					<input checked="" type="radio"/> Y <input type="radio"/> N	HJR 29
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Kathy Kalkhart	Asian vehicle manufacturers	Box 34338 Seward Ak	99553	739-7557	739-0247	<input checked="" type="radio"/> N	HB 171
TONY YOST	Pharmaceutical Manufacturers	5251 DTC Parkway #1090 Englewood Co 80111	80111	(303) 799-6246	(303) 740-3554	<input checked="" type="radio"/> N	HB 171
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HB

1955

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 6, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/9/92

The STATE AFFAIRS Committee considered:

HB 195

HOUSE BILL NO. 195

CAMPAIGN FINANCE REFORM

"An Act relating to election campaigns, regulation of lobbying, conflicts of interest, and the Alaska Public Offices Commission; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB195 (STA) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dep't)

APPROVES PREVIOUS: (Dep't/Date)

fiscal impact ADMIN - APOC

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DN ^D	NR	AM
<i>Eugene G. Kubera</i>	<input checked="" type="checkbox"/>	<i>Mike Miller</i>			<input checked="" type="checkbox"/>
<i>W. G. Humberg</i>	<input checked="" type="checkbox"/>	<i>Joe Chasick</i>		<input checked="" type="checkbox"/>	
<i>Samuel Skelton</i>	<input checked="" type="checkbox"/>				
<i>John Brubaker</i>	<input checked="" type="checkbox"/>				
<i>Tom Meyer</i>	<input checked="" type="checkbox"/>				

Eugene G. Kubera
CHAIRMAN'S SIGNATURE

7-LS0178J

Casey

2/20/92

CS FOR HOUSE BILL NO. 195 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES FINKELSTEIN, Brown

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to election campaigns, regulation of lobbying, conflicts of interest, and
2 the Alaska Public Offices Commission; and providing for an effective date."

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

4 * Section 1. AS 15.13.040(a) is amended to read:

5 (a) Except for a candidate who accepts contributions totaling \$1,000 or less and
6 makes expenditures totaling \$1,000 or less in seeking election and indicates, on a form
7 prescribed by the commission, an intent not to raise or spend more than \$1,000, each
8 [EACH] candidate shall make a full report, upon a form prescribed by the commission, listing
9 the date and amount of each expenditure [ALL EXPENDITURES] made by the candidate, the
10 total amount of all contributions, including all funds contributed by the candidate, and for each
11 contribution [ALL CONTRIBUTIONS] in excess of \$250 [\$100] in the aggregate a year, the
12 name, address, principal occupation, and employer of the contributor and the date and amount
13 contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and
14 shall be certified as correct by the candidate or campaign treasurer.

1 * Sec. 2. AS 15.13.040(b) is amended to read: *new section*

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

4 (1) the name and address of each officer and director;

5 (2) the aggregate amount of all contributions made to it; and, for all contributions
6 in excess of \$250 [~~\$100~~] in the aggregate a year, the name, address, principal occupation, and
7 employer of the contributor, and the date and amount contributed by each contributor; and

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

10 * Sec. 3. AS 15.13.040 is amended by adding a new subsection to read:

11 (g) The report of expenditures required by (a) and (b)(3) of this section need not include
12 accrued expenditures to individual payees or accounts that cumulatively total \$1,000 or less per
13 payee or account. However, after 90 days an unreported accrued expenditure becomes a
14 contribution and shall be reported under this section and AS 15.13.110.

15 * Sec. 4. AS 15.13 is amended by adding a new section to read:

16 Sec. 15.13.041. DISBURSEMENT OF CAMPAIGN ACCOUNTS. (a) If a candidate
17 or a candidate's campaign committee has unexpended and unobligated funds after the date of the
18 election, or at the time the candidate ceases to be a candidate, those funds shall, within 60 days
19 after the election or the end of the candidacy or before the end of the calendar year, whichever
20 comes first, be

21 (1) used to retire bona fide loans supported by written documentation including
22 loans made to a campaign by the candidate or a member of the candidate's immediate family
23 provided that all other outstanding loans are paid first;

24 (2) used to pay for a victory or thank-you party;

25 (3) returned on a pro rata basis to those who have made contributions in excess
26 of \$250 [~~\$100~~] in the aggregate a year.

