

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9474 HOUSE STATE AFFAIRS

100



Resource Development Council

for Alaska, Inc.

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035
 (907) 276-0700 Fax: (907) 276-3887 e-mail: rdc@aonline.com

Founded 1975

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 Kenneth J. Freeman

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- Senator Ted Stevens
- Senator Frank Murkowski
- Congressman Don Young
- Governor Tony Knowles

January 21, 1998

Senator Rick Halford, Chairman
 Senate Resources Committee
 State Capitol
 Juneau, AK 99801

Dear Senator Halford:

RE: Support for SB 180, relating to RS 2477 rights-of-way.


The Resource Development Council supports SB 180 and urges its passage. RDC has long supported actions to designate and settle historic RS 2477 rights-of-way across public lands in Alaska while respecting private property rights. RS 2477 remains one of the most useful access tools for Alaskans to cross federal lands, as historically done.

Throughout Alaska, people depend on RS 2477 routes for access to public and private land, and to the resources of that land. Over 560 potential rights-of-way have been documented around the state.

Alaska needs to protect its RS 2477 rights and RDC believes SB 180 will help accomplish that goal. SB 180 is needed to move the process along and ensure Alaska's historic rights of access are maintained.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
 for Alaska, Inc.


 Ken Freeman
 Executive Director

cc: Senator Mike Miller
 Representative Bill Hudson
 Representative Scott Ogan
 Speaker Gail Phillips
 Representative Pete Kott





MAY 05 1997
ALASKA OUTDOOR COUNCIL

211 4th St. #302A
Juneau, Ak. 99801
(907) 463-3830
FAX 586-6020

Senator Rick Halford
Alaska State Senate
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

5 May, 1997

Dear Senator Halford:

The Alaska Outdoor Council has reviewed Senate Bill 180, "An act relating to state rights-of-way" and very strongly supports it.

SB 180 takes a giant step forward in addressing the Outdoor Council's concerns about the loss of public access on public and potentially private lands through government antipathy and/or inaction. Assertion of RS 2477 rights-of-way is necessary because other provisions of law, particularly federal law, are too weak to reliably protect public access.

Sec. 19.30.400 (c) is an essential part of the bill. It makes clear that the rights-of-way identified in the bill are not the end of the story. As you know, there are over a thousand additional trails that may qualify as RS 2477 rights-of-way and demand review.

The Council also recognizes the importance of Sec. 19.30.410. The state's responsibility for providing public access under RS 2477 provisions must be institutionalized to preclude politically motivated backsliding.

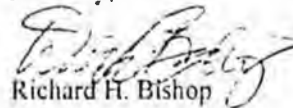
The protection of legal public access on and across federal lands is the "compelling need" which the Department of Interior claims is essential for its consideration of RS 2477's. These rights-of-way enable Alaskans to go about their daily lives. In most cases this simply means the use of trails, rather than modern highways, but the latter should not be arbitrarily excluded.

The protection of an RS 2477 should not be denied on the excuse that it is not part of a formal state transportation system plan. The law provides that public use of a route verifies its RS 2477 eligibility. Public use is the practical evidence of logical access needs, even though use may be intermittent over time, or may change in nature.

The Council is also concerned about state access policy in general. It is not clear that providing for public access is given enough weight when considering other legal avenues, such as section line easements or identification and retention of 17(b) easements under ANSCA. The current uproar over public access to the Situk River near Yakutat dramatizes the need for the state to act in anticipation of obstacles to legitimate public access. But all of that is not directly related to SB 180.

The Alaska Outdoor Council sincerely appreciates your efforts to introduce SB 180, and unequivocally supports the bill.

Sincerely,


Richard H. Bishop
Executive Director
Alaska Outdoor Council

cc: Senator Miller
President of the Senate
Representative Phillips
Speaker of the House



P.O. Box 20761, Juneau, Alaska 99802

Phone/FAX (907) 789-2399

April 21, 1997

Senator Rick Halford
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford:

The Territorial Sportsmen would like to go on record as strongly supporting SB 180, "An Act Relating to State Rights-of-Way."

Territorial Sportsmen, Inc. is a Juneau based sportsmen/conservation organization. Our organization has been in existence for over 50 years and is dedicated to good resource management and sound conservation principles. Our membership numbers over 1,500. The Territorial Sportsmen are committed to the protection of public access to public lands and supports the recognition and protection of RS 2477 rights-of-way.

We are fully aware of the legislature's long standing recognition of the importance of RS 2477 rights-of-way to the future of our state. Quite frankly, we are convinced that without the strong support, including funding, by the legislature, the volumes of material accumulated supporting the hundreds of legitimate RS 2477 rights-of-ways would not have been completed.

We are also aware of the potential litigation that may ensue from this type of proactive position by the state. Regardless, we consider legal confrontations with the federal government essential to producing long term access options for the state and, thus, we encourage the Legislature to proceed with this effort. We agree that codifying these routes will strengthen the state's position and provide reasonable notice to the general public.

In closing, we recognize that this list of routes covers the best documented rights-of-ways. We are hopeful that the legislature and the administration will continue to pursue documentation of the remaining routes for later assertion by the state.

Sincerely,

A handwritten signature in cursive script that reads "Ron Somerville".

Ron Somerville
President



JAN 26 1998

ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

January 17, 1998

Honorable Rick Halford
Chairman, Senate Resources Committee
Capitol Building
Juneau, AK 99801

RE: Senate Bill 180, Relating to State Rights-of-Way

Dear Senator Halford,

Thank you for the opportunity to comment on your Senate Bill 180 which relates to Revised Statute 2477 rights-of-way. The Alaska Miners Association supports this bill and very much appreciates that you have addressed this important matter.

The Alaska Miners Association, its members and predecessors have been intimately involved in the issue of RS-2477 rights-of-way since before the days of the Klondike Gold Rush and up through the present time. By virtue of the U.S. Congress's grant known as RS-2477, the roads and trails established by the miners are now rights-of-way owned by the State of Alaska. SB-180 will help ensure that these rights are protected and that the necessary legal/technical steps are completed in a timely manner. Over the past several years the State and the public have worked hard to document usage of these roads and trails but there has remained uncertainty over precisely how they must be "accepted" or "asserted" to ensure that they remain State property. SB-180 should remove this uncertainty.

There is one area where you may wish to consider changes to SB-180. This involves "vacation of rights-of-way". It would be of value to give the Department of Natural Resources authority to (but not require) write regulations establishing the procedural steps required to vacate rights-of-way. This will be especially important where Native-owned or other private lands are invoked.

Thank you for the opportunity to comment on this important bill. Please contact me if you have any questions or if there is anything we can do to assist this legislation in become law.

Sincerely,

Steven C. Borell, P.E.
Executive Director

APR 28 1997

Alaska Forest Association, Inc.



111 STEDMAN SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
FAX 907-225-5920

April 25, 1997

Honorable Rick Halford
Alaska State Senate
State Capitol
Juneau, AK 99801

Dear Senator Halford:

Rick

Thank you for sharing with me SB 180, "An Act relating to rights-of-way." I agree with you that securing RS 2477 rights-of-way is critical to the future development of Alaska, and therefore must be pursued with vigor by Alaska's elected leadership. SB 180, as drafted, is an excellent move in that direction.

I see no better alternative to the approach you have taken in this bill, *viz.*, to specifically identify each accepted right-of-way within the state and require in statute the vigorous pursuit of the state's claim to these corridors. It is extremely important to prevent an arbitrary or politically motivated agency action from surrendering Alaskans' perpetual right to have access to the various parts of our state.

Finally, I think that your proposed AS 19.30.410 is a very important part of this bill. It is comparable to AS 38.05.300 which, you will recall, we rewrote in 1993 to assert the prerogative of the legislature to make the final call on major land use actions with respect to mining.

I thank you for introducing this legislation, and for the opportunity to comment on it. I hope this letter will do some small part toward helping SB 180 become law.

Sincerely,

Jack E. Phelps
Executive Director

Ed Ellis
P.O. Box 13443
Trapper Creek, Ak 99683

2/12/98

HONORABLE STATE SENATOR RICK HALFORD
Alaska State Senate

In Reference To Senate Bill 180

Dear Senator Halford,

I strongly support the passage of this bill.

Our RS2477 rights-of-ways are the correct legal authority to provide access to our rural areas. It should be noted that this authority is now necessary, in addition to federal and private lands, for state lands also.

The element included under Sec. 19.30.140. (Vacation) is crucial to this bill. Recently the McDougal Road, an established RS2477 ROW that crosses entirely state multiple use lands, was removed from state status plats by the Division of Lands with no notification to the user public. This was followed by denial of permit to use said road by the division. In total the division actions are a de facto "vacation" of this important access.

I do feel that all codified RS2477 routes should be transferred to DOT. Or in the alternative, transferred when a legitimate request is made to construct a road upon the right-of-way. Currently, DNR has no expertise- nor wants to assist- in actual engineering- for a plan to build a useable access. Leaving one to deal with persons totally unfamiliar with proper construction. DOT would therefore be the proper agency to work with and result in a better access.

I look forward to the passage of SB 180.

Sincerely,


Ed Ellis

WHAT IS R.S. 2477?

- ◆ Revised Statutes 2477 (R.S. 2477) was a grant by Congress to the American public to establish access rights across the federal public lands. R.S. 2477, enacted in 1866, states that "the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."
- ◆ R.S. 2477 rights-of-way were created by the public or by state and local governments to provide public access across federal lands. All valid existing R.S. 2477 rights-of-way have been in existence since at least 1976, when the grant of R.S. 2477 was repealed. Many of these access routes have been used for over a century. Many are state highways. All are integral parts of the travel infrastructure that allows business people and other workers, search and rescue crews, law enforcement, hunters, campers, hikers, and all Americans to travel across the vast expanses of federal lands which dominate the West.
- ◆ R.S. 2477, like all easements, are property rights and are entitled to the same legal protection as any other property right.
- ◆ According to every court and administrative action which has directly addressed R.S. 2477 prior to now, state law provides the basis for determination of the existence and scope of R.S. 2477 rights-of-way.
- ◆ The scope of any R.S. 2477 right-of-way is defined by state law. Where state law has not established a specific scope, the common law of easements, also applied to these rights, defines the scope as that which is reasonable and necessary to provide safe travel for legitimate uses. Safety can only be provided by continued application of these state law standards.
- ◆ R.S. 2477 rights-of-way have been protected by every Congressional action taken for management of the public lands, including specifically the Federal Land Policy Management Act of 1976 (FLPMA), which repealed R.S. 2477.
- ◆ Federal regulatory authority over R.S. 2477 is limited by the obligation to honor the vested property right. Any action by Federal agencies to limit or divest these rights is contrary to established legal principles.
- ◆ The Department of Interior has published draft regulations purporting to provide a basis for administrative treatment of R.S. 2477 rights-of-way. These regulations would result in a substantial administrative reversal of long-established administrative policies, and would contravene established jurisprudence, moving a giant step toward elimination of historical rights of access to and across federal public lands.
- ◆ Settled methods of dealing with R.S. 2477 rights-of-way should not be changed. These rights-of-way were established by the public over a period of 110 years in reliance on the law and on administrative interpretations of the grant. Any change in these approaches would cause chaos in the many legal relationships which have been created on the basis of existing law. The regulations as proposed would also constitute an unfunded federal mandate by imposing new duties on state and local governments to protect their existing rights-of-way, while also imposing a new administrative burden on the federal agencies at taxpayer expense.

