START

OF

ROLL

RECORDS CERTIFICATION

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

J.C. VAN BLOCKLAN
Signature of Camera Operator

SEPT. 2011
Date

Certification Rev. 7/98

SB

36

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 1/29/09

State Affairs Committee considered SENATE BILL NO. 36

SB 36 EXECUTIVE BRANCH RECORDS SECURITY

"An Act relating to the security of certain data processing records of the executive branch and making the Department of Administration responsible for the security of those records."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 36 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[✓] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Admin	1/29/09			✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Kookesh	X			
	PASKVAN	X			
	Meyer	X			
CHAIR:	MENARD	X			

SENATOR
GENE THERRIAULT
Mailing Address:
1292 Sadler Way, Suite 308
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271

Alaska State Legislature

Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Gene Therriault
Senate Republican Minority Leader

Date: January 21, 2009

Re: Request for Hearing – SB 36

I respectfully request Senate Bill 36 be scheduled for hearing before the Senate State Affairs Committee.

Senate Bill 36 clarifies current state statute to ensure that the Department of Administration is responsible for setting policy for the security of data processing structures within the Executive Branch of the State of Alaska.

Thank you for your consideration.

Email: Senator_Gene_Therriault@legis.state.ak.us

26-LS0232\E
Bannister
1/28/09

CS FOR SENATE BILL NO. 36( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

"An Act relating to the data processing and telecommunications activities of the state; relating to the security of certain data processing records of the executive branch and making the Department of Administration responsible for the security of those records; and making the commissioner of administration the chief information officer of the state."

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

*** Section 1.** AS 40.21.030(b) is amended to read:

(b) In order to carry out the records management program, the state archivist shall

(1) analyze, develop, and coordinate the standards and procedures for record making and current record keeping;

(2) ensure the maintenance and security of records**, subject to AS 44.21.165**;

New Text Underlined [DELETED TEXT BRACKETED]

(3) initiate action to recover state records removed without authorization;

(4) establish and operate state records centers for the purposes of accepting, servicing, storing, and protecting state records that must be preserved for varying periods of time but **that** [WHICH] are not needed for the transaction of current business;

(5) transfer records considered to have permanent value to the state archives;

(6) institute and maintain a training and information program in all phases of the management of current records for all state agencies**, subject to AS 44.21.165**;

(7) make continuing surveys of paperwork operations and recommend improvements in current records management practices, including the use of space, equipment, and supplies;

(8) initiate programs for improving the management of correspondence, forms, reports, and directives as integral parts of the overall records management program;

(9) provide centralized microfilm service for state agencies as determined to be necessary by the department;

(10) establish standards for the preparation of records retention schedules providing for the retention of state records of permanent value and for the prompt and orderly disposition of state records no longer possessing administrative, legal, or historical value to warrant their retention;

(11) receive records retention schedules from the agencies and submit them to the attorney general for review and approval;

(12) obtain from agencies reports that are required for the administration of the program.

*** Sec. 2.** AS 40.21.060 is amended to read:

Sec. 40.21.060. Duties of chief executive officers of state agencies. Subject to AS 44.21.165, the [THE] chief executive officer of each state agency shall

(1) make and preserve public records containing adequate and proper

documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency, and designed to furnish the information necessary to protect the legal and financial rights of the state and of persons directly affected by the agency's activities;

(2) establish and maintain an active, continuing program for the efficient management of the records of the agency under the procedures prescribed by the department, including effective controls over the creation, maintenance, and use of records in the conduct of current business;

(3) submit to the department, in accordance with the standards established by it, records retention schedules proposing the length of time **that** [WHICH] records having administrative, legal, or historical value shall be retained;

(4) apply the provisions of approved records retention schedules to ensure the orderly disposition of state records including transfer to a state records center;

(5) identify, segregate, and protect records vital to the continuing operation of an agency in the event of natural, man-made, or war-caused disaster;

(6) cooperate with the department in conducting surveys made by it under the provisions of this chapter;

(7) establish safeguards against unauthorized or unlawful removal or loss of state records;

(8) comply with the regulations, standards, and procedures relating to records management and archives established by the department;

(9) appoint a records officer who shall act as a liaison between the department and the agency on all matters relating to the records management program.

* **Sec. 3.** AS 44.21.010 is amended by adding a new subsection to read:

(b) The commissioner of administration is the chief information officer for the state. The chief information officer for the state carries out the duties and powers of the commissioner of administration and the Department of Administration under AS 44.21.150 - 44.21.170 and 44.21.305 - 44.21.330.

* **Sec. 4.** AS 44.21 is amended by adding a new section to read:

Sec. 44.21.165. Security of records. (a) As the department responsible for the

operation and management of automatic data processing resources and activities of the executive branch under AS 44.21.150, the department is the state agency responsible for ensuring the security of the nonarchived records produced or maintained by the automatic data processing resources and activities of state agencies through the development and adoption of standards, policies and procedures.

(b) The department shall

(1) develop, implement, and maintain policies to ensure that data processing records are secure from unlawful release;

(2) define the responsibilities for the security of the data processing records of each state agency, communicate the responsibilities to the state agency, and coordinate the responsibilities among state agencies; and

(3) establish procedures for maintaining the security of the data processing records and provide training for state agency personnel to implement the procedures.

(c) The state information systems plan adopted by the commissioner must satisfy the security requirements of this section.

(d) The department shall adopt regulations to implement this section.

(e) On or before January 1 every two years, the department shall submit to the legislature a report that evaluates, for the two years since the period covered by the previous report under this subsection, the effectiveness of the department's implementation of this section in maintaining the security of data processing records.

(f) In this section,

(1) "data processing records" means the records that are produced or maintained by the automatic data processing resources and activities of a state agency and that are not being held by the Alaska State Archives;

(2) "records" includes personally identifiable information in a record;

(3) "state agency" means an agency of the executive branch.

*** Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

FIRST REPORT. Notwithstanding AS 44.21.165(e), enacted by sec. 4 of this Act, the first report under AS 44.21.165(e) is due on January 1 of the fifth calendar year after this Act

takes effect.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 36
() Publish Date:

Identifier (file name):
Dept. Affected: ADMIN
Title: Executive Branch Records Systems
RDU
Component
Sponsor: Therriault
Requester: SSTA
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: Senate State Affairs Committee
Phone 465-4522
Division
Date/Time 1/29/09 12:00 AM
Approved by:
Date

(Revised 9/10/2008 OMB)

25th ALASKA STATE LEGISLATURE
SENATE REPUBLICAN CAUCUS
www.aksenateminority.com

SENATOR GENE THERRIAULT, MINORITY LEADER
STATE CAPITOL, ROOM 427, 465.4797 (FAX 465.3884)

SENATOR CON BUNDE
SENATOR FRED DYSON
SENATOR TOM WAGONER

Fact Sheet for : Senate Bill 36 **Contact: Heather Brakes, 465.4797**
Sponsor: Senator Gene Therriault

Short Title: EXECUTIVE BRANCH RECORDS SECURITY

Summary:

- Clarifies the duty and responsibility for implementation of security standards related to information systems within Executive Branch is vested in the Department of Administration.
- The Department of Administration has the authority to set security policy, and monitor the implementation and adherence to those standards throughout the Executive Branch departments.
- The department will audit and report the effectiveness of those policies to the Legislature 5 years from the effective date of the Act.

Benefits:

- By clarifying the Department's statutory authority to implement security policy for the state data processing framework, the department will have the clear ability it needs to implement such policy.

Background:

The Legislative Budget and Audit Committee released a report on the Department of Administration, Governance Framework for Selected Information System Security Controls that found that the statutes lacked clarity when it came to the State Security Office's authority to set policy and implement it throughout the Executive Branch. This legislation clarifies that statutory authority for the development, implementation, and monitoring of such security policies for the state's information systems.

Created on 1/13/2009 5:08:00 PM

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM January 29, 2009

SUBJECT: CSSB 36(STA) relating to the information systems of the state (Work Order No. 26-LS0232\S)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee
Attn: Debbie

FROM: Theresa Bannister
Legislative Counsel

This memo accompanies the bill described above.

Judicial branch. Establishing the commissioner as the chief information officer for the entire state, including the judicial branch, may violate the separation of powers if this position is considered to affect an activity that is intrinsic to the judicial branch. To avoid this issue, the position could be limited to the executive and legislative branches.

If I may be of further assistance, please advise.

TLB:plm
09-050.plm

Enclosure

SB 37

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: 4/03/2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Hollis French HSF

RE: Request for Hearing -- SB 37 Divest Investments In Sudan

This is a request that you schedule a hearing on SB 37 "Divest Investments in Sudan" at the earliest possible date.

I have attached a copy of the bill, a sponsor statement and some related materials for your use.

A blank CS is currently being prepared for the legislation. When it is complete, I will provide your office with copies and an explanation of changes. We anticipate that this blank CS will be ready by Monday, April 6.

I appreciate your consideration.

Attachments

Alaska State Legislature

Senator Hollis French

SB 37 - Divest Investments in Sudan

Sponsor Statement

Government supported genocide has killed hundreds of thousands of people and displaced approximately 2.5 million residents from the Darfur region of Sudan. This legislation will enact a targeted divestment program that prevents the state of Alaska from investing Permanent Fund and retirement plan dollars in companies that directly finance genocide in Darfur. SB 37 gives Alaska the opportunity to join the states, businesses and educational institutions that refuse to fund such atrocities.

Targeted divestment is a proven tactic to reduce the viability of genocide in Darfur. Twenty seven other states have divested from businesses that operate in the region. The cost to these states has been negligible. Institutions have found no noticeable decrease in returns when divestment only targets companies that have explicit financial links to the conflict. Holdings in these companies amount to seven investments valued at less than 0.1% of all Permanent Fund assets, showing that the implementation of this legislation will not require a major shift in investment strategy.

Results from the divestment movement have been promising. Sudan, unlike many foreign governments that sponsor genocide, has responded favorably when threatened with economic sanctions. Partly as a result of the divestment movement, the Sudanese government purchased a six-page, $1 million advertisement in the New York Times that sought out foreign direct investment. As more companies pull out of the region or encourage the government of Sudan to halt violent acts, the end of genocide is highly probable.

Ignoring genocide has left several scars on recent American history. With the cost of action so small, Alaska has no excuse to sit on the sidelines. I urge you to support this important and meaningful piece of legislation.

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: 4/8/2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Hollis French

RE: Explanation of Changes to Senate Bill 37

The CS for Senate Bill 37 (version \R) makes the following changes:

- The list of companies participating in prohibited activities is prepared annually, as opposed to quarterly.

- The commissioner – and not the ARM board or the APFC – prepares and maintains this list.

- All scrutinized companies, whether the state invests in them or not, are notified that they have been placed on a list prohibiting investment. Each version of the bill allows for a 90 days period when an identified company can clarify its activities in Sudan, correcting the record if they have been inaccurately identified for divestment.

- Divestment in the new bill is limited to direct investments held by the state. The new CS does not require divestment from commingled or index funds that include prohibited companies on their investment list. This change should help to remove the fiscal impact of the legislation.

- Divestment must occur 90 days after a company is added to the prohibited investment list.

- The new legislation would put the burden of divestment compliance on the accountants, who deal with investment decisions daily, and not the managers of the funds. This change will also help reduce the fiscal impact of the legislation.

26-LS0240\R
Cook
4/6/09

CS FOR SENATE BILL NO. 37( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, Ellis, Thomas

A BILL

FOR AN ACT ENTITLED

"An Act relating to certain investments of the Alaska permanent fund, the state's retirement systems, the State of Alaska Supplemental Annuity Plan, and the deferred compensation program for state employees in companies that do business in Sudan, and restricting those investments; and providing for an effective date."

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

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

FINDINGS. The legislature finds that

(1) since 1997, the federal government has imposed fiscal sanctions against the Government of Sudan for acts of terrorism and atrocities directed against civilians in the Darfur region of Sudan;

(2) the fiscal sanctions described in (1) of this section are monitored through the United States Department of the Treasury, Office of Foreign Assets Control;

(3) the State of Alaska controls significant financial assets through

New Text Underlined [DELETED TEXT BRACKETED]

L 18

investments in the Alaska permanent fund and funding of the State of Alaska retirement systems, supplemental annuity plans, and deferred compensation, among other funds;

(4) it is a fundamental responsibility of the State of Alaska to decide where, how, and by whom financial resources in the state's control are invested, taking into account numerous pertinent factors; and

(5) the investment of financial resources in business firms and financial institutions with ties to the repressive regime in the Sudan is inconsistent with the moral and political values of the people of Alaska.

*** Sec. 2.** AS 37.10 is amended by adding new sections to read:

Sec. 37.10.072. Sudan divestment. (a) The commissioner or a fiduciary of a fund subject to this title may not invest in and shall cause the fund to divest ownership, if any, in the publicly traded securities of a company that the commissioner places on a list of companies that conduct or have direct investments in business operations in Sudan. Divestment of an ownership interest in a company shall occur within 90 days after it is placed on the list created and updated under (c) of this section if the investment is managed by the commissioner or fiduciary. On or before January 31 of each year, if a fund has investments managed by an outside investment manager, the fiduciary shall direct the investment manager not to invest in and to divest, within 90 days after receiving the direction, ownership, if any, in the publicly traded securities of a company that the commissioner places on a list of companies that conduct or have direct investments in business operations in Sudan.

(b) If an investment in a fund under (a) of this section is managed as a commingled investment or other business structure in which the fund is not the sole owner of the investment interest or if the investment is an index fund, the provisions of (a) of this section do not apply. The commissioner shall require that, on or before January 31 of each year, the fiduciary submit letters to the managers of commingled investments requesting the managers to consider removing from the commingled investment any company on the list of companies that conduct or have direct investments in business operations in Sudan.

(c) The commissioner shall create and update annually on or before December 31 a list of companies that conduct or have direct investments in business

operations in Sudan.

(d) The commissioner shall make reasonable efforts to investigate all publicly traded companies to determine whether the company conducts or has direct investments in business operations in Sudan. In conducting the investigation, the commissioner may use the following:

(1) credible publicly available information regarding companies with active business operations compiled by nonprofit organizations, research firms, international organizations, and government entities;

(2) information supplied by institutional investors that have divested from companies that conduct or have direct investments in business operations in Sudan.

(e) The commissioner shall provide written notice and an opportunity to comment in writing to each company identified as a company that conducts or has direct investments in business operations in Sudan under (d) of this section.

(f) The commissioner shall add a company identified under (d) of this section to the list of companies that conduct or have direct investments in business operations in Sudan not earlier than 90 days after providing written notice under (e) of this section, unless the company demonstrates to the commissioner that it does not conduct or have direct investments in business operations in Sudan.

(g) The commissioner shall make every effort to avoid erroneously adding a company to the list of companies that conduct or have direct investments in business operations in Sudan. The commissioner shall verify that the company conducts or has direct investments in business operations in Sudan before adding it to the list of companies that conduct or have direct investments in business operations in Sudan.

(h) Annually, on or before January 31, the commissioner shall advise the president of the senate, the speaker of the house of representatives, and the United States presidential special envoy for Sudan of the companies on the list of companies that conduct or have direct investments in business operations in Sudan.

(i) The commissioner may adopt regulations under AS 44.62 to carry out the purposes of the section.

(j) In this section,

(1) "business operations"

(A) means power production activities, mineral extraction activities, oil-related activities, or the production of military equipment;

(B) does not include operations that the company can demonstrate

(i) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(ii) are conducted under a license from the United States Department of the Treasury, Office of Foreign Assets Control, or are expressly exempted from licensure under federal law;

(iii) consist of providing goods or services to marginalized populations of Sudan;

(iv) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(v) consist of providing goods or services that are used only to promote health or education; or

(vi) have been voluntarily suspended;

(2) "commissioner" means the commissioner of revenue;

(3) "Government of Sudan"

(A) means the government in Khartoum, Sudan, that is led by the National Congress Party, formerly known as the National Islamic Front, or any successor government formed on or after October 13, 2006;

(B) includes the coalition Government of National Unity agreed upon in the Comprehensive Peace Agreement for Sudan;

(C) does not include the regional government of southern Sudan;

(4) "marginalized populations of Sudan" means adversely affected groups in regions authorized to receive assistance under sec. 8(c), P.L. 109-344 (Darfur Peace and Accountability Act of 2006) and marginalized areas in northern Sudan described in sec. 4(9), P.L. 109-344;

(5) "military equipment"

(A) means weapons, arms, military supplies, and equipment that readily may be used for military purposes;

(B) includes radar systems or military-grade transport vehicles, supplies, or services sold or provided directly to a force actively participating in armed conflict in Sudan;

(6) "mineral extraction activities"

(A) means exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals, associated metal alloys, oxides, or ore;

(B) includes activities involving gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc;

(7) "oil-related activities" means

(A) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil; and

(B) constructing, maintaining, or operating a pipeline, refinery, or other oil field infrastructure;

(8) "power production activities"

(A) means a business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the Government of Sudan whose purpose is to facilitate power generation and delivery;

(B) includes establishing power-generating plants or hydroelectric dams, selling or installing components for the project, or providing service contracts related to the installation or maintenance of the project.

Sec. 37.10.073. Divestment exemptions, immunity, and indemnification. For actions taken, or inaction done in good faith, in compliance with AS 37.10.072, the commissioner of revenue, a fiduciary, an agent, attorney, trustee, officer, employee, staff, custodian, research firm, or investment manager under contract of the commissioner of revenue or the fiduciary, and board members complying with

AS 37.10.220 or AS 37.13.120 are

(1) exempt from a conflicting state statutory or common law obligation, including an obligation with respect to choice of an asset manager, investment fund, or investment for the securities portfolio of the public fund;

(2) immune from liability under state or local law;

(3) indemnified and held harmless by the State of Alaska from claims, demands, suits, actions, damages, judgments, costs, charges, and expenses, including costs and attorney fees, and against all liability, losses, and damages of any nature that the commissioner of revenue, the fiduciary, the agent, attorney, trustee, officer, employee, staff, custodian, research firm, or investment manager under contract of the commissioner of revenue or the fiduciary, or the board member may, at any time, sustain because of a decision to restrict, reduce, or eliminate an investment made in compliance with AS 37.10.072; and

(4) immune from adverse licensing actions under AS 08.

*** Sec. 3.** AS 37.10.220 is amended by adding a new subsection to read:

(d) The board shall comply with AS 37.10.072.

*** Sec. 4.** AS 37.13.120 is amended by adding a new subsection to read:

(f) The board shall comply with AS 37.10.072.

*** Sec. 5.** REPEAL. Section 1 of this Act; AS 37.10.072, 37.10.220(d); and AS 37.13.120(f), are repealed on the earliest of the day after

(1) the commissioner of revenue gives written notice to the revisor of statutes and the lieutenant governor that the President of the United States has certified to the United States Congress that the Government of Sudan has honored its commitments to

(A) abide by the United Nations Security Council Resolution 1769 (2007);

(B) cease attacks on civilians;

(C) demobilize and demilitarize the Janjaweed and associated militias;

(D) grant free and unfettered access for delivery of humanitarian assistance; and

(E) allow for the safe and voluntary return of refugees and internally displaced persons;

(2) the United States Congress or the President of the United States, through legislation or executive order, declares that the Sudan divestment authorized in AS 37.10.072 interferes with the conduct of United States foreign policy; or

(3) P.L. 110-174 (Sudan Accountability and Divestment Act of 2007) is repealed.

*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

NOTICE. Not later than 30 days after the enactment of this Act, the Department of Law is directed to submit written notice to the Attorney General of the United States describing this Act.

*** Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 37**
() Publish Date:

Identifier (file name): SB37-DOR-TRS-03-30-09
Title: Sudan Divestiture
Sponsor: Senator French
Requester: Senate World Trade, Technology and Innovation

Dept. Affected: Revenue
RDU: Treasury
Component: ARMB/ARMB Custody/Treasury
Component Number: 2813/2812/121

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	***	***	***	***	***	***	***
CAPITAL EXPENDITURES	***	***	***	***	***	***	***
CHANGE IN REVENUES ( )	**0.0**	**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							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	***	***	***	***	***	***	***

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

This bill requires the fiduciaries of state investment funds to divest of certain investments in publicly traded companies that conduct business operations or have direct investments in business operations in Sudan. While Treasury believes that active and passive separate account managers will not charge additionally for divestment, Treasury does not believe that mangers of passive commingled funds will be able to comply with the divestment policy and that Sudan-free replacement funds will need to be identified. Currently, there are 25 funds (primarily participant directed funds) that would need to be replaced. Costs for conducting a search for a single fund is approximately $25,000, although multiple fund searches would result in reduced costs. Other costs to be considered would include the opportunity cost of staff time to implement new contracts and any cost impact resulting from introducing additional plan options to participants. The effect this bill will have on investment performance is unknown.

Prepared by: Pamela Green, Comptroller — Phone 465-2300
Division: Treasury Division — Date/Time 1/23/09 12:00 AM
Approved by: Jerry Burnett, Deputy Commissioner — Date 3/30/2009
Department of Revenue

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: **SB 37**
() Publish Date:

Identifier (file name): SB37-REV-APFC-03-30-09
Dept. Affected: Revenue
Title DIVEST INVESTMENTS IN SUDAN
RDU AK Permanent Fund Corporation
Component AK Permanent Fund Corporation
Sponsor Senator French
Requester Senate World Trade, Tech, Innovations
Component Number 109

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual	20.0		20.0	20.0	20.0	20.0	20.0
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous	30.0		30.0	30.0	30.0	30.0	30.0
TOTAL OPERATING	**50.0**	**0.0**	**50.0**	**50.0**	**50.0**	**50.0**	**50.0**
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							
1105 APFC Receipts	50.0		50.0	50.0	50.0	50.0	50.0
TOTAL	**50.0**	**0.0**	**50.0**	**50.0**	**50.0**	**50.0**	**50.0**

Estimate of any current year (FY2009) cost: 30.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill would require that APFC divest any securities of publicly traded companies that are directly held in actively or passively managed separate (non-commingled) funds. This bill would also require that APFC send letters to managers of actively traded commingled funds requesting that they consider divesting the listed securities. APFC is directed to develop a divestment list: administrative cost of purchasing lists of publicly traded companies doing business in Sudan from external sources each year as part of research process totals $30.0. Active separate account managers have stated that they will not charge customization fees. Stated customization charge in addition to regular management fees for passive accounts (as of Jan 2009) of $20.0.

Prepared by: Michael J. Burns
Phone 907-796-1520
Division Alaska Permanent Fund Corporation
Date/Time March
Approved by:
Date

(Revised 9/10/2008 OMB)

SUDAN DIVESTMENT

TASK FORCE

A project of the Genocide Intervention Network

EFFICACY OF TARGETED DIVESTMENT: AT A GLANCE

The government of Sudan has been historically responsive to economic pressure.

US sanctions declared in 1997 caused the Sudanese government to drop its support for terror and cooperate with the US on counter-terrorism. The emerging Sudan divestment movement has already caught the attention of the Sudanese government, which has spent considerable time and energy attacking the campaign, even going so far as to purchase a six page ad for more than $1 million in the New York Times to counteract the divestment movement. Unlike isolated countries that tend to shrug off sanctions, the Sudanese government is desperately trying to attract foreign investment. Threats to these efforts are taken very seriously by Sudan.

Divestment makes genocide costly.

Under current political and diplomatic pressure the Sudanese government incurs virtually no cost for continuing its genocide in Darfur, beyond further damage to its image in the West. Divestment, however, forces the Sudanese government to pay a price for its refusal to restore peace and security to Darfur.

Widespread divestment causes share price depreciation.

While the effect of divestment on offending companies' share prices thus far remains unclear, the divestment movement is spreading with enormous speed, both in the US and internationally. It is only a matter of time before enough assets have been divested to actually make a substantial impact on share prices. There is precedent for share price depreciation vis-à-vis a previous Sudan divestment campaign—Talisman Energy's share price was estimated to have dropped roughly a third on account of the divestment campaign against it.

Foreign direct investment enables the Sudanese government to carry out genocide in Darfur.

Recent increases in foreign direct investment in Sudan, particularly in the oil industry, have disproportionately benefited Sudan's military and elite. Since oil was first extracted in 1999, Sudan's military budget has more than doubled. It is estimated that 70-80% of oil revenue is now funneled into Sudan's military.

The Sudanese government is paying attention to the divestment movement.

The Sudanese embassy authored a press release and an op-ed condemning divestment, and the Sudanese ambassador actually spoke by phone with activists in an attempt to discourage divestment. The Sudanese government even took out a six-page ad in the New York Times this past March extolling Sudan as a peaceful country worthy of foreign direct investment.

Companies in Sudan are already responding to shareholder pressure.

CHC Helicopter Corporation, the world's largest provider of helicopter services to the global offshore oil and gas industry and previously a highly scrutinized company in Sudan, recently ceased all business operations in Sudan for the indefinite future after substantial levels of inquiry from a range of concerned investors. Another firm operating in Sudan and an S&P 500 company, Schlumberger, which provides oil-field services to the major oil consortiums in Sudan, has committed to reinforcing its existing outreach programs by implementing substantial humanitarian programs to reach marginalized populations in the country.

Also this year, Rolls Royce PLC, which sells oil-engineering equipment, announced its decision to leave Sudan citing "increasing international humanitarian concerns about the situation in Darfur." Additionally, Swiss power giant ABB announced its decision to suspend all non-humanitarian operations in Sudan--a decision in which divestment played a partial role. Shortly thereafter, one of Germany's largest companies, Siemens, pledged to pull out of the country, also citing the pressure created by divestment as a factor.

Some American firms exempted from US sanctions, including Xerox and 3M, have decided to curtail all non-humanitarian operations in the country. Companies have also begun to go so far as to list the divestment movement as a potential concern on SEC filings. Finally, in a clear sign of concern, companies tied to Sudan have spent increasing amounts on political contributions to Congressional leaders who are supporting Sudan divestment legislation.

Sudan divestment keeps the media focused on Darfur.

Divestment continues to keep Darfur in the public eye and sends a clear message to both the Federal government and the international community that the crisis warrants attention. Additionally, the divestment campaign highlights the role that foreign corporations and governments play in sustaining the genocidal policies of the government of Sudan. Coverage for divestment has appeared in the New York Times, Wall Street Journal, Washington Post, International Herald Tribune, LA Times, BBC, Financial Times, NPR, Christian Science Monitor, and many other media outlets. See www.sudandivestment.org/inthenews.asp for a representative listing.

Targeted Divestment: Supported by Foreign Policy and Financial Experts

Prominent foreign policy experts and think tanks which do not classically support blanket sanctions, including experts from the International Crisis Group, Harvard University, the Heritage Foundation, and former UN Envoy to Sudan, Jan Pronk, have all endorsed targeted sanctions, including divestment, on the Sudanese regime calling it a critical tool for influencing the behavior of the Sudanese government and bringing long-term peace and security to the region. In March 2007, the *Associated Press* reported that opposition leaders in Sudan have also expressed support for targeted sanctions on the Khartoum government. Finally, a number of Sudan experts from around the globe have pointed to targeted divestment as a financially prudent strategy for helping to stop genocide in Darfur.

International Crisis Group
"The [targeted Sudan divestment] campaign should be encouraged, including by naming and shaming companies, and copied in other countries."

Roberta Cohen – Senior Advisor, The Brookings Institution
"In the view of some analysts, divestment campaigns may prove more effective than sanctions. Rolls Royce's withdrawal from Sudan this past year reportedly surprised the government and affected the import of needed machine parts. The Sudanese government has publicly urged an end to divestment actions, underscoring the potential sting of their impact."

UN Human Rights Council
"...the General Assembly should call upon all UN institutions and offices to abstain from entering into business transactions with [foreign companies that have an adverse impact on the situation of human rights in Darfur]."

Joseph Stiglitz - Nobel Prize Winner and Trustee of Amherst College
"The government does not have a heavy development agenda--it's not as though the government is busy building schools in Darfur. It's a pretty clear case of this money being used against the government's own people."

Alfred Taban, editor of the independent newspaper the Khartoum Monitor
"[Sudanese officials are] very worried about such sanctions. They get a lot of money from these companies."

A Coalition 15 Former European, Canadian, and US Foreign Ministers
"If by the end [of 2006], Mr Bashir still refuses or, more likely, continues pretending to agree one day and saying no the next, he should pay a stiff price. That price should include...measures to target revenue from Sudan's oil sales."

For a full report on the efficacy of targeted divestment and complete references, visit www.sudandivestment.org/position.asp.

LEGISLATIVE RESEARCH REPORT

JANUARY 22, 2009

REPORT NUMBER 09.096

DIVESTMENT OF QUALIFYING COMPANIES OPERATING IN SUDAN FROM ALASKA PUBLIC FUNDS

BY DANIEL LESH, LEGISLATIVE ANALYST

You asked about state economic sanctions against the government of Sudan via the divestment of public assets in certain companies. Specifically, you asked for a review of relevant U.S. state laws and a description of the potential effects of a "targeted divestment" law on the State of Alaska with respect to the Alaska Permanent Fund and other Alaska state funds.

SUMMARY

As of January 21st, 2009, at least 31 states have adopted or are considering implementing policies to divest state assets from Sudan, where the U.S. Congress has declared that genocide is taking place. Twenty-seven of these states have enacted divestment policies. By our calculation, as of December 31st, 2008, state investments totaling roughly $19.6 million would be subject to divestment under legislation currently introduced in Alaska (HB 5, HB 45, SB 37). If any one of these bills became law, divestment of these assets would be accomplished over an 18-month period and would incur additional administrative costs. The direct impacts of divestment on the state's investment earnings, as well as on targeted companies, are debatable, but in both cases would likely be minimal.

STATUS OF STATE DIVESTMENT LEGISLATION

As of January 21st, 2009, at least 31 states have adopted or are considering implementing policies to divest state assets from Sudan, where the U.S. Congress has declared that genocide is taking place.[1] Lawmakers in 20 states have enacted laws that require state funds to divest holdings in some or all companies operating in Sudan. Seven additional states have adopted

[1] Data on state legislation are from *Lexis.com* and the Sudan Divestment Task Force's chart of "Divestment Statistics" (Attachment A).

907 465 3991
907-465-3908 (fax)

Alaska Legislature
Legislative Research Services
w3.legis.state.ak.us/laa/research/research.php

State Capitol
Juneau, AK 99801

similar policies through their executive branches. Louisiana's legislature has passed a law encouraging divestment, but state officials do not appear to be following this recommendation. Lawmakers in another three states are considering measures that address divestment from Sudan. Please see Table 1 for details on Sudan divestment legislation in each of these states.

The laws and pending legislation listed in Table 1 generally follow one of two models. Of the 31 divestment policies, 21—including the policy proposed in Alaska—follow a targeted approach that is applicable only to specific types of foreign companies operating in Sudan.[2] A targeted approach relies on the creation and maintenance of lists of companies that are deemed to be supporting the genocide in Sudan. Most of the targeted companies participate in Sudan's oil industry and pay taxes and royalties that fund the Sudanese government.

States that do not follow a targeted divestment approach prohibit investment in any company operating in Sudan, though generally with an exception for humanitarian and various other types of organizations. A number of states (Colorado, Florida, Georgia, Kentucky, Louisiana, Maryland, and Missouri) have also included other countries, such as Iran, North Korea, and Syria, in their divestment policies.

On December 31st, 2007, President Bush signed the Sudan Accountability and Divestment Act, which authorizes—but does not require—state and local governments to disassociate from companies operating in Sudan and prohibits the granting of new federal contracts to those foreign companies.

As you may know, no domestic companies are affected by state divestment laws, because U.S. companies are prohibited from operating in Sudan by federal executive orders dating from 1997.[3]

[2] Targeted divestment is advocated by the Sudan Divestment Task Force (SDTF), a prominent organization in this area. We include their model legislation as Attachment B and apply its provisions—which are substantially the same as those introduced in Alaska—in this report.

[3] Executive Orders 13067 (1997), 13400 (2006), and 13412 (2006).

Table 1: Status of State Legislation Related to Divestment of Public Funds from Sudan		
State	**Citation**	**Pending Legislation**
Targeted divestment measure		
Alaska		HB 5, HB 45, SB
Arizona	Ariz. Rev. Stat. § 35-391 (2008)	
California	Cal. Gov. Code § 7513.6 (2007)	
Colorado	Colo. Rev. Stat. § 24-54.8 (2007)	
Florida	Fla. Stat. § 215.473 (2007)	
Hawaii	Act No. 192, Session Law 2007	
Indiana	Ind. Code. Ann. § 5-10.2-9	
Iowa	Iowa Code § 12F (2007)	
Kansas	Kan. Stat. Ann. § 74-4923 and 74-4960 (2007)	
Massachusetts	Chapter 151, Session Law 2007	
Michigan	Mich. Comp. Laws Ann. § 38.1133 (2008)	
Minnesota	Minn. Stat. § 11A.243 (2007)	
Nebraska		LB 140
New Hampshire	N.H. Rev. Stat. Ann. § 100-D (2008)	
New Mexico	Executive Branch Policy	
New York	Executive Branch Policy	
North Carolina	N.C. Gen. Stat. § 147-86 (2008)	
Ohio	Executive Branch Policy	
South Carolina	S.D. Codified Laws § 9-16-55 (2008)	
Texas	Tex. Govt Code Ann. § 806.001 (2007)	
Vermont	Executive Branch Policy	
Non-targeted (blanket) divestment measure		
Georgia		HB 99
Illinois[a]	40 Ill. Comp. Stat. 5/1-110.6 (2007)	
Maine	Me. Rev. Stat. Ann. tit. 5, § 1956 (2007)	
Maryland	Md. Code Ann. § 21-123.1 (2008)	
Missouri	Executive Branch Policy	
New Jersey	N.J. Stat. Ann. § 52:18A-89.9 (2007)	
Oregon	Or. Rev. Stat. § 293.811-817 (2006)	
Non-binding measures encouraging divestment		
Arkansas[b]	SCR 20 & Executive Branch Policy	
Connecticut[b]	Conn. Gen. Stat. § 3-21e (2007) & Executive Branch Policy	
Louisiana	La. Rev. Stat. Ann. § 11:312 (2007)	

NOTES: Pending legislation in some states may not have been captured by our search and this list should not be treated as exhaustive. (a) Illinois' 2007 legislation replaced the state's 2005 law, which was found unconstitutional. (b) Laws in Arkansa and Connecticut are non-binding, but the states have divested significant assets. **SOURCES:** *Lexis.com*; Sudan Divestment Task Force's "Divestment Statistics" chart (Attachment A).

The state of Alaska maintains invested assets totalling about $60 billion dollars.[4] Of these investments, a small portion (about $20 million) would be subject to divestment under a targeted approach.[5] As of December 31st, 2008, we calculate that a maximum of about $15.8 million in Permanent Fund investments (about 0.05% of the $29.7 billion market value of the fund at that time) would require divestment using the Sudan Divestment Task Force's list of targeted companies (see Table 2). In addition, we identified about $3.8 million in other state assets that would be targeted for divestment, using a list of holdings also current through December 31st, 2008.

Table 2: Alaska Permanent Fund and Other State Stock Holdings Subject to Divestment

Company	Market Value	Country
Permanent Fund		
China Petroleum (Petrochina)	$ 14,353,173	China
Dongfeng Automodile Company Limited	$ 1,302,581	China
Wartsila	$ 93,466	Finland
Lundin Petroleum	$ 44,681	Sweden
TOTAL FOR PERMANENT FUND	$ 15,793,900	
Other State Funds Managed by Division of Treasury		
Alstom	$ 1,596,456	France
Abb	$ 1,216,860	Switzerland
Wartsila	$ 987,127	Finland
TOTAL FOR OTHER STATE FUNDS	$ 3,800,443	
GRAND TOTAL	**$ 19,594,343**	

NOTES: Data current as of December 31, 2008. Holdings subject to divestment determined using the Sudan Divestment Task Force's (SDTF) divestment lists. Some of the stocks listed above may be indirect holdings in actively managed investment funds, which are exempt from divestment under the SDTF targeted divestment model applied in this report.
SOURCES: Alaska Permanent Fund holdings obtained from the fund's website, *http://www.apfc.org/*. Data on stock holding sin other state funds obtained from Pam Green, state comptroller, Department of Revenue, (907) 465-3751.

[4] As of November 30th, 2008—the most recent date for which these data are available—the state's investments include the following: the Alaska Permanent Fund ($28.9 billion); funds under the fiduciary responsibility of the Alaska Retirement Management Board, including the Public Employees' Retirement System ($8.6 billion), Teachers' Retirement System ($3.9 billion), Judicial Retirement System ($0.1 billion), National Guard/Naval Militia Retirement System funds ($.02 billion), Supplemental Benefits System funds ($1.8 billion), and Alaska Deferred Compensation Plan funds ($0.4 billion); funds under the fiduciary responsibility of the Commissioner of the Department of Revenue, including the General Fund and other Non-segregated Investments (GeFONSI; $7.8 billion), Constitutional Budget Reserve Fund ($6.1 billion), and other funds ($1.3 billion; including the Public School Trust Fund, Alaska Children's Trust, Investment Loss Trust Fund, General Obligation Bonds, International Airports funds, Retiree Health Insurance Fund, Power Cost Equalization Endowment Fund, Illinois Creek Mine Restoration Fund, Permanent Fund Dividend Fund, and Alaska Sport Fish Construction Fund); and other state funds ($0.2 billion; including the University of Alaska Trust Fund, Alaska Student Loan Corporation funds, Exxon Valdez Oil Spill Investment Fund, and Mental Health Trust Reserve Fund). Information on state funds obtained from a Department of Revenue table, which we include as Attachment C.

[5] Only the portions of funds with publicly-traded equity would be affected, which for these funds is typically a small proportion of total investments. Furthermore, the targeted approach we apply here includes an exception for indirect holdings in actively managed, commingled investment funds—the most difficult and expensive type of fund to customize.

Under the targeted divestment bills currently under consideration in Alaska (HB 5, HB 45, SB 37), divestment of the assets described in Table 2 would occur over an 18-month period following the effective date of the legislation. In the first step of the process, fund directors would be allowed 90 days to compile and adopt a "scrutinized companies list" based on criteria and sources outlined in the legislation. Following adoption of the list, funds would be required to contact all scrutinized companies in which they have direct holdings and allow them 90 days to change their offending operations before becoming subject to divestment.[6] Within nine months of the adoption of the "scrutinized companies list," funds would be required to complete the divestment of 50 percent of holdings in scrutinized companies. Within 15 months, 100 percent of holdings in scrutinized companies would be required to be divested. Funds would not be required to divest indirect, actively managed holdings. This timeframe is within that described by Alaska fund managers as reasonable.[7] Lastly, ongoing reporting requirements and the screening of future investments would be required.

In conversations with our office roughly one year ago, the Alaska Permanent Fund and the state's chief investment officer expressed reservations about divestment, citing increased administrative costs and possible declines in fund performance.[8] We note, however, that divestment research we reviewed, which ultimately argues against divestment, concludes that fund performance changes are usually "negligible, and in most cases zero."[9]

Due to the nature of the global investment marketplace, it is debatable, but unlikely, that the divestment of Alaska public funds from targeted companies would have a direct, negative economic impact on those companies. Clearly, however, divestment laws have drawn considerable press attention and are a prominent factor in the ongoing debate regarding public response to the genocide occurring in Sudan.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

---

[6] Under the divestment models outlined in HB 5 and SB 37, fund directors would also be required to contact mutual fund managers managing *indirect* assets targeted for divestment and held by state funds. In this communication, state fund directors would be required to request consideration that such mutual fund managers divest targeted companies from their applicable portfolios, or create an alternative fund portfolio without holdings in targeted companies.

[7] Personal correspondence in January 2008 with Laura Achee, research and communications liaison, Alaska Permanent Fund Corporation, (907) 796-1522. Ms. Achee stated that most of the assets could be divested in several weeks. However, managers of two accounts that do not allow customization would have to be replaced, a process which generally requires several months. In a January 2008 conversation, Gary Bader, chief investment officer, Alaska Department of Revenue, (907) 465-4399, described a similar process, including the necessity to review contracts with seven asset account managers hired by the Alaska Retirement Management Board.

[8] Ms. Achee, research and communications liaison, Alaska Permanent Fund Corporation, expressed concern that new manager searches could yield managers that do not perform as well as current managers. Overall, in her view, divestment "would have a dampening effect on the Permanent Fund to some degree, without any guarantee that the actions would bring about the desired result in the targeted country." Gary Bader, chief investment officer, Alaska Department of Revenue, expressed his belief that Alaska funds would likely perform substantially worse after divestment.

[9] See page 6 of "Should Public Plans Engage in Social Investing?," a publication of the Center for Retirement Research at Boston College (Attachment D), for a description of empirical research on the impacts of divestment on fund performance.

State of Alaska

Department of Revenue

Administrative Services Division

SARAH PALIN, GOVERNOR
333 Willoughby Avenue, 11th Floor
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April 3, 2009

The Honorable Linda Menard
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 9
Juneau, AK 99801

Dear Senator Menard:

I respectfully request a hearing to be scheduled for Senate Bill 37 that was passed out of the Senate World Trade, Technology and Innovation Committee on April 2 and is now in Senate State Affairs Committee for consideration. Although this is Senator French's legislation, the Department of Revenue is working with the senator's office on this subject and understands that a committee substitute will be requested to address some of the investment concerns of the Department of Revenue.

This bill relates to certain investments of the Alaska permanent fund, the state's retirement systems, the State of Alaska Supplemental Annuity Plan, and the deferred compensation program for state employees in companies that do business in Sudan, and restricting those investments. This bill requires the fiduciaries of state investment funds to divest of investments in publicly traded companies that conduct business operations or have direct investments in business operations in Sudan, as defined by the federal Sudan Divestment and Accountability Act of 2007, P.L. 110-174.

If the Committee requires any additional information, please contact me.

Sincerely,

GBlaisdell

Ginger Blaisdell
Director

(1)

http://www.benferencz.org/

Benjamin B. Ferencz

Beginning in 1945 with his prosecution of war criminals during the Nuremberg War Crimes Tribunal, the work of Benjamin Ferencz has long focused on issues of international criminal justice and world peace. A strong supporter of the International Criminal Court, Mr. Ferencz advocates steps to replace the "rule of force with the rule of law."

This website is devoted to his life's work - from transcripts of the Nuremberg hearings to his more recent writing and lectures dealing with the current questions confronting the world.

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http://www.benferencz.org/index.php?id=4&article=1

Prepublication: Ending Impunity for the Crime of Aggression
By Benjamin B. Ferencz
published: September 2009
source: Prepublication draft of article expected to be published in Case Western Journal of International Law, Fall 2009

ABSTRACT: Jurisdiction of the International Criminal Court over the crime of aggression has been deferred for reasons that are not persuasive. Aggression has already been adequately defined. The UN Security Council and the International Criminal Court are linked by the existing ICC Statute adopted in Rome. Compromises already reflected in the Rome Statute will be difficult to revise by new amendments. Ambiguities are best resolved by ICC Judges. Nuremberg's condemnation of "the supreme international crime" should not be repudiated. The ICC must be enabled to deter aggressions by bringing transgressors to justice.

AGGRESSION HAS ALREADY BEEN ADEQUATELY DEFINED

(1) From Nuremberg in 1946 to Rome in 1998

'46 The International Military Tribunal at Nuremberg (IMT), composed of esteemed judges from the United Kingdom, France, the Soviet Union and the United State, acknowledged that ex post facto punishment was abhorrent to the law of all civilized nations. They observed that the general principles of justice should be respected but not followed blindly.

The tribunal was explicit that declaring aggression to be "the supreme international crime" was not an exercise of arbitrary power on the part of the victors, as has often been alleged, but the reflection of an evolutionary process that had evolved after countless millions of people had been killed in brutal warfare. "To assert that it is unjust to punish

those who in defiance of treaties and assurances have attacked neighboring states without warning is obviously untrue, for in such circumstances the attacker must know that he is doing wrong, and so far from it being unjust to punish him, it would be unjust if his wrong were allowed to go unpunished." [1] "This law is not static", said the Tribunal, "but by continual adaptation follows the needs of a changing world." [2]

Article 6 of the Nuremberg Charter defined Crimes Against Peace as "planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing." [3]

This broad definition was the basis for war crimes trials in Tokyo and elsewhere. [4] The Nuremberg Charter and Judgment were adhered to by 19 more nations and unanimously affirmed by the first General Assembly of the United Nations. [5] U.S. Supreme Court Justice Robert H. Jackson, in his Opening Statement said, "We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well". [6] Jackson made clear that if law is to serve a useful purpose "it must condemn aggressions by any other nations, including those who sit here now in judgment."

To help implement its plan for a criminal code to be enforced by an international criminal court, the U.N. General Assembly appointed Special Committees on the Question of Defining Aggression. The definition of aggression was reached by consensus as an integrated and indivisible package and approved by the General Assembly in 1974 as Resolution 3314. Agreement was made possible by a number of rather vague compromises and exculpating clauses of such creative ambiguity that nations with opposing views could interpret its contradictions to support their own political objectives. [7] The consensus definition began with a generic declaration that "Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the U.N." Obvious illustrations, such as invasion, military occupation, bombardment, blockade or attack were listed, but it was stipulated that the Security Council could determine that these prima facie indicators were not aggression and that other acts were aggression. (Italics added.) It was left to the Council to decide whether any act of a state was aggression or not.

http://www.ratical.org/ratville/CAH/Ferencz.html

You wrote this letter because you believe that we have a choice between whether our country chooses to resolve disputes on the battlefield or in the courtroom. In other words, law versus war. Is that correct?

Ferencz:

Yes. I prefer law to war under all circumstances.

Clark:

And so how does that apply to this particular case in the aftermath of the terrorist attacks?

Ferencz:

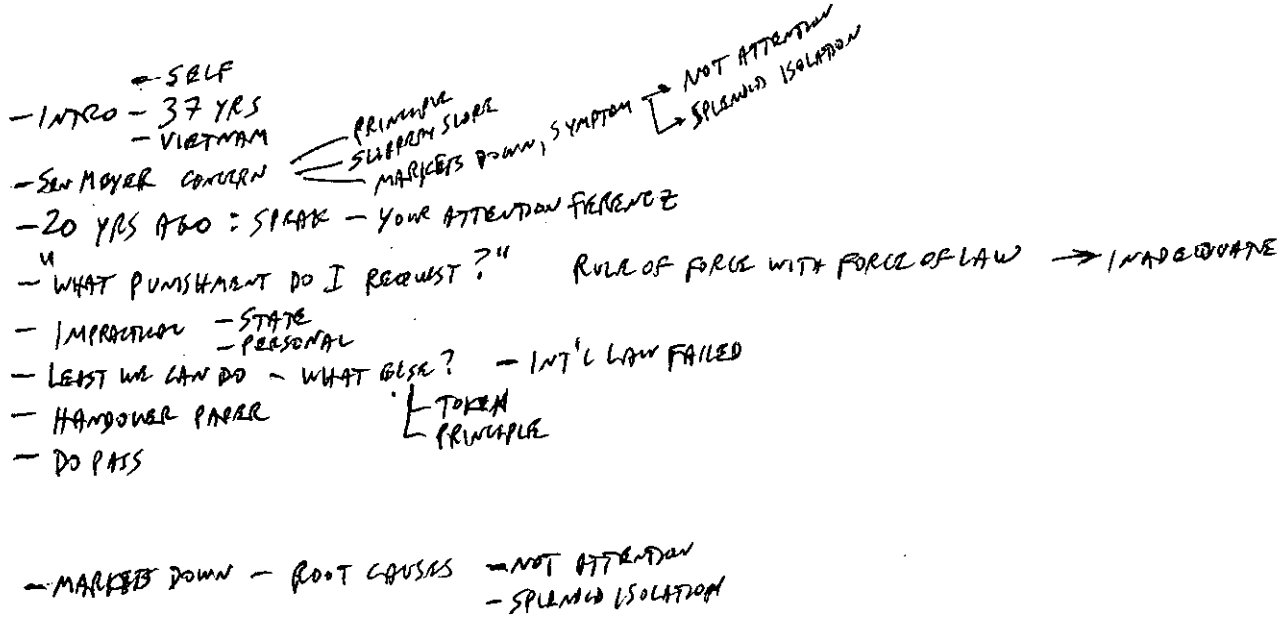
What has happened here is not war in its traditional sense. This is clearly a crime against humanity. War crimes are crimes which happen in war time. There is a confusion there. This is a crime against humanity because it is deliberate and intentional killing of large numbers of civilians for political or other purposes. That is not tolerable under the international systems. And it should be prosecuted pursuant to the existing laws.

Clark:

So I want to get into that prosecution in just one moment. But first, do you think that the talk of retaliation is not a legitimate response to the death of 5,000 people?

Ferencz:

It is never a legitimate response to punish people who are not responsible for the wrong done.


– SELF
– INTRO – 37 YRS
– VIETNAM
– SEN MAYER CONCERN
PRINCIPLE
SLIPPERY SLOPE
MARKETS DOWN, SYMPTOM
NOT ATTENTION
SPLENDID ISOLATION
– 20 YRS AGO : SPEAK – YOUR ATTENTION PLEASE
– "WHAT PUNISHMENT DO I REQUEST?"
RULE OF FORCE WITH FORCE OF LAW → INADEQUATE
– IMPRECISION – STATE
– PERSONAL
PASS
5887
– LEAST WE CAN DO – WHAT ELSE? – INT'L LAW FAILED
– HANDOVER PAPER
TOKEN
PRINCIPLE
– DO PASS
– MARKETS DOWN – ROOT CAUSES – NOT ATTENTION
– SPLENDID ISOLATION

SENATE COMMITTEE REPORT

DATE: 4/3/09

FURTHER: (Finance)

DATE TURNED IN TO OFFICE: 4/9/09

State Affairs Committee considered SENATE BILL NO. 37

SB 37 DIVEST INVESTMENTS IN SUDAN

"An Act relating to certain investments of the Alaska permanent fund, the state's retirement systems, the State of Alaska Supplemental Annuity Plan, and the deferred compensation program for state employees in companies that do business in Sudan, and restricting those investments."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 37 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** CS FORTHCOMING

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Rev.	3/30/09		✓		2
Rev, PFC		✓			1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer			X	
	PASKVAN	X			
	Kookesh	X			
CHAIR:	MENARD	X			

SB 43

Senator Linda Menard

Session
State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
Fax: (907) 465-3805

Interim
600 E. Railroad Ave.
Wasilla, Alaska 99654
Phone: (907) 376-3370
Fax: (907) 376-3157

Alaska State Legislature



February 1, 2010

To: Sen. Menard, Sarah Munson

From: Sen. Linda Menard, Michael Rovito

Re: Hearing Request for SB 43

Dear Sen. Menard and Ms. Sarah Munson,

This letter is to request a hearing for Senate Bill 43, an act adding a second verse to the Alaska Flag Song.

In this packet, you'll find my sponsor statement, a recent version of the bill, some back up material and a list of known witnesses.

Please don't hesitate to contact either my aide Michael Rovito or me with questions.

Thank you for your consideration,

Linda Menard

Sen. Linda Menard

Senator Linda Menard

Session
State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
Fax: (907) 465-3805

Interim
600 E. Railroad Ave.
Wasilla, Alaska 99654
Phone: (907) 376-3370
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Alaska State Legislature

Senate Bill 43 Sponsor Statement

Senate Bill 43 will add a second verse to the Alaska Flag Song, finally giving recognition to the history of the state flag and the contributions of the wonderful Native community.

Written by the late **Carol Beery Davis**, the second verse of Alaska's Flag Song adds **12 lines** and pays tribute to not only the aforementioned subjects but, indirectly, to the young lad who designed the flag: **Benny Benson**. Benson, of course, came up with the **eventual design** of Alaska's flag, the **Big Dipper** and **North Star** against a **dark blue background.**

After Davis wrote the **second verse** she gifted the **words** to the **University of Alaska Foundation** in **1987**. This bill will effectively pull the second verse of Alaska's Flag Song from **obscurity** and bring it to the forefront of this great state's **heritage.**

Already, Fran Ulmer, the chancellor of the University of Alaska, has endorsed **Senate Bill 43.** Ulmer, who introduced **a similar bill** when she was in the **Legislature**, summed up a major intent of **my legislation**: the first verse of the song did not recognize the **contributions Alaska Native people have made to the state**. The bill sailed through the House of Representatives, but stalled in the Senate.

The Senate had the chance to hear the Flag Song performed with both versus as we **gaveled in** on the first day of session this year. I think we can all agree the **second verse not only added a special touch,** but highlighted **music teachers' desire** to have a second verse to **teach** their choirs.

Please join me in supporting a long overdue addition of a second verse to Alaska's Flag Song.

Senator_Linda_Menard@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 43
(S) Publish Date: 1/29/10

Identifier (file name): SB043-GOV-OMB-1-26-10
Dept. Affected: All
Title: Adding a second verse to the official Alaska state song
RDU
Component
Sponsor: Sen. Menard
Requester: Sen. Community & Regional Affairs Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation will not have a significant fiscal impact on any State agency.

Prepared by: Jack Kreinheder, Senior Analyst — Phone 465-4676
Division: Office of Management and Budget — Date/Time 1/26/09 9:35 AM
Approved by: Karen Rehfeld, Director — Date 1/26/2009
Office of Management and Budget

(Revised 11/6/2009 OMB)

Dear Senator Menard,

I am delighted that you are proposing the second verse of the Alaska Flag song be adopted by the state as part of the official state song. I introduced that legislation many years ago; it passed the House but stalled in the Senate. I have long felt it important that both verses be sung on all occasions. Alaska Poet Laureate Carol Berry Davis wrote the second verse because she felt that the first verse did not recognize the contributions that Alaska Native people have made to our state. She asked me to introduce the bill, which I did and there were many people who supported it.

Years ago Carol Berry Davis gave the second verse to the University. I am not sure what rules might apply to the copyright. I am happy to have my staff look into this and help you with whatever contacts or permission is necessary in order to pursue this legislation.

Thank you so much for your work promoting the adoption of the second verse of the Alaska Flag song.

Best regards,
Fran Ulmer
Chancellor

Benny Benson chose the background color of the flag to represent both the blue sky and the forget-me-not. The Legislature later named the forget-me-not as the official State flower. This provides another symbolic link, one between the official State flag, the official song and the official flower.

Carol Beery Davis, a longtime Juneau resident and musician, wrote a second verse to the Alaska Flag song and gifted the words (protected by copyright) to the University of Alaska Foundation in February 1987. It has been unsuccessfully proposed as an addition to the official lyrics twice. The last time, in 2002, House Bill 285 sought to officially incorporate Davis' second verse into the Alaska state song. The bill passed the Alaska House, but it died in the Senate. Because of the copyright restrictions, it is not shown here. Instead, a link to it and more detailed information is provided at the bottom of the page

Source: Wikipedia

"Alaska's Flag"

Written by Marie Drake
Composed by Elinor Dusenbury

Adopted on February 23 1955.

Sheet Music | MIDI Tune | Realaudio Song

1st Verse of Alaska's Flag Song

Eight stars of gold on a field of blue,
Alaska's flag, may it mean to you,
The blue of the sea, the evening sky,
The mountain lakes and the flowers nearby,
The gold of the early sourdough's dreams,
The precious gold of the hills and streams,
The brilliant stars in the northern sky,
The "Bear," the "Dipper," and shining high,
The great North Star with its steady light,
O'er land and sea a beacon bright,
Alaska's flag to Alaskans dear,
The simple flag of a last frontier.

2nd Verse of Alaska's Flag Song
-- Words by Carol Beery Davis

A Native lad chose the Dipper's stars
For Alaska's flag that there be no bars
Among our culture. Let it be known
Through years the Native's past has grown
To share life's treasures, hand in hand,
To keep Alaska our Great-Land;
We love the northern midnight sky,
The mountains, lakes and streams nearby.
The great North Star with its steady light
Will guide all cultures, clear and bright,
With nature's flag to Alaskans dear,
The simple flag of the last frontier.

• *Source* : *Alaska Blue Book 1993-94*, 11th ed., Juneau, Department of Education, Division of State Libraries, Archives &

Origin of Song:

The words to the song Alaska's Flag were written by Marie Drake, The Territorial Legislature adopted Alaska's Flag as Alaska's official song in 1955.

"Alaska's Flag" written by Marie Drake a long-time employee of the Alaska Department of Education, and set to music composed by Elinor Dusenbury, who husband was commander of Chilkoot Barracks at Haines from 1933 to 1936 was adopted as the official state song in 1955, and was gifted to the University of Alaska in April 1960. Carol Beery Davis wrote the second verse to "Alaska's Flag" and gifted the words (protected by copyright) to the University of Alaska Foundation in February 1987.

Carol Beery Davis, an Alaskan pioneer and poet laureate, as the maker of the second verse. While the official Alaska state song recognizes and describes Alaska's flag, the words of Davis in the second verse of "Alaska's Flag", "A Native lad chose the Dipper's stars, For Alaska's flag that there be no bars", provides recognition of Bennie Benson who designed Alaska's official flag in 1927. Benny Benson described his design of the flag:

"The blue field is for the Alaska Sky and the forget-me-not, an Alaskan flower. The North Star is for the future of Alaska, the most northerly in the union. The Dipper is for the Great Bear - symbolizing strength."

Marie Drake:

Marie Drake, author of the words to *Alaska's Flag*, the state song, was born Feburary 11, 1888. In 1907 she married James Drake in Van Wert, Ohio, where she was engaged in social work with the Y.W.C.A. and the Red

Museums.

- Copyright for *Alaska's Flag* is held by the University of Alaska. For further information contact the University Archivist at the Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska 99775-6808.
- Verse 2 by Carol Beery Davis. 1986.

Cross. They came to Alaska when her husband was assigned to work with the Bureau of Public Roads. In 1917, Lester Henderson was appointed first commissioner of education, and he hired Marie Drake as his secretary. She remained with the Department for 28 years, retiring July 1, 1945.

Marie Drake assumed the post of assistant commissioner of education in 1934. She edited and wrote most of the material for the department's *School Bulletin*, that was circulated throughout the territorial school system. The poem that later provided the words for the official state song first appeared on the cover of the October 1935 *School Bulletin*. In recognition of her devotion to the young people of Alaska, Marie Drake received an honorary Doctor of Letters degree from the University of Alaska in 1958. She died March 5, 1963.

- *Source : Alaska Blue Book 1993-94, 11th ed., Juneau, Department of Education, Division of State Libraries, Archives & Museums*

Senator Linda Menard

Session
State Capitol, Room 9
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Alaska State Legislature

Senate Bill 43, individuals giving testimony:

In-person:

Constance Davis (for sure)

Others likely

Senator_Linda_Menard@legis.state.ak.us

SENATE COMMITTEE REPORT

DATE: 1/29/10

FURTHER:

DATE TURNED IN TO OFFICE: 2/9/10

State Affairs Committee considered SENATE BILL NO. 43

SB 43 SECOND VERSE OF ALASKA'S STATE SONG

"An Act adding a second verse to the official Alaska state song."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
All	01/26/09			X	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	Paskvan	X			
	Kookesh	X			
CHAIR:	MENARD	X			

SB 45

ALASKA STATE LEGISLATURE

Senator Charlie Huggins
State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senator Gene Therriault
State Capitol, Room 427
Juneau AK 99801-1182
907-465-4797
Fax: 907-465-3884
800-860-4797

ALASKA STATE SENATE

MEMORANDUM

Date: January 29, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Charlie Huggins, Chair
Senate Rules Committee

Senator Gene Therriault
Senate Minority Leader

Re: Request for Hearing – SB 45

We respectfully request Senate Bill 45 be scheduled for hearing before the Senate State Affairs Committee.

Senate Bill 45 would create a specially designated State Veterans' Cemetery in Fairbanks to honor deceased members of the military. At this time, Fairbanks is home to a significant military population however it does not have a designated Veterans' Cemetery.

The legislation also clarifies and strengthens current statute for Veterans' employment preferences and seeks to create a Veterans' fund to be used to support Alaska veterans.

Thank you for your consideration.

Senator Charlie Huggins
R-Rural Mat-Su



Senator Gene Therriault
R-North Pole, Valdez

ALASKA STATE SENATE

SPONSOR STATEMENT SENATE BILL 45

By the passage of this legislation, a new Veterans' Cemetery would be created in Fairbanks to serve those members of the military wishing to be buried in this specially designated cemetery. The United States standards for creating veterans' cemeteries suggests that designated cemeteries be established within 75 miles of any populated area to honor deceased military personnel. At this time, Fairbanks is home to a significant military population but does not have a designated Veterans' Cemetery.

The Veterans' Cemetery fund would be established as a sub account of the general fund to be used to support programs benefiting Alaska veterans. The fund would receive deposits through appropriation and by proceeds from the purchase of special veterans' license plates. The balance of the fund could be used for the construction, operation and maintenance of a Veterans' Cemetery.

Veterans' employment preferences are currently established in AS 39.25.150 however they are somewhat difficult to understand. The existing statute is rewritten for clarification and does not change the preferences already established. The employment preferences as rewritten are similar to most other United States and do not breach collective bargaining agreements within the State of Alaska.

We urge your support in this legislation regarding honor and benefits for Alaska's military veterans.

26-LS0277\S
Wayne
2/6/09

CS FOR SENATE BILL NO. 45( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS HUGGINS AND THERRIAULT

A BILL

FOR AN ACT ENTITLED

"An Act relating to state employment preferences for veterans, former prisoners of war, and members of the Alaska National Guard; authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries; establishing the Alaska veterans' cemetery fund in the general fund; and authorizing the legislature to appropriate income from fees collected for commemorative veterans' plates to the Alaska veterans' cemetery fund."

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

*** Section 1.** AS 28.10.421(d)(16) is amended to read:

(16) special request plates commemorating Alaska veterans ..... $100 plus a fee of $35 and the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $100 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the commemorative veterans' plates; the $35 fee required by this paragraph shall be collected biennially in the same manner as the fee

required under (b), (c), (h), or (i) of this section; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature **to the Alaska veterans' cemetery fund created under AS 37.05.600 and** for the support of programs benefiting Alaska veterans;

*** Sec. 2.** AS 37.05.146(c) is amended by adding a new paragraph to read:

(85) gifts, donations, and grants received by the Department of Military and Veterans' Affairs for the purpose of establishing and maintaining Alaska veterans' cemeteries under AS 26.10.030 and AS 44.35.035(b).

*** Sec. 3.** AS 37.05 is amended by adding a new section to article 6 to read:

Sec. 37.05.600. Alaska veterans' cemetery fund. (a) There is created as a special account in the general fund the Alaska veterans' cemetery fund into which shall be deposited appropriations to the Alaska veterans' cemetery fund.

(b) Beginning with the appropriations for the fiscal year beginning July 1, 2008, on an annual basis and under AS 37.07 (Executive Budget Act), the legislature may appropriate amounts from the Alaska veterans' cemetery fund to the Department of Military and Veterans' Affairs for the construction, operation, and maintenance of the Alaska veterans' cemeteries established under AS 44.35.035.

(c) Appropriations to the Alaska veterans' cemetery fund are not one-year appropriations and do not lapse under AS 37.25.010.

(d) The unexpended and unobligated balance of an appropriation from the Alaska veterans' cemetery fund lapses into the Alaska veterans' cemetery fund at the end of the fiscal year for which it was appropriated.

(e) Nothing in this section exempts money deposited into the Alaska veterans' cemetery fund from the requirements of AS 37.07 (Executive Budget Act) or dedicates that money for a specific purpose.

*** Sec. 4.** AS 39.25.150 is amended to read:

Sec. 39.25.150. Scope of the rules. The personnel rules must provide for

(1) the preparation, maintenance, and revision, by the director of personnel, subject to approval of the commissioner of administration and the

personnel board, of a position classification plan for all positions in the classified and partially exempt services; the position classification plan must include

(A) a grouping together of all positions into classes on the basis of duties and responsibilities;

(B) an appropriate title, a description of the duties and responsibilities, training and experience qualifications, and other necessary specifications for each class of positions;

(2) the preparation, maintenance, revision, and administration by the director of personnel of a pay plan for all positions in the classified and partially exempt services; the pay plan (A) shall be based upon the position classification plan; (B) must provide for fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work; (C) may be amended, approved, or disapproved by the legislature in regular or special session; after the pay plan is in effect, a salary or wage payment may not be made to a state employee covered by the plan unless the payment is in accordance with this chapter and the rules adopted under this chapter or unless the payment is in accordance with a valid agreement entered into in accordance with AS 23.40;

(3) the use of employee selection methods, including open competitive assessment devices, when appropriate, that will fairly evaluate the capacity and fitness of the person assessed to discharge the duties of the position in which employment is sought;

(4) the formulation of a list for appointment and promotion to a position;

(5) the procedure for filling positions; the rule adopted under this paragraph may include procedures providing a preference for local residents when appropriate;

(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service, and promotion shall be by competitive assessment whenever possible; in considering promotions, the applicants' qualifications, performance records, seniority, and conduct shall be evaluated;

(7) a period of probation not to exceed one year before an appointment to a position becomes permanent, unless the period of probation is extended as set out in a collective bargaining agreement under AS 23.40; however, a permanent employee receiving a promotional appointment retains permanent status in the service and job class from which appointed for the duration of the probationary period and may be demoted to a former class without right of appeal, notwithstanding AS 39.25.170, but, if the employee is dismissed from the service, the appeal rights under AS 39.25.170 apply;

(8) nonpermanent and emergency appointments to positions in the state service in accordance with AS 39.25.195 - 39.25.200;

(9) provisional appointment without competitive assessment when the recruitment and assessment procedures have not identified qualified candidates in sufficient number;

(10) transfers from one department to another and from another merit system jurisdiction to the state service;

(11) transfers from one area of the state to another;

(12) the reinstatement of a person who resigns in good standing;

(13) layoffs for reason of lack of money or work, abolition of positions, or material changes in duties or organization; both performance and seniority records shall be considered in the development of layoff orders;

(14) the development, maintenance, and use of employee performance records;

(15) the establishment of disciplinary measures, which may include disciplinary suspension without pay;

(16) the procedures for review of disputed personnel actions, for resolving employee and interagency grievances, and for resolving grievances of the general public concerning the operation of the state personnel system;

(17) hours of work for all employees in the state service;

(18) methods and procedures covering overtime work and pay;

(19) the granting of employment preference rights, not within the area of promotion, to a veteran, [OR] former prisoner of war, **or member of the national**

guard under AS 39.25.159;

(20) the employment of persons in permanent positions on a part-time basis of 15 hours or more a week, including the employment of two persons to fill one permanent full-time position; these employees shall be designated as permanent part-time employees;

(21) the granting of employment preference to individuals with severe disabilities; this includes the right to provisional appointment without competitive assessment for periods of up to four months and the granting of eligibility to an individual with a severe disability provisionally appointed under the rules who demonstrates ability to perform the job for permanent appointment without competitive assessment; provisional employment under this paragraph may not exceed four months during a 12-month period; "individual with a severe disability," as used in this paragraph, means an individual certified by the director of the division of vocational rehabilitation to be severely disabled;

(22) the establishment of programs facilitating the employment of disadvantaged persons;

(23) the delegation, when feasible, of personnel responsibilities and duties to the principal departments of the executive branch;

(24) the establishment of a transition period of up to 12 months for an employee to be reappointed to a classified position if the employee's position is withdrawn from the partially exempt or exempt service and placed in the classified service;

(25) other rules and administrative regulations, not inconsistent with this chapter, that are necessary for its enforcement.