27 (4) donated to the general fund of the state or of a municipality;

28 (5) donated to one or more organizations that qualify as charitable organizations
29 under 26 U.S.C. 501(c)(3) provided that the charity is not one that is controlled by the candidate
30 or a member of the candidate's immediate family;

31 (6) transferred to a new campaign account controlled by the candidate, up to a

1 maximum of
2 (A) \$5,000 for a person who was most recently a candidate for the house
3 of representatives or for a municipal office;

4 (B) \$7,500 for a person who was most recently a candidate for the senate;

5 (C) \$10,000 for a person who was most recently a candidate for governor
6 or lieutenant governor; or

7 (7) transferred, by a candidate elected to the legislature, to that candidate's
8 legislative office account for expenditures qualifying as business expenses under 26 U.S.C. 162,
9 up to a maximum of

10 (A) \$5,000 for candidates elected to the house of representatives; and

11 (B) \$7,500 for candidates elected to the senate.

12 (b) If after an election or termination of candidacy, a candidate or a candidate's campaign
13 committee has nonmonetary assets in excess of a value of \$7,500 that were contributed to the
14 campaign or purchased with funds contributed to the campaign, the assets shall be disposed of
15 in the same manner as funds under (a)(1) - (5) of this section, at the time funds are transferred
16 under (a)(6) of this section or within 60 days after the election, whichever comes first. By the
17 date on which the candidate closes a campaign account under (c) of this section, the candidate
18 shall declare, on a form provided by the commission, each retained nonmonetary asset that has
19 a value in excess of \$500.

20 (c) A candidate shall close each campaign account within 60 days after the election at
21 which the candidate sought public office, or at the time the candidate transfers funds under (a)(6)
22 of this section to a new campaign account, whichever is earlier.

23 (d) In this section,

24 (1) "funds" means cash and other nontangible liquid assets readily converted to
25 cash, including savings accounts, checking accounts, certificates of deposit and stocks; and

26 (2) "nonmonetary assets" means tangible assets, including office equipment and
27 furniture.

28 • Sec. 5. AS 15.13 is amended by adding new sections to read:

29 Sec. 15.13.075. PROHIBITED CAMPAIGN ACTIVITIES BY LOBBYISTS ON
30 BEHALF OF CANDIDATES. (a) A candidate for governor, for lieutenant governor, or for the
31 legislature may not solicit, or knowingly allow, a lobbyist to engage in activities on behalf of the

1 candidate that are prohibited by AS 24.45.121(a)(9).

2 (b) A candidate may not seek to evade the purposes of this section by soliciting, or
3 knowingly permitting a business entity retained to lobby or an employee of a lobbyist to perform
4 fund raising services.

5 (c) In this section,

6 (1) "business entity retained to lobby" means a firm, corporation, or other business
7 entity that is retained for the primary purpose of influencing legislative or administrative action;

8 (2) "lobbyist" has the meaning given in AS 24.45.171, but does not include a
9 person described in AS 24.45.161(a) or a representational lobbyist as defined under regulations
10 of the commission.

11 Sec. 15.13.077. USE OF PUBLIC FUNDS PROHIBITED. The state, agencies of the
12 state, public corporations of the state, and the University of Alaska may not use public funds to
13 support or oppose the election of a candidate. A municipality may not use public funds of the
14 municipality to support or oppose the election of a candidate. [or a ballot proposition]

15 * Sec. 6. AS 15.13.090 is amended to read:

16 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertisements,
17 billboards, handbills, paid-for television and radio announcements, and other communications
18 intended to influence the election of a candidate or outcome of a ballot proposition or question
19 shall have their source [BE] clearly identified. The commission may adopt regulations to
20 implement this section [BY THE WORDS "PAID FOR BY" FOLLOWED BY THE NAME
21 AND ADDRESS OF THE CANDIDATE, GROUP OR INDIVIDUAL PAYING FOR THE
22 ADVERTISING. IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY THE
23 NAME OF THEIR CAMPAIGN CHAIRMAN].