FISCAL NOTE

No. 2
 Bill Version: CS SB 180 (RES)
 (S) Publish Date: 2/24/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

BILL NO. _____

Revision Date _____	Dept. Affected <u>DOT&PF</u>
Title <u>An Act relating to state rights-of-way</u>	BRU <u>Office of the Commissioner</u>
Sponsor <u>Senator Halford</u>	Component <u>Commissioner's Office</u>
Requester <u>Senate Resources</u>	Component Serial No. <u>530</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING						
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by <u>Dennis Poshard</u> Legislative Liaison	Phone <u>465-3904</u>
Division <u>Office of the Commissioner</u>	Date <u>2/5/98</u>
Approved by: <u><i>Joseph L. Hopkins</i></u> Commissioner	Date <u>2/5/98</u>
Agency <u>Department of Transportation and Public Facilities</u>	

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FISCAL NOTE No. 3

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CASB 180 (FIN)
 (S) Publish Date: 2-18-98

Revision Date: 13-Mar-98 Dept Affected: Natural Resources
 Title: An Act Relating to State Rights-of-Way BRU: Resource Development
 Component: Land Development
 Sponsor: Senators Halford, Green, Leman ...
 Requestor: (S) FIN Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	48.6					
TRAVEL						
CONTRACTUAL	96.3					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	144.9	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	144.9					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	144.9	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ none

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	4	0	0	0	0	0

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

Personal Services:
 Requires two Natural Resource Technician II's (Range 12) @ 800 hours each = \$27.2
 and two Administrative Clerk II's (Range 8) @ 800 hours each = \$21.4

Contractual:
 Copy costs for approx. 605 files = \$9.1
 Recording costs for approx. 585 files = \$87.2

Prepared by: Jane Angvik, Director *[Signature]* Phone: 907-269-8503
 Division: Land Date: 13-Mar-98
 Approved by Commissioner: John Shively *[Signature]* Date: 3-13-98
 Agency: Natural Resources

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SB

214

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 28, 1998

FURTHER REFERRALS:

Date of Committee Action: 2/12/98

The STATE AFFAIRS Committee considered:

CSSB 214(STA)

CS FOR SENATE BILL NO. 214(STA)

PEACE OFFICERS/CONCEALED WEAPONS

"An Act relating to the possession of a concealed deadly weapon by peace officers and by chief administrative officers of municipal police departments; relating to the definition of police officer; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) DPS, GOV

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Shannette James</i>	✓			
<i>Frank [unclear]</i>	✓			
<i>[unclear]</i>	✓			
<i>[unclear]</i>	✓			
<i>Mark [unclear]</i>	✓			

CHAIR'S SIGNATURE *Shannette James*

Alaska State Legislature

Mailing Address:
P.O. Box 55094
North Pole, Alaska 99705
Ph: (907) 488-0862
Fax: (907) 488-4271



MIKE MILLER
President of the Senate

Write in Juneau
State Capitol
Juneau, Alaska
99801-1182
Ph: (907) 465-4976
Fax: (907) 465-3883

Senate District Q

SB 214 SPONSOR STATEMENT

Senate Bill 214 corrects a potential technical glitch affecting peace officers that was caused by an amendment to SB141 offered by the Alaska Peace Officers Association last session. This technical glitch is easily fixed by SB214.

SB214 is supported by the Alaska Peace Officers Association, the Alaska Association of Chiefs of Police and the Alaska Department of Public Safety.

Section 1 re-enacts the exemption for peace officers to carry concealed weapons while on duty. In addition, a new subsection (page 1, line 14) allows police officers and chief administrative officers of municipal police departments to carry concealed weapons without obtaining a state permit.

Section 2 clarifies the definition of police officer. The word "local" is changed to "municipal" on page 2, line 5. This change is included in SB214 on advice of legislative legal counsel. There is no definition in statute of "local," while "municipal" is defined and covers all local police departments in Alaska.

On page 2, lines 10 and 11, the words "carry a concealed weapon" is deleted. This change is included in SB214 on advice of the Department of Law, Criminal Division. Rather than including the ability to carry a concealed handgun within the definition of a police officer, it is included in the criminal statutes as an affirmative defense.

Section 3 establishes the effective date of SB214. The legislation becomes effective on the same day that SB141 becomes effective.

SB214 has no known opposition. I respectfully request the Committee's support of SB214 and encourage expedited consideration. Thank you.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322
FAX: (907) 465-4362

January 14, 1998

The Honorable Mike Miller
Alaska State Senate
Capitol Building, Room 107
Juneau, AK 99801-1182

Dear Senator Miller:

Portia Parker of your office has asked that I provide a letter indicating the language that is now included in SB214 adequately addresses the law enforcement concerns expressed regarding sections 6 & 8 of SB141.

Representatives of the Alaska Peace Officers Association, the Alaska Association of Police Chiefs and the Department of Public Safety, have reviewed the proposed language in SB214 and believe it will correct the problems created for non-certified law enforcement officers by SB141 becoming law.

While the proposed language in SB214 appears to adequately address the so called law enforcement problem, it does not include language to maintain current law in three key areas the law enforcement community still finds problematic in SB141. I am sure you are well aware of them by now, but I wanted to take this opportunity to reiterate our specific concerns:

- Concealed firearms will not be prohibited in domestic violence shelters that are not state funded or in a facility of any domestic violence program that doesn't qualify as a shelter.
- Persons indicted for a felony will not be precluded from obtaining a permit.
- Persons convicted of some misdemeanor domestic violence crimes will not be precluded from obtaining a permit.
- Unless they have been adjudicated mentally defective or have been institutionalized, persons with mental problems will not be precluded from obtaining a permit.

The Honorable Mike Miller
January 14, 1998
Page 2

While I would have preferred not to see the veto of SB141 overridden and current law changed, since it is, I strongly urge you to ensure the above areas of concern are addressed in SB214.

Thank you for your time and attention and I look forward to working with your office on matters of mutual concern during this session.

Sincerely,

A handwritten signature in cursive script that reads "Del Smith". The signature is written in dark ink and is positioned above the printed name and title.

Del Smith
Deputy Commissioner

January 12, 1998

Senator Lyda Green
Senator Mike Miller

Dear Senator Green and Senator Miller:

We want to take this opportunity to thank you and your respective staff members for working with us to address the concerns raised by a provision of SB141 that would inadvertently preclude some police officers from carrying a concealed weapon within the scope of their employment.

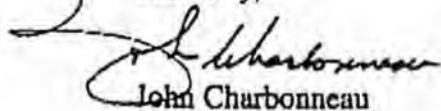
As was discussed during the meetings with you and/or your respective staffs during the interim, SB214 is intended to reverse the restrictions that would be placed on law enforcement officers relative to carrying a concealed weapon by the provision in SB141 should it become law.

While SB214 when it becomes law will resolve our concerns regarding law enforcement's ability to carry concealed weapons, it does not address some additional concerns that we expressed during our last meeting. As we indicated to your staff at that time we were very interested in maintaining current law in three other areas that SB141 changes. Specifically, we were interested in continuing the provision of current law that does not allow the carrying of a concealed weapon into the facilities of a domestic violence program no matter what the source of funding. We also would like to retain the provision of current law that denies a concealed handgun permit to persons convicted of domestic violence crimes or those under indictment for a felony offense. Finally, we think the current law's prohibition against the issuance of a concealed handgun permit to a mentally ill person is more effective than the language in SB141 which would deny permits only to those in mental institutions or those adjudicated "mentally defective" by the Courts.

As SB214 begins moving through the legislative process we strongly urge you to include amendments to the bill that would address the three areas of concern that are outlined above.

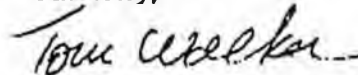
Thank you again for the opportunity to work with you and/or your respective staff members these past few months and we look forward to participating in the hearing process on SB214.

Sincerely,



John Charbonneau
President
APOA

Sincerely,



Tom Walker
President
AACOP

cc: Alaska Legislators

Alaska State Legislature

Mailing Address:
P.O. Box 55094
North Pole, Alaska 99705
Ph: (907) 488-0862
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MIKE MILLER
President of the Senate

White in Juneau
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Senate District Q

MEMORANDUM

TO: Representative Jeannette James, Chairman
House Committee on State Affairs

FROM: Senator Mike Miller
President of the Senate 

DATE: January 29, 1998

RE: SB214

I respectfully request that SB214 be scheduled for a hearing in the House Committee on State Affairs at the earliest convenience of the Chairman.

Thank you.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: CSSB 214 (STA)

Revision Date: 1/21/98
 Title: Possession of concealed weapons by peace officers and chief administrative officers
 Sponsor: Senators Miller & Green
 Requestor: Senate Rules

Dept. Affected: Public Safety
 BRU: Alaska State Troopers
 Component: Detachments
 COMPONENT SERIAL NO. 0799

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 99) impact: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Sandy Perry-Provost, Spec. Asst. to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 01/21/98
 Approved by Commissioner: Ronald L. Otte Date: 01/21/98
 Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 214 (STA)

Revision Date: 1/22/98
 Title: "An Act relating to the possession of a concealed
 deadly weapon by peace officers...."
 Sponsor: Sen. Miller
 Requestor: (S) STA

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Brant McGee, Director Phone: 269-3500
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Mark Boyer *[Signature]* Date: 1/22/98
 Agency: Department of Administration

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SB

244

HOUSE COMMITTEE REPORT

(8)

Date Referred to Committee: April 9, 1998

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/21/98

The STATE AFFAIRS Committee considered:

SB 244

SENATE BILL NO. 244

POLYGRAPHS FOR CORRECTIONAL OFFICERS

"An Act relating to polygraph or other lie-detecting testing for certain correctional officers."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) COR

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Sharonette James</i>	/			
<i>[Signature]</i>			✓	
<i>Joe Ryan</i>			✓	
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE Sharonette James

Alaska State Legislature

Senate

JERRY WARD

State Capital
Juneau, AK 99801-1182
Phone (907) 465-4940
Fax (907) 465-3766

716 W. 4th Ave., Ste. 450
Anchorage, AK 99501-2133
Phone (907) 258-8183
Fax (907) 258-0820

145 Main Street Loop
Kenai, AK 99611
Phone (907) 283-7996
Fax (907) 283-3075



Sponsor Statement SB 244

“An Act relating to polygraph or other lie-detecting testing for certain correctional officers.”

