

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8618 HOUSE JUDICIARY

**HB**

**365**

REPRESENTATIVE CON BUNDE  
CO-CHAIR HEALTH, EDUCATION  
& SOCIAL SERVICES  
VICE-CHAIR RULES

Alaska State Legislature  
House of Representatives

*DURING SESSION:*  
STATE CAPITOL, ROOM 108  
JUNEAU, ALASKA 99801-1182  
1 (907) 465-4843

*DURING INTERIM:*  
716 WEST 4th AVENUE  
ANCHORAGE, ALASKA 99501-2133  
1 (907) 258-8168

**SPONSOR STATEMENT**  
**HB 365**

**“An Act relating to the offense of possession of tobacco  
by a minor.”**

The problem of youth in possession of tobacco is pervasive in Alaska and throughout the United States. In 1992, the problem was addressed on a federal level by the passage of the Synar Amendment. This amendment requires states to conduct random, unannounced inspections of locations which sell tobacco and to show a reduction in illegal sales. States which do not conduct the inspections and reduce rates of illegal sales will lose some portion of their federal substance abuse block grants.

In order to reduce rates of nicotine addiction in youth and to ensure compliance with the Synar Amendment, members of the Alaska Tobacco Control Alliance (ATCA) have been seeking to undertake “compliance checks” to determine which merchants are selling tobacco to children. Compliance checks that involve having undercover youth attempt to buy tobacco, are equivalent to the “random unannounced inspections” specified by the Synar Amendment. However, because state law prohibits the possession of tobacco by youth, the youth who participate in compliance checks could conceivably be charged with breaking the law, and the adults who work with them could be charged with contributing to the delinquency of a minor.

HB 365 was introduced to ensure our state’s ability to conduct compliance checks consistent with the mandate of the Synar Amendment. This legislation adds a section to existing statute that will allow youth to work in tandem with law enforcement agencies to complete compliance checks relating to the sale of tobacco to youth.

If there are no compliance checks, there is no way to know which stores are selling tobacco to children. If police don’t know who is selling, they obviously cannot enforce the law. Youth will continue to purchase tobacco and become addicted to nicotine, and we will continue to see high rates of tobacco related death and disease in Alaska. In addition, many other substance abuse prevention and treatment efforts will suffer if federal substance abuse block grants are reduced.

I urge your positive support of this legislation. This legislation will eliminate current obstacles to carrying out compliance checks and will reduce illegal sales of tobacco.

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: HB 365**

Revision Date: January 9, 1996  
 Title: Revisions to Minor in Possession of Tobacco  
Statute  
 Sponsor: Representative Bunde  
 Requestor: H. State Affairs

Dept. Affected: Public Safety  
 BRU: Alaska State Troopers  
 Component: Detachments

**COMPONENT SERIAL NO. \_\_\_\_\_**

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

This bill does not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden  
 Division: Alaska State Troopers  
 Approved by Commissioner: *Ronald L. Otte*  
 Agency: Ronald L. Otte, Department of Public Safety

Phone: 465-5505  
 Date: January 9, 1996  
 Date: 2/24/96

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# STATE OF ALASKA

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE

TONY KNOWLES, GOVERNOR

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January 22, 1996

The Honorable Con Bunde  
Alaska State House of Representatives  
State Capitol, Room 108  
Juneau, AK 99801-1182

Dear Representative Bunde:

The Advisory Board on Alcoholism and Drug Abuse, Legislative Committee met in Juneau on January 17, 1996, to review legislation that will be considered during this session. As part of that review, House Bill No. 365 was reviewed and the Committee supports this initiative. We understand the preventative value of this carefully considered measure. We recognize that tobacco is the "gateway drug" for Alaska's young people and that measures which reduce access will result in delaying the age of first use. This directly supports one of the strategies in the State Strategic Plan for alcoholism and drug abuse, "Meeting the Challenge."

Please let us know if there is anything that we can do to support passage of this Bill. Our staff is available for your help in forwarding this as well as other initiatives that will result in reducing the devastating effect that alcohol and other drug abuse is having on our state.

Sincerely,



Valerie Therrien, Chair  
Legislative Committee

# **THE OHIO COMPLIANCE CHECK PROGRAM**

**An Instructional Manual**

**Tobacco Risk Reduction Program  
Bureau of Chronic Diseases  
Division of Preventive Medicine  
Ohio Department of Health**

**March 1995**

## PREFACE

This manual was produced by the Tobacco Risk Reduction Program of the Bureau of Chronic Diseases, Ohio Department of Health. The initial version of this document was developed to assist seven local health departments in Ohio to conduct tobacco sales compliance checks to help determine the extent of youth access to tobacco products.

The primary intent of this manual is to provide a "how to" guideline for local health departments and other community groups to plan and conduct effective tobacco sales compliance checks.

Parts I and III explain why compliance checks are needed. Part II gives an overview of the process. How to plan and conduct a tobacco product buying campaign is detailed in Parts IV and V. Part VI is devoted to conducting the education and media campaign, and Part VII covers merchant education.

There are two video tapes available that focus on the problem of youth access and can assist in planning compliance checks.

"Making a Difference: Reducing Minors' Access to Tobacco" runs 15 minutes and highlights the Raleigh, N.C. COMMIT Project efforts to reduce tobacco sales to minors.

"Stop the Sale - Prevent the Addiction" is a 25 minute education program which can be used as an educational tool for a variety of audiences.

The videos are available from:

Ohio Department of Health  
Bureau of Chronic Diseases  
Tobacco Risk Reduction Program  
P.O. Box 118  
Columbus, Ohio 43266-0118  
614/466-2144

## **ACKNOWLEDGEMENTS**

Some of the materials used in this manual were pulled from documents used in other youth access programs conducted by the Davis County Health Department in Farmington, Utah and the Raleigh, North Carolina COMMIT Project. The COMMIT Project also produced the motivational video, "Making a Difference: Reducing Minors' Access to Tobacco."

The supplement entitled "Facing The News Media" was developed by Gary Beals of Gary Beals Advertising and Public Relations, La Mesa, California [(619) 463-5050].

Special appreciation goes to the youth who worked with and the staff of the following seven local health departments who used the initial version of this manual to conduct compliance checks.

**Akron City Health Department  
Allen County Health Department  
Columbiana County Health Department  
Findlay City Health Department  
Licking County Health Department  
Trumbull County Health Department  
Washington County Health Department**

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**PART I**

**FEDERAL AND STATE LAWS**

## OHIO COMPLIANCE PROGRAM

### PHS Act Section 1926

#### "Synar Amendment"

Section 1926 of the Federal Public Health Services Act, passed July 10, 1992, and effective October 1, 1992 (Federal FY 1993), requires states to do the following in order to receive full funding from the federal government for substance abuse programs. Failure to comply will result in a ten percent reduction in federal funds for the first year, increasing by ten percent per year to a maximum loss of 40 percent.

#### A. Relevant Law.

1. For Fiscal Year 1994 and subsequent fiscal years, the Secretary (HHS) will make a grant for substance abuse activities only if the State involved has in effect a law providing it is unlawful for any manufacturer, retailer or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18.

Ohio is in compliance with this requirement.

#### B. Enforcement Activities and Reports.

1. For the first applicable fiscal year and subsequent fiscal year... "the State involved will enforce the law described in Section A above in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18". The first applicable fiscal year for Ohio was 1994.
2. The State involved will -
  - a. annually conduct random, unannounced inspections to ensure compliance with Section A; and
  - b. annually submit to the Secretary a report describing -
    - 1) the activities carried out by the State to enforce such law during the fiscal year preceding the fiscal year for which the State is seeking the grant;
    - 2) the extent of success the State has achieved in reducing the availability of tobacco products to individuals under the age of 18; and
    - 3) the strategies to be utilized by the State for enforcing such law during the fiscal year for which the grant is sought.

The Ohio Compliance Program addresses Section B, Enforcement Activities and Reports. The original effort was a short term program to meet the federal requirements for federal fiscal year 1994 (October 1, 1993 - September 30, 1994) activities. No final rules for this section have been promulgated by the Department of Health and Human Services; therefore, this program addresses only those requirements of the original legislation. When final rules are released, the Ohio Department of Alcohol and Drug Addiction Services and the Ohio Department of Health, in cooperation with other state and local organizations, can develop a more comprehensive plan to prevent minors from obtaining tobacco products.

## OHIO REVISED CODE

### Section 2927.02      **Illegal distribution of cigarettes or other tobacco products; vending machines**

- (A) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products, or any agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products shall do any of the following:
- (1) Give, sell, or otherwise distribute cigarettes or other tobacco products to any person under eighteen years of age;
  - (2) Give away, sell, or distribute cigarettes or other tobacco products in any place that does not have posted in a conspicuous place a sign stating that giving, selling, or otherwise distributing cigarettes or other tobacco products to a person under eighteen years of age is prohibited by law.
- (B) No person shall sell or offer to sell cigarettes or other tobacco products by or from a vending machine except in the following locations:
- (1) An area either:
    - (a) Within a factory, business, office, or other place not open to the general public; or
    - (b) To which persons under the age of eighteen years are not generally permitted access;
  - (2) In any other place not identified in division (B)(1) of this section, upon all of the following conditions:
    - (a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates, the place, or an employee of such person.
    - (b) The vending machine is inaccessible to the public when the place is closed.
- (C) As used in this section, "vending machine" has the same meaning as "coin machine" as defined in Section 2913.01 of the Revised Code.
- (D) Whoever violates this section is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, then illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree.

**PART II**

**OHIO  
COMPLIANCE CHECK PROGRAM:**

**AN OVERVIEW**

## PHASE I - BASELINE COMPLIANCE CHECKS

Ohio Revised Code prohibits the sale or distribution of tobacco products to anyone under the age of 18 years, but it is not illegal for minors to buy or possess tobacco products other than on school property or at school sponsored activities. Local health departments can conduct random, unannounced compliance checks (inspections) of tobacco vendors.

It is recommended that health departments work in cooperation with appropriate local legal and law enforcement agencies (city/county prosecutor, chief of police, sheriff, etc.). In seeking the cooperation of these offices, health department staff should make clear the federal requirements for such inspections and the penalties to Ohio; a ten to forty percent reduction in federal substance abuse monies if they are not completed regularly and in a professional manner.

Health departments and local legal and law enforcement agencies should develop a plan of action for the different phases before any activities begin.

### Selection of Tobacco Vendors

At least one vendor in each of these categories will be inspected: convenience store/gas station, grocery store, drug store, and vending machine.

Section 1926 calls for "random, unannounced" inspections. Given that time is not a factor, a purely random sample may be feasible. An alternative selection method might be to divide all tobacco vendors into the categories given above. If possible, a listing of all tobacco sellers should be obtained from the county auditor. If this list is not available, a listing from another source such as the Yellow Pages of the telephone directory or a local business directory may be used. To select a percentage from each category, select every X number vendor as necessary. For example: thirty convenience stores/gas stations are on the list. To select 25 percent or one in four, go down the list selecting every fourth vendor.

Once the selection is made, minor adjustments might be made to correct for geographic distribution or other factors which might skew the results.

### Compliance Checks

Phase I compliance checks will establish the baseline sales rate to minors. Therefore, it is recommended that they be conducted without any public announcement and with discretion. A member of the health department staff should accompany underage youth to the sites selected for compliance checks. The staff person should remain out of sight but be available as minors attempt to buy cigarettes, snuff, or chewing tobacco. If asked, the youth should answer truthfully about his/her age. If the youth is successful, he/she should leave the premises and turn over the purchased product to the staff person supervising the compliance check. A record of the compliance check can be completed using the form provided by the Ohio Department of Health in this Manual.

At this time, no indication will be made to the vendor of the inspection or, if a sale was made, the violation of Ohio Revised Code. It is critical that the vendor not alert other tobacco sellers that compliance checks are taking place.

A project like the one in North Carolina found that a team of two teens and one adult can survey 10 - 15 locations per hour. Plotting locations on a map and planning the buying route ahead of time will speed the process.

### **Age of Youth**

The average age that people begin smoking is 13; 60 percent begin by age 14 and 90 percent by age 20. The youth assisting in the compliance checks should not be obviously underage. Other compliance check programs have found that boys under age 14 are most likely to be asked for IDs; girls 14 and over are most likely to be successful and have the confidence to function well. Health departments might want to consider these experiences and recruit youth from 15 to 17 years of age to make the buys.

### **Written Permission**

All youth participating in the compliance checks must have written permission from their parent or legal guardian. A suggested permission form can be found in Part V of this Manual.

## **PHASE II - INFORMATION AND EDUCATION**

Following collection of baseline data, the results of the inspections can be made public through a news release and/or press conference. The information released can include the number of successful buys and the total number of attempts, the ages of the buyers, and the types of tobacco vendors checked. No individual vendor names should be used. The purpose is to inform the public of the extent of illegal sales.

In addition, the news release/press conference should briefly explain the federal requirements to conduct such inspections and the penalties to Ohio if they are not done. The news release/press conference should make it clear that this is not a one-time activity, but will be ongoing as required by the federal government.

During Phase II, all vendors making illegal sales should receive a letter signed by the county/city prosecutor and/or police chief, and the health commissioner. The letter should state the details of the illegal sale (date, time, what was purchased) and cite the appropriate sections of the Ohio Revised Code. A copy of the code section can also be included. Vendors should be advised that this is a warning letter. They should be informed that unannounced inspections will be ongoing and any further illegal sales could result in appropriate legal action.

All tobacco vendors, including those who made illegal sales, should receive letters briefly describing the federal requirements for inspections, citing the Ohio Revised Code, and explaining that they can expect the inspections to be ongoing.

### **PHASE III - FOLLOW-UP COMPLIANCE CHECKS AND LEGAL ACTION**

Phase III should be similar to Phase I with certain important changes. During Phase III, a representative of the appropriate legal and/or law enforcement office may accompany the health department staff and youth on all inspections. Different youth than those used in Phase I may be used during the follow-up period.

During Phase III, all vendors who sold tobacco products (including vending machines) to minors during Phase I should be reinspected. In addition, other tobacco vendors can be selected so that the total number of inspections equals those conducted in Phase I.

Legal and law enforcement authorities can take legal action as decided before the inspections begin. It is recommended that all legal actions should be based upon sales made during Phase III - follow-up compliance checks, and not on sales made during Phase I.

### **PHASE IV - REPORTING**

Health departments should generate and maintain reports to document the compliance check activity. It is suggested that such reports include survey forms (a sample of which is included in this Manual). The report should also include a summary of Phase I and Phase III data, copies of news releases, letters and other materials used/developed, and a general summary of the compliance check project (what did or did not work well, recommendations for improvement, etc.).

The Ohio Department of Health (ODH) encourages local health departments to share reports of their general activity and results. As a result of receiving such reports, the ODH could develop and maintain a master file to assess the effectiveness of the compliance check programs among participating health departments throughout Ohio.