24 * Sec. 7. AS 15.13 is amended by adding new sections to read:

25 Sec. 15.13.102. PROHIBITED USES OF CAMPAIGN FUNDS. A candidate or another
26 person on behalf of the candidate, including the candidate's campaign committee, may not

27 (1) use funds raised and designated as campaign funds for the personal benefit
28 of the candidate or another person, or for payment of attorney fees and other legal expenses
29 arising from civil, criminal, or administrative actions based on conduct not directly related to the
30 campaign or official duties;

31 (2) convert surplus campaign funds or interest earned on campaign funds to

1 personal income;

2 (3) borrow from campaign funds or loan them to another person or group;

3 (4) knowingly pay more than the fair market value for goods or services
4 purchased for the campaign;

5 (5) knowingly pay campaign funds to a member of the candidate's immediate
6 family for goods or services provided to the campaign unless the amounts paid do not exceed the
7 fair market value of the goods or services provided;

8 (6) use campaign funds to make a contribution to another candidate running for
9 office or to a committee supporting or opposing a candidate for office; or

10 (7) use campaign funds to pay fines or other monetary penalties or costs assessed
11 against a candidate by a court or other body, unless the fine, penalty, or cost is assessed as a
12 result of proscribed actions by a member or employee of a campaign committee or another
13 person acting on behalf of the candidate under circumstances where the candidate did not know
14 of those actions.

15 Sec. 15.13.104. TIME LIMITATIONS ON FUND RAISING FOR CANDIDATES. (a)
16 Except as provided in (d) of this section, a candidate for the legislature may not, either directly,
17 through a campaign committee, or by other means, solicit or accept a campaign contribution or
18 a promise or pledge to make a contribution except from June 1 through December 31 of the year
19 preceding the election and from June 1 of the year of the election through the date of the
20 election.

21 (b) Except as provided in (d) of this section, a candidate for governor or lieutenant
22 governor may not, either directly, through a campaign committee, or by other means, solicit or
23 accept a campaign contribution or a promise or pledge to make a contribution, except from June
24 1 of the year preceding the election through the date of the election.

25 (c) Except as provided in (d) of this section, a candidate for municipal office may not,
26 either directly or through a campaign committee, or by other means, solicit or accept a campaign
27 contribution or a promise or pledge to make a contribution except from a date one year before
28 the date of the election through the date of the election.

29 (d) A candidate in an election may solicit or accept campaign contributions, pledges, or
30 promises, either directly, through a campaign committee, or by other means from a date one day
31 after the election through December 31 of the year of the election, if liabilities exceed assets in

[Section on special elections deleted]

.5.

You Text Here (DELETED TEXT BRACKETED)

CSHB 195()

1 the candidate's campaign treasury.

2 (e) This section applies to all candidates, including those who are defeated in an election
3 and those who withdraw their candidacies or have their names removed from the ballot before
4 the date of the election.

5 (f) Transfers of surplus campaign funds to a new campaign account under
6 AS 15.13.041(a)(6) are not subject to this section.

7 * Sec. 8. AS 15.13.110(a) is amended to read:

8 (a) Each candidate and group shall make a full report in accordance with AS 15.13.040
9 for [DURING] the period ending three days before the due date of the report and beginning on
10 the last day covered by the most recent previous report. If the report is a first report, it shall
11 cover the period from the beginning of the campaign to the date [, OR, IF A FIRST
12 REPORT, ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BEFORE] three
13 days before the due date of the report. If the report is a report due February 15, it shall
14 cover the period beginning on the last day covered by the most recent previous report or
15 on the day that the campaign started, whichever is later, and ending on December 31 of the
16 prior year. The report shall be filed [AT THE FOLLOWING TIMES:]

17 (1) 30 days before the election; however, this report is not required if the deadline
18 for filing a nominating petition or declaration of candidacy is within 30 days of the election;

19 (2) one week before the election;

20 (3) 10 [TEN] days after the election; and

21 (4) February 15 [DECEMBER 31 OF EACH YEAR] for expenditures made and
22 contributions received that [WHICH] were not reported during the previous [THAT] year or
23 when no expenditures were made or contributions received during the previous year.