SB 244 allows the administering of polygraph tests to correctional officers or persons applying for employment as correctional officers. Presently, only police officers and certain transportation officers are subject to polygraph testing. Correctional officers are in great positions of power and many are armed like other law enforcement officers. Polygraph testing is no less in order for correctional officers than other law enforcement personal.

Polygraph testing is a way to insure the character and integrity of correctional officers, as well as the safety of the public, inmates and other correctional employees. Polygraph testing is a proven method of screening employees for positions, which require high security and safety. This legislation will protect the State of Alaska and it's citizens.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



Business Manager

Joseph E. Young
Anchorage

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John Charbonneau, President
Anchorage

Robin Lown, Vice President
Juneau

Michael Corkill, Past President
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Pres. Anchorage Chapter

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Palmer
Pres. Mat-Su Chapter

Michael Judd, Member
Fairbanks
Pres. Farthest North Chapter

George Cole, Member
Juneau
Pres. Capitol City Chapter

Helga King, Member
Wrangell
Pres. Wrangell Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Senator Jerry Ward
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 11, 1998

Dear Senator Ward,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing SB 244 relating to polygraph testing for certain correctional officers.

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse SB 244. We feel that this legislation will help ensure that only the most qualified of applicants will be selected for critical correctional officer positions and that the use of polygraph testing is a valuable tool in this process.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Once again, thank you for sponsoring this legislation.

Sincerely,

John Charbonneau
State President
Alaska Peace Officers Association

SB 244



Alaska State Legislature

Senate

JERRY WARD

State Capital
Juneau, AK 99801-1182
Phone (907) 465-4940
Fax (907) 465-3766

716 W. 4th Ave., Ste. 450
Anchorage, AK 99501-2133
Phone (907) 258-8183
Fax (907) 258-0820

145 Main Street Loop
Kenai, AK 99611
Phone (907) 283-7966
Fax (907) 283-3075

Memorandum

To: Representative Jeannette James
Chair House State Affairs Committee

From: Senator Jerry Ward *JW*

Re: Scheduling of Legislation

Date: April 15, 1998

Please schedule SB 244, "An Act relating to polygraph or other lie-detecting testing for certain correctional officers," at your earliest convenience.

Thank you for your consideration of this matter.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

N. 1
Bill Version: SB 244
(S) Publish Date: 2/18/98

Revision Date (Note if correction) _____	Dept. Affected _____	Corrections _____
Title <u>An Act relating to polygraph or other lie-detecting</u>	BRU _____	Administration and Operations _____
<u>testing for certain correctional officers</u>	Component <u>ALL</u>	_____
Sponsor <u>Senator Ward</u>	_____	_____
Requester <u>Senate State Affairs</u>	Component Serial No. <u>#0694</u>	_____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by <u>Bruce Richards</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date <u>2/17/98</u>
Approved by <u>Commissioner Margaret M. Pugh</u>	Date <u>2/17/98</u>
Agency <u>Department of Corrections</u>	

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SB

265

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 23, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/5/98

The STATE AFFAIRS Committee considered:

SB 265

SENATE BILL NO. 265

MOOSE AS STATE MAMMAL

"An Act designating the moose as the state land mammal."

recommends it be replaced the same title
 with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) SEN STA

SIGNING <u>WITH</u> RECOMMENDATIONS	DP	DNP	NR	AM
<i>Joannette James</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			✓

CHAIR'S SIGNATURE *Joannette James*

Alaska State Legislature

Committee Membership

Senate Finance
Senate Resources
Senate Rules
Legislative Budget & Audit



Senator John Torgerson

District Address:
145 Main St. Loop, Ste. 226
Kenai, AK 99611
(907) 283-2690
fax 283-9267

Session Address:
State Capitol, Room 514
Juneau, AK 99801-1182
(907) 465-2828
fax 465-4779

SB 265: Designating the Moose as the Land Mammal Sponsor Statement

I was privileged to be contacted last fall by community members who were interested in designating a state land mammal. They had researched the matter and found that while a marine mammal had been designated, we had not officially designated a land mammal. Their intention was to involve the students of Kalifornsky Beach Elementary School with the project from its origin to its completion.

The students conducted research on the various mammals in Alaska, including discussion with a wildlife biologist. They have studied the impact each mammal has had on Alaska's culture and history. They met with members of Soldotna High School's government class, who acted as legislative committee members so the elementary students could practice their presentations.

In December, the students held a primary election, complete with campaign posters done as an art class project. The primary election resulted in a short list of four finalists - the moose, wolf, brown bear, and wolverine. On January 23, 1998, the general election was held and the winner was the moose.

The students will follow this bill, tracking it through the legislative process in both the Senate and the House. They will be involved in public opinion messages and letters of support for the bill. They will ask for the support of the local governments on the Kenai Peninsula.

I am confident of their ability to promote their selection of the moose as Alaska's land mammal, and encourage your support for this measure.

CITY OF SOLDOTNA
RESOLUTION 98-13

A RESOLUTION COMMENDING THE STUDENTS OF KALIFORNSKY BEACH
ELEMENTARY SCHOOL FOR NOMINATING THE MOOSE AS THE STATE'S
OFFICIAL LAND MAMMAL AND SUPPORTING THEIR PROPOSAL

(Requested by Mayor Lancaster)

WHEREAS, the students of the Kalifornsky Beach Elementary School have worked on a project to select and propose a land mammal for the official state land mammal; and

WHEREAS, they enlisted the support and assistance of Senator John Torgerson with the legislative process; and

WHEREAS, after extensive individual and collective research and discussion, the students conducted a primary and a general election to select the proposed mammal; and

WHEREAS, in the January 23, 1998 general election, the moose was selected, receiving 230 out of 412 votes cast; and

WHEREAS, Senator John Torgerson has sponsored SB 265 naming the moose as the Official State Land Mammal.

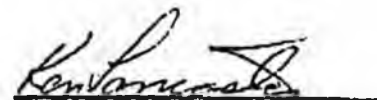
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. That the Students and Teachers of the Kalifornsky Beach Elementary School be commended for their part in this legislation.

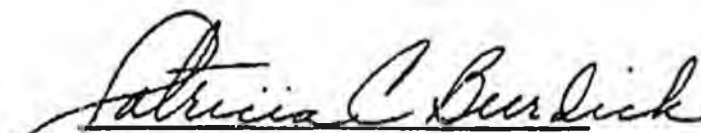
Section 2. That SB 265: Designating the Moose as the Alaska State Land Mammal be is hereby wholeheartedly supported by the City of Soldotna.

Section 3. That this resolution becomes effective immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL this 25th day of February, 1998.


Ken Lancaster, Mayor

ATTEST:


Patricia C. Burdick, CMC, City Clerk

Senator
Torgerson

PHONE MESSAGE

DATE 2-24

TIME 11:45

A.M.
P.M.

FOR

B-

M

Pam Bradley

OF

PHONE (1 235 - 3855 EXT.


 FAX MOBILE PAG'R ()

MESSAGE

MOOSE BILL - WANTING

TESTIMONY AGAINST

LAW 3/14/11

 URGENT PHDNED RETURNED
YOUR CALL PLEASE
CALL BACK WILL CALL
AGAIN WAS IN WANTS TO
SEE YOU **AVERY**

SIGNED _____

03/05/98
08:01:21

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)

LTN1150
BY:JNU
FOR:ALL

TCN:80380 SCHEDULED FOR:03/05/98 08:00 TO 10:00
PUBLIC HEARING HOUSE STATE AFFAIRS

LOCATION:	KENAI	LIO				
SB 265	MISS	ELYSE	DEHLBOM	K-BEACH	ELEM.	TESTIFY
SB 265	MR.	BLAKE	GABRIEL	K-BEACH	ELEM	TESTIFY
SB 265	MISS	JANELLE	BROWN	K-BEACH	ELEM	TESTIFY
SB 265		ALEX	STORY	K-BEACH	ELEM	TESTIFY
SB 265	MR.	ZACHARY	LESLIE	K-BEACH	ELEM	TESTIFY
SB 265	MISS	ASHLEY	RABALAIS	K-BEACH	ELEM	TESTIFY
SB 265		CASEY	FOSTER	K-BEACH	ELEM	TESTIFY
SB 265	MR.	REMLINGTON	WEST	K-BEACH	ELEM	TESTIFY
SB 265	MISS	JESSICA	WIGGINS	K-BEACH	ELEM	TESTIFY
SB 265	MISS	CORTNI	BROWN	K-BEACH	ELEM	TESTIFY
SB 265	MISS	MANDY	LESLIE	K-BEACH	ELEM	TESTIFY
SB 265	MISS	HANNAH	WEST	K-BEACH	ELEM	TESTIFY
SB 265	MR.	LANDON	DOVER	K-BEACH	ELE.	TESTIFY
SB 265	MISS	ALEX	WEST	K-BEACH	ELEM	TESTIFY
SB 265	MR.	BRIAN	HIBBERD	K-BEACH	ELEM	TESTIFY
SB 265	MR.	RYAN	WALTON	K-BEACH	ELEM	TESTIFY
SB 265	MR.	CLYDE	TOLLEY	K-BEACH	ELEM	TESTIFY

Alaska State Legislature



Committee Membership


Senate Finance
Senate Resources
Senate Rules
Legislative Budget & Audit

District Address:
145 Main St. Loop; Ste. 226
Kenai, AK 99611
(907) 283-2690
fax 283-9267

Session Address:
State Capitol; Room 514
Juneau, AK 99801-1182
(907) 465-2828
fax 465-4779

Senator John Torgerson

MEMORANDUM

DATE: February 23, 1998
TO: Rep. Jeannette James, Chair
House State Affairs Committee
FROM: Senator John Torgerson 
RE: SB 265 - Moose as State Land Mammal

I would appreciate your scheduling this bill before the House State Affairs Committee. As you may know, elementary school students in my district have been working on this matter as a class project.

I expect that they will testify on behalf of their selection and I will work closely with you to assure a smooth presentation before the committee. I anticipate that both their presentation and mine will not exceed 15 minutes.

Transmitted is a Sponsor Statement for the measure; copies of several newspaper articles regarding the matter; and other support letters and resolutions.

Thank you for your time and consideration.