## RECOMMENDED TIME TABLE

The ODH recommends that health departments conduct Phase I through Phase III during consecutive weeks to enhance program effectiveness. A time table might look like this:

### Phase I

Week 1 Train youth and conduct first compliance checks.

Week 2 Compile data from first compliance checks and prepare for Phase II.

### Phase II

Week 3 Issue news releases, hold news conference, send letters to vendors and send out information packets.

### Phase III

Week 4 Conduct follow-up compliance checks.

Week 5 Compile data from follow-up compliance checks and compare with results of first compliance checks.

**PART III**

**UNDERAGE  
CIGARETTE BUYING OPERATIONS:**

**WHY CONDUCT THEM?**

## UNDERAGE CIGARETTE BUYING OPERATIONS:

### WHY CONDUCT THEM?

Questions have been raised about the advisability and the legality of a health agency sponsoring an event for young teens to buy cigarettes. Wouldn't we be arranging for them to do exactly what we didn't want them to do? Would buying cigarettes teach them how to do it? Would their parents even let them participate? Would we alienate members of the community rather than win them as allies? And isn't there already a law against selling cigarettes to minors and is this something law enforcement, rather than a health department, should do something about?

These are serious, legitimate questions that can be raised in the context of community concerns. Yet, we can justify our reasons for being involved in a community education program about tobacco.

- Many of us had been touched by tobacco-caused deaths of loved ones and knew we wanted to keep kids from ever starting to smoke.
- We knew the average age that smokers begin is 13, and understood that if we could prevent young teens from being able to buy cigarettes, that would be a big step toward preventing addiction resulting in later death and disease.
- We knew that much of the public, including many store owners, clerks, and teenagers, were unaware of - or unconcerned about - the law against selling cigarettes to anyone under 18 years old.

### Translating Beliefs Into Action

As it will probably turn out, your concerns will become insignificant compared to the impact the campaign can make on your community. Taking actions which can make a difference will develop a deep sense of pride among your teens, and even your community. The truth is that no one wants young kids smoking and the campaign can produce dramatic, visible results from your own actions. There is no substitute for becoming an actor in a campaign which can change a community's capacity to protect children's lives and health.

You can also accomplish some less tangible results. You can expect these kinds of rewards and changes in your community, too:

- Community-wide awareness about the easy availability of cigarettes to minors can dramatically increase. You can deluge the media with press conferences, radio public service announcements, photographs, newsmaking events, youth appearances at the City Council, youth petitions to change the vending machine laws, TV talk shows, and slide shows to PTAs and community groups.

- Community awareness can lead to increased community involvement, which heightens efforts to change laws and change merchants' selling behavior.
- Simple participation by youth can grow into their taking real leadership roles and developing public speaking and advocacy skills. After teens have such a key role in buying operations and reporting of results, you can continue to provide arenas for them to describe their experiences. The youths' genuineness and the poignancy of their reflections can generate an audience impact. In many instances, the audience will observe the teens making new discoveries about the significance of their experiences as they speak:

"The clerk sold me the cigarettes I asked for and (knowing that I was underage) told me to put them in my pocket before leaving the store."

Because it was so easy, some minors thought buying cigarettes was a boring experience.

- Most merchants and store owners will probably respond enthusiastically to your "voluntary compliance" approach and to the fact that you do not identify store names in reporting the results. Follow-up calls to stores will reveal how much they appreciate your efforts.
- In Raleigh, N.C., a broadly diverse group in the community coalesced around the issue of minors' access to tobacco; and in the process of planning and conducting the campaign they created stronger ties within their community and greater interest in its health and welfare. Their actions created protective laws in the city, and they were able to have an empowering impact on their community.

Logistics, planning, and persistence (and maybe a few headaches) are all part of this process, but it's worth it. Your whole community can get involved in keeping cigarettes out of the hands of young people.

# Active Enforcement of Cigarette Control Laws in the Prevention of Cigarette Sales to Minors

Leonard A. Jason, PhD; Peter Y. Ji; Michael D. Anes; Scott H. Birkhead

**Objective.**—To assess the effect that cigarette legislation would have on reducing merchant sales rates of cigarettes to minors and the effect on adolescent smoking behavior.

**Design.**—Observational survey of merchant selling behaviors and adolescent smoking habits before and after passage of legislation.

**Setting.**—The setting for the merchant survey was Woodridge, Ill (population 25 200), a suburban community of Chicago. The surveys were distributed to adolescents in the local junior high school.

**Participants.**—Convenience sample of both merchants and adolescent students.

**Intervention.**—Passage of community antismoking legislation.

**Main Outcome Measures.**—Percentage of stores selling cigarettes to minors in Woodridge and percentage of students who had experimented with cigarettes or were regular smokers.

**Results.**—Merchant sales rates in Woodridge decreased from a baseline of 70% before legislation to less than 5% in 1.5 years of compliance checking after legislation. Student surveys showed that the rates of cigarette experimentation and regular use of cigarettes by adolescents were reduced by over 50%.

**Conclusion.**—Cigarette control laws can be effective in significantly reducing the rate of cigarettes sold by merchants and rates of cigarette use by adolescents. Key elements of successful legislation implementation are consistent compliance checking and heightened community awareness of the problems and prevalence of adolescent smoking.

(JAMA. 1991;266:3159-3161)

DESPITE the health hazards of smoking, approximately 3000 adolescents become new smokers daily.<sup>1</sup> A recent study by DiFranza and Tye<sup>2</sup> has estimated over \$1 billion in illegal sales of tobacco products to minors. Although state laws prohibit sales to minors, minors frequently have little difficulty in purchasing cigarettes. Across the nation, active tobacco-control investigators have sent minors, under supervision, into stores to purchase cigarettes. In Santa Clara County, California, 74% of stores sampled in this manner sold tobacco products to minors.<sup>3</sup> In Massachusetts, an 11-year-old child was able to purchase cigarettes from stores 75% of the time.<sup>4</sup>

Campaigns to alert merchants to cigarette laws are insufficient for restricting cigarette sales. In Buffalo, NY, letters describing the city's cigarette sales law, warning signs, and enforcement instruc-

tions were sent to merchants. Despite Buffalo's educational efforts, a citywide investigation showed that 77% of stores receiving educational packages sold cigarettes to minors.<sup>5</sup> In Santa Clara, Calif, an aggressive campaign was used to alert merchants to cigarette laws. There was an initial reduction of cigarette sales to minors from 74% to 39%,<sup>6</sup> yet vending machine sales were unchanged. A 1-year follow-up showed that the merchant sales had rebounded to 60%.<sup>7</sup>

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See also pp 3168 and 3188.

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The following study sought to assess, by periodic checking, the effects of licensing and enforcement of legislative provisions on cigarette selling behaviors of merchants and minors' accessibility to cigarettes. Through distribution of questionnaires before and after passage of legislation, we also sought to determine the effect of the law on the prevalence of adolescent cigarette use in a local junior high school.

## METHOD

This study was initiated as a result of a private citizen's complaint regarding a minor's possession of cigarettes to Officer Bruce Talbot of the Woodridge, Ill (population, 25 200), police department. In August 1988, Officer Talbot sent a letter to all cigarette vendors in Woodridge detailing the state law prohibiting cigarette sales to minors. In addition, following a media focus on a DePaul University study of cigarette sales to minors in Chicago (L.A.J. and P.Y.J., unpublished data, 1991), Officer Talbot invited one of the authors (L.A.J.) to assess cigarette sales rates in Woodridge. These measurements were done in August and November 1988 and February 1989. The DePaul University research team also distributed a questionnaire to students at the local junior high school in March 1989 to determine the number of adolescent smokers and their smoking habits. In May 1989, new legislation was passed restricting cigarette sales in Woodridge, and cigarette sales were tracked after the legislation was passed.

During each checking period, minors 12 to 13 years of age (all of whom were rated by independent judges as looking less than 18 years of age) were sent into stores to purchase a pack of cigarettes. Unobtrusively, a Woodridge police official or a DePaul University research assistant observed the transaction. Vending machine sales were also tracked by sending minors to purchase cigarettes from these machines. There was 100% agreement between two independent judges as to whether an illegal sale occurred.

Sales assessments conducted before legislation to determine if Officer Talbot's letter to merchants was effective, were made in August and November 1988 and February 1989. In the spring of 1989, Officer Talbot and other Woodridge officials drafted cigarette control legislation modeled after the city's liquor control laws. This was done to treat the sales of tobacco and alcohol, both age-restricted products, in precisely the same manner. Using the liquor laws as

From the Department of Psychology, DePaul University, Chicago, Ill.

Reprint requests to the Department of Psychology, DePaul University, 2323 N Seminary Ave, Chicago, IL 60614 (Dr Jason).

Sales Rates and Offense Data Before and After Pa: of Community Smoking Legislation

Date	No. of Stores	Sales Rate, %	No. of Stores Complying	First Offense	Second Offense
Before Passage					
August 1988	20	70	6		
November 1988	20	60	8		
February 1989	19	79	4		
After Passage					
June 1989	23	35	15	8	
August 1989	22	35	14	4	4
November 1989	22	0	22	0	0
January 1990	22	0	22	0	0
April 1990	27	4	26	1	0
July 1990	27	4	26	1	0
December 1990	30	3	29	1	0

a guide had the additional effect of taking advantage of existing civil enforcement structures, such as the mayor's office, for issuing sales licenses and following up violations. The new cigarette legislation, containing licensing, enforcement, and possession provisions, was passed May 1, 1989, with a 30-day enforcement grace period. Vendors were issued cigarette sales licenses and billed a licensing fee of \$50.

Reports of the cigarette sales assessment and the passage of the law were aired on local television stations and published in local newspapers to inform community members. During the grace period, Officer Talbot personally delivered a copy of the law and a tip sheet describing all forms of valid age identification issued by the state of Illinois to every cigarette vendor in Woodridge. Vendor's questions about the law were answered during these face-to-face store visits, each of which took approximately 15 minutes. All store visits were concluded in 1 day.

The Woodridge police department planned quarterly "stings" to check merchant compliance after the grace period, and all stores were checked regularly (Table). When a violation occurred, the police officer wrote a report on the violation and sent it to the mayor's office (the mayor is the tobacco commissioner under the ordinance, as well as liquor commissioner). The mayor's office then sent a letter informing the merchant of his or her right to appeal within 10 days. If the merchant chose to appeal, a civil hearing was held; otherwise, the mayor issued a warning to the merchant, and either suspended the cigarette-selling license for 1 or more days, and/or imposed a monetary fine of up to \$500. First offenses incurred a warning in the first year of enforcement, with a fine and/or suspension imposed if a second violation occurred during the subsequent compliance check. In the second year of enforcement, the tobacco commissioner has tended to enforce the ordinance more stringently than in the first year. If the merchant did not sell cigarettes to minors

during compliance checking periods, a congratulatory note was sent from the mayor's office.

The possession clause of the Woodridge ordinance allows police officers to issue a ticket to any minor caught with illegal tobacco products. This ticket carries a fine of \$25. The minor can pay the fine immediately at the police department, in a manner similar to paying for a parking ticket, or can wait for a civil hearing on the possession charge.

The police department in Woodridge has played an important role in the enforcement of penalties. First, after passage of the ordinance, all officers were informed of the provisions by a departmental memorandum from the chief of police. Second, if a store incurred a 1-day suspension, the mayor's office notified the police, and all officers patrolling the area were reminded at morning roll call to keep a watchful eye on the store.

The police also maintained heightened community awareness in Woodridge by sending letters to two different populations on a regular basis. At the end of every school year, police sent a letter to merchants warning them that during the summer months more adolescents would be in their stores, reminding them of the ordinance, and asking for their continued support. Also, at the beginning of every school year, Woodridge schoolchildren were given an informative letter about the ordinance to take home to their parents. This letter asked for continued compliance and stressed the importance of preventing adolescent tobacco access.

A follow-up questionnaire was distributed to junior high school students in April 1991, almost 2 years after passage of the ordinance. This questionnaire sought to determine the effects of the Woodridge ordinance on the number of adolescent smokers and their smoking habits.

## RESULTS

Results of the assessment of Woodridge merchants' sales rates before en-

actment of the ordinance are shown in the Table. In addition, in each of the time periods predating the legislation, sales from three vending machines in Woodridge were shown to be 100%.

The results of compliance checking of Woodridge merchants conducted after the passage of the legislation are shown in the Table.

From March through May 1989, the interval between the compliance checks before and after passage of the legislation, the number of vending machines in Woodridge increased from three to six. In the first assessment after passage of the legislation (June 1989), three of six vending machines sold cigarettes in Woodridge. The number of vending machines decreased from six in January 1990 to two in December 1990. In January, April, and July 1990, there were no vending machine sales. In December 1990 there was one vending machine sale.

Fifty minors were cited for possession of cigarettes in the 1.5 years after passage of the ordinance. These minors were assessed a \$25 fine and their cigarettes were confiscated. Four of the 50 minors were repeat offenders during this time period.

A total of 680 local seventh- and eighth-grade students were surveyed in March 1989, before the law was passed. Results from this survey indicated that 46% of the students had experimented with cigarettes (eg, had tried cigarettes on at least one occasion) and 16% were regular smokers. In April 1991, almost 2 years after passage of the Woodridge ordinance, 639 local seventh- and eighth-grade students were surveyed, and 23% reported experimentation with cigarettes, with only 5% describing themselves as regular smokers. Survey return rates were at 90% or above both before and after passage of the legislation.

Other important data from the April 1991 survey revealed that 77% of the smokers cited friends, parents, siblings, or others as sources of their cigarettes, 17% cited stores or vending machines outside of Woodridge as their source, and 6% cited stores or vending machines within Woodridge. Additionally, 86% of student respondents knew of the Woodridge law and 69% felt the law would either prevent their procurement of cigarettes or make it harder for them to obtain cigarettes.

## COMMENT

Two significant findings have emerged from this study. Principally, to our knowledge, Woodridge is the first community to successfully reduce cigarette sales rates to minors to a minimal level as a result of legislation. The key ele-

ments of the legislation are vendor licensing, active compliance checking, and penalties for merchant sales violations and minors' possession of cigarettes. Second, the combined effects of this legislation and a community awareness of the problem of adolescent smoking have substantially reduced the frequency of adolescent experimentation with cigarettes and regular smoking.

The licensing process in Woodridge is efficient because it takes advantage of existing enforcement procedures designed to control sales of alcohol to minors. The purpose of licensing is to motivate a store to monitor itself in cigarette sales, rather than face license suspension. If a temporary suspension is made, it is likely to have a greater impact than a fine, because so much of a store's profit is made through the sale of cigarettes, especially in large stores.