24 * Sec. 9. AS 15.13.110(b) is amended to read:

25 (b) Each contribution or expenditure that [WHICH] exceeds \$250 and that [WHICH]
26 is made within nine days [ONE WEEK] of the election shall be reported to the commission by
27 date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the
28 candidate or campaign treasurer.

29 * Sec. 10. AS 15.13.125 is amended to read:

30 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIRED
31 REPORTS]. A person who fails to file a properly completed and certified report within the time

1 required by AS 15.13.040(e), 15.13.080, 15.13.110(a)(1), (3), (4), or 15.13.110(d) is subject to
 2 a civil penalty of not more than \$10 a day for each day the delinquency continues as determined
 3 by the commission [SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT]. A
 4 person who fails to file a properly completed and certified report within the time required by
 5 AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50 a day for
 6 each day the delinquency continues as determined by the commission [SUBJECT TO RIGHT OF
 7 APPEAL TO THE SUPERIOR COURT. AN AFFIDAVIT STATING FACTS IN MITIGATION
 8 MAY BE SUBMITTED TO THE COMMISSION BY A PERSON AGAINST WHOM A CIVIL
 9 PENALTY IS ASSESSED. HOWEVER, THE IMPOSITION OF THE PENALTIES
 10 PRESCRIBED IN THIS SECTION OR IN AS 15.13.120 DOES NOT EXCUSE THAT PERSON
 11 FROM FILING REPORTS REQUIRED BY THIS CHAPTER].

12 * Sec. 11. AS 15.13.125 is amended by adding new subsections to read:

13 (b) A person who violates a provision of this chapter other than a provision for which
 14 a penalty is prescribed by (a) of this section is subject to a civil penalty of not more than \$20,000
 15 for each offense or twice the amount gained by the misconduct that resulted in a violation,
 16 whichever is greater, as determined by the commission. [together with the costs of
 17 the investigation and the adjudication]

18 (c) An affidavit stating facts in mitigation may be submitted to the commission by a
 19 person against whom a civil penalty is assessed.

20 (d) A determination of the commission under this section is subject to right of appeal to
 21 the superior court.

22 (e) The imposition of the penalties prescribed in this section or in AS 15.13.120 does not
 23 excuse the person from filing reports required by this chapter.

24 * Sec. 12. AS 15.25.030(b) is amended to read:

new section: conforming

25 (b) A person filing a declaration of candidacy under this section other than for a state
 26 legislative office shall simultaneously file with the director a statement of income sources and
 27 business interests that complies with the requirements of AS 39.50. A person filing a
 28 declaration of candidacy for state legislative office shall simultaneously file with the director
 29 a disclosure statement that complies with the requirements of AS 24.61.010.

30 * Sec. 13. AS 15.25.030(c) is amended to read:

new section: conforming

31 (c) An incumbent public official, other than a legislator, who has a current statement
 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices

1 Commission, or an incumbent legislator who has a current disclosure statement under
 2 AS 24.61.010 on file with the Alaska Public Offices Commission, is not required to file a
 3 statement of income sources and business interests or a disclosure statement with the
 4 declaration of candidacy under (b) of this section.

5 * Sec. 14. AS 15.25.180(b) is amended to read: *New section: conforming*

6 (b) A person filing a nominating petition under this section other than for a state
 7 legislative office shall also file with the director a statement of income sources and business
 8 interests that complies with the requirements of AS 39.50 within 30 days of filing the petition.
 9 A person filing a nominating petition for state legislative office shall file with the director
 10 a disclosure statement that complies with the requirements of AS 24.61.010 within 30 days
 11 of filing the petition.