* **Sec. 5.** AS 39.25.159(a) is amended to read:

(a) A veteran or former prisoner of war who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to **an employment** [A] preference **as follows:**

(1) in [UNDER THIS SUBSECTION. IN] an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the passing score of a veteran, and

points equal to 10 percent of the points available from the assessment device or devices shall be added to the passing score of a disabled veteran or former prisoner of war;

(2) in [. IN] an assessment not using numerical ratings, consideration shall be afforded to a veteran; additionally, an opportunity to interview for the position shall be afforded to a disabled veteran or a former prisoner of war. [A PERSON MAY RECEIVE PREFERENCE UNDER ONLY ONE OF THE CATEGORIES DESCRIBED IN THIS SUBSECTION OR IN (c) OF THIS SECTION. A PERSON MAY USE THE PREFERENCE WITHOUT LIMITATION WHEN BEING CONSIDERED FOR A POSITION FOR WHICH PERSONS WHO ARE NOT CURRENTLY STATE EMPLOYEES ARE BEING CONSIDERED. IF THE RECRUITMENT FOR A POSITION IS LIMITED TO STATE EMPLOYEES, PREFERENCE UNDER THIS SUBSECTION MAY NOT BE COUNTED. IF A POSITION IN THE CLASSIFIED SERVICE IS ELIMINATED, EMPLOYEES SHALL BE RELEASED IN ACCORDANCE WITH RULES ADOPTED UNDER AS 39.25.150(13). IN THE CASE OF A COMPARISON OF EMPLOYEES WITH EQUAL QUALIFICATIONS ON THE FACTORS ADOPTED UNDER AS 39.25.150(13), A VETERAN OR FORMER PRISONER OF WAR SHALL BE GIVEN PREFERENCE OVER A PERSON WHO IS NOT A VETERAN OR FORMER PRISONER OF WAR, AND THE VETERAN OR FORMER PRISONER OF WAR SHALL BE KEPT ON THE JOB. THIS SUBSECTION MAY NOT BE INTERPRETED TO AMEND THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT.]

* **Sec. 6.** AS 39.25.159(c) is amended to read:

(c) A member of the national guard who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to **an employment** [A] preference **as follows:**

(1) in [UNDER THIS SUBSECTION. IN] an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the passing score of a member of the national guard;

(2) in [. IN] an assessment not using numerical ratings, consideration shall be afforded to a member of the national guard. [A PERSON MAY USE THE PREFERENCE WITHOUT LIMITATION WHEN BEING CONSIDERED FOR A POSITION FOR WHICH PERSONS WHO ARE NOT CURRENTLY STATE EMPLOYEES ARE BEING CONSIDERED. IF THE RECRUITMENT FOR A POSITION IS LIMITED TO STATE EMPLOYEES, PREFERENCE UNDER THIS SUBSECTION MAY NOT BE COUNTED. IF A POSITION IN THE CLASSIFIED SERVICE IS ELIMINATED, EMPLOYEES SHALL BE RELEASED IN ACCORDANCE WITH RULES ADOPTED UNDER AS 39.25.150(13). IN THE CASE OF A COMPARISON OF EMPLOYEES WITH EQUAL QUALIFICATIONS ON THE FACTORS ADOPTED UNDER AS 39.25.150(13), A MEMBER OF THE NATIONAL GUARD SHALL BE GIVEN PREFERENCE OVER A PERSON WHO IS NOT A VETERAN, A FORMER PRISONER OF WAR, OR A MEMBER OF THE NATIONAL GUARD. THIS SUBSECTION MAY NOT BE INTERPRETED TO AMEND THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT. IN THIS SUBSECTION, "MEMBER OF THE NATIONAL GUARD" MEANS A PERSON WHO IS PRESENTLY SERVING AS A MEMBER OF THE ALASKA NATIONAL GUARD AND WHO HAS AT LEAST EIGHT YEARS OF SERVICE IN THE ALASKA NATIONAL GUARD.]

* **Sec. 7.** AS 39.25.159(d) is amended by adding a new paragraph to read:

(5) "member of the national guard" means a person who is presently serving as a member of the Alaska National Guard and who has at least eight years of service in the Alaska National Guard.

* **Sec. 8.** AS 39.25.159 is amended by adding new subsections to read:

(e) A person may receive an employment preference under only one of the categories described in (a) or (c) of this section. A person may use the preference without limitation when being considered for a position for which persons who are not currently state employees are being considered. If the recruitment for a position is limited to state employees, preference under (a) or (c) of this section may not be counted. If a position in the classified service is eliminated, employees shall be released in accordance with rules adopted under AS 39.25.150(13). In the case of a

comparison of employees with equal qualifications on the factors adopted under AS 39.25.150(13), a veteran, former prisoner of war, or member of the national guard shall be given preference over a person who is not a veteran, former prisoner of war, or member of the national guard, and the veteran, former prisoner of war, or member of the national guard shall be kept on the job.

(f) Subsections (a), (c), and (e) of this section may not be interpreted to amend the terms of a collective bargaining agreement.

* **Sec. 9.** AS 44.35 is amended by adding a new section to read:

Sec. 44.35.035. Alaska veterans' cemeteries. (a) The department may, subject to the requirements of 38 U.S.C. 2408, establish and maintain Alaska veterans' cemeteries in the state to serve state veterans and spouses and eligible dependents of state veterans.

(b) The department may accept gifts, donations, and grants, including land, under AS 26.10.030 for the purpose of establishing and maintaining Alaska veterans' cemeteries. Land received by the department for an Alaska veterans' cemetery shall be owned by the state.

(c) The department shall, in consultation with the Alaska Veterans' Advisory Council,

(1) receive the plot or interment allowance on behalf of the state under 38 U.S.C. 2303;

(2) comply with all requirements for a state veterans' cemetery grant established by the United States Department of Veterans Affairs under 38 U.S.C. 2408; and

(3) apply to the United States Department of Veterans Affairs for state veterans' cemetery grants under 38 U.S.C. 2408.

(d) The department may

(1) adopt regulations necessary to administer Alaska veterans' cemeteries;

(2) enter into agreements with political subdivisions of the state and other persons for the maintenance and operation of Alaska veterans' cemeteries; and

(3) solicit gifts, donations, and grants in addition to a state veterans'

cemetery grant in (c) of this section that may be designated for the establishment and maintenance of an Alaska veterans' cemetery and received by the department under AS 26.10.030.

(e) In this section, "department" means the Department of Military and Veterans' Affairs.

Deborah Prator

From: Deborah Prator

Sent: Friday, February 06, 2009 12:07 PM

To: Sen. Albert Kookesh; Sen. Hollis French; Sen. Joe Paskvan; Sen. Kevin Meyer; Christine Marasigan; Anna Sorensen; Kimberly Clark; Kate Herring

Subject: Correction Last Sentence

Last sentence should read "…….agenda item….."

Debbye Prator
STA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 3, 2009

SUBJECT: Veterans, former prisoners of war, and members of the national guard (SB 45)

TO: Senator Charlie Huggins
Attn: Sharon

FROM: Dan Wayne
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 would allow the legislature to appropriate, to the Alaska veterans' cemetery fund, fees from the sale of special request motor vehicle license plates that commemorate Alaska veterans.

Sec. 2 adds certain gifts, donations and grants related to establishing and maintaining Alaska veterans' cemeteries to the list, under AS 37.05.146(c), of programs for which receipts are accounted for separately. (Receipts from programs on this list are not appropriated from the unrestricted general fund).

Sec. 3 creates a special account in the general fund called the Alaska veterans' cemetery fund., from which amounts may be appropriated for building and operating Alaska veterans' cemeteries.

Sec. 4 adds a requirement that state personnel rules must provide for the grant of employment preference rights to members of the national guard under AS 39.25.159, a statute under which veterans, former prisoners of war and members of the national guard already receive preference when they apply for a position, either in the form of extra points being added to their numerical rating (when assessments using numerical ratings are used in hiring), or, when hiring is based on assessments that are not based on numerical ratings, a guarantee that they will be considered for the position.

Sec. 5 and 6 amend AS 39.25.159, a statute with the catch line "employment preference for veterans and former prisoners of war," by combining repetitious language from subsections (a) and (c) and moving it to a new subsection, and changing "preference," in subsections (a) and (c), to the more explicit "employment preference as a matter of form."

Sec. 7 defines "member of the national guard" under AS 39.25.159.

Sec. 8 adds two new subsections to AS 39.25.159. Subsection (e) consolidates and restores language that the bill, as noted above, removes from AS 39.25.159(c) and (d). Subsection (f) limits the applicability of subsections (a), (c), and (e) so that they may not be interpreted to amend the terms of a collective bargaining agreement.

Sec. 9 adds language permitting the department of military and veterans affairs to establish and maintain Alaska veterans' cemeteries, allowing the department to raise funds for that purpose, and listing administrative duties and options of the department, including the duty, or in some instances the option, to adopt regulations.

If I may be of further assistance, please advise.

DCW:plm
09-063.plm

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB45 (STA)**
() Publish Date:

Identifier (file name): SB45-DMVA-VS-2-6-09
Dept. Affected: Dept of Military and Veterans Affairs
Title: An act relating to...authorizing DMVA to establish and maintain AK veterans' cemeteries; est AK cemetery fund...
RDU: Military and Veterans Affairs
Component: Veterans Services
Sponsor: Senator(s) Huggins, Therriault
Requester: State Affairs
Component Number: 421

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	250.0	250.0	250.0	250.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**250.0**	**250.0**	**250.0**	**250.0**
CAPITAL EXPENDITURES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CHANGE IN REVENUES ( )	**0.0**	**0.0**	**0.0**	**0.0**	**10.0**	**10.0**	**10.0**
FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	250.0	240.0	240.0	240.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	10.0	10.0	10.0
TOTAL	**0.0**	**0.0**	**0.0**	**250.0**	**250.0**	**250.0**	**250.0**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

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

This bill establishes establishes an Alaska cemetery fund.

Our estimate for the amount of special request plates commemorating Alaska veterans is based on 2 year history of special veterans plates purchased per DOA/Division of Motor Vehicles. DMVA estimates that 100 sets of plates will be purchased annually at $100/set.

Operations and maintenance of the Veteran's cemetery includes contracted services for maintenance, utilities, communications, supplies and materials is estimated at $250,000 per year beginning in FY2012. Out years reflect additional receipts from sale of special license plates.

Prepared by: McHugh Pierre, Legislative Liaison/Communications Director — Phone 465-4402
Division: National Guard Military Headquarters/Office of the Commissioner — Date/Time 2/06/09 @ 11:00 am
Approved by: Commissioner Craig Campbell — Date 2/6/2009
Department of Military and Veterans Affairs

(Revised 9/10/2008 OMB)

JOINT LEGISLATIVE ISSUES FOR 2009 SESSION

The American Legion, Veterans of Foreign Warsand Disabled American Veterans

Support Statements

1. ***State Veterans' Service Officers Grant***: For over 50 years, Alaska service organizations have been assisting our state veterans with much needed assistance in receiving state and federal benefits to which they are entitled. Each year, through the assisted representation of these State Service Officers, our veterans have received over 25 million dollars in federal benefits. VA statistics have shown that veterans representing themselves receive some $7,000 less in annual benefits than those represented by a State Service Officer. This coming year, we are budgeted the same grant amount as last year, $651,000, which is part of the Governor's budget under the Department of Military and Veterans Affairs. These dollars will provide salaries and travel for the Joint Venture for the coming year. Our Service Officers cover the entire state, working closely with our members, the Alaska Department of Labor and the Department of Veterans Affairs, providing services to our State's veterans. This coming year will be exceptionally important as we provide for our returning Gulf veterans, assisting them with the complex laws and paperwork necessary to receive all of the benefits to which they are entitled. ***Therefore, we ask the full support of our Legislature in approving the Governor's budget proposed grant of $651,000.***

2. ***Property Tax exemption***: Currently, veterans rated by the Department of Veterans Affairs at 50% or more disabled and senior citizens 65 and older receive a tax exemption on the first $150.000.00 of their annual property tax. Our concern is the loss of this exemption. This could be devastating to both the seniors and veterans who, in many cases, receive the lowest of incomes, with many living on fixed incomes and concerned about loosing there existing home mortgages. ***Therefore, we request the tax exemption for the Disabled Veterans and Seniors remains***.

3. ***Flag Amendment:*** The flag amendment is an issue unresolved. Over 80% of Americans polled believe that our flag should be protected by amending our Constitution. We do not expect this issue to go unresolved forever; however, should it pass the United States Congress to constitutionally protect our flag, we request that Alaska be the first State to ratify the amendment to the Constitution. ***Therefore, we ask our Legislature that, if Congress passes the amendment, our Alaska Legislature be the first to ratify that amendment.***

4. ***State Veterans Cemetery:*** If the issue of establishing a State Veterans Cemetery comes before legislature we request the legislature to consider supporting such legislation.

Hi Debbie:

It was a pleasure speaking with you today. To follow up on our conversation on SB 45, the fees collected for commemorative veterans plates are deposited into the general fund.

Currently, the funds collected for these plates are available for appropriation to support programs benefiting Alaska veterans. If SB 45 passes, those funds will be available specifically for appropriation for establishing and maintaining veterans' cemeteries. I misspoke when I told you that 3% was accounted for by the DMV for appropriation into veterans programs. If the legislature passes SB 45, it's my understanding that minus the DMV's costs all of the fees collected for the veterans' commemorative plate would be available for appropriation into the veterans' cemetery fund.

28.10.421(c)(16) special request plates commemorating Alaska veterans ... $100

plus a fee of $35 and the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $100 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the commemorative veterans' plates; the $35 fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner of administration shall separately account for the fees received under this paragraph that the department deposits in the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature for the support of programs benefiting Alaska veterans.

Since the inception of the program in FY06, DMV has reported $24,210.37 in net receipts for commemorative veteran's plates.

If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Whitney

2/9/2009

SB 45 ~ Veterans' Cemetery & Hiring Preferences

Anticipated List of Testifiers:

Mr. Joe Fields, Vice Chair of the Alaska Veterans Advisory Council
(in person)

Mr. Tim Wheeler, President of the Alaska Veterans Business Alliance
~ Call in ~

Mr. Benno Cleveland ~ Fairbanks Veteran

Mr. Pat Luby – AARP

For Questions:

DMVA ~ McHugh Pierre ~ Legislative Liaison

DNR ~ Deputy Director of Mining, Land and Water Division

Deborah Prator

From: Apache [apache@wwwjnu02.legis.state.ak.us]
Sent: Wednesday, February 04, 2009 3:16 PM
To: LIO Juneau; Peg Warren; Deborah Prator
Subject: Teleconference Order Form

Meeting: new

Sponsor and/or Committee Name: STA

Date of Teleconference: 2/10/09

Start Time: 9:00 a.m.

End Time: 11:00 a.m.

Chairing Site: Beltz Room 211

Juneau Room:

Testimony: yes

Testimony Time Limit: three min

Executive Session: no

Contact Person: Deborah (Debbye) Prator

Telephone Number: 465-4957

Email Address: Deborah_Prator@legis.state.ak.us

LIO Sites:

anchorage
barrow
bethel
cordova
deltajunction
dillingham
fairbanks
glennallen
homer
juneau
kenai
ketchikan
kodiak

kotzebue
matsu
nome
petersburg
seward
sitka
tok
valdez
wrangell

Other sites may add: yes

Offnet Name(s):

Subject of meeting and/or Bills on Agenda:

SB 45 \"Veterans\' Cemeteries, Fund/License Plates\"

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: Labor and Commerce
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/10/09

State Affairs Committee considered SENATE BILL NO. 45

SB 45 VETERANS' CEMETERIES/FUND/LICENSE PLATES

"An Act relating to state employment preferences for veterans, former prisoners of war, and members of the Alaska National Guard; authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries; establishing the Alaska veterans' cemetery fund in the general fund; and authorizing the legislature to appropriate income from fees collected for commemorative veterans' plates to the Alaska veterans' cemetery fund."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [~~✓~~ **CS** SB 45 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title
_____
HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
MVA	2/16/09	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
Robert Kookesh	Kookesh	-			
Joe Paskvan	Paskvan	X			
Linda Menard	Menard	X			
Kim Meyer	Meyer	X			
Bert French	French	X			
CHAIR: Linda Menard		X			

SB 49

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249

SENATOR LESIL MCGUIRE

Co-Chair
Senate Resources Committee

Chair
Senate Special Committee on Energy
Senate Special Committee on World Trade, Technology & Innovation

Member
Senate Judiciary Committee
Joint Armed Services Committee

MEMORANDUM

To: Senator Linda Mernard
Chair, Senate State Affairs Committee

From: Senator Lesil McGuire

Date: February 17, 2009

Re: Hearing Request: SB 49: BLOOD DONATION AWARENES FUND

I respectfully request that SB 49: BLOOD DONATION AWARENESS FUND be scheduled for a hearing in the Senate State Affairs Committee at your earliest convenience. Attached you will find the most current version of the bill, a sponsor statement, and all backup information.

If you have any questions or concerns, please feel free to contact me personally or my staff, Trevor Fulton, at x3579. Thank you for your time and consideration.

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Co-Chair
Senate Resources Committee

Chair
Senate Special Committee on Energy
Senate Special Committee on World Trade, Technology & Innovation

Member
Senate Judiciary Committee
Joint Armed Services Committee

SENATOR LESIL MCGUIRE

Sponsor Statement

Senate Bill 49:
Blood Donation Awareness Fund

Blood donations are the "gift of life" for thousands of Alaskans every year. When we or one of our loved ones is in an accident, gets treated for a serious ailment, or must undergo surgery, we depend on the generosity of volunteer blood donors and the expertise of Alaskan Blood Banks to ensure that life-saving blood will be available.

Approximately 2,200 people must donate blood each month for the Blood Bank of Alaska to assure an adequate supply for patients in area hospitals. That's about 75 units of whole blood and plateletpheresis (the technical term for platelets and blood cells) each day.

In 2008, more than 25,000 blood donations were made to the charitable, not-for-profit Blood Bank of Alaska. While those numbers affirm Alaskans' generosity in donating blood, they are not enough. The fact is Alaska's blood supply runs on perilously thin margins. In 2008 alone, the Blood Bank of Alaska had to order 1,159 units of blood products from the lower 48 to meet inventory needs.

SB 49 will help minimize those margins and ensure that blood is available when it's needed by providing an easy and simple means for Alaskans to personally contribute to blood donation, collection, and education efforts.

SB 49 creates a monetary donation program that allows a motor vehicle applicant to donate $1 or more to a Blood Donation Awareness Fund. The purpose of the fund will be to promote blood donation in the State of Alaska.

When applicants visit a Division of Motor Vehicles office to obtain or renew a driver license or ID card, they will be asked if they would like to donate $1 to the blood donation awareness program. The donation would be completely voluntary.

A similar program established in 2004 to encourage organ donations by Alaskans generated over $55,000 last year, with the funds appropriated to Life Alaska Donor Services. SB 49 would provide similar support for the Blood Bank of Alaska and by doing so help save Alaskan lives.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 49**
() Publish Date:

Identifier (file name): SB0049-DOA-DOF-02-20-09
Dept. Affected: Administration
Title: An Act establishing a blood donation awareness fund and a
RDU: Centralized Admin Services
Component: Finance
Sponsor: Senator McGuire & Senator Menard
Requester: State Affairs, Finance
Component Number: 59

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
Establishing funds created by legislation such as this is in the normal course of business for the Division of Finance.

Prepared by: Lisa Pusich
Phone 465-5616
Division: Finance
Date/Time 2/20/09 3:45pm
Approved by: Kevin Brooks
Date 2/20/2009
Deputy Commissioner

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 49**
() Publish Date:

Identifier (file name): **SB49-DOA-DMV-2-20-09**
Dept. Affected: Administration
Title "An Act relating to an awareness fund and monetary donation program for blood donations."
RDU Motor Vehicles
Component Division of Motor Vehicles
Sponsor SENs McGuire, Menard
Requester S (STA)
Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual	5.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**5.0**	**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							
1156 Receipt Supported Services	5.0						
TOTAL	**5.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill establishes a fund for blood donor awareness and requires the Division of Motor Vehicles to ask each applicant for a motor vehicle or identification document whether the applicant is interested in making a donation to the fund. All donations collected shall be transferred to the fund, at least quarterly.

The requested FY10 costs are to make changes in DMV's computer system, ALVIN, to allow for tracking of the funds collected. A fee code will need to be created and reports in the system will need to be modified to identify the fund amount.

Prepared by: Whitney Brewster
Phone 907-269-5559
Division Motor Vehicles
Date/Time 2/20/09 2:00 p.m.
Approved by: Kevin Brooks
Date 2/20/2009
Deputy Commissioner

(Revised 9/10/2008 OMB)

Tim Benintendi

January 23, 2009

Senator Lesil McGuire
Alaska State Legislature
Capitol #125
Juneau, AK 99801-1182

RE: Support for Senate Bill 49

Dear Sen. McGuire:

I would like to write in support of this legislation. As a non-profit organization serving Alaska with a variety of essential products and services, the Blood Bank of Alaska serves the citizens of this state only to the extent that its donors respond to its continuing need for blood. It all begins and ends with blood donors.

SB 49 would greatly assist the state's blood collection program by providing a modest funding opportunity for education and awareness activities to the motoring public. It may also encourage more residents of Alaska to become blood donors themselves.

I appreciate the introduction of SB 49, and would be pleased to comment further if desired.

Sincerely,

Tim Benintendi

Tim Benintendi, Member
Board of Directors
Blood Bank of Alaska

BOX 241492, ANCHORAGE, ALASKA 99524-1492

3760 Piper Street
P.O. Box 196604
Anchorage, AK 99508
t: (907) 562.2211
www.providence.org/alaska

PROVIDENCE
Health & Services
Alaska

February 20, 2009

The Honorable Lesil McGuire
Alaska State Senate
State Capitol Building, Room 125
Juneau, AK 99801-1182

Dear Senator McGuire:

I am writing today to express the support of Providence Health and Services Alaska for Senate Bill 49 to create an awareness fund and monetary donation program for blood donations in Alaska.

As you so aptly point out in your Sponsor Statement of SB 49, blood donations really are the "gift of life" for thousands of Alaskans every year. Establishing a Blood Donation Awareness Fund, to which contributions will be voluntary, is a positive step in ensuring that Alaskans have this "gift of life" from Alaska's generous volunteer blood donor when it is needed.

Thank you for introducing this legislation and I look forward to its passage.

Sincerely,

E. Al Parrish
VP/Chief Executive Officer Alaska Region

EAP:lb

Cc: Laurie Herman

America's Blood Centers®
It's About *Life*.

725 15th Street NW Suite 700, Washington, DC 20005
Tel: 202-393-5725 Fax: 202-393-1282
1-888-USBLOOD ♦ www.AmericasBlood.org

February 2, 2009

The Honorable Lesil McGuire
Alaska State Senate
State Capitol Building, Room 125
Juneau, Alaska 99801-1182

Dear Senator McGuire:

America's Blood Centers (ABC) is the largest network of non-profit, community-based blood centers in North America, collecting about half the blood used in US hospitals. We are proud to be affiliated with the Blood Bank of Alaska, which meets the blood needs of patients at more than 25 hospitals in the nation's largest state. CEO Jack Williams has worked tirelessly to assure a safe and adequate blood supply for all Alaskans.

We understand that you have introduced SB 49, a bill that would establish a funding mechanism to enable Alaskans to contribute to blood donation, collection, and education efforts. SB 49 would allow a motor vehicle applicant to donate $1 or more to a Blood Donation Awareness Fund.

A similar program that was established in 2004 to encourage organ donations by Alaskans generated over $55,000 last year, with the funds appropriated to Life Alaska Donor Services. SB 49 would provide similar support for the Blood Bank of Alaska and by doing so help save Alaskan lives.

Every day the Blood Bank of Alaska works hard to recruit blood donors, but with an aging population, more donors are becoming patients and are ineligible to donate blood. The younger population replacing loyal donors is smaller and harder to reach, requiring new and more expensive efforts. In 2008, more than 25,000 blood donations were made to Blood Bank of Alaska. While those numbers are an indicator of Alaskans' generosity in donating blood, that will not be enough in the years ahead.

The fact is Alaska's blood supply runs on perilously thin margins. Approximately 2,200 people must donate blood each month for the Blood Bank to assure an adequate supply for patients. That's about 75 units of whole blood and plateletpheresis (the technical term for platelets and blood cells) each day.

ABC and its members strongly support the establishment of a Blood Donation Awareness Fund. Not only will this program help to assure the blood is there when needed by Alaskans, but it can serve as a model for the lower 49 states as well. We thank you for your great insight putting forth SB 49.

Sincerely yours,

Donald O. Doddridge Jr.

Don Doddridge
President

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2-26-09

State Affairs Committee considered SENATE BILL NO. 49

SB 49 BLOOD DONATION AWARENESS FUND

"An Act relating to an awareness fund and monetary donation program for blood donations."

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Admin.	2/20/09			✓	
Adm/DMV	2/20/09	5000.00			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
Albert Kookken	KOOKKEN	X			
Joe Paskvan	PASKVAN	X			
K. Meyer	MEYER	X			
CHAIR: Linda Menard	MENARD	X			

SB 50

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us

State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins
Senator

Sponsor Statement
SB 50
IDITAROD FINISHER LICENSE PLATES

By passage of this legislation, a new provision is added for special issue license plates to honor those who have shown the dedication, perseverance and exemplary athletic ability that finishing the Iditarod Trail Sled Dog Race requires.

Design work for the new plate must be approved by the Department of Administration prior to production of the specialty plates. The finishers will be able to purchase these exclusive specialty plates by providing specific proof of participation and completion of the race. The race finisher must have an automobile registered in the state of Alaska on which the plates would be displayed.

I request your support for this new category of specialty license plates honoring mushers who have endured the challenges and shown the courage and ability to complete what is affectionately known as the "last great race," the Iditarod Trail Sled Dog Race.

2/12/2009

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 4, 2009

SUBJECT: Sectional Summary - SB 50 (Work Order No. 26-LS0319\A)

TO: Senator Charlie Huggins
Chair of the Senate Rules Committee

FROM: Gerald P. Luckhaupt
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Authorizes the Department of Administration to issue special request Iditarod race finisher license plates.

Section 2. Sets the fee for the special request Iditarod race finisher license plates authorized in section 1.

GPL:ljw
09-067.ljw

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB 50
() Publish Date:

Identifier (file name): SB050-DOA-DMV-02-23-09
Title "An Act relating to Iditarod finisher special request license plates."
Sponsor Sen(s): Huggins
Requester S (STA)

Dept. Affected: Administration
RDU Motor Vehicles
Component Division of Motor Vehicles
Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill does not fiscally impact the Division of Motor Vehicles (DMV). Revenue derived from the sale of the Iditarod Finisher Plate is expected to be minimal.

Prepared by: Whitney Brewster
Division Motor Vehicles
Phone 907-269-5559
Date/Time 2/23/09 12:00 PM

Approved by: Kevin Brooks
Deputy Commissioner
Date 2/23/2009

(Revised 9/10/2008 OMB)

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/24/09

State Affairs Committee considered SENATE BILL NO. 50

SB 50 IDITAROD REGISTRATION PLATES

"An Act relating to Iditarod finisher special request license plates."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	2/23/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	PASKVAN	X			
	Kookesh	X			
CHAIR:	MENARD	X			

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us

State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins
Senator

Memorandum

Date: February 12, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Charlie Huggins

Re: Request for Hearing – SB 50

I respectfully request Senate Bill 50 be scheduled for hearing before the Senate State Affairs Committee

Senate Bill 50 creates a new category of special issue license plates to honor those mushers who have successfully finished the Iditarod Trail Sled Dog Race.

SB 58

Senator Linda Menard

State Capitol, Room 9
Juneau, Alaska 99801

Phone: (907) 465-6600
Fax: (907) 465-3805

Alaska State Legislature

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Linda Menard

Date: February 25, 2009

Re: Request for hearing of SB 58

Honorable Senator Linda Menard,

I respectfully request a hearing of Senate Bill No. 58 before the Senate State Affairs Committee

Senate Bill 58 seeks to establish February 2 of each year as Marmot Day.

Thank you for your consideration.

SB 58 "An Act Establishing February 2nd of each year as Marmot Day"

My bill establishes February 2nd as Marmot Day & will create a new and fun day of observance for all Alaskans, especially our children. Adopting Marmot day creates local hire & emphasizes Alaskans' reputation for being independent & creative thinkers.

With this bill, we should not ignore the educational opportunity to teach students about our state's version of the groundhog, incorporating into schools' curriculum geography and science acknowledging a " long under-recognized resident of our state. The Marmot is found in the Brooks Range, Matanuska Valley and are even prevalent in Juneau. Students will have the experience to learn about the marmot's habits – one peculiar one comes to mind: "Did you know that if you whistle at a marmot, they will sit up and whistle **right** back?

The month of February is certainly a slower time for the zoo. Activities could be built around a symbolic Marmot Day, attracting students and making it a festive and fun day! The Zoo has heartily given their support to Marmot Day as well as the Mat-Su Borough School District, & the guru of tourism, John Binkley.... and we have only begun to inform Alaskans of the possibility of this proposed day of recognition.

As my husband, the late Senator Curt Menard said over 20 years ago, "Some have said, this is not an important bill, but I would argue that there's a long-term value in terms of tourism. In Pennsylvania - where the official groundhog lives, a tourism industry has been built on selling that little critter alone – selling shirts, knickknacks and and all kinds of souveniers." Curt and I have always said **"We're different up here in Alaska – and, if we're going to be different we don't need to drag up these traditional things from the Lower 48 – we have our own resource – the Marmot."** Please join me in bringing Marmot Day on February 2nd to our great State. Thank you.

Senator Linda Menard

State Capitol, Room 9
Juneau, Alaska 99801

Phone: (907) 465-6600
Fax: (907) 465-3805

Alaska State Legislature

Sponsor Statement for SB 58

Senate Bill 58, an act establishing February 2nd of each year as Marmot Day, will create a localized, Alaska version of Groundhog Day.

While many people in the Lower 48 spend every February 2nd honoring Punxsutawney Phil, or some other incarnation of the famous groundhog, Alaska residents don't have the same representation.

The Marmot Day bill (SB 58) solves that, giving school children, public institutions and even adults the opportunity to use a local hire (the marmot) as their symbol.

Marmot Day can be celebrated in myriad ways, from special events at the Alaska Zoo to school celebrations with an educational angle so children can learn more about Alaska's furry ground squirrel.

Already, the Marmot Day bill has received support from the Alaska Zoo and the Mat-Su Borough School District.

I hope you will also support the Marmot Day bill.

Hoary marmot

Marmota caligata

Distribution. From the Cascade and northern Rocky Mts. to Alaska. In locations where ranges overlap yellow-bellied marmots (e.g., Montana), hoary marmots are found at higher elevations.

Hoary marmot social organization varies geographically. In Alaska they live in monogamous social groups consisting of a pair of adults and pre-reproductive offspring. In the Rockies and Cascades, hoary marmots live in social organizations that resemble Olympic marmots (breeding male with two or three breeding females, non-breeding offspring from previous years). Hoary marmots are active about four and a half months each year. When females reproduce, litter size averages three pups. Their home ranges are relatively large for marmots (they can be around 10 hectares!) and marmots may wander around much of it in a day. Like their close relatives, the Olympic marmot, they have four alarm calls. Hoary marmot calls can be similarly described by the difference between the starting and ending frequencies. Calls may be ascending, descending, or relatively flat. Hoary marmots also trill. A summary of hoary marmot alarm calling is available. Hoary marmots can be easily seen in Mt. Rainier National Park around both the Sunrise and Paradise Visitor Centers.



Photo: K.B. Armitage

Return to The Marmot Burrow

MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT
OFFICE OF SUPERINTENDENT
501 NORTH GULKANA STREET
PALMER, ALASKA 99645

Phone: 907-746-9212 • Fax: 907-746-9292

January 27, 2009

Sen. Linda Menard
Room 9 Capital Building

RE: Letter of Support

Honorable Senator Menard,

I support your Bill for having Alaska recognize the marmot, rather than the ground hog, as the mascot for February 2. Across Alaska classrooms students recognize February 2 as the midpoint between the Winter Solstice and the Spring Equinox also known as the halfway point between winter and spring. Calendars across the country identify the day as Groundhog's Day. For our Alaskan students the groundhog is not a familiar animal, whereas, the marmot is.

The same story that holds for the groundhog would surely play out for the marmot, too. If a marmot took a break from hibernation and walked outside his/her den on February 2and did not see a shadow it would be a cloudy day which would probably be a warmer day than a sunny, high pressure midwinter day. Just as is true with the story of the ground hog, no shadow on a warm day for the marmot would presume a shorter winter ahead, but the bitter cold on the day the marmot sees his/her shadow would be the harbinger of winter to hang on longer.

This lesson on the calendar and earth rotation would assume more purpose with Alaskan students because of the familiar context of the marmot, while the ground hog has yet to experience witnessing the sun or a cloudy day in Alaska. I can only hope that our furry friend will enjoy a good South Central Alaska name like Matanuska Mike or Susitna Sally.

Thank you for considering my comments.

Sincerely,

George Troxel
Superintendent
Mat-Su Borough School District

Deena Paramo, Ed.D.
Assistant Superintendent Education
Mat-Su Borough School District

1/22/08

Sen. Linda Menard

State Capitol Room 9

Juneau, Alaska 99801

The Alaska Zoo supports the proposed "Marmot Day" bill. I think it would be a fun Alaskan version of groundhogs day and an opportunity to educate people on another species of Alaska's wildlife.

The Alaska Zoo currently does not have a marmot in residence, but we have had several in the past. It is on our wish list with the Alaska Department of Fish and Game should an orphaned or injured marmot come available.

Sincerely,

Patrick S. Lampi

Executive Director

Alaska Zoo

Hoary Marmot

From Wikipedia, the free encyclopedia



Basking behavior, Mount Rainier National Park

The **hoary marmot** (*Marmota caligata*) is a species of marmot that inhabits the mountains of northwest North America. The largest populations are in Alaska. In the northern part of that state they may live near sea level. Hoary marmots live near the tree line on slopes with grasses and forbs to eat and rocky areas for cover. It is the largest North American ground squirrel and is often nicknamed "the whistler" for its high-pitched warning issued to alert other members of the colony to possible danger. The animals are sometimes called "whistle pigs." Whistler, British Columbia, originally London Mountain because of its heavy fogs and rain, was renamed for these animals to help make it more marketable as a resort. [2]

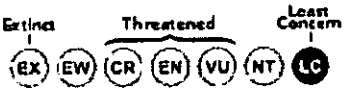
The "hoary" in their name refers to the silver-grey fur on their shoulders and upper back; the remainder of the upper parts are mainly covered in reddish brown fur. The underparts are greyish. They have a white patch on the muzzle and black feet and lower legs.

These animals hibernate 7 to 8 months a year in burrows that they excavate in the soil, often among or under boulders. Mating occurs after hibernation and 2 to 4 young are born in the spring. Males establish "harems," but may also visit females in other territories. Predators include golden eagles; grizzly and black bears; and wolves.

Hoary Marmot



Conservation status



Least Concern (IUCN 3.1)[1]

Scientific classification

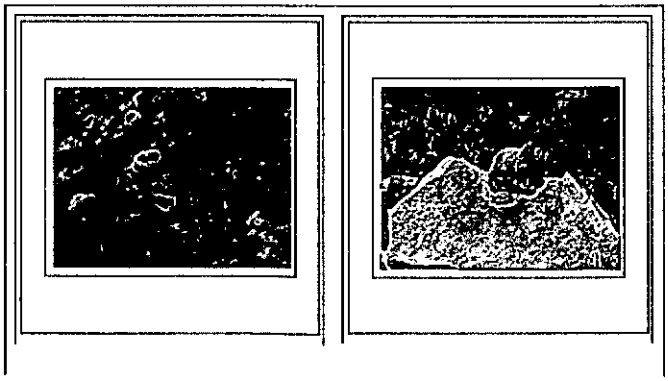
Kingdom:	Animalia
Phylum:	Chordata
Class:	Mammalia
Order:	Rodentia
Family:	Sciuridae
Genus:	*Marmota*
Subgenus:	*Petromarmota*
Species:	***M. caligata***

Binomial name

Marmota caligata
(Eschscholtz, 1829)

Unlike most animals their size, hoary marmots are not shy around humans. Rather than running away at first sight, they will often go about their business while being watched.

Gallery



Marmot Day

From Wikipedia, the free encyclopedia

Marmot Day is a community celebration in Owosso, Michigan, occurring on July 25th (or on the following Monday if the 25th falls on a weekend). It is a celebration of all marmots, which include groundhogs, woodchucks, and ground squirrels.

Confusion with Groundhog Day

Because groundhogs are also marmots, Groundhog Day (which occurs on February 2) has also been referred to as Marmot Day[1]. The Owosso celebration is a distinct event.

History of Marmot Day

Marmot Day was begun in 2002 in Owosso, Michigan, as a day of celebration for this animal which is usually considered as a pest. A luncheon is traditional as part of the celebration, and marmot jokes are also shared, among other festivities typical of any party or celebration. At 12:45 P.M., a marmot is positioned outside its hole, and if it goes into its hole, legend has it that summer is over; if it does not go into its hole, there will be one more month of summer.

Marmot Day 2009

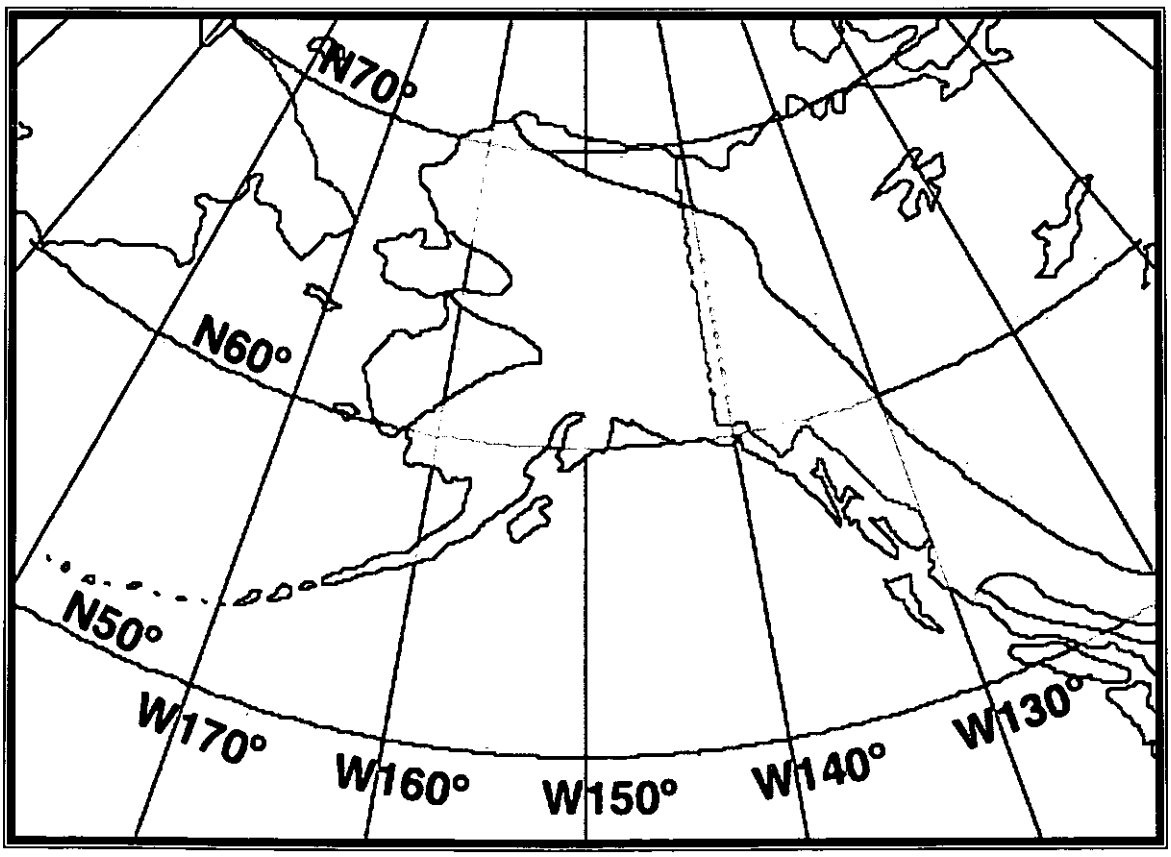
On July 27, 2009 [2], Covenant Eyes, Inc. is hosting the community-wide celebration of Marmot Day. Festivities are from 11:00am to 2:00pm. Invent includes marmot film finalist judging ($1000 prize), marmot joke contest judging ($50 prize). Main event is marmot deliberation at 12:45pm.

Retrieved from "http://en.wikipedia.org/wiki/Marmot_Day"
Hidden categories: Orphaned articles from February 2009 | All orphaned articles

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Territory of the Marmot



Menard mad about marmot

By BRIAN O'DONOGHUE
Frontiersman staff

JUNEAU—A nefarious conspiracy is afoot among powerful members of the Legislature to deny a noble Alaskan its day in the sun.

Because of the conspiracy, Rep. Curt Menard said, next Tuesday the eyes of the nation will once again be drawn to a hole in Pennsylvania, instead of gazing with wonder at the Alaska Zoo.

"It's a disgrace to tourism," the representative declared over the phone from the state capital this week.

Menard's anguish stems from the Byzantine political fate of House Bill 181, his bold legislation to replace Groundhog Day with an occasion honoring an official state marmot.

House speaker Ben Grussendorf confirmed Menard's dire forecast.

"I don't think we're going to see the marmot's shadow out of committee and onto the floor by the time Groundhog Day rolls around," the speaker said.

Though he originally banished the bill to four committees, Grussendorf denied he is part of a crusade to deny marmots their due.

(Please see Marmot Back Page)



Marmot

(Continued from Front Page)

"I look at what we call local hire, or Alaska preference, and the marmot may well serve that purpose," he said. "I've no personal preference on it. If the bill comes out of committee it's fine with me."

Marmots living this far north are seldom seen this time of year, according to Alaska Zoo director Fammye Seawell. However, Smoke Alarm, the Zoo's senior hoary marmot, is apparently an exception.

"Every few weeks Smoke Alarm sticks his nose out," the zoo director said.

Groundskeepers say Smoke Alarm's restlessness is a matter of personal hygiene. In the halls of the Statehouse, however, the consensus holds the furry weathervane is actually sniffing out the political situation.

Pressed to explain the legislative logjam, Grussendorf shook his head.

"There's no leverage in the Marmot Bill," he said.

Nonetheless, this much is clear: Rep. John Sund is holding official recognition for Smoke Alarm hostage in his Judiciary Committee.

"We call it the dark hole," Menard said. "There's not a whole lot that comes out of that committee. I've talked to John a couple time about moving it. But he's not too big on the poor little critter."

So, I don't think the marmot's going to stick it's head out of the hole," Menard said, chuckling. "I think the speaker's right."

A lot of ribbing goes on about the Marmot Bill, but Menard said he takes it in stride.

"A lot of them are saying it's a joke thing, but there's a long-term value in terms of tourism. I thought it would give some promotion to the zoo. There's a town in Penn where the official Groundhog lives. They built a big tourist industry on that critter alone, selling shirts and all kinds of knickknacks. People go there for souvenirs.

"We always say we're different," he added. "If we're going to be different we don't have to drag all these traditional things up from the Lower 48."

Marmot Day: This is especially beneficial to the valley. Our community is sadled with a lot of embarrasing stereotypes (meth capitol of the state, etc.), which cause young people especially to be disrespectful of our community. Marmots are local and have been here all along; recoginzing their value with Marmot Day shows that we in the Valley have some local pride. Without that, it's impossible to maintain a sense of community identity.

Growing up in the Valley, I knew that our strip malls and box stores were nothing special. Independence Mine at Hatcher Pass, populated by marmots, is special. Marmot Day draws attention to the rich cultural resources preserved at Independence Mine and throughout the Talkeetna Mountains. The more we can do to imbue our community with a depth of history, the more the Mat-Su becomes somewhere we can be proud to live. I have watched the most talented members of my high school class leave the Valley with no plans of returning. Things like Marmot Day may be insignificant alone, but when we connect them together, they represent something important. The act of valuing local aspects like gold mines and marmots, or the Palmer Hay Flats and waterfowl, gives my generation a reason to stay-- or to come home again

-Will Elliot, Wasilla



Jamie Rodriguez

FAX COVER PAGE

TO: Senator Linda Menard

DATE: March 2, 2009

PAGES: 9 *(including this page)*

COMMENTS:

Hello Senator Menard,

Enclosed are eight student letters in support of SB58. I'm sorry that I couldn't get more. It was very short notice and Mondays are our most hectic day of the week with very little extra class time. Hopefully this will help your cause.

My students loved hearing about your Marmot bill. I found your map on the internet and they were amazed at the vast range of this furry little ceature!

Good luck on Tuesday!

Jamie Rodriguez

Jasmine Riski
801 Valley St.
Anchorage, AK
99504

Dear Senator Menard,

I am willing to support SB58 for naming February 2 "Marmot day in Alaska for three reasons. First, because it's a special day for Alaska to have fun. Second, because Alaska does not have Ground Hogs; we have Marmots. Last but not least, because Alaska will be the only state in the US that has Marmot day. Obviously I hope that Ground Hog Day gets changed to Marmot Day.

Sincerely,
Jasmine Riski

Raia Stamm
6801 Potter Heights Dr.
Anchorage, AK
99516.

To Whom it may concern,

I am writing to support SB58. I have been going to Arctic Valley my whole life and they celebrate "Merry Marmot Day." On that day a group of people arrange a bunch of activities and contests for the kids. Also we don't have Ground Hogs in Alaska. Anybody can see that this bill should be passed because it would give Alaskans a special day to celebrate.

Sincerely,
Raia Stamm

Joey Aist
4700 Mars Dr.
Anchorage AK
March 2 2009

Dear Senator Menard

I support SB58 for these reasons. First, groundhogs don't even live in Alaska, but marmots live all over Alaska. Second, marmots are equivalent to groundhogs. Third, a lot of people in Alaska appreciate and like the marmot. Clearly marmots are Alaska's groundhogs, so a day to honor them makes sense.

Sincerely,
Joey Aist

10041 Hanley Cir.
Anchorage, AK. 99507
March 2nd 2009

Dear Senator Mensard,

I am writing in support of SB 58. Every year during the spring the Artic Valley Ski Area hosts a "Merry Marmot Festival" and has many fun activities honoring the Marmot. During the festival many people come to celebrate the Marmot, so why not make it offical? The Marmot is very similar to the Groundhog, only Marmots live in Alaska and Groundhogs do not. Having February 2nd be Marmot Day would give Alaska another very unique quality.

Sincerely,
Ms. Ryan Terry

[illegible]
[illegible]
Anchorage [illegible]
March 2, 2009

Dear, Senator Menard,

I support SB58 to have a "Merry Marmot Day", every February 2nd. We should have a "Merry Marmot Day", instead of Ground Hogs' Day because, the Marmot is Alaska's Ground Hog. The kind of Marmot here is the Hoarey Marmot. The Marmot lives here, and the Ground Hog doesn't so why does the Ground Hog get a special day? As you can see the Marmot deserves their own special day.

Sincerely,
Caleena B. Shafer

[illegible] Valley Brook Cir.
Anchorage, AK 99507
March 2, 2009

Dear Senator Menard,

I am writing to support SB58. We should have a Marmot day because it would add to the uniqueness of Alaska. Also, we would be able to celebrate a cute, furry mammal, and many people love cute and furry mammals. One more thing is that marmots are afraid of their shadows, like groundhogs, so we will still be able to tell how much longer winter will last, instead of doing something else. All in All, Marmots are the groundhogs of Alaska, so a special day for them makes sense.

Sincerely,
Yungshu Wong

p.5
240 PENISKO
ANCHORAGE.
AK 99515

Dear Senator Menard,

I support your bill and have agreed that the marmot day is a great day to have for alaska. We need our own special day, like the other states have.

Marmots are cute, kind, and gentle. They help keep alaska beautiful.

So I believe that the marmont would be a great day for alaskans.

Sincerley
Maddie Flores

Dear Senator Menard,

I support S.B. 52. Marmot Day is a good idea because it would be interesting to have a unique animal to celebrate. Second of all, Ground Hogs don't even live here, marmots do. Finally, we should choose an animal That lives here unlike Ground Hogs. To sum it all up, the marmot deserves to have its special day.

Sincerly,
Ciara Brady

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: (Resources)

Date of 5-Day Notice: 2/25/09
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/3/09

State Affairs Committee considered SENATE BILL NO. 58

SB 58 MARMOT DAY

"An Act establishing February 2 of each year as Marmot Day; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
GOV/ALL	3/2/09			✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	KOOKESH	X			
	PASKVAN	X			
Vice-CHAIR: K. Meyer	Meyer	X			

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: (1)
Bill Version: SB 58
() Publish Date: 3/3/09

Identifier (file name): HB019-GOV-OMB-3-02-09
Dept. Affected: All
Title: Establishing February 2 as Marmot Day
RDU
Component
Sponsor: Sen. Menard
Requester: Senate State Affairs Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

After burrowing into the details of this legislation, we have determined that the bill will not have a significant fiscal impact on any State agency.

Prepared by: Jack Kreinheder, Senior Analyst — Phone 465-4676
Division: Office of Management and Budget — Date/Time 3/2/09 11:45 AM
Approved by: Karen Rehfeld, Director — Date 3/2/2009
Office of Management and Budget

(Revised 9/10/2008 OMB)

SB 63

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Chair
Senate Special Committee on Energy
Senate Committee on World Trade, Technology and Innovations

Co-Chair
Senate Resources Committee

Member
Senate Judiciary Committee

SENATOR LESIL MCGUIRE



DATE: January 26, 2010

TO: Senator Linda Menard, Chair Senate State Affairs Committee

FR: Senator Lesil McGuire

RE: Request to Schedule SB 63: Transfer Restrictions on Trusts

Dear Senator Menard,

Please schedule SB 63: Transfer Restrictions on Trusts for a hearing in the Senate State Affairs Committee at your earliest convenience. A bill packet will be forthcoming.

Esther Cha in my office will be the staff contact for this bill. Her number is 465-5159. Please call if you have any questions.

Sincerely,

Senator Lesil McGuire

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Chair
Senate Special Committee on Energy
Senate Committee on World Trade, Technology and Innovations

Co-Chair
Senate Resources Committee

Member
Senate Judiciary Committee

SENATOR LESIL MCGUIRE

SPONSOR STATEMENT
SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY–SIXTH LEGISLATURE—SECOND SESSION

This bill amends and improves Alaska's trust provisions which permit a settlor to form an irrevocable trust, be a discretionary beneficiary of the trust and, if the trust has a spendthrift clause, protect the trust assets from the settlor's creditors. Alaska was the first state to enact this type of trust law. Since enactment in 1997, numerous other states have enacted similar statutes. At present, twelve states allow this type of trust.

This bill improves Alaska's trust provisions so that Alaska's statute remains competitive with those of other states. As a result, both residents, and nonresidents of Alaska who choose to form this type of trust in Alaska, will benefit from these improved provisions.

Sections 1 and 2 of the bill upgrade Alaska's statute by adopting the following provisions which have been adopted in other states:

- A creditor must establish by clear and convincing evidence that a transfer was made with an intent to defraud a creditor. (This standard has been adopted by nine of the other twelve states);
- Distributions can be made under the discretion of a trustee pursuant to a standard, as well as with absolute discretion;
- The settlor may be reimbursed for income taxes attributable to the trust;
- The settlor can retain the power to replace a trustee/advisor with a non-related, non-subordinate party.

Section 3 of the bill clarifies existing Alaska law to provide that in the event of a divorce or dissolution of the marriage of a beneficiary of the trust, the beneficiary's interest, even though not vested, may not be considered a factor or economic circumstance in the division of property.

26-LS0317\E
Bannister
2/13/09

CS FOR SENATE BILL NO. 63( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MCGUIRE

A BILL

FOR AN ACT ENTITLED

"An Act relating to transfer restrictions on trust interests."

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

*** Section 1.** AS 34.40.110(b) is amended to read:

(b) If a trust contains a transfer restriction allowed under (a) of this section, the transfer restriction prevents a creditor existing when the trust is created or a person who subsequently becomes a creditor from satisfying a claim out of the beneficiary's interest in the trust, unless the creditor is a creditor of the settlor and

(1) **the creditor establishes by clear and convincing evidence that** the settlor's transfer of property in trust was made with the intent to defraud that creditor, and a cause of action or claim for relief with respect to the fraudulent transfer complies with the requirements of (d) of this section; however, a settlor's expressed intention to protect trust assets from a beneficiary's potential future creditors is not evidence of an intent to defraud;

(2) the trust, except for an eligible individual retirement account trust, provides that the settlor may revoke or terminate all or part of the trust without the

consent of a person who has a substantial beneficial interest in the trust and the interest would be adversely affected by the exercise of the power held by the settlor to revoke or terminate all or part of the trust; in this paragraph, "revoke or terminate" does not include a power to veto a distribution from the trust, a testamentary nongeneral power of appointment or similar power, or the right to receive a distribution of income, principal, or both in the discretion of a person, including a trustee, other than the settlor, or a right to receive a distribution of income or principal under **(3)(A), (B), (C), (D), (E), or (F)** [(3)(A), (B), (C), OR (D)] of this subsection;

(3) the trust, except for an eligible individual retirement account trust, requires that all or a part of the trust's income or principal, or both, must be distributed to the settlor; however, this paragraph does not apply to a settlor's right to receive the following types of distributions, which remain subject to the restriction provided by (a) of this section until the distributions occur:

(A) income or principal from a charitable remainder annuity trust or charitable remainder unitrust; in this subparagraph, "charitable remainder annuity trust" and "charitable remainder unitrust" have the meanings given in 26 U.S.C. 664 (Internal Revenue Code) as that section reads on October 8, 2003, and as it may be amended;

(B) a percentage of the value of the trust each year as determined from time to time under the trust instrument, but not exceeding the amount that may be defined as income under AS 13.38 or under 26 U.S.C. 643(b) (Internal Revenue Code) as that subsection reads on October 8, 2003, and as it may be amended;

(C) the transferor's potential or actual use of real property held under a qualified personal residence trust within the meaning of 26 U.S.C. 2702(c) (Internal Revenue Code) as that subsection reads on September 15, 2004, or as it may be amended in the future; or

(D) income or principal from a grantor retained annuity trust or grantor retained unitrust that is allowed under 26 U.S.C. 2702 (Internal Revenue Code) as that section reads on September 15, 2004, or as it may be amended in the future;

(E) distributions that are made under the exercise of discretion by a trustee who is not the settlor, whether or not the exercise of the discretion is governed by a standard; or

(F) the transferor's potential or actual receipt of income or principal to pay, in whole or in part, income taxes due on income of the trust if the potential or actual receipt of income or principal is made under a provision in the trust instrument that expressly provides for the payment of the taxes and if the potential or actual receipt of income or principal would be the result of a trustee's acting in the trustee's discretion or under a mandatory direction in the trust instrument; distributions to pay income taxes made under a discretionary or mandatory provision included in a governing instrument referred to in this subparagraph may be made by direct payment to the taxing authorities; or

(4) at the time of the transfer, the settlor is in default by 30 or more days of making a payment due under a child support judgment or order.

*** Sec. 2.** AS 34.40.110(h) is repealed and reenacted to read:

(h) A transfer restriction is allowed under (a) of this section and is enforceable under (b) of this section even if the settlor has the authority under the terms of the trust instrument to

(1) appoint a trustee, a trust protector under AS 13.36.370, or an advisor under AS 13.36.375;

(2) remove a trustee or trust protector and appoint a replacement trustee or trust protector who is not a related or subordinate party; in this paragraph, "related or subordinate party" has the meaning given in 26 U.S.C. 672(c) (Internal Revenue Code); or

(3) remove an advisor and appoint a replacement advisor.

*** Sec. 3.** AS 34.40.110(*l*) is amended to read:

(*l*) If a trust has a transfer restriction allowed under (a) of this section, in the event of the divorce or dissolution of the marriage of a beneficiary of the trust, the beneficiary's interest in the trust**, whether or not vested,** is not considered **a factor or**

economic circumstance in the division of property subject to division under AS 25.24.160 or 25.24.230 or a part of a property division under AS 25.24.160 or 25.24.230. Unless otherwise agreed to in writing by the parties to the marriage, this subsection does not apply to a settlor's interest in a self-settled trust with respect to assets transferred to the trust

(1) after the settlor's marriage; or

(2) within 30 days before the settlor's marriage unless the settlor gives written notice to the other party to the marriage of the transfer.

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
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Chair
Senate Special Committee on Energy
Senate Committee on World Trade,
Technology and Innovations

Co-Chair
Senate Resources Committee

Member
Senate Judiciary Committee

SENATOR LESIL MCGUIRE

SECTIONAL ANALYSIS
SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE—SECOND SESSION

Section 1. Amends AS 34.40.110(b), the subsection that makes exceptions to the transfer trust restrictions allowed under the section.

The (b)(1) exception, requires that a creditor establish the criteria for the exception by clear and convincing evidence. The (b)(2) exception also makes a conforming amendment to reflect the addition of materials under (b)(3).

Adds two exceptions to (b)(3), the paragraph allows a creditor to satisfy a claim out of the restricted trust interest if the trust requires its income or principal to be distributed to the settlor. The first new exception to (b)(3) allows a settlor to receive certain discretionary distributions made by a trustee who is not the settlor. The first new exception to (b)(3) allows a settlor to receive certain discretionary distributions made by a trustee who is not a settlor. The second new exception to (b)(3) relates to the receipt of certain income or principal to pay income tax due on the trust.

Section 2. Amends AS 34.40.110(h). Provides that a transfer restriction on a beneficiary's trust interest is enforceable even if the settlor has certain listed powers relating to the appointment, removal, and replacement of a trustee, trust protector, or an advisor.

Section 3. Amends AS 34.40.110(l). Clarifies that, if a trust has a transfer restriction, the beneficiary's trust interest is not subject to division at divorce or dissolution whether or not the trust interest is vested. Clarifies that the trust interest is not considered a factor or economic circumstance in the division of property at divorce or dissolution.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 63**
() Publish Date:

Identifier (file name): SB063-LAW-CIV-1-29-10
Title: An Act relating to transfer restrictions on trust interests
Sponsor: Senator McGuire
Requester: State Affairs

Dept. Affected: Law
RDU: Civil
Component: Com. And Fair Business
Component Number: 2717

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill proposes amendments to statutes relating to transfer restrictions on trust interests including provisions to receive a distribution of trust's income or principal. Enactment of the bill is not anticipated to fiscally impact the Department of Law.

Prepared by: Eileen Donahue, Division Operations Manager — Phone 465-5427
Division: Administrative Services — Date/Time 1/29/10 12:00 AM
Approved by: Daniel S. Sullivan, Attorney General — Date 1/29/2010
Department of Law

(Revised 11/6/2009 OMB)

ALASKA STATE LEGISLATURE

Session
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Chair
Senate Special Committee on Energy
Senate Committee on World Trade,
Technology and Innovations

Co-Chair
Senate Resources Committee

Member
Senate Judiciary Committee

SENATOR LESIL MCGUIRE

Summary of Changes
Between SB 63\A and CS for SB 63\E

This document is an identification of the changes between W.O. 26-LS0317\A and W.O. 26-LS0317\E.

Section 1 is amended on to reflect that subsection G has been deleted in CS for SB 63 E (page 2, lines 7 and 8).

Section F and its subsections in SB 63A were deleted in the CS for SB 63E. In version A, subsections (b)(3)(E) and (F) were designed to allow a trustee who was governed by a standard (specific directions) to make distributions and the trust assets would still be protected by subsection (a). In version A, two specific statutory standards were described in (F)(i) and (ii).

The change was made because it was concluded by participants in the trust field that this language was too restrictive as there may be standards that are not covered in statute. Therefore, it was recommended that the language be more general and only refer to distributions "governed by a standard" thus combining (b)(3)(E) and (F) in version A were combined into (b)(3)(E) in version E.

Section G of SB 63A is now Section F of SB 63E.

A Trust is a legal arrangement (basically a contract) where one person (called a trustee) holds property for the benefit of other persons (called beneficiaries). There are many different types of trusts.

The personal trust is the most common form of trust, created for non-business reasons for the benefit and protection of individuals. The trustee in a personal trust acts in accordance with the law and the instructions set forth in the governing instrument by the person who created the trust (called Grantor or Settlor). The primary responsibilities of the trustee are to manage and protect the assets in the trust for the best interest of the beneficiaries. The management and protection responsibilities include proper investment of assets, collection of income, maintenance of accurate books and records, filing of tax returns and other reports, and the payment of income and trust property to the beneficiaries in accordance with the terms of the trust.

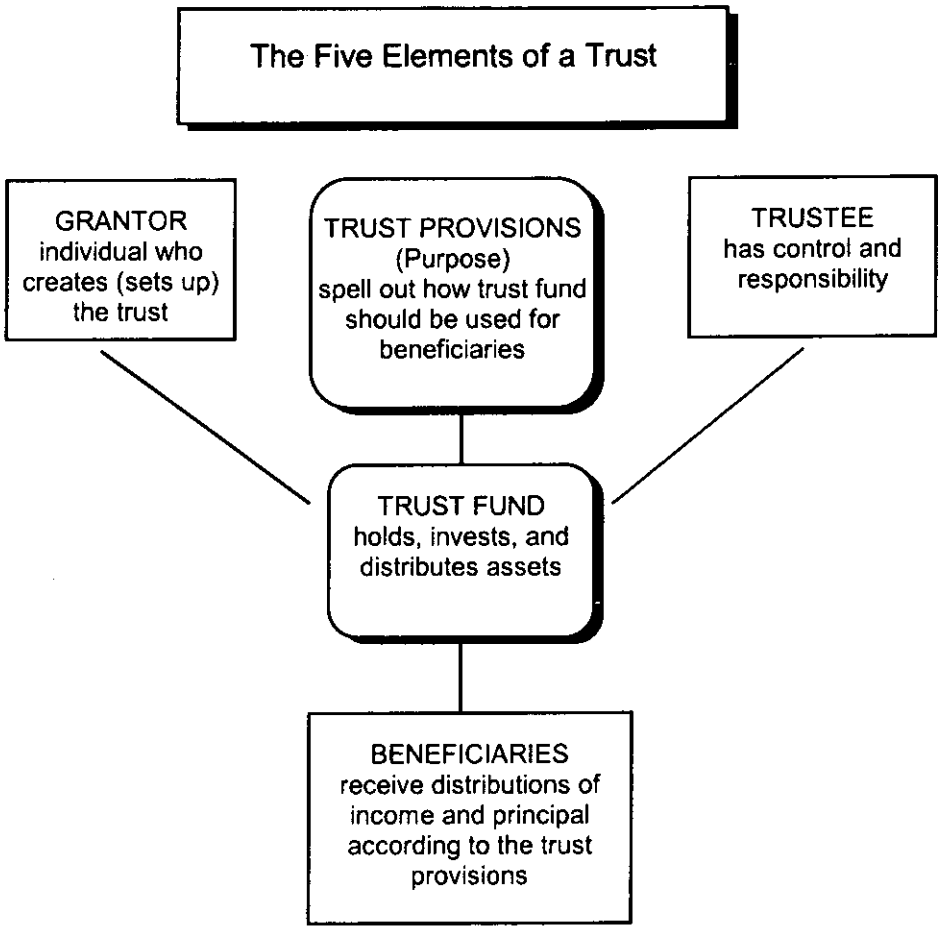
Trusts are used throughout the United States to accomplish many different objectives such as;

- Protecting interest of minors
- Preserve assets for the family
- Accomplish the desires of the family
- Improve quality of life by allowing use of trust assets by beneficiaries
- Provide asset protection
- Reduce and in some cases eliminate gift, estate and income taxes

A self-settled trust is a trust where the grantor is also a beneficiary with other family members. This allows the assets in the trust to appreciate in value and the trust assets will not be in the Grantors taxable estate for federal estate tax purposes. The IRS has recently issued a private letter ruling acknowledging that these trusts can accomplish this objective.

From the information we have received from Alaska estate planning attorneys over ten thousand Alaskans have taken advantage of Alaska's favorable trust laws, non-residents of Alaska have also used Alaska's trust laws to accomplish their family financial goals.

What is a Trust?



SB 278 – Leave for Military Spouses
List of Anticipated Changes in Committee Substitute (Senate State Affairs)
Largely based on other state statutes

Require 14 days advance notice to employer– except in the case of medical emergencies. In the case of medical emergencies, "as soon as is practicable." (This language mirrors that in the Federal Family Medical Leave Act).

From discussions with ASD Superintendant Comeau, at least 10 days notice would typically be needed, although in the case of medical emergencies they can provide leave without advance notice.

Allow for electronic posting of notice

This was also suggested by Superintendant Comeau.

Allow employers to request documentation of spouse's combat leave

This was added at the suggestion of committee members.

Private employers shall make it possible continue benefits at employee's own expense

Under the current version, the employer must pay for the continued benefits.

Make the penalties the same as those for jury duty (AS 09.20.037) as opposed to those under AS 23.10.110 (unpaid overtime).

Make the bill apply to only employees who work 20 or more hours per week.

Make the bill apply only to employers with 20 or more employees for more than 20 calendar weeks of the year.

This was added to protect seasonal businesses.

Make the bill apply only to *schools* with 20 or more employees, as opposed to school districts.

This is in response to concerns that rural schools with only one or two teachers would not be able to function with the sudden loss of a teacher. This change would have the desired effect according to conversations with district superintendents.

Make the bill apply to domestic partners (private employers will be exempted from this requirement).

Clarify that the leave be taken only *during leave from deployment*, not before deployment or after.

This change may not be made. According to the drafter, this is already covered in the bill.