SB 265: Hrg Rqst: H(STA): 2/23/98: mj

Representing the Kenai Peninsula

Kenai Peninsula Borough Alaska

A RESOLUTION COMMENDING THE STUDENTS AT KALIFORNSKY BEACH ELEMENTARY SCHOOL FOR PROMOTING THE MOOSE AS THE STATE'S OFFICIAL LAND MAMMAL AND OFFICIALLY SUPPORTING THEIR PROPOSAL

WHEREAS, *in the late Spring of 1997, the students at Kalifornsky Beach Elementary School embarked on a project to select and propose a land mammal for the official state mammal; and*

WHEREAS, *students and teachers enlisted the support and assistance of Senator John Torgerson regarding the selection and legislative process; and*

WHEREAS, *following much individual and collective research, discussion and debate, the students conducted both a primary and general election to select their proposed mammal; and*

WHEREAS, *the moose was the clear winner in the January 23, 1998 school election, receiving 230 of the 412 votes cast; and*

WHEREAS, *Senator Torgerson has sponsored SB 265 naming the moose as the Official State Land Animal.*

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

That the students of Kalifornsky Beach Elementary School are hereby commended for their efforts to promote the moose as the State's Official Land Mammal.

That the Legislature is urged to support SB 265 naming the moose as the Official State Land Mammal.

That copies of this resolution shall be forwarded to Governor Knowles and the legislators representing the Kenai Peninsula Borough.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 17th DAY OF FEBRUARY, 1998.**



Jack Brown

Jack Brown, Assembly President

ATT...ST:

Linda S. Murphy

Linda S. Murphy, Borough Clerk

K-Beach students boost moose

Moose promoted as state's official mammal

By SHANA LOSHBAUGH
Peninsula Clarion

Moose are big, hairy and all over the place, but are they worthy to represent Alaska as the state's official land mammal?

Students at Kalfornsky Beach Elementary School in Soldotna think so. Now they need to convince the state Legislature. The youngsters have a once-in-a-lifetime opportunity to pick the official critter, to join the roster with other state symbols such as the official mineral (gold) and official fish (king salmon).

Students in kindergarten through sixth grade worked throughout the first semester to pick which animal to nominate, culminating with a vote Friday. The moose won handily with 230 votes, outdistancing the wolf (97 votes), brown bear (57) and wolverine (28), the other three finalists. Now, the students will track their nomination through the Legislature towards official designation.

During the first semester, they studied Alaska's wildlife biology for the project; during the second semester they will learn how government works. Students also will have an opportunity to testify, via teleconference, to legislative com-

mittees in Juneau.

The project was the brainchild of parent volunteer Shannon West. She noticed that the state had an official marine mammal, the bowhead whale, adopted in 1983. But it had no official land mammal.

If the state didn't have one, she wanted to know, could the children suggest one?

She discussed the matter last year with first-grade teacher Terri Carter, who encouraged her to pursue the matter.

They contacted Sen. John Torgerson, R-Kasilof, and he offered to help with the project. This fall, he visited the school and discussed the nomination with students. He intends to introduce a resolution this session to make the K-Beach nomination the official state symbol.

"I wish every school could do something like this," Torgerson said. "Those kids will have learned so much by the time they are done."

The nomination may be controversial, as different regions of the state will promote their own favorite animals. The students will have to do a good job presenting their case, he said.

The students have been marshaling facts all year.

To pick a nominee, they studied Alaska's native mammals in detail,

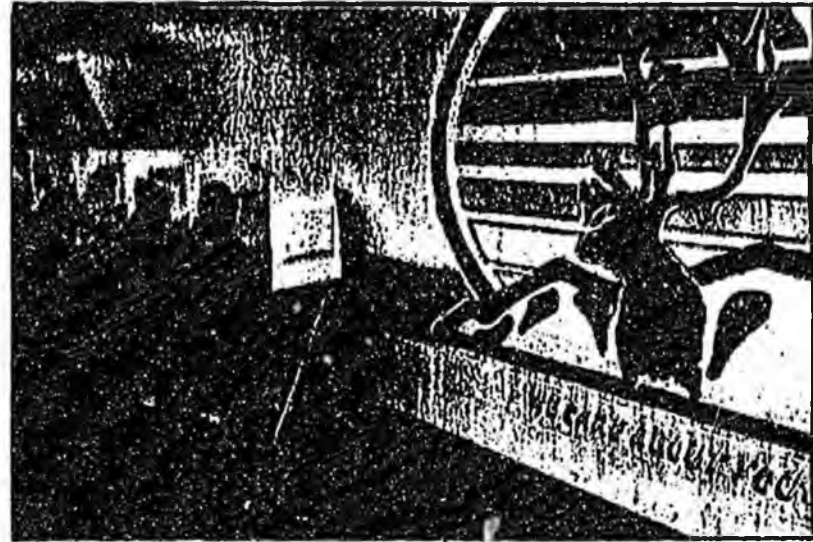


Photo by M. Scott Moon

Students from Irma Peterson's second grade class at Kalfornsky Beach Elementary vote for their candidate for the state's mammal. The school's mascot, the caribou, did not make the primary.

considering their distribution throughout the state, use by humans and significance to history, culture and religion.

The school involved families in the process, too. Teachers encouraged students to discuss the nomination and mammals at home. Students surveyed their parents, tallied the results and displayed them in the school foyer.

Biologist Ted Spraker from the Kenai National Wildlife Refuge visited the school to talk about the animals and answer student questions. Dan Halverson's govern-

ment class from Soldotna High School visited and acted the role of legislative committee members so the elementary students could practice their presentations.

In December, the students held a primary election. As an art project, they made campaign posters and plastered the school hallways.

The primary narrowed the field to the four finalists.

The wolf faction, West noted, staged a veritable media blitz before the primary. The adults involved had worried that the chil-

See MOOSE, back page

Sunday Jan 25

...Moose

Continued from page A-1

dren would chose the controversial canine and face a bumpy ride in the legislature, she said.

Now that the final tally is in, K-

Beach will shift gears from biology to government.

Students will issue public opinion messages and letters to support the senator's resolution and round up support by seeking additional resolutions from the Soldotna City Council and Kenai Peninsula Borough Assembly. With commu-

nity support and Torgerson's sponsorship, the bill to make the moose Alaska's official state mammal may pass this session.

The school hopes to end the project with a grand finale if all goes well — an invitation to Gov. Knowles to visit the school and sign the measure into law.

Kids rally behind moose

The Associated Press

KENAI—Moose mania has hit the Kalifornsky Beach Elementary School in Soldotna, where students are pushing to have the big, hairy creatures named as the state's official land mammal.

The project was the brainchild of parent volunteer Shannon West. She noticed that the state had an official marine mammal, the bowhead whale, adopted in 1983. But it had no official land mammal.

If the state didn't have one, she wanted to know, could the

children suggest one? She discussed the matter last year with first-grade teacher Terri Cartor, who encouraged her to pursue the matter.

They contacted Sen. John Torgerson, R-Kasilof, and he offered to help with the project. This fall, he visited the school and discussed the nomination with students. He intends to introduce a resolution this session to designate the moose as official land mammal.

Since the project got started, See MOOSE, Page A-7

Fairbanks Daily News-Miner, Monday, January 28, 1998

MOOSE

Continued from Page A-1

students have studied Alaska's wildlife biology to determine which animal should be honored, culminating with a vote Friday. The moose won handily with 230 votes, outdistancing the wolf (97 votes), brown bear (57) and wolverine (28).

During the second semester the students will follow the resolution through the legislative process to learn how government works. Students also will have an opportunity to testify, via teleconference, to legislative committees in Juneau.

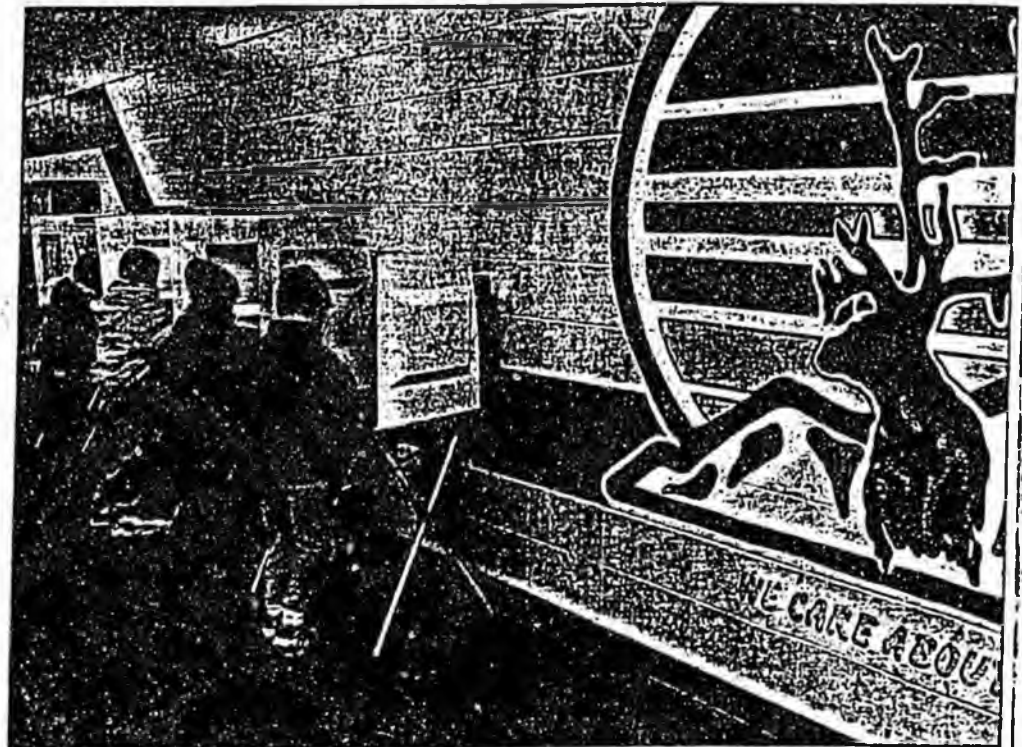
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The nomination may be controversial, as different regions of the state are expected to promote their own favorite animals. The students will have to do a good job presenting their case, he said.

The students have been marshaling facts all year.

To pick a nominee, they studied Alaska's native mammals in detail, considering their distribution throughout the state, use by humans and significance to history, culture and religion.

Biologist Ted Spraker from the Kenai National Wildlife Refuge visited the school to talk about the animals and answer student questions. Dan Halverson's government class from



Associated Press

MAMMAL VOTES—Students at Kalifornsky Beach Elementary School in Soldotna vote Friday to nominate the moose as the state's official land mammal. The school's mascot, the caribou at right, was eliminated in earlier "primary" voting.

Soldotna High School visited and acted the role of legislative committee members so the elementary students could practice their presentations.

In December, the students held a primary election. As an art project, they made campaign posters and plastered the school hallways.

The primary narrowed the field to the four finalists.

The wolf faction staged a veri-

table media blitz before the primary, Wolf said. Some adults were worried that the children would choose the controversial canine and face a bumpy ride in the legislature, she said.

Now that the final tally is in, the school will shift gears from biology to government.

Students will issue public opinion messages and letters to support the senator's resolution and round up support by seeking

additional resolutions from the Soldotna City Council and Kenai Peninsula Borough Assembly. With community support and Torgerson's sponsorship, the bill to make the moose Alaska's official state mammal may pass this session.