The legislation and enforcement success in Woodridge must also be attributed to the commitment of the police department and mayor's office to continually reinforce to the community the problem of adolescent smoking. The involvement of the local and Chicago metropolitan area media in reporting on cigarette sales before passage of the ordinance, the ordinance passage itself, and subsequent successes fostered community pride in the initiative. The police visits to merchants to clarify the law, internal police briefings regarding merchant violations, the police letter to merchants at the beginning of the summer, and the yearly age-identification tip sheets were all integral parts of main-

ing positive police-merchant interaction. Thank-you letters from the mayor's office helped to instill a sense of merchant solidarity and promoted merchant-community ties. Finally, the police department's letter describing the ordinance that was given to schoolchildren to take home to their parents and police efforts toward enforcement helped to keep families focused on the issue of adolescent smoking.

School survey results indicate that the Woodridge law has substantially reduced the number of adolescents who smoke. The reduction of merchant cigarette sales has played a major role in keeping cigarettes from minors. Another possible contribution to this reduction is the possession clause of the ordinance. The possession clause may provide an additional deterrent to experimental cigarette use by minors. Although opponents of penalties for possession in cigarette legislation have insisted that these clauses are a case of "blaming the victim" for cigarette use, we feel that possession clauses are one part of an overall plan—one part that may have a deterrent effect.

Traditional educational approaches to reducing merchant cigarette sales have resulted in only short-term reductions presumably because an educational message in itself little motivation for change. Without the possibility of direct action, merchants will fail to respond to educational programs to reduce the number of adolescent smokers because of the tremendous profits involved in cigarette sales and the certainty of not being

caught. Legislation was effective in Woodridge because (1) police conducted regularly scheduled compliance checks and used uniform checking methods, (2) legislation was coupled with a strong educational message from the police to community members at the beginning and end of every school year, and (3) the community's success received consistent media exposure.

We would like to thank students Nick Cicarelli, age 13 years, Allison Vega, age 13 years, Christy Kelter, age 13 years, and Jenny Haut, age 12 years, for participating in the Woodridge compliance checks.

We also thank Richard Russell, principal of Jefferson Junior High School in Woodridge, Ill, for allowing access to students for our surveys and Woodridge Police Department Juvenile Officer Will Sperling for his helpful comments.

Last, we would like to thank Sergeant Bruce "Buzz" Talbot for his continued effort, support, and contribution to the Woodridge City Tobacco Ordinance, without which this article would not have been possible.

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August 10, 1995

Contact: FDA Press Office  
(301) 443-1130

**CHILDREN AND TOBACCO: WHAT OTHERS SAY**

"I figure if it's really so bad for you, they wouldn't be selling them everywhere. I mean, you walk into the Stop 'N' Go, and there's a whole wall of them right up front at the cash register. If they were really that bad for you, they'd make them less accessible."

-- Brian Grindele, 18  
*The New York Times*, July 30, 1995

"Given all that we know, the scientific case for protecting children from tobacco is indisputable. The moral imperative to act is ~~imperative~~... This is not a Democratic or a Republican issue. It is a bipartisan, pro-child, pro-family, pro-health issue."

*overwhelming*

-- President Jimmy Carter  
*USA Today*, August 3, 1995

"The tobacco industry continues to insist that smoking is a simple matter of individual rights and adult choice. If that were true, I would be on their side. But we're not talking about adults. We're talking about keeping an addictive and lethal substance out of the hands of children. Neither the FDA nor anyone else is talking about prohibiting adults from smoking."

-- Former U.S. Sen. Barry Goldwater  
*Wall Street Journal*, August 8, 1995

"The American Medical Association reminds physicians, the public, and politicians that the damning evidence against tobacco makes opposition to its use a pressing, nonpartisan public health issue."

-- Editorial  
*Journal of the American Medical Association*  
July 19, 1995

"We believe that current tobacco regulations, limited primarily to a ban on television advertising and the promotion of warning labels on packages, are insufficient in protecting America's children. The FDA should have authority to control tobacco by placing new limits on tobacco advertising, creating stricter licensing regulations for vendors, and banning cigarette vending machines."

-- American Public Health Association  
Letter to President Clinton from APHA  
July 13, 1995

"What is most significant about teens and smoking, however, is that, from all indications, smoking is an addiction that is typically initiated during the teenage years or not at all. For the great majority of smokers, this addiction begins before they are old enough to purchase tobacco lawfully. In fact, 75 percent of all adult smokers report that they became addicted to tobacco before they were 18 years old. Very few smokers take up smoking for the first time as adults. If youth access can be controlled effectively, and the decision whether to smoke can be delayed until adulthood, then, over time, smoking will be greatly reduced as a major addiction in our society."

-- "No Sale: Youth, Tobacco and Responsible Retailing"  
Working Group of State Attorneys General  
December, 1994

"The nation must commit itself to a vigorous public health initiative in tobacco control....The nation cannot reasonably expect to eliminate tobacco-related disease and death by 2010. However, by putting a youth-centered prevention strategy at the center of tobacco control efforts, and by implementing the initiatives proposed (to that end) in this report, the nation can take a firm and resolute step on that path."

-- "Growing Up Tobacco Free"  
Institute of Medicine, September, 1994

"The concept -- pediatric disease -- qualifies as an epiphany, given the acknowledged authority of society over a minor. He/she has to go to school, has to wait until a certain age before being allowed to drive, to vote, to drink beer. It yields no substantial libertarian ground to add to the list enforcement mechanisms designed to dissuade the 15-year-old from taking up a habit that brings on premature and painful death."

-- William F. Buckley Jr.  
Syndicated columnist, March, 1995



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

May 12, 1994

RE: Retailer Compliance Checks -- Immunity for Youth Participants

To determine the ease to which youth under the age of eighteen can access tobacco products, retailer compliance checks are being conducted across the state by local health departments and districts or their authorized contractors. Youth volunteers have agreed to participate in these controlled buys with the approval of their parents or guardians.

State law (RCW 70.155.080) grants immunity to youth participating in tobacco retailer compliance checks:

"A person under the age of eighteen who purchases or attempts to purchase or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participate in a smoking cessation program, or both. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity." [RCW 70.155.080 RCW]

All youth participants will be under the strict supervision of an adult escort. All tobacco products obtained through these compliance checks will be returned to the local health department to be destroyed or used as evidence.

If there are any questions regarding this immunity, please contact your local health department, your local Liquor Control Board office or the Department of Health's Youth Tobacco Prevention Program at (206) 753-4312.

Sincerely,

Jo Wadsworth, Director  
Non-Infecious Disease and Injury  
Department of Health

Gary Gilbert, Chief  
Washington State Liquor  
and Tobacco Enforcement



# Seven Circles Coalition

*"It takes a whole village to raise a child"*

*-African Proverb*

**KETCHIKAN OFFICE:**  
107 Stedman Street #107  
Ketchikan, Alaska 99901  
(907) 225-1073  
(907) 225-1075 (Fax)

**JUNEAU OFFICE:**  
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**SITKA OFFICE:**  
222 Tongass Drive  
Sitka, Alaska 99835  
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(907) 966-8707 (Fax)

Funded by the Center for  
Substance Abuse Prevention.

Lead Agency:  
Southeast Alaska Regional  
Health Consortium

Representative Con Bunde  
Alaska State Legislature  
Juneau, AK 99801

February 27, 1996

Dear Representative Bunde:

I have received a request from the Division of Alcoholism and Drug Abuse to provide you with information on tobacco compliance checks recently conducted in Juneau to assist you in monitoring the effect of the Synar Amendment on youth access to tobacco products. I hope the following information will be of use to you.

Thank you for your support of tobacco issues especially efforts which help protect our youth from beginning a deadly addiction to tobacco. We appreciate the legislation you have introduced in support of compliance checks and to increase the tax on tobacco products. Members of the Tobacco Prevention Network and the Seven Circles Coalition are actively advocating for these pieces of legislation and we have members who would be happy to testify before committee hearings. We are also organizing and educating young people who are concerned about tobacco issues and would be willing to talk with legislators and testify before committees.

Please let us know if we can be of further assistance. If you have any questions or would like additional information on compliance checks or any of the other activities of the Juneau Tobacco Prevention Network please feel free to contact me directly at 463-5844.

Sincerely,

*Jeannie Monk*

Jeannie Monk  
Community Coordinator

## **Juneau Tobacco Prevention Network Tobacco Compliance Checks 1995**

The Juneau Tobacco Prevention Network and the Seven Circles Coalition have been working during the past year to conduct underage compliance checks as part of an effort to reduce youth access to tobacco products in Juneau.

The Juneau Tobacco Prevention Network is a grassroots group working to decrease the harmful effects of tobacco usage especially among youth. The Network takes a comprehensive approach to tobacco issues and has focused on four strategies. The Network believes all of these strategies are necessary and important if we are going to protect children from a deadly tobacco addiction.

1. Education and Cessation Programs
2. Tobacco Advertising To Youth
3. Tobacco Tax Increase
4. Youth Access to Tobacco Products

The Seven Circles Coalition is a regional coalition which seeks to assist communities in creating effective strategies, with youth involvement, to prevent the use of alcohol, tobacco, and other drugs and violence among youth. Seven Circles has provided staff and financial support to help the Tobacco Network achieve the goals, especially around issues involving youth access to tobacco.

The Juneau Tobacco Prevention Network became involved during the past year in trying to limit illegal tobacco sales to underage youth. This project was begun due to concerns that educational efforts in schools, churches and at home were being undermined when children were able to walk into a store and easily buy an illegal tobacco product.

We began our compliance checks last May using eighth grade - 14 and 15 year old - youth. During our first series of compliance checks we found that out of 42 purchase attempts 17 resulted in an illegal sale to a minor. This is a underage purchase rate of 40%. We found youth had an even easier time purchasing tobacco products at locations in the Mendenhall Valley (where the majority of youth live) with a underage purchase rate of 55%. It was disturbing how easy it was for 14 and 15 year old youth (well below the legal purchase age of 19) to buy tobacco from our local retailers.

Following the compliance checks we educated the community and the retailers about the problem of youth access to tobacco products. Managers at all establishments were contacted and alerted to concerns about illegal sales to minors and provided with materials to educate their clerks and signs to post at every checkout stating the law regarding sales to minors. The retailers were encouraged to talk with their clerks and help us ensure that underage youth were not able to purchase tobacco products at their store.

**During our follow-up compliance checks conducted two months later (November & December 1995) we found clerks were more conscientious about preventing illegal sales to minors. This time we made 45 purchase attempts with only 9 resulting in a sale. The purchase rate for underage minors was reduced to 20%.**

Again, managers of each establishment were contacted and the names of those retailers continuing to sell tobacco products to underage youth were publicly released. Additional educational support was offered to retailers. In the future, we hope to conduct a final series of compliance checks which provide immediate feedback to the clerk and store manager either through working with the police department to issue citations, having youth notify clerk after a sale has been made that it was an illegal sale, or by contacting the store manager immediately following the purchase attempt. The legislation being considered might help to provide additional police support in conducting our follow-up compliance checks.

Although our efforts demonstrated a significant reduction in illegal sales of tobacco to youth, the problem of youth smoking in Juneau has not gone away. In our compliance checks we primarily used younger teenagers and the youth participating were instructed not to lie about their age if asked directly or to lie if asked for ID. In real-life, youth attempting to buy cigarettes and chewing tobacco will lie about their age and will use fake ID. They also will get older teenagers to purchase for them. For these reasons although we strongly believe in compliance checks as an excellent way to enforce merchant compliance they are only one piece of the puzzle and must be used in combination with other strategies to prevent tobacco addiction among youth.

# JUNEAU TOBACCO PREVENTION NETWORK

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The purpose of the Juneau Tobacco Prevention Network is to decrease the harmful effects of tobacco by reducing the availability and usage of tobacco products in our community especially among youth.

**The Tobacco Network takes a comprehensive approach to tobacco issues with emphasis in four areas:**

- ◆ Education & Cessation Programs
- ◆ Youth Access to Tobacco Products
- ◆ Tobacco Tax Advocacy
- ◆ Advertising Tobacco to Youth

The Tobacco Network is a grassroots organization that is active because of the diverse interests and talents of its members. Membership is opened to anyone who would like to be involved with all or just one aspect of the Network's activities.

The Network receives support from the State of Alaska Department of Health and Social Services, Seven Circles Coalition through SEARHC, and in-kind support from a variety of community organizations and individuals.

## **WE WELCOME YOUR PARTICIPATION!**

The Tobacco Network meets monthly and has on-going sub-committees working on special projects. If you would like more information or ideas on how you can get involved call **Karen Doney** at 789-9762 or **Jeannie Monk** at 463-5844.

*"If, in the United States, five 727s with 200 people crashed every day of the week of every month of every year, sooner or later someone would say,*

*'We've got to do something about this.'"*

*— Dr. John Allen (past president)  
American Lung Association*

# A National Survey of Public Support for Restrictions on Youth Access to Tobacco

William J. Bailey, James W. Crowe

**ABSTRACT:** A national telephone survey was conducted to measure public support for seven proposals to restrict youth access to tobacco products, including increases in the cigarette excise tax. A random digit dialing survey using computer-assisted telephone interviews and a two-stage Kishiy-Mishberg design, was used to generate and replace telephone numbers and to select individuals from within households. More than 94% of respondents believed cigarette smoking by children and adolescents to be a "very serious" or "somewhat serious" problem. Most respondents expressed support for all the proposed measures to restrict youth access to tobacco products (fines for sellers, fines for youthful violators, licensing of all tobacco vendors, restrictions on cigarette vending machines, ban on sponsorship of youth-oriented events, and ban on all tobacco advertising), and for increases in the cigarette excise tax. (J Sch Health. 1994;64(8):314-317)

Despite 30 years of publicity about the health consequences of smoking, following publication of the first Surgeon General's report on smoking and health,<sup>1</sup> and a substantial decline in overall smoking rates since 1964,<sup>2</sup> cigarette smoking still is a causative factor in about one in six deaths per year in the U.S. (about 434,000).<sup>3</sup> Further, nearly one-third of U.S. adults continue to smoke cigarettes.<sup>4</sup>

Despite extensive education and information campaigns, each year more than 1 million Americans begin smoking cigarettes (about 3,000 people per day).<sup>4</sup> Most new smokers are children and adolescents — nearly 75% of current smokers began smoking before age 18.<sup>5</sup> In 1989, almost 1 billion packs of cigarettes were sold to persons younger than age 18.<sup>5</sup> Any long-term reduction in smoking prevalence must include a strategy for reducing the number of children and adolescents who begin smoking each year. In *Healthy People 2000*,<sup>6</sup> the U.S. Public Health Service established national health objectives to reduce tobacco use by youth (Objective 3.5), enact and enforce state laws against sales and distribution of tobacco products to youth (Objective 3.13), and to eliminate or severely restrict all forms of tobacco product advertising and promotion to which youth are exposed (Objective 3.15).