SB 190 – Biometric Information
List of Anticipated Changes in Committee Substitute (Senate State Affairs)

Page 3, lines 3-5 amended to read as follows:

(3) "biometric information" means information that is based on ~~an individual's unique behavioral or physiological characteristics, including~~ fingerprints, hand geometry, voice recognition, facial recognition, iris scan, retinal scan, and DNA

Page 2, lines 11-12 amended to read as follows:

(6) For the collection of fingerprints as specifically referenced in state statute"

Page 1, Line 9: amended to read:

....obtained the informed, *willing,* and written consent

Page 2, line 32 and page 3 line one, amended to remove misdemeanor penalties for collection of all forms of biometric information except DNA. There will still be a private right of action for the collection of biometric information other than DNA.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: (Judiciary) Finance

Date of 5-Day Notice: 1/28/10
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/11/10

State Affairs Committee considered SENATE BILL NO. 63

SB 63 TRANSFER RESTRICTIONS ON TRUSTS

"An Act relating to transfer restrictions on trust interests."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 63 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[✓] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	01/29/10			X	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			✓	
	Meyer	✓			
	Parkinson			X	
	Kookesh			X	
CHAIR:	MENARD	✓			

SB 68

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148

Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator_Bettye_Davis@legis.state.ak.us
http://www.akdemocrats.org

Senator Bettye Davis

Date: 3/23/2009

To: Sen. Menard, Chair
State Affairs Committee

From: Senator Bettye Davis

Re: SB 68 "An act relating to the voting rights of felons."

This is a request that you schedule a hearing on SB 68 at the earliest possible date.

Please find attached a copy of the bill, a sponsor statement and a sectional analysis. Your attention to this request would be appreciated. Thank you.

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
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Session: (Jan. - May)
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http://www.akdemocrats.org

Senator Bettye Davis

Sponsor Statement

SB 68 "An Act relating to the voting rights of felons"

Across the country states handle the right to vote for returning felons differently. Two (2) states, Maine and Vermont do not take away a felons right to vote. Thirteen states (13) allow felons to vote upon release from incarceration. Twenty one (21) including Alaska allow felons to vote after they complete all parole/probation requirements while fourteen (14) states permanently disenfranchise certain felons. If our belief is that felons once released have paid their debt to society then returning their right to vote upon release from incarceration would be a positive step.

SB 68 allows felons upon release from incarceration to register to vote. This bill starts the process which allows felons to start assuming responsibility for their reintegration in their communities. We are each responsible for how our government works and we do that through voting. In Alaska, 6081* Alaskans have lost their right to vote because of felony convictions. Currently, Alaska law bars the vote to persons convicted of felonies of moral turpitude until the expiration of a post-incarceration period of parole or probation, which is often years after they have reentered society to become productive citizens and tax payers. .

Harsh sentencing laws over the past 30 years have allowed the prison population to balloon, while reducing the rehabilitative model to almost non existent. Over 4.7 million Americans or 1 in 43 adults cannot vote due to felony convictions, with 1/3 or more of them were incarcerated due to alcohol and drug offenses. In Alaska we have gone from slightly over 800 prisoners in 1984 to 5344 in 2008, an increase of 149%. Of those incarcerated in Alaska 48% are Caucasian, 36% are Alaska Native, 10% are African American, 3% are Hispanic, and 3% are Asian/Pacific Islanders.* Nationally minority felons are disproportionately disenfranchised under current law and the harm of this continued disenfranchisement after release is exacerbated by stigma and other forms of discrimination as they try to reenter society. In Alaska 52% of our incarcerated offenders are minorities.

In Alaska, we do not have a problem taking a person off the voting roles if convicted of a felony but we do not have a system that will automatically allow them to return to the voting roles upon termination of supervision. Voting is just one of many steps a returning felon must make to become a productive member of the community. This Bill will help provide a clear time for returning voting rights and provide an important right/responsibility to felons returning to their communities.

* Alaska Div. of Elections
* Alaska Dept. of Corrections "2008 Offender Profile"

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 2, 2009

SUBJECT: Sectional Summary of SB 68 (Work Order No. 26-LS0324\A)

TO: Senator Bettye Davis
Attn: Thomas Obermeyer

FROM: Alpheus Bullard
Legislative Counsel

You have requested a sectional analysis of the above referenced bill. As a preliminary matter, please note that a sectional analysis should not be considered an authoritative interpretation of the bill, and the bill itself is the best statement of its contents.

Section 1. Establishes that a person convicted of a crime that constitutes a felony involving moral turpitude under state or federal law may not vote while incarcerated for that crime, and that the person upon release will be advised of voter registration requirements and procedures.

Section 2. Establishes that the voter registration of a person convicted of a crime that constitutes a felony involving moral turpitude will be cancelled while that person is incarcerated.

Section 3. Establishes that a person convicted of a crime that constitutes a felony involving moral turpitude under state or federal law is disqualified from voting while incarcerated for that crime.

Section 4. Repeals AS 15.60.010(39), a definition of "unconditional discharge."

TLAB:ljw
09-053.ljw

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB68-DOC-OC-3-27-09
Bill Version:
() Publish Date:

Identifier (file name): SB68-DOC-OC-3-27-09
Dept. Affected: DOC
Title: "An Act Relating to the Voting Rights of Felons"
RDU: Administration & Support
Component: Office of the Commissioner
Sponsor: Senator Davis
Requester: Governor
Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**0.0**
CAPITAL EXPENDITURES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

Passage of this legislation should not have a significant impact on the Department of Corrections.

Prepared by: Leslie Houston, Director — Phone 465-3339
Division: Administrative Services Division — Date/Time 3/27/09 0740
Approved by: Dwayne Peeples, Deputy Commissioner — Date 3/27/2009
Office of the Commissioner

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB68**
() Publish Date:

Identifier (file name): SB068-OOG-DOE-3-27-09
Dept. Affected: OOG
Title: An Act relating to voting rights of felons
RDU: Elections
Component: Elections
Sponsor: Senator Davis
Requester: Senate State Affairs Committee
Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
This legislation will have no fiscal impact on the division of elections.

Prepared by: *Gail Fenumiai, Director* Phone 465-4611
Division: Division of Elections Date/Time 3/27/09, 8:41pm
Approved by: Linda Perez, Director Date 3/27/2009
Administrative Services

(Revised 9/10 2008 OMB)

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/31/09

State Affairs Committee considered SENATE BILL NO. 68

SB 68 FELONS' RIGHT TO VOTE

"An Act relating to the voting rights of felons."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DOC	3/27/09			✓	
OOG	3/27/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Meyer	X			
	Paskvan	X			
CHAIR: Lydia Menard	MENARD	X			

SB 69

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
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Session: (Jan. - May)
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Senator_Bettye_Davis@legis.state.ak.us
http://www.akdemocrats.org

Senator Bettye Davis

Date: 3/2/2009

To: Senator Linda Menard, Chair
Senate State Affairs

From: Senator Bettye Davis

RE: Request for Hearing -- SB 69 "An Act reestablishing the Alaska Commission on the Status of Women; and relating to the purpose and power of the Alaska Human Relations Commission"

This is a request that you schedule a hearing on SB 69 at the earliest possible date.

I have attached a copy of the bill, a sponsor statement, and a sectional analysis for your use. I appreciate your consideration.

Lynda Zaugg

Attachments:

1

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148

Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
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Senator_Bettye_Davis@legis.state.ak.us
http://www.akdemocrats.org

Senator Bettye Davis

SPONSOR STATEMENT FOR SB69

It is time to once again acknowledge the contributions of women across Alaska. It is time to re-establish the Commission on the Status of Women.

In 1976 the legislature established the first Commission on the Status of Women to address the unique needs of Alaska's women and children. The Commission was tasked with implementing the recommendations contained in the preliminary study on the status of women. The Commission was to improve the status of women in Alaska through research, making and implementing additional recommendations on the opportunities, needs, problems, and contributions of women. The improvements made by the commission of women were to include but not limited to the areas of education, homemaking, civil & legal rights, labor and employment. The Women's Commission was merged with Alaska Human Relations Commission in 1993.

Since that time the problems identified by the Commission on the Status of Women have continued to exist with minimal change. These problems continue to have negative impact on Alaskan women and their families. Women represent half of our state's

population as well as half of our ability. In order for us to continue to explore and develop our state to it's full potential we must improve the opportunities for all our citizens including women.

In Alaska, women in government still earn only ~~75%~~ 80 the income of men while in the private sector women earn ~~67%~~ 62.4 of men. Women and children continue to be the most common victims of domestic abuse. Women in Alaska lead the nation as victims of sexual assaults. We have a struggling foster child system. Our high school students, both male and female, drop out at alarming rates. We have one of the lowest percentages of students entering and completing higher education programs. We have a significant economic divide between our urban and rural communities which negatively impacts all of us. These are just a few of the issues facing women and children in our state that need to be addressed.

Reestablishing the Commission on the Status of Women is an excellent way to focus attention on the major issues that impact women and children across our state.

The purpose of the commission would be to improve the status of women by conducting research, as well as serve as a referral service for information and education to help women avail themselves of existing resources to meet their needs. Additionally the commission would make and implementing recommendations on the opportunities, needs, problems, and contributions of women in the areas of education, homemaking, civil and legal rights, and labor and employment.

Alaska with it's unique culture, history, and challenges combined with it's large size and small population, calls for innovative forward thinking to deal with many of the difficult issues facing Alaskan women and their families. The creation of a Commission on the Status of Women will once again focus the attention of Alaskan on these critical issues.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 2, 2009

SUBJECT: Sectional Summary of Senate Bill No. 69
(Work Order No. 26-LS0326/A)

TO: Senator Bettye Davis
Attn: Thomas Obermeyer

FROM: Alpheus Bullard
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds a new article to AS 44.19 (Office of the Governor).

Sec. 44.19.628. Establishes the Alaska Commission on the Status of Women (commission).

Sec. 44.19.629. Provides the terms of office and compensation for members of the commission.

Sec. 44.19.630. Relates to meetings of the commission.

Sec. 44.19.631. Establishes the powers and duties of the commission.

Section 2. Repeals the purpose and powers of the Alaska Human Relations Commission relating to women's issues.

Section 3. Provides that the terms of the first members of the commission will be set to achieve staggered terms.

ALB:lmb
09-010.lmb

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 69**
() Publish Date:

Identifier (file name): SB069-OOG-CSW-3-13-09
Dept. Affected: OOG
Title "An Act reestablishing the Alaska Commission on the Status of Women;..."
RDU Commissions & Special Offices
Component Commission on Status of Women
Sponsor Senators Davis, Ellis
Requester (S) State Affairs
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	264.1	264.1	272.3	280.4	289.3	297.5	307.5
Travel	22.2	22.2	22.2	22.2	22.2	22.2	22.2
Contractual	159.3	159.3	159.3	159.3	159.3	159.3	159.3
Supplies	7.2	7.2	6.8	6.8	6.8	6.8	6.8
Equipment	52.4	52.4					
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**505.2**	**505.2**	**460.6**	**468.7**	**477.6**	**485.8**	**495.8**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	505.2	505.2	460.6	468.7	477.6	485.8	495.8
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**505.2**	**505.2**	**460.6**	**468.7**	**477.6**	**485.8**	**495.8**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time	3	3	3	3	3	3	3
Part-time							
Temporary							

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

Analysis attached

Prepared by: Linda Perez, Administrative Director
Division Administrative Services
Phone 465-3876
Date/Time 3/13/09 1:30 PM
Approved by: Linda Perez, Administrative Director
Administrative Services
Date 3/13/2009

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB 69

ANALYSIS CONTINUATION

Fiscal note assumes:

3 Commission staff:
Program Manager Rg. 23
Research Analyst Rg. 18
Admin. Assist. Rg. 15

7 public members with geographic representation: 3 Anchorage/valley, 1 Juneau, 1 Nome, 1 Ketchikan, 1 Fairbanks

4 face-to-face meetings annually. Additional meetings as required via teleconference.

2 Anchorage meetings (one winter, one summer)
transportation: $2,015 x 2 = $4,030
lodging: $1,448 + $800 = $2,248
M&IE: $720 x 2 = $1,440

1 Juneau meeting (during legislative session)
tranportation: $3,623
lodging: $1,680
M&IE: $1,440

1 Fairbanks meeting (during summer)
transportation: $3,898
lodging: $2,400
M&IE: $1,440

All meetings assume full commission and 2 staff attendance, and further assumes 2 Executive Branch members travel costs paid by employing agencies.

Contractual includes core services charges, communications, advertising, printing, office space lease, and postage.

Initial equipment costs reflects set-up of office work stations, computers, phones, fax, copier, etc.

ALASKA WOMEN'S LOBBY

AWL Mission: To defend and advance the rights and needs of Women, Children and Families in Alaska

P.O. Box 20891
Juneau, Alaska 99802-0891
www.akwomenslobby.og

2009
AWL Steering Committee Members

Caren Robinson
Lobbyist

Geran Tarr,
Chair

Jayne Andreen

Nancy Courtney

Grace Danborn

Torie Foote

Cady Lister

Patricia Macklin

Rebecca Madison

Jorden Nigro

Taber Rehbaum

Nancy Scheetz-Freymiller

Libby Silberling

Rose Wysocki

Letter of Support
SB 69 Commission on the Status of Women

The Women's Lobby is a statewide group with steering committees in Fairbanks, Anchorage and Juneau whose mission is to defend and advance the rights and needs of women, children and families in Alaska. The Lobby fully supports SB 69. As Alaska celebrates 50 years of statehood, re-establishing a commission on the status of our women is a wise investment which can move us forward in the next 50 years.

During the twentieth century, women made significant economic, political and social advances, but we are far from enjoying gender equality. Throughout the United States, women earn less than men, are seriously under-represented in political office, and make up a disproportionate share of people in poverty. Even in areas where there have been significant advances in women's status, rates of progress are slow. For example, at the rate of progress achieved over the past ten years, women will not reach wage parity for more than 60 years. If women's representation in Congress changes at the rate it did during the 1990s, it will take more than a century to achieve equality in political representation.

To make significant progress toward gender equity policymakers, researchers and advocates need reliable data about women and the issues affecting their lives. Recognizing this, the first Alaska Women's Commission initiated a series of reports researching the status of women in the state. It was one of the most valuable things they did to advance solutions to the issues facing women.

Status of Women reports are needed today to inform citizens about the progress of women in Alaska relative to women in other states, to men and to the nation as a whole. Some of the goals of a women's commission could be to 1) analyze and disseminate information about women's progress in achieving rights and opportunities; 2) provide baseline measures to monitor women's progress in achieving equity and 3) most importantly to identify, measure and propose solutions to remaining equality barriers.

Women in Alaska, and the United States as a whole, are seeing important changes in their lives and in their access to political, economic and social rights, but we still have more to do. Alaskan women could benefit from stronger enforcement of equal opportunity laws, better political representation, adequate and affordable child care, stronger poverty reduction programs, and other policies to improve their status and a Women's Commission will provide focus and direction in achieving these goals. Please join us in supporting SB69.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/09

FURTHER: (Finance)

Date of 5-Day Notice: 3/12/09
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/19/09

State Affairs Committee considered SENATE BILL NO. 69

SB 69 COMMISSION ON THE STATUS OF WOMEN

"An Act An act reestablishing the Alaska Commission on the Status of Women; and relating to the purpose and powers of the Alaska Human Relations Commission."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** SB69 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Dates	Fiscal	Indet	Zero	FN#
GOV	3/13/09	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Frank	X			
	Meyer	X			
	PARKINSON	X			
CHAIR:	MENARD	X			

SB 72

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: 2/10/2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Hollis French HSF

RE: Request for Hearing -- SB 72 Child Safety Seats and Seat Belts

---

This is a request that you schedule a hearing on SB 72 "Child Safety Seats and Seat Belts" at the earliest possible date.

I have attached a copy of the bill, a sponsor statement, a fiscal note and some supporting materials for your use. I appreciate your consideration.

Attachments

2/17/09 - Andy Moderow, Sen. French's Office, called & said that he will request a blank CS from legal today to change the wording on bill to 20#s or over

Alaska State Legislature

Senator Hollis French

Sponsor Statement

SB 72 - Child Safety Seats and Seat Belts

Booster seats save lives. Of the 61 children under the age of eight injured in auto accidents in Alaska between 2001 and 2005, only five were considered properly restrained by federal standards. Nearly two thirds of those 61 children were between the ages of four to eight, making the injured too large for a car seat but too small for an adult seat belt.

Current Alaska law requires the use of proper safety devices for children under the age of 16 as approved by the US Department of Transportation. The National Highway Traffic Safety Administration recommends that children under 80 pounds and under 57'' use a child safety seat or a belt positioning booster seat. SB 72 puts USDOT National Highway Traffic Safety Administration (NHTSA) recommendations in statute, clarifying for law enforcement officials what devices are required for proper child restraint.

All safety devices, boosters and child seats must meet or exceed the standards set out by the United States Department of Transportation.

As of September 2008 43 other states mandate booster seat use. While any restraint is better than no restraint, national studies have shown booster seats to be sixty percent safer than seat belts alone when used by children of the correct height, weight and age. The rough cost of a booster seat ranges from $25 to $100, depending on the model. By passing this legislation, the state of Alaska will become eligible for close to $200,000 in federal highway safety funds.

Please join me in promoting passenger safety by supporting this legislation.

26-LS0376\R
Luckhaupt
2/18/09

CS FOR SENATE BILL NO. 72( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, Paskvan

A BILL

FOR AN ACT ENTITLED

"An Act relating to use of child safety seats and seat belts."

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

*** Section 1.** AS 28.05.095(b) is amended to read:

(b) Except as provided in (c) of this section, a driver may not transport a child under the age of 16 in a motor vehicle unless the driver has provided the required safety device and properly secured each child as described in this subsection. **A** [IF THE] child

(1) less than one year of age or a child one year of age or older who weighs less than 20 pounds shall be properly secured in a rear-facing child safety seat that meets or exceeds [IS LESS THAN FOUR YEARS OF AGE, THE CHILD SHALL BE PROPERLY SECURED IN A CHILD SAFETY DEVICE MEETING THE] standards of the United States Department of Transportation **and is used in accordance with the manufacturer's instructions;**

(2) one or more years of age but less than five years of age who weighs 20 pounds or more shall be properly secured in a child restraint device

that meets or exceeds the standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;

(3) over four years of age but less than eight years of age who is less than 57 inches in height and weighs 20 or more pounds but less than 80 pounds shall be properly secured in a booster seat that is secured by a seat belt system or by another child passenger restraint system that meets or exceeds the standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;

(4) over four years of age who exceeds the height and weight requirements in (3) of this subsection shall be properly secured in a seat belt;

(5) eight years of age [FOR A CHILD SAFETY DEVICE FOR INFANTS. IF THE CHILD IS FOUR] but **less than** [NOT YET] 16 years of age **who does not exceed the height and weight requirements in (3) of this subsection** [, THE CHILD] shall be properly secured in a child safety device approved for a child of that [AGE AND] size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

SENATE BILL NO. 72

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR FRENCH

Introduced: 1/21/09
Referred: Transportation, State Affairs

A BILL

FOR AN ACT ENTITLED

"An Act relating to use of child safety seats and seat belts."

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

*** Section 1.** AS 28.05.095(b) is amended to read:

(b) Except as provided in (c) of this section, a driver may not transport a child under the age of 16 in a motor vehicle unless the driver has provided the required safety device and properly secured each child as described in this subsection. **A** [IF THE] child

(1) less than one year of age or a child one year of age or older who weighs less than 20 pounds shall be properly secured in a rear-facing child safety seat that meets or exceeds [IS LESS THAN FOUR YEARS OF AGE, THE CHILD SHALL BE PROPERLY SECURED IN A CHILD SAFETY DEVICE MEETING THE] standards of the United States Department of Transportation **and is used in accordance with the manufacturer's instructions;**

(2) one or more years of age but less than five years of age who weighs over 20 pounds shall be properly secured in a child restraint device that

meets or exceeds the standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;

(3) over four years of age but less than eight years of age who is less than 57 inches in height and weighs 20 or more pounds but less than 80 pounds shall be properly secured in a booster seat that is secured by a seat belt system or by another child passenger restraint system that meets or exceeds the standards of the United States Department of Transportation and is used in accordance with the manufacturer's instructions;

(4) over four years of age who exceeds the height and weight requirements in (3) of this subsection shall be properly secured in a seat belt;

(5) eight years of age [FOR A CHILD SAFETY DEVICE FOR INFANTS. IF THE CHILD IS FOUR] but not yet 16 years of age **who does not exceed the height and weight requirements in (3) of this subsection** [, THE CHILD] shall be properly secured in a child safety device approved for a child of that [AGE AND] size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version:
() Publish Date:

Identifier (file name): SB72-DOT-PD-2-09-09
Dept. Affected: DOT&PF
Title: Child Safety Seats and Seat Belts
RDU: Planning
Component: Program Development
Sponsor: Sen. French
Requester: S TRA
Component Number: 2762

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Alaska would be eligible to apply for and receive new federal funds with the passage of SB 72A Alaska could apply for an estimated $194,235 in Federal FY09.

SECTION 2011 CHILD SAFETY AND BOOSTER SEAT INCENTIVE GRANTS provide funds to States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirement prescribed under section 3 of Anton's Law (49 USC 30127 note; 116 Stat.2772), for an appropriate child safety seat or booster seat. States become eligible for these funds when specific weight and height of children are included in statute.

Prepared by: Mary Siroky, Legislative Liaison
Phone 465-4772
Division: Department of Transportation and Public Facilities
Date/Time 2/09/09 10:00am
Approved by: Nancy Slagle, Admin Director
Date 2/9/2009
Department of Transportation and Public Facilities

(Revised 9/10/2008 OMB)

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB 72

ANALYSIS CONTINUATION

To qualify for a grant under this program, a State child restraint law must not leave any gaps in coverage for children under 8 years old (e.g., gaps between coverage by a child safety seat and a booster seat.)

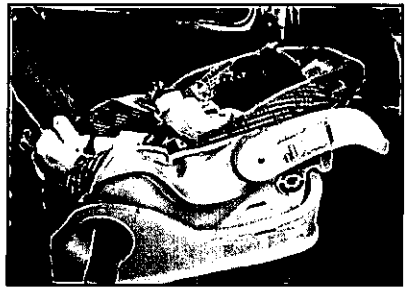
At this time, thirty nine other states mandate booster seat use. While any restraint is better than no restraint, national studies have shown booster seats are sixty percent safer than seat belts alone.

Current Alaska law requires the use of proper safety devices for children under the age of 16 as approved by the US Department of Transportation, but does include which safety device must be used based on a child's age, height and weight.

SB 72A puts USDOT National Highway Traffic Safety Administration (NHTSA) recommendations in statute, clarifying for law enforcement officials what devices are required for proper child restraint.

Up to 50 percent of the grant a State receives in a fiscal year may be used to fund programs for purchasing and distributing child safety seats and restraints to low income families. The remaining amounts shall be used to carry out child safety seat and child restraint programs, including: enforcement of child restraint laws; training of child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and child restraints; and educating the public concerning the proper use and installation of child safety seats and child restraints.

SB 72
Child Safety Seats and Seat Belts



1) A child under one year, or over one year but under 20 pounds shall be secured in a rear facing child safety seat



2) A child one to four years of age who is over 20 pounds shall be properly secured in a child restraint device.



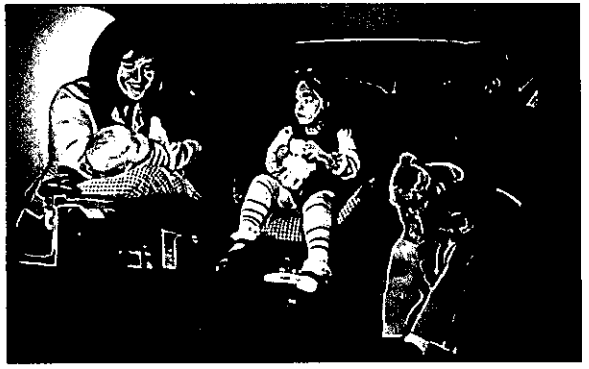
3) A child over four years, but under eight years who is less than 57 inches and under 80 pounds shall be secured in a booster type seat or another child passenger restraint system secured by a belt system.



4) A child over four years of age who exceeds the height and weight requirements of **3)** shall be secured in a seat belt.



5) A child between the ages of eight and sixteen who does not meet the height and weight requirements of **3)** shall be secured in a child safety device or a seat belt, whichever is appropriate.



AS 28.05.098 - A person may not sell, offer for sale, or install a child safety device that does not meet federal standards

Report from the Alaska Trauma Registry on Motor Vehicle Injuries to Children

A query of the Alaska Trauma Registry data for the most recent years available, 2001-2005, identifies 61 children, from birth through eight years of age, seriously injured in a motor vehicle crash on the highway. The National Highway Traffic Safety Administration recommends that children be restrained in a child safety seat or belt positioning booster seat up through age eight.

All of these injuries required admission to the hospital, three died, and one two-year-old's injuries resulted in quadriplegia. **Only five of the 61 injured children were recorded to have been restrained properly in the recommended child safety seat at the time of injury** – and none of the four mentioned above was properly restrained. There was one additional injury, not included in the 55, which involved a fetus who was subsequently delivered by C-section.

A further breakdown of age groups and safety equipment use is as follows:

< 1 year:	7 injured	3 restrained in child safety seats; **4 unrestrained**
1 year old:	4 injured	1 restrained in a child safety seat; **1 unrestrained**; 2 unrecorded
2 years old:	5 injured	2 in child safety seat (**1 child seat failed-was ejected**); **2 with safety belt/harness; 1 unrestrained**
3 years old:	6 injured	**1 lap belt only; 5 unrestrained**
4-8 years old:	39 injured	**15 with safety belt/harness; 9 lap belt only; 11 unrestrained**; 4 unrecorded

Total: 61

Clearly the incidence of not using restraints is very high among the injured population in this study. However, also remarkable, is the incidence of improper restraint, especially among children ages 4 through 8. Without belt positioning booster seats, this group is not adequately protected during a motor vehicle crash.

Tariq Ali & Martha Moore
Alaska Trauma Registry, Dept. of Health & Social Services (HSS)
Section of Injury Prevention & EMS (IPEMS)
Division of Public Health

Child restraint laws

January 2009

Overview | Safety belt use laws | Children not covered by safety belt or child restraint laws

	Who is covered?		
State	**Must be in child restraint**	**Adult safety belt permissible**	**Maximum fine 1st offense**
Alabama	younger than 1 or less than 20 pounds in a rear-facing infant seat; 1 through 4 years or 20-40 pounds in a forward-facing child safety seat; 5 but not yet 6 in a booster seat.	6 through 14 years	$25[1]
	law states no preference for rear seat		
Alaska	3 years and younger	4 through 15 years	$50[1]
	law states no preference for rear seat		
Arizona	4 years and younger	not permissible	$50
	law states no preference for rear seat		
Arkansas	5 years and younger and less than 60 pounds	6 through 14 years or 60+ pounds	$100
	law states no preference for rear seat		
California	5 years and younger or less than 60 pounds[2]	6 through 15 years or 60+ pounds	$100[1]
	children 5 years and younger or less than 60 pounds must be in the rear seat[2]		
Colorado	younger than 1 year and less than 20 pounds in a rear-facing infant seat; 1 through 3 years and 20-40 pounds in a forward-facing child safety seat; 4 through 5 years and less than 55 inches in a booster seat[3]	6 through 15 years or 55 inches or more	$50
	law states no preference for rear seat		
Connecticut	younger than 1 year or less than 20 pounds in a rear-facing restraint system; 1 through 6 years who is less than 60 pounds in a child restraint system (booster seats may only be used in a seating position with a lap and shoulder belt)	7 through 15 years and 60+ pounds[4]	$60[4]
	law states no preference for rear seat		
Delaware	7 years and younger and less than 66 pounds[5]	8 through 15 years or 66+ pounds[5]	$25
	children 11 years and younger and 65 inches or less must be in rear seat if passenger airbag is active[5]		
District of Columbia	7 years and younger	8 through 15 years	$75[1]
	law states no preference for rear seat		
Florida	3 years and younger	4 through 5 years	$60[1]
	law states no preference for rear seat		
Georgia	5 years and younger and 57 inches or less[6]	more than 57 inches	$50[1]
	5 years and younger must be in rear seat if available[6]		
Hawaii	3 years and younger in a child safety seat; 4 years through 7 years must be in a booster seat or child restraint	4 through 7 years who are taller than 4'9"; 4 through 7 years who are at least 40 pounds seated in a rear seat where if there are no available lap/shoulder belts, may be restrained by a lap belt	$100[7]

	law states no preference for rear seat		
Idaho	6 years and younger	not permissible	$100
	law states no preference for rear seat		
Illinois	7 years and younger	8 through 15 years; children who weigh more than 40 pounds seated in the rear where only a lap belt is available	$50
	law states no preference for rear seat		
Indiana	7 years and younger when driver holds an Indiana license[8]	8 through 15 years	$25[1]
	law states no preference for rear seat		
Iowa	younger than 1 year and less than 20 pounds in a rear-facing child seat; 1 through 5 years	6 through 10 years	$25
	law states no preference for rear seat		
Kansas	all children 3 and younger must be in a child restraint; children 4 through 7 who weigh less than 80 pounds and children 4 through 7 who are less than 57 inches tall must be in a child restraint or booster seat	all children 8 through 13 years; children 4 through 7 years who weigh more than 80 pounds, and children 4 through 7 years who are taller than 57 inches	$60
	law states no preference for rear seat		
Kentucky	40 inches or less in a child restraint; 6 and younger who are between 40 and 50 inches tall in a booster seat	6 and younger who are taller than 50 inches	$50 child restraint; $30 booster seat
	law states no preference for rear seat		
Louisiana	younger than 1 year or less than 20 pounds in a child safety seat; 1 through 3 years or 20-39 pounds in a forward-facing child safety seat; 4 through 5 years or 40-60 pounds in a child booster seat	6 through 12 years or greater than 60 pounds	$100
	law states no preference for rear seat		
Maine	less than 40 pounds in a child safety seat; 40-80 pounds and less than 8 years in a safety system that elevates the child so that an adult seat belt fits properly	8 through 17 years or less than 18 years and more than 4'9"	$50
	11 years and younger and less than 100 pounds must be in rear seat if available		
Maryland	7 years and younger and either less than 57 inches or 65 pounds or less	8 through 15 years; children who are at least 57 inches or 65 pounds	$25
	law states no preference for rear seat		
Massachusetts	7 years and younger and less than 57 inches	8 through 12 years; children who are at least 57 inches tall	$25
	law states no preference for rear seat		
Michigan	7 years and younger and less than 57 inches	8 through 15 years; children who are at least 57 inches tall	$10
	law states no preference for rear seat		
Minnesota	3 years and younger	not permissible	$50
	law states no preference for rear seat		
Mississippi	3 years and younger must be in a child restraint; 4 through 6 years and either less than 57 inches or less than 65 pounds must be in a booster seat	6 years and younger who either weigh 65 pounds or more or who are 57 inches or taller	$25
	law states no preference for rear seat		

Missouri	3 years and younger must be in a child restraint; all children who weigh less than 40 pounds must be in a CR; 4 through 7 years who weigh at least 40 pounds but less than 80 pounds and who are 4'9" or shorter must be in either a CR or booster seat; children 4 years and older who weigh at least 80 pounds or who are at least 4'9" tall must be in either a booster seat or safety belt	all children 8 through 16 years; all children 4 years and older who weigh 80 pounds or more or who are taller than 4'9"	$50; $10 for violations involving children taller than 4'9" or who weigh 80 pounds or more
	law states no preference for rear seat		
Montana	5 years and and younger and less than 60 pounds	not permissible	$100
	law states no preference for rear seat		
Nebraska	5 years and younger	6 through 17 years[9]	$25[1]
	law states no preference for rear seat		
Nevada	5 years and younger and 60 pounds or less	not permissible	$500[10]
	law states no preference for rear seat		
New Hampshire	5 years and younger who are less than 55 inches	6 through 17 years; younger than 6 who are at least 55 inches tall	$25
	law states no preference for rear seat		
New Jersey	7 years and younger and less than 80 pounds	not permissible	$25
	children 7 years and younger and less than 80 pounds must be in the rear seat if available		
New Mexico	younger than 1 year in a rear-facing infant seat; 1 through 4 years or less than 40 pounds in a child safety seat; 5 through 6 or less than 60 pounds in a booster seat	7 through 17 years	$25
	children younger than 1 year in a rear-facing infant seat must be in the rear seat if available		
New York	3 and younger unless they weigh more than 40 pounds and are seated where there is no available lap/shoulder belt; 4 through 6 years unless they are seated where there is no available lap/shoulder belt	7 through 15 years; children who weigh more than 40 pounds or children 4 through 6 years in a seating position where there is no available lap/shoulder belt	$100[1]
	law states no preference for rear seat		
North Carolina	7 years and younger and less than 80 pounds	8 through 15 years + children 40-80 pounds in seats without shoulder belts	$25[1]
	children 4 years and younger who weigh less than 40 pounds must be in the rear seat unless the front passenger airbag is deactivated or the restraint is designed for use with airbags		
North Dakota	6 years and younger and less than 57 inches or less than 80 pounds	7 through 17 years; 6 years and younger and at least 57 inches tall and at least 80 pounds; 6 years and younger and at least 40 pounds, if there are no available lap/shoulder belts, may be restrained by a lap belt	$25[1]
	law states no preference for rear seat		
Ohio	3 years and younger or less than 40 pounds in child restraint; 4 through 7 years who weigh 40 pounds or more and who are shorter than 57 inches in booster seat (effective 10/07/09)	8 through 14 years[11] (effective 10/07/09)	$75[11] (effective 10/07/09)
	law states no preference for rear seat		
Oklahoma	5 years and younger[12]	6 through 12 years	$25
	law states no preference for rear seat		

Oregon	younger than 1 year or 20 pounds or less must be in a rear facing child safety seat; 40 pounds or less must be in a child safety seat; more than 40 pounds but 4 feet and 9 inches or less must be in a safety system that elevates the child so that an adult seat belt fits properly	taller than 4 feet and 9 inches	$90
	law states no preference for rear seat		
Pennsylvania	7 years and younger[13]	not permissible	$100
	law states no preference for rear seat		
Rhode Island	6 years and younger and less than 54 inches and less than 80 pounds	6 years and younger who either weigh 80 pounds or more or who are at least 54 inches tall; 7 through 17	$75
	children 6 years and younger must be in rear seat if available		
South Carolina	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 1 through 5 years and 20-39 pounds in a forward-facing child safety seat; 1 through 5 years and 40-80 pounds in a booster seat secured by lap-shoulder belt (lap belt alone is impermissible)	1 through 5 years and 80+ pounds or any child 5 years and younger if the child's knees bend over the seat edge when sitting up straight with his/her back firmly against the seat back	$150
	children 5 years and younger must be in rear seat if available		
South Dakota	4 years and younger and less than 40 pounds	5 through 17 years; all children 40+ pounds, regardless of age	$20
	law states no preference for rear seat		
Tennessee	younger than 1 year or 20 pounds or less in a rear-facing infant seat; 1 through 3 years and 20+ pounds in a forward-facing infant seat; 4 through 8 years and less than 4'9" in a booster seat	9 through 15 years or any child 12 or younger who is 4'9" or taller	$50
	children 8 years and younger and less than 4'9" must be in rear seat if available; rear seat recommended for children 9 through 12		
Texas	4 years and younger and less than 36 inches	not permissible	$200
	law states no preference for rear seat		
Utah	7 years and younger and shorter than 57 inches	8 through 15 years; all children 57 inches or taller	$45
	law states no preference for rear seat		
Vermont	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 2 through 7 and more than 20 pounds	8 through 15 years and more than 20 pounds	$25
	children 1 year and younger or less than 20 pounds must be in the rear seat unless the front passenger airbag is deactivated		
Virginia	7 years and younger unless they have a physician exemption[14]	8-15 years[14]	$50
	children in rear-facing devices must be in a rear seat if available; if not available, they may be placed in front only if front passenger airbag is deactivated[14]		
Washington	7 years and younger and less than 4'9"	8 through 15; 7 years and younger and 4'9" or taller; children who weigh more than 40 pounds in a seating position where there is only a lap belt available	$124
	12 years and younger must be in rear seat if practical		
West Virginia	7 years and younger and less than 4'9"	7 years and younger and 4'9" or taller	$20
	law states no preference for rear seat		

Wisconsin	children younger than 1 and all children who weigh less than 20 pounds are required to be in a rear-facing infant seat; children 1 through 3 years who weigh at least 20 pounds but less than 40 pounds are required to be in a forward-facing child safety seat; children 4 through 7 who both weigh at least 40 pounds but less than 80 pounds and who are less than 57 inches tall are required to be in a booster seat	8 years and younger and more than 80 pounds and 57 inches or taller	$75
	children 3 and younger must be in a rear seat, if available		
Wyoming	8 years and younger	not permissible	$50
	children 8 years and younger must be in the rear seat if available		

[1]This state assesses points for violations.

[2]In California, children weighing more than 40 pounds may be belted without a booster seat if they are seated in the rear seat of a vehicle not equipped with lap/shoulder belts. The California rear seat requirement does not apply if: there is no rear seat; the rear seats are side-facing jump seats; the rear seats are rear-facing seats; the child passenger restraint system cannot be installed properly in the rear seat; all rear seats are already occupied by children under 12 years; or medical reasons necessitate that the child not ride in the rear seat. A child may not ride in the front seat of a motor vehicle with an active pasenger airbag if the child is under 1 year of age, or weighs less than 20 pounds or is riding in a rear-facing child restraint system.

[3]In Colorado, if a child 4-5 years and less than 55 inches is being transported in a vehicle equipped with a lap belt only, then the child must be restrained with the lap belt. The law is secondary for children ages 4-5 years who must be in booster seats.

[4]The fine in Connecticut is $15 if the child is 4-16 years and 40 pounds or more. Connecticut also requires a mandatory child restraint education program for first or second violation.

[5]In Delaware, children younger than 12 years/65 inches or less must be restrained in a rear seat if a vehicle has a passenger airbag unless the airbag has been either deactivated or designed to accommodate smaller people. Exceptions: no rear seat or rear seat occupied by other children younger than 12 years/65 inches or less.

[6]In Georgia, children weighing more than 40 pounds are permitted to be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.

[7]Hawaii drivers are charged $50 for a mandatory child restraint education program and a $10 surcharge deposited into a neurotrauma special fund.

[8]In Indiana, children younger than 8 years must be restrained in adult belts if it's reasonably determined they cannot fit in child restraints. If the driver does not hold an Indiana driver's license, then children under 16 must be restrained by either a child restraint or a safety belt. Children weighing more than 40 pounds are permitted to be restrained by a lap belt if the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts other than those in the front seat are being used to restrain other children who are younger than 16.

[9]Nebraska's law is secondary for those children who may be in safety belts and standard for those who must be in a child restraint device.

[10]In Nevada, the minimum fine is $100. An alternative to the fine is at least 10 but not more than 50 hours of community service.

[11]In Ohio, the law is secondary for children 4 through 14 years.

[12]In Oklahoma, children weighing more than 40 pounds are permitted to be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.

[13]In Pennsylvania, the law is secondary for children ages 4 through 7 years who must be in booster seats.

[14]In Virginia, children at least 4 years but less than 8 years may be belted if any licensed physician determines that use of a child restraint system by a particular child would be impractical by reason of the child's weight, physical fitness, or other medical reason, provided that any person transporting a child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds for the determination.

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1005 N. Glebe Road, Suite 800, Arlington, VA 22201 USA | tel 703/247-1500 | fax 703/247-1588



February 4, 2009

The Honorable Senator Hollis French and Members of the State of Alaska Legislature

Dear Senator French and Member of the Alaska Legislature,

On behalf of Safe Kids Alaska, I urge you to support Senate Bill 72, the proposed upgrade to Alaska's child passenger safety law. I strongly urge you to approve this legislation in its entirety during the current legislative session.

As you may know, motor vehicle crashes remain the leading cause of unintentional injury-related death among children ages 14 and under. Each year, nearly 1,600 child occupants ages 14 and under die in motor vehicle crashes and close to 228,000 are injured as occupants in motor vehicles. Unrestrained children are more likely to be injured, to suffer more severe injuries, and to die in motor vehicle crashes than children who are restrained.

We know that strong occupant protection laws that are consistently enforced are one of the best ways to prevent injuries and save children's lives. Senate Bill 72, if enacted into law, would close a significant gap in Alaska's child occupant protection law by clearly requiring some older children to ride properly restrained in a booster seat or high-weight-harness child restraint, secured by the motor vehicle's safety belt system.

If Safe Kids Alaska can be of any assistance to you regarding Senate Bill 72, please do not hesitate to contact me. Thank you for your leadership on this important safety initiative for Alaska's children!

Sincerely,

Sara L. Penisten, RN, BSNS, CPSTI
Safe Kids Alaska State Coalition Coordinator
Child Passenger Safety Technician Instructor
The Children's Hospital at Providence
Telephone: (907) 261-3194
Email: safekidsak@providence.org

Alaska State Legislature January 31, 2009

Support Letter: SB 72: Child Safety Seats and Seat Belts

As a private citizen, I support clarification of the current Alaska Child Passenger Safety Law by re-writing, in terms more easily understood, the recommendations of the Departments of Transportation and NHTSA. The reference for parents to look and follow DOT recommendations was always the goal of the original 1985 law.

Correct positioning of children riding in cars and booster seats DO save lives and DO prevent life long injuries. We have discovered since the writing the original law, through the advancement of technology, of on-scene crash investigations, hands-on emergency trauma treatment, through pediatric intensive care, and months, if not years, of rehabilitation due to the serious consequences of non-use and misuse of child restraints, how current law has been the misinterpreted.

I have been an emergency department registered nurse in three major western trauma centers during my 42 professional years. The last 22 of those years, I worked in the largest emergency department in an Anchorage, Alaska and coordinated a statewide, national injury prevention program for children.
Currently, in "retirement", I serve as the Chair of the Alaska Committee for Child Passenger Safety (CPS) and am a nationally certified CPS Instructor.

Beginning in 1987 in Alaska, CPS technicians and instructors began "checking" car seats, educating parents and caregivers how to choose and correctly install seats. Annual evaluation of thousands of car seat "check" records, indicated an 85% misuse rate in the most commonly used seats, with three or more critical errors. We also continued to find, through the years, parents and caregivers misunderstood the Alaska Child Passenger Safety Law. Most, when questioned, said the law allowed children to turn forward facing BEFORE one year of age and children could MOVE to a "safety belt" at age 4.

Due to muscle instability and bone growth, children MUST remain rear facing until they are at the very least one-year of age and 20 pounds. The American Academy of Pediatrics recommends, baring any medical conditions, children remain rear facing for even longer depending on the range of the car seat. Car seat belts (lap only and lap-shoulder) were designed by all car manufacturers for individuals over 4 foot 9 inches and heavier than originally indicated, fitting over the upper thighs, across the chest, with knees bent at seat edge, feet touching the floor, holding an individual safely in the restraint.

It is past time to join the majority of states and update Alaska's Child Passenger Safety Law. We have the knowledge and the data indicating children are at risk if not secured properly and secured in booster seats for a longer period than previously indicated. Parents look to our current law for guidance and have been confused, putting children at risk.

There is nothing quite so tragic as the loss of a child due to preventable injuries.

Thank you for your consideration: Margaret (Peggy) Hayashi, R.N.

75 Years of Caring 1930-2005

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™

Alaska Chapter

Alaska Chapter Executive Committee

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www.aap.org

January 26, 2009

Jon Cook
PO Box 71577
Fairbanks, AK 99707

Dear Mr.Cook,

On behalf of the Alaska Chapter AAP I would like to lend our chapter's support for SB 72 that will update and modernize our Child Safety Seat laws to include the use of booster seats, and to spell out safe practices of child restraint devices that are appropriate for infants and children of all ages.

Seat belts are made for adults. Children should stay in a booster seat until adult seat belts fit correctly, usually when the child reaches 4' 9" in height and is between 8 and 12 years of age. The Alaska Chapter AAP recommends that state child safety seat laws are brought up to this standard.

Results from the 2007 National Survey of the Use of Booster Seats conducted by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration reveals alarmingly that booster seat use rates for children ages 6 and 7 dropped from 36 percent in 2006 to 25 percent in 2007. The study concludes that there is premature graduation of children from birth to age 12 to restraint types that are inappropriate for their height or weight.

SB 72 would help to alleviate confusion among parents and caregivers as to which safety devices are appropriate for their children. Alaska's pediatricians are happy to do their part by counseling parents during doctors' visits on how to keep their children safe while riding in vehicles.

Sincerely,

Jodyne L. Butto, MD, FAAP
President

Alaska Auto Dealer's Association
P.O. Box 71577
Fairbanks, Alaska 99707

February 4, 2009

Re: SB 72

To All Members of the House and Senate:

The Alaska Auto Dealers Association Board of Directors passed a unanimous resolution in support of SB 72 and we urge you to support this worthy bill. The same bill was introduced as SB 218 during the last session. The bill was unanimously supported in all committees and in the Senate. Unfortunately, time ran out before the bill could be heard on the House floor. SB 72 bill, if passed, will help protect young children by updating the current infant and booster seat law which has become outdated.

For example, the current law gives the parent the option of placing a small four year old in a booster seat or utilizing a seat belt. Vehicle safety systems have advanced dramatically since the current law was written with a variety of active and passive safety devices being added to vehicles. Front, side and curtain airbags, which have tremendous explosive force if triggered, are just one example of safety devices that weren't in existence when the current law was written.

As automobile dealers, we can assure you that no vehicle manufacturer recommends placing a small four year old in a seat belt only. Doing so could result in serious injury or death to the child.

Nearly forty two states have updated their infant and booster seat laws along the lines proposed. By adopting new legislation, the State will be eligible for grant monies which could be used for a safety campaign. Most importantly, however, updating our law will insure that children are better protected on Alaska's roads. We urge and appreciate your support of SB 72.

Sincerely,

Jon Cook
Legislative Director



Jill Hodges
Alaska Brain Injury Network
3745 Community Park Loop #140
Anchorage, Alaska 99501
February 10, 2009

Senator Hollis French
Alaska State Legislature
Capitol Building
Juneau, Alaska

Dear The Honorable Hollis French:

Thank you for your continued concern for safety for Alaskans, as well as prevention of injury and death. SB 72 –Child Safety Seats and Seat Belts will help prevent death as well as traumatic brain injury in children.

The Alaska Brain Injury Network is a non-profit 501 (c) 3 whose mission is to educate, plan, coordinate, and advocate for a comprehensive service delivery system for survivors of traumatic brain injury and their families. Our vision begins with prevention.

There are 800 Alaskans each year hospitalized for more than 24 hours with a moderate to severe traumatic brain injury (Alaska Trauma Registry). Motor vehicle crashes are one of the leading causes of traumatic brain injury in Alaska. The Alaska Brain Injury Network, "10 Year Plan for TBI in Alaska" highlights Prevention, Advocacy, and Public Awareness on pages 49-57 (http://www.alaskabraininjury.org/documents_akbrain/10%20Year%20TBI%20Plan.pdf) with a specific objective "to prevent TBI in child occupants of motor vehicle crashes through correct booster seat use." (attachment).

Centers for Disease Control and Prevention highlights traumatic brain injury as the 'silent epidemic' and a public health issue. There are many causes of traumatic brain injury and preventative factors are specific to each cause. The CDC recommends wearing a seatbelt every time you drive and buckling children in the car using a child safety seat, booster seat, or seat belt (according to the child's height, weight, and age) (http://www.cdc.gov/ncipc/tbi/Prevention.htm).

In 2003, the Alaska Legislature passed legislation for a primary seatbelt law. The TBI rate due to motor vehicle crashes on the highway has decreased 38% from 2001 to 2005

(attachment). The Alaska Brain Injury Network will continue to study the TBI data to see if TBI-disability among children due to motor vehicle crashes decreases.

Thank you for your concern and your untiring pursuit of keeping Alaskans safe. You have our support.

Sincerely,

Jill Hodges

ATTACHMENT 1:

(Alaska Brain Injury Network "10 year plan for TBI in Alaska p. 55
http://www.alaskabraininjury.org/documents_akbrain/10%20Year%20TBI%20Plan.pdf)

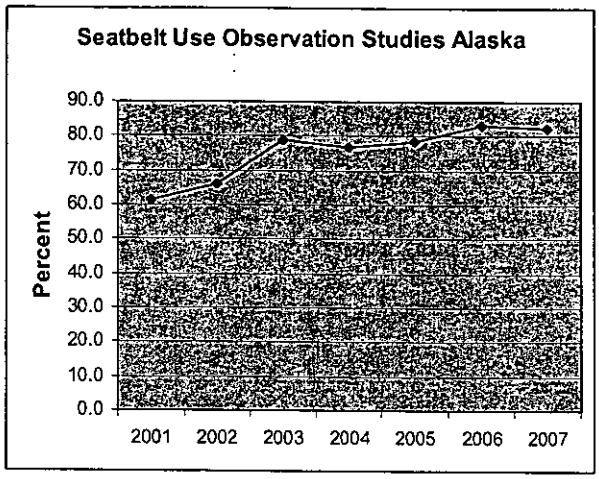
Goal 2: Reduce the incidence of TBI-related disability

Objectives
A. To prevent TBI in child occupants of motor vehicle crashes through correct booster seat use.
B. To prevent TBI in young Alaskans in off-road vehicle and bicycle crashes through helmet use.
C. To reduce risky behaviors among teens.
D. To prevent TBI in elders due to falls through awareness and training of long-term care, community service providers and other caretakers.
E. To prevent repetitive injuries by educating individuals with TBI, family members and others about the risk of second and third injuries.
F. To promote collaboration among prevention agencies and organizations to include TBI in the prevention message (in addition to fatalities).
G. To reduce TBI among elders due to falls.

ATTACHMENT 2:

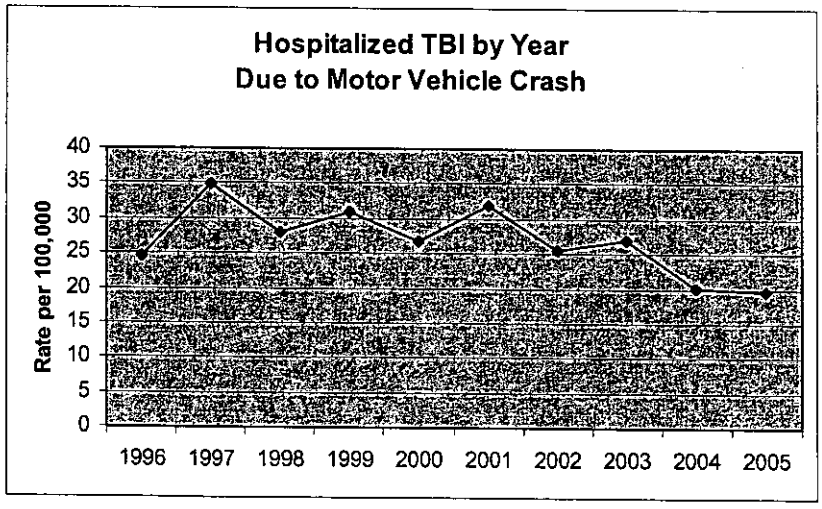
Primary Enforcement Seatbelt Law

On May 1, 2003 Alaska passed a law to change their seat belt law from secondary enforcement to primary enforcement state, ie. a vehicle can be stopped solely for seat belt non-use by an occupant. A study of Alaska has seen a steady increase in seatbelt use in the last decade. In 2007 the percent use as seen in the annual observations study was 82.4%. The national rate is 82%. The NHTSA goal is 95% use.



Source: Alaska Highway Safety Office

States with primary seat belt laws on average had seat belt use rates about 10 percentage points higher than States without primary laws in 2005. Wearing a seat belt is the best defense for an occupant in a motor vehicle crash and the single most effective measure to prevent serious traumatic brain injury. 56% of Alaskans with TBI resulting from a motor vehicle crash on the highway were not wearing seat belts. If every state with a secondary seat belt law upgraded to primary enforcement, about 1,000 lives and $4 billion in crash costs could be saved each year.





State Of Alaska
Legislative Affairs Agency
Kenai LIO
145 Main St Lp,Ste 217
Kenai, AK 99611
907-283-2030

Date:____021909_____

Please accept the enclosed original(s) of written testimony for the ____STA_____ teleconference hearing that was scheduled on __021909_____.

A copy of this testimony was transmitted to your committee via fax on _____021909_____.

Thank You,

_____Kenai LIO_____

Safe Kids
Kenai Peninsula

central peninsula hospital

February 18, 2009

To: Senate State Affairs

Please support SB 72.

This bill will clarify that Alaska has booster seat legislation in line with National Highway Transportation Safety Administration (NHTSA) recommendations. The legislation will make it clear that children need to be in booster seats until at least 4' 9" and less than 80 pounds. It will assist in getting children into booster seats that are currently only using vehicle belts. Vehicle belts do not fit or secure small children properly leaving then at high risk for injury and death during a crash. The legislation will also qualify AHSO for federal funding to assist in education and car seat programs for our Alaskan parents/caregivers. This legislation will save children's lives.

Thank you very much.

Yours truly,

Jane B. Fellman RN/Coordinator
Safe Kids Kenai Peninsula

250 Hospital Place, Soldotna AK 99669
907-714-4539 / fax 907-714-4696
www.cpgh.org / email safekids@cpgh.org

SENATE COMMITTEE REPORT

DATE: 2/11/09

FURTHER: Rules

DATE TURNED IN TO OFFICE: 2/18/09

State Affairs Committee considered SENATE BILL NO. 72

SB 72 CHILD SAFETY SEATS & SEAT BELTS

"An Act relating to use of child safety seats and seat belts."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 72 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[✓] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
L				✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DOT/PF	2/11			✓	

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	—			
	PASKVAN	X			
	Kookan	X			
CHAIR:	MENARD	✓			

SB 77

ALASKA STATE LEGISLATURE

Co-chair, Joint Armed Services Committee
•
Co-chair, Resources Committee
•
Vice Chair, Judiciary Committee
•
World Trade Committee

State Capitol, Rm. 115
Juneau, AK 99801
(907) 465-2435
Fax: (907) 465-6615

716 W. 4th Ave, Ste. 440
Anchorage, AK 99501
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Fax: (907) 269-6122

SENATOR BILL WIELECHOWSKI

Sponsor Statement: SB 77

SB 77 reauthorizes and makes permanent the legislature's Joint Armed Services Committee and its Homeland Security and Emergency Management Subcommittee.

The Joint Armed Services Committee was established by the Alaska State Legislature on July 1, 1999. This committee is responsible for influencing federal decisions regarding expansion and closure of military bases in Alaska, increasing military training in Alaska and advocating for the stationing of forces in the state. The committee's Homeland Security and Emergency Management Subcommittee helps to ensure Alaska is prepared to respond promptly to matters concerning homeland security, civil defense, emergencies and disasters.

The committee is composed of five members of the Senate, five members of the House, and six state residents recommended by the Army, Air Force, Navy, Marines, Coast Guard, Department of Military and Veterans Affairs, Alaska Federation of Natives, Alaska Municipal League and the municipalities of Anchorage and Fairbanks. One of the committee's current projects is to host a ceremony to honor Alaskans who have lost their lives in combat since statehood. This important ceremony will take this coming May in Anchorage.

Unfortunately on January 1, 2009, the committee's statutory authorization expired. Immediate passage of this bill is necessary to reauthorize the committee and enable it to continue its activities.

26-LS0373\E
Cook
1/26/09

CS FOR SENATE BILL NO. 77( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR WIELECHOWSKI

A BILL

FOR AN ACT ENTITLED

"An Act relating to the Joint Armed Services Committee; and providing for an effective date."

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

*** Section 1.** Sections 3 and 4, ch. 6, SLA 1999, are repealed.

*** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY AND REVIVAL. Under AS 01.10.090 and 01.10.100(c), the repeals made in this Act are retroactive to January 1, 2009, and revive AS 24.20.650, 24.20.655, 24.20.660, 24.20.665, 24.20.670, and 24.20.675, and sec. 1, ch. 6, SLA 1999.

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

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR WIELECHOWSKI

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

"An Act relating to the Joint Armed Services Committee and its Homeland Security and Emergency Management Subcommittee; and providing for an effective date."

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

*** Section 1.** Sections 3 and 4, ch. 6, SLA 1999, and sec. 23, ch. 179, SLA 2004, are repealed.

*** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY AND REVIVAL. Under AS 01.10.090 and 01.10.100(c), the repeals made in this Act are retroactive to January 1, 2009, and revive AS 24.20.650, 24.20.655, 24.20.660, 24.20.665, 24.20.670, 24.20.675, 24.20.680, and sec. 1, ch. 6, SLA 1999.

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

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB 77
Bill Version:
() Publish Date:

Identifier (file name): SB77-LEG-COU-1-23-09
Title
Sponsor Senator Wielechowski
Requester Senate State Affairs

Dept. Affected: Legislature
RDU Legislative Council
Component Council and Subcommittees
Component Number 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual	0.0	81.5	81.5	81.5	81.5	81.5	81.5
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**81.5**	**81.5**	**81.5**	**81.5**	**81.5**	**81.5**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	0.0	81.5	81.5	81.5	81.5	81.5	81.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**81.5**	**81.5**	**81.5**	**81.5**	**81.5**	**81.5**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
Funding for the Joint Armed Services Committee is included in the Legislative Affairs Agency FY10 Budget Request. If this bill passes, funding for this Committee will be included in future budget requests. This legislation has zero fiscal impact on the Legislative Affairs Agency Budget.

Prepared by: Karla Schofield, Deputy Director
Division Legislative Affairs Agency
Phone 465-6626
Date/Time 1/23/09 3:13 PM

Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency
Date 1/23/2009

(Revised 9/10/2008 OMB)

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/22/09

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 1/27/09

State Affairs Committee considered SENATE BILL NO. 77

SB 77 EXTEND JOINT ARMED SERVICES COMMITTEE

"An Act relating to the Joint Armed Services Committee and its Homeland Security and Emergency Management Subcommittee; and providing for an effective date."

and recommends:

[√] be **replaced** with [ ] **SCS** or [√] **CS** SB 77 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[√] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
LAA	1/23/09	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
Albert Kookesh	Kookesh	✓			
Joe Paskvan	PASKVAN	✓			
CHAIR: Lyda Menard	Menard	✓			

SENATOR FRED DYSON

MEMORANDUM

March 2, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Fred Dyson

Subject: Request Hearing on SB 78, Audit Powers

Please schedule Senate Bill 78 for hearing in the Senate State Affairs Committee. Forwarded herewith is a copy of the bill and the accompanying sponsor statement.

I ask that you schedule a hearing at your earliest convenience after I return from Energy Council, and pass this bill along to the next committee of referral.

Contact Information:
Lucky Shultz x-6580

Enclosure: SB 78 support package

During Session (January-May): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 FAX
During Interim (June-December): 10928 Eagle River Road • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 FAX
Senator.Fred.Dyson@Legis.state.ak.us • www.akrepublicans.org

SENATOR FRED DYSON

Sponsor Statement for SB 78

"An Act relating to the powers and duties of the legislative audit division"

March 2, 2009
Contact: Lucky Shultz at Senator Fred Dyson's office (907) 465-2199

This bill clarifies the scope and authority of the Legislative Audit Division. The director of Legislative Audit contends that the division's audit authority is limited to state organizations. Some legislators contend, however, that the Legislative Audit Division also has (and should have) limited authority to audit any organization or function that receives or utilizes state funds or public funds that are administered by state departments.

The Legislature has, in the past, requested the division to conduct audits as a result of allegations that non-profit organizations were disbursing grant funds inappropriately, such as "steering grants" to family members, for example. At other times, the Legislature requested audits because of allegations that grantees failed to follow state policy. Because state law is not clear in this are, the director of the Legislative Audit Division has expressed concerns regarding the authority to conduct such audits, particularly of non-state organizations.

Passage of SB 78 will make it clear that the Legislature has the power to direct the Legislative Audit Division to audit a state agency or a grantee's use of state funds, and that the division has the authority, when requested by the Legislature, to conduct such audits.

During Session (January-May): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 FAX
During Interim (June-December): 10928 Eagle River Road • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 FAX
Senator.Fred.Dyson@Legis.state.ak.us • www.akrepublicans.org

26-LS0194\S
Bannister
3/18/09

CS FOR SENATE BILL NO. 78( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DYSON

A BILL

FOR AN ACT ENTITLED

"An Act relating to the powers and duties of the legislative audit division."

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

* **Section 1.** AS 24.20.271 is amended to read:

Sec. 24.20.271. Powers [AND DUTIES]. The legislative audit division [SHALL]

(1) **shall** conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and make the audit, together with a written report, available to the legislature not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions, or agency programs whose activities are subject to termination as prescribed in AS 44.66; the division shall notify the legislature that the audit and report are available;

(2) **shall** audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) **shall,** at the direction of the Legislative Budget and Audit Committee, conduct performance post-audits on any agency of state government;

(4) **shall** cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) **shall** require the assistance and cooperation of all state officials and other state employees in the inspection, examination, and audit of state agency books and accounts;

(6) **shall** have access at all times to the books, accounts, reports, or other records, whether confidential or not, of every state agency;

(7) **shall** ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division;

(8) **shall** complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee;

(9) **shall** have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency;

(10) **shall** conduct an audit every two years of information found in the annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) - (e) and of the timeline extensions made by the commission under AS 42.05.175(f), and of other performance measures adopted by the commission;

(11) may perform an audit of the money received by an organization from or through the state when the performance of the audit is approved by the Legislative Budget and Audit Committee; the audit is limited to the financial records of the organization.

26-LS0194\A.1
Bannister
3/13/09

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR MEYER

TO: SB 78

Page 1, line 4:

Delete "**[AND DUTIES]**"

Insert "**and duties**"

Page 1, lines 4 - 5:

Delete "**may** [SHALL]"

Insert "shall"

SB 78

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 18, 2009

SUBJECT: CSSB 78(STA) relating to the powers and duties of the legislative audit division (Work Order No. 26-LS0194\E)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee
Attn: Debbye Prator

FROM: Theresa Bannister
Legislative Counsel

This memo accompanies the amendment described above.

Right to privacy. Your amendment does not trigger this issue. However, I wanted you to be aware that the new paragraph at AS 24.20.271(11) may raise a federal or state constitutional right to privacy issue if an audit under that paragraph covers information where there is a legitimate expectation of privacy. Alaska's guarantee of privacy is broader than the federal constitution's.[1] This state applies a three-part test to determine whether a person's privacy rights have been violated:[2]

> (1) whether a party seeking protection has a legitimate expectation that materials or information will not be disclosed; (2) whether disclosure is nonetheless required to serve a compelling state interest; and (3) if so, whether disclosure will occur in the least-intrusive manner with respect to the right of privacy.

The record confidentiality provisions of AS 24.20.301 require the agency to keep the information confidential and may be sufficient to cure the privacy issue. However, this may not be sufficient if the records include medical, school, children's, or other sensitive records.

---

[1] See Myers v. Alaska Psychiatric Institute, 138 P.3d 238, 245 (Alaska 2006) (quoting Anchorage Police Dep't. Employees Ass'n. v. Anchorage, 537 P.2d 494, 514-15 (Alaska 2001)).

[2] Lawson v. Lawson, 108 P.3d 883, 887 (Alaska 2005), citing Alaska Wildlife Alliance v. Rue, 948 P.2d 976, 980 (Alaska 1997).

To avoid the privacy issue when the new language is applied, you could limit the audit to financial records connected with the state money and to information that has had the personal indicators removed.

If I may be of further assistance, please advise.

TLB:plm
09-182.plm

Enclosure

3/17/09

CSSB78 (STA) relating to the powers and duties of the legislative audit division.

Legal Services did CSSB78 on 26-LS0194/E and changed the "may" to shall on page 1 line 4 to "shall"
And Page 1 line 4 we inserted "and duties" as opposed to "[AND DUTIES]

Senator French said to Sen Dyson that he would work on a committee substitute for page 2 line 24 #11 perform an audit of an organization that receives money from or through the state, including money that the state has received from the fed government, when the performance of the audit is approved by the Legislate Budget and Audit Committee."

3/18/09

Received CS for above changes with a warning from leg legal that privacy issues were not resolved by the above changes and that we would want to consider making changes.

Spoke to Kate Herring in French's office and they are working with leg legal on Item 11 regarding auditing federal funds and also may work on the problem with the privacy issues when dealing with medical or students (hippa).

She will get back with me as soon as she gets a draft from leg legal. Will try and be ready for tomorrow.

They say this is probably not a good bill and that we may want to do one of the following:

Hold – let sit in committee
Send out with either no pass or no recommendation
Or whatever Sen. Menard wishes to do.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB78**
() Publish Date:

Identifier (file name): SB78-LBA-DLA-03-13-09
Dept. Affected: Legislature
Title: An Act relating to the powers and duties of the Legislative Audit Division
RDU: Budget and Audit Committee
Component: Legislative Audit
Sponsor: Senator Dyson
Requester: Senate State Affairs
Component Number: 773

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation has zero fiscal impact on the Division of Legislative Audit.

Prepared by: Pat Davidson, Legislative Auditor — Phone 465-3816
Division: Division of Legislative Audit — Date/Time 3/13/09 9:34 AM
Approved by: Pat Davidson, Legislative Auditor — Date 3/13/2009
Division of Legislative Audit

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB 69

ANALYSIS CONTINUATION

Fiscal note assumes:

3 Commission staff:
Program Manager Rg. 23
Research Analyst Rg. 18
Admin. Assist. Rg. 15

7 public members with geographic representation: 3 Anchorage/valley, 1 Juneau, 1 Nome, 1 Ketchikan, 1 Fairbanks

4 face-to-face meetings annually. Additional meetings as required via teleconference.

2 Anchorage meetings (one winter, one summer)
transportation: $2,015 x 2 = $4,030
lodging: $1,448 + $800 = $2,248
M&IE: $720 x 2 = $1,440

1 Juneau meeting (during legislative session)
tranportation: $3,623
lodging: $1,680
M&IE: $1,440

1 Fairbanks meeting (during summer)
transportation: $3,898
lodging: $2,400
M&IE: $1,440

All meetings assume full commission and 2 staff attendance, and further assumes 2 Executive Branch members travel costs paid by employing agencies.

Contractual includes core services charges, communications, advertising, printing, office space lease, and postage.

Initial equipment costs reflects set-up of office work stations, computers, phones, fax, copier, etc.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/26/09

FURTHER: (Finance)

Date of 5-Day Notice: 3/12/09
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/19/09

State Affairs Committee considered SENATE BILL NO. 78

SB 78 LEGISLATIVE AUDIT DIVISION POWERS

"An Act relating to the powers and duties of the legislative audit division."

and recommends:

[X] be **replaced** with [ ] **SCS** or [X] **CS** SB 78 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[X] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
LEG	3/13/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Meyer			X	
	PASKVAN			X	
CHAIR:	MENARD	X			

SB 79

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249

SENATOR LESIL MCGUIRE

Co-Chair
Senate Resources Committee

Chair
Senate Special Committee on Energy
Senate Special Committee on World Trade, Technology & Innovation

Member
Senate Judiciary Committee
Joint Armed Services Committee

MEMORANDUM

To: Senator Linda Mernard
Chair, Senate State Affairs Committee

From: Senator Lesil McGuire

Date: February 4, 2009

Re: Hearing Request: SB 79: MEDICAL BENEFITS OF DISABLE PEACE OFFICERS

I respectfully request that SB 79: MEDICAL BENEFITS OF DISABLE PEACE OFFICERS be scheduled for a hearing in the Senate State Affairs Committee at your earliest convenience. Attached you will find the most current version of the bill, a sponsor statement, and all backup information.