The school hopes to end the project with a grand finale if all goes well — an invitation to Gov. Knowles to visit the school and sign the resolution.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
BILL N Bill Version: SB 265
(S) Publish Date: 2/11/98

Revision Date (Note if correction) _____ Dept. Affected _____
 Title Moose as the State Land Mammal BRU _____
 Component _____
 Sponsor Sen. Torgerson etc. _____
 Requester Senate State Affairs Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact expected.

Prepared by Renee Howell Phone 465-4522
 Division Staff to Senate State Affairs Date 2/11/98
 Approved by Senator Lyda Green, Chairman Date 2/11/98
 Agency Senate State Affairs

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SB

275

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 20, 1998

FURTHER REFERRALS:

Date of Committee Action: 2/26/98

The STATE AFFAIRS Committee considered:

CSSB 275(STA)

CS FOR SENATE BILL NO. 275(STA)

FUND RAISING: GOV; LT. GOV; & CANDIDATES

"An Act specifying time periods for making, soliciting, or accepting campaign contributions to candidates for state office; and providing for an effective date."

recommends it be replaced with the following committee substitute

CSSB 275 (STA)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) APOC

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Shannette James</i>			✓	
<i>[Signature]</i>		✓		
<i>[Signature]</i>		✓		
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>		✓		

CHAIR'S SIGNATURE *Shannette James*

Alaska State Legislature

Mailing Address:
P.O. Box 55094
North Pole, Alaska 99705
Ph: (907) 488-0862
Fax: (907) 488-4271



MIKE MILLER
President of the Senate

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
Ph: (907) 465-4976
Fax: (907) 465-3883

Senate District Q

SPONSOR STATEMENT CSSB275(STA)

Senate Bill 275 amends Alaska law to place all candidates for state office under the same campaign financing rules.

AS 15.13.072 currently allows candidates who are the Governor and the Lieutenant Governor to raise funds during sessions, while legislators are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on raising funds during regular and special legislative sessions.

AS 15.13.074 currently allows candidates for the office of governor or lieutenant governor to receive campaign funds during regular legislative sessions, while candidates for legislative office are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on contributing funds to candidates for state office during regular and special legislative sessions.

There is an exemption from these fundraising restrictions during the 90 days immediately preceding an election in which the person is a candidate for state office.

This change will help level the playing field among candidates and will make the system more fair and equitable for all candidates seeking public office in Alaska.

Failed 4-2

AMENDMENT

#1

OFFERED IN THE HOUSE
TO: CSSB 275(STA)

BY REPRESENTATIVE BERKOWITZ

1 Page 1, line 7:
2 Delete "state office"
3 Insert "the state legislature"

4 Page 1, lines 8 - 11:
5 Delete "regular or special legislative session unless [. AND] the solicitation or
6 acceptance occurs during the 90 days immediately preceding an election in which the
7 candidate or individual is a candidate [MEMBER OF THE LEGISLATURE"
8 Insert
9 "(1) regular legislative session; or
10 (2) special legislative session, and the candidate or individual is a
11 member of the legislature ["

12 Page 2, line 1, through page 3, line 23:
13 Delete all material and insert:
14 "(c) A person or group may not make a contribution
15 (1) to a candidate for governor or lieutenant governor or an individual
16 who files with the commission the document necessary to permit that individual to
17 incur certain election-related expenses as authorized by AS 15.13.100 for governor or
18 lieutenant governor, when the office is to be filled at a general election, before the
19 later of the following dates:
20 (A) the date the individual
21 (i) becomes a candidate; or
22 (ii) files with the commission the document necessary
23 to permit the individual to incur certain election-related expenses as

1 authorized by AS 15.13.100; or

2 (B) January 1 of the year of the general election:

3 (2) to a candidate for the state legislature or an individual who files
4 with the commission the document necessary to permit that individual to incur certain
5 election-related expenses as authorized by AS 15.13.100 for the state legislature, when
6 the office is to be filled at a general election, while the legislature is convened in its
7 regular legislative session and before the later of the following dates:

8 (A) the date the individual

9 (i) becomes a candidate; or

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

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

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

18 (A) the date the individual

19 (i) becomes a candidate; or

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

23 (B) is nine months before the date of the general or regular
24 municipal election or that is before the date of the proclamation of the special
25 election at which the candidate or individual seeks election to public office:
26 or

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

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

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

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

32 (B) after the date of the primary election if the candidate was

1 not nominated at the primary election; or

2 (C) after the date of the general election, or after the date of
3 a municipal or municipal runoff election, if the candidate was opposed at the
4 general, municipal, or municipal runoff election;

5 (5) to a member of the state legislature who is a candidate for the
6 state legislature or who files with the commission the document necessary to
7 permit that individual to incur certain election-related expenses as authorized by
8 AS 15.13.100 for the state legislature, when the office is to be filled at a general
9 election, while the legislature is convened in a special legislative session."

ROSS FOR GOVERNOR
BOX 243626
ANCHORAGE, ALASKA 99524-3626

To: Members of the Alaska Legislature

From: Wayne Anthony Ross *WAR*
Republican National Committeeman,
Republican Candidate for Governor

Re: Senate Bill 275

Date: 19 February 1998

I am advised that Senate Bill 275, sponsored by Senate President Mike Miller, passed the Senate unanimously. I ask members of the Senate to move to reconsider this bill. I ask Members of the House to soundly defeat this bill when it comes before them for consideration.

As you no doubt know, I am a Republican candidate for Governor. Last year, the Alaska Legislature passed a very onerous bill revising Alaska's campaign finance laws. That bill made it quite difficult for an average person, wishing to involve themselves in running for office, to raise sufficient funds to mount an effective campaign. It cut off corporate contributions, limited the amount that could be raised outside the State, and severely curtailed the amount each individual Alaskan could contribute to a candidate they supported. Last year's legislation favored incumbents who enjoy free media publicity because of their incumbency, and candidates with large personal wealth, over average citizens who wished to enter public service and who had to raise funds for a campaign to do so.

Despite last year's legislation, I have entered the race for Governor. Three other viable candidates have also announced their intention to run for the Governor's position. Now, having launched a campaign for Governor, you propose to change the rules of the game, after the game has started! Senate Bill 275 would take effect immediately and would prohibit any candidate for Governor from raising funds during a legislative session. This is not only unfair but, I believe, highly improper.

Governor Knowles is the incumbent. He enjoys substantial public exposure because of his position. In addition, it is widely known that Governor Knowles has accumulated a substantial war chest for re-election purposes before passage of last year's legislation. Governor Knowles can readily afford to wait until the Legislature is out of session and still mount an effective campaign. Governor

Knowles has his picture and positions being put forth in the media, daily, during this legislative term, and he need not even begin to raise funds until June or July since he has no opponent in the Primary.

John Lindauer, a Republican candidate, has been quoted as saying that he has over a million dollars of personal funds to put into his campaign. Mr. Lindauer does not need to raise money for a campaign. Obviously then, Mr. Lindauer can afford to wait out this legislative term before raising money.

Robin Taylor, your legislative colleague, is also a Republican candidate for Governor. Mr. Taylor, because of his position as a sitting Senator, also enjoys media attention while the Senate is in session. He entered the race for Governor, while retaining his Senate seat, knowing full well that because of last year's legislation, he can not raise funds while the Legislature is in session. Senator Taylor has a clear conflict of interest if he voted on this issue.

And finally, there is me, Wayne Ross, the third Republican candidate. Even after reviewing last year's legislation, I decided to get into the Governor's race. Despite last year's legislative burden on fundraising, I have played the game by the rules that you, the Legislature, established last year. I waited until 1 January 1998 to begin raising funds for my campaign. I am not a wealthy man. (I even have three kids presently in college.) But I chose to invest the time and effort into a campaign for public service, expecting to raise funds from the general public who appear to be tired of "politics as usual". Thus far, my campaign has been quite successful.

I have hired a campaign manager, a finance director, and rented a campaign headquarters. I have reserved facilities and scheduled fundraising events. Senate Bill 275, if enacted into law, would require me to terminate these activities for several months. My campaign would be the only gubernatorial campaign directly and adversely affected by this bill. The bill's effect would be to reward wealthy candidates, and those currently in the media limelight because of incumbency, while harming average citizens, like myself, who seek to run for Statewide office. The Bill has given Governor Knowles a clear advantage. He is, undoubtedly, happy with this legislation.

If your intention is to assist your colleague, Mr. Taylor, in his run for office, you will support this bill. If your intention is to restrict candidates to only the wealthy, you will support this bill. If your intention is to ensure that Governor Knowles has no viable opponents in the next election, you will support this bill. I hope these are not your intentions.

I chose to run for office to improve this State, to put an end to rule by state bureaucracy and political machinations just such as this. I hope you will join me in defeating Senate Bill 275 and its House equivalent.

ROSS FOR GOVERNOR

Campaign Headquarters: 3020 Minnesota Drive, # 14
Anchorage, Alaska 99503

Mailing Address: POB 243626, Anchorage, Alaska 99524-3626

Phone: (907) 274 - ROSS [effective Monday, February 23, 1998]

Temporary Phone: [until February 23, 1998] (907) - 276-5307

PRESS RELEASE.....

February 19, 1998

Calling action by the Alaska State Senate today "politics as usual in Juneau," Republican candidate for Governor Wayne A. Ross criticized the Senate's action in passing a bill that would, if enacted into law, change the ground rules for raising election campaign funds again. Senate Bill 275, introduced by Senate Republican Mike Miller (R - North Pole), passed unanimously through the Senate today. The bill purports to level the playing field for raising money by political candidates.

However, Ross said, *"What this bill really does is give Governor Tony Knowles a free ride to the Governor's office in November. Tony doesn't need to raise any money, he already has a fat campaign fund. He doesn't have an opponent in the primary election, and doesn't need to worry about raising campaign funds until later this year, June or July. Knowles is undoubtedly having a hearty laugh at the expense of the Republican majority in the Legislature."*

Further, Ross said, *"The legislature adopted a new law on campaign finance reform last year and we all started the race on January 1998 following the rules under that law, me included. Now that my campaign has caught fire and we've started to raise money, the 'Good Ol' Boys Club' in Juneau wants to change the rules. That's not fair!"*

Senator Robin Taylor, (R - Wrangell) another declared gubernatorial candidate, can not raise funds while the Legislature is in session according to the law adopted last year. But, according to Ross, *"Robin made his choice to stay in the Senate and run for Governor at the same time. He wanted to have it both ways. Now he has voted to change the rules. He has a slight conflict of interest in voting for this bill and getting his Senate colleagues to join him."*

John Lindauer, the other declared Republican candidate, is not in the Legislature, but has stated that he has \$2.0 million of his own money to put into his campaign. *"If that is accurate, Mr. Lindauer doesn't need to raise any money either,"* said Ross.

[more]

ROSS FOR GOVERNOR
Press Release, Feb. 19, 1998
Page 2.