In addition to concerns about the direct health consequences of tobacco use, cigarette smoking also has been identified as a risk factor for the abuse of alcohol and other drugs by children and adolescents.<sup>7-9</sup> As a means of reducing this risk, in 1992, the U.S. Congress enacted the so-called "Synar amendment" to the authorization act providing block grant funding to states for alcohol and other drug abuse prevention and treatment programs, requiring states to enact and enforce laws restricting youth access to tobacco.<sup>10</sup> In response to the legislation, the Substance Abuse and Mental Health Services Administration (SAMHSA) proposed strict rules to require enforcement monitoring, including a regular system of "sting" operations to test vendor compliance with the state laws.<sup>11</sup> The "Synar amendment" requirements caused ex-

tensive policymaking debate at the state level, with policymakers expressing concern over public support for strict restrictions on youth access to tobacco.<sup>12</sup>

Despite increasing public attention to problems associated with youth access to tobacco, ample evidence indicates 70% to 100% of minors attempting to purchase cigarettes have little trouble doing so.<sup>13-16</sup> Despite state laws, now in effect in 49 of 50 states, that restrict sales to those younger than age 18,<sup>11</sup> enforcement of those laws is ineffective or non-existent in most communities.<sup>13-16</sup> In 1990, the U.S. Dept. of Health and Human Services endorsed a model law for states and local communities that would restrict minors' access to tobacco products.<sup>17</sup> The model law would (1) create a system of licensing retail vendors of tobacco, similar to the system used to license alcoholic beverage vendors, (2) use civil penalties and administrative sanctions to reduce impact on the criminal court system, (3) impose a graduated system of penalties, including fines and license suspensions, (4) set a minimum age of 19 for purchase of tobacco products, and (5) ban cigarette vending machines.<sup>17</sup>

Additional proposals to reduce tobacco use by minors include restrictions on advertising and promotion of tobacco products aimed at youth,<sup>8</sup> and removal of profits from underage sales through taxation or assessments.<sup>18</sup> Empirical evidence suggests tobacco advertising has a disproportionate influence on children and adolescents,<sup>19,21</sup> and may directly influence brand purchasing decisions.<sup>19</sup> Cigarette excise taxes decrease demand for cigarettes, especially among youth.<sup>22,23</sup> Price increases in the cost of cigarettes can reduce demand by minors for cigarettes by up to 40%.<sup>22,24</sup>

Strict enforcement of existing laws restricting sales to minors, and implementation of licensing systems that are enforced, also can have a dramatic impact on youth access to tobacco.<sup>25-28</sup> Active enforcement can reduce over-the-counter sales of tobacco products to minors to almost zero.<sup>29</sup> In response to the new federal mandates for state compliance checks, rigorous protocols for monitoring youth access have been developed.<sup>29</sup>

Although new federal regulations now require systematic enforcement of state youth access laws, including implementation of "sting" operations, little has been done to measure public support for proposals to restrict youth access to tobacco.<sup>30</sup> This survey measured popular support for a range of proposed strategies to reduce access to and use of tobacco by children and adolescents.

William J. Bailey, MPH, Co-Director, Institute for Drug Abuse Prevention, and Associate Professor, Dept. of Applied Health Science; and James W. Crowe, EdD, Co-Director, Institute for Drug Abuse Prevention, and Associate Professor and Chair, Dept. of Applied Health Science, Indiana University, Bloomington, IN 47403. This article was submitted March 28, 1994, and revised and accepted for publication August 1, 1994.

## SURVEY PLAN. ING

Data were collected through a national telephone survey of adults living in U.S. households. A list-assisted random sample of all possible household telephone numbers in the U.S., generated by "Genesys" software, was used. This system allows for an equal probability of selecting all households with telephones, including unpublished and new listings. A two-stage Mitofsky-Waksberg design<sup>31,32</sup> was used to select and replace numbers from the list, and to select respondents from within households.<sup>33</sup> This design allows for systematic replacement of those who refuse to participate ("refusals"), or who do not answer repeated calls or cannot be contacted ("unable to contacts"), with randomly selected equivalent respondents. The design also assures random selection of adults within each household, rather than simply surveying the individuals that answer the telephone.

Indiana University's Center for Survey Research (CSR) coordinated data collection. The Center operates the nation's largest university-based Computer Assisted Telephone Interview (CATI) facility. This facility allows for

up to 24 interviews conducted simultaneously, and for audio and visual monitoring of all interviews by supervisors. Computer software controls the interview process, from sequencing of telephone numbers through sequencing of questions and recording of answers. All interviewers were experienced telephone surveyors who received at least 20 hours of training on general interviewing techniques, as well as an additional three hours of specific training on the questionnaire used in the survey. Each interviewer was monitored randomly at least twice during each four-hour shift. All CSR interviewers receive training in refusal conversion as part of the 20 hours of training. At least two attempts were made to convert each refusal prior to replacement. When replacements were necessary due to refusal or inability to contact the selected person, specific cutoff rules were followed<sup>34,35</sup> to assure the  $k+1$  or  $k+2$  replacement telephone numbers were equivalent to the number replaced.

The survey questionnaire was developed and pretested by the research team. The questionnaire was reviewed by subject matter experts and by experts in telephone survey methodology, and field tested for one week. The protocols were reviewed by Indiana University's institutional review board to assure compliance with human subjects protection, and conform to the standards of disclosure of the National Council on Public Polls and the American Association for Public Opinion Research. Data were collected from October 7 through November 15, 1993. Eight questions concerning minors' access to tobacco, as well as 10 demographic questions, were embedded into a 35-item survey. The average interview length was 18 minutes, with approximately six minutes devoted to the tobacco items. Data were analyzed using SPSS. Confidence intervals for a population proportion were calculated using the protocol suggested by Daniel.<sup>34</sup>

Figure 1  
Text of Telephone Survey Items

1. In your opinion, how serious a problem is smoking in children and adolescents. Is it:
  - a) very serious
  - b) somewhat serious
  - c) not too serious, or
  - d) not at all serious?

Several proposals are being considered in some states to deal with smoking by children and adolescents. For each of the following proposals, please indicate your level of support.

2. First, making it illegal to place cigarette vending machines in locations where children and adolescents can have access to them. Do you:
  - a) support
  - b) oppose, or
  - c) neither support nor oppose this proposal?
3. Next, strengthening state laws against the sale of tobacco to minors by imposing fines on sellers, similar to the fines imposed on those who sell alcoholic beverages to minors. Do you:
  - a) support
  - b) oppose, or
  - c) neither support nor oppose this proposal?
4. Requiring businesses that sell tobacco to have a license, like alcohol sellers, so that their licenses could be suspended or revoked if they repeatedly sell tobacco to minors. Do you:
  - a) support
  - b) oppose, or
  - c) neither support nor oppose this proposal?
5. Banning tobacco products from sponsoring events that have special appeal to minors, such as athletic events and rock concerts. Do you:
  - a) support
  - b) oppose, or
  - c) neither support nor oppose this proposal?
6. Banning all advertising and promotion of tobacco products, including newspaper and magazine ads, special events sponsorships, and billboards. Do you:
  - a) support
  - b) oppose, or
  - c) neither support nor oppose this proposal?
7. Imposing fines on minors who possess or use tobacco products. Do you:
  - a) support
  - b) oppose, or
  - c) neither support nor oppose this proposal?
8. Increasing the federal excise tax on cigarettes. Do you:
  - a) support
  - b) oppose, or
  - c) neither support nor oppose this proposal?

## SURVEY RESULTS

A total of 1,005 interviews was completed. The number of interviews was planned to generate 95% confidence levels no greater than  $\pm 3\%$ . The response rate was 71%, the refusal rate was 18%, and the "unable to contact" rate was 11%. The use of the Mitofsky-Waksberg design reduces the importance of the response rate, since all refusals and "unable to contacts" are randomly replaced with equivalent households. Respondents ranged in age from 18 to 91. The demographic characteristics of respondents are found in Table 1. The distribution of respondents is typical of those found in RDD telephone surveys, and fairly represents the population of adults living in U.S. households with telephones. A post-survey weighting procedure was used to adjust for the slight over-representation of females in the survey population.

Each respondent was asked about his or her tobacco use and then asked to characterize how serious a problem they believed smoking by children and adolescents to be. More than 94% of respondents reported considering smoking by children and adolescents to be "very serious" (64.3%) or "somewhat serious" (29.3%). Only 0.5% of the respondents considered it to be "not at all serious."

Confidence intervals are shown in Table 2.

Next, respondents were asked about their support for seven specific proposals to reduce smoking by children and adolescents: (1) vending machine restrictions, (2) imposition of fines on sellers, (3) licensing of all tobacco vendors, (4) ban on sponsorship of events with appeal to youth, (5) ban on all advertising of tobacco products in all media, (6) imposition of fines on the minors who violate underage use laws, and (7) increasing cigarette excise taxes. Table 3 shows the percentages of respondents who supported, opposed, or expressed no opinion on each proposal. Widespread support existed for all seven proposals, with support to opposition ratios ranging from 7 to 1 for imposing fines on sellers who violate the laws, to 1.5 to 1 for imposing fines on the minors who violate the laws. Approximately twice as many respondents supported a total ban on tobacco advertising as opposed such a ban. Two-thirds supported increasing the excise tax on tobacco, while only one-fifth opposed such an increase.

**SURVEY IMPLICATIONS**

Cigarette smoking continues to be the United States' single greatest cause of preventable mortality,<sup>2</sup> accounting for nearly one-fifth of deaths from all causes each year.<sup>3</sup> Nearly 3,000 children and adolescents begin smoking each day, despite health warnings and societal disapproval.<sup>4</sup> If the national health objectives for the year 2000<sup>5</sup> are to be met, a significant reduction must occur in tobacco use by children and adolescents. Virtually all respondents to this national survey recognized cigarette use by children and adolescents to be a "very serious" or "somewhat serious" problem. Proposed laws and regulations to restrict youth access to tobacco enjoy widespread public support. The public also supports significant increases in the cigarette excise tax, which is predicted to make tobacco use much less attractive to minors.<sup>22-23</sup>

While the data reported herein cannot be generalized beyond individuals living in households with telephones (approximately 93% of the U.S. adult population), they demonstrate broad-based support for restricting youth access to tobacco products. Some legislators at the national, state, and local levels, have been reluctant to enact such restriction,<sup>12</sup> perhaps due to pressure from pro-tobacco industry forces, but public sentiment in favor of such restrictions is strong. Many state officials have been reluctant to implement the "random sting" enforcement procedures proposed by SAMHSA to comply with the "Synar amendment" due to concern about public opposition to such tactics.<sup>12</sup> The extent of public support for such measures has perhaps been underestimated by policymakers. The strong support expressed by the respondents to this national telephone survey should provide evidence needed to convince legislators and other officials that restricting youth access to tobacco products, restricting tobacco advertising, and increasing the excise tax on cigarettes are politically palatable to their constituents. If we are to reach the national health objectives for the year 2000, such policy decisions will be necessary.

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See Also: Washington, DC: US Government Printing Office; 1964. US Public Health Service publication 1103.

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**Table 1**  
Characteristics of Survey Respondents  
(n=1,000)

Gender	Percent (95% C.I.)
Male	40.6 (±2.0)
Female	59.4 (±3.0)
Age	
18-25 years	12.5 (±2.0)
26-35 years	24.3 (±2.7)
36-50 years	31.9 (±2.0)
51-65 years	18.3 (±2.8)
Older than 65 years	12.0 (±2.0)
Education	
0-11 years	8.5 (±1.7)
12 years	22.7 (±2.8)
some college	28.7 (±2.7)
college degree	19.4 (±2.4)
some postgraduate	3.7 (±1.2)
master's degree	7.0 (±1.8)
doctorate	1.8 (±0.5)
vocational/technical degree	3.4 (±1.1)
Ethnicity	
White (Caucasian)	77.4 (±2.5)
Black or African-American	10.2 (±1.8)
Hispanic	3.8 (±1.1)
Native American	2.5 (±1.1)
Asian or Pacific Islander	1.5 (±0.8)
Other	3.3 (±1.1)
Annual household income	
00-14,999	15.6 (±2.8)
15,000-24,999	16.2 (±2.5)
25,000-34,999	22.1 (±2.8)
35,000-49,999	20.8 (±2.5)
50,000 and above	24.5 (±2.7)
Tobacco Use Category	
Never used tobacco	29.0 (±2.0)
Former tobacco user	29.5 (±2.8)
Current tobacco user	31.4 (±2.8)

\*95% confidence interval

**Table 2**  
Perceived Seriousness of Smoking by Minors  
(n=1,000)

	Percent (95% C.I.)
Very serious	64.3 (±2.0)
Somewhat serious	29.3 (±2.8)
Not too serious	8.3 (±1.8)
Not serious at all	0.5 (±0.3)

\*95% confidence interval

**Table 3**  
Public Support for Proposals to Control Minors' Access to Tobacco  
(n=1,000)

	Support Percent (95% C.I.)	Oppose Percent (95% C.I.)	Neither Support nor Oppose Percent (95% C.I.)
Vending machine controls	68.3 (±2.8)	15.4 (±2.2)	15.8 (±2.7)
Fines on sellers	77.3 (±2.5)	11.2 (±1.9)	11.2 (±2.0)
Licensing sellers	74.0 (±2.7)	16.2 (±2.2)	10.2 (±1.8)
Fines on minors possessing tobacco	49.3 (±3.1)	32.3 (±2.5)	21.2 (±2.5)
Banning youth-oriented sponsorship	63.5 (±3.0)	18.2 (±2.4)	17.2 (±2.3)
Banning all advertising	51.2 (±3.1)	28.4 (±2.5)	19.2 (±2.2)
Increasing excise tax on tobacco	68.7 (±2.9)	19.6 (±2.4)	11.2 (±2.1)

\*95% confidence interval

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Testimony HB 365

Dear Mr. Chairman:

SB 365 will be instrumental in our efforts to reduce ~~to~~ tobacco use by kids in Alaska. By allowing underage kids to participate in compliance checks, vendors will be held to the law which states it is illegal to sell tobacco to minors under 19.

An angry mother called me the other day. Her 16 yr. old son had been caught with a can of chew that he bought at a 7-11 ~~in~~ in Anchorage. Her son was punished, but when the mother called the police about what ~~can~~ could be done to the ~~seller~~ vendor, she was told nothing could be done. She only represents one of many angry mothers who are willing to go all lengths to make sure vendors do not sell this addictive substance to their children. SB will allow a means to conduct compliance checks. Please support it. ~~S~~

Thank you,

Annette Marley  
Alaska Native Health Board



REPRESENTATIVE CON BUNDE  
CO-CHAIR HEALTH, EDUCATION  
& SOCIAL SERVICES  
VICE-CHAIR RULES

**Alaska State Legislature  
House of Representatives**

*DURING SESSION:*  
STATE CAPITOL, ROOM 108  
JUNEAU, ALASKA 99801-1182  
1 (907) 465-4843

*DURING INTERIM:*  
716 WEST 4th AVENUE  
ANCHORAGE, ALASKA 99501-2133  
1 (907) 258-8168

**MEMORANDUM**

DATE: March 5, 1996

TO: Representative Brian Porter  
Chairman, House Judiciary Committee

FROM: Representative Con Bunde  
Co-Chair, House HESS Committee

RE: HB 365

HB 365, "An Act relating to the offense of possession of tobacco by a minor" is currently in the House Judiciary Committee. This memo is a request for a committee hearing at your earliest possible convenience.