If you have any questions or concerns, please feel free to contact me personally or my staff, Trevor Fulton, at x3579. Thank you for your time and consideration.

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Co-Chair
Senate Resources Committee

Chair
Senate Special Committee on Energy
Senate Special Committee on World Trade, Technology & Innovation

Member
Senate Judiciary Committee
Joint Armed Services Committee

SENATOR LESIL MCGUIRE

SPONSOR STATEMENT

SB 79: Medical Benefits of Disabled Police Officers

SB 79 corrects an incongruity in PERS statue that denies major medical coverage to public safety employees that are disabled between their 20th and 25th years of service.

Everyday Alaska's public safety employees risk their lives and health to protect the lives and property of our citizens. The state gratefully recognizes this by making public safety employees eligible for retirement at 20 years of service instead of the standard 25. Unfortunately, this discrepancy in service required for retirement poses a problem for a small number of public safety employees that become disabled between their 20th and 25th year of service.

Alaska Statute provides that, if disabled, state employees receive major medical coverage prior to reaching their normal retirement and that coverage continues when employees transition to normal retirement. At first glance it would appear that all PERS Tier II and III employees disabled on the job would receive major medical coverage from time of disability through retirement, but this is not true for public safety employees.

Because of how "disabled member" is defined in statute, public safety employees who are disabled between their 20 and 25th year would not be eligible for major medical coverage until age 60. This occurs because of the different retirement standard for PERS regular employees and PERS public safety employees.

Public safety employees are eligible for retirement at 20 years of service but do not receive major medical coverage until 25 years of service. In order to be qualified as a "disabled member" for purposes of this benefit, employees must be receiving a disability benefit from the plan at the time of retirement. Because a public safety employee is technically in retirement after year 20, if they become disabled after this time they are not receiving a benefit from the plan and therefore do not qualify as a "disabled member". Subsequently they would be "appointed to normal" retirement and would not be eligible for major medical benefits until age 60.

SB 79 corrects this oversight by making the necessary change to AS 39.35.535 to allow disabled public safety employees to qualify for major medical benefits should they be injured during their 20th through 25th year.

26-LS0389\E
Wayne
2/12/09

CS FOR SENATE BILL NO. 79( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MCGUIRE, Paskvan

A BILL

FOR AN ACT ENTITLED

"An Act waiving payment of premiums for major medical insurance under the defined benefit retirement plan for public employees who are disabled and have at least 20 years of credited service as peace officers; and providing for an effective date."

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

*** Section 1.** AS 39.35.535(c) is amended to read:

(c) A benefit recipient may elect major medical insurance coverage in accordance with regulations and under the following conditions:

(1) a person, other than a **person described in (2) of this subsection** [DISABLED MEMBER OR A DISABLED MEMBER WHO IS APPOINTED TO NORMAL RETIREMENT], must pay an amount equal to the full monthly group premium for retiree major medical insurance coverage [IF THE PERSON IS

(A) YOUNGER THAN 60 YEARS OF AGE AND HAS LESS THAN

(i) 25 YEARS OF CREDITED SERVICE AS A

PEACE OFFICER UNDER AS 39.35.360 AND 39.35.370; OR

(ii) 30 YEARS OF CREDITED SERVICE UNDER AS 39.35.360 AND 39.35.370 THAT IS NOT SERVICE AS A PEACE OFFICER; OR

(B) OF ANY AGE AND HAS LESS THAN 10 YEARS OF CREDITED SERVICE];

(2) a person is not required to make premium payments for retiree major medical coverage if the person

(A) is a disabled member;

(B) is a disabled member who is appointed to normal retirement;

(C) is 60 years of age or older and has at least 10 years of credited service; or

(D) has at least

(i) **20 years of credited service as a peace officer under AS 39.35.360 and 39.35.370 and was disabled after the person's 19th year of service but before the person's 25th year of service;**

(ii) 25 years of credited service as a peace officer under AS 39.35.360 and 39.35.370; or

(iii) [(ii)] 30 years of credited service under AS 39.35.360 and 39.35.370 not as a peace officer.

*** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. This Act is retroactive to July 1, 2006.

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

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 13, 2009

SUBJECT: Draft CSSB 79( ): peace officer and fire fighter retirement (Work Order No. 26-LS0389\E)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee

FROM: Dan Wayne
Legislative Counsel

Enclosed is a draft of the proposed committee substitute for SB 79 that you have requested on behalf of the Senate State Affairs Committee.

On page 1, line 2, I amended the title for clarity by deleting "**for disabled peace officers who**" and inserting "**who are disabled and**". I also added a second bill section, as requested, to make the Act retroactive to July 1, 2006 -- the first day upon which a disabled employee with 20 - 25 years of credited service as a peace officer might have been required, because of the "benefits gap" addressed by the bill, to pay for retiree major medical insurance coverage. Sound drafting practice requires that bills with retrospective effect also have an immediate effective date. *Manual of Legislative Drafting*, page 34.

If amended as proposed in the enclosed draft bill, AS 39.35.535(c) will close the perceived "benefits gap" that is the focus of SB 79, for all peace officers, including fire fighters and correctional officers. The term "peace officer" used in the draft bill is defined in AS 39.35.680(30), which reads:

> (30) "peace officer" or "fire fighter" means an employee occupying a position as a peace officer, chief of police, regional public safety officer, correctional officer, correctional superintendent, fire fighter, fire chief, or probation officer, but does not include a village public safety officer employed by a village public safety officer program established under AS 18.65.670.

DCW:plm
09-094.plm

Enclosure

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 079**
() Publish Date:

Identifier (file name): **SB079-DOA-DRB-02-06-09**
Dept. Affected: Administration
Title: An Act waiving payment of premiums for major medical insurance under the defined benefit retirement plan for public employees for disabled peace officers....
RDU: Centralized Administrative Services
Component: Retirement and Benefits
Sponsor: Senator McGuire, Senator Paskvan
Requester: Senate State Affairs Committee
Component Number: 64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	12.4	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**12.4**	**0.0**	*	*	*	*	*
CAPITAL EXPENDITURES	0.0	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	0.0

FUND SOURCE (Thousands of Dollars)

1029 PERS	12.4	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	**12.4**	**0.0**	*	*	*	*	*

Estimate of any current year (FY2009) cost: **$12.8**

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill would provide medical insurance to Tier II and III Public Employees Retirement System (PERS) disabled peace officers and firefighters (P/F) who are currently eligible for normal retirement with 20 years of P/F service but are not eligible for system-paid medical premiums which requires they have 25 years of P/F service or be age 60. Under current statute, a peace officer or firefighter must have become disabled before the 20th year of service in order to receive system-paid medical premiums. This bill will provide Tier II and III PERS disabled peace officers and firefighters who are currently eligible for normal retirement with 20 years of P/F service to also be eligible for system-paid medical premiums. A breakdown of the costs for this bill are contained on page two of this fiscal note.

Prepared by: Patrick Shier, Director — Phone 465-4817
Division: Retirement and Benefits — Date/Time 02-06-09 1:22 p.m.
Approved by: Rachael Petro — Date 2/6/2009
Deputy Commissioner, Department of Administration

(Revised 11/19/2007 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** SB 079
2009 LEGISLATIVE SESSION

ANALYSIS CONTINUATION

ACTUARIAL COSTS

Buck Consultants used draft data from the State of Alaska Public Employees' Retirement System draft valuation for the period ending June 30, 2008 to arrive at the cost estimate as shown below:

The population affected by this bill are 2,275 Tier II and III Peace Office/Firefighter members.

This change will add $567,000 to the unfunded liability of the retirement system, which will be amortized over 25 years. The table below shows the installments for fiscal years 2009 through 2014. Dollars are in thousands.

	FY 09	FY10	FY11	FY12	FY13	FY 14	FY 15
Increase in Annual Employer Contribution Amount	$0.0	$0.0	$67.0	$70.0	$73.0	$76.0	$79.0

OPERATIONS COST

The following one-time programming costs will be incurred to add the requirements of this bill to the division's computer systems (CRS). Programming must begin in FY 09 in order to be operational by the effective date of the bill. No follow up activities are needed after the initial programming/testing phase has been completed.

FY 09
CRS Programming (basic edits for adding new group) 80 hrs @ $120.00 per hour = $ 9,600.00
CRS Testing 40 hrs @ $ 80.00 per hour = $ 3,200.00
$12,800.00

FY 10
Statement adaptation (modifications for new group) 80 hrs @ $120.00 per hour = $ 9,600.00
CRS/Statement testing 35 hrs @ $ 80.00 per hour = $ 2,800.00
$12,400.00
Total: $25,200.00

□

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 087**
() Publish Date:

Identifier (file name): **HB087-DOA-DRB-01-30-09**
Dept. Affected: Administration
Title: An Act waiving payment of premiums for major medical insurance under the defined benefit retirement plan for public employees for disabled peace officers....
RDU: Centralized Administrative Services
Component: Retirement and Benefits
Sponsor: Rep. Millet, Rep. Dahlstrom, Rep. Gara
Requester: House Labor and Commerce Committee
Component Number: 64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	12.4	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**12.4**	**0.0**	*	*	*	*	*
CAPITAL EXPENDITURES	0.0	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	0.0

FUND SOURCE (Thousands of Dollars)

1029 PERS	12.4	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	**12.4**	**0.0**	*	*	*	*	*

Estimate of any current year (FY2009) cost: **$12,800.0**

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill would provide medical insurance to Tier II and III Public Employees Retirement System (PERS) disabled peace officers and firefighters (P/F) who are currently eligible for normal retirement with 20 years of P/F service but are not eligible for system-paid medical premiums which requires they have 25 years of P/F service and be age 60. Under current statute, a peace officer or firefighter must have become disabled before the 20th year of service in order to receive system-paid medical premiums. This bill will provide Tier II and III PERS disabled peace officers and firefighters who are currently eligible for normal retirement with 20 years of P/F service to also be eligible for system-paid medical premiums. A breakdown of the costs for this bill are contained on page two of this fiscal note.

Prepared by: Patrick Shier, Director — Phone 465-4817
Division: Retirement and Benefits — Date/Time 1-29-09 1:22 p.m.
Approved by: Rachael Petro — Date 1/30/2009
Deputy Commissioner, Department of Administration

(Revised 11/19/2007 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. HB 087

ANALYSIS CONTINUATION

ACTUARIAL COSTS

Buck Consultants used data from the State of Alaska Public Employees' Retirement System valuation for the period ending June 30, 2008 to arrive at the cost estimate as shown below:

The population affected by this bill are 2,275 Tier II and III Peace Office/Firefighter members.

This change will add $567,000 to the unfunded liability of the retirement system, which will be amortized over 25 years. The table below shows the installments for fiscal years 2009 through 2014. Dollars are in thousands.

	FY 09	FY10	FY11	FY12	FY13	FY 14	FY 15
Increase in Annual Employer Contribution Amount	$0.0	$0.0	$67.0	$70.0	$73.0	$76.0	$79.0

OPERATIONS COST

The following one-time programming costs will be incurred to add the requirements of this bill to the division's computer systems (CRS). Programming must begin in FY 09 in order to be operational by the effective date of the bill. No follow up activities are needed after the initial programming/testing phase has been completed.

FY 09
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CRS/Statement testing 35 hrs @ $ 80.00 per hour = $ 2,800.00
$12,400.00
Total: $25,200.00

PERS Public Safety Employee Major Medical Insurance Gap in Coverage

Prepared by Alaska Professional Fire Fighters Association

We have identified a serious problem in the PERS II & III retirement plans as they relate to major medical coverage for disabled public safety employees. If a public safety employee is disabled in their 20th to 25th year of service, they and their family would not receive major medical coverage until they are 60 years old.

This problem was first brought to our attention on November 26, 2007 by PERS Counselor, Kathy Carson. She was addressing a PERS Retirement seminar for public safety employees sponsored by the Fairbanks Fire Fighters Association. This revelation led to a presentation by PERS Counselor Larry Davis at the Alaska Professional Fire Fighters Annual Convention held later that week in Juneau. Mr. Davis repeated the assertion that public safety employees disabled in their 20 – 25 years of employment do not receive major medical coverage for themselves and their families until age 60. A follow up conversation with PERS Disability Specialist, Patricia Bower, confirmed the information. Ms. Bower also confirmed that this problem had not affected any employees to date. This only affects PERS tier II & III employees hired on or after July 1, 1986, so the earliest this would have effect is July 1, 2006.

Alaska Statutes provide that disabled employees receive major medical coverage prior to reaching their normal retirement and continue to receive coverage when appointed to normal retirement. At first glance it would appear that all PERS Tier II & III employees disabled on the job receive major medical coverage at time of disability and on into retirement. That is true for <u>non</u> public safety employees. However, according to PERS administrators, such is not the case with public safety employees.

The explanation given for this gap in coverage is that in statute under definitions, "disabled member" is defined as an employee receiving a disability benefit from the plan. PERS II & III public safety employees are eligible for normal retirement at 20 years of service, but do not receive retiree major medical coverage until 25 years of service. A public safety employee disabled in their 20th to 25th year of service has attained their normal retirement date and therefore not technically disabled, but instead retired. Under definitions they must be receiving a disability benefit to be technically disabled – they never receive a disability benefit.

A public safety employee with 19 years of service, disabled on the job, would be eligible for PERS disability benefits which include major medical coverage for self and family. Upon reaching their normal retirement at what would have been 20 years of service they would be "appointed to normal retirement" and be eligible for medical coverage.

A public safety employee with 26 years of service, disabled on the job, would be "appointed to normal retirement" and since that employee had 25+ years of service they would receive major medical coverage.

A public safety employee with 21 years of service, disabled on the job, would be "appointed to normal retirement" and since they had fewer than 25 years of service they would not be eligible for major medical coverage until they reach age 60.

It should be noted that no such gap in disability/retiree major medical coverage exists for non public safety employees; be they 19, 21, or 26 year employees.

One would hope there was never any intent to exclude employees engaged in high risk occupations, which regularly risk their own live in service to others, from the benefits afforded other public employees. This situation must be corrected. To correct this gap in coverage, as applied by the PERS administration, the present statutes must be carefully examined. The prefacing language in AS 39.35.680(13) "definitions" states "unless the context otherwise requires" *(underline added)* . It could be argued that in the context of major medical coverage for disabled and retired, "disabled member" defines an employee that can no longer work due to a disability. This deserves a thorough legal analysis and a possible review and opinion from the State Attorney General.

Should a legal analysis confirm the position of the PERS administration, a statutory change must be sought at the earliest opportunity. A legislative change will probably require a fiscal note to accompany proposed legislation. The fiscal note may entail an analysis from the actuarial consultant. This begs the question: was this five year gap ever taken into consideration when original analysis was developed? The actuarial may have assumed seamless coverage, as many have for years since PERS II and III were enacted. Nevertheless, the cost should be minimal and should have no bearing on the need to pass legislation to correct this wrong.

Applicable Alaska Statutes *(underlining added)*

Sec. 39.35.535. Medical Benefits.

(a) Except as provided in (d) of this section, the following persons are entitled to major medical insurance coverage under this section:

39.35.535(c)

(2) a person is not required to make premium payments for retiree major medical coverage if the person

(A) is a disabled member;

(B) is a disabled member who is appointed to normal retirement;

(C) is 60 years of age or older and has at least 10 years of credited service; or

(D) has at least

(i) 25 years of credited service as a peace officer under AS 39.35.360 and 39.35.370; or

(ii) 30 years of credited service under AS 39.35.360 and 39.35.370 not as a peace officer.

Sec. 39.35.680. Definitions.

In AS 39.35.095 - 39.35.680, unless the context otherwise requires,

39.35.680

(13) "disabled member" means an employee who is terminated, who has not received a refund from the plan and is receiving a disability benefit from the plan;

Mark Drygas, President
Alaska Professional Fire Fighters Association
drygas@alaskapffa.org
907-3222-7808

Public Safety Employees Association, Inc.

"Representing Alaska's Finest"

Public Safety Employees Association
Position Paper in Support of SB 79

The Public Safety Employees Association supports SB 79 correcting what many feel is an oversight in AS 39.35.535(c). SB 79 sponsored by Senator Lesil McGuire will allow disabled public safety employee members to qualify for major medical benefits if injured between the twentieth to twenty-fifth year of service.

Under PERS Tier II and III a gap in retiree medical coverage is created that affects a public safety employee disabled in their 20th to 25th year of service. An irregularity between the eligibility for disability and eligibility for normal retirement after 20 years of credited service results in a disabled public safety employee having no retiree medical benefits if the employee becomes disabled within the window.

If a public safety employee with 19 years of service is disabled as a result of service, the employee would be eligible for PERS disability benefits including medical benefits. A Tier II and III employee who is eligible for normal retirement after 20 years of service does not receive retiree major medical coverage until 25 years of service. If a public safety employee attains their normal retirement date but becomes disabled in their 20th to 25th year of service, the disabled employee would not be considered technically disabled but instead normally retired with no medical benefits. Even though the public safety employee has worked 20 years, he or she must have 25 years of service credit to receive retiree medical.

The service performed by public safety employees is filled with risk. Eliminating this gap will provide some reassurance to employees and their families that they will not be caught without medical benefits at a point in their life when the benefits are critically needed.

2/5/2009
John Cyr, PSEA
Executive Director
4300 Boniface Parkway, Suite 116
Anchorage, Alaska

Anchorage Firefighters Local 1264

P.O. Box 242041 • Anchorage, AK 99524-2041
907-349-1264 • 907-349-5580 (fax)

January 26, 2009

Senator Lesil McGuire
State Capitol Room 125
Juneau, Alaska 99801-1182

Ref: SB 79 – Medical Benefits of Disabled Peace Officers

Dear Senator McGuire:

The International Association of Fire Fighters (IAFF) Local 1264 is in support of SB 79 in regards to the lack of medical benefits to Alaska's peace officers who are injured on the job during their twentieth to twenty fifth year of service.

This bill fixes a major discrepancy in the PERS system that has a direct result of harming Alaska's firefighters, correction officers, and public safety officers in general within their twenty to twenty fifth year of service. These individuals will put in entire careers of service only to have all the benefits they have worked for as a state employee taken away for the last five years of service. Please don't hesitate to contact us should you have any questions in regards to this legislation.

Sincerely,

Tom Wescott
President, IAFF Local 1264

buckconsultants
an ACS company

February 21, 2008

VIA EMAIL

Mr. Pat Shier
Director
Division of Retirement and Benefits
Department of Administration
State of Alaska
333 Willoughby Avenue
6th Floor State Office Building
Juneau, AK 99811-0208

Re: Alaska PERS Peace Officer / Firefighter Actuarial Study – Lowering Years of Service Eligibility for Occupational Disability Medical Coverage from 25 to 20

Dear Pat:

As requested, we are providing an estimate of the cost to the State of Alaska Public Employees' Retirement System (PERS) of allowing any Peace Officer/Firefighter member with an Occupational Disability to receive State paid medical benefits starting at 20 years of service versus 25 years of service as the eligibility rules currently read.

RESULTS

The results provided represent employer costs for FY10. The rates were determined using both total system payroll and Peace Officer / Firefighter payroll.

PERS Peace Officer / Firefighter

	Occupational Disability Only (in thousands)
Change in Present Value of Future Benefits	$ 567
Change in Accrued Liability	$ 419
Change in Required Contribution	$ 47
Change in Contribution As a Level Percent of Payroll	
– Peace Officer / Firefighter Pay Only	.0225%
– Total PERS Pay*	.0026%

*This represents the affect on the PERS actuarially required contribution rate.

Tabor Center, 1200 17th Street, Suite 1200 • Denver, CO 80202
720.359.7700 • 720.359.7701 (fax)

DATA

No additional data was provided by the State in order to perform this analysis. The data used is summarized below:

	PERS Peace Officer / Firefighters
Number of Actives	2,687
Average Age	41.48
Average Credited Service	10.05
Average Salary (Projected for FY08)	$ 78,209

ASSUMPTIONS, METHODS AND PROVISIONS

The assumptions, plan provisions and methods used to determine plan costs are those described in the actuarial valuation reports as of June 30, 2007, unless otherwise indicated.

Please let me know if you have any questions or if we can be of further assistance.

Sincerely,

David H. Slishinsky

David H. Slishinsky, ASA
Principal and Consulting Actuary

/mlp

c: Mr. Kevin Worley, State of Alaska
Mr. Joe Cooper, Buck Consultants
Ms. Monica DeGraff, Buck Consultants
Ms. Michelle DeLange, Buck Consultants
Mr. Chris Hulla, Buck Consultants

bcc: Originator – Dave Slishinsky
Colin Wein
Kyla O'Rourke
Aaron Jurgaitis
COR
Client Code: 019732 – 0001 RET04

To be Completed by Author			
CLIENT		AUTHOR	
CLIENT/PROJECT NUMBER		SIGNATURE	
DESCRIPTION OF DOCUMENT			
REQUESTED BY			

REVIEW REQUESTED			***LEVEL NEEDED***
☐	**A**	PROOFREAD →	ANY
☐	**B**	CHECK MATH →	4
☐	**C**	2ND OPINION →	3
☐	**D**	PROCEDURES & REPORT →	2
☐	**E**	TOTAL REVIEW →	2

TO BE COMPLETED BY REVIEWER			
REVIEWER		LEVEL	
COMMENTS ☐	MADE ON DOCUMENT		
☐	CAN BE SENT		
☐	COULD BE CHANGED BEFORE SENDING		
☐	NEEDS CHANGES BEFORE SENDING		
SIGNATURE		DATE	

ALASKA PROFESSIONAL FIRE FIGHTERS ASSOCIATION
LEGISLATIVE FACT SHEET

CLOSING THE PERS GAP FOR PUBLIC SAFETY EMPLOYEES

H.B. 87 **Medical Benefits of Disabled Peace Officers**
Sponsor: Representative Charisse Millett

S.B. 79 **Medical Benefits of Disabled Peace Officers**
Sponsor: Senator Lesil McGuire

The Alaska Professional Fire Fighters Assoc. Strongly Supports H.B. 87 and S.B.79

BACKGROUND

The Alaska Professional Fire Fighters Association has identified a serious problem in the PERS II & III retirement plans as they relate to major medical coverage for disabled public safety employees, i.e: fire fighters, police officers, correction officers. Under current Alaska law, if a public safety employee is disabled in their 20th to 25th year of service, they and their family do not receive major medical coverage until they are 60 years old.

Alaska Statutes provide that disabled employees receive major medical coverage prior to reaching their normal retirement and continue to receive coverage when appointed to normal retirement. At first glance it would appear that all PERS Tier II & III employees disabled on the job receive major medical coverage at time of disability and on into retirement. That is true for non public safety employees. However, such is not the case with public safety employees.

This gap in coverage occurs because under definitions, "disabled member" is defined as an employee receiving a disability benefit from the plan. PERS II & III public safety employees are eligible for normal retirement at 20 years of service, but do not receive retiree major medical coverage until 25 years of service. A public safety employee disabled in their 20th to 25th year of service has attained their normal retirement date and therefore not technically disabled, but instead retired. Under statute definitions they must be receiving a disability benefit to be technically disabled – therefore, they never received a disability benefit.

Under current law, a public safety employee with 19 years of service, disabled on the job, is eligible for PERS disability benefits which include major medical coverage for self and family. The disabled employee, upon reaching their normal retirement, at what would have been 20 years of service, would be "appointed to normal retirement" and be eligible for medical coverage. A public safety employee with 26 years of service, disabled on the job, is "appointed to normal retirement" and since had 25+ years of service they would receive major medical coverage. However, a public safety employee with 21 years of service, disabled on the job, would be "appointed to normal retirement" and since they had fewer than 25 years of service they would not be eligible for major medical coverage until they reach age 60.

Closing this five year gap in disability health care coverage requires a change in State law.

CURRENT LEGISLATION

Passage of H.B. 87 and S.B. 79 will correct this situation and close the 'PERS gap' for Alaska's Public Safety Employees.

ALASKA PROFESSIONAL FIRE FIGHTERS ASSOCIATION

Mark Drygas, President
907-322-7808
drygas@alaskapffa.org

Jeff Briggs, Legislative Director
907-441-2469
briggs@alaskapffa.org

Deborah Prator

From: Trevor Fulton
Sent: Wednesday, February 11, 2009 12:28 PM
To: Deborah Prator
Subject: SB 79 testimony

Deborah,

Testifying for SB 79 tomorrow will be Jeff Briggs from the Alaska Professional Firefighters Association. Kevin Brooks from the Department of Administration and Pat Shire from the Division of Retirement and Benefits will be there to answer questions.

Please let me know if you have any other questions.

Trevor Fulton
Legislative Staff
Office of Sen. Lesil McGuire
907-465-3579

ALASKA PROFESSIONAL FIRE FIGHTERS
International Association of Fire Fighters, AFL-CIO, CLC

Jeffrey M. Briggs
Director of Legislative Affairs

P.O. Box 11222
Anchorage, AK 99511-1222

Cell (907) 441-2469
jbriggs@iaff1264.com
www.alaskapffa.org

Trevor cn McBurney Bpo

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/26/09

FURTHER: (Labor and Commerce) Finance

Date of 5-Day Notice: 2/4/09
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/18/09

State Affairs Committee considered SENATE BILL NO. 79

SB 79 MED BENEFITS OF DISABLED PEACE OFFICERS

"An Act waiving payment of premiums for major medical insurance under the defined benefit retirement plan for public employees for disabled peace officers who have at least 20 years of credited service as peace officers."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB79 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[✓] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Admin	2/6/09	✓			1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	PASKVAN	X			
	Kookesh	X			
CHAIR:	MENARD	✓			

SB 92

Alaska State Legislature

Senate
Health & Social
Services
Committee
Chair
•
Senate
Education Committee
Vice - Chair

Legislative Council
Vice - Chair
•
Senate
Transportation
Committee
•
Senate
Labor & Commerce
Committee

Senator_Bettye_Davis@legis.state.ak.us
http://www.aksenate.org

Session: (Jan. - May)
State Capitol, Suite 30, Juneau, AK 99801-1182 Phone: (907) 465-3822 • Fax: (907) 465-3756 •Toll free: (800) 770-3822
Interim: (May - Dec.)
716 W. 4th Ave, Suite 400, Anchorage, AK 99501 Phone: (907) 269-0144 • Fax: (907) 269-0148

Dear Senator Menard:

I respectfully request a hearing to be scheduled at your earliest convenience for Senate Bill 92: An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors.

If the Committee requires additional information, please contact me.

Sincerely,

Quinn Kendall
Senator Davis's Intern

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148

Session: (Jan. - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator_Bettye_Davis@legis.state.ak.us
http://www.akdemocrats.org

Senator Bettye Davis

SB 92 - "An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

SPONSOR STATEMENT

SB 92 ratifies an interstate compact or agreement among the states with similar wording to elect the President of the United States with a direct, nationwide vote of the people. It would effectively replace, although not eliminate, the current Electoral College system where under the "winner-take-all rule," which is in nearly universal use in the United States, all of a state's electoral votes are controlled by a statewide plurality of the popular votes. Under this rule, a person's vote is nearly worthless unless the voter happens to live in a closely divided battleground state. Because only about 18 states are competitive in presidential elections, voters in two-thirds of the states are ignored in presidential elections.

Under the National Popular Vote interstate compact, electoral votes, which are based on the number of U.S. Representatives and U.S. Senators in each state, would be awarded to the national winner, not the state winner. As of January 2010, this interstate compact has been joined by Hawaii, Illinois, Maryland, New Jersey, and Washington. Their 61 electoral votes amount to 23% of the 270 votes needed for the compact to take effect. It has passed in one or both houses in many other states and has either been signed, vetoed or overridden.

The compact would not become effective in any state until it is enacted by states collectively possessing a majority of the electoral votes (that is, 270 of the 538 electoral votes). The proposed compact does not change a state's internal procedures for operating a presidential election. After the 50 states and the District of Columbia certify their popular vote counts for President in the usual way, a grand total of popular votes would be calculated by adding up the popular vote count from all 51 jurisdictions.

The Electoral College would remain intact under the proposed interstate compact which is specifically authorized by the U.S. Constitution as a means by which the states may act in

concert to address a particular problem. The compact would simply change the Electoral College from an institution that reflects the voters' state-by-state choices (or, in the case of Maine and Nebraska, district-wide choices) into a body that reflects the voters' nationwide choice. Specifically, the proposed compact would require that each member state award its electoral votes to the presidential candidate who received the largest number of popular votes in all 50 states and the District of Columbia. Because the compact would become effective only when it encompasses states collectively possessing a majority of the electoral votes, the presidential candidate receiving the most popular votes in all 50 states and the District of Columbia would be guaranteed enough electoral votes in the Electoral College to be elected to the Presidency.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 2, 2009

SUBJECT: Sectional summary of SB 92 (Work Order No. 26-LS0441/A)

TO: Senator Bettye Davis
Attn: Thomas Obermeyer

FROM: Alpheus Bullard
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Ratifies an interstate compact to elect the President and Vice- President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under the compact, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This compact would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538 electoral votes.

Sections 2 -5. Conform statutes to the changes made by section one of the bill.

TLAB:ljw
09-055.ljw

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB92
() Publish Date:

Identifier (file name): SB092-OOG-DOE-1-29-10
Dept. Affected: OOG
Title "An Act ratifying an interstate compact to elect the President and Vice-President of the United States...."
RDU Elections
Component Elections
Sponsor Senator Bettye Davis
Requester Senate State Affairs Committee
Component Number 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual		0.0					
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**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		0.0					
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
This legislation has no financial impact on the division.

Prepared by: Gail Fenumiai, Director — Phone 465-4611
Division: Division of Elections — Date/Time 1/29/10, 3:59pm
Approved by: Linda Perez, Director — Date
Division of Administrative Services

(Revised 10/13/2009 OMB)

Alaska State Legislature

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Senator Bettye Davis

SB 92 – National Popular Vote Interstate Compact

Description*

The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states (and the District of Columbia).

The bill has been enacted by states possessing 61 electoral votes — 23% of the 270 necessary to activate the law (Hawaii, Washington, Illinois, New Jersey, and Maryland).

The bill has passed 29 legislative chambers in 19 states (Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, and Washington).

The National Popular Vote bill has been endorsed by 1,777 state legislators.

The shortcomings of the current system stem from the winner-take-all rule (i.e., awarding all of a state's electoral votes to the candidate who receives the most popular votes in each state).

Because of the winner-take-all rule, a candidate can win the Presidency without winning the most popular votes nationwide. This has occurred in 4 of the nation's 56 presidential elections (and 1 in 7 of the non-landslide elections). A shift of fewer than 60,000 votes in Ohio in 2004 would have defeated President Bush despite his nationwide lead of 3,500,000 votes.

Another shortcoming of the winner-take-all rule is that presidential candidates have no reason to poll, visit, advertise, or organize in states where they are comfortably ahead or hopelessly behind. In 2008, candidates concentrated over two-thirds of

their campaign visits and ad money in just six closely divided "battleground" states. A total of 98% went to just 15 states. In other words, voters in two thirds of the states were essentially spectators to the election.

The U.S. Constitution gives the states exclusive and plenary control over the manner of awarding their electoral votes. The winner-take-all rule is not in the Constitution. It was not the Founder's choice (having been used by only 3 states in the nation's first presidential election in 1789). The fact that Maine and Nebraska award electoral votes by district is a reminder that a amendment to the U.S. Constitution is not required to change the way the President is elected.

Under the National Popular Vote bill, all the electoral votes from the enacting states would be awarded, as a bloc, to the presidential candidate who receives the most popular votes in all 50 states (and DC). The bill would take effect only when enacted by states possessing a majority of the electoral votes — that is, enough electoral votes to elect a President (270 of 538).

The bill has been endorsed by the *New York Times*, *Chicago Sun-Times*, *Minneapolis Star-Tribune*, *Los Angeles Times*, *Boston Globe*, *Sacramento Bee*, Common Cause, and Fair Vote.

State polls (mostly taken in 2009) show strong support for a national popular vote (AR–80%, CA–70%, CO–68%, CT–73%, DE–75%, ID–77%, IA–75%, KY–80%, ME–77%, MA–73%, MI–73%, MS–77%, MO–70%, NH–69%, NE–74%, NV–72%, NM–76%, NY–79%, NC–74%, OH–70%, OK–81%, PA–78%, RI–74%, SD–75%, UT–70%, VT–75%, VA–74%, WA–77%, and WI–71%). Support is strong in every partisan and demographic group surveyed.

The National Advisory Board of National Popular Vote includes former congressmen John Anderson (R–Illinois and later independent presidential candidate), John Buchanan (R–Alabama), Tom Campbell (R–California), and Tom Downey (D–New York), and former Senators Birch Bayh (D–Indiana), David Durenberger (R–Minnesota), and Jake Garn (R–Utah).

*Above quoted from: http://www.nationalpopularvote.com/pages/explanation.php#exp_1page
Additional information is available in the book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular*

Public Policy Polling

Alaska Survey Results

Q1 How do you think we should elect the President: should it be the candidate who gets the most votes in all 50 states, or the current electoral college system? If you think it should be the candidate who gets the most votes in all 50 states, press 1. If you think it should be the current electoral college system, press 2.

Candidate who gets the most votes in all 50 states	70%	*Current electoral college system*	30%

Q2 If you are a woman, press 1, if a man, press 2.

Women	54%	*Men*	46%

Q3 If you are a Democrat, press 1. If a Republican, press 2. If nonpartisan, press 3. If Alaskan Independent Party, press 4. If Republican Moderate Party, press 5. If Green Party, press 6. If other, press 7.

Democrat	18%
Republican	33%
Nonpartisan	44%
Alaskan Independent Party	1%
Other	4%

Q4 If you are white, press 1. If black, press 2. If Alaska native, press 3. If Asian, press 4. If other, press 5.

White	80%	*Asian*	1%
Black	4%	*Other*	10%
Alaska Native	5%		

Q5 If you are 18 to 29 years old, press 1 now. If you are 30 to 45, press 2. If you are 46 to 65, press 3. If older than 65, press 4.

18-29	9%	*46-65*	41%
30-45	34%	*Older than 65*	15%

Q6 Are you or is someone in your household a member of a labor union? If yes, press 1. If no, press 2.

Yes	28%
No	72%

January 27-28, 2010
Survey of 800 Alaska voters

3020 Highwoods Blvd.
Raleigh, NC 27604
information@publicpolicypolling.com / 888 621-6988

Public Policy Polling

Crosstabs

	Base	Gender	
		Women	Men
Change System			
Candidate who gets the most votes in all 50 states	**70%**	78%	60%
Current electoral college system	**30%**	22%	40%

	Base	Party				
		Democrat	Republican	Nonpartisan	Alaskan Independent Party	Other
Change System						
Candidate who gets the most votes in all 50 states	**70%**	78%	66%	70%	82%	69%
Current electoral college system	**30%**	22%	34%	30%	18%	31%

	Base	Race				
		White	Black	Alaska Native	Asian	Other
Change System						
Candidate who gets the most votes in all 50 states	**70%**	72%	53%	59%	63%	69%
Current electoral college system	**30%**	28%	47%	41%	38%	31%

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Public Policy Polling

Crosstabs

	Base	Age			
		18-29	30-45	46-65	Older than 65
Change System					
Candidate who gets the most votes in all 50 states	70%	68%	70%	70%	70%
Current electoral college system	30%	32%	30%	30%	30%

	Base	Union Household	
		Yes	No
Change System			
Candidate who gets the most votes in all 50 states	70%	65%	72%
Current electoral college system	30%	35%	28%

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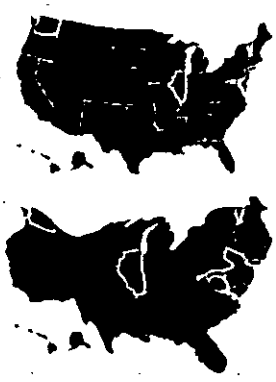
National Popular Vote Interstate Compact

From Wikipedia, the free encyclopedia

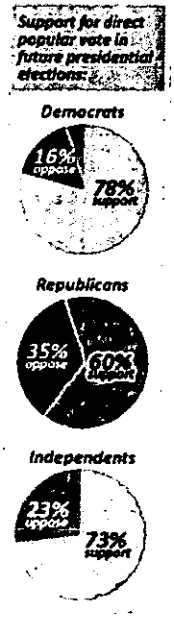
The **National Popular Vote Interstate Compact** is an agreement among U.S. states that would effectively replace the current electoral college system of presidential elections with a direct, nationwide vote of the people. As of January 2010, this interstate compact has been joined by Hawaii, Illinois, Maryland, New Jersey, and Washington; their 61 electoral votes amount to almost 23% of the 270 needed for the compact to take effect. Bills to join the compact have been introduced in forty-three additional states, although many failed. Bills to repeal the compact have been introduced in Maryland and New Jersey.

The compact is based on Article II, Section 1 of the U.S. Constitution, which gives each state legislature the right to decide how to appoint its own electors. States have chosen various methods of allocation over the years, with regular changes in the nation's early decades. Today 48 states award all of their electoral votes to the candidate with the most popular votes statewide.

States joining the compact will continue to award their electoral votes in their current manner until the compact has been joined by enough states to represent a controlling majority of the Electoral College (currently 270 electoral votes). After that point, all of the electoral votes of the member states would be cast for the winner of the national popular vote in all 50 states and the District of Columbia. With the national popular vote winner sure to have a decisive majority in the Electoral College, he or she would automatically win the Electoral College and therefore the presidency.



State shapes have been adjusted in the second map so that their sizes represent Electoral College strength.



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  - 4.4 Electoral votes awarded to national winner, not state winner
  - 4.5 Congressional Approval
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- 5 State-by-state legislative history
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Details of the compact law

States join the compact by adopting it as a state law. The compact law[1] requires that:

- The member state shall hold presidential elections by statewide popular vote.
- After the election, the state's chief election official (usually the state Secretary of State) shall certify the number of popular votes cast in the state for each candidate and report those results to the other states by a specific deadline.
- The chief election official shall then determine "national popular vote totals" for each candidate by adding up the vote totals reported by every state and the District of Columbia. (Each state is required to make official reports of vote totals to the federal government in the form of Certificates of Ascertainment.)[2]
- The state's electoral votes shall be awarded to the candidate with the greatest "national popular vote total."

The compact member states would give their electoral votes to the candidate with the greatest number of popular votes (a plurality), even if no candidate has a majority. In the extremely unlikely event of an exact tie in the national popular vote totals, each member state would award

its electoral votes to the statewide winner, as is currently done in 48 states (Maine and Nebraska split their electoral votes based on results at the congressional district level).

The compact specifies that it shall take effect only if it is law in states controlling a majority of electoral votes on July 20 of a presidential election year. States wishing to join or withdraw from the compact after that date would not be able to do so until after the election. The compact would terminate in the event that the Electoral College is abolished.

History of the compact

The idea of abolishing the Electoral College by constitutional amendment has existed for some time (see Every Vote Counts Amendment). Though voting rights and electoral rules have been modified by constitutional amendment in the past, such amendments are difficult to pass because they require supermajorities in the House and Senate together with the support of three-fourths of the state legislatures.

Academic plan

In 2001 Northwestern University law professor Robert Bennett suggested a plan in an academic publication to implement a National Popular Vote through a mechanism that would *embrace* state legislatures' power to appoint electors, rather than resist that power.[3] By coordinating, states constituting a majority of the Electoral College could effectively implement a popular vote.

Law professors (and brothers) Akhil Reed Amar and Vikram Amar defended the constitutionality of such a plan.[4] They proposed that a group of states, through legislation, form a compact wherein they agree to give all of their electoral votes to the national popular vote winner, regardless of the balance of votes in their own state. These state laws would only be triggered once the compact included enough states to control a majority of the electoral college (270 votes), thus guaranteeing that the national popular vote winner would also win the electoral college.

The academic plan uses two constitutional features:

- Presidential Electors Clause in Article 2, section 2 which gives each state the power to determine the manner in which its electors are selected.
- Compact Clause, Article I, section 10, clause 3 under which it creates an enforceable compact.

The Amar brothers noted that such a plan could be enacted by the passage of laws in as few as eleven states and would probably not require Congressional approval, though this is not certain (see Debate below).

Advocacy in State Legislatures

John Koza, a computer science professor at Stanford had previously had exposure to interstate compacts from his work with state lottery commissions. (Koza is the inventor of the scratch-off lottery ticket). In 2006 Koza authored Every Vote Equal, a book that makes a detailed case for a specifically worded interstate compact to establish National Popular Vote. Koza, Barry Fadem and others formed National Popular Vote, a non-profit group to promote the legislation. The group has a bipartisan advisory committee including former US Senators Jake Garn, Birch Bayh, and David Durenberger, and former Representatives John Anderson, John Buchanan, and Tom Campbell.

By the time of the group's opening news conference in February 2006, the proposed interstate compact had been introduced in the Illinois legislature. With backing from National Popular Vote, the NPVIC legislation was introduced in five additional state legislatures in the 2006 session. It passed in the Colorado Senate and in both houses of the California legislature before being vetoed by Governor Arnold Schwarzenegger

In 2007, NPVIC legislation was introduced in 42 state legislatures. It was passed by legislative chambers in Arkansas,[5] California,[6] Colorado,[7] Illinois,[8] New Jersey[9] and North Carolina,[10] as well as both houses of the Hawaii legislature, where it was prevented from becoming law by a veto from Governor Linda Lingle.[11] The bill was also passed by both houses in Maryland, which became the first state to join the compact when Governor Martin O'Malley signed it into law on April 10, 2007.[12]

New Jersey became the second state to enter the compact when Governor Jon S. Corzine signed the bill into law on January 13, 2008.[13] Illinois became the third state to join when Governor Rod Blagojevich signed it into law on April 7, 2008[8] and Hawaii became the fourth on May 1, 2008 after the legislature overrode a second veto from the governor.[14] Legislative chambers also passed the bill in Vermont (both houses, subsequently vetoed),[15] Rhode Island (both houses, also vetoed),[16] Washington,[17] and Maine (by a single vote in the senate;[18] the bill was subsequently defeated in the house).[19]

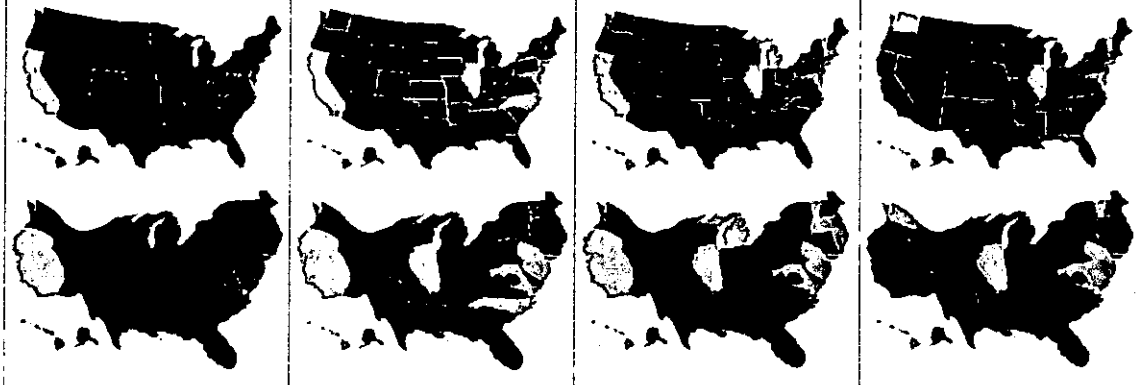
The bill was under consideration in several additional states in 2008, including passage in the Michigan house in December 2008. As of April 2009, the NPVIC legislation has been introduced in 48 states. States where at least one chamber has adopted the NPVIC legislation in 2009 include Arkansas, Nevada, New Mexico, Oregon, Vermont and Washington.[20]

Two measures titled "Presidential Electors. Allocation by National Popular Vote. Interstate Agreement. Statute" were filed as California ballot propositions, but failed to get on the ballot.[21]

In Colorado, a measure was proposed by the House but failed to pass[22] in the Colorado Senate.

Year-by-year status maps

Note: The lower maps stretch and compress the states to reflect their relative numbers of electors.

Status of NPVIC legislation	December 31, 2006	December 31, 2007	December 31, 2008	Current status
Passed into law: ■ passed into law **Pending:** ■ passed in both houses ■ passed in one house ■ introduced **Did not pass:** ■ passed in both houses ■ passed in one house ■ introduced **Not introduced:** ■ not introduced				
Participating states	**0**	**1** (MD)	**4** (+NJ, IL, HI)	**5** (+WA)
Electoral votes	**0** (of 270 needed)	**10** (of 270 needed)	**50** (of 270 needed)	**61** (of 270 needed)

List of states adopting a corresponding law

No.	State	Electoral votes (EV)	Date adopted	Total EV	% of 270 EV needed
1	Maryland	10	April 10, 2007	10	3.7 %
2	New Jersey	15	January 13, 2008	25	9.3 %
3	Illinois	21	April 7, 2008	46	17.0 %
4	Hawaii	4	May 1, 2008	50	18.5 %
5	Washington	11	April 28, 2009	61	22.6 %

Motivation for introducing the compact

Public opinion surveys suggest that a majority of Americans support the idea of a popular vote for president. A 2007 poll found that 72% favored replacing the Electoral College with a direct election, including 78% of Democrats, 60% of Republicans, and 73% of independent voters.[23] Polls dating back to 1944 have shown a consistent majority of the public supporting a direct vote.[24] The idea is popular for various reasons:

See also: Arguments against the Electoral College

- The Electoral College may encourage campaigns to cater to voters in a few pivotal swing states, while sidelining the rest of the country. A study by FairVote reported that the 2004 candidates devoted three quarters of their peak season campaign resources to just five states, while the other 45 states got very little attention. The report also stated that 18 states received no candidate visits and no TV advertising.[25] This may mean that swing state issues receive more attention while issues important to other states are

largely ignored.[26][27][28]

- The Electoral College may also hurt voter turnout. Most voters living outside the swing states know well in advance who is likely to win their state, which may decrease their incentive to go to the polls and vote.[26][28] A report by the Committee for the Study of the American Electorate found that 2004 voter turnout in competitive swing states grew by 6.3% from the previous presidential election, compared to an increase of only 3.8% in noncompetitive states.[29] A report by The Center for Information and Research on Civic Learning and Engagement (CIRCLE) found that turnout among eligible voters under age 30 was 64.4% in the 10 closest battleground states and only 47.6% in the rest of the country—a 17% gap.[30]

- There is debate over whether the Electoral College favors small states or large states. Those who argue that it favors small states point out that such states have more electoral votes relative to their populations.[31][32] Others, however, believe that the potential of large states to shift greater numbers of electoral votes gives them more actual clout.[33][34][35]

- The Electoral College allows a candidate to win the presidency while losing the popular vote, as happened in the elections of 1876, 1888 and 2000. This scenario can affect both major parties. In 2000, Democrat Al Gore lost the election despite winning the popular vote. In 2004, Republican George W. Bush would have faced the same situation himself if there had been a 60,000 vote shift to John Kerry in Ohio.[26]

Opponents of NPV note that public understanding of the electoral college is low, and the Constitution is, by definition, not supposed to be subject to easy change based on popular opinion. They have raised concerns about the constitutionality of the legislation and, regardless of constitutionality, the wisdom of what some have called an "end run" around the Constitution. They note that while popular, electoral college reform is not a priority for most voters, in part because the College so rarely deviates from the popular vote that many voters do not even know it exists[*citation needed*]. Theyalso argue against the proposal on federalism grounds. For more detail on arguments pro and con, see section on "Debate" below.

Debate

See also: Arguments against the Electoral College

The project has been supported by editorials in several newspapers, including the *New York Times*,[26] the *Chicago Sun-Times*, the *Los Angeles Times*,[36] the *Boston Globe*,[37] and the *Minneapolis Star Tribune*,[38] arguing that the existing system discourages voter turnout and leaves emphasis on only a few states and a few issues, while a popular election would equalize voting power. Others have argued against it, including the *Honolulu Star-Bulletin*.[32] An article by Pierre S. du Pont, IV, a former governor of Delaware, in the opinion section of the *Wall Street Journal*[39] has called the project an urban power grab that would shift politics entirely to urban issues in high population states and allow lower caliber candidates to run. A collection of readings pro and con has been assembled by the League of Women Voters.[40]

Some of the major issues are detailed below:

Small states and rural areas

Supporters of the compact argue that most small states are ignored under the current system because they are not swing states. They contend that a national popular vote would encourage candidates to campaign in small, medium and large towns across the country, just as they currently do within competitive swing states. Critics of the compact counter that smaller states have fewer voters, which would lead candidates to ignore them and focus instead on states with large populations. They also argue that the large numbers of popular votes in urban areas would draw candidates away from rural issues and needs.[39][41]

Close elections and voter fraud

Opponents of the compact have suggested that a direct national election would raise concerns about election fraud. Former Delaware Governor Pete du Pont argues that in 2000, "Mr. Gore's 540,000-vote margin amounted to 3.1 votes in each of the country's 175,000 precincts. 'Finding' three votes per precinct in urban areas is not a difficult thing...". However, National Popular Vote has argued that a direct election would reduce the incentive for fraud. They contend that the large nationwide pool of 122 million votes would make a close outcome much less likely than it is under the current system, in which an extremely small number of votes in any one of the numerous statewide tallies may determine the national winner.[39][41]

Nature of elections

Although supporters of the compact point out that direct election is already the method by which Americans elect their members of Congress, state leaders and local officials, opponents such as du Pont have argued that a direct popular vote in presidential contests could lead to a change in the current two party system. They contend that the difficulty of winning electoral votes under the current system may discourage third party and single-issue candidates from running, and therefore switching to a popular vote may lead more

third party and single-issue candidates to enter the race.[39][42]

Electoral votes awarded to national winner, not state winner

Two governors who have vetoed NPVIC legislation, Arnold Schwarzenegger of California and Linda Lingle of Hawaii, have stated that they object to the compact because it would mean that their states' electoral votes may be awarded to a candidate who did not win statewide. Supporters of the compact have countered that under the popular vote system, the awarding of electoral votes would be effectively irrelevant; that giving the state's electoral votes to the national winner would be a mere symbolic formality with no political meaning, because the popular vote would have already decided the outcome.[43][44][45]

Congressional Approval

Supporters of the compact believe the compact would be valid without congressional approval, but some critics maintain that the congressional approval is necessary. According to *Every Vote Equal*, although Article I, Section 10 of the Constitution requires interstate compacts receive the consent of Congress, the U.S. Supreme Court has ruled in *Virginia v. Tennessee*, 148 U.S. 503 (1893), and several more recent cases, that such consent is not necessary except where a compact encroaches on federal supremacy.[46]. *Every Vote Equal* argues that the compact could never encroach upon federal power since the constitution explicitly gives the power of casting electoral votes to the states, not the federal government. Derek Muller, an opponent of the compact, argues that the NPVIC would nonetheless affect the federal system in such a way that it requires Congressional approval. [47] Regardless of whether or not Congressional approval is required, supporters of the NPVIC are seeking congressional approval so that Washington DC may be incorporated in the compact.

Legality

Supporters believe the compact is legal because the constitution so clearly establishes that it is within the plenary power of the states to appoint their electors in any manner they see fit. This point was reemphasized by the Supreme Court as recently as 2000 in Bush v. Gore. These supporters include legal expert Jamie Raskin, who co-sponsored the first NPVIC bill to be signed into law, and Akhil Reed Amar and Vikram Amar, who are among the nation's more visible experts in constitutional law[48] and who were the compact's original proponents.

Law Professor David Gringer, however, suggests that the NPVIC could potentially violate the Voting Rights Act depending on how the Supreme Court would defines "coalitional" or "influence" districts.[49]. Robert Richie, executive director of FairVote, disputed such claims and said he was "confident in the legality of a rule change that treats all voters equally and is founded on the power given by the Constitution to the states."[50]

Gringer also assailed the NPVIC as "an end-run around the constitutional amendment process." Jamie Raskin has responded: "the term 'end run' has no known constitutional or legal meaning. More to the point, to the extent that we follow its meaning in real usage, the 'end run' is a perfectly lawful play." [51]. Raskin argues that the adoption of the term "end run" by the compact's opponents is a tacit acknowledgment of the plan's legality.

State-by-state legislative history

In the table below, the status of a bill is marked "pending" (in yellow) if the bill has not yet been brought to a vote, but the legislative session in which it was introduced has not yet been concluded.

Bills are only listed if they received a vote in at least one chamber or if they are still pending in the current session. The compact has been introduced in all states except Idaho at least once, but was not always voted on. The District of Columbia also has electoral votes, but no independent legislation—for D.C., a law would have to be introduced in the U.S. Congress.

EV = Number of electoral votes

State	EV	Year	Bill(s)	Lower house	Upper house	Governor	Status
Alaska	3	2009–10	SB 92	—	introduced[52]	—	pending
Arkansas	6	2007	HB 1703	passed[5]	died in committee[5]	—	failed
Arkansas	6	2009	HB 1339	passed[53]	died in committee[53]	—	failed
California	55	2005–06	AB 2948	passed[54]	passed[54]	vetoed[54]	failed
California	55	2007–08	SB 37	passed[6]	passed[6]	vetoed[6]	failed[6]
Colorado	9	2006	SB 06-223	died in committee[55]	passed	—	failed
Colorado	9	2007	SB 07-046	died in committee[7]	passed[7]	—	failed

Colorado	9	2009	HB 1299	passed[56]	died in committee[56][57]	—	failed
Connecticut	7	2009	HB 5016	passed[58][59]	died in committee	—	failed
Delaware	3	2009–10	HB 198	passed[60]	pending	—	pending
Hawaii	4	2007	HB 234,[61] SB 1956	did not override veto[11]	overrode veto[11]	vetoed[11]	failed
Hawaii	4	2008	HB 3013, SB 2898	overrode veto[62]	overrode veto[14]	vetoed[14]	passed
Illinois	21	2007–08	HB 858,[63] HB 1685, SB 78	passed[8]	passed[8]	signed[8]	passed
Iowa	7	2009–10	SF 227	—	passed committee[64]	—	failed
Kansas	6	2007–08	SB 150	—	died in committee[65]	—	failed
Maine	4	2007–08	LD 1744	indef. postponed[19]	passed[18]	—	failed
Maryland	10	2007	HB 148, SB 634	passed[66]	passed[66]	signed[66]	passed
Massachusetts	12	2007–08	HB 4952, SB 445[67]	passed[68]	passed[69]	not sent[70]	failed[71]
Massachusetts	12	2009–10[72]		pending	—	—	pending
Michigan	17	2007–2008	HB 6610	passed[73]	introduced[73]	—	failed
Minnesota	10	2009	HF 512, SF 446	died in committee[74][75]	introduced[76]	—	failed
Montana	3	2007	SB 290	—	failed[77]	—	failed
Nevada	5	2009	AB 413	passed[78]	died in committee	—	failed
New Jersey	15	2006-07	A 4225, S 2695	passed[9]	passed[9]	signed[9]	passed
New Mexico	5	2009	HB 383	passed[79][80]	not voted on[81]	—	failed
New York	31	2009–10	A01580	introduced[82]	—	—	pending
North Carolina	15	2007–08	H1645, S954	died in committee[83]	passed[10]	—	failed
North Dakota	3	2007	HB 1336	failed[84]	—	—	failed
Oklahoma	7	2009–10	HB 2207	pending[85]	—	—	pending
Oregon	7	2009	HB 2588	passed[86]	died in committee	—	failed
Rhode Island	4	2008	H 7707, S 2112	passed[16]	passed[16]	vetoed[16]	failed
Rhode Island	4	2009	HB 5569, SB 161	failed[87][88]	passed[87]	—	failed
Vermont	3	2007–08	H 373, S 270	passed[15]	passed[15]	vetoed[15]	failed
Vermont	3	2009–10	S 34	in committee[89]	passed[89]	—	pending
Washington	11	2007–08	HB 1750, SB 5628	died in committee[90]	passed[17]	—	failed
Washington	11	2009–10	HB 1598, SB 5599	passed[91]	passed[91]	signed	passed

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See also

- National Popular Vote Inc.
- United States Electoral College
- FairVote
- Every Vote Counts Amendment
- Electoral reform in the United States

External links

- Election Law Journal Symposium on National Popular Vote
- National Popular Vote
- Agreement Among the States to Elect the President by Nationwide Popular Vote - text of the interstate compact
- Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote - read or download book for free
- FairVote
- Common Cause
- Electoral College legislation at the National Conference of State Legislatures (not up-to-date)

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Categories: United States interstate compacts | Electoral reform in the United States

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National Popular Vote!

"The appointment, and mode of appointment, of electors belong exclusively to the states" - U.S. Supreme Court

Endorsed by 1,777 State Legislators



Massachusetts Rep. Charles A. Murphy

In addition to 829 state legislative sponsors (shown above), 948 other legislators have cast recorded votes in favor of the National Popular Vote bill.

Editorial Support

New York Times
Chicago Sun-Times
Minneapolis Star Tribune
Los Angeles Times
Sacramento Bee
The Columbian
Wichita Falls Times
Anderson Herald Bulletin
Fayetteville Observer
Boston Globe
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Daily Astorian
Sarasota Herald Tribune
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more endorsements

Short Explanation

The National Popular Vote bill would guarantee a majority of the Electoral College to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would reform the Electoral College so that the electoral vote in the Electoral College reflects the choice of the nation's voters for President of the United States. more

5 Enactments

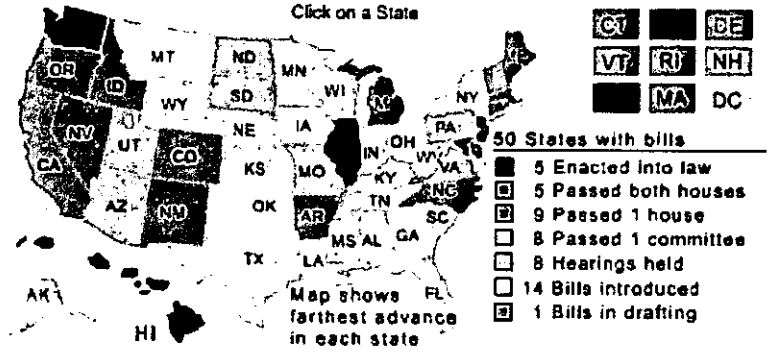
Hawaii - 4 votes
New Jersey - 15 votes
Illinois - 20 votes
Maryland - 10 votes

News on Reforming Electoral College to Reflect Nationwide Vote

- Delaware House Passes National Popular Vote Bill by a 23-12 Vote
- Hawaii, Illinois, Maryland, New Jersey and Washington Enact Bill
  - Washington joins Hawaii, Illinois, Maryland, New Jersey
  - 23% (61) of the 270 Electoral Votes That Are Needed to Activate Law
- 29 State Legislative Chambers Pass National Popular Vote Bill
- Since 2008 election, 12 Houses have Passed National Popular Vote Bill
  - Delaware House, Nevada Assembly, New Mexico House, Michigan House, Colorado House, Vermont Senate, Rhode Island Senate, Arkansas House, Oregon House, Connecticut House, Washington House and Senate
- 1,777 State Legislators Endorse National Popular Vote Bill
- 8 Legislative Chambers in Small States Pass National Popular Vote Bill
  - Both Houses in Hawaii, Vermont, and Rhode Island Pass Bill
  - Delaware House and Maine Senate Passes Bill

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State Progress on Reforming Electoral College



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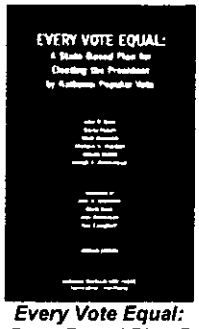
Sarasota Florida Herald Tribune Editorial

"The most compelling and practical alternative is promoted by a bipartisan group called National Popular Vote. The NPV proposal calls for legislatures to pass bills committing their state's electoral votes to the candidate who receives the most popular votes nationwide; the bill would take effect only when enacted by states that together have enough electoral votes to elect a president. more

Additional Topics

- Analysts Write-Off Three-Quarters of States in 2008 Election
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National - 72%
Arkansas - 80%
Arkansas - 74%
California - 69%
California - 70%
Colorado - 68%
Connecticut - 73%
Connecticut - 74%
Delaware - 75%
Florida - 78%
Kentucky - 80%
Idaho - 77%
Iowa - 75%
Maine - 77%
Maine - 71%
Massachusetts - 73%
Michigan - 70%
Michigan - 73%
Minnesota 75%
Mississippi - 77%
Missouri - 66%
Missouri - 70%
Nebraska - 74%
Nevada - 72%
New Hampshire - 69%
New Mexico - 76%
New York - 79%
North Carolina - 74%
Ohio - 70%
Oklahoma - 81%
Oregon - 76%
Pennsylvania - 78%
Rhode Island - 74%
South Dakota - 75%
Utah - 70%
Vermont - 75%
Virginia - 74%
Washington state - 77%



Washington - 11 votes



Organizations

Common Cause
FairVote
more endorsements

- Florida U.S. Senator Bill Nelson Supports Direct Election and NPV Bill
- Illinois Senator Kirk Dillard Interviewed about National Popular Vote
- **Southern Voters Support National Popular Vote**
  - Arkansas 80%, Mississippi 77%, North Carolina 74%, Virginia 74%
- **Battleground State Voters Support National Popular Vote**
  - Colorado 68%, Florida 78%, Iowa 75%, Michigan 73%, Missouri 70%, New Hampshire 69%, New Mexico 76%, Nevada 72%, North Carolina 74%, Pennsylvania 78%, Ohio 70%, Wisconsin 71%
- **Small State Voters Support National Popular Vote**
  - Delaware 75%, Idaho 77%, New Hampshire 69%, Maine 77%, Rhode Island 74%, South Dakota 75%, Vermont 75%
- **70%-79% Public Support National Popular Vote in Other States**
  - California 70%, Connecticut 73%, Kentucky 80%, Massachusetts 73%, Minnesota 75%, Nebraska 74%, New York 70%, Oklahmoa 81%, Oregon 76%, Utah 70%, Washington 77%

Links to Candidate Travel Maps and Electoral College Polls

- *New York Times* Candidate Travel Map
- FiveThirtyEight.com polls and analysis
- *Washington Post* Electoral Vote Map
- Rasmussen Electoral College Polling Reports
- Prof. Darryl Holman State Polls
- PollingReport.com
- Electoral Vote Maps

Express Yourself on Recent Blogs about National Popular Vote

- Projo Politics - 74% Support in Rhode Island
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Washington state - 77%
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29 Houses Pass Bill

Arkansas House
California Senate
California Assembly
Colorado House
Colorado Senate
Connecticut House
Delaware House
Hawaii House
Hawaii Senate
Illinois House
Illinois Senate
Maine Senate
Maryland House
Maryland Senate
Massachusetts House
Massachusetts Senate
Michigan House
Nevada Assembly
New Jersey Assembly
New Jersey Senate
New Mexico House
North Carolina Senate
Oregon House
Rhode Island House
Rhode Island Senate
Vermont House
Vermont Senate
Washington House
Washington Senate

What Do You Think

How should we elect the President?

- The candidate who gets the most votes in all 50 states.
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Reform the Electoral College so that the electoral vote reflects the nationwide popular vote for President

National Popular Vote!

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors . . ." - U.S. Constitution

Endorsed by 1,777 State Legislators



North Carolina Rep. Becky Carney

In addition to 829 state legislative sponsors (shown above), 948 other legislators have cast recorded votes in favor of the National Popular Vote bill.

Editorial Support

New York Times
Chicago Sun-Times
Minneapolis Star Tribune
Los Angeles Times
Sacramento Bee
The Columbian
Wichita Falls Times
Anderson Herald Bulletin
Fayetteville Observer
Boston Globe
Hartford Courant
The Tennessean
Daily Astorian
Sarasota Herald Tribune
Miami Herald
Connecticut Post
more endorsements

Short Explanation

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5 Enactments

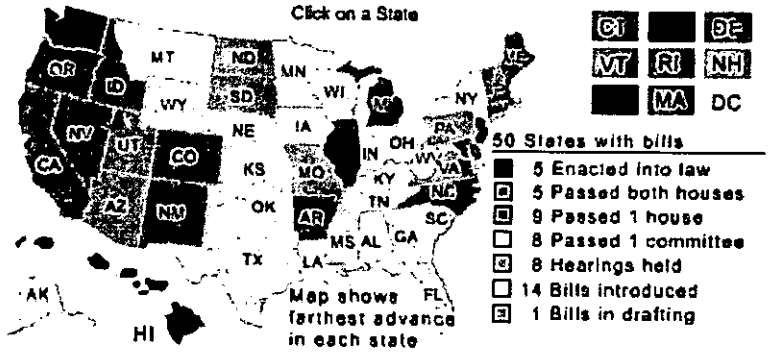
Hawaii - 4 votes
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News on Reforming Electoral College to Reflect Nationwide Vote

- Delaware House Passes National Popular Vote Bill by a 23-12 Vote
- Hawaii, Illinois, Maryland, New Jersey and Washington Enact Bill
  - Washington Joins Hawaii, Illinois, Maryland, New Jersey
  - 23% (61) of the 270 Electoral Votes That Are Needed to Activate Law
- 29 State Legislative Chambers Pass National Popular Vote Bill
- Since 2008 election, 12 Houses have Passed National Popular Vote Bill
  - Delaware House, Nevada Assembly, New Mexico House, Michigan House, Colorado House, Vermont Senate, Rhode Island Senate, Arkansas House, Oregon House, Connecticut House, Washington House and Senate
- 1,777 State Legislators Endorse National Popular Vote Bill
- 8 Legislative Chambers in Small States Pass National Popular Vote Bill
  - Both Houses in Hawaii, Vermont, and Rhode Island Pass Bill
  - Delaware House and Maine Senate Passes Bill

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State Progress on Reforming Electoral College



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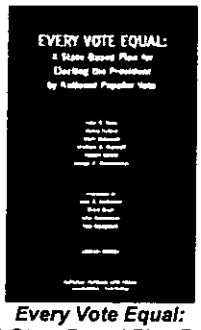
Sarasota Florida Herald Tribune Editorial

"The most compelling and practical alternative is promoted by a bipartisan group called National Popular Vote. The NPV proposal calls for legislatures to pass bills committing their state's electoral votes to the candidate who receives the most popular votes nationwide; the bill would take effect only when enacted by states that together have enough electoral votes to elect a president. more

Additional Topics

- Analysts Write-Off Three-Quarters of States in 2008 Election
  - Karl Rove Says 2008 Election Comes Down to 4 States
  - David Broder calls North Carolina "Unimportant" "Throwaway" State
- Congressional District Proposal Is Worse Than Current System
- Possibility of Tie in Electoral College in 2008

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Massachusetts - 73%
Michigan - 70%
Michigan - 73%
Minnesota 75%
Mississippi - 77%
Missouri - 66%
Missouri - 70%
Nebraska - 74%
Nevada - 72%
New Hampshire - 69%
New Mexico - 76%
New York - 79%
North Carolina - 74%
Ohio - 70%
Oklahoma - 81%
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Virginia - 74%
Washington state - 77%



Washington - 11 votes



Organizations

Common Cause
FairVote
more endorsements

- Florida U.S. Senator Bill Nelson Supports Direct Election and NPV Bill
- Illinois Senator Kirk Dillard Interviewed about National Popular Vote
- **Southern Voters Support National Popular Vote**
  - Arkansas 80%, Mississippi 77%, North Carolina 74%, Virginia 74%
- **Battleground State Voters Support National Popular Vote**
  - Colorado 68%, Florida 78%, Iowa 75%, Michigan 73%, Missouri 70%, New Hampshire 69%, New Mexico 76%, Nevada 72%, North Carolina 74%, Pennsylvania 78%, Ohio 70%, Wisconsin 71%
- **Small State Voters Support National Popular Vote**
  - Delaware 75%, Idaho 77%, New Hampshire 69%, Maine 77%, Rhode Island 74%, South Dakota 75%, Vermont 75%
- **70%-79% Public Support National Popular Vote in Other States**
  - California 70%, Connecticut 73%, Kentucky 80%, Massachusetts 73%, Minnesota 75%, Nebraska 74%, New York 70%, Oklahmoa 81%, Oregon 76%, Utah 70%, Washington 77%

Links to Candidate Travel Maps and Electoral College Polls

- *New York Times* Candidate Travel Map
- FiveThirtyEight.com polls and analysis
- *Washington Post* Electoral Vote Map
- Rasmussen Electoral College Polling Reports
- Prof. Darryl Holman State Polls
- PollingReport.com
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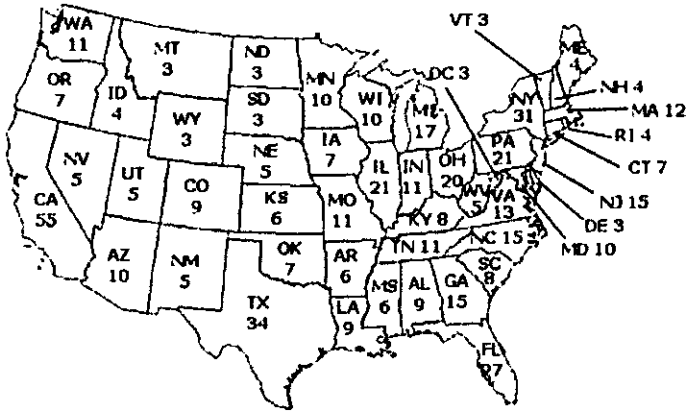
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5 Enactments

Hawaii - 4 votes
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The Electoral College

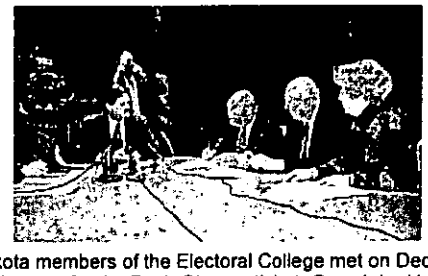


The U.S. Constitution specifies that the President and Vice President of the United States are to be chosen every four years by a small group of people who are individually referred to as "presidential electors." The electors are collectively referred to as the "Electoral College."