Ross called the Senate's action, "Politics as usual from Juneau. It happened in what must be near record time. Were there any hearings on this bill? It is really disappointing that this kind of thing goes on in government. This is the kind of action that causes people to lose faith in our political system. I hope to have the opportunity to change the system when I am elected."

###

February 24, 1998

Dear House State Affairs Committee member,

The following is my testimony during the teleconference held this morning concerning SB 275.

It is my understanding that the stated intention of SB 275 is to level the playing field in races for the Governor's and Lt. Governor's office and to bring the APOC rules for these races in line with the current rules for house and senate races. This bill falls to do that.

A gubernatorial race is not the same ball game as a house or senate race. In a statewide race there are many times the number of people a candidate has to reach. The geographic area to be covered is enormous. When these factors alone are considered, rules are not being made comparable with house and senate race rules, they are reducing statewide races to a highschool student council race. The restrictions placed on candidates for statewide office under the new APOC rules have already seriously hampered the ability of candidates to get their message out.

We live in the real world. And in the real world it cost more money to run a statewide race than it does to run a house or senate race. And it takes more time to raise that money. The legislature recognized this for one brief moment when it allowed a candidate to make a personal loan to his or her own campaign. There is one amount for house candidates, a larger amount for senate candidates, and an even larger amount for

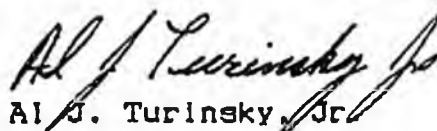
statewide office candidates. The rule proposed by this bill is not consistent with the existing personal loan rule.

The people of Alaska have a right to make an INFORMED decision about who their vote should go to. We can't do that if candidates can't inform us of their position on important issues.

This bill says the offices of the Governor and Lt. Governor aren't very important. This bill says the voters of Alaska don't need to know very much about the candidates for Governor and Lt. Governor. And this bill is nothing more than an economic infringement on the right to free speech.

SB 275 passed the Senate by a unanimous vote. What is wrong with this picture? You can't put 20 senators in a room and get them to agree on the color of sugar. The only conclusion I can come to is that deals were made for political expedience. Madame chairman and members of this committee, I don't like deals being made with my vote. So I urge each and every one of you to vote against this bill.

Thank you for your time,



Al J. Turinsky, Jr.

Glennallen, AK

CS FOR SENATE BILL NO. 275(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/18/98

Referred: Rules

Sponsor(s): SENATORS MILLER, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act specifying time periods for making, soliciting, or accepting campaign
2 contributions to candidates for state office; and providing for an effective date."

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

4 * Section 1. AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to state office may not solicit or accept a
8 contribution while [IF] the legislature is convened in a regular or special legislative
9 session (unless [, AND] the solicitation or acceptance occurs during the 90 days
10 immediately preceding an election in which the candidate or individual is a
11 candidate [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
12 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
13 LEGISLATIVE COMMITTEE].

14 * Sec. 2. AS 15.13.074(e) is amended to read:

Am Municipal office

*Delete line 9-13
AM 2 Feb 1998
Failed 4-2*

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

2 (1) [TO A CANDIDATE FOR GOVERNOR OR LIEUTENANT
3 GOVERNOR OR AN INDIVIDUAL WHO FILES WITH THE COMMISSION THE
4 DOCUMENT NECESSARY TO PERMIT THAT INDIVIDUAL TO INCUR
5 CERTAIN ELECTION-RELATED EXPENSES AS AUTHORIZED BY AS 15.13.100
6 FOR GOVERNOR OR LIEUTENANT GOVERNOR, WHEN THE OFFICE IS TO
7 BE FILLED AT A GENERAL ELECTION, BEFORE THE LATER OF THE
8 FOLLOWING DATES:

9 (A) THE DATE THE INDIVIDUAL

10 (i) BECOMES A CANDIDATE; OR

11 (ii) FILES WITH THE COMMISSION THE
12 DOCUMENT NECESSARY TO PERMIT THE INDIVIDUAL TO
13 INCUR CERTAIN ELECTION-RELATED EXPENSES
14 AS AUTHORIZED BY AS 15.13.100; OR

15 (B) JANUARY 1 OF THE YEAR OF THE GENERAL
16 ELECTION;

17 (2)] to a candidate for state office [THE STATE LEGISLATURE] or
18 an individual who files with the commission the document necessary to permit that
19 individual to incur certain election-related expenses as authorized by AS 15.13.100 for
20 state office [THE STATE LEGISLATURE, WHEN THE OFFICE IS TO BE FILLED
21 AT A GENERAL ELECTION,] while the legislature is convened in a [ITS] regular
22 or special legislative session, unless the contribution is made during the 90 days
23 immediately preceding an election in which the candidate or individual is a
24 candidate, or [AND] before the later of the following dates:

25 (A) the date the individual

26 (i) becomes a candidate; or

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

30 (B) January 1 of the year of the [GENERAL] election;

31 (2) [(3)] to a candidate or an individual who files with the commission

ASCI. 10. 1070

insert p. 3 line 23 after (c):

for candidates for
state office who
currently hold
state office,
and on May 15 for
candidates for state
office who currently
do not hold state
office.

Am # 4 - Lyon

Parson
Fails 3-3

1 the document necessary to permit that individual to incur certain election-related
2 expenses as authorized by AS 15.13.100 for an office that is to be filled at a
3 [SPECIAL ELECTION OR] municipal election before the later of the following dates:

4 (A) the date the individual

5 (i) becomes a candidate; or

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

9 (B) is nine months before the date of the [GENERAL OR
10 REGULAR] municipal election [OR THAT IS BEFORE THE DATE OF THE
11 PROCLAMATION OF THE SPECIAL ELECTION AT WHICH THE
12 CANDIDATE OR INDIVIDUAL SEEKS ELECTION TO PUBLIC OFFICE];

13 or

14 (3) [(4)] to any candidate later than the 45th day

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

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

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

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

21 (C) after the date of the general election, or after the date of a
22 municipal or municipal runoff election, if the candidate was opposed at the
23 general, municipal, or municipal runoff election.

24 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c)

*# 4 Supp's suggestion:
Add: "for incumbents + May 15th for non-incumbents"*

*Delete 1st & 2nd election
Am # 2
Failed 4-2*

*Candidates for state office who
state office*

*Amend in Rules
or on the
floor?*

Jeannette,

Portia from Sen. Miller's office brought this by.

It looks to me like it solves everyone's problem and should make everyone happy.

She's taking it to Mike Heathwold. She said it would be good if there were a caucus on this before it comes to the floor next Wednesday.

Barbara
3/11/98

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB275(STA)

1 Page 1, line 9, following "session":

2 Insert **"if the candidate or individual holds office as a member of the**

3 **state legislature, as the governor, or as the lieutenant governor"**

CS FOR SENATE BILL NO. 275(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/18/98

Referred: Rules

Sponsor(s): SENATORS MILLER, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act specifying time periods for making, soliciting, or accepting campaign
2 contributions to candidates for state office; and providing for an effective date."

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

4 * Section 1. AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to state office may not solicit or accept a
8 contribution while [IF] the legislature is convened in a regular or special legislative
9 session ~~unless~~ [, AND] the solicitation or acceptance occurs during the 90 days
10 immediately preceding an election in which the candidate or individual is a
11 candidate [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
12 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
13 LEGISLATIVE COMMITTEE].

Insert here.

14 * Sec. 2. AS 15.13.074(c) is amended to read:

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Title of CSSB 105(FIN) am (Legislative and Executive branch ethics and campaign finance)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer
Legislative Counsel

see applies to SB 275 also! They can make a "technical change" to title

You have asked for a memorandum concerning whether a resolution is needed to waive application of the Uniform Rules for a title amendment to the campaign finance and ethics bill referenced above. The title as passed by the Senate reads:

"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.¹⁷ To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state **or municipal** office."

¹⁷ Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

Collateral references. — Power of corporation to make political contribution or expenditure under state law. 79 ALR3d 491.

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 ALR3d 944.

Sec. 15.13.072. Restrictions on solicitation and acceptance of contributions. [Effective January 1, 1997.] (a) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution from

- (1) a person not authorized by law to make a contribution;
- (2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;
- (3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or
- (4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

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

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

- (1) before the date for which contributions may be made as determined under AS 15.13.074(c); or
- (2) later than the day after which contributions may not be made as determined under AS 15.13.074(c).

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

(e) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

- (1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;
- (2) \$5,000, if the candidate or individual is seeking the office of state senator;
- (3) \$3,000, if the candidate or individual is seeking the office of state representative or municipal or other office.

(f) A group or political party may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made, but the amounts accepted from individuals who are not residents may not exceed 10 percent of total contributions made to the group or political party during the calendar or group year in which the contributions are received. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.074. Prohibited contributions. [Effective January 1, 1997.] (a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

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

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Title of CSSB 105(FIN) am (Legislative and Executive branch ethics and campaign finance)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer
Legislative Counsel

Handwritten notes:
↓ applies to SB 275 also!
They can make a "technical change."
title

You have asked for a memorandum concerning whether a resolution is needed to waive application of the Uniform Rules for a title amendment to the campaign finance and ethics bill referenced above. The title as passed by the Senate reads:

"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.^{1/} To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state **or municipal** office."

^{1/} Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

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title

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"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.^{1/} To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state or municipal office."

^{1/} Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

Senator Tim Kelly

February 26, 1998

Page 2

Although the bill is in the second house, it is my opinion that the title change described above does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee of the second house from reporting out a committee substitute or amendment that requires a title change, other than a clerical or technical one, the title change here is not "required" by an amendment or change in the second house. Rather, it is required to correct the defective title in bill as passed by the first house. Accordingly, our office has in the past considered such changes to be "technical." The requirements of Uniform Rules 35 and 41(b) are consistent with Uniform Rule 24, stating that motions or propositions that require a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change, are out of order. Of course, the Senate will still have the right to consider whether to concur in any changes to the bill made by the House, including a change to the title.

Please let me know if you have additional questions on this matter.

TC:jdr

98-118.jdr

Collateral references. — Power of corporation to make political contribution or expenditure under state law. 79 ALR3d 491.

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 ALR3d 944.

Sec. 15.13.072. Restrictions on solicitation and acceptance of contributions. [Effective January 1, 1997.] (a) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution from

- (1) a person not authorized by law to make a contribution;
- (2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;
- (3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or
- (4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

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

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

- (1) before the date for which contributions may be made as determined under AS 15.13.074(c); or
- (2) later than the day after which contributions may not be made as determined under AS 15.13.074(c).

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

(e) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

- (1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;
- (2) \$5,000, if the candidate or individual is seeking the office of state senator;
- (3) \$3,000, if the candidate or individual is seeking the office of state representative or municipal or other office.