The attached information is for use in the committee packet. If you have any questions or concerns please do not hesitate to contact my office. Thank you for your cooperation with this matter.

**HB**

**368**

# Alaska State Legislature



House of Representatives  
House Judiciary Committee

State Capitol, Room 120  
Juneau, Alaska 99801-1182  
(907) 465-4990

March 20, 1996

R. Finkelstein's proposed amendments to HB 368  
in House Judiciary (13 amendments)

*Tom's  
work draft*

*X 2029*

*To: Leg Legal*

*From: Tom Meyer*

AMENDMENT

To: CSHB 368 (STA)

Page 23, Line 8

Delete: "33 1/3"

Insert: "50"

Page 23, Line 16

Delete: "33 1/3"

Insert: "50"

OK

AMENDMENT

To: CSHB 368 (STA)

Page 13, Line 23, after "(a)"

Delete: "Campaign"

Insert: "Except as otherwise provided, campaign"

Page 14, Line 1, after "fine"

Insert: "or"

Page 14, Lines 10-11

Delete: "; or"

(7) used to make contributions to another candidate or to a group."

Insert a new subsection to read:

"(c) Campaign contributions held by a candidate may not be contributed to another candidate or to a group"

*Passed*

AMENDMENT

To: CSHB 368 (STA)

Page 15, Lines 10-12

Delete

"(6) repay contributions to contributors, but only if repayment of the contribution is made to all contributors pro rata in approximate proportion to the contributions made;"

Insert

"(6) repay contributions to contributors, but only if repayment of the contribution is made pro rata in approximate proportion to the contributions made using one of the following, as the candidate determines:

(A) to all contributors;

(B) to contributors who have made contributions most recently;

or

(C) to contributors who have made larger contributions;"

0 4

AMENDMENT

To: CSHB 368 (STA)

Page 16, Line 9:

Delete: "The total value of the property retained may not exceed \$2,500."

Insert: "The current fair market value of the property retained may not exceed a total of \$2,500."

OK

AMENDMENT

To: CSHB 368 (STA)

Page 25, Line 25:

Delete: "AS 15.56.014(a)"

Insert: "AS 15.56.012"

OK

AMENDMENT

To: CSHB 368 (STA)

Page 7, Line 6 after "representative"

Insert: ", or municipal or other office"

ck

AMENDMENT

To: CSHB 368 (STA)

Page 24, Line 21 after "(2)"

Insert: "except as provided in AS 15.13.090(b),"

OK

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 368(STA)

- 1 Page 13, line 6:
- 2 Delete "expenditures from"
- 3 Insert "all amounts expended from"
  
- 4 Page 16, line 1:
- 5 Delete "the expenditures made"
- 6 Insert "all amounts expended"

OK

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 368(STA)

1 Page 6, line 17:

2 Delete "a person"

3 Insert "an individual"

4 Page 6, line 18:

5 Delete "the person"

6 Insert "that individual"

7 Page 6, line 28:

8 Delete "a person"

9 Insert "an individual"

10 Page 6, line 29:

11 Delete "the person"

12 Insert "that individual"

13 Page 7, line 1:

14 Delete "person"

15 Insert "individual"

16 Page 7, line 3:

17 Delete "person"

18 Insert "individual"

19 Page 7, line 5:

- 1 Delete "person"
- 2 Insert "individual"
- 3 Page 7, line 7:
- 4 Delete "a person"
- 5 Insert "an individual"
- 6 Page 7, line 8:
- 7 Delete "the person"
- 8 Insert "that individual"
- 9 Page 7, line 10:
- 10 Delete all material and insert:
- 11 "(d) An individual, or one acting directly or indirectly on behalf of that
- 12 individual,"
- 13 Page 7, line 16:
- 14 Delete "a person"
- 15 Insert "an individual"
- 16 Page 7, line 17:
- 17 Delete "the person"
- 18 Insert "that individual"
- 19 Page 7, line 19:
- 20 Delete "person"
- 21 Insert "individual"
- 22 Page 7, line 22, after "person":
- 23 Insert "or group"
- 24 Page 7, line 24, after "person":

- 1           Insert "or group"
  
- 2   Page 7, line 26, after "person":
- 3           Insert "or group"
  
- 4   Page 7, line 27:
- 5           Delete "a person"
- 6           Insert "an individual"
  
- 7   Page 7, line 28:
- 8           Delete "the person"
- 9           Insert "that individual"
  
- 10   Page 7, line 32:
- 11          Delete "person"
- 12          Insert "individual"
  
- 13   Page 8, line 3:
- 14          Delete "person"
- 15          Insert "individual"
  
- 16   Page 8, line 6:
- 17          Delete "a person"
- 18          Insert "an individual"
  
- 19   Page 8, line 7:
- 20          Delete "the person"
- 21          Insert "that individual"
  
- 22   Page 8, line 10:
- 23          Delete "person"
- 24          Insert "individual"

- 1 Page 8, line 13:
- 2 Delete "person"
- 3 Insert "individual"
  
- 4 Page 8, line 16:
- 5 Delete "a person"
- 6 Insert "an individual"
  
- 7 Page 8, line 17:
- 8 Delete "the person"
- 9 Insert "that individual"
  
- 10 Page 8, line 20:
- 11 Delete "person"
- 12 Insert "individual"
  
- 13 Page 8, line 23:
- 14 Delete "person"
- 15 Insert "individual"
  
- 16 Page 8, line 27:
- 17 Delete "person"
- 18 Insert "candidate or individual"
  
- 19 Page 8, line 29:
- 20 Delete "person"
- 21 Insert "candidate"
  
- 22 Page 9, line 1:
- 23 Delete "person"
- 24 Insert "candidate"

1 Page 9, line 4:

2 Delete "person"

3 Insert "candidate"

4 Page 9, line 6, after "person":

5 Insert "or group"

6 Page 9, line 8, after "person":

7 Insert "or group"

A handwritten signature or set of initials, possibly 'AL', written in dark ink.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 368(STA)

1 Page 17, line 18:

2 Delete "AS 15.13.040(f)"

3 Insert "AS 15.13.040(d) - (f), 15.13.050, 15.13.060(b) - (d), 15.13.080(c)

4 [AS 15.13.040(f)]"

5 Delete "or 15.13.110(f)"

6 Insert ", (e), or (f) [OR AS 15.13.110(f)]"

7 Page 17, line 24, after "court.":

8 Insert "A person who violates a provision of this chapter, except a provision  
9 requiring filing of a report within a time required as otherwise specified in this  
10 subsection, is subject to a civil penalty of not more than \$ 50 as determined by the  
11 commission, subject to right of appeal to the superior court."

GK

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 368(STA)

- 1 Page 19, line 30:
- 2 Delete "a state, municipal, municipal runoff, or federal office"
- 3 Insert "a state or municipal office"

*Passed*

AMENDMENT

To: CSHB 368 (STA)

Page 23, Line 28 after "union"

Insert: "and political group"

#

13

OK

AMENDMENT

To: CSHB 368 (STA)

Page 16, Lines 17-28

Delete all material

Insert: "(d) A member of the commission, the commission's executive director, a person or group who believes a violation of this chapter or a regulation adopted under it has occurred or is occurring may file an administrative complaint with the commission within four years of the date of the alleged violation. If a member of the commission has filed the complaint, that member may not participate as a commissioner in any proceeding of the commission with respect to the complaint. If the commission accepts the complaint and opens a preliminary investigation, it shall do so within 90 days of the filing date of the complaint and shall investigate the complaint. After affording the respondent notice and an opportunity to be heard, if the commission finds that the respondent has engaged in or is about to engage in an act or practice that constitutes or will constitute a violation of this chapter or a regulation adopted under it, the commission shall enter an order requiring the violation to be ceased or to be remedied, and shall assess civil penalties under AS 15.13.125. A commission order may be appealed to the superior court by either the complainant or respondent within 30 days. The commission or its executive director shall promptly report to the attorney general concerning any acts or practices that may constitute violations of this chapter or regulations adopted under this chapter, or concerning the violation of any order of the commission."

Page 16, Line 30 -Page 17, Line 14

#15

Passed  
(w/ amendment)  
on  
p. 2

Delete all material

Insert: "(e) If the commission does not open a preliminary investigation within 90 days of the filing date of the complaint or complete action on the complaint within 120 days of the filing, the complaint is rejected. A complainant whose complaint is rejected may file a complaint in superior court alleging a violation of this chapter by a person charged in the administrative complaint. The superior court summons and complaint shall be served on the commission and the attorney general. The state shall have the right to intervene in a timely manner. A complaint may not be filed in superior court under this subsection if more than four years have elapsed from the date of the alleged violation. Nothing in this subsection creates a private cause of action against the commission."

two

Amendment  
to  
Amendment

Passed

AMENDMENT

To: CSHB 368 (STA)

Page 10, Line 18, after "(c)"

Insert: "On and after the date determined under AS 15.13.110 as the last day of the period ending three days before the due date of the report required to be filed under AS 15.13.110(a)(1) and until the date of the election for which the report is filed, a candidate may not give or loan, or both, to the candidate's campaign the candidate's money or other thing of value of the candidate in an amount that exceeds \$5,000."

Page 10, Line 18

Delete: "(c)"

Insert: "(d)"

H-146  
~~failed~~  
passed

# Alaska State Legislature



## House of Representatives House Judiciary Committee

State Capitol, Room 120  
Juneau, Alaska 99801-1182  
(907) 465-4990

March 22, 1996

TO: House Judiciary Committee members

FROM: Tom Meyer

RE: New materials and hearing schedule

Attached is a new CS version "K" for HB 474 and a new fiscal note from Courts for your consideration. Also attached is a March 12, 1996, memo from Chenoweth re: HB 368.

Regarding bill scheduling, HB 368 will be heard first today. HB 433 will follow. Time permitting, HB 474 will be third on the calendar. HB 414 is not ready for hearing because there will be a new CS for it. It may be ready by Monday. Anything not heard today will roll-over to Monday's calendar. Incidentally, please delete SB 159 from March 29, 1996. It did not receive a Judiciary referral as was mistakenly anticipated.

#24

AMENDMENT

Failed

To: CSHB 368 (STA)

Page 4, Line 19

Delete: "election;"

Page 4, Line 19 after "in seeking"

Insert: "statewide or legislative office or \$1,000 in seeking municipal or other office;"

Page 4, Line 21

Delete: "election;"

Page 4, Line 20 after "in seeking"

Insert: "statewide or legislative office or \$1,000 in seeking municipal or other office;"

Page 4, Line 23

Delete: "election."

Page 4, Line 22 after "in seeking"

Insert: "statewide or legislative office or \$1,000 in seeking municipal or other office."

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 368(STA)

- 1 Page 23, line 8:
- 2 Delete "33 1/3 percent"
- 3 Insert "50 percent"
  
- 4 Page 23, lines 16 - 17:
- 5 Delete "33 1/3 percent"
- 6 Insert "50 percent"

*not offered  
w/ change*

AMENDMENT

To: CSHB 368 (STA)

Page 5, Lines 10-11

Delete: An individual may make a contribution to a group or to a political party."

Insert: "Only an individual may make a contribution to a group or political party. Only individuals, groups, or political parties may make contributions to a candidate."

Page 6, Line 20:

Delete: "an individual or group"

Insert: "a person"

*W. J. Danner*

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 368(STA)

- 1 Page 10, line 5:  
2 Delete "AS 15.13.116(a)(5)"  
3 Insert "AS 15.13.116(c)(3)"
- 4 Page 10, line 6, after "loan":  
5 Insert "or contribution"
- 6 Page 10, line 14, following "loan":  
7 Insert "or contribution"
- 8 Page 10, line 15, following "loan":  
9 Insert "or contribution"
- 10 Page 10, line 17:  
11 Following "loan":  
12 Insert "or contribution"  
13 Delete "AS 15.13.116(a)(5)"  
14 Insert "AS 15.13.116(c)(3)"
- 15 Page 13, line 7:  
16 Delete "AS 15.13.116(a)(9)"  
17 Insert "AS 15.13.116(e)"
- 18 Page 14, line 21, through page 16, line 15:  
19 Delete all material and insert:

1           "Sec. 15.13.116. USE OF BALANCE OF A STATE CANDIDATE'S  
2 CAMPAIGN ACCOUNT AND DISPOSITION OF ASSETS. (a) A candidate for  
3 state office may not take money from the surplus balance of the candidate's campaign  
4 account as personal income.

5           (b) The disbursement of a surplus balance of the campaign account of a  
6 candidate for state office shall be reported to the commission on the next required  
7 report.

8           (c) A candidate for state office disbursing the surplus balance in the  
9 candidate's campaign account may only

10                   (1) give the money to a charitable organization or to an agency of the  
11 state or a political subdivision of the state;

12                   (2) use the money to repay contributors to the candidate's campaign;  
13 a repayment under this paragraph may not exceed the amount of the initial  
14 contribution from the contributor;

15                   (3) use the money to repay the candidate, if the candidate made loans  
16 or contributions to the campaign, but only in an amount that does not exceed the loans  
17 and contributions the candidate made; a candidate may repay a loan or contribution  
18 the candidate made during a prior campaign for the same or a different state or  
19 municipal office if the contribution has not yet been repaid;

20                   (4) leave the money in a campaign account until the next time the  
21 candidate campaigns for elective office; however, any interest realized from a surplus  
22 in a campaign account shall remain in the account and be reported on the first report  
23 required of the candidate when the candidate is again a candidate for elective office;

24                   (5) subject to the limitation of AS 15.13.070, contribute the money to  
25 another candidate or a group controlled by a candidate, to a political party, or to a  
26 group supporting or opposing a ballot proposition or question;

27                   (6) spend the money on costs associated with contesting the outcome  
28 of an election or a ballot recount;

29                   (7) spend the money on costs associated with a legal action to qualify  
30 for placement on the ballot;

31                   (8) transfer the money to the candidate's office allowance under (e) of  
32 this section; or

1 (9) contribute the money to the state general fund.

2 (d) If a campaign acquires furniture, office equipment, or other tangible assets,  
3 either by purchase or contribution to the campaign, and if the cumulative value of the  
4 assets, valued at the time of acquisition, that were acquired during the calendar year  
5 exceeded \$5,000, the campaign shall report the information required by this  
6 subsection. The campaign shall report the disposal of any item worth at least \$1,000  
7 at the time of acquisition as part of the campaign's next required report. As part of  
8 the year-end report, the campaign shall report the current location of any item worth  
9 at least \$1,000 at the time of acquisition that is still owned by the campaign.