The Constitution specifies that each state is entitled to one member of the Electoral College for each of its U.S. Representatives and U.S. Senators. Today, there are a total of 538 electoral votes in the Electoral College. This total corresponds to the 435 U.S. Representatives from the 50 states *plus* the 100 U.S. Senators from the 50 states *plus* the three members of the Electoral College to which the District of Columbia became entitled under the 23rd Amendment (ratified in 1961). Every 10 years, the 435 U.S. Representatives are reapportioned among the states in accordance with the latest federal census, thereby automatically reapportioning the membership of the Electoral College among the states.

Members of the Electoral College are chosen by each state and the District of Columbia on the Tuesday after the first Monday in November in presidential election years. Each political party nominates its own candidates (typically long-standing party activists) for the position of presidential elector.

The 538 members of the Electoral College cast their votes for President and Vice President in meetings held in the 50 state capitals and the District of Columbia in mid-December of presidential election years. If all 538 electors are appointed, 270 electoral votes (i.e., a majority of 538 members of the Electoral College) are required to elect the President and the Vice President.



The three North Dakota members of the Electoral College met on December 15, 2000, in Bismarck to cast their votes for the Bush-Cheney ticket. Gov. John Hoeven (left) observes former Gov. Ed Schafer put his signature to ballot for Electoral College. The other two electors are former state Senator Bryce Streibel of Fressenden and former Lieutenant Governor Rosemarie Myrdal. **more**



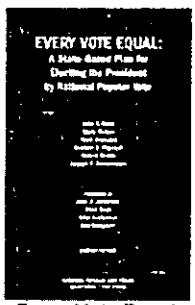
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Iowa - 75%
Maine - 77%
Maine - 71%
Massachusetts - 73%
Michigan - 70%
Michigan - 73%
Minnesota 75%
Mississippi - 77%
Missouri - 66%
Missouri - 70%
Nebraska - 74%
Nevada - 72%
New Hampshire - 69%
New Mexico - 76%



The three Wyoming members of the Electoral College met in December 1996 in Cheyenne to cast their votes for the Robert Dole for President and Jack Kemp for Vice President.

The table below shows the distribution of electoral votes among the 51 jurisdictions that appoint members of the Electoral College. Because each state has two Senators and at least one Representative, no state has fewer than three members of the Electoral College. The states with the most members of the Electoral College are California (55), Texas (34), and New York (31). There are 13 low-population states with three or four members of the Electoral College. The average number of members of the Electoral College per state is about 11.

Distribution of electoral votes

Jurisdiction	Representatives	Senators	Total Members of the Electoral College
Alabama	7	2	9
Alaska	1	2	3
Arizona	8	2	10
Arkansas	4	2	6
California	53	2	55
Colorado	7	2	9
Connecticut	5	2	7
Delaware	1	2	3
DC	0	0	3
Florida	25	2	27
Georgia	13	2	15
Hawaii	2	2	4
Idaho	2	2	4
Illinois	19	2	21
Indiana	9	2	11
Iowa	5	2	7
Kansas	4	2	6
Kentucky	6	2	8
Louisiana	7	2	9
Maine	2	2	4
Maryland	8	2	10
Massachusetts	10	2	12
Michigan	15	2	17
Minnesota	8	2	10
Mississippi	4	2	6
Missouri	9	2	11
Montana	1	2	3
Nebraska	3	2	5
Nevada	3	2	5
New Hampshire	2	2	4
New Jersey	13	2	15
New Mexico	3	2	5
New York	29	2	31
North Carolina	13	2	15
North Dakota	1	2	3
Ohio	18	2	20

New York - 79%
North Carolina - 74%
Ohio - 70%
Oklahoma - 81%
Oregon - 76%
Pennsylvania - 78%
Rhode Island - 74%
South Dakota - 75%
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What Do You Think

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C The candidate who gets the most votes in all 50 states.

C The current Electoral College system.

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Oklahoma	5	2	7
Oregon	5	2	7
Pennsylvania	19	2	21
Rhode Island	2	2	4
South Carolina	6	2	8
South Dakota	1	2	3
Tennessee	9	2	11
Texas	32	2	34
Utah	3	2	5
Vermont	1	2	3
Virginia	11	2	13
Washington	9	2	11
West Virginia	3	2	5
Wisconsin	8	2	10
Wyoming	1	2	3
Total	435	100	538

The date for the meeting of the Electoral College is established by federal election law (United States Code. Title 3, chapter 1, section 7). In 2004, the designated day for the meeting of the Electoral College was Monday, December 13. This statute was enacted in 1934 after the 20th Amendment changed the date for the presidential inauguration from March 4 to January 20.

The people have the right, under the U.S. Constitution, to vote for U.S. Representatives. The 17th Amendment (ratified in 1913) gave the people the right to vote for U.S. Senators (who were elected by state legislatures under the original Constitution). The people, however, have no federal constitutional right to vote for President or Vice President or for their state's members of the Electoral College. Instead, the Constitution (Article II, section 1, clause 2) provides:

> "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...."

As the U.S. Supreme Court observed in the 1892 case of *McPherson v. Blacker*:

> "The constitution does not provide that the appointment of electors shall be by popular vote, nor that the electors shall be voted for upon a general ticket, nor that the majority of those who exercise the elective franchise can alone choose the electors." ...
>
> "In short, the appointment and mode of appointment of electors belong exclusively to the states under the constitution of the United States."

In 2000, the U.S. Supreme Court in *Bush v. Gore* reiterated the principle that the people have no federal constitutional right to vote for President or Vice President or for their state's members of the Electoral College..

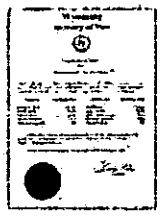
> "The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the Electoral College."

The Constitution's delegation of power to the states to choose the manner of selecting their members of the Electoral College is unusually unconstrained. It contrasts significantly with the limitations contained in the Constitution on state power over the manner of conducting congressional elections (Article II, section 4, clause 1).

> "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations...."

In a 1919 case involving a state statute entitled "An act granting to women the right to vote for presidential electors," the Maine Supreme Judicial Court wrote (*In re Opinion of the Justices*):

> "[E]ach state is thereby clothed with the absolute power to appoint electors in such manner as it may see fit, without any interference or control on the part of the federal government, except, of course, in case of attempted discrimination as to race, color, or previous condition of servitude...."



Certificate of Ascertainment showing that Wyoming cast its three electoral votes for the Bush-Cheney ticket because that state received more popular votes in Wyoming than any other state.

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Pennsylvania Rep. Timothy J. Solobay

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2. Myths about Small States

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2 **Myths about Small States**

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2.2 MYTH: The small states oppose a national popular vote.

2.3 MYTH: The National Popular Vote bill threatens the equal representation of the states in the U.S. Senate.

2.4 MYTH: A national popular vote would undermine a partisan advantage in favor of the Republican Party in the small states.

2.1 MYTH: The small states would be disadvantaged by a national popular vote.

The small states are the most disadvantaged group of states under the current system.

Although the small states theoretically benefit from receiving two extra electoral votes corresponding to their U.S. Senators, this "bonus" does not, in practice, translate into political power. Political power in presidential elections comes from being a closely divided battleground state—not from the two-vote bonus conferred on the small states in the Electoral College.

Under the winner-take-all rule (i.e., awarding all of a state's electoral votes to the candidate who receives the most popular votes in each state), candidates have no reason to poll, visit, advertise, organize, or pay attention to the concerns of states where they are comfortably ahead or hopelessly behind. Instead, candidates concentrate their attention on a small handful of battleground states. This means that voters in the vast majority of the states are ignored in presidential elections. In 2004, candidates concentrated over two-thirds of their money and campaign visits in five states; over 80% in nine states; and over 99% of their money in 16 states. In 2008, candidates concentrated over two-thirds of their campaign events and ad money in just states, and 98% in just 15 states.[20]

The reason that the small states are the most disadvantaged group of states under the current system is that almost all of them are one-party states in terms of presidential elections. In the last six presidential elections (1988 through 2008), six of the 13 least populous states (i.e., those with three or four electoral votes) have regularly gone Republican (Alaska, Idaho, Montana, Wyoming, North Dakota, and South Dakota). Six others (Hawaii, Vermont, Maine, Rhode Island, Delaware, and the District of Columbia) have regularly gone Democratic.[21] New Hampshire has been the only battleground state among the 13 smallest states.

The 12 smallest non-competitive states have a combined population of 11.4 million. Because of the bonus of two electoral votes that every state receives, these 12 small states have 40 electoral votes. Coincidentally, Ohio has 11.4 million people. Ohio has 20 electoral votes. That is, the 11 million people in Ohio have "only" 20 electoral votes, whereas the 11 million people in the 12 smallest non-competitive states have 40 electoral votes. However, political power does not arise from the number of electoral votes that a state possesses, but, instead, from whether the state is a closely divided battleground state. The battleground state of Ohio (with "only" 20 electoral votes) received 62 visits in the 2008 presidential election. However, the 12 non-battlegound small states (with their 40 electoral votes) were politically irrelevant. In 2008, the 12 small non-competitive states received no visits, advertising, polling, or policy consideration by presidential candidates because the outcome of the presidential race in those states is generally a foregone conclusion. The winner-take-all rule makes the 11 million people in the closely divided battleground state of Ohio crucial in presidential races, while rendering the 11 million



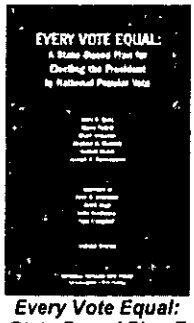
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Kentucky - 80%
Idaho - 77%
Iowa - 75%
Maine - 77%
Maine - 71%
Massachusetts - 73%
Michigan - 70%
Michigan - 73%
Minnesota 75%
Mississippi - 77%
Missouri - 66%
Missouri - 70%
Nebraska - 74%
Nevada - 72%
New Hampshire - 69%
New Mexico - 76%

people in the nation's smallest states irrelevant. This is a situation in which 20 is much more than 40. A national popular vote would make every vote equal throughout the United States. A national popular vote would make a vote cast in a small state as important as a vote cast in Ohio.

Most of the states with five or six electoral votes are similarly non-competitive in presidential elections (and therefore similarly disadvantaged). In fact, of the 22 least populous states (i.e. those with between three and six electoral votes), only New Hampshire (four electoral votes), New Mexico (five electoral votes), and Nevada (five electoral votes) have been battleground states in recent elections.

The fact that the small states are disadvantaged by the current system has been recognized by prominent officials from smaller states. In a 1979 Senate speech, Senator Henry Bellmon (R–Oklahoma) described how his views on the Electoral College had changed as a result of serving as National Campaign Director for Richard Nixon and a member of the American Bar Association's commission studying electoral reform.

> "While the consideration of the electoral college began—and I am a little embarrassed to admit this—I was convinced, as are many residents of smaller States, that the present system is a considerable advantage to less populous States such as Oklahoma. ... As the deliberations of the American Bar Association Commission proceeded and as more facts became known, I **came to the realization that the present electoral system does not give an advantage to the voters from the less populous States. Rather, it works to the disadvantage of small State voters who are largely ignored in the general election for President.**"[22] [Emphasis added]

Senator Robert E. Dole of Kansas, the Republican nominee for President in 1996 and Republican nominee for Vice President in 1976, stated:

> "Many persons have the impression that the electoral college benefits those persons living in small states. I feel that this is somewhat of a misconception. Through my experience with the Republican National Committee and as a Vice Presidential candidate in 1976, it became very clear that the populous states with their large blocks of electoral votes were the crucial states. It was in these states that we focused our efforts.
>
> "Were we to switch to a system of direct election, I think we would see a resulting change in the nature of campaigning. While urban areas will still be important campaigning centers, there will be a new emphasis given to smaller states. **Candidates will soon realize that all votes are important, and votes from small states carry the same import as votes from large states. That to me is one of the major attractions of direct election. Each vote carries equal importance.**
>
> "Direct election would give candidates incentive to campaign in States that are perceived to be single party states.[23] [Emphasis added]

Because so few of the least populous states are battleground states in presidential elections, the current system actually shifts power from voters in the small and medium-sized states to voters in a handful of big states. As early as the spring of 2008, both major political parties acknowledged that there would be at most 14 battleground states (involving only 166 of the 538 electoral votes) in the 2008 presidential election.[24] In other words, two-thirds of the states were regarded as irrelevant under the current system. Among this group of 14 battleground states, Michigan (17 electoral votes), Ohio (20), Pennsylvania (21), and Florida (27) contain over half (85) of the 166 electoral votes. Among the 22 least populous states, only three (i.e., New Hampshire, New Mexico, and Nevada) were among this group of 14 battleground states. These three states contain only 14 of the 166 electoral votes. The net result is that the current system shifts power from voters in the least populous states to voters in a handful of closely divided battleground states (almost all of which are big states).

2.2 MYTH: The small states oppose a national popular vote.

New York - 79%
North Carolina - 74%
Ohio - 70%
Oklahoma - 81%
Oregon - 76%
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Arkansas House
California Senate
California Assembly
Colorado House
Colorado Senate
Connecticut House
Delaware House
Hawaii House
Hawaii Senate
Illinois House
Illinois Senate
Maine Senate
Maryland House
Maryland Senate
Massachusetts House
Massachusetts Senate
Michigan House
Nevada Assembly
New Jersey Assembly
New Jersey Senate
New Mexico House
North Carolina Senate
Oregon House
Rhode Island House
Rhode Island Senate
Vermont House
Vermont Senate
Washington House
Washington Senate

What Do You Think

How should we elect the President?

The candidate who gets the most votes in all 50 states.

The current Electoral College system.

Cast Your Vote
View Results

Add this poll to your web site

The facts speak for themselves. Hawaii was the fourth state to enact the National Popular Vote bill. As of 2008, the bill has been approved by a total of seven state legislative chambers in small states, including one house in Maine and both houses in Hawaii, Rhode Island, and Vermont.

The concept of a national popular vote for President is far from being politically "radioactive" in small states. Indeed, the concept of a national popular vote for President is popular in small states. Polls in 2008 showed a high level of support for a nationwide election for President in small states such as Vermont (75%), Maine (71%), New Hampshire (69%), and Rhode Island (74%).[25] These results are consistent with the fact that more than 70% of the American people have favored a nationwide election for President since the Gallup poll started asking this question in 1944. The *Washington Post*, Kaiser Family Foundation, and Harvard University poll in 2007 showed 72% support for direct nationwide election of the President. This recent national result is similar to recent statewide polls in Arkansas (74%), California (70%), Connecticut (73%), Massachusetts (73%), Michigan (73%), Missouri (70%), and Washington (77%). In short, there is very little difference in the level of political support for a national popular vote in small, medium-sized, and large states.

The small states are the most disadvantaged group of states under the current system (as discussed in section 10.2.1 of this book). The fact that the bonus of two electoral votes is an illusory benefit to the small states is not a new revelation. This fact has been widely recognized by the small states for some time. In 1966, Delaware led a group of 12 predominantly low-population states (including North Dakota, South Dakota, Wyoming, Utah, Arkansas, Kansas, Oklahoma, and Iowa) in suing New York in the U.S. Supreme Court. These states argued that New York's use of the winner-take-all rule effectively disenfranchised voters in their states.[26] The Court declined to hear the case (presumably because of the well-established constitutional provision that the manner of awarding electoral votes is exclusively a state decision). Ironically, the defendant (New York) is no longer an influential battleground state (as it was in the 1960s). Today, New York suffers the very same disenfranchisement as most of the less populous states because it too has become politically non-competitive. Today, a vote in New York is equal to a vote in Wyoming—votes in both are equally irrelevant in presidential elections.

The Electoral College is not the bulwark of influence for the small states in the U.S. Constitution. The 13 smallest states (with 3% of the nation's population) have 25% of the votes in the U.S. Senate—a very significant source of political clout. However, the 13 smallest states (i.e., those with three or four electoral votes) have only 26 extra votes in the Electoral College by virtue of the two-vote bonus—not a large number in relation to the total of 538 electoral votes. Although the 13 smallest states cast 3% of the nation's popular vote while possessing 6% of the electoral votes, the extra 3% is a minor numerical factor in the context of a presidential election. More significantly, this small theoretical advantage is eradicated by the fact that the small states are equally divided between the two major political parties and because the one-party character of the small states makes 12 out of 13 of them irrelevant in presidential elections. In fact, the bulwark of influence for the small states is the equal representation of the states in the U.S. Senate—not the small number of additional electoral votes that they have in the Electoral College.

2.3 MYTH: The National Popular Vote bill threatens the equal representation of the states in the U.S. Senate.

Equal representation of the states in the U.S. Senate is explicitly established in the U.S. Constitution. This feature of the U.S. Constitution cannot be changed by state law. In fact, it may not even be amended by an ordinary federal constitutional amendment. Instead, this feature of the U.S. Constitution may only be changed by unanimous consent of all 50 states.[27] In contrast, the U.S. Constitution explicitly assigns the power to choose the manner of electing the President to the state legislatures. The adoption by a state legislature of the National Popular Vote bill is an exercise of a legislature's existing powers under the U.S. Constitution. Such action has no impact or bearing on the constitutional provisions concerning representation in the U.S. Senate.

2.4 MYTH: A national popular vote would undermine a partisan advantage in favor of the Republican Party in the small states.

The small state issue sometimes serves as a surrogate for the unstated political concern (and misconception) that the small states confer a partisan advantage in favor of the Republican Party. However, this belief does not reflect current political reality. In the last six presidential elections (1988 through 2008), six of the 13 least populous states have regularly gone

Republican (Alaska, Idaho, Montana, Wyoming, North Dakota, and South Dakota), while six others (Hawaii, Vermont, Maine, Rhode Island, Delaware, and the District of Columbia) have regularly gone Democratic.[28] New Hampshire has been, in recent years, the one closely divided battleground state among the 13 smallest states (having supported the Democrat in 1992 and 1996, the Republican in 2000, and the Democrat in 2004 and 2008).

Interestingly, the 12 smallest non-competitive states actually confer a slight political advantage on the Democratic presidential candidate. For example, in 2004, John Kerry won 21 electoral votes from his 444,115-vote lead in the six non-competitive Democratic small states, whereas George W. Bush won only 19 electoral votes from his 650,421-vote lead in the six non-competitive Republican small states. The reason that the Democrats enjoy a partisan advantage in presidential elections in the smallest states is that the six regularly Republican small states are very heavily Republican (Alaska 64%, Idaho 69%, Montana 61%, Wyoming 70%, North Dakota 64%, and South Dakota 61%). In contrast, the Democrats carried three of their six small states (Delaware, Hawaii, and Maine) with only 54% of the vote. A 54% margin is generally viewed as placing a state safely out of reach for the opposition during a typical presidential campaign;[29] however, 54% is considerably less than the Republican Party's margin in their six small states. In two additional states (Vermont and Rhode Island), the Democrats won with 60% of the vote (again a smaller margin than the Republican Party's margin in their six small states). If the boundaries of the small states had been recently drawn, there would be accusations that the boundaries were a Democratic gerrymander.

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[20] http://fairvote.org/tracker/?page=27&pressmode=showspecific&showarticle=230.

[21] Among the six regularly Republican-leaning small states Clinton carried Montana in 1992 (presumably due to Perot's presence on the ballot). Among the six Democratic-leaning small states, George H. W. Bush carried Delaware, Maine, and Vermont in 1988.

[22] *Congressional Record.* July 10, 1979. Page 17748.

[23] *Congressional Record.* January 14, 1979. Page 309.

[24] "Already, Obama and McCain Map Fall Strategies." New York Times. May 11, 2008.

[25] These polls (and many others) are available on National Popular Vote's web site at http://www.nationalpopularvote.com/pages/polls.php#2007WPKHU.

[26] Information about *State of Delaware v. State of New York* (and links to the pleadings) may be found at http://www.nationalpopularvote.com/pages/misc/de_lawsuit.php.

[27] Article V of the U.S. Constitution provides: "No State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

[28] Among the six regularly Republican-leaning small states, Clinton carried Montana in 1992 (presumably due to Perot's presence on the ballot). Among the six Democratic-leaning small states, George H. W. Bush carried Delaware, Maine, and Vermont in 1988.

[29] Although there is no universally accepted definition of a battleground state, battleground states are, more or less, those in which the spread between the top two candidates is less than 8%.

Hartford Courant.

For National Popular Vote

Hartford Courant editorial
March 2, 2008

Connecticut, to everyone's surprise, was in play during the Super Tuesday primaries. Three major candidates visited the state.

But that may not happen in the run-up to the November general election (minus a quick fundraising visit or two to Fairfield County). If, say, the state is considered safe for the Democrats, neither candidate will feel the need to campaign here. The same thing is likely to happen in two-thirds of the other states.

Our system of electing the president and vice president is flawed and archaic. There is a way to change it without amending the U.S. Constitution. The states can simply agree to give their electoral votes — regardless of who wins each state's popular vote — to the winner of the national popular vote. There is a serious proposal to adopt the "National Popular Vote" plan here and across the country. It's worth supporting.

Connecticut Often Ignored

The problem with the present system is the winner-take-all rule used in 48 states. In all states except Maine and Nebraska, the candidate who wins the state's popular vote gets all of the state's electoral votes.

So if a candidate is assured of winning, say, 55 percent of the popular vote, the campaign is over. He or she will get all the electoral votes, and there's no point in trying to get more votes, nor is there any point in the losing candidate losing by fewer votes. Although it's possible that the losing candidate could try to reverse the numbers, what almost always happens is that both candidates put their money and time into battleground states.

According to the FairVote organization, 99 percent of the campaign advertising money in the 2004 presidential election was spent in just 17 states, and 92 percent of the campaign visits were in only 16 states. Issues in those states are thrust to the fore, at the expense of whatever Connecticut and other less-noticed states are concerned about. Federal grants tend to find their way to contested states, especially as elections near.

The way we elect presidents now thwarts the democratic principle of majority rule. Four times in our nation's history, most recently in 2000, a president has won the office while losing the popular vote. It almost happened in a number of other elections. A shift of only 60,000 votes in Ohio would have given the 2004 election to John Kerry, despite President George W. Bush's 3.5 million-vote lead in the popular tally.

Also, the lack of a meaningful campaign depresses voter turnout, which in turn makes things worse for the minority party.

Reformers have been trying to scuttle the Electoral College system for at least 50 years. Twice in the 1970s, a proposed constitutional amendment passed one house of Congress, only to be blocked by beneficiaries of the current system. It is difficult, as it should be, to amend the U.S. Constitution. But because states have the power to allocate their electoral votes, some clever folks have come up with another way around the block.

Change How States Use Votes

The National Popular Vote creates a compact. All of the states that join agree to give their electoral votes to the candidate who receives the most popular votes in all 50 states and the District of Columbia. The compact only kicks in when enacted by states possessing a majority of the electoral votes — 270 of 538, enough to elect a president.

The bill has passed in two states, Maryland and New Jersey, and is in the pipeline in more than 40 other states, including Connecticut. The bill, which failed to pass last year, has been introduced again, and backers say it has a better chance of passage this year.

Support is not universal. Critics such as Gov. Arnold Schwarzenegger, who vetoed the bill after it passed both houses in the California legislature, object to the possibility that a state could give its electoral votes to a candidate it didn't support.

Others in favor of the devil-we-got say the new method could increase the cost of elections and focus campaigning on population centers at the expense of rural areas.

Those points are well-taken, but the positives of National Popular Vote outweigh the negatives. There are no other indirect elections left in government; they are a relic of the past. The Electoral College was supposed to help small-population states (and Southern states where slaves couldn't vote), but most small-population states aren't in play on Election Day. That the 2000 election was hanging on hanging chads was absurd.

If a million votes in Connecticut count as much as a million votes in Ohio, we'll see the candidates again. National Popular Vote is worth a try.

The New York Times

Maryland Takes the Lead

New York Times Editorial
April 14, 2007

As the nation braces for a long and numbing presidential election, the State of Maryland has done voters a favor by rejecting the Electoral College as a fossil in need of a democratic makeover. Gov. Martin O'Malley and the Annapolis legislature made the state the first in the nation to decide that its Electoral College members should someday be required to vote for the presidential candidate chosen by a plurality of the nation's voters, not according to the state's parochial tally.

The change would not take effect until it won final acceptance by enough states to amount to a 270-vote majority in the college. (Maryland has 10 votes.) But it is something all Americans would benefit from, particularly the masses of voters routinely ignored when candidates focus on a few battleground states — just 16 in 2004 — that increasingly settle modern campaigns.

The need to scrap the creaky college machinery was made clear in the angst of the 2000 election. George W. Bush lost the popular election by almost 544,000 votes, yet won in a Supreme Court showdown over Florida's electors that hinged on far fewer disputed state ballots. Four years later, it was Mr. Bush's turn to sweat as he handily won the national vote yet came close to losing Ohio — and the White House — in the college's arcane state-by-state fragmentation of the popular majority.

The reform movement, driven by a bipartisan coalition called National Popular Vote, has a long way to go. But Hawaii is close to approval, and hundreds of legislators are sponsoring the change in more than 40 other states. It is an ingenious way around the fact that the alternative strategy of trying to amend the Constitution would require the approval of three-fourths of the states, leaving veto power in the hands of smaller states over-represented in the college.

The objection that reform would mean that rural interests would be ignored is a canard. The change would require candidates to present positions that galvanized all Americans. This is the truer and more certain path of democracy.

The New York Times

Drop Out of the College

New York Times Editorial
March 14, 2006

The Electoral College is an antidemocratic relic. Everyone who remembers 2000 knows that it can lead to the election of the candidate who loses the popular vote as president. But the Electoral College's other serious flaws are perhaps even more debilitating for a democracy. It focuses presidential elections on just a handful of battleground states, and pushes the rest of the nation's voters to the sidelines.

There is an innovative new proposal for states to take the lead in undoing the Electoral College. Legislatures across the country should get behind it.

Both parties should have reason to fear the college's perverse effects. In 2000, the Democrats lost out. But in 2004, a shift of 60,000 votes in Ohio would have elected John Kerry, even though he lost the national popular vote decisively.

Just as serious is the way the Electoral College distorts presidential campaigns. Candidates have no incentive to campaign in, or address the concerns of, states that reliably vote for a particular party. In recent years, the battleground in presidential elections has shrunk drastically. In 1960, 24 states, with 327 electoral votes, were battleground states, according to estimates by National Popular Vote, the bipartisan coalition making the new proposal. In 2004, only 13 states, with 159 electoral votes, were. As a result, campaigns and national priorities are stacked in favor of a few strategic states. Ethanol fuel, a pet issue of Iowa farmers, is discussed a lot. But issues of equal concern to states like Alabama, California, New York and Indiana are not.

The Electoral College discourages turnout because voters in two-thirds of the nation know well before Election Day who will win their states. It also discriminates among voters by weighing presidential votes unequally. A Wyoming voter has about four times as much impact on selecting that state's electors as a California voter does on selecting that state's.

The answer to all of these problems is direct election of the president. Past attempts to abolish the Electoral College by amending the Constitution have run into difficulty. But National Popular Vote, which includes several former members of Congress, is offering an ingenious solution that would not require a constitutional amendment. It proposes that states commit to casting their electoral votes for the winner of the national popular vote. These promises would become binding only when states representing a majority of the Electoral College signed on. Then any candidate who won the popular vote would be sure to win the White House.

The coalition is starting out by trying to have laws passed in Illinois and a few other states. Americans are rightly cautious about tinkering with mechanisms established by the Constitution. But throughout the nation's history, there have been a series of reforms affecting how elections are conducted, like the ones that gave blacks and women the vote and provided for the direct election of United States senators. Sidestepping the Electoral College would be in this worthy tradition of making American democracy more democratic.

CHICAGO SUN-TIMES
suntimes.com

We vote for a fairer way to decide national elections

Chicago Sun-Times editorial
March 1, 2006

Calls to reform or abolish the Electoral College hit a fever pitch after the 2000 presidential election, when Al Gore won the popular tally but didn't have enough votes in the right states to carry the electoral vote. That call quieted somewhat after the 2004 election, when President Bush won the popular vote but still could have lost the election if John Kerry had won Ohio. Despite interest in reform, nothing has happened, mostly due to the difficulty in amending the Constitution.

Now a bipartisan commission, whose members include former Rep. John Anderson (R-Ill.) and former Sen. Birch Bayh (D-Ind.), has proposed an idea to retain the Electoral College while still ensuring it reflects the will of the majority of voters. The Sun-Times News Group backs the concept and applauds the National Popular Vote group for thinking outside the box.

The group's plan is to get enough states to agree to give all their electoral votes to the national vote winner, regardless of the results in their individual states. Under the proposal, each state would pass laws to change the way their electoral votes are awarded, a process the Constitution leaves for the states to set. They would also enter an interstate compact with other states that make the same change, agreeing that the new system won't take effect until states representing 270 electoral votes -- the number needed to carry the Electoral College -- have joined.

In Illinois, the plan is backed by a group that includes state Senators Jacqueline Collins, a Chicago Democrat, and Kirk Dillard, a Hinsdale Republican and chairman of the DuPage County Republican Party.

Using such a system in the last election would have meant Bush won all of Illinois' electoral votes, even though Kerry easily carried the state. If that sounds strange, it's no stranger than Illinois and other populous states being virtually ignored by both parties during the last campaign, since one candidate or the other had them locked so early. That likely hurt the turnout in those noncompetitive states, affecting elections further down the ticket.

What of awarding electoral votes by the top vote-getter in each congressional district, as is currently done in Nebraska and Maine? That would simply set up a situation where candidates concentrate on a small number of battleground districts, because, thanks to gerrymandering, most districts are noncompetitive.

Republicans may be hardest to persuade to support this plan, over fears that large urban centers that tend to vote Democratic will dominate elections. But that wasn't an impediment to Bush's re-election. And polls show most Americans want the president to be elected by the popular vote. It's time to make the change with this innovative plan.

This editorial represents the view of the Sun-Times News Group of 100 newspapers in the Chicago metro area.

Los Angeles Times
latimes.com.

States join forces against electoral college

A piecemeal approach may be the only way to kill the anachronistic institution

Los Angeles Times Editorial

June 5, 2006

A PROPOSED EXPERIMENT with majority rule has generated plenty of naysayers who apparently think that some nations are simply too immature to let people directly choose their own leaders. But we say the United States is ready for real democracy.

The experiment is the National Popular Vote campaign, which intends to undermine the Constitution's anachronistic Electoral College. If the campaign succeeds, future presidents will take office only if they win the popular vote nationwide.

The ingenious scheme was developed by John R. Koza, a Stanford professor who also invented the scratch-off lottery ticket. It calls on state legislatures to pass a measure dictating that all the electoral votes from that state go to the winner of the national popular vote. It goes into effect only if enough states approve it to represent a majority of the electoral votes. In other words, if states that represent at least 270 of the 538 electoral votes all approve the measure, the winner of the popular vote nationwide would automatically win the presidency. It thus renders the Electoral College moot without eliminating it.

This kind of end run is necessary because the only way to get rid of the Electoral College entirely is via a constitutional amendment, which would be nearly impossible to pass. Enough small states benefit from the current system to block an amendment. The beauty of this approach is that each state is constitutionally allowed to allot its electoral votes as it sees fit. The measure was approved by California's Assembly on Tuesday and is pending in four other states; backers hope to get it before all 50 states by January.

Anyone wondering why he should care about the Electoral College need look no further than the 2000 election, when George W. Bush won the presidency despite getting about half a million fewer votes than Al Gore. If that makes conservatives think they should be thankful that the majority doesn't always rule in the United States, they should think again. The same thing nearly happened in reverse in 2004. If John Kerry had picked up a mere 60,000 more votes in Ohio, he would have won — even though Bush took in 3 million more votes overall.

The Electoral College doesn't skew just election results; it skews elections. Candidates know they don't have to campaign in states that either clearly favor them or clearly don't; they have to focus only on swing states. In the 2004 campaign, Bush and Kerry spent a great deal of time brushing up on agricultural policy and other issues of vital concern in Iowa, while ignoring matters important to people in states such as California, Texas and New York.

Opponents argue that the current system ensures that smaller states continue to have a say in setting national policy. But the U.S. Senate already gives Delaware every bit as much clout as California. Any method besides majority vote empowers some citizens at the expense of others and makes the president beholden to minority interests.

At its inception, the United States was, well, a union of states. But it is now one nation, and our president should be elected by the citizens of that nation, not by its constituent states. To argue otherwise is to say that some Americans should have more power to elect a president than others simply because of where they live. Remember, all men are created equal. Including Californians and New Yorkers.

http://www.latimes.com/news/printedition/opinion/la-ed-college05jun05,1,6822980.story

StarTribune.com
Minneapolis - St. Paul, Minnesota

How to drop out of the Electoral College:

There's a way to ensure top vote-getter becomes president

Editorial—Minneapolis Star Tribune
March 27, 2006

This country could form a more perfect union by accepting a novel idea: that the president of the United States should be elected by the people of the United States.

That's not the way it's done, of course, and, given the Constitution's enshrinement of the Electoral College, things aren't likely to change. To quit the college would take approval of two-thirds of both houses of Congress and three-quarters of state legislatures, so fuggedaboudit.

But now comes a gaggle of bipartisan reformers with a cheeky idea worth considering. What if legislatures, one by one, entered their states into an interstate compact under which members would agree to award their electoral votes to the winner of the national popular vote? The compact would kick in only when enough states had joined it to elect a president—that is, when a majority of the 538 electoral votes were assembled. As few as 11 states could ensure that the candidate with the most popular votes nationally would win the presidency. As a result, the Constitution and the Electoral College would stay intact, but the college's fangs would be removed.

That approach would be more democratic than current practice. Recall that Al Gore lost the 2000 election to George W. Bush despite getting a half-million more popular votes, and that Bush nearly lost the 2004 election despite getting 3 million more popular votes (a shift of only 60,000 votes in Ohio would have thrown the election to John Kerry). So, both parties have reason to fear the college's distortions.

That the Electoral College has "worked" in all but one election since 1888 isn't a good enough reason to stay with the status quo. The college has a perverse impact on campaigns. With no incentive to compete in states that are predictably red or blue, candidates concentrate on the battleground states—only 13 of them in 2004, down from 24 in 1960. That's not the national campaign voters deserve. In the last election, 92 percent of campaign events took place in just 13 states, which also absorbed 97 percent of advertising during the campaign's final month. Three dozen red and blue states as large as California, New York and Texas and as small as Delaware, Utah and Wyoming were mere spectators.

Now that Minnesota is a battleground getting lots of attention, it's a lot to ask the Legislature to do the right thing and endorse the new compact. But it really should. So should other states—both red and blue—join, for the sake of a better democracy.

The Sacramento Bee

Editorial: Rx for U.S. elections

States can assure the popular vote rules

Saturday, June 3, 2006

The election of the U.S. president should reflect the directly expressed will of the American people. But it doesn't.

The current Electoral College system can produce perverse results: A candidate can lose the popular vote and win the Electoral College vote and, thus, the presidency. That has happened several times in American history, most recently in 2000. With the nation so closely divided politically, this is likely to be an ongoing problem, undermining the legitimacy of our presidential elections.

It doesn't have to be that way.

Polls for the last 30 years have shown that Americans overwhelmingly support direct election of the president, but Congress hasn't budged on a constitutional amendment.

A new campaign, "National Popular Vote," spearheaded by several former members of Congress, including California's Tom Campbell (most recently Gov. Arnold Schwarzenegger's finance director), has a creative way to get the same result.

The campaign uses an old mechanism -- an interstate compact -- to achieve the direct election of the president. The idea is modeled on existing interstate compacts, such the Colorado River Compact, which divides water among seven Western states. The compact depends on states changing their own rules for dividing up their electoral votes.

We'd prefer a constitutional amendment simply abolishing the Electoral College, but this state-by-state reform is an achievable second-best solution to a defective product that even the Founding Fathers regarded wearily and warily.

The strongest arguments at the 1787 Constitutional Convention favored direct election of the president by the people. Proponents wanted the president to be the "guardian of the people" and as independent as possible of Congress and the states. But the delegates were hopelessly divided between direct election by the people and election by Congress.

The Electoral College was a last-minute compromise, reached under what James Madison called the "hurrying influence produced by fatigue and impatience." The Electoral College has been patched many times since.

The interstate compact proposal wouldn't abolish the Electoral College, but at least it would ensure that it reflects the national popular vote.

Election officials in the compact states would award all of their electoral votes to the candidate receiving the greatest number of votes nationally.

Clearly, one state could not do this on its own. So each of the states has the same 888-word bill entering into a binding interstate compact (you can find the text at www.nationalpopularvote.com). States would join the agreement one by one. The compact would take effect only after enough states joined to represent a majority of Americans and electoral votes -- 270 of the 538 electoral votes.

So far, the bill has been introduced in five legislatures -- California, Illinois, Colorado, Missouri and Louisiana. The campaign's goal is 10 states by the end of 2006 and enough states by the end of 2007 to make direct election the governing rule for the 2008 presidential election.

In California, the Assembly approved the bill Tuesday. Because California has such strong influence nationally, the governor and senators can get this process rolling in other states by acting this session. Otherwise, in presidential elections, unhappy Americans are bound to continue paying for the Founding Fathers' fatigue.

The Fayetteville Observer

Our View: Electoral vote change would be good for the state and its people

The Fayette Observer Editorial
May 16, 2007

Four times since the framers met in Philadelphia in 1787, the presidency has gone to the candidate on the losing end of the popular vote. The republic still stands.

That's hardly a compelling argument for leaving things as they are. The Electoral College less than perfectly reflects the will of the people, and the threat of the "faithless elector" who tips an election the way his partisan bias dictates is real, if remote. Both threats would vanish if the election automatically went to the candidate for whom most registered voters pulled the lever.

This is the point at which the conversation normally would turn to amending the federal Constitution to abolish the Electoral College. But the state Senate has just passed a bill that would achieve a comparable effect by simple statute.

The bill provides that, if enough states join in to command a majority in the Electoral College, all of North Carolina's electoral votes will be awarded to the winner of the popular vote — not the statewide winner, but the one who wins nationwide. More than 40 states are already looking at substantially the same bill.

If it works as planned, the problem goes away, with no violence done to the Constitution.

Something else happens, too. North Carolina will less often find itself in political obscurity when the nation chooses its top leader.

During the 2000 election, one analyst noted that the candidates were focusing most of their time and effort on 11 swing states. Ironically, only three of those had more electoral votes than North Carolina, which was not one of the 11. If candidates understand that they have a real shot at our 15 electoral votes right up until the polls close on that fateful Tuesday in November, we are unlikely to be shrugged off or taken for granted again.

The arguments against it are no stronger than those for retaining the Electoral College in all its supreme majesty: (1) it's different; and (2) it means that North Carolina could end up giving its 15 votes to someone not favored by the majority of Tar Heel voters. The first argument lacks heft. The second would make perfect sense, but only if one could ignore the fact that presidential elections are held to enable individual Americans to put someone in the White House, not merely to express each state's collective pique or pleasure.

This is worth a try — for the sake of simplicity and fairness, and in the interest of raising our state's political profile.

Alaska State Legislature

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Senator_Bettye_Davis@legis.state.ak.us
http://www.akdemocrats.org

Senator Bettye Davis

SB 92 - National Popular Vote Interstate Compact

List of Witnesses to Testify before Senate State Affairs Committee February 2, 2010

- Pat Rosentiel (Present for testimony), *National Popular Vote*
- Larry Sokol (Alternate), *National Popular Vote*
- Barry Fadem (Alternate), *National Popular Vote*

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/2/09

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 92

SB 92 U.S. PRESIDENTIAL ELECTION COMPACT

"An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice- President of the United States and to the duties of those electors."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Elections	01/29/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer			X	
	PASKVAN			X	
	KOOKUCH	X			
CHAIR:	MENARD	X			

SB 94

SENATOR KIM ELTON

MEMORANDUM

TO: Senator Linda Menard, State Affairs Chair
FROM: Senator Kim Elton
SUBJECT: SB 94 Hearing Request
DATE: 2/24/2009

I respectfully request a hearing on SB 94, "An Act relating to employment in certain facilities maintained by the United States Antarctic Program as allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

SB 94 would create a Permanent Fund Dividend allowable absence for Alaskans who are employed in Antarctica through the United States Antarctic Program.

I have heard from Alaskans who are employed in Antarctica and maintain their primary residence in Anchorage, Denali Park, Hope, Juneau, McKinley Village, Moose Pass, Soldonta, Sutton, and Talkeetna.

With the current state of the economy, we should do our part to encourage Alaskans to keep good jobs.

Thank you for considering a hearing on SB 94. Please feel free to contact me if you have any questions.

ALASKA SENATE
STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108
SENATOR_KIM_ELTON@LEGIS.STATE.AK.US

SENATOR KIM ELTON

SB 94

"An Act relating to employment in certain facilities maintained by the United States Antarctic Program as allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

Sponsor Statement

SB 94 would create a Permanent Fund Dividend allowable absence for Alaskans who are employed in Antarctica through the United States Antarctic Program. This small group of Alaskans works seasonally in Antarctica and returns to Alaska where they maintain their primary residence. The income they earn in Antarctica is predominantly spent here in Alaska.

I have heard from Alaskans who are employed in Antarctica and maintain their primary residence in Anchorage, Denali Park, Hope, Juneau, McKinley Village, Moose Pass, Soldonta, Sutton, and Talkeetna.

This bill does include a provision that workers must return to Alaska within 30 days of leaving Antarctica.

With the current state of the economy, we should do our part to encourage Alaskans to keep good jobs.

ALASKA SENATE
STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108
SENATOR_KIM_ELTON@LEGIS.STATE.AK.US

26-LS0371\E
Cook
3/11/09

CS FOR SENATE BILL NO. 94( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR ELTON

A BILL

FOR AN ACT ENTITLED

"An Act relating to employment in certain facilities maintained by the United States Antarctic Program as allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

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

*** Section 1.** AS 43.23.008(a) is amended to read:

(a) Subject to (b) and (c) of this section, an otherwise eligible individual who is absent from the state during the qualifying year remains eligible for a current year permanent fund dividend if the individual was absent

(1) receiving secondary or postsecondary education on a full-time basis;

(2) receiving vocational, professional, or other specific education on a full-time basis for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state;

(3) serving on active duty as a member of the armed forces of the

United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is

(A) serving on active duty as a member of the armed forces of the United States; and

(B) eligible for a current year dividend;

(4) serving under foreign or coastal articles of employment aboard an oceangoing vessel of the United States merchant marine;

(5) receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician who treated the illness if the treatment or convalescence is not based on a need for climatic change;

(6) providing care for a parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan, as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;

(7) providing care for the individual's terminally ill family member;

(8) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

(9) serving as a member of the United States Congress;

(10) serving on the staff of a member from this state of the United States Congress;

(11) serving as an employee of the state in a field office or other location;

(12) accompanying a minor who is absent under (5) of this subsection;

(13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or **(18)** [(17)] of this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;

(14) serving as a volunteer in the federal peace corps program;

(15) because of training or competing as a member of the United States Olympic Team;

(16) participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States

Department of State;

(17) **serving as an employee in a facility maintained by the United States Antarctic Program that is a research station in Antarctica, a field camp in Antarctica, or a research vessel in Antarctic water if the individual returns to the state within 30 days after leaving the facility;**

(18) for any reason consistent with the individual's intent to remain a state resident, provided the absence or cumulative absences do not exceed

(A) 180 days in addition to any absence or cumulative absences claimed under (3) of this subsection if the individual is not claiming an absence under (1), (2), or **(4) - (17)** [(4) - (16)] of this subsection;

(B) 120 days in addition to any absence or cumulative absences claimed under (1) - (3) of this subsection if the individual is not claiming an absence under **(4) - (17)** [(4) - (16)] of this subsection but is claiming an absence under (1) or (2) of this subsection; or

(C) 45 days in addition to any absence or cumulative absences claimed under **(1) - (17)** [(1) - (16)] of this subsection if the individual is claiming an absence under **(4) - (17)** [(4) - (16)] of this subsection.

*** Sec. 2.** AS 43.23.008(b) is amended to read:

(b) An individual may not claim an allowable absence under **(a)(1) - (17)** [(a)(1) - (16)] of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.

*** Sec. 3.** This Act takes effect January 1, 2010.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: **26-LS0371\A**
() Publish Date:

Identifier (file name): SB94-DOR-PFD-03-02-09
Title: PFD Allowable Absence - Antarctic Research
Sponsor: Senator Elton
Requester: State Affairs

Dept. Affected: DOR
RDU: Taxation and Treasury (510)
Component: Permanent Fund Dividend Division
Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	10.0		1.0	1.0	1.0	1.0	1.0
Travel							
Contractual	5.0		2.5	2.5	2.5	2.5	2.5
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**15.0**	**0.0**	**3.5**	**3.5**	**3.5**	**3.5**	**3.5**
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 Interagency Receipts	15.0		3.5	3.5	3.5	3.5	3.5
TOTAL	**15.0**	**0.0**	**3.5**	**3.5**	**3.5**	**3.5**	**3.5**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

Adding allowable absence to PFD applications requires reprogramming both the online and paper applications, PFD's website and eligibility database . There will be substantial Dept. of Law time involved in research and development of regulations to administer the law as written as expertise in maritime issues will be required.

The issue of "intent to return and remain" may cause denials for individuals claiming this absence. The result would likely be increased appeals which result in increased contractual cost.

Prepared by: Deborah M. Bitney
Division: Permanent Fund Dividend
Phone 465-4785
Date/Time 2/27/09 12:00 AM

Approved by: Ginger Blaisdell, Director
Administrative Services Division
Date 3/2/2009

(Revised 9/10/2008 OMB)

Kristen Bressette

From: William Henriksen [num1mcmarshall@yahoo.com]
Sent: Monday, January 12, 2009 11:06 AM
To: Kristen Bressette
Subject: Bill to authorize PFD for Alaskans serving in the USAP

Kristen,

Please include me on your mailing list regarding the Bill Senator Elton is sponsoring (to authorize PFDs for Alaskans serving in the USAP)sympathize.

I have been an Alaskan resident for 43 years and have deployed with the USAP for over 60 months within the last ten years. I'll be deploying again in February for another 6 months, so will likely need to provide testimony via e-mail or phone. While I intend to make this my last deployment this is a subject that is near and dear to me. The majority of my income is spent in Alaska, I've owned a home and paid taxes during much of the time I've been deployed. I'm currently looking at purchasing another home in Eagle River. I find it demeaning to be excluded and in essence having my Alaska residency questioned due to the fact that I don't qualify for the PFD.

I will likely make this deployment my last, but at the same time I sympathize with other Alaskans in this similar situation. We are a very small number effected by this exclusion. Many of the Alaskans who go to the Ice work only the shorter summer seasons and are not out of State longer than the 180 days. Those of us who do spend a significant amount of the year in Antarctic have made large sacrifices both personally and financially to support a program we are passionate about.

My history of deployment started while working for RSA Engineering Co. in Anchorage. I deployed with them under contract with the National Science Foundation in the Austral summer 1998-1999, the entire 1999-2000 year (less 1.5 months). I worked for Raytheon Polar Services as the South Pole Winter Manager during the 2002-2003 year and 2004-2005 year and I've worked for the National Science foundations as the NSF Station Manager, doing 7 month deployments in McMurdo for the last three winter seasons, 2006, 2007 and 2008 winters.

Please feel free to contact me at this e-mail address or at (907) 632-3730 (until February 10th).

Please express my thanks to Senator Elton for agreeing to sponsor this Bill.

Bill

William Henriksen
6200 Andover Cir
Anchorage, Ak. 99517

Kristen Bressette

From: Tom Soltis [earthdog402@yahoo.com]
Sent: Thursday, January 15, 2009 6:00 PM
To: Kristen Bressette
Subject: PFD for USAP

Dear Kristen Bressette:

I am a fellow Alaskan working for the United States Antarctic Program at McMurdo Station, Antarctica. I support your bill regarding the PFD for Alaskans working in Antarctica. I would like to be put on your mailing list.

Sincerely,

Thomas P. Soltis, 229 Crest Dr. #B, Soldotna, AK 99669

Currently working at McMurdo Station Antarctica. Will be off the ice by the end of Feb.

Kristen Bressette

From: Terry Smales [akiceman13@yahoo.com]
Sent: Sunday, January 18, 2009 9:32 AM
To: Kristen Bressette
Subject: Currently serving in Antarctica...

Kristen, please consider me as a contact in regards to the bill that may need help getting through. We as Alaskans get to live in a very special place and call it home. We come together when needed in good times and in bad. This, however could be one of those good times that can have a benefit to those Alaskans who go off and serve in the interest of science in yet another very special place, Antarctica. I have thought about this place for a few years and decided last year to throw my name in the hat to come to this special place and work. I did not get chosen last year (07-08) but I did this year (08-09) and I am currently speaking to you from McMurdo Station. I have had the time of my life here for work, learning, friendships, recreation and adventure. I have gone to some of the most remote places you can go here, South Pole Station being one of them. When I signed up for this I did have hesitation because it might have affected my PFD. My family uses the check to make ends meet in the middle once in a while , which nowadays is a blurry line. If an Alaskan is serving in Antarctica not only are they serving the U. S. A. P. but they are serving the world science community as well. Yes we do volunteer, or some have been asked. Then again, what about the absentee student's, the military personnel, the merchant marine's, the Olympic athlete's and the Peace Corps volunteers. All volunteers and they have no worry about their P F D. Why should Alaskans serving the world science community be any different? They should not be. Alaska is one of the three most represented states that come to Antarctica. What does that say about us? Well yes we are acclimated to the climate but that we are here to help and want to help. We are adventurous and thrill seekers. I am here to tell you, this is the place for all the above. When I came to Antarctica I brought three flags with me, the U. S. flag, the Antarctica flag (non-official), and the Alaskan flag. I have flown them on special occasions and in special places and flown them proudly. Everywhere I break out the flags to fly there is an Alaskan there asking if they could get their picture taking with our state flag. We are proud of state, our flag and tradition of being one of the three most represented states to have residents down here from. Make me continue to be proud of Alaska by making what should be right, be right.

Kristen Bressette

From: Bluestein, Sheri [sheri.bluestein@usap.gov]
Sent: Monday, January 19, 2009 11:05 AM
To: Kristen Bressette
Cc: smbluest@yahoo.com; mgitzels@gmail.com
Subject: Support for PFD for Alaskans serving in the USAP program

Hi, Kristen,

I have worked five seasons for the United States Antarctic Program (USAP) and wish to be included in the testimony in favor of granting the PFD to those who have served in the USAP Program. My husband, Michiel Gitzels, has also deployed with me since 2005. Neither one of us has ever qualified to receive a PFD.

We live in Hope, Alaska and I have done 5 summer seasons in Antarctica (2000-1, 2005-6, 2006-7, 2007-8, 2008-9). Michiel started working for the USAP in 2005. We returned to Alaska after three of those seasons but lived in Alaska prior to all of those deployments. Our normal work pattern has been May - October in Alaska and October - February in Antarctica. We normally visit family and travel in March and April.

Both of us did our medical testing in Alaska and spent quite a bit of money supporting dentists, gynecologists, x-ray technicians and medical centers in order to medically qualify for our jobs. Furthermore, we spent money earned in Antarctica at CostCo on Dimond in Anchorage and Carr's on Huffman to stock up on health and beauty supplies, medications, vitamins, and snacks and at REI, Value Village and the shopping malls to buy clothing to send back down to Antarctica.

If my husband and I did not work in Antarctica, we would not have enough money to live in Hope year-round as there are not sufficient employment opportunities to keep us both gainfully employed. Money earned in Antarctica allow us to live comfortably in a town with minimal employment opportunities. Our Antarctic salaries enable us to pay for auto insurance, medical insurance, gasoline and rent, as well as food (purchased at CostCo and Carr's). Furthermore, having a little extra cash enable me and my husband to patronize local restaurants and bars in Hope that we would otherwise not be able to afford.

It is difficult to say what percentage of our earnings were spent in Alaska, but if asked to prepare testimony, we can refer back to bank statements, if needed.

Many of us Alaskans in Antarctica have felt it unfair that Alaskan military personnel stationed elsewhere receive their PFD, but those of us who are committed to serving the advancement of science, do not merit the same consideration. We very much appreciate your interest in this issue and hope that we can rectify the inequity.

Kind regards,

Sheri Bluestein
McMurdo IT Instructor
Off-ice email as of 2/20: smbluest@yahoo.com

Kristen Bressette

From: Story, David [David.Story@usap.gov]
Sent: Monday, January 19, 2009 9:20 PM
To: Kristen Bressette
Subject: PFD for USAP

1/20/2009

Ms. Bressette,

I have worked five seasons for the United States Antarctic Program (USAP) and wish to be included in the testimony in favor of granting the PFD to those who have served in the USAP Program. My wife Martha has worked four seasons for the USAP. Neither of us have yet qualified for the PFD.

We live in Moose Pass, Alaska during the summer and work for the United States Forest Service out of the Kenai Lake Work Center. We have returned to Alaska after each of our Antarctic deployments and have lived in Alaska prior to all of those deployments. We typically work in Alaska from May – October, deploy to Antarctica from October to February in Antarctica, visit family in the Lower 48 during March and return to Alaska for the last couple weeks of skiing in April before work begins.

Our Antarctic employment requires Physically Qualifying (PQ'ing) prior to deployment Alaska and we typically spend about $1000 for the required tests from dentists, gynecologists, and medical centers in Alaska. That is the required *testing*. It does not include the dental work diagnosed to meet qualifications. For this year's deployment alone my dental work cost over $1500. This is to say nothing of the gas or food purchased during each of these trips during the process.

Also prior to deployment we spend money earned in Antarctica in Anchorage at Fred Meyer's and Carrs on Dimond to stock up on health and beauty supplies, medications, and vitamins. Work clothing and boots are purchased at Fred Meyer's and the 4th Avenue Army Navy Store. Last year we purchased new skate skis, boots and poles from AMH to send down here. Much of our luggage and gear for travel back and forth was purchased at REI on Northern Lights.

While the amount we spend in Alaska on preparing to deploy to Antarctica is considerable it is more important to note that we would not be able to spend any money in Alaska if we did not deploy to Antarctica. Employment opportunities during the winter in Moose Pass are nearly non-existent. To make money rather than take money it is necessary to find employment elsewhere Money earned in Antarctica allow us to live in a town with minimal employment opportunities.

Our Antarctic salaries enable us to pay our bills for auto insurance (State Farm Alaska, Raelene Helin), medical insurance (ODS Alaska), and rent, We spend our Antarctic salaries on gas as well as food (Carrs, Costco, Fred Meyer's), local entertainment (Trail Lake Lodge, Sea View Inn, Sunrise Lodge), and travel within Alaska (Alyeska, Kenai Fjords, True North Kayak Adventures). During our deployment we pay Agen's Automotive on International Airport Rd. to store our vehicle in its warehouse. This last year we also recertified our Wilderness First Responder through Alaska Outdoor and Experiential Education. Our accommodation and per diem spent in and around Seward was paid for by our Antarctic employer.

Around a fifth of our combined salaries, approximately $800 dollars each month of the year, is sent to Alaska for just for the bills outlined above. A more thorough estimate can be calculated and provided, if needed.

It has stood in our minds as unbalanced, if not unfair, that Alaskan military personnel stationed elsewhere to serve our nations interests can be "true" residents, but those of us who are committed to serving our nations interests through the advancement of science, do not merit the same consideration. Thank you so much for your efforts and please let us know what we can do to help.

Respectfully,

David and Martha Story

Off-ice email as of 2/13: David - mombok@gmail.com
Martha – storymartha@gmail.com

Kristen Bressette

From: glgk@gci.net on behalf of Lisa Kramer [glgk@gci.net]
Sent: Tuesday, January 20, 2009 11:01 AM
To: Kristen Bressette
Cc: leep_ak@yahoo.cm
Subject: PFDs for Alaskans serving in the USAP

I am a business owner writing in support of the people serving in the USAP receiving their PFDs. I only know one person, Lee Parker, who is currently serving, but I feel very strongly that she and the others deserve the PFD. Even though Lee is away from Juneau for a good part of the year, she continues to spend money here----much of it at the veterinary hospital I co-own. Lee owns several pets and every year that she has been in Antartica, her pet-sitters have brought these pets in for care. Last year alone, Lee spent $4589 on her pets, as one suffered a severe knee injury. Lee wasn't even in town, yet spent her money here. I'm sure it is the same with all her home utilities, yet she did not get the energy help either since that was tied into the PFD.

Hopefully, these workers, who really have nowhere in Antartica to spend much money and so spend it in Alaska, not only will get PFDs in the future, but could get the 2008 PFD as well.

Thank you,
Lisa Kramer
789-7551

Kristen Bressette

From: Mahovlic, Wendy [Wendy.Mahovlic@usap.gov]

Sent: Wednesday, January 21, 2009 9:29 AM

To: Kristen Bressette

Subject: Support for PFD for Alaskans serving the USAP program

Hi Kristen,

I have worked 10 seasons for the United States Antarctic Program (USAP) and wish to be included in the testimony in favor of granting the PFD to those who have served in the USAP Program. I have received the PFD just once - in 2008 (my check was just sent to me recently).

I live in Denali Park, Alaska, and have worked 10 summer seasons (Southern Hemisphere) here at McMurdo Station in Antarctica (1999 - present). I have returned to Alaska after all of those seasons in Antarctica and have worked in Denali National Park for Park Service during the Northern Hemisphere summer. My normal work schedule has been: April - September working in Denali National Park and October- February working at McMurdo Station in Antarctica for USAP. A few years I have just missed qualifying for the PFD by a week. I have traveled in March and in the recent past have helped my family (end of Feb. - March) in Ohio take care of my father who recently died of Alzheimer's.

I did my medical testing in Fairbanks and spent quite a bit of money supporting dentists, doctors, gynecologists, x-ray technicians and medical centers in order to medically qualify for my job in Antarctica. Furthermore, I spent money earned in Antarctica in Fairbanks at Fred Meyer and Sam's Club to stock up on health and beauty supplies, medications, vitamins, and snacks. I also shopped at Value Village and the shopping malls to buy clothing to send back down to Antarctica.

I bought land near Denali National Park in 2004 and have built a house which was finished in Sept. 2007. I spent ALOT of money building the house - paying a local contractor who used local labor to build the house; buying supplies, appliances, lighting fixture, etc. in Fairbanks at Spenards Builders Supply, Lowe's, and Home Depot. I am now paying a monthly mortgage to Mt. McKinley Bank as well as paying MTA a phone bill and GVEA an electric bill. I buy groceries in the spring/summer/fall months in Fairbanks at Fred Meyer and I have a car which gets fueled at the local gas station in Healy or at Denali Park (whose prices are higher than anywhere in the U.S.).

If I did not work in Antarctica, I would not have enough money to live in Denali year-round as there are not sufficient employment opportunities to keep me gainfully employed in the Northern Hemisphere winter. Money earned in Antarctica allows me to live comfortably in an area with minimal employment opportunities in the Northern Hemisphere winter. My Antarctic salary enables me to pay for auto insurance, medical insurance, gasoline, my mortgage, phone and electric bills as well as food (purchased in Fairbanks at Fred Meyer) and other miscellaneous items that one needs for a house (I still have to buy furniture which I will purchase in Alaska). Furthermore, having a little extra cash enables me to patronize local restaurants and bars in Denali and Fairbanks that I would otherwise not be able to afford.

I would say that I spend 80% of my earnings in Alaska and if asked to prepare testimony, I can refer back to bank and credit card statements, if needed.

Many of us Alaskans in Antarctica have felt it unfair that Alaskan military personnel stationed elsewhere receive their PFD, but those of us who are committed to serving the advancement of science, do not merit the same consideration. We very much appreciate your interest in this issue and hope that we can rectify the inequity.

Kind regards,
Wendy Mahovlic

wmahovlic@yahoo.com (when I'm not in Antarctica)

WELLSPRING

Integrative Medical Center

January 21, 2009

Kristen Bressette
Legislative Aide to Senator Kim Elton
kristen.bressette@legis.state.ak.us

Dear Kim,

I write this letter in support of Lee Parker's endeavors to obtain the Permanent Fund Dividend (PFD) for/ as Alaskans who work in Antarctica in the U.S. Antarctica Program (USAP).

My business, Wellspring, has repeatedly benefited from Lee's employment because her PQ (medical exam) prior to deployment has been completed at Wellspring.

Personally, I know that Lee is an Alaskan. She lives across the street from me and loves her home and state and spends her income here which benefits our local community.

I believe that Lee and other Alaskans working is the USAP should receive the PFD.

Thank you for considering this point of view.

Sincerely,

C. Trollan, ANP
Owner

2231 Jordan Avenue • Juneau, Alaska 99801 • Phone (907)789-1812 • Facsimile (907)789-7168

Kristen Bressette

From: Sheeley, Tracy [Tracy.Sheeley@usap.gov]
Sent: Thursday, January 22, 2009 1:06 PM
To: Kristen Bressette
Cc: tjsheeley@yahoo.com
Subject: PFD for Alaskans serving in the USAP

Hello Kristen,

I have been an Alaska resident since 1995 and started deploying to Antarctica in 1998. Since then I have the past eleven consecutive northern winters/austral summers working for the United States Antarctic Program (USAP). I've spent 10 years at South Pole Station, working in Communications, and one year at McMurdo Station working as an Aviation Operations Coordinator. Please include me in the testimony in favor of granting the PFD to those who have served in the USAP. I'd also appreciate being added to your mailing list - my contact information is at the bottom of this email.

I own a home in Talkeetna, Alaska, which is my permanent residence. My work in Antarctica enables me to live in Talkeetna and participate as a member of that community. As you may know, Talkeetna's economy is largely tourism-based, with limited winter opportunities for employment. I support local businesses, pay property taxes, maintain my vehicles, heat my home and contribute to the local economy with my income earned in Antarctica.

Working in Antarctica also requires medical testing to physically qualify for deployment. I pay for these medical tests in Alaska out of pocket, and am reimbursed by my employer, so that is an additional contribution to Alaska's economy. That annual cost is between $800 and $1500.

While employed "on the ice", housing and meals are provided by the company I work for, so the only money I spend in Antarctica is on souvenirs and/or consumables. The remainder of my earnings stay with me, and return to Alaska.

I do travel after my deployments, for varying lengths of time. In 2007 I returned to Alaska in mid-March, and in 2008, I returned to Alaska in late February.

My absence from the state generally hovers around the 180-day timeframe, so I have received the PFD in some years, and have not in others. Each year my application has been denied, I have been asked for and provided supplementary information regarding my status as an Alaska resident. As I mentioned above, Alaska is my permanent home - I own a home, and have not lived anywhere else since 1995. Many Alaskans do work seasonally, receive the PFD, and spend that money elsewhere.

I have always believed that service in the USAP should be considered an allowable absence. Alaskans working here are supporting the goals of the National Science Foundation, a United States government program. Members of military services are also serving the U.S. governement and do qualify to receive the PFD.

I am proud of my service in the U.S. Antarctic Program, and thank you for your efforts to authorize USAP Alaskans to receive the PFD.

My contact information follows:

Tracy Sheeley
PO Box 216
Talkeetna, AK 99676
tjsheeley@yahoo.com

Best regards,

Tracy

Tracy Sheeley
Aviation Ops Coordinator/Helo Ops
Ext. 2344 / Pager 837 / Bldg 129
McMurdo Station

Kristen Bressette

From: Greg Campbell [greg.campbell@usap.gov]

Sent: Thursday, January 22, 2009 10:03 PM

To: Kristen Bressette; Sen. Kim Elton; Greg J Campbell

Subject: PFD allowable absence for USAP

Thanks so much for sponsoring the bill to make service in the United States Antarctic Program an allowable absence for the PFD.

The scientific work done here in Antarctica is vitally important to our nation's future, and could only be done with the support of those of us who work here. The science being done here is on the cutting edge in such areas as climate change, ozone depletion, astronomy, biology and earth sciences.