(f) A group or political party may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made, but the amounts accepted from individuals who are not residents may not exceed 10 percent of total contributions made to the group or political party during the calendar or group year in which the contributions are received. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.074. Prohibited contributions. [Effective January 1, 1997.] (a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

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

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

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

(A) the date the individual

(i) becomes a candidate; or

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

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

(2) to a candidate for the state legislature or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for the state legislature, when the office is to be filled at a general election, while the legislature is convened in its regular legislative session and before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

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

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

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

(A) the date the individual

(i) becomes a candidate; or

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

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

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

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

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

(ii) is not opposed at the general election;

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

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

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

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

(f) A corporation, company, partnership, firm, association, organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group in AS 15.13.400 may not make a contribution to a candidate or group.

(g) An individual required to register as a lobbyist under AS 24.45 may not make a contribution to a candidate for the legislature at any time the individual is subject to the registration requirement under AS 24.45 and for one year after the date of the individual's initial registration or its renewal. However, the individual may make a contribution under this section to a candidate for the legislature in a district in which the

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individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to the restrictions of this subsection shall report to the commission, on a form provided by the commission, each contribution made while required to register as a lobbyist under AS 24.45. This subsection does not apply to a representational lobbyist as defined in regulations of the commission.

(h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant governor and a group that is not a political party and that, under the definition of the term "group," is presumed to be controlled by a candidate for governor or lieutenant governor, may not make a contribution to a candidate for another office, to a person who conducts a write-in campaign as a candidate for other office, or to another group of amounts received by that candidate or controlled group as contributions between January 1 and the date of the general election of the year of a general election for an election for governor and lieutenant governor. This subsection does not prohibit

(1) the group described in this subsection from making contributions to the candidates for governor and lieutenant governor whom the group supports; or

(2) the governor or lieutenant governor, or the group described in this subsection, from making contributions under AS 15.13.116(a)(3)(A). (§ 11 ch 48 SLA 1996)

Contingent amendment of Subsection (c). — Section 33(b), ch. 48, SLA 1996 provides that § 12 of ch. 48, SLA 1996, which has the effect of amending subsection (c) of this section, takes effect only if the following occurs: a court order is entered and becomes final declaring that in subsection (c), as enacted by § 11, ch. 48, SLA 1996, the dates set out as being the dates before which campaign contributions may not be accepted are unconstitutional. If this contingency occurs, under § 12, ch. 48, SLA 1996, subsection (c) will read as follows: "A person or group may not make a contribution

"(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

"(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of

the proclamation of the special election at which the candidate or individual seeks election to public office; or

"(3) to any candidate later than the 45th day

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

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

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

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

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

Section 34, ch. 48, SLA 1996 provides that if § 12, ch. 48, SLA 1996, which contingently amends subsection (c) of this section, takes effect, it takes effect on the day after the date a court order described in § 33(b), ch. 48, SLA 1996.

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.076. Authorized recipients of contributions. [Effective January 1, 1997.] A contribution to a

(1) candidate may be received only by

(A) the candidate; or

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

(2) group may be received only by the group's campaign treasurer or a deputy treasurer. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.078. Contributions and loans from the candidate. [Effective January 1, 1997.] (a) The provisions of this chapter do not prohibit the individual who is a candidate from giving any amount of the candidate's own money or other thing of value to the campaign of the candidate. Donations made by the candidate to the candidate's

FEB 15 10 10:31 AM INFO CENTER OF ST. LEG. FORM NO. 3030030003 P. 02/04

States that Prohibit Campaign Contributions during Legislative Sessions

- Alabama** s 17-22A-7. Candidates for state offices may not solicit or accept contributions during the period when the Legislature is convened in session.
- Alaska**
- Arizona** s 41-1234.01. Contributions to a member of the legislature prohibited during regular session; contributions to the governor prohibited during regular session and when regular session legislation is pending veto
- Arkansas** s 7-6-203(g). It is unlawful for the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of State, Attorney General, Commissioner of state Lands, and members of the General Assembly to accept a contribution during the period beginning 30 days before any regular session of the General Assembly and ending 30 days after.
- Colorado** can't find the statute
- * **Connecticut** s 9-333f (e). Lobbyists and political committees established by or on behalf of lobbyists are prohibited from soliciting contributions on behalf of a candidate for nomination/election to the general assembly during regular and special sessions of the general assembly
- Florida (by rule)** Florida's statutory provision was struck down by the state supreme court
- Georgia** Code, 21-5-35. No member of the General Assembly or that member's campaign committee or public officer elected state wide or campaign committee or such public officer shall accept a contribution during a legislative session.
- Indiana** contributions to legislative caucus committees, but not individual members
- Iowa** s 56.15A. A lobbyist or political committee shall not contribute to the campaign funds of an elected state official, member of the general assembly, or candidate for public office on the state level on any day during the regular legislative session and, in the case of the governor or a gubernatorial candidate, during the thirty days following the adjournment of a regular legislative session allowed for the signing of bills.
- * **Kansas** s 25 4153a. No registered lobbyist or political committee shall make a contribution to any legislator, candidate for membership in the senate or house of representatives at any time in which the legislature is in session, nor shall any such person accept any contribution.

Texas

V.T.C.A., Election Code s 253.034. During a period beginning on the 30th day before the date a regular session convenes and continuing through the day of adjournment, a person may not make a political contribution to a statewide officeholder or a member of the legislature, and such persons shall not accept a political contribution during this period.

* **Utah**

U.C.A. 1953 s 20-14-6.5. A lobbyist or principal may not make a campaign contribution to a legislator during the time the Legislature is convened in annual general or veto override session, or in a special session.

Vermont

can't find statute.

Virginia

s 24.2-940. No member of the General Assembly or statewide official shall solicit or accept a contribution from any person or political committee on and after the first day of a regular session of the General Assembly through adjournment sine die of that session.

Washington

Initiative Measure No. 134, passed 11/92. During the period beginning on the 30th day before the date a regular legislative session convenes and continuing 30 days past the date of adjournment, and during special sessions, no state official may solicit or accept contributions.

Wisconsin

s 13.625. Campaign contributions to any elective state official or candidate for an elective state office may be made in the year of an election between June 1 and the day of the general election, except that campaign contributions to candidates for legislative office may be made during such period only if the legislature is not in session or has recessed.

CS FOR SENATE BILL NO. 275(STA)(title am H)(efd fld H)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 3/20/98
Offered: 2/18/98

Sponsor(s): SENATORS MILLER, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to time periods for making, soliciting, or accepting campaign
2 contributions."

The drafter made a "technical" title change!

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

4 * Section 1. AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to state office may not solicit or accept a
8 contribution while [IF] the legislature is convened in a regular or special legislative
9 session unless [, AND] the solicitation or acceptance occurs during the 90 days
10 immediately preceding an election in which the candidate or individual is a
11 candidate [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
12 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
13 LEGISLATIVE COMMITTEE].

14 * Sec. 2. AS 15.13.074(c) is amended to read:

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

2 (1) [TO A CANDIDATE FOR GOVERNOR OR LIEUTENANT
3 GOVERNOR OR AN INDIVIDUAL WHO FILES WITH THE COMMISSION THE
4 DOCUMENT NECESSARY TO PERMIT THAT INDIVIDUAL TO INCUR
5 CERTAIN ELECTION-RELATED EXPENSES AS AUTHORIZED BY AS 15.13.100
6 FOR GOVERNOR OR LIEUTENANT GOVERNOR, WHEN THE OFFICE IS TO
7 BE FILLED AT A GENERAL ELECTION, BEFORE THE LATER OF THE
8 FOLLOWING DATES:

9 (A) THE DATE THE INDIVIDUAL

10 (i) BECOMES A CANDIDATE; OR

11 (ii) FILES WITH THE COMMISSION THE
12 DOCUMENT NECESSARY TO PERMIT THE INDIVIDUAL TO
13 INCUR CERTAIN ELECTION-RELATED EXPENSES
14 AS AUTHORIZED BY AS 15.13.100; OR

15 (B) JANUARY 1 OF THE YEAR OF THE GENERAL
16 ELECTION;

17 (2) to a candidate for state office [THE STATE LEGISLATURE] or
18 an individual who files with the commission the document necessary to permit that
19 individual to incur certain election-related expenses as authorized by AS 15.13.100 for
20 state office [THE STATE LEGISLATURE, WHEN THE OFFICE IS TO BE FILLED
21 AT A GENERAL ELECTION,] while the legislature is convened in a [ITS] regular
22 or special legislative session, unless the contribution is made during the 90 days
23 immediately preceding an election in which the candidate or individual is a
24 candidate, or [AND] before the later of the following dates:

25 (A) the date the individual

26 (i) becomes a candidate; or

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

30 (B) January 1 of the year of the [GENERAL] election;

31 (2) [(3)] to a candidate or an individual who files with the commission

1 the document necessary to permit that individual to incur certain election-related
2 expenses as authorized by AS 15.13.100 for an office that is to be filled at a
3 [SPECIAL ELECTION OR] municipal election before the later of the following dates:

4 (A) the date the individual

5 (i) becomes a candidate; or

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

9 (B) is nine months before the date of the [GENERAL OR
10 REGULAR] municipal election [OR THAT IS BEFORE THE DATE OF THE
11 PROCLAMATION OF THE SPECIAL ELECTION AT WHICH THE
12 CANDIDATE OR INDIVIDUAL SEEKS ELECTION TO PUBLIC OFFICE];

13 or

14 (3) [(4)] to any candidate later than the 45th day

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

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

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

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

21 (C) after the date of the general election, or after the date of a
22 municipal or municipal runoff election, if the candidate was opposed at the
23 general, municipal, or municipal runoff election.

FISCAL NOTE

No. 1
 Bill Version: CS SB 275 (STA)
 (S) Publish Date: 2/18/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: (Note if correction)
 Title: "An Act relating to contributions to the governor, the lieutenant governor, and candidates..."
 Sponsor: Senator Miller
 Requestor: (S) STA

Department Affected: Administration
 BRU: Alaska Public Offices Commission
 Component: Alaska Public Offices Commission

COMPONENT SERIAL NO. 70

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
↓ GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will not fiscally impact the Alaska Public Office Commission.

Prepared by: Karen Boorman
 Division: Alaska Public Offices Commission

Phone: (907) 276-4176
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/5/98

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MIKE MILLER
President of the Senate

White in Juneau
State Capitol
Juneau, Alaska
99801-1182
Ph: (907) 465-4976
Fax: (907) 465-3883

Senate District O

SPONSOR STATEMENT CSSB275(STA)

Senate Bill 275 amends Alaska law to place all candidates for state office under the same campaign financing rules.

AS 15.13.072 currently allows candidates who are the Governor and the Lieutenant Governor to raise funds during sessions, while legislators are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on raising funds during regular and special legislative sessions.

AS 15.13.074 currently allows candidates for the office of governor or lieutenant governor to receive campaign funds during regular legislative sessions, while candidates for legislative office are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on contributing funds to candidates for state office during regular and special legislative sessions.