10 (e) A candidate for state office who is elected to office may transfer the  
11 surplus balance of the candidate's campaign account to the candidate's office  
12 allowance. The portion of the office allowance that is attributable to money from the  
13 campaign account may only be spent on expenses relating to the candidate's office or  
14 for a purpose permitted under (c) of this section. The candidate shall report  
15 information concerning expenditures that are attributable to money from the campaign  
16 account to the commission. The report must include the information that would have  
17 been required had the money remained in the campaign account. Money that is  
18 attributable to the campaign account that is remaining in an office allowance when a  
19 candidate leaves state office may only be spent on a purpose permitted under (c) of  
20 this section.

21 (f) In this section,

22 (1) "candidate for state office" means a candidate for governor,  
23 lieutenant governor, or the state legislature;

24 (2) "charitable organization" means an entity that is exempt from  
25 federal taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code) or an established,  
26 recognized charitable organization as set out in regulations adopted by the  
27 commission;

28 (3) "personal income" means income that the candidate is required to  
29 report as income on the candidate's personal income tax return to the federal  
30 government."

FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 368(STA)

Revision Date: \_\_\_\_\_  
Title: "An Act regulating campaigns, campaign financing, and lobbyists' campaign activities..."  
Sponsor: Rep. James  
Requestor: (H) Jud

Department Affected: Administration  
BRU: Public Offices Commission  
Component: Public Offices Commission  
COMPONENT SERIAL NO. 70

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	72	146.3	123.9	100.7	103.5	106.7
TRAVEL	0	0	2.5	0	2.5	0
CONTRACTUAL	9.0	10.1	3.2	0	1.2	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	17.7	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
<b>TOTAL OPERATING</b>	<b>98.7</b>	<b>156.4</b>	<b>129.6</b>	<b>100.7</b>	<b>107.2</b>	<b>106.7</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	98.7	156.4	129.6	100.7	107.2	106.7
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>98.7</b>	<b>156.4</b>	<b>129.6</b>	<b>100.7</b>	<b>107.2</b>	<b>106.7</b>

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

FULL-TIME	3	3	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED.

Prepared by: Karen Boorman  
Division: Public Offices Commission

Phone: 276-4176  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer *MB*  
Agency: Department of Administration

Date: 3/21/96

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## FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 368(STA)

### ANALYSIS: (continued)

#### 1. Assumption

This expenditure detail is based upon the assumption that HB 368 will take effect midway through FY 97. The first elections to which the new law would apply are the FY 97 Anchorage municipal election including mayoral in April and municipal elections in the fall.

#### 2. Program Summary

This bill would require extensive education of all candidates and contributors of the new limits on contributions, expenditures and behavior. New manuals and forms would be necessary to provide immediate help. Regulations, civil penalty assessments, advisory opinions and adjudication of complaints would provide long term guidance. The computer tracking system would have to be significantly upgraded to accommodate the increased number of reports as well as the new civil penalty structure.

##### a. Positions

Positions would not be established until January 1, 1997.

1. An investigator III/associate coordinator would write advisory opinions, handle complex civil penalty assessments and inquiries from the public, train candidates and contributors and investigate complaints.

2. An administrative clerk III would be responsible for processing filed reports, statements and registrations as well as accurate and prompt input of data about contributors' and candidates' registering and reporting. This position would assign work to and supervise an existing administrative clerk II; answer inquiries from the public about APOC's expanded databases; and compose reports of contribution, expenditure and candidate activity.

3. A regulations specialist II would draft regulations interpreting this bill's new provisions for consideration by the commission and the Department of Law. This position would also draft new forms and manuals. This is a two year position and would end six months into FY 99.

##### b. Other expenditures

Travel costs in FY 99 and FY 01 cover training in Fairbanks, Barrow, Kenai and Ketchikan as well as an additional commission teleconference to approve new manuals and forms. Contractual costs in FY 97 cover printing and mailing new manuals and forms, additional office space for 1-1/2 years, and reprogramming the current computer tracking system in FY 98. Equipment costs in FY 97 cover computer equipment for the new positions as well as an improved backup and storage system. Funds in two election years, FY 99 and FY 01 for newspaper ads in six communities would tell the public of the new limitations.

##### c. Funding

Undesignated revenue to the general fund from civil penalties is likely to increase, but the amount of any increase is speculative. Any increased revenue would go to the general fund, not APOC.

AMENDMENT

(Alternative 1)

To: CSHB 368 (STA)

Page 5, Lines 10-11

Delete: "An individual may make a contribution to a group or political party."

Insert: "Only an individual may make a contribution to a group or political party. Only individuals, groups, or political parties may make contributions to a candidate."

Page 6, Line 3

Delete: "to another group or"

A M E N D M E N T

(Alternative 2)

OFFERED IN THE HOUSE

TO: CSHB 368(STA)

1 Page 5, lines 10 - 12, after "(a)":

2 Delete "An individual may make a contribution to a group or to a political party.

3 (b)"

4 Insert "Only individuals, groups, or political parties may make contributions to a  
5 candidate.

6 (b) Only individuals and groups may make contributions to a group or, except  
7 as provided in (c) of this section, to a political party.

8 (c)"

9 Page 6, line 20:

10 Delete "an individual or group"

11 Insert "a person"

9-LS1348VG  
Chenoweth  
3/25/96

**CS FOR HOUSE BILL NO. 368(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE JAMES**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to election campaigns, election campaign financing, the  
2 oversight and regulation of election campaigns by the Alaska Public Offices  
3 Commission, the activities of lobbyists that relate to election campaigns, the  
4 definitions of offenses of campaign misconduct, and to the use of the net  
5 proceeds of charitable gaming activities in election campaigns; and providing for  
6 an effective date."

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

8 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that, under existing  
9 laws,

10 (1) campaigns for elective public office last too long, are often uninformative,  
11 and are too expensive;

12 (2) highly qualified citizens are dissuaded from running for public office due to  
13 the high cost of election campaigns;

1 (3) organized special interests are responsible for raising a significant portion of  
2 all election campaign funds and may thereby gain an undue influence over election campaigns  
3 and elected officials, particularly incumbents;

4 (4) incumbents enjoy a distinct advantage in raising money for election  
5 campaigns, and many elected officials raise and carry forward huge surpluses from one campaign  
6 to the next, to the disadvantage of challengers;

7 (5) because, under existing laws, candidates are completely free to convert  
8 campaign funds to personal income, there is great potential for bribery and political corruption;  
9 and

10 (6) penalties for violations of the existing campaign finance laws are far too  
11 lenient to deter misconduct.

12 (b) It is the purpose of this Act to substantially revise Alaska's election campaign  
13 finance laws in order to restore the public's trust in the electoral process and to foster good  
14 government.

15 \* Sec. 2. AS 05.15.150(a) is amended to read:

16 (a) The authority to conduct the activity authorized by this chapter is contingent  
17 upon the dedication of the net proceeds of the charitable gaming activity to the awarding  
18 of prizes to contestants or participants and to political, educational, civic, public,  
19 charitable, patriotic, or religious uses in the state. "Political, educational, civic, public,  
20 charitable, patriotic, or religious uses" means uses benefiting persons either by bringing  
21 them under the influence of education or religion or relieving them from disease,  
22 suffering, or constraint, or by assisting them in establishing themselves in life, or by  
23 providing for the promotion of the welfare and well-being of the membership of the  
24 organization within their own community, or through aiding candidates for public office  
25 or groups that support candidates for public office, or by erecting or maintaining public  
26 buildings or works, or lessening the burden on government, but does not include

27 (1) the direct or indirect payment of any portion of the net proceeds of  
28 a bingo or pull-tab game to a lobbyist registered under AS 24.45; [OR]

29 (2) the erection, acquisition, improvement, maintenance, or repair of real,  
30 personal, or mixed property unless it is used exclusively for one or more of the permitted  
31 uses; or

32 (3) the direct or indirect payment of any portion of the net proceeds

1 of a charitable gaming activity, except the proceeds of a raffle and lottery,

2 (A) to aid candidates for public office or groups that support  
3 candidates for public office;

4 (B) to a political party or to an organization affiliated with  
5 a political party; or

6 (C) to a group, as that term is defined in AS 15.13.400, that  
7 seeks to influence the outcome of an election.

8 \* Sec. 3. AS 15.13.010(a) is amended to read:

9 (a) This chapter applies

10 (1) in every election for governor, lieutenant governor, a member of the  
11 state legislature, a delegate to a constitutional convention, or judge seeking electoral  
12 confirmation;

13 (2) [. IT ALSO APPLIES] to every candidate for election to a municipal  
14 office in a municipality with a population of more than 1,000 inhabitants according to  
15 the latest United States census figures or estimates of population certified as correct for  
16 administrative purposes by the Department of Community and Regional Affairs unless  
17 the municipality has exempted itself from the provisions of this chapter: a [. A]  
18 municipality may exempt its elected municipal officers from the requirements of this  
19 chapter if a majority of the voters voting on the question at a regular election, as defined  
20 by AS 29.71.800(20), or a special municipality-wide election called for that purpose,  
21 votes [VOTE] to exempt its elected municipal officers from the requirements of this  
22 chapter; the [. THE] question of exemption from the requirements of this chapter may  
23 be submitted by the governing body by ordinance or by initiative election. [THIS  
24 CHAPTER DOES NOT PROHIBIT A MUNICIPALITY FROM REGULATING BY  
25 ORDINANCE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.]

26 \* Sec. 4. AS 15.13.010 is amended by adding a new subsection to read:

27 (c) This chapter does not prohibit a municipality from regulating by ordinance  
28 election campaign contributions and expenditures in municipal elections, or from  
29 regulating those campaign contributions and expenditures more strictly than provided in  
30 this chapter.

31 \* Sec. 5. AS 15.13.040(a) is amended to read:

32 (a) Except as provided in (g) of this section, each [EACH] candidate shall

1 make a full report, upon a form prescribed by the commission, listing the date and  
2 amount of all expenditures made by the candidate, the total amount of all contributions,  
3 including all funds contributed by the candidate, and for all contributions in excess of  
4 \$100 in the aggregate a year, the name, address, principal occupation, and employer of  
5 the contributor and the date and amount contributed by each contributor. The report  
6 shall be filed in accordance with AS 15.13.110 and shall be certified correct by the  
7 candidate or campaign treasurer.

8 \* Sec. 6. AS 15.13.040(d) is amended to read:

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

12 (1) any contribution of cash, goods, or services valued at more than \$250  
13 a year to any group or candidate; or

14 (2) unless exempted from reporting by (h) of this section, any  
15 expenditure whatsoever for advertising in newspapers or other periodicals, on radio, or  
16 on television; or, for the publication, distribution, or circulation of brochures, flyers, or  
17 other campaign material for any candidate or ballot proposition or question.

18 \* Sec. 7. AS 15.13.040 is amended by adding new subsections to read:

19 (g) The provisions of (a) of this section do not apply if a candidate

20 (1) indicates, on a form prescribed by the commission, an intent not to  
21 raise and not to expend more than \$2,500 in seeking election;

22 (2) accepts contributions totaling not more than \$2,500 in seeking  
23 election; and

24 (3) makes expenditures totaling not more than \$2,500 in seeking  
25 election.

26 (h) The provisions of (d)(2) of this section do not apply to one or more  
27 expenditures made by an individual acting independently of any group and  
28 independently of any other individual if the expenditures

29 (1) cumulatively do not exceed \$250 during a calendar year; and

30 (2) are made only for billboards, signs, or printed material concerning  
31 a ballot proposition or question.

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

1           Sec. 15.13.050. REGISTRATION BEFORE EXPENDITURE [GROUPS].  
2           Before [EACH GROUP, BEFORE] making an expenditure in support [ON BEHALF]  
3           of [,] or in opposition to [,] a candidate or before making an expenditure in support  
4           of or in opposition to a ballot proposition or question, each person, publicly-funded  
5           entity, or group [A CONTRIBUTION TO A CANDIDATE] shall register, on forms  
6           provided by the commission, with the commission. If the group intends to support or  
7           oppose only one candidate, or to contribute to or expend on behalf of, or in opposition  
8           to, one candidate 33 1/3 [50] percent or more of its funds, the name of the candidate  
9           shall be a part of the name of the group. Promptly upon receiving the registration, the  
10          commission shall notify the candidate of the group's organization and intent.

11 \* Sec. 9. AS 15.13 is amended by adding new sections to read:

12           Sec. 15.13.065. WHO MAY MAKE CONTRIBUTIONS. (a) An individual  
13           may make a contribution to a group or to a political party.

14           (b) A political party may contribute to a subordinate unit of the political party,  
15           and a subordinate unit of a political party may contribute to the political party of which  
16           it is a subordinate unit.

17           Sec. 15.13.067. WHO MAY MAKE EXPENDITURES. Only the following may  
18           make an expenditure in an election for candidates for elective office:

19                   (1) the candidate;

20                   (2) individuals who are registered under AS 15.13.050; and

21                   (3) a group that, if required by AS 15.13.050 to register, is registered,

22           or a group not required to register under AS 15.13.050.

23 \* Sec. 10. AS 15.13.070 is repealed and reenacted to read:

24           Sec. 15.13.070. LIMITATIONS ON AMOUNT OF POLITICAL  
25           CONTRIBUTIONS. (a) An individual or group may make contributions, subject only  
26           to the limitations of this chapter and AS 24.45, including the limitations on the maximum  
27           amounts set out in this section.

28           (b) An individual may contribute not more than

29                   (1) \$500 per year to a candidate, or to a person who conducts a write-in  
30           campaign as a candidate;

31                   (2) \$250 per year to a group that is not a political party;

32                   (3) \$5,000 per year to a political party.

1 (c) A group that is not a political party may contribute not more than \$1,000 per  
2 year

3 (1) to a candidate, or to a person who conducts a write-in campaign as  
4 a candidate; or

5 (2) to another group or to a political party.

6 (d) A political party may contribute to a candidate, or to a person who conducts  
7 a write-in campaign, for the following offices an amount not to exceed

8 (1) \$100,000 per year, if the election is for governor or lieutenant  
9 governor;

10 (2) \$15,000 per year, if the election is for the state senate;

11 (3) \$10,000 per year, if the election is for the state house of  
12 representatives; and

13 (4) \$5,000 per year, if the election is for

14 (A) delegate to a constitutional convention;

15 (B) judge seeking retention; or

16 (C) municipal office.

17 \* Sec. 11. AS 15.13 is amended by adding new sections to read:

18 Sec. 15.13.072. RESTRICTIONS ON SOLICITATION AND ACCEPTANCE  
19 OF CONTRIBUTIONS. (a) A candidate or an individual who has filed with the  
20 commission the document necessary to permit that individual to incur election-related  
21 expenses under AS 15.13.100 may not solicit or accept a contribution from

22 (1) an individual or group not authorized by law to make a contribution;

23 (2) an individual who is not a resident of the state at the time the  
24 contribution is made except as provided in (b) of this section;

25 (3) a group organized under the laws of another state, resident in another  
26 state, or whose participants are not residents of this state at the time the contribution is  
27 made; or

28 (4) a person registered as a lobbyist if the contribution violates  
29 AS 15.13.074(f) or AS 24.45.121(a)(8).