12 * Sec. 15. AS 15.25.180(c) is amended to read: *New section: conforming*

13 (c) An incumbent public official, other than a legislator, who has a current statement
 14 of income sources and business interests under AS 39.50 on file with the Alaska Public Offices
 15 Commission, or an incumbent legislator who has a current disclosure statement under
 16 AS 24.61.010 on file with the Alaska Public Offices Commission, is not required to file a
 17 statement of income sources and business interests or a disclosure statement with the
 18 declaration of candidacy under (b) of this section.

19 * Sec. 16. AS 23.20.526(d)(8) is amended to read: *New section: conforming*

20 (8) in the employ of the state or a political subdivision of the state if the service
 21 is performed by an individual in the exercise of duties

22 (A) as a "public official" as defined in AS 39.50.200(a), [OR] any other
 23 electd official, the fiscal analyst of the legislative finance division, the legislative
 24 auditor of the legislative audit division, the executive director of the Legislative
 25 Affairs Agency, and the directors of the divisions within the Legislative Affairs
 26 Agency;

27 (B) as a member of the Alaska Army National Guard or Alaska Air
 28 National Guard or Alaska Naval Militia; or

29 (C) as an employee serving on only a temporary basis in case of fire,
 30 storm, snow, earthquake, flood, or similar emergency;

31 * Sec. 17. AS 24.45.031(b) is amended to read:

- 1 (b) The commission may
2 (1) hold hearings and conduct investigations into compliance with the provisions
3 of this chapter;
4 (2) in conjunction with (1) of this subsection, issue subpoenas, compel the
5 attendance and testimony of witnesses, administer oaths and affirmations, and require the
6 production of books, papers, records, documents, or other items material to the commission's
7 duties or powers under this chapter;
8 (3) prepare, publish, and make available to the public semi-annual [, PERIODIC,
9 BUT AT LEAST QUARTERLY AND ANNUALLY,] summaries of the statements and reports
10 received; these summaries shall list separately individual lobbyists and employers of lobbyists.

11 * Sec. 18. AS 24.45.041(e) is amended to read:

12 (e) Within 45 days after the convening of each regular session of the legislature, the
13 commission shall publish a directory of registered lobbyists, containing the information prescribed
14 in (b) of this section for each lobbyist [AND THE PHOTOGRAPH, IF ANY, FURNISHED BY
15 A LOBBYIST UNDER (c) OF THIS SECTION]. From time to time thereafter the commission
16 shall publish those supplements to the directory that in the commission's judgment may be
17 necessary. The directory shall be made available to public officials and to the public at the
18 following locations: a public place adjacent to the legislative chambers in the state capitol
19 building, [THE OFFICE OF THE LIEUTENANT GOVERNOR, THE LEGISLATIVE
20 REFERENCE LIBRARY OF] the Legislative Affairs Agency, and the commission's central
21 office.

22 * Sec. 19. AS 24.45.061(a) is repealed and reenacted to read:

23 (a) A person who employs, retains, or contracts for the services of a lobbyist shall sign
24 that portion of the lobbyist's registration statement verifying the person's employment of,
25 retention of, or contract for lobbying services with the lobbyist.

26 * Sec. 20. AS 24.45.061(b) is amended to read:

27 (b) A person who employs, retains, or who contracts for the services of one or more
28 lobbyists, whether independently or jointly with other persons, and who directly or indirectly
29 makes payments to influence legislative or administrative action shall file an annual [A
30 QUARTERLY] report containing

31 (1) the full name, complete business address, and telephone number of the person;

1 making the report;

2 (2) information sufficient to identify the nature and interests of the person making
3 the report;

4 (3) the total amount of payments made to influence legislative or administrative
5 action during the period, and the name and address of each person to whom these payments have
6 been made during the period by the maker of the report, together with the date and amount;

7 (4) the date and nature of any gift exceeding \$100 in value made to any public
8 official and the full name and official position of the recipient of each gift;

9 (5) a general description of the legislative or administrative action which the
10 person making the report has attempted to influence;

11 (6) the name of each lobbyist employed or retained by the person making the
12 report, together with the total amount paid to each lobbyist and the portion of that amount, if any,
13 that [WHICH] was paid for specific purposes, including salary, fees, and reimbursement for
14 expenses; and

15 (7) a notice of termination if the person filing a report has ceased employing or
16 retaining a lobbyist registered under this chapter and if this report constitutes the final report of
17 the lobbyist's activities on behalf of the maker of the report.