I live in Talkeetna, Alaska and have been working at the Amundsen-Scott South-Pole Station for the past 4 austral summer seasons (October-February). At the end of each season I spend a month or so traveling internationally and visiting family, then return to Alaska for the remainder of the year. All of my income is earned from my work in Antarctica (other than interest and dividends from the bank and investments). I spend at most $10 a week in Antarctica (less than 1% of income, room and board are included in my contract), perhaps 10% in international travel and visiting family after the Antarctic season, and the remaining 89% is spent in Alaska on living expenses, maintaining my home, etc.. I live in a small town with an economy based in seasonal tourism, so good paying full time jobs are hard to come by. Working outside the community means that I am not competing with other locals for the few good paying, full time jobs; this also means that I am able to inject cash earned outside the state into the local and state economy. In our small town I can think of at least 10 people who currently work or have worked in the United States Antarctic Program. In addition, any money that I would given from the PFD I would spend in Alaska.

I liken those of us who work in the Antarctic Program to that iconic Alaskan species, salmon. The salmon leave their homes to make their living out at sea, and we leave our homes to make our living on a continent governed by no nation. Upon returning home the salmon nourish the animals, plants and humans with the energy they gained from the open ocean, just as we nourish our communities and states with the money earned from outside. Like the salmon we give more to our home state than we take.

Thank you so much for considering this issue.

Sincerely,

Greg Campbell
P.O. Box 354
Talkeetna, AK 99676
(907) 733-3690
xgcampbell@hotmail.com

To: Kristen Bressette **23 January, 2009**
Office of Senator Kim Elton
State Capitol, Room 506
Juneau, AK 99801
Phone: (907) 465-4920
Fax: (907) 465-2108
Kristen.bressette@legis.state.ak.us

From: Candy FitzPatrick
P.O. Box 193
Moose Pass, AK 99631
Phone: (907) 288-5106
Email address: hangarhobbit@yahoo.com

Dear Madame,

Please accept this testimonial in support of the bill which would facilitate an allowable absence category for Alaskan residents who are employed by the United States Antarctic Program (USAP) in Antarctica and whom apply to receive the Permanent Fund Dividend (PFD).

Testimonial:
My name is Candy FitzPatrick. I voluntarily relocated myself to Alaska after traveling to all 50 states and Puerto Rico with intentions of selecting the state I felt motivated, enthused, and excited about, in short, the state I loved most to make my home in. No question about it, Alaska was for me. Therefore, I independently moved to Alaska in 1991. I first lived in Anchorage, followed by a ski season in Girdwood, and then back to Anchorage. In 1994, I moved to Petersburg to accept a permanent seasonal position with the United States Forest Service (USFS). After many wonderful years there, where I met my husband who was also employed permanent seasonally with the USFS, we decided to transfer employment to the Kenai Lake Work Center, on the road system, in Moose Pass, where we have resided since January 2002. I have no intentions, nor does my husband, of ever having our permanent residence be anywhere other than Alaska.

I point out our seasonal employment in Alaska in the above paragraph as one aspect pertaining to the benefits of working in Antarctica. Of the main reasons for seasonal employment in Alaska for many people is a great percentage of jobs available in certain parts of the state are only offered as seasonal positions. This leaves those people needing another seasonal job in the off season to keep money coming in. Since seasonal work in Alaska is typically during the summer months, this leaves the winter open when there are fewer jobs available. The temptation to use the State Unemployment Insurance coffers is high and many take this route and in previous years, I have been among that number. With that benefit and the dividend, in some cases, one can earn as much (or potentially more) money by not seeking work out for those months without a contract. The winter in Alaska is the summer season in Antarctica, a time when most of the seasonal employees travel down to work on their individual contracts with various companies. These two

places, Alaska and Antarctica, work perfectly together for a seasonal employee wanting to work the whole year.

To date I have worked five seasons at McMurdo Station in Antarctica: August of 2004-February 2005, October of 2005-February 2006, October 2006-February 2007, October 2007-April 2008, and October 2008-current (February 2009). I have returned to Alaska after each contract. The longest amount of time I have traveled after completing an Antarctic contract and before returning to home is roughly six weeks. During the time I was/am absent from the state, I have not moved my primary and only residence. I continued and do still pay the bills (along with my husband), including rent to a local individual and utilities to local city government and business, the whole year round. My husband does not work in Antarctica; he now has a year round position with the USFS in Moose Pass. In short, I remain an Alaska resident during the entire time I am at work in Antarctica or traveling.

In two very recent Anchorage Daily News online version articles, the economy for Alaska has been stated in terms of jobs and job losses. In one, Economist Pat Burden states that the recession will catch up to Alaska in 2009. His firm's economic forecast for Alaska predicts that the state will end up with 3,400 fewer jobs this year, a 0.6 percent decline. And in the other, The State Department of Labor said the seasonally adjusted State Unemployment December rate was 7.5 percent, up sharply over the previous three months. The jobless rate was that high last in March 2004. The rate was 6.7 percent in September.

The people who have secured employment contracts to work in Antarctica are actually helping Alaska by obtaining those jobs in Antarctica, staying off the dole, and bringing a large percentage of their money back to spend in the state. Yet, we are penalized by the PFD for doing so because our absence is not allowable.

As I am in Antarctica as I write this testimonial, I cannot refer to records for exact information but I have been receiving the PFD since I became a resident regarding the PFD guidelines for residency. Perhaps the first time I was granted the PFD was 1993. I had received the PFD every year since then until 2007, when I was denied due to absences incurred in 2006. I denied the PFD in 2008 again because of absences incurred in 2007. The lion's share of both those years absences were from my time employed by the USAP in McMurdo.

After filling out the entire 2008 PFD package and additional forms needed to regain my proof of residency in the eyes of the PFD program after being denied the 2007 PFD, I found I was one day over the allowed absences of 180 days. Just one day. The majority of my time away from Alaska in 2007 was for employment in Antarctica. Ten of the days of absence were because my Brother-in-Law died in Wyoming. Two of those days were spent helping my friend drive her truck from Montana through Canada to Cooper Landing. These sorts of absences from the state are typical reasons for any Alaskan to be away. Though I am absent for the months I am working for the USAP, I should still be allowed the freedom to travel to comfort a sister or help a friend or even holiday travel

without being penalized by the PFD program for it. I was told I could appeal this decision but according to my husband, I have not received the paperwork to do this.

Adding fuel to the fire for the 2008 PFD was the Governor's announcement that the 'Energy Rebate' would be tacked onto the PFD payout. These two seemingly non-related pay out funds were merged for the purpose of easy disbursement? And so, even though I am a resident who pays bills at the increased rates of everything the 'Energy Rebate' was to offset for the whole year, I was denied this too because I chose to work in Antarctica and my time away is not an allowable absence.

I estimate I spend about .05% of my net income in Antarctica, roughly 9.95% of my income on internet purchases (which are shipped to Alaska) and traveling in state, out of state, and out of the country, and the remaining roughly 90% of the money I earn in Antarctica is spent in Alaska. My husband and I are saving to buy a home in Cooper Landing.

We live a simple life in Moose Pass. My only job now is my position in Antarctica leaving me with summers off at home where I utilize my resident hunting/fishing license, drive my Alaska bought and registered truck, pay no state income tax to any other state because I am a resident of Alaska, not collecting unemployment from any state including Alaska, and spending almost all of my money in local businesses in Alaska. I have an Alaska driver's license, I am registered to vote in Alaska, and I sometimes get called to jury duty as an Alaskan resident. I am truly an Alaskan resident and I, and the other deserving USAP participant Alaskan residents (there are six of us at McMurdo station who live in Moose Pass!) should be considered as such for the purposes of allowable absences for the privilege of collecting the Permanent Fund Dividend.

Thank you for taking the time to read my testimonial. I am grateful for the opportunity to write for the approval of an allowable absence category for residents who spend time in the USAP. Thank you, Senator Kim Elton, Kristen Bressette, and fellow USAP participant Lee Parker for bringing this to attention. It is a topic very close to my heart. Please do feel free to contact me, the best way is through email, regarding this bill. Thank you again, it is very nice to have someone represent our cause after all these years!

Kristen Bressette

From: Gullingsrud, Larry [Larry.Gullingsrud@usap.gov]
Sent: Sunday, January 25, 2009 10:53 AM
To: Kristen Bressette
Subject: PFD for Alaskans working in the USAP program

Hello Kristen,

I have worked in the United States Antarctic Program for the last six years. I'm a foreman for field science support.
I lived in Skagway as a construction worker and commercial fisherman for years and now live in Sutton. I spend all my extra time, and a great deal of the money I earn, in Alaska in the summer. I also work at the Toolik field camp in the summer.
I feel I shouldn't be left our of the PFD program because I choose to work seasonally in Antarctica supporting the science work here. I've been an Alaskan resident since 1983 as a schoolteacher, retail store manager, construction worker and commercial fisherman and my permanent home will continue to be Alaska.
Thank you for your work on this.

Larry Gullingsrud
29819 Glacier Point Drive
Sutton Ak 99674

907-854-0275

Kristen Bressette

From: Speidel Charles [chiachuck@yahoo.com]
Sent: Monday, January 26, 2009 5:58 PM
To: Kristen Bressette
Subject: PFD for Alaskans serving in the USAP

Hello Kristen,

I have been an Alaskan Resident since 2000 and live in a cabin with my life partner in Talkeetna Alaska.

I have worked for the United States Antarctic Program for 15 years. I had a wide range of jobs, settling in on Science Carpenter Foreman at the South Pole. I had only worked the Austral Summers since moving to Alaska. I would leave the state in September and return in early April at the latest. I work in Alaska during the summer in the Northern Hemisphere.

My partner and I have spent a lot of money at our local hardware store, and local mechanics as well as the restaurants in our town. We also have the usual, year round payments for our post office box and telephone, property taxes and we make donations to our local radio radio station as well as donations for the Denali Foundation.

While in Antarctica I hardly spend a few hundred dollars a year. Travelling for a month after the contract is complete does eat some money, but the rest is all spent in Alaska.

Since moving to Alaska I have enticed many friends to also come up and travel throughout the state, taking scenic flights, boat cruises or the train, which I also buy tickets for.

I have only receieved the PFD about two or three times since becoming a resident.. missing the quota of days by a small amount.

This is my first year not working for the Antarctic Program in 15 years. I am attending the Northwest School of Wooden Boatbuilding and can be reached at this email account or by my cel phone (406)-223-7177. We also still have our voicemail on at our cabin in Talkeetna.. (907) 733-3791 which I check periodically.

Thank you for your time and considering us,

Charles G. Speidel

Hello Kristen,

My name is Steve Mikel; I have lived in the Denali National Park area since 1988. For several seasons since that time, I worked summers at the Denali Park Hotel, and either worked outside for the winter or stayed around the park area living on unemployment compensation. My brief testimony is as follows:
I have worked twelve seasons for the United States Antarctic Program (USAP) and wish to be included in the testimony in favor of granting the PFD to those who have served in the USAP Program. I qualified/received the PFD in 1994 and 1995. I then worked several long term contracts 12-16 months in length in 1999, 2000 and 2002, and was consequently ineligible to qualify to receive any additional PFD during that timeframe. Since 2002, I have only worked Austral summer seasons in Antarctica for 5 months at a time, then travelling for about 6 weeks before returning to Alaska.

I have lived between Healy and Cantwell since 1992 in what we call the McKinley Village area, at mile 228.8 on the Parks Hwy. I rent a cabin there and own some acreage about 8 miles north of Healy which I am in the process of improving. I moved to Alaska in the summer of 1988 after spending the previous summer working for Aramark in the Denali Park area. I worked there for a total of 14 summers and eventually secured a seasonal position with the National Park Service. I worked winters outside until 1992 when I went to trade school and then returned to Alaska in the spring of 93. On the side, I have a small appliance service business; small primarily due to the limited demographics of the area. My clients are local businesses in the area.

I have worked seasonally for the Antarctic program for the last 13 years, spending the rest of my time either overseas traveling or in Alaska. I have worked 10 Austral summer-(Boreal winter-Alaska) seasons in Antarctica and 3 Austral winters-(Boreal summer-Alaska). My normal work pattern is Mar/April - October in Alaska and October - February in Antarctica.

I complete my predeployment medical testing in Fairbanks, and spend a fair sum ($1500.00-2500.00 a year) supporting dentists, x-ray technicians and medical centers in order to medically qualify for my job. Furthermore, I spend a large percentage of money earned in Antarctica at Fairbanks businesses such as:

- NAPA and CARQUEST auto supply stores
- AIH, Samson's, and up until recently, Ace Hardware/OK lumber, and Sentry hardware stores
- The Prospector, and Big Ray's for clothing and shoes
- many local restaurants,
- Northland wood and Spenard builders' supply -lumber yards,
- Gulliver's book stores.
- As well as some local auto repair places.
- Fred Meyer, for food

Wages spent in Antarctica- $300.00-400.00 alcohol and sundries

If I did not work in Antarctica, I would still be able to pursue my dream of living locally and building a house on my property north of Healy although at a much slower pace. There are not sufficient year-round employment opportunities that would pay enough to cover living expenses, let alone commuting. The cost of commuting 20 to 30 miles one way demands that employment pay enough to cover it. This is just not available in the winter months.

Money earned in Antarctica allows me to live in some comfort in area near my property and be able to afford materials for improvements to my property such as grid electrical power and eventually a driveway. My Antarctic salary is about half of my total income, and it enables me to pay for auto insurance, medical insurance, fuel, rent, and food as well as supporting local businesses, which are also customers of mine. Having a little extra cash would enable me to patronize local restaurants and bars in the area that make up a base of local small businesses. I would have a difficult time saying exactly what percentage of my Antarctic salary is spent in Alaska, but I should imagine it would be easily over 70%.

While I have no problem with Alaskan military personnel stationed outside Alaska receiving their PFD, I have often wondered why the same type of privilege was not extended to contract workers that commit to serving the advancement of science down in the Antarctic. It is government work after all; the government just saves money by not hiring full time employees. To be somehow penalized for trying to better our standard of living in a state that we love is inequitable. Antarctic contract employees should merit similar consideration to that extended to military personnel. I appreciate your interest on this issue and hope that we can get a positive result from this action.

Thank you,

Steve Mikel

Kristen Bressette

From: clasylas@aol.com
Sent: Wednesday, January 28, 2009 12:42 PM
To: Kristen Bressette
Subject: PFD for Alaskans serving in the USAP

Kristen
I would like to support the cause for USAP people working outside Alaska on the icecaps of Antarctic. I am a business owner and work with several of the people.
They spend their money here(Juneau) , pay their taxes(city, state and fed) and the whole time they are out of state they are still financially supporting our communities ; which is more than most military, let alone some of our not so desirable residents.
Please ask Senator Elton to stand up for this cause.
Thank You
Sally L Burnham

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!



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Antarctic Sciences

Antarctic Infrastructure and Logistics

Office of Polar Environment, Health and Safety

PolarIce

United States Antarctic Program

OPP Advisory Committee

Antarctic Conservation Act

U.S. Antarctic Treaty Information Exchange

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Special Interest

U.S. Policy

U.S. Federal Agency Responsibilities

International Cooperation

Antarctic Treaty

U.S. Annual Antarctic Treaty Information Exchange

Related Links

United States Antarctic Program

Without interruption since 1956, Americans have been studying the Antarctic and its interactions with the rest of the planet. These investigators and supporting personnel make up the U.S. Antarctic Program, which carries forward the Nation's goals of supporting the Antarctic Treaty, fostering cooperative research with other nations, protecting the Antarctic environment, and developing measures to ensure only equitable and wise use of resources. The program comprises research by scientists selected from universities and other research institutions and operations and support by a contractor and other agencies of the U.S. Government. The National Science Foundation (the U.S. Government agency that promotes the progress of science) funds and manages the program. Approximately, 3,000 Americans are involved each year.

The research has three goals: to understand the region and its ecosystems; to understand its effects on (and responses to) global processes such as climate; and to use the region as a platform to study the upper atmosphere and space. Antarctica's remoteness and extreme climate make field science more expensive than in most places. Research is done in the Antarctic only when it cannot be performed at more convenient locations.

The program has three year-round research stations. In summer (the period of extensive sunlight and comparative warmth that lasts roughly October through February) additional camps are established for glaciologists, earth scientists, biologists, and others. Large, ski-equipped LC-130 airplanes, which only the United States has, provide air logistics. Air National Guard crews operate these planes. Helicopters, flown by a contractor, provide close support for many research teams. Tracked or wheeled vehicles provide transport over land and snow; small boats are used in coastal areas.

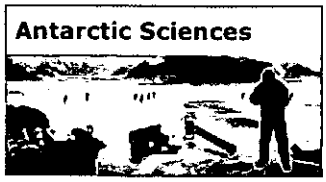
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Office of Polar Programs (OPP)
The National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, USA
Tel: (703) 292-5111 , FIRS: (800) 877-8339 | TDD: (800) 281-8749

Last Updated:
Jul 10, 2008
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SITE MAP!

Antarctic Sciences

Antarctic Infrastructure and Logistics

Office of Polar Environment, Health and Safety

PolarIce

United States Antarctic Program

OPP Advisory Committee

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Jul 10, 2008
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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/4/09

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/12/09

State Affairs Committee considered SENATE BILL NO. 94

SB 94 PFD ALLOWABLE ABSENCE: ANTARCTIC PROGRAM

"An Act relating to employment in certain facilities maintained by the United States Antarctic Program as allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

and recommends:

[~~X~~] be **replaced** with [ ] **SCS** or [~~X~~] **CS** SB94 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

~~SENATE~~ BILL:
[~~X~~] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DOR	3/2/09	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Meyer			X	
	PASKVAN			X	
	KOOKESH	X			
CHAIR:	MENARD	X			

SB 113

Alaska State Legislature

Interim:
716 West 4th Ave.
Anchorage, Alaska 99501
(907) 269-0199

Session:
State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945

Senator Kevin Meyer
Senate District O

TO: Senator Linda Menard
FROM: Senator Kevin Meyer
DATE: February 27, 2009
RE: Request for Bill Hearing SB 113

This memo serves as a request for a committee hearing for SB 113, "An Act increasing the compensation of members of the Alaska public Offices Commission; and providing for an effective date."

The following documents are attached and will be sent electronically:

- Sponsor statement
- SB 113 version 26-LS0569\A
- Back up information consisting of a side by side comparison of other compensation
- People willing to testify or answer questions: Holly Hill and Kevin Brooks from the Department of Administration.
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

This is very short and self-explanatory. As such, I have not included a sectional analysis. Once a hearing is scheduled there will be others who will want to testify to increasing compensation for volunteers who have had an increasingly complicated workload.

Please contact Christine if you have any questions please regarding this legislation.

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501-2133
Phone: (907) 269-0199
Fax (907) 269-0197
Senator_Kevin_Meyer@legis.state.ak.us

Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4945
Fax: (907) 465-3476
Toll Free: (866) 465-4945

SENATOR KEVIN MEYER
SENATE DISTRICT O

SPONSOR STATEMENT FOR SENATE BILL 113

An Act increasing the compensation of members of the Alaska Public Offices Commission; and providing for an effective date

The Alaska Public Offices Commission is a five member commission which administers laws upholding the public's right to know the financial affairs of lobbyists and their employers, and of candidates and public officials at the state and municipal level. APOC was established in 1974 as the "Alaska Election Campaign Office" to oversee campaign finance laws. Since its inception, the responsibilities of APOC have expanded to include public official financial disclosure and lobbyist reporting.

While APOC's responsibilities have expanded, the honorarium paid to volunteer commission members has remained the same since 1975. SB 113 makes changes to AS 15.13.020 increasing the honorarium received by APOC members from $50 to $150 per meeting day. SB 113 also makes technical amendments to reflect current statutory citations for payment of travel and per diem for commission members.

Members of APOC are charged with administering Alaska's campaign finance and public official financial disclosures and lobbyist reporting. These duties include:

- issuing formal advisory opinions,
- adjudicating requests to reduce civil penalties assessed by staff for late filing of disclosure reports,
- assessing penalties for noncompliance with reporting requirements,
- recommending removal from the ballot or office in accordance with law,
- adjudicating complaints through approval of settlements, civil penalty assessments.

These activities subject filers to fines, public scrutiny and can impact the reputations and livelihood of the filers. Additionally, the work completed by the agency is subject to appeal in the Superior Court. Fairly administering Alaska's disclosure laws requires a significant time investment from APOC members.

This time commitment, in some cases, results in lost income to the APOC members. The breadth and depth of APOC's work compels an increased level of compensation for the members serving on APOC. While an increase from $50 to $150 per meeting day does not erase the lost income of some members, it does defray the cost of serving. The increase brings APOC's honorarium in line with other state boards and commissions.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version:
() Publish Date:

Identifier (file name): SB113-DOA-APOC-03-10-09
Dept. Affected: Administration

Title: "An Act increasing the compensation of members of the Alaska Public Offices Commission..."
RDU: AK Public Offices Commission
Component: AK Public Offices Commission

Sponsor: Sen. MEYER
Requester: (S)STA
Component Number: 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	9.5		12.5	9.5	12.5	9.5	12.5
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**9.5**	**0.0**	**12.5**	**9.5**	**12.5**	**9.5**	**12.5**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	9.5		12.5	9.5	12.5	9.5	12.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**9.5**	**0.0**	**12.5**	**9.5**	**12.5**	**9.5**	**12.5**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill would increase Alaska Public Office Commission (APOC) members honorarium from $50 to $150 per meeting day. Based on the last two calendar years APOC has been meeting more frequently to address hearings, legislation, complaints and other administrative matters. In the first half of FY09 APOC has met several times for a total of 13 days. This fiscal note reflects a cost of seven meetings, or 19 days, at an additional $100 per meeting day for each APOC member (5 members), for a total of $9,500 for every odd year, when a state election is not scheduled. When there is a state election scheduled, APOC meetings are anticipated to increase to 10 meetings, or 25 days, with an estimated cost of $12,500.

Prepared by: Holly Hill
Phone 907-334-1726
Division: Alaska Public Offices Commission
Date/Time 3/6/09; 12:44 p.m.
Approved by: Rachael Petro
Date 3/10/2009
Deputy Commissioner

(Revised 9/10/2008 OMB)

Board	Honorarium/Stipend	Number of Board Members	Statute Cite
Administration			
Alaska Public Offices Commission	$50/day	5	AS 15.13.020(f)
Commerce			
Alaska Industrial Development and Export Authority	Public members: $100/day	5	AS 44.88.050(b)
Alaska Aerospace Development Corporation	Public members: $100/day	9	AS 14.40.826(c)
Corrections			
Board of Parole	$250/day	5	AS 33.16.040
Fish & Game			
Fish Board	$221	7	AS 16.05.221
Game Board	$221	7	AS 16.05.221
Labor & Workforce Development			
Workers' Compensation Appeals Commission	$400/day	5	AS 23.30.007(k)
Workers' Compensation Board	$50/day	19	AS 23.30.005(c)
Occupational Safety and Health Review Board	$50/day	3	AS 18.60.057(d)
Revenue			
Alaska Mental Health Trust Authority	$200/day	7	AS 47.30.016(e)(1)
Alaska Retirement Management Board	Public members: $400/day	9	AS 37.10.250
Permanent Fund Corporation	Public members: $400/day	6	AS 37.13.090
Transportation			
Knik Arm Bridge and Toll Authority	Public members: $300/day	7	AS 19.75.031(e)
Agencies doing their own payroll:			
Alaska Housing Finance Corporation	Public members: $100/day	7	AS 18.56.030(e)
Alaska Railroad	Appointed members: $400/day	7	AS 42.40.050(a)
Alaska Commercial Fishing and Agriculture Bank	$250/day	7 - 9	AS 44.81.020(f)

STATE OF ALASKA

Department of Administration

Alaska Public Offices Commission

SARAH PALIN, GOVERNOR

☒ 2221 EAST NORTHERN LIGHTS, RM 128
ANCHORAGE ALASKA 99508-4149
PHONE: (907) 276-4176
FAX: (907) 276-7018
e-mail: First Name. Last Name@alaska.gov

☐ P.O.BOX 110222
JUNEAU, ALASKA 99811-0222
PHONE: (907) 465-4864
FAX: (907) 465-4832

March 6, 2009

The Honorable Senator Kevin Meyer
Alaska State Senate
Capitol Building Room 101
Juneau, Alaska 99801

Subject: SB 113, Alaska Public Offices Commission honorarium

Dear Senator Meyer:

I have been asked by your staff to comment on SB 113 that would amend AS 15.13.020(f) to increase the honorarium for the commissioners on the Alaska Public Offices Commission from $50 per meeting to $150. The honorarium has not been increased since the Commission was created in 1974. I believe that this increase is warranted to help offset the loss of time and income each commissioner encounters while serving on the Commission.

The Alaska Public Offices Commission is responsible for administering Alaska's disclosure statutes regarding the activities of election campaigns, public officials, lobbyists and lobbyist employers. In addition, the APOC hears complaints for alleged violations of the statutes, issues advisory opinions and adopts regulations.

During the last year, the average length of each regular meeting was more than seven hours, which translates into less than $7.00 per hour, and does not include the preparation time required for each meeting which often exceeds one full day. The commissioners serve because they are dedicated public servants and not for the honorarium. Nonetheless, I feel it is appropriate to raise the honorarium given that it has not changed in over 30 years.

Please contact me if I can provide you additional information about the Public Offices Commission and the need to increase the honorarium under SB 113.

Sincerely,

Holly Roberson Hill
Executive Director

cc: Commission Members

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/19/09

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/12/09

State Affairs Committee considered SENATE BILL NO. 113

SB 113 INCREASE COMPENSATION FOR APOC MEMBERS

"An Act increasing the compensation of members of the Alaska Public Offices Commission; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Admin	3/12/09	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Meyer	X			
	PASKVAN	X			
	Kookesh	X			
CHAIR:	MENARD	X			

SB 126

State of Alaska

Department of Revenue

Administrative Services Division

SARAH PALIN, GOVERNOR
333 Willoughby Avenue, 11th Floor
P.O. Box 110400
Juneau, Alaska 99811-0405
Phone: (907) 465-2300
Fax: (907) 465-2394

March 3, 2009

The Honorable Linda Menard
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 9
Juneau, AK 99801-1182

Dear Senator Menard:

Senate Bill 126 was read across the floor on February 27, 2009 and transmitted to the Senate State Affairs Committee for consideration.

SB 126 Reemployment of Retirees; Exempt Service contains three personnel topics regarding state employment. First, extending the sunset provision of the "retire/rehire" employment provision would allow state entities to hire retired employees into existing positions. Second, the Department of Revenue is requesting that two professional positions be made "exempt" for the purposes of allowing flexibility in recruitment and paying market value. Third, certain professional positions concerning oil and gas within the Department of Natural Resources are requested to be made "exempt" for flexibility in recruitment and paying market value.

While three departments are specifically affected by this legislation, I will be the primary contact for scheduling and questions. Testimony for each provision of the bill will be provided by the respective departments and contacts:

- Retire/Rehire, Kevin Brooks, Deputy Commissioner, Department of Administration
- Oil and gas positions, Melanie Lesh, Legislative Liaison, Department of Natural Resources
- Comptroller and chief economist, Ginger Blaisdell, Director, Administrative Services, Department of Revenue

I respectfully request that SB 126 be scheduled for hearing in the Senate State Affairs Committee as early as possible.

If the Committee requires any additional information, please contact me.

Sincerely,

VGBlaisdell

Ginger Blaisdell
Director

DATE
12 Mar 09

Debbye -

SB 126

~~SB 190~~ is the retire/rehire bill that extends the sunset of July 1, 2009 until July 1, 2012.

It is critical to hear this piece of legislation during this session due to the sunset date only 3 months away.

Can you schedule this bill on next week's calendar?

Thanks, Ginger Blaisdell
Dept of Revenue
465-2312

3/18/09 12:22
Heard Come to STA
Wrote Ginger a note (Sent)
Reemployment of Retirees; Exempt Service

State of Alaska

Department of Revenue

Administrative Services Division

SARAH PALIN, GOVERNOR
333 Willoughby Avenue, 11th Floor
P.O. Box 110400
Juneau, Alaska 99811-0405
Phone: (907) 465-2300
Fax: (907) 465-2394

March 18, 2009

The Honorable Linda Menard
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 9
Juneau, AK 99801-1182

SPONSOR STATEMENT
SB 126 Reemployment of Retirees; Exempt Service

SB 126 Reemployment of Retirees; Exempt Service contains three personnel topics regarding state employment. First, extending the sunset provision of the "retire/rehire" employment provision would allow state entities to hire retired employees into existing positions. Second, the Department of Revenue is requesting that two professional positions be made "exempt" for the purposes of allowing flexibility in recruitment and paying market value. Third, certain professional positions concerning oil and gas within the Department of Natural Resources are requested to be made "exempt" for flexibility in recruitment and paying market value.

Each of the portions of the bill are presented in order of the bill:

Department of Natural Resources – Exempt Positions
The division of oil and gas and the division of geological and geophysical survey of the Department of Natural Resources (DNR) are responsible for assessing the state's mineral resources, overseeing the assessment and collection of a large portion of the state's revenues related to oil and gas development, as well as management of the state's oil and gas resources. DNR, through these divisions, must maintain an experienced and professional staff as well as recruit new staff. Without exempt status the State cannot be competitive with industry in hiring the best and most experienced employees in areas where that experience can mean millions of dollars in revenue to the employer.

Department of Revenue – Exempt Positions
Two positions in the Department of Revenue have been difficult to fill and retain because the department cannot offer market pay. The state comptroller oversees billions of dollars and coordinates the state's accounts with national banking agencies. This position is currently partially-exempt, meaning that it is not governed by collective bargaining but that it must be paid within a state salary scale. This position has turned over every year for the past four years due to more appealing private-sector offers accepted by the incumbents. The chief economist position is a classified position and has been open for recruitment for approximately one year. Although one of the division's lead economists is filling this position in acting status, the department is seeking an economist who can speak with experience and authority on Alaska's global petroleum economics.

Retire/Rehire Sunset Extension
Legislation was passed in 2005 that allows for the rehire of certain PERS and TERS employees who retired with a normal retirement. These rehires can continue to receive normal retirement benefits by waiving further participation in the retirement systems. This legislation is scheduled to sunset on July 1, 2009.

In a report provided to the legislature on February 6, 2009, the number of waivers in the retire/rehire program in 2008 were 62 PERS and 85 TERS participants. While the number of participants are seemingly low, these individuals play a vital role in the communities where they are employed. Many rural communities and school districts have benefited from the retire/rehire program to retain retirement eligible individuals in these hard-to-fill positions.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM April 1, 2009

SUBJECT: Draft CSSB 126( ) (Work Order No. 26-GS1035\S)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee
Attn: Debbye Prator

FROM: Dan Wayne
Legislative Counsel

The draft you requested is attached. It includes the correction of an error in sec. 7 that you asked me to make today. Before this correction sec. 7 of the bill read:

> ***Sec. 7.** Section 12, ch. 50, SLA 2005, is amended to read:
>
> Sec. 12. AS 14.25.070(b); AS 39.35.150(f), 39.35.150(g), 39.35.150(h), and 39.35.270(b) are repealed July 1, **2010** [2009].

The problem with sec. 7 as worded is this: the substance, if not the exact language, of AS 14.25.070(b) and AS 39.35.270(b), relating to employer contributions for rehired retired employees under the Teachers' Retirement System and the Public Employees' Retirement System, will survive the repeal scheduled under section 12, ch. 50, SLA 2005 because, at a date after 2005, that substance was added elsewhere in current statutes. The substance of AS 14.25.070(b), affecting TRS, can now be found in AS 14.25.070(e), and the substance of AS 39.35.270(b), affecting PERS, can now be found in AS 39.35.255(e). Therefore, it is AS 14.25.070(e) and AS 39.35.255(e) that should be repealed by the bill on July 1, 2010, because that is the date that section 12, ch. 50, SLA 2005, as amended by this bill, would repeal the substance of those subsections.

In order to make this correction we have amended Sec. 7 to read:

> * **Sec. 7.** Section 12, ch. 50, SLA 2005, is amended to read:
>
> Sec. 12. AS **14.25.070(e)** [14.25.070(b)]; AS 39.35.150(f), 39.35.150(g), 39.35.150(h), and **39.35.255(e)** [39.35.270(b)] are repealed July 1, **2010** [2009].

DCW:plm
09-239.plm

Enclosure

26-GS1035\S
Wayne
4/1/09

CS FOR SENATE BILL NO. 126( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act amending the State Personnel Act to place in the exempt service the state comptroller in the Department of Revenue; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees; amending the effective date of secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and sec. 3, ch. 50, SLA 2005; and providing for an effective date."

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

*** Section 1.** AS 14.20.135(a) is amended to read:

(a) A school district or regional educational attendance area that has or anticipates having a shortage of teachers qualified to teach in a particular discipline or specialty may, **subject to AS 14.25.043(f)** [BY RESOLUTION], adopt**, by resolution,** a policy that permits the employment of retired teachers **who have been separated from employment for at least 180 days and** who are qualified to teach in the discipline or specialty in accordance with this section. The policy must describe

the circumstances that constitute the shortage. If a shortage of teachers exists as described in the policy, the district or attendance area shall notify the administrator of the teachers' retirement system (AS 14.25) that it is hiring retired teachers under this section.

*** Sec. 2.** AS 14.25.043 is amended by adding a new subsection to read:

(f) Notwithstanding (b) and (e) of this section and AS 14.25.135, an employer that is a school district or regional educational attendance area may not allow a member hired to fill a position that requires recruitment to make the election provided in (b) or (e) of this section unless

(1) the employer conducted an initial recruitment for the position for at least 15 days that resulted in fewer than three qualified, eligible, and available applicants, including the retired member; and

(2) the employer then conducted an additional recruitment for the position and the additional recruitment resulted in fewer than three qualified, eligible, and available applicants, including the retired member; the additional recruitment period required by this paragraph added to the initial recruitment period in (1) must total not fewer than 30 days.

*** Sec. 3.** AS 39.25.110 is amended by adding a new paragraph to read:

(42) the state comptroller in the Department of Revenue.

*** Sec. 4.** AS 39.35.150(g) is amended to read:

(g) In accordance with this section, a political subdivision or a public organization that has or anticipates having a shortage of employees qualified for particular job classes may, by resolution, adopt a policy that permits the employment of employees who retired under AS 39.35.370(a), who have been separated from employment for at least **180** [30] days, and who are qualified for particular job classes. The policy adopted by resolution must describe the circumstances that constitute the shortage. The policy must require recruitment procedures [SIMILAR TO THE PROCEDURE] described in (h) of this section for any position filled by a retired employee under (f) of this section. If a shortage of qualified employees exists as described in the policy, the political subdivision or the public organization shall notify the administrator that it is hiring retired members under (f) of this section and shall

provide a copy of the resolution and policy adopted by the resolution to the administrator of the public employees' retirement system (AS 39.35).

*** Sec. 5.** AS 39.35.150(h) is amended to read:

(h) Notwithstanding (b) of this section, an employer [IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT] may not allow a member hired to fill a position that requires recruitment to make the election provided in (b) of this section unless

(1) the employer conducted an initial recruitment for at least 15 days for the position to be filled by the member making an election under (b) of this section that resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; and

(2) the employer then conducted an additional recruitment and the additional recruitment resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; this additional recruitment period added to the initial recruitment period must be at least 30 days total.

*** Sec. 6.** Section 12, ch. 57, SLA 2001, as amended by sec. 6, ch. 15, SLA 2003, and by sec. 10, ch. 50, SLA 2005, is amended to read:

Sec. 12. AS 14.20.135, as amended by sec. 2**, ch. 50, SLA 2005** [OF THIS ACT]; AS 14.25.043(b), as amended by sec. 4**, ch. 50, SLA 2005** [OF THIS ACT], 14.25.043(e), added by sec. 3, ch. 15, SLA 2003, and as amended by sec. 5**, ch. 50, SLA 2005** [OF THIS ACT]; AS 39.35.120(b)(2), 39.35.150(b), as amended by sec. 4, ch. 15, SLA 2003, and by sec. 7**, ch. 50, SLA 2005** [OF THIS ACT], and 39.35.150(c) are repealed July 1, **2010** [2009].

*** Sec. 7.** Section 12, ch. 50, SLA 2005, is amended to read:

Sec. 12. **AS 14.25.070(e)** [AS 14.25.070(b)]; AS 39.35.150(f), 39.35.150(g), 39.35.150(h), and **39.35.255(e)** [39.35.270(b)] are repealed July 1, **2010** [2009].

*** Sec. 8.** AS 39.25.120(c)(10) is repealed.

*** Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL RETROACTIVITY. If secs. 6, 7, 10, and 11 of this Act take effect after July 1, 2009, secs. 6, 7, 10, and 11 of this Act are retroactive to July 1, 2009.

*** Sec. 10.** Section 15, ch. 57, SLA 2001, as amended by sec. 17, ch. 50, SLA 2005, is amended to read:

Sec. 15. Sections 3, 5, 9, and 12 of this Act take effect July 1, **2010** [2009].

*** Sec. 11.** Section 19, ch. 50, SLA 2005, is amended to read:

Sec. 19. Section 3 of this Act takes effect July 1, **2010** [2009].

*** Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).

26-GS1035\E
Wayne
3/31/09

CS FOR SENATE BILL NO. 126( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act amending the State Personnel Act to place in the exempt service the state comptroller in the Department of Revenue; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees; amending the effective date of secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and sec. 3, ch. 50, SLA 2005; and providing for an effective date."

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

*** Section 1.** AS 14.20.135(a) is amended to read:

(a) A school district or regional educational attendance area that has or anticipates having a shortage of teachers qualified to teach in a particular discipline or specialty may, **subject to AS 14.25.043(f)** [BY RESOLUTION], adopt**, by resolution,** a policy that permits the employment of retired teachers **who have been separated from employment for at least 180 days and** who are qualified to teach in the discipline or specialty in accordance with this section. The policy must describe

the circumstances that constitute the shortage. If a shortage of teachers exists as described in the policy, the district or attendance area shall notify the administrator of the teachers' retirement system (AS 14.25) that it is hiring retired teachers under this section.

*** Sec. 2.** AS 14.25.043 is amended by adding a new subsection to read:

(f) Notwithstanding (b) and (e) of this section and AS 14.25.135, an employer that is a school district or regional educational attendance area may not allow a member hired to fill a position that requires recruitment to make the election provided in (b) or (e) of this section unless

(1) the employer conducted an initial recruitment for the position for at least 15 days that resulted in fewer than three qualified, eligible, and available applicants, including the retired member; and

(2) the employer then conducted an additional recruitment for the position and the additional recruitment resulted in fewer than three qualified, eligible, and available applicants, including the retired member; the additional recruitment period required by this paragraph added to the initial recruitment period in (1) must total not fewer than 30 days.

*** Sec. 3.** AS 39.25.110 is amended by adding a new paragraph to read:

(42) the state comptroller in the Department of Revenue.

*** Sec. 4.** AS 39.35.150(g) is amended to read:

(g) In accordance with this section, a political subdivision or a public organization that has or anticipates having a shortage of employees qualified for particular job classes may, by resolution, adopt a policy that permits the employment of employees who retired under AS 39.35.370(a), who have been separated from employment for at least **180** [30] days, and who are qualified for particular job classes. The policy adopted by resolution must describe the circumstances that constitute the shortage. The policy must require recruitment procedures [SIMILAR TO THE PROCEDURE] described in (h) of this section for any position filled by a retired employee under (f) of this section. If a shortage of qualified employees exists as described in the policy, the political subdivision or the public organization shall notify the administrator that it is hiring retired members under (f) of this section and shall

provide a copy of the resolution and policy adopted by the resolution to the administrator of the public employees' retirement system (AS 39.35).

*** Sec. 5.** AS 39.35.150(h) is amended to read:

(h) Notwithstanding (b) of this section, an employer [IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT] may not allow a member hired to fill a position that requires recruitment to make the election provided in (b) of this section unless

(1) the employer conducted an initial recruitment for at least 15 days for the position to be filled by the member making an election under (b) of this section that resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; and

(2) the employer then conducted an additional recruitment and the additional recruitment resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; this additional recruitment period added to the initial recruitment period must be at least 30 days total.

*** Sec. 6.** Section 12, ch. 57, SLA 2001, as amended by sec. 6, ch. 15, SLA 2003, and by sec. 10, ch. 50, SLA 2005, is amended to read:

Sec. 12. AS 14.20.135, as amended by sec. 2, **ch. 50, SLA 2005** [OF THIS ACT]; AS 14.25.043(b), as amended by sec. 4, **ch. 50, SLA 2005** [OF THIS ACT], 14.25.043(e), added by sec. 3, ch. 15, SLA 2003, and as amended by sec. 5, **ch. 50, SLA 2005** [OF THIS ACT]; AS 39.35.120(b)(2), 39.35.150(b), as amended by sec. 4, ch. 15, SLA 2003, and by sec. 7, **ch. 50, SLA 2005** [OF THIS ACT], and 39.35.150(c) are repealed July 1, **2010** [2009].

*** Sec. 7.** Section 12, ch. 50, SLA 2005, is amended to read:

Sec. 12. AS 14.25.070(b); AS 39.35.150(f), 39.35.150(g), 39.35.150(h), and 39.35.270(b) are repealed July 1, **2010** [2009].

*** Sec. 8.** AS 39.25.120(c)(10) is repealed.

*** Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL RETROACTIVITY. If secs. 6, 7, 10, and 11 of this Act take effect after July 1, 2009, secs. 6, 7, 10, and 11 of this Act are retroactive to July 1, 2009.

Amends bill passed in 2005 to Bill in sect 12 of Chptr 50 of 2005 SLA which repealed in 2009 same 5 statutes w/ B repealed in

The concept of each one of these subsections, after 2005 was moved to other places in state statutes. In order for the 2 laws to be repealed in 2005, we are going to have to repeal the new subsections that arose in these. These new ones repeat the old ones — Redundant. → The Gov's office drafted this & the legal @ that time didn't think change necessary but now do!

*** Sec. 10.** Section 15, ch. 57, SLA 2001, as amended by sec. 17, ch. 50, SLA 2005, is amended to read:

Sec. 15. Sections 3, 5, 9, and 12 of this Act take effect July 1, **2010** [2009].

*** Sec. 11.** Section 19, ch. 50, SLA 2005, is amended to read:

Sec. 19. Section 3 of this Act takes effect July 1, **2010** [2009].

*** Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).

1) Amend Subsection (6) of 39.35.150 to change 5 to 3 applications and 15 days to 90 days and the 30 days to 180 days. Also delete phrase "Exec Branch" from H

2) Change Sunset date from 2013 to 2010.

3) Page 2 Line 9 – Remove Chief Economist and leave in Comptroller.

4) 39.35.150 (g) Take out "similar" and any other references to similar in the section.

5) Take Section 1 out of bill and amend title to reflect changes. Senate will have to vote to change the title of bill – 51% majority. (Note: If it goes to the 2nd house and title is change there would have to be a 2/3 vote to change the title and the senate has to ratify bill name change.)

6) Changes must apply to teachers as well.

Corr. to Dan 3/31/09 @ 10.49

① P. 2 Line 24 s/b 180 days - not 30
+ in TRS as well.

② P. 3 line 7 - s/b 15 (not 90)
line 14 - 30 (not 180)

Dan: Must figure where to put TRS Language - (No reference in Statutes)

What about 14.20.135 - no
14:20.135(a) add TRS here in bill
on line - So, on Page 1, line 12 @ end
of sentence "this section", insert, + have been
See from emo

(1) Amend "H" of Subsection 39.35.150 (Summary of changes w/ Dan)
to change 5-3 applicants Pg 3 L 10
Pg 3 L 13
~~[illegible]~~
Delete phrase Exec. Branch (To include any employer)
from #1 Page 3 line 4+5

(2) Change 2013 to 2010 Sunset

(3) P. 2 Lin 9 Remove Chief Economist
+ leave in Comptroller

(4) 39.35.150 (g) Take out "similar" P2 Line 27 & 28
~~[illegible]~~

(5) Take Sect 1 out of bill S/B handled in a separate piece of legis DNR employee later are left as they are now
Amend title
(Rules RE changing titles — Still in 1st House, they can change title w/ majority vote — If goes to 2nd House must be 2/3 vote to change the title + senate has to concur to change the title
bill name change.

(6) Apply to teachers also Sec 2 AS 14.25.043 includes language to include the teacher

(7) Sec. 4 Requires state to wait 6 months before retire

(8) Title Change is everywhere w/ legis memo in packet

- 6 month rehire (Went over w/Dan)
39.35.150
Subsect. (B) references 30 days

- H@end says not w/s (B) Employer + Exec. Brand may not allow a member hired unless 15 day recruitment + addt'l 15 day recruitment which total 30 days & being rehired due to 30 day recruit. must
will do 90 days + 90 days

Page 2 Sec 3 w/become
on line 11 + w/B called Sec. 3

- Change 2013 to 2010

- 3 or fewer applicants (H) along w/ 85-90 days.

- Recruitment Policy w/change
~~music Schools~~ ~~Change H as will + have take no influence to~~ exec.
Use Sen French version P.1
Line 22 (H) delete "In the executive brand & state govt."

Page 2, Line 9 take out
Chief econ. & leave in
comptroller.

✓1) We would like to change 30 days of retirement to 6 months under ~~39-35.015(2)(b)~~ (~~1st sentence~~)

✓2) 3 or fewer applicants

3) Retirement Requirements — must be retired 6 mos (min. of 30 days) + 90 days - Totals 180 days } Change to 90 days

4) ~~Sunset~~ @ 2010

5) We want ~~retiree~~ recruitment policy to be same for ~~PERS~~ TRS (all employers!) Section 14.20, 135 (G+H)

6) Page 2, line 9 take out Chief econ. & leave comptroller.

7) P. 1 ~~Sect~~ Sect 1, line 9 — P. 2 line 7 Remove & remove from title.

DRAFT

(3/27/2009)
(4:40 PM)

AMENDMENT

OFFERED IN THE SENATE STATE AFFAIRS COMMITTEE

BY _____

TO: SB 126

Page 1, line 6, following "**2005**":

Insert "**and providing for additional standards for the reemployment of retired teachers and public employees**"

Page 1, following line 8:

Insert a new bill section to read:

"* **Section 1.** AS 14.20.135 is amended by adding SCHOOLS a new subsection to read:

(f) A school district or regional educational attendance area that adopts a policy that permits the employment of retired teachers in accordance with this section shall ensure that the policy is substantially similar to that described in the regulations adopted by the commissioner of the Department of Administration under AS 39.35.150(i)."

refers to regulation statutes which they w/like to go back to admin.

Renumber the following bill sections accordingly.

Page 1, line 9:

Delete "**Section**"

Insert "**Sec.**"

Page 2, following line 10:

Insert new bill sections to read:

"* **Sec. 4.** AS 39.35.150(g) is amended to read:

306

(g) In accordance with this section, a political subdivision or a public organization that has or anticipates having a shortage of employees qualified for particular job classes may, by resolution, adopt a policy that permits the employment of employees who retired under AS 39.35.370(a), who have been separated from employment for at least 30 days, and who are qualified for particular job classes. The policy adopted by resolution must describe the circumstances that constitute the shortage. The policy must require recruitment procedures similar to the procedure described in (h) of this section **and be in accordance with regulations issued under (i) of this section** for any position filled by a retired employee under (f) of this section. If a shortage of qualified employees exists as described in the policy, the political subdivision or the public organization shall notify the administrator that it is hiring retired members under (f) of this section and shall provide a copy of the resolution and policy adopted by the resolution to the administrator of the public employees' retirement system (AS 39.35).

*** Sec. 5.** AS 39.35.150 is amended by adding a new subsection to read:

(i) The commissioner may adopt regulations under the authority of AS 44.62 to implement (g) and (h) of this section and to describe the circumstances that will constitute a shortage permitting the rehire of a retired member."

Gives auth to Comm to write regs (as approved to legis)

Renumber the following bill sections accordingly.

Page 2, line 13, following "**2005**":

Insert "**, and as amended by sec. 1 of this Act**"

Page 2, line 17, following "AS 39.35.150(c)":

Insert "**and (i)**"

Page 2, line 25:

Delete "3, 4, 7, and 8"

Insert "6, 7, 10, and 11"

Page 2, line 26:

Delete "3, 4, 7, and 8"

Insert "6, 7, 10, and 11"

26-GS1035\A.6
Wayne
3/27/09

AMENDMENT

OFFERED IN THE SENATE BY SENATOR FRENCH

TO: SB 126

Page 1, line 5:

Delete "**by providing for an effective date by**"

Insert ";"

Page 2, following line 10:

Insert new bill sections to read:

"*** Sec. 3.** AS 39.35.150(g) is amended to read:

(g) In accordance with this section, a political subdivision or a public organization that has or anticipates having a shortage of employees qualified for particular job classes may, by resolution, adopt a policy that permits the employment of employees who retired under AS 39.35.370(a), who have been separated from employment for at least 30 days, and who are qualified for particular job classes. The policy adopted by resolution must describe the circumstances that constitute the shortage. The policy must require recruitment procedures [SIMILAR TO THE PROCEDURE] described in (h) of this section for any position filled by a retired employee under (f) of this section. If a shortage of qualified employees exists as described in the policy, the political subdivision or the public organization shall notify the administrator that it is hiring retired members under (f) of this section and shall provide a copy of the resolution and policy adopted by the resolution to the administrator of the public employees' retirement system (AS 39.35).

*** Sec. 4.** AS 39.35.150(h) is amended to read:

(h) Notwithstanding (b) of this section, an employer [IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT] may not allow a member hired to fill a

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position that requires recruitment to make the election provided in (b) of this section unless

(1) the employer conducted an initial recruitment for at least 15 days for the position to be filled by the member making an election under (b) of this section that resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; and

(2) the employer then conducted an additional recruitment and the additional recruitment resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; this additional recruitment period added to the initial recruitment period must be at least 30 days total."

Renumber the following bill sections accordingly.

Page 2, line 25:

Delete "secs. 3, 4, 7, and 8"

Insert "secs. 5, 6, 9, and 10"

Page 2, line 26:

Delete "secs. 3, 4, 7, and 8"

Insert "secs. 5, 6, 9, and 10"

French was aware that Menard w/B doing delayed eff date +

Fate - 331-0773

Removed from agenda

26-GS1035\A

Dan Wayne - might need to talk to drafter of the bill.

SENATE BILL NO. 126

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/27/09
Referred: State Affairs, Labor and Commerce, Finance

CS

A BILL

FOR AN ACT ENTITLED — will require a 51% vote from senate to change the title

"An Act amending the State Personnel Act to place in the exempt service ~~the chief economist and~~ state comptroller in the Department of Revenue ~~and certain professional positions concerning oil and gas within the Department of Natural Resources~~; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees; by providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001 and sec. 19, ch. 50, SLA 2005; and providing for an effective date."

→ include reference to changes

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

*** Section 1.** AS 39.25.110(14) is amended to read:

(14) **the director, deputy director, petroleum investments manager, petroleum market analyst, petroleum facilities integrity compliance manager, petroleum facilities integrity engineer, petroleum facilities integrity specialist,** petroleum engineers, [AND] petroleum geologists, **petroleum geophysicists,**

petroleum land managers, petroleum managers, and commercial analysts, employed in a professional capacity **in the division of oil and gas** by the Department of Natural Resources; **petroleum engineers and petroleum geologists employed** [AND] by the Oil and Gas Conservation Commission; **and the state geologist, petroleum geologists, and petroleum geophysicists** [, EXCEPT FOR THOSE] employed in the division of geological and geophysical surveys **by** [IN] the Department of Natural Resources;

*** Sec. 2.** AS 39.25.110 is amended by adding new paragraphs to read:

(42) ~~the chief economist and~~ the state comptroller in the Department of Revenue.

*** Sec. 3.** Section 12, ch. 57, SLA 2001, as amended by sec. 6, ch. 15, SLA 2003, and amended by sec. 10, ch. 50, SLA 2005 is further amended to read:

Sec. 12. AS 14.20.135, as amended by sec. 2**, ch. 50, SLA 2005** [OF THIS ACT]; AS 14.25.043(b), as amended by sec. 4**, ch. 50, SLA 2005** [OF THIS ACT], 14.25.043(e), added by sec. 3, ch. 15, SLA 2003, and as amended by sec. 5**, ch. 50, SLA 2005** [OF THIS ACT]; AS 39.35.120(b)(2), 39.35.150(b), as amended by sec. 4, ch. 15, SLA 2003, and by sec. 7**, ch. 50, SLA 2005** [OF THIS ACT], and 39.35.150(c) are repealed July 1, ~~2013~~ 2010 [2009].

*** Sec. 4.** Section 12, ch. 50, SLA 2005 is amended to read:

Sec. 12. AS 14.25.070(b); AS 39.35.150(f), 39.35.150(g), 39.35.150(h), and 39.35.270(b) are repealed July 1, ~~2013~~ 2010 [2009].

*** Sec. 5.** AS 39.25.120(10) is repealed.

*** Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL RETROACTIVITY. If secs. 3, 4, 7, and 8 of this Act take effect after July 1, 2009, secs. 3, 4, 7, and 8 of this Act are retroactive to July 1, 2009.

*** Sec. 7.** Section 15, ch. 57, SLA 2001, as amended by sec. 17, ch. 50, SLA 2005, is amended to read:

Sec. 15. Sections 3, 5, 9, and 12 of this Act take effect July 1, ~~2013~~ 2010 [2009].

*** Sec. 8.** Section 19, ch. 50, SLA 2005 is amended to read:

Sec. 19. Section 3 of this Act takes effect July 1, ~~2013~~ 2010 [2009].

1 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).

Side board on
Retiree Return
- 3 or fewer appl.
- 30 days to
6 months
- 2010)
- Want to apply to all
~~All~~ Employers (not similar -
exact)

26-GS1035\R
Wayne
3/30/09

CS FOR SENATE BILL NO. 126( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act amending the State Personnel Act to place in the exempt service the state comptroller in the Department of Revenue; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees; amending the effective date of secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and sec. 3, ch. 50, SLA 2005; and providing for an effective date."

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

*** Section 1.** AS 14.20.135(a) is amended to read:

(a) A school district or regional educational attendance area that has or anticipates having a shortage of teachers qualified to teach in a particular discipline or specialty may, **subject to AS 14.25.043(f)** [BY RESOLUTION], adopt, **by resolution,** a policy that permits the employment of retired teachers who are qualified to teach in the discipline or specialty in accordance with this section. The policy must describe the circumstances that constitute the shortage. If a shortage of teachers exists

who have been SP from emp for 180 days @ least

as described in the policy, the district or attendance area shall notify the administrator of the teachers' retirement system (AS 14.25) that it is hiring retired teachers under this section.

*** Sec. 2.** AS 14.25.043 is amended by adding a new subsection to read:

(f) Notwithstanding (b) and (e) of this section and AS 14.25.135, an employer that is a school district or regional educational attendance area may not allow a member hired to fill a position that requires recruitment to make the election provided in (b) or (e) of this section unless

(1) the employer conducted an initial recruitment for the position for at least 15 days that resulted in fewer than three qualified, eligible, and available applicants, including the retired member; and

(2) the employer then conducted an additional recruitment for the position and the additional recruitment resulted in fewer than three qualified, eligible, and available applicants, including the retired member; the additional recruitment period required by this paragraph added to the initial recruitment period in (1) must total not fewer than 30 days.

*** Sec. 3.** AS 39.25.110 is amended by adding a new paragraph to read:

(42) the state comptroller in the Department of Revenue.

*** Sec. 4.** AS 39.35.150(g) is amended to read:

(g) In accordance with this section, a political subdivision or a public organization that has or anticipates having a shortage of employees qualified for particular job classes may, by resolution, adopt a policy that permits the employment of employees who retired under AS 39.35.370(a), who have been separated from employment ~~for at least 30~~ 180 days, and who are qualified for particular job classes. The policy adopted by resolution must describe the circumstances that constitute the shortage. The policy must require recruitment procedures [SIMILAR TO THE PROCEDURE] described in (h) of this section for any position filled by a retired employee under (f) of this section. If a shortage of qualified employees exists as described in the policy, the political subdivision or the public organization shall notify the administrator that it is hiring retired members under (f) of this section and shall provide a copy of the resolution and policy adopted by the resolution to the

also must be in TRS

administrator of the public employees' retirement system (AS 39.35).

*** Sec. 5.** AS 39.35.150(h) is amended to read:

(h) Notwithstanding (b) of this section, an employer [IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT] may not allow a member hired to fill a position that requires recruitment to make the election provided in (b) of this section unless

(1) the employer conducted an initial recruitment for at least ~~90~~ 15 [15] days for the position to be filled by the member making an election under (b) of this section that resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; and

(2) the employer then conducted an additional recruitment and the additional recruitment resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants, including the retired member; this additional recruitment period added to the initial recruitment period must be at least ~~180~~ 30 [30] days total.

*** Sec. 6.** Section 12, ch. 57, SLA 2001, as amended by sec. 6, ch. 15, SLA 2003, and by sec. 10, ch. 50, SLA 2005, is amended to read:

Sec. 12. AS 14.20.135, as amended by sec. 2**, ch. 50, SLA 2005** [OF THIS ACT]; AS 14.25.043(b), as amended by sec. 4**, ch. 50, SLA 2005** [OF THIS ACT], 14.25.043(e), added by sec. 3, ch. 15, SLA 2003, and as amended by sec. 5**, ch. 50, SLA 2005** [OF THIS ACT]; AS 39.35.120(b)(2), 39.35.150(b), as amended by sec. 4, ch. 15, SLA 2003, and by sec. 7**, ch. 50, SLA 2005** [OF THIS ACT], and 39.35.150(c) are repealed July 1, **2010** [2009].

*** Sec. 7.** Section 12, ch. 50, SLA 2005, is amended to read:

Sec. 12. AS 14.25.070(b); AS 39.35.150(f), 39.35.150(g), 39.35.150(h), and 39.35.270(b) are repealed July 1, **2010** [2009].

*** Sec. 8.** AS 39.25.120(c)(10) is repealed.

*** Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL RETROACTIVITY. If secs. 6, 7, 10, and 11 of this Act take effect after July 1, 2009, secs. 6, 7, 10, and 11 of this Act are retroactive to July 1, 2009.

*** Sec. 10.** Section 15, ch. 57, SLA 2001, as amended by sec. 17, ch. 50, SLA 2005, is

amended to read:

Sec. 15. Sections 3, 5, 9, and 12 of this Act take effect July 1, **2010** [2009].

*** Sec. 11.** Section 19, ch. 50, SLA 2005, is amended to read:

Sec. 19. Section 3 of this Act takes effect July 1, **2010** [2009].

*** Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 126
(S) Publish Date: 2/27/09

Identifier (file name): 0035-DNR-COM-02-12-09
Title: Exempt Service
Sponsor: Rules Committee
Requester: Governor

Dept. Affected: Natural Resources
RDU: Resource Development
Component: Commissioners Office
Component Number: 423

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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	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 Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill would move certain exempt DNR positions in the Division of Oil and Gas and the Division of Geological and Geophysical Surveys from AS 39.25.110(9) (special inquiry, studies, and examinations) to subsection AS 39.25.110(14) which addresses certain professional oil and gas positions.

No fiscal impact is anticipated. These positions are already funded as exempt positions and in most cases, filled.

Prepared by: Leta Simons, Director — Phone 465-3379
Division: Support Services — Date/Time February 12, 2009
Approved by: Tom Irwin, Commissioner — Date February 12, 2009
Natural Resources

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: **SB 126**
(S) Publish Date: 2/27/09

Identifier (file name): **0035-DOA-DRB-2-13-09**
Dept. Affected: Administration
Title: An Act amending the State Personnel Act to place in the exempt service the chief economist and state comptroller....
RDU: Centralized Administrative Services
Component: Retirement and Benefits
Sponsor: Governor
Requester: Governor's Office
Component Number: 64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES	**0.0**	**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**	**0.0**
FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

This bill extends the sunset of the Retiree Return Program for Public Employees' (PERS) and Teachers' (TRS) Retirement System retirees from July 1, 2009 to July 1, 2013. This program allows public employers and school districts experiencing a shortage of qualified applicants to rehire a PERS or TRS retiree and allow the retiree to continuing receiving retirement benefit by waiving participation in the PERS or TRS during the period of reemployment. This bill represents a continuation of an existing program and therefore has no fiscal impact on the division.

Prepared by: Patrick Shier, Director — Phone 465-4817
Division: Retirement and Benefits — Date/Time 2/13/09 11:23 AM
Approved by: Rachael Petro, Deputy Commissioner — Date 2/13/2009
Department of Administration

(Revised 03/30/08 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: **SB 126**
(S) Publish Date: 2/27/09

Identifier (file name):0035-DOR-TRE-2-6-09
Dept. Affected: Revenue
Title: Retire-Rehire-Exempt Service
RDU: Taxation and Treasury
Component: Tax/ Treasury
Sponsor: Rules Committee
Requester: Governor Palin
Component Number: 2476 / 121

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**0.0**
CAPITAL EXPENDITURES	**0.0**	**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**	**0.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

This bill moves two Department of Revenue positions, the State Comptroller in the Treasury Division and the Chief Economist in the Tax Division into the Exempt Service.

The State Comptroller is currently a partially exempt position, range 27 with a budgeted annual salary of $111,000 and total cost of $162,250, of which $30,660 is GF. The most comparable positions in state corporations such as the Permanent Fund and Alaska Housing Finance are paid in the range from $130,000-$160,000. To be competitive and able to attract and retain staff we would expect to pay this position somewhere in that range.

The Chief Economist is currently a classified position, range 26 with a budgeted annual salary of $90,000 and a total cost of $130,500, all of which is GF. Competitive salaries for this position would be in the range of $125,000-$175,000.

The Department would fund these increases costs through adjustments within each division's budget.

Prepared by: Jerry Burnett, Deputy Commissioner
Phone 465-2300
Division: Treasury Division
Date/Time 2/6/09 12:00 AM
Approved by: Ginger Blaisdell
Date 2/6/2009
Department of Revenue

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **CS SB 126**
() Publish Date:

Identifier (File Name): CSSB126-DOR-TRS-04-02-09
Title **Retire/Rehire; Exempt Positions**
Sponsor **Governor**
Requester **(S) Labor & Commerce**

Dept. Affected: Revenue 04
RDU **Taxation and Treasury**
Component Taxation and Treasury
Component No. **2476**

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**0.0**
CAPITAL EXPENDITURES	**0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CHANGE IN REVENUES ( )	*	**0.0**	*	*	*	*	*

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost: 0

POSITIONS

Full-time	0.00	0	0.00	0.00	0.00	0.00	0.00
Part-time							
Temporary							

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

No aditional funding is required for the position changes for the state comptroller and chief economist.

Prepared by: **Ginger Blaisdell, Director, Administrative Services** Phone (907) 465-2132
Division Department of Revenue Date/Time 04-02-09 7:46am
Approved by: **Ginger Blaisdell, Director, Administrative Services** Date 4/2/2009
Agency Department of Revenue

(Revised 9/2008 OMB)

Alaska Legislative Report

Results of the Retiree Return Program enacted by
House Bill 161 in 2005 on

The Public Employees'
and
Teachers' Retirement System



Submitted by
State of Alaska
Department of Administration
Division of Retirement and Benefits
Division of Personnel
February 6, 2009

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

ANNETTE KREITZER, COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135

February 6, 2009

The Honorable Gary Stevens
Senate President
The Honorable Mike Chenault
House Speaker
25th Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Mr. President and Mr. Speaker:

In 2005, the Twenty-Fourth Legislature enacted House Bill 161 relating to reemployment of retired members of the Teachers' (TRS) and Public Employees' Retirement Systems (PERS) to address a shortage of qualified applicants for teaching and public employment throughout the State of Alaska. Section 12 of this legislation will repeal the Retiree Return Program effective July 1, 2009, unless extended by the Legislature.

In accordance with Section 13 of this legislation, the Department of Administration has prepared this report on the effect of this Act, as amended, on the retirement systems. This report is divided into two separate sections as outlined below:

- Section 1 includes information from the Division of Retirement and Benefits collected from the PERS and TRS employers and retirees participating in HB 161.

- Section 2 includes information from the Division of Personnel regarding the efforts by the State of Alaska to address recruitment difficulties experienced by the executive branch in specific job classes.

Please let me know if you have any questions about this report.

Sincerely,

Annette Kreitzer
Commissioner
Department of Administration

Section 1
Division of Retirement and Benefits

HB 161 Background

Section 1 of this report was prepared by the Division of Retirement and Benefits. It includes information collected from the PERS and TRS employers and retirees participating in HB 161.

HB 161 was introduced April 5, 2005. This legislation allows the rehire of certain PERS and TRS employees who retired with a normal retirement. These rehires can continue to receive normal retirement benefits by waiving further participation in the retirement systems. During the period of reemployment, no contributions to PERS and TRS are required from the employee. HB 161 addressed concerns regarding the affect on rehiring retirees under this program on the funding of the retirement systems by requiring employers to make contributions toward their unfunded liability for each rehired retiree. Retirees that are rehired in a full-time position are also required to enroll in the employer's active health insurance plan. Retirees hired in full time positions under HB 161 have their retirement health insurance benefits suspended while reemployed. Prior to the passage of this legislation members who retired and then reemployed in a PERS or TRS participating position would have their retirement benefit stopped during the period of reemployment. The member would accrue an additional pension benefit for the second period of employment.

HB 161 also addressed retirees who reemployed under the prior Retiree Rehire Program enacted in 2001 by HB 242/SB149. An attorney general opinion issued in 2004 regarding the HB 242/SB 149, stating that retirees could not continue in employment without affecting their retirement benefits if they rehired prior to the sunset date. The Division notified all participants in the Retiree Rehire Program on November 3, 2004 of this interpretation. HB 161 provides retirees who reemployed prior to November 3, 2004 an extension of participation in the program to December 31, 2006. After that date, continued employment in the program would be contingent on meeting the requirements and conditions of HB 161.

Reporting

This report comprises a summary of the waiver activity for the Retiree Return program under HB 161 from January 1, 2008 to the last reporting period, December 31, 2008 for both the TRS and the PERS.

The information provided regarding participating employers for both the TRS and the PERS and the knowledge transfer plans received are a summary activity since the Retiree Return program became effective on July 1, 2005.

PERS Results

As of December 31, 2008, 30 out of 159 or (18%) of PERS employers have participated in the program with a total of 83 waivers filed with the Division of Retirement and Benefits. As of December 31, 2008, 25 out of 30 or 83% of participating employers have submitted a knowledge transfer plan.

The largest number of retirees rehired over 36 months from their termination and retirement. The second largest number of returned retirees were those who had been retired for 1-6 months. Positions filled with rehired retirees were varied.

Additional information regarding the PERS employers that have participated in the program and detailed information regarding the type of positions rehired is included in the statistical section of this report.