30 (b) A candidate or an individual who has filed with the commission the  
31 document necessary to permit that individual to incur election-related expenses under  
32 AS 15.13.100 may solicit or accept contributions from an individual who is not a

1 resident of the state at the time the contribution is made if the amounts contributed by  
2 individuals who are not residents do not exceed

3 (1) \$20,000, if the candidate or individual is seeking the office of  
4 governor or lieutenant governor;

5 (2) \$3,000, if the candidate or individual is seeking the office of state  
6 senator;

7 (3) \$2,000, if the candidate or individual is seeking the office of state  
8 representative or municipal or other office.

9 (c) A candidate or an individual who has filed with the commission the  
10 document necessary to permit the individual to incur election-related expenses under  
11 AS 15.13.100, or a group, may not solicit or accept a cash contribution that exceeds  
12 \$100.

13 (d) An individual, or one acting directly or indirectly on behalf of that  
14 individual, may not solicit or accept a contribution

15 (1) before the date for which contributions may be made as determined  
16 under AS 15.13.074(c)(1) - (3); or

17 (2) later than the day after which contributions may not be made as  
18 determined under AS 15.13.074(c)(4).

19 (e) A candidate or an individual who has filed with the commission the  
20 document necessary to permit that individual to incur election-related expenses under  
21 AS 15.13.100 may not solicit or accept a contribution if the legislature is convened in  
22 a regular or special legislative session, and the candidate or individual is a member of  
23 the legislature, or employed by a legislator or employed as a member of the legislator's  
24 staff or as a member of the staff of a legislative committee.

25 Sec. 15.13.074. PROHIBITED CONTRIBUTIONS. (a) A person or group may  
26 not make a contribution if the making of the contribution would violate this chapter.

27 (b) A person or group may not make a contribution anonymously, using a  
28 fictitious name, or using the name of another.

29 (c) A person or group may not make a contribution

30 (1) to a candidate for governor or lieutenant governor or an individual  
31 who files with the commission the document necessary to permit that individual to incur  
32 certain election-related expenses as authorized by AS 15.13.100 for governor or

1 lieutenant governor, when the office is to be filled at a general election, before the later  
2 of the following dates:

3 (A) the date the individual

4 (i) becomes a candidate; or

5 (ii) files with the commission the document necessary to  
6 permit the individual to incur certain election-related expenses as  
7 authorized by AS 15.13.100; or

8 (B) January 1 of the year of the general election;

9 (2) to a candidate for the state legislature or an individual who files with  
10 the commission the document necessary to permit that individual to incur certain  
11 election-related expenses as authorized by AS 15.13.100 for the state legislature, when  
12 the office is to be filled at a general election, before the later of the following dates:

13 (A) the date the individual

14 (i) becomes a candidate; or

15 (ii) files with the commission the document necessary to  
16 permit the individual to incur certain election-related expenses as  
17 authorized by AS 15.13.100; or

18 (B) June 1 of the year of the general election;

19 (3) to a candidate or an individual who files with the commission the  
20 document necessary to permit that individual to incur certain election-related expenses  
21 as authorized by AS 15.13.100 for an office that is to be filled at a special election or  
22 municipal election before the later of the following dates:

23 (A) the date the individual

24 (i) becomes a candidate; or

25 (ii) files with the commission the document necessary to  
26 permit that individual to incur certain election-related expenses as  
27 authorized by AS 15.13.100;

28 (B) is five months before the date of the general or regular  
29 municipal election or that is before the date of the proclamation of the special  
30 election at which the candidate or individual seeks election to public office; or

31 (4) to any candidate later than the 45th day

32 (A) after the date of a primary election if the candidate

1 (i) has been nominated at the primary election or is  
2 running as a write-in candidate; and

3 (ii) is not opposed at the general election;

4 (B) after the date of the primary election if the candidate was not  
5 nominated at the primary election; or

6 (C) after the date of the general election, or after the date of a  
7 municipal or municipal runoff election, if the candidate was opposed at the  
8 general, municipal, or municipal runoff election.

9 (d) A person or group may not make a contribution to a candidate or a person  
10 or group who is prohibited by AS 15.13.072(d) from accepting it.

11 (e) A person or group may not make a cash contribution that exceeds \$100.

12 (f) An individual required to register as a lobbyist under AS 24.45 may not make  
13 a contribution to a candidate for the legislature at any time the individual is subject to  
14 the registration requirement under AS 24.45 and for one year after the date of the  
15 individual's initial registration or its renewal. However, the individual may make a  
16 contribution under this section to a candidate for the legislature in a district in which the  
17 individual is registered to vote or will be registered to vote on the date of the election.  
18 An individual who is subject to the restrictions of this subsection shall report to the  
19 commission, on a form provided by the commission, each contribution made while  
20 required to register as a lobbyist under AS 24.45. This subsection does not apply to a  
21 representational lobbyist as defined in regulations of the commission.

22 Sec. 15.13.076. AUTHORIZED RECIPIENTS OF CONTRIBUTIONS. A  
23 contribution to a

24 (1) candidate may be received only by

25 (A) the candidate; or

26 (B) the candidate's campaign treasurer or a deputy campaign  
27 treasurer;

28 (2) group may be received only by the group's campaign treasurer or a  
29 deputy treasurer.

30 Sec. 15.13.078. CONTRIBUTIONS AND LOANS FROM THE CANDIDATE.

31 (a) The provisions of this chapter do not prohibit the person who is a candidate from  
32 giving any amount of the candidate's own money or other thing of value to the

1 campaign of the candidate. Donations made by the candidate to the candidate's own  
2 campaign shall be reported as contributions in accordance with AS 15.13.040 and  
3 15.13.110.

4 (b) The provisions of this chapter do not prohibit the person who is a  
5 candidate from lending any amount to the campaign of the candidate. Loans made by  
6 the candidate shall be reported as contributions in accordance with AS 15.13.040 and  
7 15.13.110. However, the candidate may not

8 (1) recover, under this section and AS 15.13.116(a)(5), the amount of  
9 a loan made by the candidate to the candidate's own campaign that exceeds

10 (A) \$25,000, if the candidate ran for governor or lieutenant  
11 governor;

12 (B) \$10,000, if the candidate ran for

13 (i) the legislature; or

14 (ii) delegate to a constitutional convention;

15 (C) \$10,000, if the candidate was a judge seeking retention;

16 (D) \$5,000, if the candidate ran in a municipal election; or

17 (2) repay a loan that the candidate has made to the candidate's own  
18 campaign unless, within five days of making the loan, the candidate notifies the  
19 commission, on a form provided by the commission, of the candidate's intention to  
20 repay the loan under AS 15.13.116(a)(5).

21 (c) On and after the date determined under AS 15.13.110 as the last day of the  
22 period ending three days before the due date of the report required to be filed under  
23 AS 15.13.110(a)(1) and until the date of the election for which the report is filed, a  
24 candidate may not give or loan, or both, to the candidate's campaign the candidate's  
25 money or other thing of value of the candidate in an amount that exceeds \$5,000.

26 (d) The provisions of this section apply only to the person who is a candidate,  
27 as that term is defined by AS 15.13.400(1)(A), and do not apply to authorize a  
28 contribution or loan under this section by a person described in the definition of the  
29 term "candidate" under AS 15.13.400(1)(B).

30 \* Sec. 12. AS 15.13.080 is amended to read:

31 Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. (a) Each of the  
32 following shall file statements as required by this section:

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(1) an individual who contributes to a candidate

(A) more than [A PERSON OR GROUP CONTRIBUTING TO A CANDIDATE OVER] \$250; or

(B) [CONTRIBUTING] goods or services [TO A CANDIDATE] with a value of more than \$250;

(2) an individual who, during the period between the 90th day before an election and the date of the election, contributes to more than one group and whose aggregate contributions to all groups, in money or in the value of goods and services, or both, exceed \$1,000 per year [TO INFLUENCE THE ELECTION OF A CANDIDATE SHALL FURNISH THE COMMISSION A SIGNED STATEMENT, ON A FORM MADE AVAILABLE BY THE COMMISSION].

(b) An individual required to file a contributor's statement under (a) of this section shall file on a form made available by the commission. The statement must

(1) identify the contributor and the candidate and all groups receiving contributions;

(2) [SHALL] itemize the contributions and goods; and

(3) state that the contributor is not [A PERSON OR GROUP] prohibited by law from contributing and that the contribution consists of funds or property belonging to the contributor and has not been given or furnished by another person or group.

(c) The contributor's statement shall be filed with the commission by the contributor no later than 10 days after the contribution is made. [A COPY OF THE STATEMENT SHALL BE FURNISHED THE CANDIDATE, CAMPAIGN TREASURER, OR DEPUTY CAMPAIGN TREASURER AT THE TIME THE CONTRIBUTION IS MADE.]

\* Sec. 13. AS 15.13 is amended by adding new sections to read:

Sec. 15.13.082. LIMITATIONS ON EXPENDITURES. (a) A candidate or group may not make an expenditure in cash that exceeds \$100 unless the candidate, or the campaign treasurer or deputy campaign treasurer, obtains from the person to whom the expenditure is made a written receipt and files a copy of the receipt with the commission.

(b) A candidate or group may not make an expenditure unless the source of the

1 expenditure has been disclosed as required by this chapter.

2 (c) If a candidate receives a contribution in the form of cash, check, money  
3 order, or other negotiable instrument and is subject to being reported to the commission  
4 under this chapter, the candidate may neither expend the contribution nor, in the case of  
5 a negotiable instrument, convert it to cash unless the candidate, campaign treasurer, or  
6 campaign treasurer first records the following information for disclosure to the  
7 commission:

8 (1) the name, address, principal occupation, and employer of the  
9 contributor; and

10 (2) the date and amount of the contribution.

11 Sec. 15.13.084. PROHIBITED EXPENDITURES. A person may not make an  
12 expenditure anonymously, using a fictitious name, or using the name of another.

13 Sec. 15.13.086. AUTHORIZED MAKERS OF EXPENDITURES. An  
14 expenditure

15 (1) authorized by AS 15.13.067(1) by or in behalf of a candidate may be  
16 made only by

17 (A) the candidate; or

18 (B) the candidate's campaign treasurer or a deputy campaign  
19 treasurer;

20 (2) authorized by AS 15.13.067(3) by or in behalf of a group may be  
21 made only by the group's campaign treasurer.

22 \* Sec. 14. AS 15.13.090 is amended by adding a new subsection to read:

23 (b) The provisions of (a) of this section do not apply when the advertisement

24 (1) is paid for by an individual acting independently of any group and  
25 independently of any other individual;

26 (2) is made concerning a ballot proposition or question; and

27 (3) is made for

28 (A) a billboard or sign; or

29 (B) printed material other than an advertisement made in a  
30 newspaper or other periodical.

31 \* Sec. 15. AS 15.13.110(a) is amended to read:

32 (a) Each candidate and group shall make a full report in accordance with

1 AS 15.13.040 for the period ending three days before the due date of the report and  
2 beginning on the last day covered by the most recent previous report. If the report is a  
3 first report, it shall cover the period from the beginning of the campaign to the date three  
4 days before the due date of the report. If the report is a report due February 15, it shall  
5 cover the period beginning on the last day covered by the most recent previous report  
6 or on the day that the campaign started, whichever is later, and ending on December 31  
7 of the prior year. The report shall be filed

8 (1) 30 days before the election; however, this report is not required if the  
9 deadline for filing a nominating petition or declaration of candidacy is within 30 days  
10 of the election;

11 (2) one week before the election;

12 (3) 10 days after the election; and

13 (4) February 15 for expenditures made and contributions received that  
14 were not reported during the previous year, including, if applicable, all amounts  
15 expended from a legislative office account established under AS 15.13.116(a)(9), or  
16 when expenditures were not made or contributions were not received during the previous  
17 year.

18 \* Sec. 16. AS 15.13.110(b) is amended to read:

19 (b) Each contribution [OR EXPENDITURE] that exceeds \$250 and that is made  
20 within nine days of the election shall be reported to the commission by date, amount, and  
21 contributor [OR RECIPIENT] within 24 hours of receipt [OR EXPENDITURE] by the  
22 candidate, group, [OR] campaign treasurer, or deputy campaign treasurer.

23 \* Sec. 17. AS 15.13.110(c) is amended to read:

24 (c) [THE REPORTS OF CANDIDATES SHALL BE FILED WITH THE  
25 COMMISSION'S CENTRAL OFFICE.] All reports required by this chapter shall be  
26 filed with the commission's central office and shall be kept open to public inspection.  
27 Within 30 days after each election, the commission shall prepare a summary of each  
28 report which shall be made available to the public at cost upon request. Each summary  
29 shall use uniform categories of reporting.

30 \* Sec. 18. AS 15.13 is amended by adding new sections to read:

31 Sec. 15.13.112. USES OF CAMPAIGN CONTRIBUTIONS HELD BY  
32 CANDIDATE OR GROUP. (a) Except as otherwise provided, campaign contributions

1 held by a candidate or group may be used only to pay the expenses of the candidate or  
2 group, and the campaign expenses incurred by the candidate or group, that reasonably  
3 relate to election campaign activities, and in those cases only as authorized by this  
4 chapter.

5 (b) Campaign contributions held by a candidate or group may not be

6 (1) used to give a personal benefit to the candidate or to another person;

7 (2) converted to personal income of the candidate;

8 (3) loaned to a person;

9 (4) knowingly used to pay more than the fair market value for goods or  
10 services purchased for the campaign;

11 (5) used to pay a criminal fine; or

12 (6) used to pay civil penalties; however, campaign contributions held by  
13 a candidate or group may be used to pay a civil penalty assessed under this chapter if  
14 authorized by the commission after it first determines that

15 (A) the candidate, campaign treasurer, and deputy campaign  
16 treasurer did not cause or participate in the violation for which the civil penalty  
17 is imposed and exercised a reasonable level of oversight over the campaign; and

18 (B) the candidate, campaign treasurer, and deputy campaign  
19 treasurers cooperated in the revelation of the violation and in its immediate  
20 correction.

21 (c) Campaign contributions held by a candidate may not be contributed to  
22 another candidate or to a group.

23 Sec. 15.13.114. DISPOSITION OF PROHIBITED CONTRIBUTIONS. (a) A  
24 candidate or group that receives and accepts a contribution given in violation of  
25 AS 15.13.072 or 15.13.074 shall immediately, upon discovery that the contribution is  
26 prohibited, return it to the contributor. If the contribution cannot be returned in the same  
27 form, the equivalent value of the contribution shall be returned.

28 (b) An anonymous contribution is forfeited to the state unless the contributor is  
29 identified within five days of its receipt. Money that forfeits to the state under this  
30 subsection shall be delivered immediately to the Department of Revenue for deposit in  
31 the general fund.