There is an exemption from these fundraising restrictions during the 90 days immediately preceding an election in which the person is a candidate for state office.

This change will help level the playing field among candidates and will make the system more fair and equitable for all candidates seeking public office in Alaska.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 275(STA)

- 1 Page 1, line 1:
- 2 Delete "specifying"
- 3 Insert "relating to"

- 4 Page 1, line 2:
- 5 Delete "to candidates for state office"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Campaign funds (CSSB 275(STA))

TO: Senator Mike Miller
President of the Senate
Attn: Portia

FROM: Richard A. Glover *-RAG-*
Legislative Counsel

The latest version of CSSB 275(STA) (the "L" version) contains a defective title. The title is defective in that the reference to "candidates for state office" did not accurately describe the change to current law made by the bill on page 1, line 7. That change enables a member of the legislature who files or becomes a candidate for a municipal office to raise campaign funds during legislative sessions. The title of CSSB 275(STA) does not disclose this.

Although the bill is in the second house, it is my opinion that the title change does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee from reporting out a committee substitute or amendment that requires a title change, other than a technical one, the title change here is not "required" by an amendment or change in the second house, but rather by the defective title in the first house. Accordingly, our office has in the past considered such changes to be "technical." Unfortunately, because the title change does constitute a change to the bill, the Senate will have to concur in the title change, even if the House passed a version that was otherwise identical to the bill passed by the Senate.

Please accept my apology for discovering this problem at this late date. It is, however, best to correct the problem now, thereby avoiding a challenge to the bill on the grounds that the title did not reflect the contents of the bill. See sec. 13, Art. II, Constitution of the State of Alaska.

If I may be of further assistance, please advise.

RAG:glc:jr
98-109.glc

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Title of CSSB 105(FIN) am (Legislative and Executive branch ethics and campaign finance)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked for a memorandum concerning whether a resolution is needed to waive application of the Uniform Rules for a title amendment to the campaign finance and ethics bill referenced above. The title as passed by the Senate reads:

"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.^{1/} To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state or municipal office."

^{1/} Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

Collateral references. — Power of corporation to make political contribution or expenditure under state law. 79 ALR3d 491.

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 ALR3d 944.

Sec. 15.13.072. Restrictions on solicitation and acceptance of contributions. [Effective January 1, 1997.] (a) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution from

- (1) a person not authorized by law to make a contribution;
- (2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;
- (3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or
- (4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

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

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

- (1) before the date for which contributions may be made as determined under AS 15.13.074(c); or
- (2) later than the day after which contributions may not be made as determined under AS 15.13.074(c).

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

(e) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

- (1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;
- (2) \$5,000, if the candidate or individual is seeking the office of state senator;
- (3) \$3,000, if the candidate or individual is seeking the office of state representative or municipal or other office.

(f) A group or political party may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made, but the amounts accepted from individuals who are not residents may not exceed 10 percent of total contributions made to the group or political party during the calendar or group year in which the contributions are received. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.074. Prohibited contributions. [Effective January 1, 1997.] (a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

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

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

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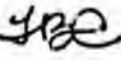
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Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Title of CSSB 105(FIN) am (Legislative and Executive branch ethics and campaign finance)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer 
Legislative Counsel

You have asked for a memorandum concerning whether a resolution is needed to waive application of the Uniform Rules for a title amendment to the campaign finance and ethics bill referenced above. The title as passed by the Senate reads:

"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.¹⁷ To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state or municipal office."

¹⁷ Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

Senator Tim Kelly

February 26, 1998

Page 2

Although the bill is in the second house, it is my opinion that the title change described above does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee of the second house from reporting out a committee substitute or amendment that requires a title change, other than a clerical or technical one, the title change here is not "required" by an amendment or change in the second house. Rather, it is required to correct the defective title in bill as passed by the first house. Accordingly, our office has in the past considered such changes to be "technical." The requirements of Uniform Rules 35 and 41(b) are consistent with Uniform Rule 24, stating that motions or propositions that require a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change, are out of order. Of course, the Senate will still have the right to consider whether to concur in any changes to the bill made by the House, including a change to the title.

Please let me know if you have additional questions on this matter.

TC:jdr

98-118.jdr

Collateral references. — Power of corporation to make political contribution or expenditure under state law. 79 ALR3d 491.

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 ALR3d 944.

Sec. 15.13.072. Restrictions on solicitation and acceptance of contributions. [Effective January 1, 1997.] (a) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution from

- (1) a person not authorized by law to make a contribution;
- (2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;
- (3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or
- (4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

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

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

- (1) before the date for which contributions may be made as determined under AS 15.13.074(c); or
- (2) later than the day after which contributions may not be made as determined under AS 15.13.074(c).

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

(e) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

- (1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;
- (2) \$5,000, if the candidate or individual is seeking the office of state senator;
- (3) \$3,000, if the candidate or individual is seeking the office of state representative or municipal or other office.

(f) A group or political party may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made, but the amounts accepted from individuals who are not residents may not exceed 10 percent of total contributions made to the group or political party during the calendar or group year in which the contributions are received. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.074. Prohibited contributions. [Effective January 1, 1997.] (a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

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

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

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

(A) the date the individual

(i) becomes a candidate; or

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

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

(2) to a candidate for the state legislature or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for the state legislature, when the office is to be filled at a general election, while the legislature is convened in its regular legislative session and before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

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

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

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

(A) the date the individual

(i) becomes a candidate; or

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

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

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

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

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

(ii) is not opposed at the general election;

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

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

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

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

(f) A corporation, company, partnership, firm, association, organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group in AS 15.13.400 may not make a contribution to a candidate or group.

(g) An individual required to register as a lobbyist under AS 24.45 may not make a contribution to a candidate for the legislature at any time the individual is subject to the registration requirement under AS 24.45 and for one year after the date of the individual's initial registration or its renewal. However, the individual may make a contribution under this section to a candidate for the legislature in a district in which the

individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to the restrictions of this subsection shall report to the commission, on a form provided by the commission, each contribution made while required to register as a lobbyist under AS 24.45. This subsection does not apply to a representational lobbyist as defined in regulations of the commission.

(b) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant governor and a group that is not a political party and that, under the definition of the term "group," is presumed to be controlled by a candidate for governor or lieutenant governor, may not make a contribution to a candidate for another office, to a person who conducts a write-in campaign as a candidate for other office, or to another group of amounts received by that candidate or controlled group as contributions between January 1 and the date of the general election of the year of a general election for an election for governor and lieutenant governor. This subsection does not prohibit

(1) the group described in this subsection from making contributions to the candidates for governor and lieutenant governor whom the group supports; or

(2) the governor or lieutenant governor, or the group described in this subsection, from making contributions under AS 15.13.116(a)(3)(A). (§ 11 ch 48 SLA 1996)

Contingent amendment of Subsection (c). — Section 33(b), ch. 48, SLA 1996 provides that § 12 of ch. 48, SLA 1996, which has the effect of amending subsection (c) of this section, takes effect only if the following occurs: a court order is entered and becomes final declaring that in subsection (c), as enacted by § 11, ch. 48, SLA 1996, the dates set out as being the dates before which campaign contributions may not be accepted are unconstitutional. If this contingency occurs, under § 12, ch. 48, SLA 1996, subsection (c) will read as follows: "A person or group may not make a contribution

"(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

"(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of

the proclamation of the special election at which the candidate or individual seeks election to public office: or

"(3) to any candidate later than the 45th day

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

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

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

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

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

Section 34, ch. 48, SLA 1996 provides that if § 12, ch. 48, SLA 1996, which contingently amends subsection (c) of this section, takes effect, it takes effect on the day after the date a court order described in § 33(b), ch. 48, SLA 1996.

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.076. Authorized recipients of contributions. [Effective January 1, 1997.] A contribution to a

(1) candidate may be received only by

(A) the candidate; or

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

(2) group may be received only by the group's campaign treasurer or a deputy treasurer. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.078. Contributions and loans from the candidate. [Effective January 1, 1997.] (a) The provisions of this chapter do not prohibit the individual who is a candidate from giving any amount of the candidate's own money or other thing of value to the campaign of the candidate. Donations made by the candidate to the candidate's

(b) [Effective January 1, 1997.] The provisions of (a) of this section do not apply when the advertisement

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

(2) is made to influence the outcome of a ballot proposition as that term is defined by AS 15.13.065(c); and

(3) is made for

(A) a billboard or sign; or

(B) printed material other than an advertisement made in a newspaper or other periodical. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA 1975; am § 36 ch 100 SLA 1980; am § 15 ch 48 SLA 1996)

Effect of amendments. — The 1996 amendment, effective January 1, 1997, added subsection (b).

tion of state statute prohibiting anonymous political advertising. 4 ALR4th 741.

Collateral references. — Validity and construc-

Sec. 15.13.095. False statements in telephone polling and calls to convince.

(a) A candidate who is damaged as the result of a false statement about the candidate made with knowledge that it was false, or with reckless disregard for whether it was false or not, made as part of a telephone poll or an organized series of calls, and made with the intent to convince potential voters concerning the outcome of an election in which the candidate is running may recover damages in an action in superior court under this section against the individual who made the telephone call, the individual's employer, and the person who contracted for or authorized the poll or calls to convince. However, the employer of the individual or the person who contracted for or authorized the poll or calls to convince is liable to the defamed candidate only if the employer or person authorized the statement to be made, knowing that it was false or with reckless disregard for whether it was false or not, as part of the poll or calls to convince.

(b) The court may award damages, including punitive damages. If the court finds that the result of the statement places the integrity of the election process in substantial doubt, the eligibility of the successful candidate to hold the office to which elected shall be determined as provided in AS 15.56.110(b) or, in the case of a candidate for governor or lieutenant governor, by impeachment under art. II, sec. 20, Constitution of the State of Alaska. (§ 1 ch 142 SLA 1996)

Effective dates. — Section 1, ch. 142, SLA 1996, which enacted this section, took effect on November 4, 1996.

Sec. 15.13.100. Expenditures before filing. A political campaign expenditure may not be made or incurred by a person in an election or by a person or group with the person's knowledge and on the person's behalf before the date upon which the person files for nomination for the office which the person seeks, except for personal travel expenses or for opinion surveys or polls. These expenditures must be included in the first report required under this chapter after filing for office. (§ 1 ch 76 SLA 1974; am § 23 ch 189 SLA 1975; am § 25 ch 14 SLA 1987)

Effect of amendments. — The 1987 amendment in the first sentence substituted "A" for "No" at the beginning of the section, inserted "not" following "expenditure may," and substituted "the person's" for "his" in two places and "the person" for "he or she" and

in the last sentence substituted "must" for "shall be charged against the spending limitation that applies to the office for which he subsequently files, and shall."

Sec. 15.13.110. Filing of reports. (a) [See effect of amendments note.] Each candidate and group shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day