TRS Results

As of December 31, 2008, 34 out of 58 or (58.6%) of TRS employers have participated and 143 waivers were filed with the Division of Retirement and Benefits. As of December 31, 2008, 27 out of 34 or 79% of participating TRS employers have submitted a knowledge transfer plan. The largest number of returned retirees were those who had been retired for over 36 months. The second largest number of returned retirees were those who had been retired for 24-36 months. The largest number of positions rehired was general teachers with the second highest being Special Education teachers.

Additional information regarding the employers that have participated in the program and how they have participated is included in the statistical section of this report.

Financial Impact on the PERS and TRS Systems

HB 161 requires employers to make payments of employer contributions sufficient to cover any unfunded liability created by the program. Retirees who rehire under HB 161 in a full time position have their retiree medical benefits suspended for the period of reemployment.

Summary of Retiree Rehire Program - PERS (HB 161)

The following information summarizes the activity reported by employers to the Division of Retirement and Benefits from January 1, 2008 through December 31, 2008.

Total number of PERS employers	159
Total number of PERS employers participating in HB 161	30
Percentage of total PERS employers participating in HB 161	18%
Total number of PERS waivers active during 2008	62
Total number of employers submitting a knowledge transfer plan	25**

- Once an employer has submitted a resolution and policy to participate in the Retiree Rehire Program, the participation is valid until the program sunsets on June 30, 2009.
- ** The State of Alaska is not required to submit a knowledge transfer plan and is not included in this total.

Job Classes Rehired Under PERS HB 161

ADMINISTRATIVE ASSISTANT I	STATE OF ALASKA
ADMINISTRATIVE ASST III	STATE OF ALASKA
ADMINISTRATIVE MANAGER IV	STATE OF ALASKA
ADMINISTRATIVE SERVICES DIRECTOR	STATE OF ALASKA
AIRPORT LAW ENFORCEMENT SUPERVISOR	KETCHIKAN GATEWAY BOROUGH
ANALYST PROGRAMMER IV	STATE OF ALASKA
ASSISTANT CMS PROJECT MANAGER	STATE OF ALASKA
ASSISTANT COMMISSIONER (2)	STATE OF ALASKA
ASSOCIATE COORDINATOR	STATE OF ALASKA
ASST SUPERVISOR/BUISNESS SERVICES	BERING STRAIT SD
ATTORNEY V	STATE OF ALASKA
ATTORNEY VI	STATE OF ALASKA
BIOMETRICIAN III (2)	STATE OF ALASKA
BOILER/HVAC MECHANIC	MATANUSKA-SUSITNA BOROUGH SD
CHILDREN SERVICES SPECIALIST II	STATE OF ALASKA
COMM FISHERIES ENTRY COMMISSION CHAIRMAN	STATE OF ALASKA
COMMISIONER	STATE OF ALASKA
CORRECTIONAL SUPERINTENDENT I	STATE OF ALASKA
CRIMINAL JUSTICE PLANNER	STATE OF ALASKA
CUSTODIAN	KETCHIKAN GATEWAY BOROUGH SD
DEPUTY ATTORNEY GENERAL	STATE OF ALASKA
DEPUTY CLERK III (2)	STATE OF ALASKA
DEPUTY CLERK IV	STATE OF ALASKA
DEPUTY COMMISSIONER (4)	STATE OF ALASKA
DIRECTOR, CONSTRUCTION AND OPERATIONS	STATE OF ALASKA
DIRECTOR,PROBATION/PAROLE	STATE OF ALASKA
DIVISION DIRECTOR	STATE OF ALASKA
ECONOMIST III	STATE OF ALASKA
ENGINEER I	STATE OF ALASKA
ENGINEER IV	STATE OF ALASKA
ENGINEERING ASSOCIATE (2)	STATE OF ALASKA
EQUIPMENT OPERATOR	STATE OF ALASKA
EXECUTIVE ADMINISTRATOR	STATE OF ALASKA
EXECUTIVE SECRETARY	STATE OF ALASKA
EXECUTIVE SECRETARY/SYSTEM COORDINATOR	STATE OF ALASKA
FACILITIES MANAGER	STATE OF ALASKA
FIRE CHIEF	KETCHIKAN GATEWAY BOROUGH
FISHERIES BIOLOGIST IV	STATE OF ALASKA
FISHERIES SCIENTIST	STATE OF ALASKA
FISHERY BIOLOGIST III (3)	STATE OF ALASKA
FISHERY BIOLOGIST IV	STATE OF ALASKA
GENERAL MAINTENENCE,JOURNEY	STATE OF ALASKA
ITINERANT FOOD SERVICE	BERING STRAIT SD
LANGUAGE TEACHER (2)	ANCHORAGE SD
LIEUTENANT	CITY OF FAIRBANKS
MAINT SPECIALIST BFC FOREMAN	STATE OF ALASKA
MAINTENANCE	ALEUTIAN REGION SD
MAINTENANCE DIRECTOR	IDITAROD AREA SD
MENTAL HEALTH CLINICIAN III	STATE OF ALASKA
PERSONNEL COORDINATOR	KETCHIKAN GATEWAY BOROUGH SD
POLICE OFFICER	CITY OF HOMER

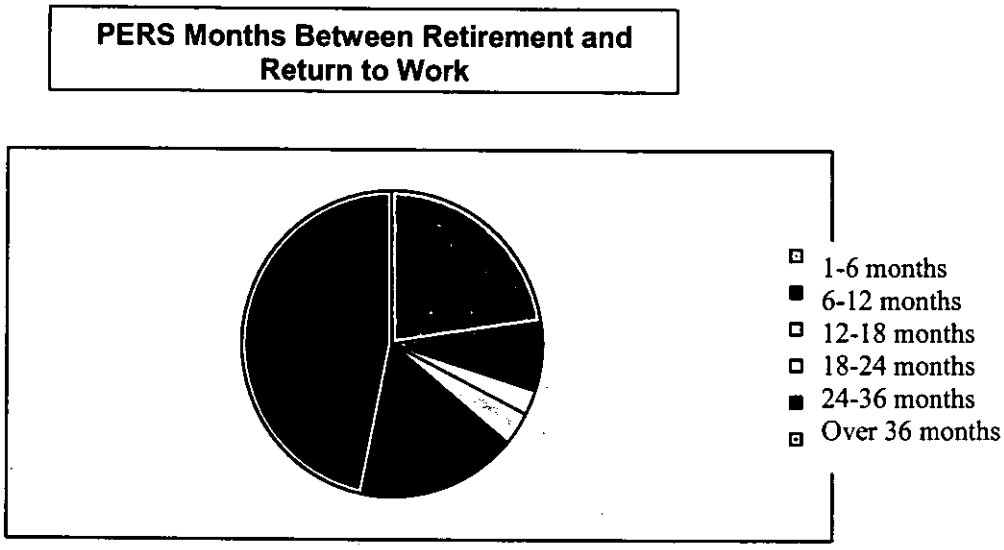
POLICE OFFICER	KETCHIKAN GATEWAY BOROUGH
PROJECT ASSISTANT	STATE OF ALASKA
PROJECT MANAGER	FAIRBANKS NORTH STAR BOROUGH
QUALITY ASSURANCE COORDINATOR	BARTLETT REGIONAL HOSPITAL
REGIONAL SUPERVISOR	STATE OF ALASKA
RESEARCH ANALYST II	STATE OF ALASKA
RURAL COURT TRAINING ASST.	STATE OF ALASKA
SAFETY AND SECURITY COORDINATOR	MATANUSKA-SUSITNA BOROUGH SD
SE REGION DIRECTOR OF CM&O	STATE OF ALASKA
SPECIAL ASSISTANT TO COMMISSIONER	STATE OF ALASKA
SPECIAL ASSISTANT/LEGISLATIVE LIAISON	STATE OF ALASKA
SPECIAL ED PARAEDUCATOR	JUNEAU BOROUGH SD
SPECIAL EDUCATION AIDE	BRISTOL BAY BOROUGH SD
SPECIAL PROJECTS COORDINATOR	STATE OF ALASKA
SR ASSISTANT ATTORNEY GENERAL	STATE OF ALASKA
STATE TROOPER (2)	STATE OF ALASKA
STUDENT SERVICES DIRECTOR	CITY OF PALMER
SUPERVISOR BLDG/GROUNDS	KETCHIKAN GATEWAY BOROUGH SD
TLINGIT TEACHER (2)	ANCHORAGE SD
VESSEL SUPERVISOR	STATE OF ALASKA

Detail of number of Retirees participating in HB 161 between January 1, 2008 and December 31, 2008 by Each Participating PERS Employer

Employer	Number of Waivers
ANCHORAGE SD	2
BARTLETT REGIONAL HOSPITAL	1
BERING STRAIT SD	1
BRISTOL BAY BOROUGH SD	1
CITY OF HOMER	1
CITY OF PALMER	1
FAIRBANKS NORTH STAR BOROUGH	1
IDITAROD AREA SD	1
JUNEAU BOROUGH SD	1
KETCHIKAN GATEWAY BOROUGH	3
KETCHIKAN GATEWAY BOROUGH SD	2
MATANUSKA-SUSITNA BOROUGH SD	2
STATE OF ALASKA	45
	62

PERS Rehired Retiree Employer Rate for Fiscal Year 2010 is 22%

Number of Months Retired Rehired under HB 161 for participating PERS employers



Employer	No. of Months Retired Before Rehire
State of Alaska	
16	1-6 months
4	6-12 months
2	12-18 months
2	18-24 month2
10	24-36 months
26	Over 36 months
Bering Straight School District	
1	1-6 months
1	Over 36 months
Bartlett Regional Hospital-1	10 months
Bristol Bay Borough School District-1	38 months
Juneau Borough School District-1	57 months
Mat-Su Borough School District	
1	1-6 months
1	18-24 months
Anchorage School District-4	79/92/103/116 months (over 36 months)
Fairbanks North Star Borough-1	6 months
Ketchikan Gateway Borough	
1	24-36 months
2	Over 36 months
Ketchikan Gateway Borough School District	
1	1-6 months
1	24-36 months
1	Over 36 months

Iditarod Area School District-1	29 months
City of Fairbanks-1	67 months
City of Homer-1	102 months
City of Palmer-1	62 months
Aleutian Region School District-1	61 months

Summary of Retiree Rehire Program - TRS (HB 161)

The following information summarizes the activity reported by employers to the Division of Retirement and Benefits from January 1, 2008 through December 31, 2008.

Total number of TRS employers	58
Total number of TRS employers participating in HB 161	34*
Percentage of total TRS employers participating in HB 161	58%
Total number of TRS waivers received	85
Total number of employers submitting a knowledge transfer plan	27

* Once an employer has submitted a resolution and policy to participate in the Retiree Rehire Program, the participation is valid until the program sunsets on June 30, 2009.

Job Classes Rehired Under TRS HB 161

ASSISTANT SUPERINTENDENT/DIRECTOR	BERING STRAIT SD
BEHAVIOR SPECIALIST	KODIAK ISLAND BOROUGH SD
CERTIFIED DIRECTOR	MATANUSKA-SUSITNA BOROUGH SD
COUNSELOR	ANCHORAGE SD
COUNSELOR	LOWER KUSKOKWIM SD
COUNSELOR	NORTH SLOPE BOROUGH SD
COUSELOR	YUPIIT SD
CURRICULUM DIRECTOR	DENALI BOROUGH SD
DIRECTOR (2)	BERING STRAIT SD
DIRECTOR	LOWER KUSKOKWIM SD
DIRECTOR OF INSTRUCTIONAL PROGRAM	SOUTHWEST REGION SD
DIRECTOR OF PROGRAM SUPPORT	BERING STRAIT SD
EDUCATION SPECIALIST (2)	LOWER KUSKOKWIM SD
ELD TEACHER	LOWER KUSKOKWIM SD
ELEMENTARY LIBRARIAN	KETCHIKAN GATEWAY BOROUGH SD
ENGLISH TEACHER	KETCHIKAN GATEWAY BOROUGH SD
EXECUTIVE DIRECTOR	SPECIAL ED SERVICE AGENCY
HEALTH OCCUPATIONS TEACHER	ANCHORAGE SD
HEALTHY LIFESTYLE SPECIALIST	NORTHWEST ARCTIC BOROUGH SD
IND SAFETY/EMT INSTRUCTOR	MATANUSKA-SUSITNA BOROUGH SD
LIBRARIAN	ANCHORAGE SD
LIBRARIAN	PETERSBURG CITY SD
LIFE SKILLS TEACHER	ANCHORAGE SD
MATH/SCIENCE TEACHER	DENALI BOROUGH SD
PERSONNEL OFFICER	SOUTHWEST REGION SD
PRINCIPAL (2)	BERING STRAIT SD
PRINCIPAL	KETCHIKAN GATEWAY BOROUGH SD
PRINCIPAL (2)	NORTH SLOPE BOROUGH SD
PRINCIPAL	IDITAROD AREA SD
PSYCHOLOGIST (2)	ANCHORAGE SD
RESOURCE SPECIALIST	MATANUSKA-SUSITNA BOROUGH SD
RESOURCE TEACHER	MATANUSKA-SUSITNA BOROUGH SD
SCHOOL PSYCHOLOGIST (3)	ANCHORAGE SD
SEC CLSRM TEACHER	ANCHORAGE SD
SECONDARY PRINCIPAL	ANNETTE ISLAND SD
SITE ADMINISTRATOR (5)	LOWER KUSKOKWIM SD
SPANISH TEACHER	ANCHORAGE SD
SPECIAL EDUCATION DEPARTMENT CHAIR	ANCHORAGE SD
SPECIAL EDUCATION TEACHER (20)	ANCHORAGE SD
SPECIAL EDUCATION TEACHER	DILLINGHAM CITY SD
SPECIAL EDUCATION TEACHER	JUNEAU BOROUGH SD
SPECIAL EDUCATION TEACHER	LOWER KUSKOKWIM SD
SPECIAL EDUCATION TEACHER (2)	LOWER YUKON SD
SPECIAL EDUCATION TEACHER	NORTHWEST ARCTIC BOROUGH SD
SPECIAL EDUCATION TEACHER	WRANGELL PUBLIC SD
SPEECH LANGUAGE PATHOLOGIST (7)	ANCHORAGE SD
SPEECH THERAPIST	MATANUSKA-SUSITNA BOROUGH SD
STUDENT PSYCHOLOGIST	ANCHORAGE SD
STUDENT SERVICES DIRECTOR	JUNEAU BOROUGH SD
SUPERINDENDENT	TANANA SD
SUPERINTENDENT	BERING STRAIT SD

SUPERINTENDENT	CHATHAM SD
SUPERINTENDENT	COPPER RIVER SD
SUPERINTENDENT	HOONAH CITY SD
SUPERINTENDENT	LOWER KUSKOKWIM SD
SUPERINTENDENT	VALDEZ CITY SD
SUPERINTENDENT OF SCHOOLS	SOUTHEAST ISLAND SD
SUPERINTENDENT/PRINCIPAL TEACHER	ALEUTIAN REGION SD
TEACHER (4)	ANCHORAGE SD
TEACHER	BERING STRAIT SD
TEACHER (2)	CHATHAM SD
TEACHER (2)	KETCHIKAN GATEWAY BOROUGH SD
TEACHER	LAKE AND PENINSULA BOROUGH SD
TEACHER (28)	LOWER KUSKOKWIM SD
TEACHER	MATANUSKA-SUSITNA BOROUGH SD
TEACHER	NORTH SLOPE BOROUGH SD
TEACHER	PELICAN CITY SD
TEACHER	PETERSBURG CITY SD
TEACHER SPEECH PATHOLOGIST	SITKA BOROUGH SD
TEACHER VOC ED	YUPIIT SD
TEACHER, VOCATIONAL EDUCATION	LOWER KUSKOKWIM SD
VOCATIONAL EDUCATION	ANCHORAGE SD
VOC-ED TEACHER	KLAWOCK CITY SD
YUPIK FIRST LANGUAGE ED SPECIALIST	LOWER KUSKOKWIM SD

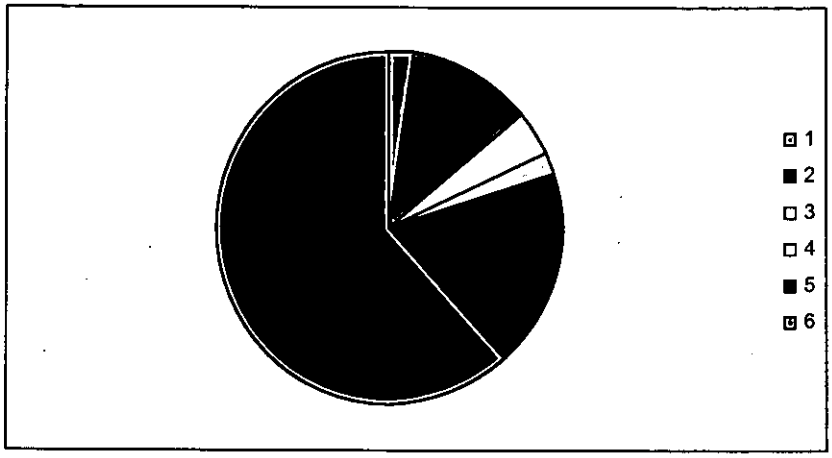
Detail of number of Retirees participating in HB 161 between January 1, 2008 and December 31, 2008 by Each Participating TRS Employer

Employer	No. of Waivers
ANCHORAGE SD	17
BERING STRAIT SD	1
CHATHAM SD	2
COPPER RIVER SD	1
DENALI BOROUGH SD	1
HOONAH CITY SD	1
KETCHIKAN GATEWAY BOROUGH SD	3
KLAWOCK CITY SD	1
KODIAK ISLAND BOROUGH SD	1
LOWER KUSKOKWIM SD	39
LOWER YUKON SD	2
MATANUSKA-SUSITNA BOROUGH SD	4
NORTH SLOPE BOROUGH SD	3
PELICAN CITY SD	1
SITKA BOROUGH SD	1
SOUTHWEST REGION SD	1
SPECIAL EDUCATION SERVICE AGENCY	1
TANANA SD	1
VALDEZ CITY SD	1
WRANGELL PUBLIC SD	1
YUPIIT SD	2
	85

TRS Rehired Retiree Employer Rate for Fiscal Year 2010 is 12.56%

Number of Months Retired Before Rehired under HB 161 for participating TRS employers

TRS Months Between Retirement and Return to Work



Employer	No. of Months Retired Before Rehire
ALEUTIAN REGION SD-1	Over 36 months
ANCHORAGE SD	
1	1-6 months
1	6-12 months
2	12-18 months
1	18-24 months
2	24-36 months
38	Over 36 months
ANNETTE ISLAND SD-1	60 months
BERING STRAIT SD	
1	12-18 months
6	24-36 months
2	Over 36 months
CHATHAM SD	
1	18-24 months
2	Over 36 months
COPPER RIVER SD-1	61 months
DENALI BOROUGH SD	
1	12-18 months
1	Over 36 months
DILLINGHAM CITY SD-1	13 months
HOONAH CITY SD-1	54 months
IDITAROD AREA SD-1	91 months
JUNEAU BOROUGH SD	
1	12-18 months
1	Over 36 months

KETCHIKAN GATEWAY BOROUGH SD	
1*	* 0 months
3	1-6 months
KLAWOCK CITY SD-1	68 months
KODIAK ISLAND BOROUGH SD-1	* 0 months
LAKE AND PENINSULA BOROUGH SD-1	Over 36 months
LOWER KUSKOKWIM SD	
1	0 months
9	1-6 months
1	6-12 months
1	18-24 months
10	24-36 months
20	Over 36 months
LOWER YUKON SD	
1	6-12 months
1	Over 36 months
MAT-SU BOROUGH SD	
1	1-6 months
3	24-36 months
3	Over 36 months
NORTH SLOPE BOROUGH SD-4	Over 36 months
NORTHWEST ARCTIC BOROUGH SD-2	Over 36 months
PELICAN CITY SD-1	150 months
PETERSBURG CITY SD	
1	24-36 months
1	Over 36 months
SITKA BOROUGH SD-1	Over 36 months
SOUTHEAST ISLAND SD-1	26 months
SOUTHWEST REGION SD-2	24-36 months
SPECIAL EDUCATION SERVICE AGENCY-1	1 month
TANANA SD-1	Over 36 months
VALDEZ CITY SD-1	36 months
WRANGELL PUBLIC SD-1	26 months
YUPIIT SD-2	Over 36 months

* Legislation does not require a 30-day break from termination prior to rehire for TRS.

Section 2
Division of Personnel

Division of Personnel and Labor Relations
Retiree Rehire, HB 161 Legislative Report

Section 2 of this report has been prepared by the Division of Personnel & Labor Relations. This Section of the report focuses on the State of Alaska as the largest employer of the PERS system. It includes information on program activity and the efforts of the executive branch to address the recruitment difficulties in job classes in which retired members have been rehired.

House Bill (HB) 161 went into effect on July 1, 2005 and established three sunset dates for re-employed retirees, based upon the date of rehire. In extending the sunset dates of the retiree program, the legislature intended to allow public employers the ability to continue to use this management tool while developing plans to address the knowledge, skills, and abilities that need to be transferred or developed to assure the work can be accomplished following the departure of the retiree.

The final of the three sunset dates established under HB 161 is July 1, 2009 and applies to retirees re-employed on or after July 1, 2005. This group of retirees is eligible to remain employed under a PERS waiver through June 30, 2009. The table below denotes the number of retirees currently employed in the executive branch by agency.

Department*	DMVA	DOC	DNR	F&G	H&SS	Law	DPS	DOT/PF
Classified	1	1	0	9	2	0	1	5
Exempt/Partially Exempt	0	2	1	1	0	3	2	1

*The following departments do not currently employ retirees: Administration, Revenue, Labor & Workforce Development, Education & Early Development, Commerce, Community & Economic Development and Environmental Conservation

To ensure consistent application of the retiree program as intended by the Legislature and compliance with HB 161, the Department of Administration issued a Retiree Rehire Policy (Addendum A) which replaced Administrative Order 225. As with the Administrative Order, the Retiree Rehire Policy placed "side boards" on this program by providing certain criteria that must be met prior to the appointment of a retiree to a position within the classified service.

To make the most effective use of the retiree return program as a management tool, HB 161 requires the hiring authority to work with the Division of Personnel & Labor Relations to develop a plan that addresses efforts to reduce the recruitment difficulties in job classes in which retirees have been hired. The development plan addresses:

- the critical components of the position;

- the knowledge, skills, and abilities that need to be developed in the workplace to assure that the work can be accomplished when the rehired retiree leaves state service; and

- a development plan for accomplishing the transfer of knowledge.

The Division of Personnel & Labor Relations offers a presentation on developing knowledge transfer plans. The presentation addresses identifying the critical components of the job, the knowledge, skills and abilities required to perform the critical components of the job, conducting a skill gap analysis, and finally, developing the knowledge transfer plan. A knowledge transfer plan can be as simple as developing a desk manual for less complex positions, or as detailed as an intensive training program. The division's service centers are available to provide guidance throughout the process.

To date, the director of the Division of Personnel & Labor Relations has received and approved knowledge transfer plans for16 of the 19 classified positions filled by an employee working under a PERS waiver in the retiree/return program. The remaining three have been notified of the requirement to complete.

In an effort to address issues concerning recruitment and retention Governor Palin signed Administrative Order 237 on August 24, 2007. This Administrative Order established an Executive Branch Working Group comprised of six Commissioners and the Director of the Office of Management and Budget to make recommendations regarding recruitment and retention of state employees in the executive branch and efficiencies that the State of Alaska will need to make to address the smaller workforce available to it. The recommendations of the Executive Working Group are attached (Addendum B) in addition to a status update (Addendum C).

The Division of Personnel & Labor Relations will continue to explore opportunities to increase retention and mitigate recruitment difficulties.

Memorandum

Department of Administration
Office of the Commissioner

To: All Commissioners **Date:** September 11, 2006

From: Scott J. Nordstrand, Commissioner **Phone:** 465-5671

Subject: Retiree Rehire Policy – HB 242 / 161

This memo is intended to respond to questions that have arisen regarding the guidelines for employees who were or are rehired in accordance with House Bills 242 and 161. You may be aware that the extension of HB 242 which was introduced last session as HB 161 (retiree return program) generated some angst with several legislators. In order to address the concerns raised by legislators so that agencies could continue to offer this program as a management tool, Governor Murkowski adopted Administrative Order 225 in March of 2005.

Administrative Order 225 acted to place "side boards" on this program by providing certain criteria that must be met with the appointment of rehired retirees to positions in the classified service under HB 242. However, with the sunset of HB 242 and the passage of HB 161, Administrative Order 225 is no longer operative. Therefore, to ensure consistent application of the retiree rehire program as intended by the legislature and compliance with HB 161, this memo has been hereby formalized into policy as outlined below.

A retiree who intends to seek a PERS waiver may be appointed to a position in the classified service if:

- an open competitive recruitment process is conducted for at least 30 days and results in an applicant pool of fewer than five qualified, eligible, and available applicants;
- all qualified, eligible and available applicants are considered;
- the hiring authority demonstrates why no other applicant will have the knowledge, skills, or ability to perform the duties of the position after serving the full probationary period; and
- the retiree has served a thirty-day separation with the PERS. If the employee currently is covered under HB 242, a second thirty-day separation will not be required if the employee is later appointed under HB 161. However, if the employee has not been rehired under HB 242 and has not served the initial thirty-day separation, a thirty-day separation will be required.

Approval to hire a retiree who intends to seek a PERS waiver must be secured in writing from the Director of the Division of Personnel prior to an offer of employment. Within 60 days after receipt of the Director's approval and acceptance of the position by the retiree, the hiring authority shall work with the Division of Personnel to develop a plan that addresses:

- the critical components of the position;
- the knowledge, skills, and abilities that need to be developed in the workplace to assure that the work can be accomplished when the rehired retiree leaves state service; and
- a development plan for accomplishing the transfer of knowledge.

Completed plans shall be submitted to the Director of the Division of Personnel for approval.

Questions regarding this policy may be addressed to your department's Division of Personnel, Management Services Consultant. Additional information on the application of this policy and HB 161 is available on the Division of Personnel's website.

cc: Traci Carpenter, Director
Division of Retirement and Benefits

Administrative Services Directors

Division of Personnel Staff

Executive Working Group
FINAL Report to Governor Sarah Palin
Administrative Order No. 237
Recruitment and Retention of State Employees

I. INTRODUCTION:

Governor Sarah Palin signed Administrative Order No. 237 (AO 237) August 24, 2007. The order established an Executive Branch Working Group to address issues concerning recruitment and retention of State employees in the executive branch. The Working Group was tasked with researching and addressing the issue and providing the Governor with recommendations concerning the findings of the order.

A. The Working Group:

A Working Group, composed of seven members appointed by the commissioner of the Department of Administration was assembled to address recruitment and retention issues. The Working Group members included:

- Department of Administration, Commissioner Annette Kreitzer, chairman;
- Office of Management and Budget, Director Karen Rehfeld;
- Department of Health and Social Services, Commissioner Karleen Jackson;
- Department of Public Safety, Commissioner Walt Monegan;
- Department of Environmental Conservation, Commissioner Larry Hartig;
- Department of Labor and Workforce Development, Commissioner Click Bishop;
- Department of Transportation and Public Facilities, Commissioner Leo von Scheben.

The members' combined experience and accumulated knowledge from 75 plus years working in government service and over 75 years in the private sector ensured a broad-based approach to examining the recruitment and retention situation.

Meetings:
The Working Group held a total of four meetings during September and October. In the short time the Group met, we reviewed current State employee turnover rates that were at 16% in 2006, representing the mid-range for states responding to our request for information. As with other states and the private sector, more troubling is the number of State

employees eligible to retire now and in the next five years, and what that might portend for the State's ability to retain experienced, professional employees to balance and mentor less senior employees.

B. Input:

The Working Group polled the Commissioners from each State department for their views on the current status of recruitment and retention of State employees. Each labor union business manager was contacted and requested to give input. Hiring managers throughout State government, who are on the front lines of hiring decisions and frustrations with the current system of employee recruitment, were canvassed for their ideas and comments. The information gathered from the responses was compiled into a spread sheet which organized the data into categories.

The Working Group specifically requested suggestions without a monetary component, but recognizes there are some solutions that are in the monetary category. The State is faced with employee retention issues on both ends of the spectrum from recruitment to retaining knowledgeable, professional employees. The Working Group identified suggestions to quickly impact a majority of problems brought on by a tight salary schedule and personnel rules. Negotiating fair labor contracts is one piece of the financial puzzle, removing an outdated "longevity" step concept is another. These details are included under, "E. Financial Incentives".

C. Supplemental Data:

Appendices include Administrative Order No. 237, State Employee Unions summary sheet and statistics about State employees excluding the University of Alaska, the Legislature and the Court System. Our efforts were focused only on the Executive Branch departments represented at the Cabinet level.

II. IDENTIFY ISSUES AND PROPOSALS:

AO No. 237 charged the Working Group with identifying the recruitment and retention situation, the costs involved in training, changes that will allow the State to effectively serve its citizens while limiting expansion, opportunities for partnering and cross-training and cost neutral or low-cost solutions to increase worker satisfaction.

A. Costs of training new State employees:

Training costs are a significant expenditure for State agencies.

- A recent federal Department of Labor Study shows that turnover costs one-third to one-half times the annual salary of the employee, not including productivity loss.
- The State must clearly define a training/education track tied to proficiency and advancement in a job series. Some level of mandatory supervisory or other training might be necessary.
- The State may need to provide education incentives and professional development in an effort to provide career-long learning opportunities. The practice of providing education incentives among state agencies is currently inconsistent. The Working Group requested and is awaiting a survey of all departments showing what training and education the State currently pays for and what departments believe would be reasonable for the State to undertake.
- We recommend analyzing the cost of a tuition reimbursement and student loan forgiveness program with payback obligations tied to time on the job, based on a sliding percentage from zero to five years.
- Many departments have commented that the State has become a training ground for other prospective employers. By retaining employees longer with fair contracts and other potential financial considerations, we will lower our total cost of training.

B. Changes that restrain growth of government:

Even with significantly higher oil prices, today's production is only about one-third of what it used to be.

- The State must focus on the highest priorities by division and department to live within our means.
- Contracting some work out where appropriate, should be considered. This currently requires a feasibility study and could require revision to labor contract language.
- The State spends hundreds of millions of dollars on technology to improve and make public documents more accessible. Some of this technology will automate processes meaning that fewer employees will be needed to manually enter data like timesheets. The State needs to plan with these employees an exit strategy to other available State jobs.

C. Opportunities to cross-train within and encourage efficiencies:

The State cannot continue to heavily rely on retirees to return to work as a stop-gap measure to training new employees.

- Develop and implement knowledge transfer plans for soon to be retiring employees.
- High turnover positions must have a "desk manual" to ensure that the most basic information of the position is available when a new employee is hired. Documenting a high turnover position's responsibilities cuts down on the amount of time spent explaining the duties.
- From hiring managers on up, there must be a frank understanding that many entry level jobs will have high turnover. Accepting this and planning for it, while encouraging entry level employees to move up on a State career ladder, will help retention overall.

D. Cost-neutral or low-cost solutions to increase workplace satisfaction:

The State should continue to encourage work/life scheduling flexibility. Hiring managers particularly noted these suggestions related to flexible work schedules and recruitment efforts:

- Broader use of alternate work weeks (4-10's, 9-80's). Some departments are using flexible work schedules but this could be done on a more consistent basis.
- Encourage consideration of broader use of telecommuting and job sharing agreements. An approach could require employees to complete one year on the job in the office location, and be in the office several days a week as part of a telecommuting plan.
- Establish employee recognition and appreciation programs as part of a statewide culture. Department programs should complement the Governor's Statewide Denali Peak Performance Program. Many Commissioners commented that they look for opportunities to recognize excellent customer service or project work by employees.
- Initiate a health and fitness program as part of the State health benefit package. This could pay for itself over time through healthier employees, less sick leave usage, etc. We will need to work with and coordinate with union health trusts on this issue.
- Provide sabbaticals without a break in service or interruption of health benefits. For example, one month after 10 years, three months after 20 years. These could be used in conjunction with

annual leave for continuing education, travel, or just "recharging their batteries".

III. EVALUATE AND RECOMMEND:

The Working Group was charged with evaluating the hiring criteria and practices, education requirements and minimum qualifications, recruitment tools and whether there are ways to improve upon the merit principle to provide better incentives and retain quality employees.

A. Current hiring criteria and practices:

It will take time to inculcate the ideas we believe will result in efficiencies in the State's hiring practices. The processes in place have resulted from years of patchwork attempts to incrementally fix personnel system deficiencies.

- Revamp the classification process and review adequacy of classification resources in the Division of Personnel and Labor Relations to get through all current and backlogged requests and to be more responsive and proactive to workforce changes.
- Conduct a review of the classification system. Review all job classes, update and consolidate with more generic job classes. Minimize or eliminate single-position job classifications.
- Solicit input from younger workers on what it takes to attract, retain, and satisfy the new generation of workers.
- Encourage a broader use of flexibly classed positions, with easier movement between levels in a job series (i.e. I-II-III). (Current list is included in appendices.)
- Review the effectiveness of the HR integration. This should be scheduled in 2008. There continues to be some concern about the impact of the Human Resources integration and its impact on some departments.

B. Current education requirements and minimum qualifications for state employment:

The State needs to be more flexible in its efforts to attract qualified job candidates. The Working Group acknowledges that not every location in the State is having the same challenges drawing applicants.

- Change minimum qualifications to broaden applicant pools. This is not a "dumbing down" of the applicant pools as suggested by some, but a more strategic approach to actual job requirements.

Some examples include removal of a specific degree requirement (i.e. accounting, biology), and replacing with a general degree with a certain number of field-specific credit hours. Specific degree requirements could also be replaced by technical certification or demonstrated expertise. Several departments requested a minimum qualification waiver process.

C. Recruitment tools:

The Workplace Alaska recruitment portal needs to be changed to be more comparable to and competitive with links like monster.com and dice.com – this old technology is not attractive and does not present the State as a progressive, interesting employer. This change will require more planning as it will impact the Online Public Notice system.

- In the short term, we should enable applicants to post resumes on Workplace Alaska similar to other employment websites.
- Each department should have a web link to jobs available on its main website.
- Formalize employee surveys; upon initial hire, after one month, and/or at a minimum an exit survey upon termination. Some suggested making exit interviews mandatory.
- Encourage broader use of internship program. Partner with the University of Alaska on an apprenticeship program. Streamline internship classification with greater flexibility in I-IV levels.

D. Improvements to Merit System:

Efforts should be made to recognize exceptional work and eliminate barriers to employment and promotional opportunities.

- Provide more discretion for increased pay based on performance. Base performance incentives and service steps on the performance evaluations. Use steps (b) through (f) for performance incentives and steps beyond (f) for service steps. This recommendation cannot work if there is not a concomitant effort to prepare proper evaluations.
- Eliminate pay barriers that discourage employees from taking promotions, i.e. not enough pay for the added work and responsibility, loss of over-time pay, if applicable, etc.
- Expand our ability to promote existing employees. In some cases it is easier to hire a new State employee at an advanced step (based on recruitment difficulty or exceptional qualifications).

- Analyze the effectiveness of continued use of market-based pay adjustments. This process addresses specific pay issues but disrupts internal alignment and creates supervisor differentials.

E. Financial Incentives:

In certain areas, the State has become a training ground for the federal government. There is a 24% Alaska cost of living differential between the Federal and State governments that exacerbates this problem.

State labor contracts recently concluded will mean:

1. The 7,920 members of the General Government Unit (GGU) of Alaska State Employees Association will receive a 4% retroactive pay increase contingent on legislative appropriation. The 4% is retroactive to July 1, 2007, followed by 3% increases in FY08 and FY09.
2. The Teachers' Education Association of Mt. Edgecumbe ratified an agreement of a 3% retroactive raise in FY07, followed by 3% in FY08 and 3% in FY09.
3. Labor, Trades and Crafts, Local 71, has ratified an agreement for a two-year contract which includes a 5% increase in FY08 and 2% increase in FY 09. (about 1600 members)
4. Alaska Public Employees Association, bargaining on behalf of the Confidential Employees Association (195 members) ratified an agreement with the State on a three-year contract beginning July 1, 2007 which includes a 4% wage increase on that date, followed by a 3% increase beginning July 1, 2008 and a 3% increase beginning July 1, 2009.

In addition to the monetary components of union contracts the State is a party to, the State makes annual contributions on behalf of each employee to the Public Employee's Retirement System and the Teacher's Retirement System. In the FY09 budget, the State's share of this responsibility for all State employees (union and nonunion) is about $340 million.

The Working Group agrees that we cannot solve, in this fiscal year, all of the inequities that may have built up over time to make the State a less competitive employer. There are concrete steps that can be taken however, some of which will have long lasting effects:

- Eliminate the outmoded longevity steps where employees go years without a pay adjustment. What was meant as an inducement to retain employees has become a barrier to hiring and promoting professional employees. Removing the barrier can be accomplished in some labor contracts, but the statute (AS 39.27.022) must be updated as employees hired at an advanced step are often frozen at that pay range for up to seven years since the system does not recognize private or other government experience. The removal of this barrier would allow the State to recognize experience and provide merit increments in shorter spans of time. Currently, some employees must wait four, nine and 13 years for a pay increase.
- Salaries for the so-called "non-covereds" or non-union State employees will be impacted by the above action in addition to any changes made to the statutory salary schedule to reflect changes negotiated with union employees.
- HB 98 (CHAPTER 53 SLA 05) increased salaries of commissioners among others, but neglected to include deputy commissioner salaries. For a supervisory track beginning with a new single job classification of Administrative Services Manager, which could lead to promotion to a Deputy Division Director and then to Division Director, the Working Group recommends the following structure. We also recognize that professional job classifications within each agency also provide career tracks to director and other management positions. Any changes to existing positions resulting in increases will be absorbed by existing budgets.

Position	Previous	Current	Proposed	Comment
Commissioner	28E	28-30	No change	AS 39.20.080(a)
Deputy Commissioner		28 A-F	28-29	AS 39.20.080(b) requires legislation to increase
Assistant Commissioner		27	27-28	Not widely used, but can be helpful for very large agencies (e.g., HSS)
Division Director	26	27	No change	Increased Nov. 2006
Deputy Director		23	24 or 25	Implement in FY08-no legislation required
Assistant Director		22	23	Not widely used
Admin. Services Manager/Admin Operations Mgr I-III		22-24	23	Make a single job class to progress to deputy director
Administrative Manager I-IV		15-21	No change	

F. Healthy Work Environment:

We know by surveys and studies that employees value a healthy work environment: One where they are encouraged to be proactive about their own health and if a manager, to model good health habits to their co-workers and subordinates.

This cannot be a mandate. Employees must believe this is also important to their abilities in their jobs. This effort is to support those

who willingly want to maintain or make a change in their lifestyles to a healthier one.

As the provider of health insurance coverage for active and retired State employees, the State has incentive to look for ways to encourage both populations to be proactive about fitness and good health.

Through the Alaska Retirement Management Board and the Health Benefits Evaluation Committee (created in the Supervisory Union's labor contract, specific to the 5,500 State of Alaska employees and dependents covered by the Select Benefits health plan) recommendations are coming to the Commissioner of the Department of Administration to make changes to the health plans to entice employees to use preventive health and fitness measures, to provide coverage for colorectal cancer screening for retirees, and for well baby coverage for active employees. This work will continue in conjunction with the Governor's Health Care Strategies Planning Council.

IV. Conclusion:

The State can do better as an employer. We've started down a path to improving our stature as an employer with fair union contracts and a culture of high ethical standards.

The Working Group recognizes that the State must have a plan for implementing further change and intends to continue to meet to provide a roadmap to reach our ultimate goal of regaining and maintaining our status as a competitive employer.

There are many ways the State has constrained itself as an employer through our methods of recruitment. Changes will take time, effort and a commitment from State employees to implement. We can change the current situation and do more to provide a healthy work environment for our employees.

The Working Group evaluated suggestions and comments submitted by various groups throughout the State workforce. The many responses touched on in this report serve as a starting point for State action for current employees as well as those who will work here in the future.

Some have suggested that we should immediately initiate a salary survey. It is our recommendation that we focus on changes encompassed in this report over the next one to two years, and initiate a

salary survey in 2009-10 to help analyze the effectiveness of the changes and identify additional areas needing adjustment.

We encourage all commissioners to carefully review the data available for each department to plan for pending retirements and the knowledge transfer necessary for the State to successfully continue to provide services. The Division of Personnel and Labor Relations will work to streamline this process for departments and provide guidance and tips on successful implementation.

It is imperative that we continue to engage in an open conversation about ways we can improve and continue to meet our recruitment and retention needs.

Action Plan for Administrative Order No. 237

Near Term Actions:

- Continue negotiating and settling labor contracts which are fair and sustainable.
- Prepare legislation to repeal longevity step impediments and replace with a fair alternative.
- Prepare legislation to provide greater flexibility for deputy commissioner's pay.
- Implement deputy director pay increase in FY08.
- Review the training, education and certification survey of all departments and make recommendations for FY09 or FY10.
- There continues to be some concern about the impact of the Human Resources integration and its impact on some departments. A review of the effectiveness of the HR integration should be scheduled in 2008.
- Streamline the intern program process so it is easier for students to come back to work for the State in between college sessions, and it is less cumbersome for those wanting to hire interns.
- Analyze the effectiveness of continued use of market-based pay adjustments.
- Look for opportunities to promote effective healthy living habits that employees can maintain.

Within two years:

- Request funding in the FY09 budget to perform a geographic differential study in accordance with AS 39.27.030.

- Review the history of tuition reimbursement and student loan forgiveness programs and work with the Legislature to determine a flexible plan with payback obligations tied to time on the job, based on a sliding percentage from zero to five years.
- Every department must develop and implement knowledge transfer plans for soon to be retiring employees.
- Every department must continue to audit its use of flexible work schedules (using information already provided by DOA) to determine if broader use of flexible schedules would be welcomed by employees and still accomplish State priorities.
- Revamp the classification process and review adequacy of classification resources in the Division of Personnel and Labor Relations.
- Conduct a review of the classification system. Review all job classes, update and consolidate with more generic job classes. Minimize, eliminate single-position job classifications.

Within three years:

- Conduct a salary survey.
- Replace the Work Place Alaska portal (and the Online Public Notice System).
- Consider legislation to implement a 40-hour work week.

Ongoing Efforts:

- Continue efforts between the DOA and other departments to write less restrictive minimum qualifications for positions, which allow departments more discretion in hiring the most qualified, best person for the position.
- Continue to encourage a broader use of flexibly classed positions, with easier movement between levels in a job series (i.e. I-II-III). (Current list is included in appendices.)

Administrative Order No. 237
Executive Working Group
Status Report of Recommendations

The Executive Working Group on Recruitment and Retention set out a list of action items in the November 2007 report to the Governor. These items and their current status are listed below.

Action Items – Near Term

Action Item	Status	Details
Labor Contracts: ASEA-GGU, APEA-SU, APEA-CEA, PSEA, AVTECTA and IBU	**Completed**	Salary adjustments resulting from HB 417 and labor negotiations have had a cumulative impact of $150 million over three years (FY08-$56.4 million, FY09-$49.8 million, FY10-$44.2 million). See attached cost summary.
LTC, TEAME, ACOA	**Upcoming**	Contracts expire 6/30/09
MM&P, MEBA	**In Negotiations**	Contracts expired 6/30/08
Longevity Step Repeal and replacement with fair alternative	**Completed**	HB 417 repealed longevity steps and implemented pay increments for non-covered employees. PSEA negotiated similar provisions and Letters of Agreement have been signed with GGU, CEA and SU (pending) effective January 1, 2009. Cost to implement estimated at $2.3 million in FY09 and $1.5 million in FY10.
Flexibility for Deputy Commissioner Pay	**Completed**	HB 417 provides for appointment within range 28.
Deputy Director Pay Increase	**Completed**	Division Operations Manager, range 24 Deputy Director, range 25 (partially exempt only)
Training/Certification/ Education Survey Status	**No Action**	Will be put into New Work Plan
HR Integration Study	**Upcoming**	Development of the RFP will begin by October 1, 2008. RFP will be vetted through Working Group before release.
Streamline Intern Process	**Completed**	Levels were consolidated and flex staffing was implemented. Intern openings are now advertised through Workplace Alaska. This allows all interested parties to view/post internships in one central location.
Market-Based Pay	**On Hold**	A contractor will be hired to conduct a salary survey in 2009 to provide a more holistic approach.
Healthy Living Habits	**Ongoing**	Web Portal has been developed and usage is still in discovery stage. The database will be developed in 2009. Incentives for participation are under development.

Action Items – Within Two Years

Action Item	Status	Details
Geographic Differential Study	**In Progress**	$400.0 for study appropriated. The contractor began work on September 16, 2008. The report is planned to be completed by January 31, 2009. The budget impact of implementation will be presented to the 2009 Legislature.
Tuition Reimbursement & Student Loan forgiveness	**In Progress**	Many departments currently reimburse employees for tuition for job-related classes. Departments will be advised of available options. Review of student loan forgiveness will be put into new work plan.
Knowledge Transfer Plans	**In Progress**	DOPLR has a presentation available to assist agencies in the development of these plans.

Administrative Order No. 237
Executive Working Group
Status Report of Recommendations

Flexible Work Schedules (Alternate Workweeks)	**In Progress**	The number of agreements statewide has increased from 1,508 in 2007 to 1,941 in 2008. Effort is continuing to inform departments of available options.
Revamp Classification Process and Review of Resources	**In progress**	Classification studies are being limited to those in class series which have experienced a significant change in duties. A parallel process to address salaries will be explored in conjunction with comprehensive salary survey.
Classification System Review	**In progress**	When appropriate, job classifications are being consolidated and single position job classifications are being eliminated.

Action Items – Within Three Years		
Action Item	**Status**	**Details**
Salary Survey	**In Progress**	Plan to award contract to begin study in January 2009 with expected completion by October 2009.
Workplace Alaska Portal Replacement	**In Progress**	Task Order has been released for the development of system requirements.
Legislation for 40 hour Workweek	**No Action**	Consideration will be given to implement for select groups of employees.

Ongoing Efforts		
Action Item	**Status**	**Details**
Less Restrictive Minimum Qualifications	**In Progress**	21 job class specifications involving over 350 state jobs have been reviewed and updated to ensure MQs reflect current job requirements.
Broader Use of Flexibly Classed Positions	**Completed**	The use of flexibly classed positions has been broadened for use within any series so long as the work exists at the requested levels.
Administrative Clerk Study	**In Progress**	This comprehensive study of 1,150 clerical positions is scheduled for completion by June 30, 2009. The study will examine the changes in clerical work since the classes were last studied (in 1996) and will provide a benchmark for aligning other clerical, paraprofessional and entry-level job classes.
Revamp Employee Evaluation Process	**In Progress**	Newly established pay increments require completion of an evaluation. The evaluation process is being reviewed and streamlined to ensure that employees are evaluated in a meaningful and timely manner.

Discussion Items	
Item	**Details**
Sabbaticals	Explore concept for state employees with extensive service – 15 yrs and up.
Telecommuting	Explore concept for working from home up to three days a week. Policy is under review and development.

Questions Regarding SB 126

"An Act amending the State Personnel Act to place in the exempt service the chief economist and state comptroller in the Department of Revenue and certain professional positions concerning oil and gas within the Department of Natural Resources; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees by providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001 and sec. 19, ch. 50, SLA 2005; and providing for an effective date."

1. Please provide a sectional analysis.
2. The rehired retiree program actually began in 2001. What was the original intent?
3. Why was it extended for a second time in 2005?
4. Prior to 2001, were retired PERS/TRS members prohibited from returning to work in any capacity?
5. How is extending the sunset date in SB 126 consistent with the legislative intent of the act as adopted? For example, in 2005, the legislature expressly stated: "The legislature also finds that school districts and public employers *must plan to meet their future workforce needs without reliance on retired workers...*" (Sec 1(b), Ch 50 SLA 2005). Doesn't this third extension from 2009 to 2013 perpetuate the problem in contrary to the above intent language?
6. Please provide the circumstances and background regarding each PERS and TRS waiver for classified employees in the executive branch since the program was reenacted in 2005?
7. How many PERS and TRS retirees have been rehired since the program was implemented in 2001 throughout state government, subdivisions and school districts?
8. How many total rehired retirees in PERS and TRS are currently employed?
9. What is their average length of time (mean, mode, and median) in employment as a retiree?
10. What is the longest amount of time that a retiree has worked? Was the legislation ever intended to be a "long term" program lasting more than a decade?
11. How many retirees were part of an earlier retirement program (RIP)?

12. How does the legislation impact young people and other employees who wish to move up the career ladder?

13. How does this bill encourage school districts to hire new employees rather than retirees?

14. Would extension of the coverage of the bill to 2013 require districts to make new findings of a shortage?

15. Wouldn't it be wise to set forth what the legislature means by "shortage?"

16. What tools does the Department of Administration have to ensure that the intent of the bill is being met?

17. a. Does a shortage exist when there are new hires available to fill positions held by rehired retirees? b. Is there an annual mechanism for the review of that situation? c. If not, shouldn't there be?

18. In reports from the Department of Administration, HB 417 passed last year is said to be an accomplishment towards improving recruitment and retention. Didn't that apply only to exempt positions and legislative staff and not to employees in classified service or local governments?

19. Please provide job descriptions and PCN's for each position in the executive branch impacted in Section 1 of SB 126.

20. a. Did the position of Chief Economist in the Department of Revenue undergo a recent classification study? b. What were the recommendations? c. Please provide a copy of the analysis?

21. What are the public policy ramifications of putting this position into an employment-at-will status?

22. Article XII, Section 6 of the Alaska the Constitution states: "Merit System - The legislature shall establish a system under which the merit principle will govern the employment of persons by the State." Explain the merit principle.

23. Please give the legislative history of AS 39.25.110 (9) (Exempt status – persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor) including when and why it was added.

24. a. Did the Oil and Gas Commission abide by the merit principle when hiring for positions? b. Did they use a competitive process?

25. What happens to the positions in the Division of Oil and Gas if SB 126 is not enacted into law?

26. What other positions have been hired under AS 39.25.110(9) in the last year? Where are the positions located?

Deborah Prator

From: Blaisdell, Ginger (DOR) [ginger.blaisdell@alaska.gov]
Sent: Thursday, March 26, 2009 10:48 AM
To: Deborah Prator
Subject: SB 126 Talking Points 25mar09
Attachments: SB 126 Talking Points 25mar09.docx

Here are my talking points from this morning's meeting.
Ginger

Talking Points SB 126

SB 126 has two distinctly different subjects that have been combined in one bill due to the common bond that they are personnel related issues. SB 126 combined the two personnel act subjects for practical reasons of streamlining the hearing process for legislators as well as public testimony.

The two positions in Revenue and 23 positions in Natural Resources are not tied to the retire/rehire provision of this bill.

If this legislation does not pass the following impact to the State will occur:

The retire/rehire provision affects local governments and schools especially in rural Alaska. The few state employees have initiated Knowledge Transfer Plans so that associated staff can learn the skills needed to fill that job one day. If the retire/rehire provision is not extended, we can anticipate that approximately 124 jobs in our schools, local governments, courts and state offices will be left vacant. While these individuals may appear to be receiving additional income, the retirement is earned income and would be paid whether they worked in a government position or in the private sector. A retiree can only be offered a job if there are no other qualified candidates.

Twenty three professional oil and gas related positions are at risk for high turnover as their jobs are temporary/project oriented rather than long-term. If a private company offers these individuals similar pay but longevity, it will be a challenge for the state to retain these highly skilled professionals. Turnover would be unacceptable during the state's efforts in natural gas development. There is no fiscal impact to the status change of these positions and the risk of losing these professionals is not one the state should take.

The chief economist position will remain vacant because it is unattractive to qualified candidates given its current rate of pay. This person is responsible for the revenue forecast and also reviews a wide variety of fiscal systems as they impact our state's interest in the world. Leaving this position vacant only puts the state at a disadvantage in maximizing opportunities in a global economy and places our state at risk for lost opportunity that we cannot afford today.

The state comptroller is currently filled. We can only hope that this person will remain even though like positions are paid 20-30% more in the private sector. With the position turnover rate averaging one year, the learning curve is reliant on lower level staff and the state cannot grow positively in its cash management practices. Again, in the current economy, longevity in this position would be a benefit to the state's investments.

The critical need to pass this legislation with all three components is that the state will suffer with high turn-over, high vacancy, or no candidates available to fill necessary positions across the state. I strongly urge your support in passing this bill so that Alaska can progress in developing a gas pipeline, compete in a global economy, educate our children in rural communities, adequately staff our courts, and fill other necessary positions that would otherwise be left vacant.

March 24, 2009

Senator Linda Menard, Chair
Senate State Affairs Committee Members

Re: Testimony on SB23 – Repeal Defined Contribution Retirement Plans

My name is Melody Douglas and I am the Chief Financial Officer for the Kenai Peninsula Borough School District (KPBSD), the 4th largest district in Alaska. I have been actively involved in communicating the District's concerns relative to the PERS and TRS retirement plans since the spring of 2003.

Thank you for this opportunity to comment. Please consider this letter part of the official record concerning maintaining the defined benefit (DB) and blended defined contribution (DC) retirement plans currently in place. My comments will focus on the District's General Fund (GF) using audited FY08 information.

Thank you for the $19.3 million ($17.2 TRS and $2.1 PERS) in on-behalf retirement funding provided to KPBSD in FY08 and similar funding planned for FY09. Continued Legislative support for this supplemental funding is critical for KPBSD to maintain the current education program. KPBSD is proud of making AYP as a district in FY07 and FY08 and is pleased to note that the Kenai Peninsula Borough funds Kenai schools to the maximum allowed per State Statute.

KPBSD FY08 employer percentage rates approximate:

	ARMB Employer Rate	KPBSD Actual Rate	On-behalf Rate
TRS	54.03	12.56	41.47
PERS	36.48	22.00	14.48

KPBSD had 596 full-time equivalency (FTE) certified teaching staff in FY08. Had the Legislature not provided on-behalf payments, the most likely method of addressing a $17.2 million shortfall in TRS funding would have been to reduce staff, since approximately 80% of our budget consists of salary and benefits. A $17.2 million reduction would mean a loss of approximately 274 FTE teaching positions or 46% of the GF teaching staff! This means that without the on-behalf funding, class sizes

would have practically doubled and AYP would probably have vaporized for the District. This picture, for KPBSD, is the same on a go-forward basis for as long as an unfunded liability exists in the retirement systems. My guess is all school districts in Alaska are in the same boat.

I believe it is premature to evaluate the effect of implementation, of the DC plan on July 1, 2006, on hiring as we just in year three of the DC plan. However, in discussing this matter with the District's HR department, the DC plan has not been an issue in hiring.

KPBSD is actively involved in recruiting by annually traveling Outside to several job fairs. The District hired 76 teachers in FY08, 107 teachers for FY09, and is expected to hire approximately 75 teachers for FY10. To date, none of the teachers hired has expressed concern over the DC plan. It will be a surprise if this matter is an issue during the upcoming hiring season, particularly in light of teachers being laid off by many Outside school districts. In addition, none of the interviews conducted with exiting teachers included concerns about the DC plan.

In conclusion, much work has been done to implement a blended DC plan, managed by knowledgeable investment professionals. This arrangement benefits employees more than a straight DC plan would.

Essentially, by the next time the numbers are released, all the various changes to the retirement plans, sky-rocketing health care costs, and unrealized investment earnings over the years have created what will likely be a $10 billion debt, that now must be paid. Employers, including school districts, can not function viably under retirement rates like 54% for TRS and 36% for PERS indicated for KPBSD in FY08, until the unfunded liability is finally paid some 25 years or more down the road.

The public sector can no longer fund a DB plan. The course of action implemented July 1, 2006 is the best solution to the problem. Please stay the course set at that time.

Thank you for the opportunity to comment on a matter of such importance to Alaska's economic future and to the students who are committed to paying the debt already incurred.

Respectfully,

Melody Douglas

Melody Douglas

Public Employees Local 71

BOB JOHNSON
Business Manager/
Secretary-Treasurer

DENNIS MOEN
President

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The Honorable Linda Menard, Senator
Chair, Senate State Affairs Committee

Dear Senator Menard:

I am writing today to express my opposition to SB 126, Reemployment of Retirees and Exempt Service.

While Public Employees Local 71 does not represent any of the classifications being removed from the classified or partially exempt service, doing this exposes the individuals in those positions to the pressures of politics. Having the work these positions do tainted by the political ideology of changing administrations will undermine the state's position.

Public Employees Local 71 does have experience in dealing with the rehire of retirees. We have been neutral in the past on this issue because the state has needed to develop a corporate attitude toward developing the talent within their workforce. The passage of this provision lets the state off the hook for not being more aggressive in pursuing this objective. Bringing in a retiree to fill a position means someone at that work site does not have the opportunity to promote and advance. It is also indicative that the other employees were not adequately trained or mentored. Passage of this provision simply removes the impetus for the state to seriously review some of its employment practices.

For these reasons, we would encourage you not to support the passage of SB 126.

Respectfully,

Robert N Johnson

Robert Johnson
Business Manager
Secretary-Treasurer

RJ/tln

AFSCME 722C

Working Hard for Alaska

Working File

Deborah Prator

From: Sen. Linda Menard
Sent: Thursday, April 02, 2009 5:42 AM
To: Deborah Prator
Subject: Fw: SB 126/HB 157-Retire/Rehire Bills

----- Original Message -----
From: ilovebooks@kpunet.net <ilovebooks@kpunet.net>
To: Sen. Linda Menard
Sent: Mon Mar 30 13:05:33 2009
Subject: SB 126/HB 157-Retire/Rehire Bills

Dear Madame Chair and Members of the State Affairs Committee,

I am a retired/rehired teacher in the Ketchikan School District.
I worked with your mom, Linda, at Valley Park when I first came to Ketchikan.

On February 15, 2006 I signed a buyout agreement with my school district to retire. A few days later on February 28, 2006 I received the news that my husband a terminal lung cancer. He died for months later on June 21, 2006.

Had I known about the cancer, I never would have put in for retirement.

What I discovered after my husband's death is that under the Social Security Laws I am except from receiving any of my husband's Social Security and only a portion of mine when I am old enough to retire. These two laws are the Offset Provision Act and the Windfall Elimination Act.
Even though my husband and I were married 37 hears and he was 73 when he died, I will never be able to collect his Social Security benefits.

That left only my pension income. I currently receive a pension of $2026.
per month. My mortgage is $1056 which is half my pension. Therefore, in order to keep my home and to buy food, car expenses, pay insurance premiums and clothing, ultilites, etc. I have to go back to work.

I am currently a reading specialist at my school. Here, we use The Spalding Method to teach language arts. I am the only teacher trainer in this method in the State of Alaska. I mentor teachers in my own school and in other schools in my district, I also train them in two-week graduate level classes. My pay is $40,000. per year. Combined, my retirement income and my school income is the same as what I was making before I retired.

However, even though the money is the same, the benefits are not. I can never make more than $40,000. per year and I have 22 years of teaching experience and I am a teacher trainer. I am required to take the district insurance and pay the 20% co-pay AND I still pay into my retirement insurance monthly, BUT, I cannot use it. I cannot add any years onto my already existing retirement. I cannot rollover unused personal days or sick leave. There are many penalities.

If I was able to receive my husband's social security, I could retire.
Because I can't, it is vital that I am able to continue to work in the field of my expertise.

I ask that you please consider my situation and vote in favor of the two bills that will allow me to continue as a retired/rehired educator.

Thank you,
Robin Edenshaw
P.O. Box 8284
Ketchikan,Alaska 99901
907-617-5078
Ketchikan Charter School

STATE OF ALASKA

DEPARTMENT OF LAW
CRIMINAL DIVISION

SARAH PALIN, GOVERNOR

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Phone: (907) 269-6379
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March 25, 2009

Honorable Linda Menard
Chair, Senate State Affairs Committee
Alaska State Legislature, Room 211
Juneau, AK 99801

Re: SB 126 – Extending repeal of Retire/Rehire Provisions

Dear Senator Menard:

The purpose of this letter is to support the passage of SB 126, which would extend the repeal of AS 39.35.120(b)(2) and AS 39.35.150(b) (the "retire/rehire" provision) until July 1, 2013. The three most experienced attorneys in the Department of Law – William (Mick) Hawley, Patrick Gullufsen and Richard Svobodny – are retired, rehired employees. Without the extension, their reemployment will end on July 1, 2009. At the present time, there are no other lawyers within the department capable of performing the service that each of these attorneys performs. Should the law sunset as planned, these attorneys may decide to stop working. The Department of Law cannot presently afford the risk of losing them.

Mick Hawley has been employed with the criminal division since 1968 and is the most experienced prosecutor working for the Department of Law. He is presently assigned to the Appellate Division and handles multiple complex appeals. For example, Mr. Hawley prevailed in the both Alaska appellate courts and Federal District Court in affirming the convictions of Jon Woodard, who was convicted in 1993 of a robbery/ homicide of a security guard at an Anchorage grocery store. The transcripts of the numerous trials and post conviction proceedings in this matter total over 10,000 pages. If Mr. Woodard seeks review in the Ninth Circuit Court of Appeals, it would take months for a newly assigned prosecutor to become familiar with the history of this case. Mr. Hawley is one of the very few people employed in the Department of Law who possesses historical knowledge of the evolution of Alaska's current criminal code and rules of evidence. It is that type of experience which enabled him to convince the Alaska Supreme Court to rule that the state has criminal jurisdiction over an offender who commits a sexual assault on the state ferry while it is in Canadian waters. More recently, he successfully defended the legislature's amendment of Evidence Rule 412. This breadth of knowledge enables Mr. Hawley to serve as an unmatched resource for trial attorneys as issues arise in mid-trial and to ensure that an appropriate record is made for appeal.

Patrick Gullufsen began his career as an assistant district attorney nearly 35 years ago. As early as the mid-1970's, it was clear that Mr. Gullufsen is an outstanding trial attorney. He has continued to develop those skills in the intervening 30 years, growing to become a trial attorney of legendary ability. He has twice served as the Juneau District Attorney, and has also served as the Deputy Attorney General for the criminal division. These experiences have provided him with full knowledge of the administrative processes of this department. However, it is in his current placement as the sole prosecutor for the Cold Case unit that Mr. Gullufsen is irreplaceable. He works closely with a specialized group of police officers in meticulously reviewing cold homicide cases to determine whether new evidence, scientific advances or further investigation are sufficient to support charging and prosecuting these crimes. He has had remarkable success in this endeavor. His position requires nor only mastery of contemporary law, but also thorough knowledge of former law as it applied at the time of the crime and applies to sentencing. Mr. Gullufsen currently has several matters pending, including two massive cases which are set for the summer of 2009. The first is the trial of James Eacker, who is charged with murdering Ms. Toni Lister in Seward in 1982. The other is the trial of Kenneth Dion, who is charged with the 1994 murder of Ms. Bonnie Craig in Anchorage. The investigation and preparation for these trials has taken years, and while there may be one or two other attorneys who are experienced enough to handle cases of this magnitude, it is simply not realistic for another attorney to assume responsibility for these trials at this late date.

One attorney who possesses sufficient skill and historic knowledge to successfully prosecute cold cases is Richard Svobodny. However, Mr. Svobodny is also employed as a retired, rehired attorney, and is presently serving as the Acting Attorney General. Mr. Svobodny, who began working for the state in 1975, served 20 years as the Juneau district attorney. When Mr. Svobodny was appointed to the position of Deputy Attorney General, he immediately saw the need to provide training to the department's young lawyers, so that they will be prepared to move up in the ranks as they gain the experience to do so. He is an excellent administrator and is keenly aware of the need to motivate the best and the brightest attorneys to remain in public service. It is hoped that, when an Attorney General is appointed, Mr. Svobodny will return to his position as Deputy Attorney General. If he does not do so, there are few other candidates qualified for that position.

Like many government agencies, the Department of Law suffers from the generational hiatus of the 1990's, in which few young people chose careers in public service. This has resulted in an imbalance in our ranks. There are several older attorneys who fully intend to retire from the department when they have finished their service and many young attorneys who lack the experience to move into positions of leadership, but there are relatively few qualified attorneys in the mid-range. Furthermore, it is no secret that the salaries of public service lawyers have not kept pace with those of private practitioners, and therefore the turnover in younger attorneys seems to occur more frequently than in years past.

At the present time there is a hiring freeze in effect. However, even in the absence of that limitation, it is not likely that there are many attorneys in the state who are qualified to perform the duties that these lawyers are performing. It is therefore an understatement to say that if the Department loses these three very experienced attorneys, our ability to effectively provide quality services will be greatly compromised.

I urge you to pass SB 126 so that the Department may have four more years in which to prepare others to take the places of these outstanding public servants.

Sincerely,

RICHARD SVOBODNY
ACTING ATTORNEY GENERAL

By: Susan McLean
Susan McLean
Acting Deputy Attorney General

cc: Members of Senate State Affairs Committee:
Senator Kevin Meyer, Vice-Chair
Senator Hollis French
Senator Albert Kookesh
Senator Joe Paskvan

Deborah Prator

From: Sen. Linda Menard
Sent: Tuesday, March 31, 2009 10:51 AM
To: Deborah Prator
Subject: FW: SB126 State Affairs Committee March 24

From: Hannah Ramiskey [mailto:ramiskey@kpunet.net]
Sent: Tuesday, March 24, 2009 9:51 PM
To: Sen. Linda Menard; Sen. Kevin Meyer; Sen. Hollis French; Sen. Albert Kookesh; Sen. Joe Paskvan; Sen. Bert Stedman
Subject: SB126 State Affairs Committee March 24

Dear Madame Chair and Members of the State Affairs Committee,

This morning I attended your hearing on four bills. Unfortunately, after waiting for almost three hours to speak (I arrived early), the time ran out and you did not proceed with discussion of SB126. I am hoping that I can again get away from work to attend on Thursday, but I am writing to you in case that is not possible.

The Ketchikan Charter School has two employees who work under the retiree-rehire provision. One is the school principal. Mr. Martin was the Superintendent in Ketchikan for seven years and was not retained by the current school board. As there are no other districts on our island, he retired. He was planning to apply for another Superintendent position out of state. The parents of the Ketchikan Charter School encouraged him to apply as their principal. The school had been run by several 'first year' administrators and was struggling with staff problems, parental management and poor morale. Now in his second year, the school is thriving. **On its SBA assessments the school has achieved a minimum of 80% proficient in every sub group-- White, Native, or Economically Disadvantaged-- all groups are succeeding.**

Mr. Martin collects his retirement and is placed on the lowest rung of the principal pay schedule. He will never rise on that ladder. He costs the school less money and provides a quality service. He has the experience to deal with a parent board, and has the talent to pull all the teachers and staff together to focus on student achievement. He has 100% support from his staff, students and parents. He does not gain in his retirement--that will remain static no matter how many years he works at the school.

The second employee is a reading specialist and trainer for the Spaulding Curriculum. She retired a couple of years ago when her husband had cancer and she could not work while taking care of him. Her husband has since died and the Ketchikan Charter School was able to convince her to come back to work for their school. All primary teachers and students are helped by her expertise everyday and that contributes to the school's excellent test scores. Any child who needs help catching up (special needs or new students) benefit directly from her help to the classroom teachers and aides).