32 Sec. 15.13.116. DISBURSEMENT OF CAMPAIGN ASSETS AFTER

1 ELECTION. (a) A candidate who, after the date of the general, special, municipal, or  
2 municipal runoff election or after the date the candidate withdraws as a candidate,  
3 whichever comes first, holds unused campaign contributions shall distribute the amount  
4 held within 60 days. The distribution may only be made to

5 (1) pay bills incurred for expenditures reasonably related to the campaign  
6 and the winding up of the affairs of the campaign, and to pay expenditures associated  
7 with post-election fund raising that may be needed to raise funds to pay off campaign  
8 debts;

9 (2) pay for a victory or a thank you party costing less than \$500, or to  
10 give a thank you gift of a value of less than \$50 to a campaign employee or volunteer;

11 (3) make donations, without condition, to

12 (A) a political party;

13 (B) the state's general fund;

14 (C) a municipality of the state; or

15 (D) the federal government;

16 (4) make donations, without condition, to organizations qualified as  
17 charitable organizations under 26 U.S.C. 501(c)(3), provided the organization is not  
18 controlled by the candidate or a member of the candidate's immediate family;

19 (5) repay loans from the candidate to the candidate's own campaign  
20 under AS 15.13.078(b);

21 (6) repay contributions to contributors, but only if repayment of the  
22 contribution is made pro rata in approximate proportion to the contributions made using  
23 one of the following, as the candidate determines:

24 (A) to all contributions;

25 (B) to contributors who have contributed most recently; or

26 (C) to contributors who have made larger contributions;

27 (7) establish a fund for, and from that fund to pay, attorney fees or costs  
28 incurred in the prosecution or defense of an administrative or civil judicial action that  
29 directly concerns a challenge to the victory or defeat of the candidate in the election;

30 (8) transfer all or a portion of the unused campaign contributions to an  
31 account for a future election campaign; a transfer under this paragraph is limited to

32 (A) \$50,000, if the transfer is made by a candidate for governor

1 or lieutenant governor;

2 (B) \$7,500, if the transfer is made by a candidate for the state  
3 senate;

4 (C) \$5,000, if the transfer is made by a candidate for the state  
5 house of representatives; and

6 (D) \$5,000, if the transfer is made by a candidate for an office  
7 not described in (A) - (C) of this paragraph;

8 (9) transfer all or a portion of the unused campaign contributions to a  
9 legislative office account; a transfer under this paragraph is subject to the following:

10 (A) the authority to transfer is limited to candidates who are  
11 elected to the state legislature;

12 (B) the legislative office account established under this paragraph  
13 may be used only for expenses associated with the candidate's serving as a  
14 member of the legislature;

15 (C) all amounts expended from the legislative office account shall  
16 be annually accounted for under AS 15.13.110(a)(4); and

17 (D) a transfer under this paragraph is limited to

18 (i) \$10,000, for a candidate elected to the state senate; and

19 (ii) \$5,000, for a candidate elected to the state house of  
20 representatives.

21 (b) After a general, special, municipal, or municipal runoff election, a candidate  
22 may retain the ownership of personal property, except money, that was acquired by and  
23 for use in the campaign. The current fair market value of the property retained may not  
24 exceed \$2,500. All other property shall be disposed of, or sold and the sale proceeds  
25 disposed of, in accordance with (a) or (c) of this section.

26 (c) Property remaining after disbursements are made under (a) - (b) of this  
27 section is forfeited to the state. Within 30 days, the candidate shall deliver the property  
28 to the Department of Revenue. The Department of Revenue shall deposit any money  
29 received into the general fund and dispose of any other property in accordance with law.

30 \* Sec. 19. AS 15.13.120(d) is repealed and reenacted to read:

31 (d) A member of the commission, the commission's executive director, or a  
32 person or group who believes a violation of this chapter or a regulation adopted under

1 this chapter has occurred or is occurring may file an administrative complaint with the  
2 commission within four years of the date of the alleged violation. If a member of the  
3 commission has filed the complaint, that member may not participate as a commissioner  
4 in any proceeding of the commission with respect to the complaint. If the commission  
5 accepts the complaint and opens a preliminary investigation, it shall do so within 90 days  
6 of the filing date of the complaint and shall investigate the complaint. After affording  
7 the respondent notice and an opportunity to be heard, if the commission finds that the  
8 respondent has engaged in or is about to engage in an act or practice that constitutes or  
9 will constitute a violation of this chapter or a regulation adopted under it, the commission  
10 shall enter an order requiring the violation to be ceased or to be remedied, and shall  
11 assess civil penalties under AS 15.13.125. A commission order may be appealed to the  
12 superior court by either the complainant or respondent within 30 days. The commission  
13 or the commission's executive director shall promptly report to the attorney general  
14 concerning any acts or practices that may constitute violations of this chapter or  
15 regulations adopted under this chapter, or concerning the violation of any order of the  
16 commission.

17 \* Sec. 20. AS 15.13.120(e) is repealed and reenacted to read:

18 (e) If the commission does not open a preliminary investigation within 90 days  
19 of the filing date of the complaint or complete action on the complaint within 120 days  
20 of the filing, the complaint is rejected. A complainant whose complaint is rejected may  
21 file a complaint in superior court alleging a violation of this chapter by a person charged  
22 in the administrative complaint. The superior court summons and complaint shall be  
23 served on the commission and the attorney general. The state shall have the right to  
24 intervene in a timely manner. A complaint may not be filed in superior court under this  
25 subsection if more than two years have elapsed from the date of the alleged violation.  
26 This subsection does not create a private cause of action against the commission.

27 \* Sec. 21. AS 15.13.125 is amended to read:

28 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS.  
29 A person who fails to file a properly completed and certified report within the time  
30 required by AS 15.13.040(d) - (f), 15.13.050, 15.13.060(b) - (d), 15.13.080(c)  
31 [AS 15.13.040(f), 15.13.110(a)(1), (3), or (4), (e), or (f) [OR 15.13.110(f)] is subject  
32 to a civil penalty of not more than \$50 [\$10] a day for each day the delinquency

1 continues as determined by the commission subject to right of appeal to the superior  
2 court. A person who fails to file a properly completed and certified report within the  
3 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not  
4 more than \$500 [\$50] a day for each day the delinquency continues as determined by the  
5 commission subject to right of appeal to the superior court. A person who violates a  
6 provision of this chapter, except a provision requiring filing of a report within a  
7 time required as otherwise specified in this subsection, is subject to a civil penalty  
8 of not more than \$50 as determined by the commission, subject to right of appeal  
9 to the superior court. An affidavit stating facts in mitigation may be submitted to the  
10 commission by a person against whom a civil penalty is assessed. However, the  
11 imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse  
12 that person from filing reports required by this chapter.

13 \* Sec. 22. AS 15.13.125 is amended by adding new subsections to read:

14 (b) When an administrative complaint has been filed under AS 15.13.120(d), the  
15 commission shall give the person against whom the complaint has been filed due notice  
16 and an opportunity to be heard. If, at the conclusions of the hearing, the commission  
17 determines that the person against whom the complaint was filed engaged in the alleged  
18 violation, the commission shall assess

- 19 (1) civil penalties under (a) of this section;  
20 (2) the commission's costs of investigation and adjudication; and  
21 (3) reasonable attorney fees.

22 (c) The commission's determination under (b) of this section may be appealed  
23 to the superior court under AS 44.62 (Administrative Procedure Act).

24 (d) When an action has been filed in the superior court under AS 15.13.120(e),  
25 upon proof of the violation, the court

26 (1) shall enter a judgment in the amount of three times the amount of the  
27 civil penalty authorized to be collected by (a) of this section; however, if the court finds  
28 that, in committing the violation, the person against whom the action was brought did  
29 not act knowingly and took action to correct the violation within five days after it  
30 occurred, the court may enter a judgment in the amount of the civil penalty authorized  
31 by (a) of this section; and

- 32 (2) shall award reasonable attorney fees and costs to the prevailing party.

1 (e) A person who filed a civil action under AS 15.13.120(e), upon proof of the  
2 violation by the person against whom the action was filed, may execute on the judgment  
3 and is entitled to half of any amount recovered as a civil penalty exclusive of any  
4 attorney fees and costs awarded by the court. The remainder of any amount recovered  
5 as a civil penalty shall be deposited in the state's general fund.

6 (f) If the commission or superior court finds that the violation was not a repeat  
7 violation or was not part of a series or pattern of violations, was inadvertent, was quickly  
8 corrected, and had no adverse effect on the campaign of another, the commission or the  
9 court may

10 (1) suspend imposition of the penalties; and

11 (2) order the penalties set aside if the person does not engage in a similar  
12 violation for a period of one year.

13 \* Sec. 23. AS 15.13 is amended by adding new sections to read:

14 Sec. 15.13.135. INDEPENDENT EXPENDITURES FOR OR AGAINST  
15 CANDIDATES. (a) Only an individual or group may make an independent expenditure  
16 supporting or opposing a candidate for election to public office. An independent  
17 expenditure supporting or opposing a candidate for election to public office shall be  
18 reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110 and other  
19 requirements of this chapter.

20 (b) An individual or group who makes independent expenditures for a mass  
21 mailing, for distribution of campaign literature of any sort, for a television, radio,  
22 newspaper or magazine advertisement, or any other communication that supports or  
23 opposes a candidate for election to public office

24 (1) shall comply with AS 15.13.090; and

25 (2) shall place the following statement in the mailing, literature,  
26 advertisement, or other communication so that it is readily and easily discernible:

27 This NOTICE TO VOTERS is required by Alaska law. (I/we)  
28 certify that this (mailing/literature/advertisement) is not authorized, paid  
29 for, or approved by the candidate.

30 Sec. 15.13.137. RESTRICTIONS ON CONTRIBUTIONS TO INDIVIDUALS  
31 MAKING INDEPENDENT EXPENDITURES FOR OR AGAINST CANDIDATES.  
32 An individual who makes an independent expenditure supporting or opposing a candidate

1 may not accept a contribution to help pay for the expenditure from another individual  
2 or group that exceeds the amount an individual may contribute to a group under  
3 AS 15.13.070(b)(2).

4 Sec. 15.13.140. INDEPENDENT EXPENDITURES FOR OR AGAINST  
5 BALLOT PROPOSITION OR QUESTION. (a) This chapter does not prohibit a person,  
6 or a publicly funded entity, from making independent expenditures in support of or in  
7 opposition to a ballot proposition or question.

8 (b) An independent expenditure for or against a ballot proposition or question

9 (1) shall be reported in accordance with AS 15.13.040 and 15.13.100 -  
10 15.13.110 and other requirements of this chapter; and

11 (2) may not be made if the expenditure is prohibited by AS 15.13.145.

12 Sec. 15.13.145. MONEY OF THE STATE AND ITS POLITICAL  
13 SUBDIVISIONS. (a) Except as provided in (b) and (c) of this section, each of the  
14 following may not use money held by the entity to influence the outcome of the election  
15 of a candidate to a state or municipal office:

16 (1) the state, its agencies, and its corporations;

17 (2) the University of Alaska and its Board of Regents;

18 (3) municipalities, school districts, and regional educational attendance  
19 areas, or another political subdivision of the state; and

20 (4) an officer or employee of an entity identified in (1) - (3) of this  
21 subsection.

22 (b) Money held by an entity identified in (a)(1) - (3) of this section may be used  
23 to influence the outcome of an election concerning a ballot proposition or question, but  
24 only if the funds have been specifically appropriated for that purpose by a state law or  
25 a municipal ordinance.

26 (c) Money held by an entity identified in (a)(1) - (3) of this section may be used

27 (1) to disseminate information about the time and place of an election  
28 and to hold an election;

29 (2) to provide the public with nonpartisan information about a ballot  
30 proposition or question or about all the candidates seeking election to a particular public  
31 office.

32 (d) When expenditure of money is authorized by (b) or (c) of this section and

1 is used to influence the outcome of an election, the expenditures shall be reported to the  
2 commission in the same manner as an individual is required to report under  
3 AS 15.13.040.

4 Sec. 15.13.150. ELECTION EDUCATIONAL ACTIVITIES NOT  
5 PROHIBITED. This chapter does not prohibit a person from engaging in educational  
6 election-related communications and activities, including

- 7 (1) the publication of the date and location of an election;
- 8 (2) the education of students about voting and elections;
- 9 (3) the sponsorship of open candidate debate forums;
- 10 (4) participation in get-out-the-vote or voter registration drives that do  
11 not favor a particular candidate, political party, or political position;
- 12 (5) the dissemination of the views of all candidates running for a  
13 particular office.

14 Sec. 15.13.155. RESTRICTIONS ON EARNED INCOME AND HONORARIA.

15 (a) A candidate for the state legislature, for governor, or for lieutenant governor,  
16 including a person campaigning as a write-in candidate for the office, may not

17 (1) seek or accept compensation for personal services that involves  
18 payments that are not commensurate with the services rendered taking into account the  
19 higher rates generally charged by specialists in a profession; or

20 (2) accept a payment of anything of value, except for actual and  
21 necessarily incurred travel expenses, for an appearance or speech; this paragraph does  
22 not apply to the salary paid to the candidate for making an appearance or speech as part  
23 of the candidate's normal course of employment.

24 (b) Notwithstanding (a) of this section, a candidate for the state legislature, for  
25 governor, or for lieutenant governor, including a person campaigning as a write-in  
26 candidate for the office, may accept a payment for an appearance or speech if the  
27 appearance or speech is not connected with the person's status as a state official or as a  
28 candidate.

29 Sec. 15.13.400. DEFINITIONS. In this chapter,

30 (1) "candidate"

31 (A) means a person who files for election to the state legislature,  
32 for governor, for lieutenant governor, for municipal office, for retention in

1 judicial office, or for constitutional convention delegate, or who campaigns as a  
2 write-in candidate for any of these offices; and

3 (B) when used in a provision of this chapter that limits or  
4 prohibits the donation, solicitation, or acceptance of campaign contributions, or  
5 limits or prohibits an expenditure, includes

6 (i) a candidate's campaign treasurer and a deputy  
7 campaign treasurer;

8 (ii) a member of the candidate's immediate family;

9 (iii) a person acting as agent for the candidate;

10 (iv) the candidate's campaign committee; and

11 (v) a group that makes expenditures or receives  
12 contributions with the authorization or consent, express or implied, or  
13 under the control, direct or indirect, of the candidate;

14 (2) "commission" means the Alaska Public Offices Commission;

15 (3) "contribution"

16 (A) means a purchase, payment, promise or obligation to pay,  
17 loan or loan guarantee, deposit or gift of money, goods, or services for which  
18 charge is ordinarily made and that is made for the purpose of influencing the  
19 nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of  
20 influencing a ballot proposition or question, including the payment by a person  
21 other than a candidate or political party, or compensation for the personal  
22 services of another person, that are rendered to the candidate or political party;

23 (B) does not include

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

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

31 (iii) ordinary hospitality in a home;

32 (4) "expenditure"