18 * Sec. 21. AS 24.45.081 is amended to read:

19 Sec. 24.45.081. REPORTING PERIODS. Lobbyist reports [REPORTS] required under
20 this chapter shall be filed during the calendar month following each calendar month during any
21 part of which the legislature was in session and during the month following each calendar quarter
22 when the legislature was not in session. However, if a lobbyist registered under this chapter has
23 declared that the lobbyist seeks only to influence administrative action and not legislative action,
24 the lobbyist need only file a report required under this chapter for each calendar quarter. The
25 period covered shall be the calendar month or the calendar quarter, as applicable, and shall in any
26 event cover the period from the date of the last report filed under this chapter to the date of the
27 end of the calendar month or quarter, as applicable, for which the report is being filed. The
28 period covered shall not include any months covered in previous reports filed by the same person.
29 When total amounts are required to be reported, totals shall be stated both for the period covered
30 by the statement and for the entire calendar year to date.

31 * Sec. 22. AS 24.45.081 is amended by adding a new subsection to read:

1 (b) Annual employer reports required under this chapter shall be filed within 30 days
2 after all lobbying activities on behalf of the employer in a calendar year are terminated or, if
3 lobbying activities on behalf of the employer do not terminate before the end of a calendar year,
4 on or before January 30 of the following year.

5 * Sec. 23. AS 24.45.121(a) is amended to read:

6 (a) A lobbyist may not

7 (1) engage in any activity as a lobbyist before registering under AS 24.45.041;

8 (2) do anything with the intent of placing a public official under personal
9 obligation to the lobbyist or to the lobbyist's employer;

10 (3) intentionally deceive or attempt to deceive any public official with regard to
11 any material fact pertinent to pending or proposed legislative or administrative action;

12 (4) cause or influence the introduction of a legislative measure for the purpose of
13 thereafter being employed to secure its defeat;

14 (5) cause a communication to be sent to a public official in the name of any
15 fictitious person or in the name of any real person, except with the consent of that person;

16 (6) accept or agree to accept any payment in any way contingent upon the defeat,
17 enactment or outcome of any proposed legislative or administrative action;

18 (7) serve as a member of a state board [,] or commission [,] if the lobbyist's
19 employer may receive direct economic benefit from a decision of that board or commission;

20 (8) use state property or resources in the conduct of the lobbyist's business;

21 (9) serve as a campaign manager or director, serve as a campaign treasurer
22 or deputy campaign treasurer on a finance or fund raising committee, host a fund raising

23 event, or otherwise engage actively in the fund raising activity of a campaign for governor,
24 lieutenant governor, or legislator if the lobbyist has registered during the calendar year; this

25 paragraph does not apply to a representational lobbyist as defined in the regulations of the
26 Alaska Public Offices Commission, and does not prohibit a lobbyist from making personal

27 contributions to or personally advocating on behalf of a candidate.

28 * Sec. 24. AS 24.45.141 is amended to read:

29 Sec. 24.45.141. CIVIL PENALTIES [PENALTY: LATE REGISTRATION, FILING OF
30 REQUIRED STATEMENTS OR REPORTS]. A person who fails to register or file the
31 properly completed and certified statement required under AS 24.45.041 within the time

1 required by this chapter is subject to a civil penalty of not more than \$50 a day for each
 2 day the delinquency continues as determined by the commission. A person who fails to
 3 register or to file a properly completed and certified report or statement, as applicable, other
 4 than the statement required under AS 24.45.041, within the time required by this chapter is
 5 subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as
 6 determined by the commission [SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR
 7 COURT. AN AFFIDAVIT STATING FACTS IN MITIGATION MAY BE SUBMITTED TO
 8 THE COMMISSION BY A PERSON AGAINST WHOM A CIVIL PENALTY IS ASSESSED.
 9 HOWEVER, THE IMPOSITION OF THE PENALTIES PRESCRIBED IN THIS SECTION OR
 10 IN AS 24.45.151 DOES NOT EXCUSE THE LOBBYIST OR EMPLOYER OF A LOBBYIST
 11 FROM FILING STATEMENTS OR REPORTS REQUIRED BY THIS CHAPTER].

12 * Sec. 25. AS 24.45.141 is amended by adding new subsections to read:

13 (b) A person who violates a provision of this chapter other than a provision for which
 14 a penalty is prescribed by (a) of this section is subject to a civil penalty of not more than \$20,000^[5,000]
 15 for each offense or twice the amount gained by the misconduct that resulted in a violation,
 16 whichever is greater, as determined by the commission. [together with the costs of the investigation and the adjudication.]

17 (c) An affidavit stating facts in mitigation may be submitted to the commission by a
 18 person against whom a civil penalty is assessed under this section.

19 (d) A determination of the commission under this section is subject to right of appeal to
 20 the superior court.

21 (e) The imposition of penalties prescribed in this section or in AS 24.45.151 does not
 22 excuse the person from filing reports required under this chapter.

23 * Sec. 26. AS 24 is amended by adding a new chapter to read:

24 CHAPTER 61. FINANCIAL DISCLOSURE. *New Chapter*

25 Sec. 24.61.010. FINANCIAL DISCLOSURE BY LEGISLATORS, LEGISLATIVE
 26 DIRECTORS, AND CANDIDATES FOR THE LEGISLATURE. (a) A legislator, a candidate
 27 for the legislature, and a legislative director shall file a disclosure statement, under oath and on
 28 penalty of perjury, with the Alaska Public Offices Commission giving the following information
 29 about the income received by them, their spouses, their dependent children, and their
 30 nondependent children who are living with them:

31 (1) the information that a public official is required to report under AS 39.50.030.

1 except that sources of income other than gifts of \$1,000 or less and loans of \$1,000 or less need
2 not be reported;

3 (2) as to income in excess of \$1,000 received as compensation for personal
4 services, the name and address of the source of the income, and a statement describing the nature
5 of the services performed; if the source of income is known or reasonably should be known to
6 have a substantial interest in legislative, administrative, or political action and the recipient of
7 the income is a legislator, a candidate for the legislature, or a legislative director, the amount of
8 income received from the source shall be disclosed;

9 (3) as to each loan or loan guarantee over \$1,000 from a source with a substantial
10 interest in legislative, administrative, or political action, the name and address of the person
11 making the loan or guarantee, the amount of the loan, the terms and conditions under which the
12 loan or guarantee was given, the amount outstanding at the time of filing, and whether or not a
13 written loan agreement exists;

14 (4) gifts with a value of \$100 or more.

15 (b) In this section, a person has a substantial interest in legislative, administrative, or
16 political action if the person is not the state or federal government or an agency of the state or
17 federal government and

18 (1) is not a natural person and will be directly and substantially affected
19 financially by a legislative, administrative, or political action;

20 (2) is a natural person and will be directly and substantially affected financially
21 by a legislative, administrative, or political action in a way that is greater than the effect on a
22 substantial class of persons to which the person belongs as a member of a profession, occupation,
23 industry, or region;

24 (3) has or seeks contracts in excess of \$10,000 annually for goods or services with
25 the legislature or with an agency of state government;

26 (4) is required to register under AS 24.45.041 and is described under
27 AS 24.45.171(8)(A), but is not a volunteer lobbyist described in AS 24.45.161(a)(i) or a
28 representational lobbyist as defined under regulations of the Alaska Public Offices Commission;
29 or

30 (5) represents, with or without compensation, a person or organization described
31 in (1) - (4) of this section.

1 Sec. 24.61.020. DEADLINES FOR FILING OF DISCLOSURE STATEMENTS. A
 2 legislator and a legislative director shall file an annual report with the Alaska Public Offices
 3 Commission, covering the previous calendar year, containing the disclosures required by
 4 AS 24.61.010, on or before April 15 of each year. A candidate for the legislature, including an
 5 incumbent legislator, shall file a report with the Alaska Public Offices Commission containing
 6 the disclosures required by AS 24.61.010 at the time required under AS 15.25.030 or 15.25.180,
 7 except that a candidate who has filed an annual report under this section is not required to file
 8 a second report for the same calendar year.

9 Sec. 24.61.030. ADMINISTRATION OF CHAPTER. The Alaska Public Offices
 10 Commission shall

- 11 (1) adopt regulations to implement and interpret the provisions of this chapter;
- 12 (2) prepare standardized forms on which the statements required by AS 24.61.010
- 13 shall be filed; and
- 14 (3) examine, investigate, and compare all reports and statements required under
- 15 AS 24.61.010.

16 Sec. 24.61.040. STATEMENTS AS PUBLIC RECORDS. A statement filed with the
 17 Alaska Public Offices Commission under AS 24.61.010 is a public record. A person is not
 18 required to comply with AS 24.61.010 to the extent that a court of competent jurisdiction of the
 19 state determines that legally privileged professional relationships or constitutional privacy
 20 considerations would be violated by compliance.

21 Sec. 24.61.050. CIVIL PENALTY. (a) A legislator, a candidate for the legislature, or
 22 a legislative director who fails to file a properly completed report under AS 24.61.010 is subject
 23 to a civil penalty of not more than \$10 a day for each day the delinquency continues as the
 24 Alaska Public Offices Commission determines.

25 (b) In addition to other penalties prescribed in this chapter, a person who violates a
 26 provision of this chapter other than a provision for which a penalty is provided in (a) of this
 27 section is subject to a civil penalty of not more than \$20,000 for each offense or twice the
 28 amount gained by the misconduct that resulted in a violation, whichever is greater, as determined
 29 by the commission.

30 (c) An affidavit stating facts in mitigation may be submitted to the commission by a
 31 person against whom a civil penalty is assessed under this section.

1 (d) A determination of the commission under this section is subject to right of appeal to
2 the superior court.

3 (e) The imposition of penalties prescribed in this section or elsewhere in this chapter does
4 not excuse the person from filing reports required under this chapter.

5 Sec. 24.61.060. REMOVAL FROM BALLOT. If the Alaska Public Offices Commission
6 finds that a candidate for the legislature, including an incumbent legislator, has failed to file a
7 report under AS 24.61.010 by a deadline established in AS 24.61.020, or has filed a report that
8 is substantially incomplete or misleading, it shall notify the lieutenant governor. The lieutenant
9 governor shall return the candidate's filing fee, shall remove the candidate's name from the filing
10 records, and may not place the candidate's name on the ballot.

11 Sec. 24.61.100. DEFINITION. In this chapter, "legislative director" means the director
12 of the legislative finance division, the legislative auditor, the director of the legislative research
13 agency, the ombudsman, the executive director of the Legislative Affairs Agency, and the
14 directors of the divisions within the Legislative Affairs Agency.

15 * Sec. 27. AS 39.50.030(a) is amended to read:

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

21 * Sec. 28. AS 39.50.030(b) is amended to read:

22 (b) Each statement filed by a public official or candidate under this chapter shall include
23 the following:

24 (1) the source of all income over \$1,000 [S100] during the preceding calendar
25 year, including taxable and nontaxable capital gains, received by the person, the person's spouse
26 or dependent child, or a nondependent child of the person who is living with that person, except
27 that a source of income that is a gift shall be included if the value of the gift exceeds \$100;

28 (2) the identity, by name and address, of each business in which the person, the
29 person's spouse or dependent child, or a nondependent child of the person who is living with that
30 person was a stockholder, owner, officer, director, partner, proprietor, or employee during the
31 preceding calendar year.