Neither of these employees retired expressly to double dip. Both were forced by circumstance. Both are on the lowest rung of the pay scale, neither will advance their retirement for the future, and both are exceptionally competent.

The concern I heard today seemed to revolve around the issue of allowing younger, qualified teachers a chance to advance. I think that "qualified" is the important word. Certainly our children deserve the best that we can provide.
In smaller rural areas and in our smaller towns there are not **any**, let alone five, qualified applicants to replace either of these employees. Their skills were developed over many years of training. It is our plan that each will help to mentor a replacement before they retire again.

I would ask that you consider the positive aspects for smaller towns and districts that SB126 can provide. To ask these employees to now un-retire will mean less income for them and more costs to the state as their retirement

could rise to 10% more at the end of four years. These employees in the more isolated areas are much sought after and we should make the effort to keep the best we can for our children.

Finally, I would remind you that school districts are different than most other employers. Most districts have hired the best employees by March for the following school year. If the bill does pass, many of the best and brightest will have already been hired elsewhere .....and if it does not pass, the schools will be in a bind trying to find bodies to fill positions that were tough or impossible to fill with early notice. Other state positions are filled on a year round basis and it may not matter if the decision is left till late April.

I appreciate your dilemma ---there are several aspects to this bill. I would only ask that you consider the needs of many of the smaller districts in Alaska with declining population and very few qualified applicants for some very important positions.

Thank you for your time and service to the State of Alaska,

Hannah Ramiskey
428 Tower Rd
Ketchikan, AK 99901

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/27/09

FURTHER: Labor and Commerce
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/2/09

State Affairs Committee considered SENATE BILL NO. 126

SB 126 REEMPLOYMENT OF RETIREES; EXEMPT SERVICE

"An Act amending the State Personnel Act to place in the exempt service the chief economist and state comptroller in the Department of Revenue and certain professional positions concerning oil and gas within the Department of Natural Resources; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees by providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001 and sec. 19, ch. 50, SLA 2005; and providing for an effective date."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 126 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[✓] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Revenue	4/6/09		✓		4

PREVIOUS FISCAL NOTE

Department	Date	Fiscal	Indet	Zero	FN#
DNR	2/12/09			✓	1
Admin	3/13/09			✓	2

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
Albert Kookesh	Kookesh	X			
Lyman Hoffman	Hoffman	X			
Bert Stedman	Stedman	X			
Kim Meyer	Meyer	X			
CHAIR: Linda Menard	MENARD	X			

SB 130

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
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Interim
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SENATOR LESIL MCGUIRE

Co-Chair
Senate Resources Committee

Chair
Senate Special Committee on Energy
Senate Special Committee on World Trade, Technology & Innovation

Member
Senate Judiciary Committee
Joint Armed Services Committee

MEMORANDUM

To: Senator Linda Mernard
Chair, Senate State Affairs Committee

From: Senator Lesil McGuire

Date: March 4, 2009

Re: Hearing Request: SB 130: ECONOMIC STIMULUS TASK FORCE

I respectfully request that SB 130: ECONOMIC STIMULUS TASK FORCE be scheduled for a hearing in the Senate State Affairs Committee at your earliest convenience.

SB 130 creates an Alaska Economic Stimulus, Stability, and Job Security Task Force to work with local government, business, health, education, and other groups over the next several months to find ways to maximize the benefit of incoming federal funds from the recently enacted American Reinvestment and Recovery Act of 2009.

Attached you will find the most current version of the bill and sponsor statement.

I respectfully request that the hearing be teleconferenced so that experts and public testifiers unable to be there in person may provide testimony.

If you have any questions or concerns, please feel free to contact me personally or my staff, Trevor Fulton, at x3579. Thank you for your time and consideration.

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
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Interim
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Co-Chair
Senate Resources Committee

Chair
Senate Special Committee on Energy
Senate Special Committee on World Trade, Technology & Innovation

Member
Senate Judiciary Committee
Joint Armed Services Committee

SENATOR LESIL MCGUIRE

Sponsor Statement

Senate Bill 130: Economic Stimulus Task Force

On February 17th, $787 billion in federal money was committed to stimulating the nation's economy with the passing of the American Recovery and Reinvestment Act (ARRA). Although the exact number remains to be determined, Alaska's share of those funds will be in the hundreds of millions.

SB 130 creates the Alaska Economic Stimulus, Stability, and Job Security Task Force, which will work with local government, business, health, education, and other stakeholder groups over the next several months to oversee the receipt and application of federal stimulus funds and to maximize the benefit of those funds.

The Task Force will coordinate with potential recipients of federal ARRA funds to ensure that those funds are used to the most benefit of all Alaskans and that every dollar received is maximized through leveraging and matching funds.

The Task Force will be charged with:

(1) Preparing an assessment of money available to Alaska under the ARRA and identifying potential recipients of the money; and

(2) Recommending to the legislature how money appropriated for Alaska under the ARRA can best be used in accord with Alaska's own resources to stimulate the state's economy and minimize the effect of the national recession on our economy over the next 24 months.

The membership of the Task Force will consist of three members of the senate, three members of the house, two members of the executive branch, and one representative from the Alaska Municipal League.

SB 130 requires that the Task Force submit an assessment of ARRA funds available to Alaska and a draft plan to the legislature by May 1st, 2009. A final plan and report must be submitted by July 1st, 2009.

At least 20 states have already created ARRA oversight bodies similar to that proposed by SB 130 and an additional five have proposed bodies.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB 130
() Publish Date:

Identifier (file name): SB130-LEG-COU-3-11-09
Dept. Affected: Legislature
Title "An Act establishing the Alaska Economic Stimulus, Stability, and Job Security Task Force; and providing for...."
RDU Legislative Council
Component Council and Subcommittees
Sponsor Senator McGuire
Requester Senate State Affairs
Component Number 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost: **50.0**

POSITIONS

Full-time							
Part-time							
Temporary							

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

SB 130 establishes a nine member Alaska Economic Stimulus, Stability, and Job Security Task Force. The Senate President will appoint three Senators and one Alaska Municipal League public member, the House Speaker will appoint three Representatives, and the Governor will appoint 2 members from the Executive Branch. The Task Force will prepare a report and submit their assessment of potential recipients of federal stimulus funds and recommend how the funds can best be used to stimulate Alaska's economy and minimize the effect of the national recession on Alaska's economy. The preliminary report is due to the Legislature by May 1, 2009 and the final report by July 1, 2009. In order for funding to be available in FY09 for this Task Force, contingent on passage of this legislation, funds will need to be requested in the supplemental budget bill by the sponsor - **50.0.**

Prepared by: Karla Schofield, Deputy Director — Phone 465-6626
Division Legislative Affairs Agency — Date/Time 3/11/09 3:10 PM
Approved by: Pamela Varni, Executive Director — Date 3/11/2009
Legislative Affairs Agency

(Revised 9/10/2008 OMB)

LEGISLATIVE RESEARCH SERVICES

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State Capitol, Juneau, AK 99801

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research@legis.state.ak.us

March 5, 2009

Memorandum

TO: Senator Lesil McGuire
FROM: Patricia Young, Manager
RE: State Actions to Provide Oversight of Federal Stimulus Funds
LRS Report 09.195

You wished to know what actions other states have taken to oversee the receipt and application of federal stimulus funds. You were particularly interested in knowing if other states have created oversight bodies such as boards, commissions, task forces, or special committees for this purpose.

The National Conference of State Legislatures is tracking the issue of federal stimulus funds, and is maintaining a website table entitled "State Oversight of Federal Stimulus Funds." According to information on this website, updated today, and various state web pages, it appears that at least 20 states have created oversight entities.[1] At least five more, including Alaska, have proposed oversight groups. The entities can be categorized as follows.

Oversight Entity	Established	Proposed
Coordinator	Alabama, Maine, Minnesota, New Jersey	
Office, Committee, or Cabinet	Idaho, New Hampshire, Nevada, New York, North Carolina, Rhode Island, Wisconsin	
Task Force	California	Alaska
Board or Commission	Colorado	Montana, Pennsylvania, Rhode Island
Advisory Group or Panel	Florida, Kansas, Oregon, West Virginia	Delaware, Vermont
Committee	Massachusetts, Missouri, Oklahoma	

Source: "State Oversight of Federal Stimulus Funds," National Conference of State Legislatures, updated March 5, 2009; available at *www.ncsl.org/programs/fiscal/stimulusoversight.htm*.

I hope this is helpful. Please let us know if you need additional information.

[1] We attach a copy of the NCSL table with state web page links.

State Oversight of Federal Stimulus Funds

A number of states have created or proposed ways to track and provide oversight of federal stimulus funds. Governors have created new agencies and legislatures are forming commissions or committees to oversee the American Recovery and Reinvestment Act (ARRA). The following provides a brief summary of actions that states are proposing or taking to provide oversight and transparency of ARRA. Also included are state websites that will provide information on implementation and spending of funds from ARRA.

Updated March 5, 2009

State	Stimulus Oversight Plans
Alabama	The governor has launched a new website that will track how funds from ARRA are spent in Alabama. http://stimulus.alabama.gov/
Alaska	The Office of Management and Budget website is detailing Alaska's plans for ARRA funds. http://omb.alaska.gov/10_omb/budget/IndexEconomicStimulus.htm In addition the Dept. of Transportation and Public Facilities has created a website that list economic stimulus package projects. http://www.dot.state.ak.us/econstim/
Arkansas	The governor has stated that a website will soon be established to track every dollar of the state's stimulus funds.
California	The California Assembly has formed the Stimulus, Economic Recovery and Jobs Task Force (SERJ). SERJ will work with local governments on developing strategies to implement ARRA in the state. Assemblymember V. Manuel Perez will head the task force, which will be made up of chairs of relevant standing committees.
Colorado	Gov. Ritter has created the Colorado Economic Recovery and Accountability Board to provide oversight of ARRA funds. Information on the board can be found and on the state's implementation of ARRA at: http://www.colorado.gov/recovery/
Delaware	The governor has stated that he will create an accountability group to track stimulus funds and provide transparency. The state also will launch a website that will track funds and measure progress.
Florida	Gov. Christ has formed the Federal Stimulus Working Group. The group will identify critical programs and infrastructure projects and implement a plan for the distribution of ARRA funds.

Minnesota	The governor has appointed the commissioner of the Minnesota Management and Budget office to be the federal stimulus coordinator for the state. The Minnesota Management and Budget website will provide information on the federal stimulus funds in the state.
Mississippi	The states auditor will be in charge of tracking any ARRA funds that come into the state.
Missouri	Missouri has formed the Senate Select Committee on Oversight of Stimulus Funds, which will be charged with studying and analyzing strategies for securing the maximum amount of federal dollars for Missouri and Missourians that will come from the anticipated federal economic stimulus plan of 2009. The committee shall issue recommendations in a report to the Senate by Mar. 12, 2009. The governor of Missouri has created a website, http://transform.mo.gov/ to solicit ideas of stimulus package funds and to rejuvenate Missouri's economy. The site will also provide transparency of ARRA funds by listing the appropriation of funds in detail.
Montana	Senate President Bob Story has introduced a bill (Senate Bill 460) that will create a commission that will include legislators, congressional staff and private citizens to oversee how the federal stimulus money will be spent by state government.
Nebraska	The state has established a new website http://www.recovery.nebraska.gov/ that will provide accountability and transparency of how stimulus funds are used in Nebraska.
Nevada	Gov. Gibbons has announced the formation a working group comprised of various state agencies to help coordinate the spending of federal stimulus funds.
New Hampshire	The governor has established the Office of Economic Stimulus to oversee ARRA funds and to provide transparency and accountability. The office has a website at the following location: http://www.nh.gov/recovery/
New Jersey	The governor has appointed his chief of staff and comptroller to oversee how ARRA funds will be spent. In addition, the governor's office plans to launch a website that will allow residents to track ARRA projects.

Texas	The Texas House of Representatives has formed the Select Committee on Federal Economic Stabilization Funding and have created the website http://www.txstimulusfund.com/ to provide Texans information on the implementation of ARRA. Additionally the Texas Comptrollers Office is tracking ARRA funds and their impact on the state. The Comptrollers Office has a website that provides up-to-date information on ARRA in Texas. http://www.window.state.tx.us/finances/stimulus/
Vermont	The Speaker of the House has proposed a three-member panel to compile and examine information on how federal stimulus funds are spent. The panel would consist of one member from the House, one member from the Senate and one member from the Governor's administration.
Virginia	The governor has created the website http://stimulus.virginia.gov/ to solicit ideas from the public and receive local input of how stimulus funds should be spent.
Washington	The governor has created a website that will provide information on how the state of Washington is implementing ARRA. http://www.recovery.wa.gov/
West Virginia	The West Virginia House of Delegates has established a Select Committee on Stimulus Utilization. The committee will review legislation, testimony, evaluate and make recommendations to the Speaker of the House in regards to any relevant stimulus legislation.
Wisconsin	Gov. Doyle has created the Office of Recovery and Reinvestment. The purpose of the office is to prepare the state to make the best use of federal funds. Information on the office a can be found at: recovery.wisconsin.gov.
Source: Various media and government reports, January, February, and March 2009	

For additions or corrections to this information please contact Todd Haggerty.

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Washington Office: Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/27/09

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/12/09

State Affairs Committee considered SENATE BILL NO. 130

SB 130 ECONOMIC STIMULUS TASK FORCE

"An Act establishing the Alaska Economic Stimulus, Stability, and Job Security Task Force; and providing for an effective date."

and recommends:

[~~X~~] be **replaced** with [ ] **SCS** or [~~X~~] **CS** SB130 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[~~X~~] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Leg	3/4/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	Parkan	X			
	Kookesh			X	
CHAIR:	MENARD	X			

SB 157

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

MEMO

DATE: March 24, 2009

TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Senator Donald C. Olson

SUBJECT: Senate Bill 157 – Request for Hearing

I am requesting a hearing for Senate Bill 157 at your earliest convenience. Attached you will find a copy of the bill, the sponsor statement, sectional analysis, and some additional backup to support the bill. Two of the pieces of backup are in the process of being revised. When the revisions are done, I will bring you the replacements, but in the meantime, we can proceed with what we have.

Please let Denise Liccioli of my staff know if there is anything else we can provide. Thank you for your consideration.

Attachments

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

SPONSOR STATEMENT

SB 157

SB 157 will enable the Alaska Mental Health Trust to move forward with construction and ownership of a new office facility on land the Trust owns in downtown Juneau.

The core mission of the Mental Health Trust is to develop and manage Trust assets for the benefit of mental health beneficiaries in the areas of health, safety, quality of life and economic security. Trust beneficiaries live in communities across Alaska. They are friends, neighbors, and family members facing mental illness, developmental disabilities, chronic alcoholism, Alzheimer's disease, and dementia.

The Trust has identified land in Juneau as a top priority for development. SB 157 enables the Trust to develop, through the issuance of certificates of participation, much needed office and retail space. Four state agencies are currently housed in aging facilities, all in need of major renovation. The proposed building, using modern construction standards, and new energy saving technologies, will reduce both operating and maintenance costs. From a centralized location the offices will function with improved efficiencies and better public access.

Most importantly, over time, a new facility will save the State of Alaska money, and will provide a steady revenue stream to Trust beneficiaries. Development of Trust assets will provide a return on investment for beneficiaries, in turn enriching the lives of those served.

House Resolve No. 6 passed unanimously on February 25, 2009 by the Alaska House of Representatives. It encourages the Trust to pursue this type of project on behalf of its beneficiaries. It states in part:

"BE IT RESOLVED that the House of Representatives encourages the Alaska Mental Health Trust Authority to develop its land and resources to the fullest extent possible, consistent with its legal and moral responsibility to advance mental health services and employment opportunities that protect and enhance the lives of those who benefit from the mental health trust."

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

2009

Source
CSHR 6(FIN)

House Resolve No.
6

Encouraging the Alaska Mental Health Trust Authority to develop its land and resources to the fullest extent possible consistent with its legal and moral responsibility to advance mental health services and employment opportunities that protect and enhance the lives of those who benefit from the mental health trust.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS the Alaska Mental Health Trust Authority is the trustee of the trust established under the Alaska Mental Health Enabling Act of 1956, P.L. 84-830, 70 Stat. 709; and

WHEREAS the mental health trust was established with more than 1,000,000 acres of land and $200,000,000 to serve the beneficiaries of the trust with services related to mental health and to enable the Alaska Mental Health Trust Authority to act as a catalyst for change in the systems and services that serve the beneficiaries of the trust; and

WHEREAS many of Alaska's most vulnerable citizens, who experience mental illness, developmental disabilities, Alzheimer's disease and related dementia, alcohol and substance addictions, traumatic brain injuries, and other mental health disabilities, are

beneficiaries of the mental health trust; and

WHEREAS many of these vulnerable Alaskans suffer neglect; sexual, physical, and emotional abuse; homelessness; and exposure to domestic violence; and

WHEREAS many communities lack adequate mental health care and treatment facilities; and

WHEREAS employment opportunities, treatment, education, and housing for beneficiaries of the mental health trust are particularly limited in the rural areas of the state; and

WHEREAS the lack of jobs in the rural areas of the state contributes to unlawful behavior, feelings of despair, and, in extreme cases, suicide; and

WHEREAS more than 40 percent of the offenders in Alaska's correctional facilities are beneficiaries of the mental health trust; and

WHEREAS many of the beneficiaries of the mental health trust who have access to an adequate support program are capable of being employed; and

WHEREAS prevention and early intervention by mental health organizations can prevent more costly institutional and intensive care; and

WHEREAS the costs of providing mental health care services are increasing; and

WHEREAS the Department of Health and Social Services, the Alaska Mental Health Trust Authority, and other partner organizations work cooperatively to plan, budget, and implement an integrated and comprehensive mental health program for the state; and

WHEREAS the ability of the Alaska Mental Health Trust Authority to assist the state in developing a better mental health program is largely dependent on the authority's ability to generate revenue from the land and natural resources of the trust; and

WHEREAS development of the land held by the mental health trust creates jobs for beneficiaries of the mental health trust and other Alaskans;

BE IT RESOLVED that the House of Representatives encourages the Alaska Mental Health Trust Authority to develop its land and resources to the fullest extent possible, consistent with its legal and moral responsibility to advance mental health services and employment opportunities that protect and enhance the lives of those who benefit from the mental health trust.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 21, 2009

SUBJECT: Alaska Mental Health Trust Authority Subport Office Building (SB 157, Work Order No. 26-LS0763\A)

TO: Senator Donald Olson
Attn: Denise Liccioli

FROM: Tamara Brandt Cook
Director TBC

Sec. 1. The legislature finds that the Alaska Mental Health Trust Authority intends to use up to $22,700,000 for the Alaska Mental Health Trust Authority Subport Office Building and that the total cost of the facility will be $45,400,000. The legislature intends that the state provide up to $22,700,000 for the facility.

Sec. 2. Technical amendment to conform to bill sec. 3.

Sec. 3. Requires $22,700,000 of the principal of the mental health trust fund to be deposited into a separate trust land development account and directs the Alaska Mental Health Trust Authority to use money in the account to finance the development of facilities on mental health trust land. The authority is required to exercise the powers of a state fiduciary with respect to the investment of assets of the account and to contract with the Trust Land Office in the Department of Natural Resources to serve as an external real estate investment manager.

Sec. 4. Technical amendment to conform to bill sec. 3.

Sec. 5. Technical amendment to conform to bill sec. 3.

Sec. 6. Technical amendment to conform to bill sec. 3.

Sec. 7. (a) Authorizes the state bond committee to provide for the issuance of certificates of participation in an amount of up to $22,700,000 for the construction of the Alaska Mental Health Trust Authority Subport Office Building if the balance of the construction costs in an amount of up to $22,700,000 is made available by the Alaska Mental Health Trust Authority. The estimated total cost of construction, acquisition, certain financing expenses, and equipping the facility is $45,400,000.

(b) The state bond committee may contract for services necessary in the financing of the facility.

(c) The Department of Administration is authorized to enter into a lease with a term of 20 years for the use of the facility by state agencies. As much of the lease payments as necessary shall be used to pay the principal of and interest on the certificates of participation. The estimated annual amount of rental obligation under the lease is $1,759,802. The estimated total amount of lease payments is $35,196,035. At the end of the lease term, the authority will own the facility.

(d) The Department of Administration is authorized to enter into a second lease with a term of 30 years for the use of the facility by agencies. The estimated annual amount of rental obligation is $3,665,000. The estimated total amount of lease payments for the full term is $125,243,047.

(e) The lease payments under both leases are subject to annual appropriation.

(f) The authority shall manage and operate the facility.

Sec. 8. The Act has an immediate effective date.

TBC:plm
09-203.plm

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB 157
() Publish Date:

Identifier (file name): SB157-DNR-TLO-03-31-09
Dept. Affected: Natural Resources
Title: Subport Office Building COPs
RDU: Resource Development
Component: Mental Health Lands Administration
Sponsor: Senator Olson
Requester: Senate State Affairs Committee
Component Number: 1635

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual					1,534.0	1,534.0	1,534.0
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Debt Service							
TOTAL OPERATING		**0.0**	**0.0**	**0.0**	**1,534.0**	**1,534.0**	**1,534.0**
CAPITAL EXPENDITURES	**45,400.0**						
CHANGE IN REVENUES (1092)					**5,700.0**	**5,700.0**	**5,700.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1007 IA Receipts							
1092 MHTAAR	22,700.0				1,534.0	1,534.0	1,534.0
Bond Proceeds	22,700.0						
TOTAL	**45,400.0**	**0.0**	**0.0**	**0.0**	**1,534.0**	**1,534.0**	**1,534.0**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill authorizes the State to finance, construct, and occupy the proposed Alaska Mental Health Trust (MHTLO) Subport Office Building. Cost of construction and equipping the new facility is estimated to be $45.4 million, of which $22.7 million is to be provided through issuance of certificates of participation outlined in the Department of Revenue fiscal note. The bill also authorizes real estate investment from the Mental Health Trust Fund for the remainder of the capital expenditure for acquisition, construction, and equipping the facility. The MHTLO will directly pay for all utilities and maintenance costs for the new building, which will be offset by the lease revenues annualized at approximately $5.7 million from commercial space leasing and the Department of Administration beginning June 30, 2012 (FY2013). The TLO will also provide a contracted onsite Manager who will handle all aspects of the building and property management, including lease and rental agreements, contracting for janitorial services, utilities, snow removal and landscape services, parking lot management, and building systems including heat and plumbing.

Prepared by: Harry Noah, Executive Director — Phone 269-8656
Division: Alaska Mental Health Trust Land Office — Date/Time 3/31/2009
Approved by: Tom Irwin, Commissioner — Date 3/31/2009
Department of Natural Resources

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB157
() Publish Date:

Identifier (file name): SB157-DOA-DGS-04-01-09
Dept. Affected: Administration
Title "An Act relating to the Alaska Mental Health Trust Authority Subport
RDU Leases
Component Leases
Sponsor Sens. OLSON, Davis
Requester S(STA)
Component Number 81

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel							
Contractual					1,340.0	1,299.5	1,257.0
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**1,340.0**	**1,299.5**	**1,257.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF					1,340.0	1,299.5	1,257.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**1,340.0**	**1,299.5**	**1,257.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

In FY 2013, state tenants leasing space in the Department of Labor Building (DOL), and occupying the Douglas Island Building (DIB) and Public Safety Building (PSB) would relocate to the newly constructed AMHTA Office Building authorized in this bill. The amounts reflected above represent the difference between what projected annual lease costs will be for tenants at the new AMHTA Office Building ($5.4 million) versus costs should the building not be constructed ($4.1 million). Included in the $4.1 million is projected cost of a new lease for tenants in the DOL building as the lease expires and it is anticipated DOL tenants will occupy newly procured leased space irrespective of SB 157. In FY 2013, the projected annual cost for 68,278 sq. ft. of DOL space is $3.3 Mil ($4.00 sq.ft) versus the current cost of $1.9 million. ($2.33 sq.ft). Current annual costs for the DOL, DIB and PSB total $2.6 million compared to $4.1 million projected for FY 2013 without SB 157. However, over a 30 year period a $13.5 million savings occurs with construction.

Prepared by: Remond Henderson
Phone 465-5687
Division General Services
Date/Time 4/1/09 9:00 AM
Approved by: Kevin Brooks
Date 4/1/2009
Deputy Commissioner

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB157

ANALYSIS CONTINUATION

Projected costs with and without SB 157	2009 Current Annual Payments	2013 Projected Annual Payments	2014 Projected Annual Payments	2015 Projected Annual Payments
Labor Building Lease (new lease in 2013)	1,909,052	3,277,440	3,302,906	3,328,937
Public Safety Building (PSB) operating expenses	235,748	287,922	302,318	317,434
Douglas Island Building (DIB) operating expenses	408,517	496,330	521,146	547,204
DIB Parking Leases	19,051	23,156	24,314	25,529
Costs without the passage of SB 157	**2,572,368**	**4,084,848**	**4,150,684**	**4,219,104**
Costs with the passage of SB 157	**N/A**	**5,424,830**	**5,450,166**	**5,476,060**
Increase (Decrease) in costs	**N/A**	**1,339,982**	**1,299,482**	**1,256,956**

Although the calculations above indicate an increase in lease payments for the period shown, over a 30 year period the projected total lease payments with the construction of the new AMHTA Office Building are $13.5 million less than costs would be if the building were not constructed. The projected annual lease payments over a 30 period assuming a newly constructed office building total $160,439,082. If the new office building is not constructed, projected lease, operating and capital expenditures for the current buildings (DOL, PSB and DIB) are projected to be $173,956,264. Included in this amount is anticipated deferred maintenance in FY 2013 of $2.5 million for the PSB and $5.8 million for the DIB should the state tenants remain in these buildings. This amount does not include the likely replacement of the DIB or PSB or additional deferred maintenance for these buildings over a 30 year period.

SARAH PALIN, Governor

DEPARTMENT OF ADMINISTRATION

Division of General Services

333 WILLOUGHBY AVENUE
7TH FLOOR SOB
P.O. BOX 110210
JUNEAU, ALASKA 99811-0210
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Briefing Paper
AMHTA Subport Office Building

The Issue: The State is leasing or owns three buildings in Juneau which house State employees. These facilities are very old and in need of significant upgrades. All three buildings provide approximately 116,000 square feet of office space for 525 employees.

The Opportunity: The Alaska Mental Health Trust Authority (AMHTA) has offered to construct a new office building on its land at the former Subport area. The new office building would accommodate all of the employees currently occupying the three buildings in question.

Cost to the State:

Option 1: Enter into an agreement with AMHTA to construct a new office building with surface parking on the site of the old Subport warehouse.

Estimated Cost: $160,439,082 (Lease payments to AMHTA over 30 years)

Action Required: Legislation that allows use of $22.7 million Mental Health Trust funds, currently invested by the Permanent Fund Corporation, and $22.7 million in state bond proceeds to construct the building.

Option 2: Remain in the two state-owned facilities and procure a replacement lease for the Department of Labor.

Estimated Cost: $173,956,264 (Cost calculated for a 30-year period for comparison)

Action Required:

a. Repair and bring into code compliance the two existing state-owned buildings. (These will remain functionally obsolete buildings that will continue to need ongoing repair and maintenance or replacement during the lease period.)
b. Issue a request for proposals (RFP) for a new lease for the Department of Labor.

Justification:

Department of Labor (DOL):

This existing 68,278 square feet lease for DOL expires 6/30/12 and currently accommodates 304 state employees. Since 1982, the DOL occupants have experienced water intrusion, flooding, mold growth, roof leaks, ponding in the parking lot, windows falling out, carpenter ants, etc. Numerous employees have become ill, grievances have been filed by unions and a number of employees have been moved to alternate space outside the facility due to these conditions. An alternate facility, either built by AMHTA or procured through a RFP is necessary. DOA and DOL prefer to vacate the existing facility and relocate all DOL employees to the new AMHTA building by 7/1/12.

Department of Fish & Game (DFG) & Department of Corrections (DOC):
Both agencies are located in a state-owned facility: the Douglas Island Building constructed in 1961. It contains 31,816 square feet and accomodates187 employees. The building is in dire need of major capital improvements including complete replacement of the building envelope to eliminate and prevent rain, wind and snow from entering the building. The total current estimated deferred maintenance cost is $5.8 million.

DOA and tenant agencies prefer to vacate this facility and reuse it for a new defined purpose, or demolish the facility at an estimated cost of $375,000. All DFG and DOC employees would relocate to the new AMHTA building by 7/1/12.

Department of Public Safety (DPS) & Office of Administrative Hearings (OAH):
Both agencies are located in a state-owned facility: the Public Safety Building constructed in 1970 as a temporary structure. It contains 16,103 square feet and accommodates 34 state employees. The facility currently requires major electrical upgrades and code compliance improvements, a new roof, and other repairs. The total current estimated deferred maintenance cost is $2.5 million. DOA and tenant agencies prefer to vacate the facility and relocate to the new AMHTA building 7/1/12.

Future Plans:
The State could demolish the Public Safety Building (at an estimated cost of $180,000) and AMHTA could construct a new parking garage at that location. The garage would accommodate approximately 360 vehicles. It would be used by state employees during the day and be open to the public during non-business hours. This would allow future development of the Subport site by AMHTA.

Detailed Cost Information:

Current Lease/Building Operating Costs:

Lease #1607 & 1632	68,278 sf	exp 6/30/12	$2.33 sf	$1,909,052 annually	DOL Offices (parking included)
Lease #1951	NA	exp 2/28/10	NA	$ 6,451 annually	DIB Surface Parking
Lease #2529	NA	exp 8/31/09	NA	$ 12,600 annually	DIB Surface Parking
Public Safety	16,103 sf	exp n/a	$1.22 sf	$ 235,748 annually	DPS, DOA Offices
Douglas Island Bldg	31,816 sf	exp n/a	$1.07 sf	$ 408,517 annually	DOC, F&G Offices
Totals:	**116,197 sf**			**$ 2,572,368 annually**	

Projected Private New Labor Lease Cost:

New Private Lease	68,280 sf at $4.00 sf	**$ 3,277,440 annually**

Total Projected Public Safety Building Costs thru 6/42: **$ 21,602,392**

Total Projected Douglas Island Building Costs thru 6/42: **$ 38,731,192**

Total Projected Costs 2013 – 2042:
Scenario A: AMHTA building not constructed.

1.	DOL replacement lease	$ 112,083,682
2.	DIB parking leases	1,538,458
3.	Douglas Island Bldg Operating and Capital	38,731,192
4.	Public Safety Bldg Operating and Capital	21,602,932
	Total Scenario A:	**$ 173,956,264***

*Cost estimate does not include likely replacement of the DIB and DPS buildings at some point during the 30-year period.

Total Projected Costs 2013 – 2042:
Scenario B: AMHTA building constructed.

1. AMHTA lease
   Total cost will depend upon state bond financing rates. **$160,439,082****

**Estimate includes repayment of bond proceeds with interest over 20 years and rent payments over 30 years.

Building Purpose:
Office occupancy for State Agency's: DOL, DF&G, OAH, DPS, DOC (approximately 525 employees).

AMHTA Lease Information:
20 year base term with (2) 10-year options
Parking, maintenance and standard services (janitorial, etc.)
Rate: to be determined (estimated range of $3.80 - $4.20 usf)
111,128 usf – State offices
10,000 usf – Private retail on first floor
Four-story facility

Energy Conservation Considerations:

- A heat pump system using either water from Gastineau Channel or the heat from the earth below the building from tubing in the piling or in boreholes. The NOAA Building at Lena Point is incorporating a system using water from the ocean and both the Juneau Airport expansion and the Dimond Park Swimming Pool which will be under construction this spring will use a ground source for the heat pump system.
- A Life Cycle Cost Analysis will be performed to select the optimum insulating values for the exterior envelope of the building including the roof, walls, windows, doors and the concrete floor slab. This analysis will also evaluate the heating, ventilation and lighting systems to achieve efficiencies and lower operating costs in all the building systems.
- The Coast Guard is exploring the use of both wind generated energy at the site and constructing a biomass generation plant to serve their facilities. MHLT will explore opportunities for partnering.
- MHLT will also explore the opportunity to capture waste heat from lighting and/or computer server room cooling systems to offset the heating requirements for the building.

The TRUST

The Alaska Mental Health Trust Authority

HB 161 -- Alaska Mental Health Trust Authority Subport Office Building

Why must the Legislature be involved to enable The Trust to move forward on the Subport Office Building project?

1) Legislation is needed for issuing Certificates of Participation for 50% of the construction and term financing. These bonds are issued at an estimated rate of 5.5% for a 20-year term.
2) Legislation is also required for the Alaska Mental Health Trust Authority to withdraw monies from the Trust principal managed by the Permanent Fund Corporation (the remaining 50% balance of the construction and term financing).
3) The combination of these two financing mechanisms reduces the overall cost to the State of Alaska to meet the State's projected budget expenditures.

Why is this project good for the State of Alaska?

1) The Subport Office Building will be located in a central location that is convenient to the public, other State offices and the Legislature.
2) The State's overall cost for the project will be reduced by 50% because the State and The Trust will be funding partners. As a result, each entity will only be obligated for half of the construction cost and half of the related financing for the construction.
3) The State has announced it will seek new space for the Dept. of Labor in Juneau at the end of the current lease. Because of the pre-construction work already completed on the project, the new Subport building could be completed in sufficient time to meet Labor's timeline for moving at the end of its lease.

Why is this project good for The Trust?

1) The lease payments paid by the State to The Trust will be reinvested in programs and services for Trust beneficiaries, benefitting both The Trust and the State over a 30-year lease period, at a minimum.
2) This project may also act as a template for future developments by The Trust throughout the state.
3) Partnering with the State allows The Trust to perform its fiduciary duties while reducing risk and capturing long-term, recurring income.

How does the project fit within the mission of The Trust?

1) Income from the building will help The Trust fulfill its responsibility to ensure there is adequate funding for the state's Comprehensive Integrated Mental Health Program, which provides services to Trust beneficiaries.
2) The project meets The Trust's guiding principles by diversifying The Trust land's revenue resources.
3) The project utilizes Trust land in its most productive use both prudently and effectively.
4) The building's construction plan is consistent with minimizing energy usage and maximizing the value of The Trust's assets over time.

Prepared March 2009

3745 Community Park Loop, Suite 200 • Anchorage, Alaska 99508 • Tel: 907-269-7960 Fax: 907-269-7966 • www.mhtrust.org

The Trust Land Office

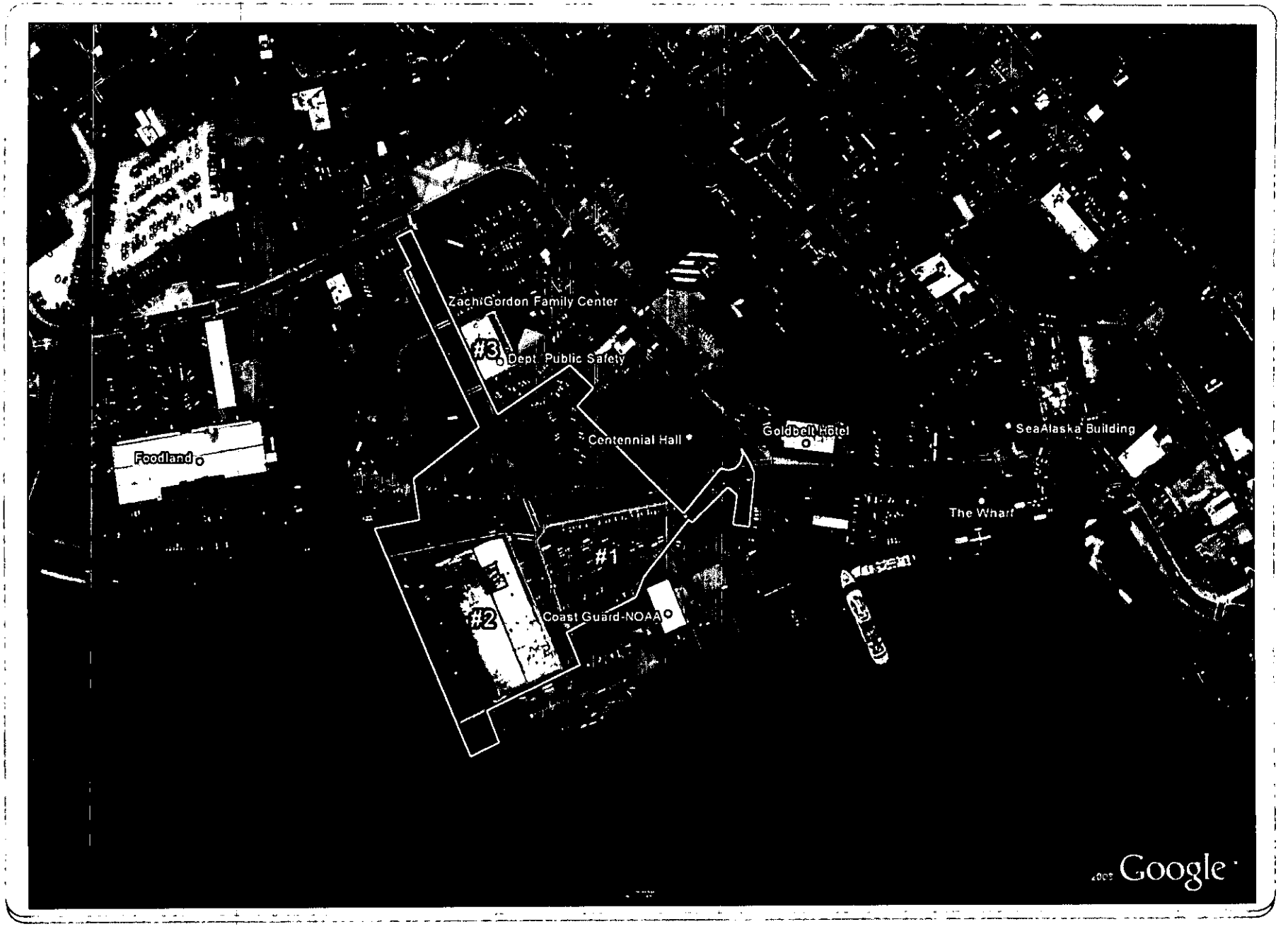
Juneau Subport Development










Zach Gordon Family Center
#3
Dept. Public Safety
Centennial Hall
Foodland
Goldbelt Hotel
SeaAlaska Building
The Wharf
#1
#2
Coast Guard-NOAA
Google

Jensen Yorba Lott Inc.

SUBPORT OFFICE BUILDING

Alaska Mental Health Trust Authority
Trust Land Office
Juneau, Alaska

A101

SITE PLAN

Jensen Yorba Lott Inc.

Alaska Mental Health Trust Authority
Trust Land Office
SUBPORT OFFICE BUILDING
Juneau, Alaska

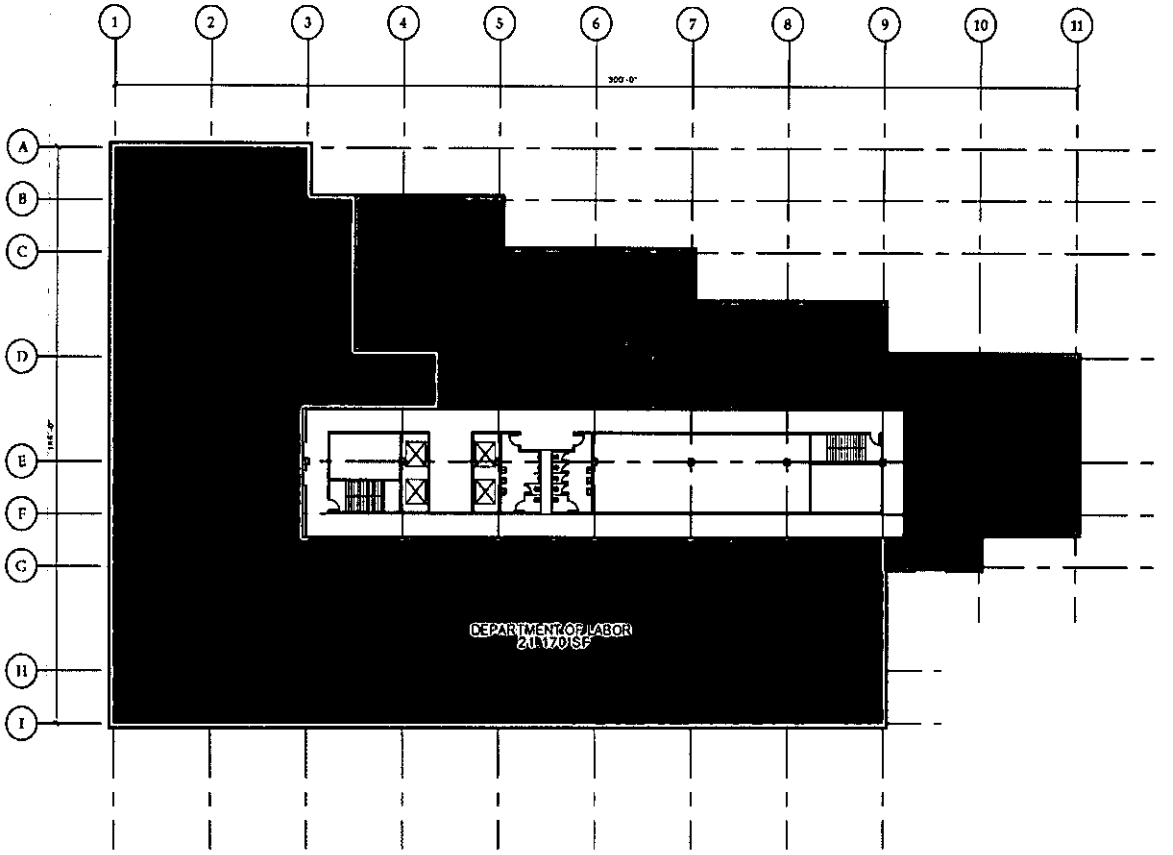
A201

Jensen Yorba Lott Inc.

Alaska Mental Health Trust Authority
Trust Land Office
Juneau, Alaska

SUPPORT OFFICE BUILDING

A202



1 THIRD FLOOR PLAN
38,300sf GROSS AREA

SCALE 0 8 16 32

Jensen Yorba Lott Inc.
533 West 10th Street
Juneau, Alaska 99801
phone 907-586-1000
fax 907-586-3959
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Alaska Mental Health Trust Authority
Trust Land Office

SUBPORT OFFICE BUILDING

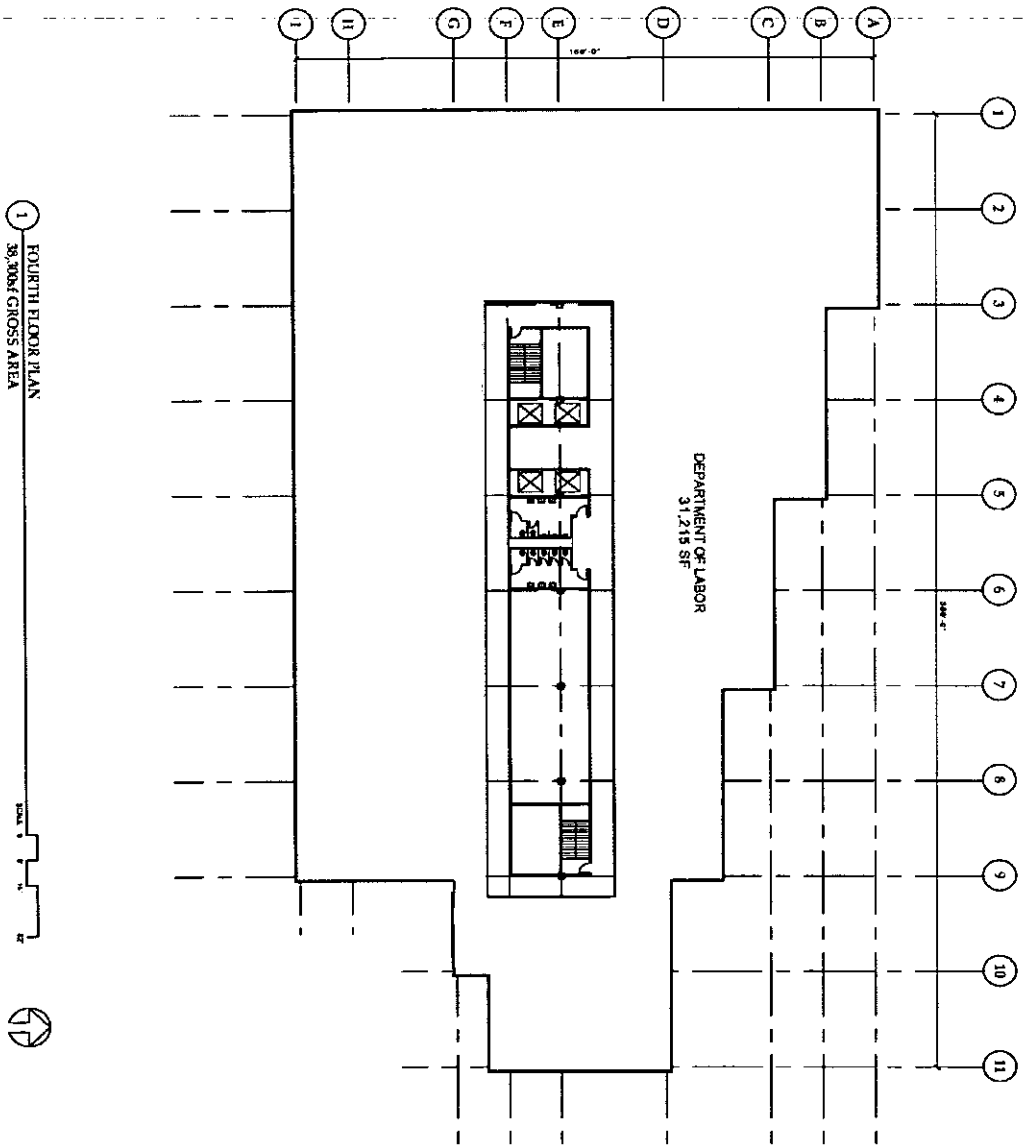
Juneau, Alaska

REVISIONS
1.
2.
3.
4.

SHEET TITLE
THIRD FLOOR PLAN

DATE NOVEMBER 2008
FILE #08

A203



1 FOURTH FLOOR PLAN
38,300sf GROSS AREA

Alaska Mental Health Trust Authority
Trust Land Office
SUBPORT OFFICE BUILDING
Juneau, Alaska

Jensen Yorba Lott Inc.

A204

Jensen Yorba Lott Inc.

SUBPORT OFFICE BUILDING

Alaska Mental Health Trust Authority
Trust Land Office
Juneau, Alaska

SU-A

1 EXTERIOR MODEL VIEW

Jensen Yorba Lott Inc.

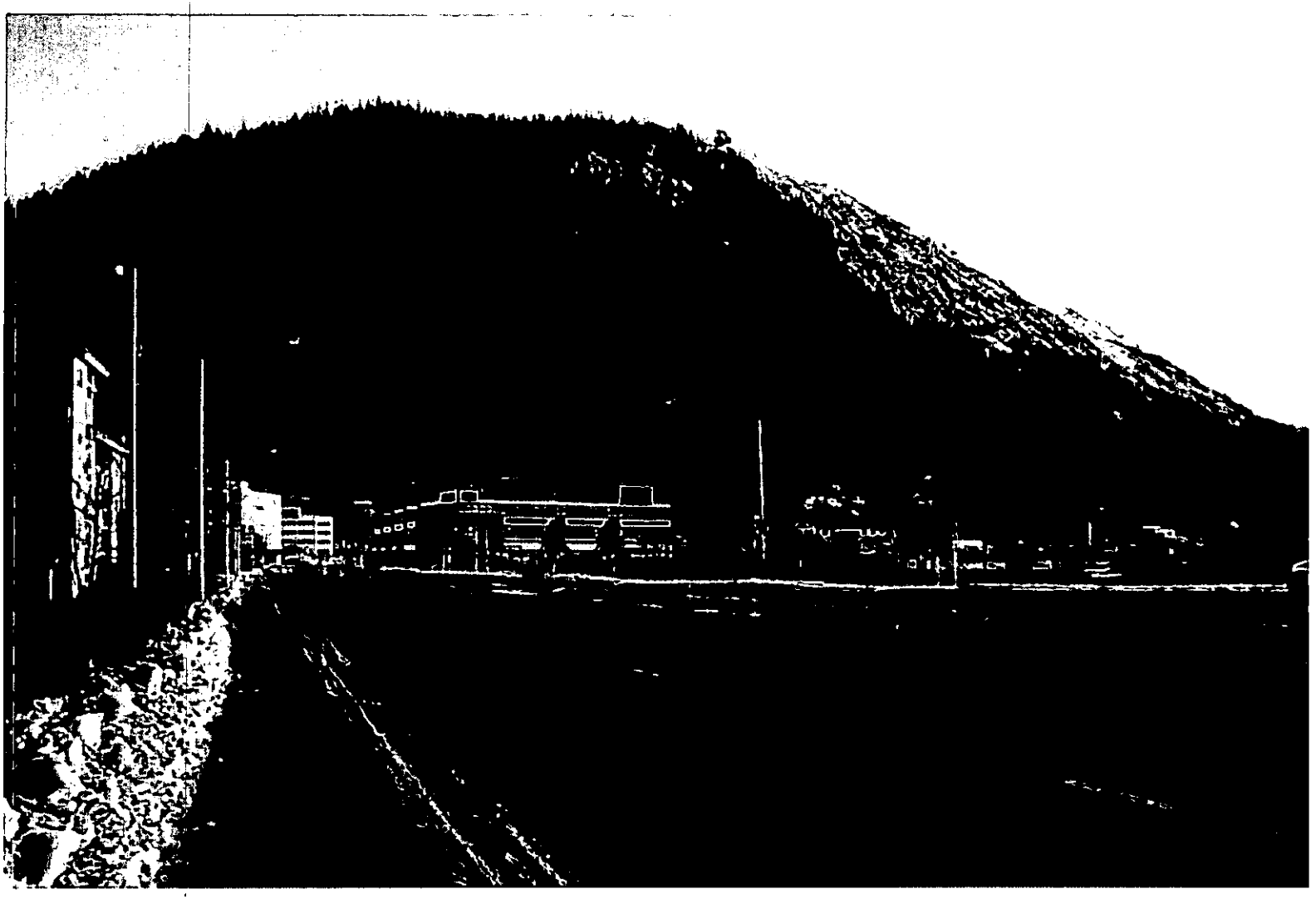
SUPPORT OFFICE BUILDING

Alaska Mental Health Trust Authority
Trust Land Office
Juneau, Alaska

EXTERIOR MODEL VIEW

SU-B

1 EXTERIOR MODEL VIEW



Jensen Yorba Lott Inc

Alaska Mental Health Trust Authority SUBPORT OFFICE BUILDING

CONCEPT PHOTO JANUARY 2009

MEMORANDUM

Department of Administration
Division of General Services
Vern.jones@alaska.gov

STATE OF ALASKA

Phone Number: 465-2250
FAX Number: 465-2189
TDD Number: 465-2205

TO: Terry Harvey
Chief of Staff to
Representative Munoz

DATE: March 31, 2009

FROM: Vern Jones
Chief Procurement Officer

SUBJECT: HB 161

Attached are four documents for your information:

"HB161 Anchorage Lease Comparisons" is a spreadsheet of buildings available for lease in the Anchorage area, prepared by well known Anchorage real estate broker, Stuart Bond. We've calculated the conversion from rentable square foot to useable square foot, and included an allowance for our unique State build-out requirements so we could get an equivalent number for comparison to the AMHTA project.

"HB161 Anchorage To Be Built Office Space" is a spreadsheet prepared by Stuart Bond listing office building projects under development in the Anchorage area. This spreadsheet also contains the conversions and allowances for unique State build-out cost comparisons.

"HB161 Existing state leases over 30,000 sq ft in size" lists existing state leases over 30,000sf. We've included the square footage, cost/square foot, date the lease was entered into originally, and our assessment of the class of the buildings.

"Subport Office Building Lease Summary" is a document prepared by my staff which analyzes the State's lease costs for the proposed Sub port office building.

Please let me know if you need any additional information or clarification.

OFFICE SPACE FOR LEASE

Type	Space	Address	Listing Agent	Available SF	Lease Rate RSF	Lease Rate USF (converted on an estimated load factor of 1.15)	State Buildout Costs (including VOIP) requirements construciton, amortized at 9% for ten years	Combined USF rate + State Buildout
Lease	Office	188 WNL	Stuart Bond	65,000	$ 3.50	$ 4.03	$0.57	$ 4.60
Lease	Office	4600 DeBarr Road	Marc Dunne	33,004	$ 2.00	$ 2.30	$0.57	$ 2.87
Lease	Office	550 W. 8th Avenue	Carl Kuhn	29,520	$ 1.75	$ 2.01	$0.57	$ 2.58
Lease	Office	11260 Old Seward	Marc Dunne	27,307	$ 2.40	$ 2.76	$0.57	$ 3.33
Lease	Office	4510 Old Int'l Airport Rd	Todd Lindfors	24,250	$ 1.45	$ 1.67	$0.57	$ 2.24
Lease	Office	10950 O'Malley Centre Drive	Marc Dunne	22,650	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	6689 Changepoint Drive	Paul Schilling	21,000	$ 2.95	$ 3.39	$0.57	$ 3.96
Lease	Office	700 G Street	Chad Frampton	17,500	$ 2.65	$ 3.05	$0.57	$ 3.62
Lease	Office	Key Bank Plaza	Stuart Bond	17,083	$ 2.35	$ 2.70	$0.57	$ 3.27
Lease	Office	521 E. 36th Avenue	Carl Kuhn	14,500	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	Alaska Legal Center	Ralph Matukonis	12,588	$ 1.90	$ 2.19	$0.57	$ 2.76
Lease	Office	310 K Street	Curt Nading	12,315	$ 2.60	$ 2.99	$0.57	$ 3.56
Lease	Office	1068 W. Fireweed Lane	Paul Schilling	12,088	$ 0.66	$ 0.76	$0.57	$ 1.33
Lease	Office	999 E. Tudor Road	Chad Frampton	11,777	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	3500 Eide Street	Marc Dunne	11,137	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	235 E. 8th Avenue	Chris Stephens	11,050	$ 1.60	$ 1.84	$0.57	$ 2.41
Lease	Office	509 W. 3rd Avenue	Mark Filipenko	10,500	$ 2.00	$ 2.30	$0.57	$ 2.87
Lease	Office	608 5th Ave	Brandon Walker	10,240	$ 1.65	$ 1.90	$0.57	$ 2.47
Lease	Office	700 G Street	Chad Frampton	8,750	$ 2.65	$ 3.05	$0.57	$ 3.62
Lease	Office	310 K Street	Curt Nading	8,500	$ 2.60	$ 2.99	$0.57	$ 3.56
Lease	Office	1118 E. 70th Avenue	Carl Kuhn	8,444	$ 1.00	$ 1.15	$0.57	$ 1.72
Lease	Office	7941 Sandlewood Place	Greg Johnson	8,226	$ 3.04	$ 3.50	$0.57	$ 4.07
Lease	Office	3925 Reka	Marc Dunne	7,935	$ 1.70	$ 1.96	$0.57	$ 2.53
Lease	Office	3000 C Street	Stuart Bond	7,000	$ 2.65	$ 3.05	$0.57	$ 3.62
Lease	Office	9525 King Street	Doug Taylor	6,830	$ 1.46	$ 1.68	$0.57	$ 2.25
Lease	Office	1029 W. 3rd Avenue	Mark Filipenko	6,525	$ 2.85	$ 3.28	$0.57	$ 3.85
Lease	Office	536 E. 48th Avenue	Ray Dahl	6,456	$ 1.45	$ 1.67	$0.57	$ 2.24
Lease	Office	425 E Street	Jeff Thon	6,236	$ 1.45	$ 1.67	$0.57	$ 2.24
Lease	Office	415 E. Street	Jeff Thon	6,236	$ 1.45	$ 1.67	$0.57	$ 2.24
Lease	Office	2700 Gambell Street	John Estabrook	6,000	$ 2.75	$ 3.16	$0.57	$ 3.73
Lease	Office	1029 W. 3rd Avenue	Mark Filipenko	6,000	$ 2.65	$ 3.05	$0.57	$ 3.62
Lease	Office	1313 3rd Ave	Mike James	6,000	$ 1.25	$ 1.44	$0.57	$ 2.01
Lease	Office	1313 E. 3rd Avenue	Lottie Michael	6,000	$ 1.25	$ 1.44	$0.57	$ 2.01

OFFICE SPACE FOR LEASE

Type	Space	Address	Listing Agent	Available SF	Lease Rate RSF	Lease Rate USF (converted on an estimated load factor of 1.15)	State Buildout Costs (including VOIP) requirements construciton, amortized at 9% for ten years	Combined USF rate + State Buildout
Lease	Office	3400 LaTouche	Stuart Bond	6,000	$ 2.45	$ 2.82	$0.57	$ 3.39
Lease	Office	3500 Eide Street	Marc Dunne	5,678	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	3500 Eide Street	Marc Dunne	5,678	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	2700 Gambell St	John Estabrook	5,675	$ 2.75	$ 3.16	$0.57	$ 3.73
Lease	Office	2700 Gambell St	John Estabrook	5,675	$ 2.75	$ 3.16	$0.57	$ 3.73
Lease	Office	3500 Eide Street	Marc Dunne	5,459	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	3500 Eide Street	Marc Dunne	5,459	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	2550 Denali	Mark Rowley	5,168	$ 2.00	$ 2.30	$0.57	$ 2.87
Lease	Office	608 W. 4th Avenue	Bob Martin	5,120	$ 1.65	$ 1.90	$0.57	$ 2.47
Lease	Office	1231 Gambell	Gil Krushiwitz	5,000	$ 2.05	$ 2.36	$0.57	$ 2.93
Lease	Office	723 W. 6th Avenue	Howard Levine	5,000	$ 3.40	$ 3.91	$0.57	$ 4.48
Lease	Office	1117 E. 35th Avenue	Stuart Bond	5,000	$ 2.45	$ 2.82	$0.57	$ 3.39
Lease	Office	840 K Street	Stewart Smith	4,901	$ 1.85	$ 2.13	$0.57	$ 2.70
Lease	Office	1900 W. Northern Lights	Jeff Thon	4,769	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	1900 W. Northern Lights Blv	Jeff Thon	4,769	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	6250 Tuttle Street	Bruce Chambers	4,737	$ 0.74	$ 0.85	$0.57	$ 1.42
Lease	Office	1500 W 33rd Ave	Chris Stephens	4,389	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	1500 W. 33rd Avenue	Chris Stephens	4,389	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	1016 W. 6th Avenue	Ralph Matukonis	4,341	$ 1.90	$ 2.19	$0.57	$ 2.76
Lease	Office	2217 E. Tudor Road	Gary Petros	3,900	$ 1.35	$ 1.55	$0.57	$ 2.12
Lease	Office	601 W 36th Ave	Mark Rowley	3,759	$ 1.47	$ 1.69	$0.57	$ 2.26
Lease	Office	615 E. 82nd Avenue	Carl Kuhn	3,708	$ 1.95	$ 2.24	$0.57	$ 2.81
Lease	Office	10928 Eagle River Road	Cycelia Gumennik	3,664	$ 1.90	$ 2.19	$0.57	$ 2.76
Lease	Office	1400 Benson Boulevard	Mark Rowley	3,500	No rate			$ -
Lease	Office	2700 A Street	Marc Dunne	3,483	$ 1.30	$ 1.50	$0.57	$ 2.07
Lease	Office	3925 Reka Drive	Marc Dunne	3,329	$ 1.70	$ 1.96	$0.57	$ 2.53
Lease	Office	1400 W Benson Blvd	Bernie Lewis	3,248	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	1400 W. Benson Blvd	Bernie Lewis	3,248	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	1200 Airport Heights	Marc Dunne	3,235	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	4341 B Street	Stuart Bond	3,206	$ 2.25	$ 2.59	$0.57	$ 3.16
Lease	Office	240 E. Tudor Road	Bernie Lewis	3,175	$ 1.80	$ 2.07	$0.57	$ 2.64
Lease	Office	240 E. Tudor Road	Bernie Lewis	3,175	$ 1.80	$ 2.07	$0.57	$ 2.64
Lease	Office	3707 Woodland Drive	Gary Petros	3,170	$ 0.57	$ 0.66	$0.57	$ 1.23

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OFFICE SPACE FOR LEASE

Type	Space	Address	Listing Agent	Available SF	Lease Rate RSF	Lease Rate USF (converted on an estimated load factor of 1.15)	State Buildout Costs (including VOIP) requirements construciton, amortized at 9% for ten years	Combined USF rate + State Buildout
Lease	Office	3707 Woodland Drive	Gary Petros	3,170	$ 0.57	$ 0.66	$0.57	$ 1.23
Lease	Office	1225 E. Int'l Airport Road	Joe LoMonaco	3,064	$ 1.65	$ 1.90	$0.57	$ 2.47
Lease	Office	536 E. 48th Avenue	Ray Dahl	3,000	$ 1.45	$ 1.67	$0.57	$ 2.24
Lease	Office	442 W. 5th Avenue	Chris Stephens	3,000	$ 3.00	$ 3.45	$0.57	$ 4.02
Lease	Office	341 W. Tudor Road	Curt Nading	2,205	$ 1.95	$ 2.24	$0.57	$ 2.81

TOTAL 628,093

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TO BE BUILT

Type	Space	Address	Listing Agent	Available SF	Lease / Sale Price RSF	Lease Rate USF (converted on an estimated load factor of 1.15)	State Buildout Costs (including VOIP) requirements construciton, amortized at 9% for ten years	Combined USF rate + State Buildout
Lease	Office	723 W. 6th Avenue	Howard Levine	395,000	$3.30 - $3.60	$3.80 - $4.14	$0.57	$4.37 - $4.71
Lease	Office	11711 Old Seward Hwy	Gabe Stephan	89,084	no lease rate	no lease rate	$0.57	n/a
Lease	Office	NHN E. Tudor Road	Curt Nading	60,000	$ 2.50	$ 2.88	$0.57	$ 3.45
Lease	Office	909 W. 9th Avenue	Not listed	60,000	$ -	$ -	$0.57	n/a
Lease	Office	Tr A6 W. Dimond Blvd	Gail Bogle Munson	43,300	$ 2.75	$ 3.16	$0.57	$ 3.73
Lease	Retail	3200 Mountain View Dr	Andrew Ingram	37,000	$ 2.45	$ 2.82	$0.57	$ 3.39
Lease	Office	800 M St	Jeff Briley	16,000	$ 2.85	$ 3.28	$0.57	$ 3.85

EXISTING STATE LEASES - 30,000 SF +

Lease	Location	Tenants	Common Name	Property Name & Address	Lessor Name	Sq Feet or Other Units	Cost per SqFt or Unit (Monthly)	Space Type	Lease Start Date	Expiration Date	Options Remaining	Option Duration	Bldg Class
1444	Juneau	F&G	Capital Office Park	Capital Office Park; End of West Eighth Street; Juneau, AK 99801	Capital Office Park, J.V.	38,760	1.79	Office	2/11/1981	6/30/2012	0	0	C
1627	Juneau	Admin; Education; Labor	Goldbelt Place	Goldbelt Place Building; 801 West Tenth Street; Juneau, AK 99801	801 West 10th, INC.	43,451	2.17	Office	10/1/1982	6/30/2010	0	0	B
2401	Anchorage	Enviro Con	555 Cordova Street	unnamed property; 555 Cordova Street; Anchorage, AK	555 Cordova, LLC	45,050	2.25	Office	6/1/1995	5/31/2010	0	0	B
2587	Anchorage	H&SS	MacKay Annex	MacKay Annex; 323 E. 4th Avenue; Anchorage, AK 99501	JBG Memorial, LLC	45,168	2.35 (includes TI)	Office	3/4/2008	2/28/2023	3	Five years	B
1445	Anchorage	Labor	SLM Subdivision, 33rd & Eagle	SLM Subdivision; 3301 Eagle Street; Anchorage, AK	Thirty-Third & Eagle, LLC	48,640	1.56	Office	10/15/1980	10/14/2011	0	0	C
2131	Juneau	Admin; Enviro Con; H&SS	410 Willoughby Building	410 Willoughby Building; 410 Willoughby Avenue; Juneau, AK 99801	Juneau Business Center, LLC	51,309	2.05	Office and other types of space	11/25/1990	11/30/2010	2	Five years	B
1668	Juneau	Admin; Transp &PF	DOT 3-Mile Salmon Creek	Salmon Creek Facility; Chris Park Subdivision; 3 Mile; Juneau, AK 99801	Juneau I, LLC	51,429	1.93	Office	6/1/1984	5/31/2014	0	0	C
1607	Juneau	Admin; Labor	Labor Building	Labor Building; West 8th Street; Juneau, AK 99801	Juneau I, LLC	59,463	2.37	Office	10/8/1992	6/30/2012	0	0	C
2382	Anchorage	Law	Carr-Gottstein & Resolution Tower Buildings	Carr-Gottstein Building ; 310 K Street; Anchorage, AK || Resolution Tower Building; 1031 West 4th Avenue; Anchorage, AK	Whale Building, LLC	80,741	3.13	Office	2/1/1993	9/30/2014	1	Five years	B
2505 & 2506	Anchorage	H&SS	Frontier Building	Frontier Building; 3601 C Street; Anchorage, AK 99503	3601 C Street, LLC	121,099	3.00 (pending BOV)	Office	2/1/1988	6/30/2019	0		A

Discount Rate:	6.00%	
CPI Rate:	2.20%	(applicable only to Op Exp)
Load Factor	1.15	
Rentable	127962	Per MHLT
Square Feet	111,128	
Fix Costs:	$3.21	
Variable Expenses :	$0.86	CPI adjustable (.86/usf = $.75/rsf)
Total Rent Per Useable SF:	$4.07	$3.54 rentable
Year 21 COP/TLO %	55.00%	

	Annual	Monthly	
COP	$1,759,801	$146,650	32.44%
TLO	$1,788,777	$149,065	32.97%
Ground	$724,596	$60,383	13.36%
Operating Expense	$1,151,656	$95,971	21.23%
Total Base Lease Cost	$5,424,830	$452,069	100.00%

		Total P&I PMT	Remaining PMT
Total Cash Payout:	$160,439,014	$35,196,035	$125,242,979
Present Value Analysis (PVA)	$76,473,500		

Annual Costs:

Year	Cost	Year	Cost
13	$5,424,830.01	28	$5,869,369.99
14	$5,450,166.44	29	$5,904,486.30
15	$5,476,060.28	30	$5,940,375.17
16	$5,502,523.77	31	$5,977,053.59
17	$5,529,569.47	32	$6,014,538.94
18	$5,557,210.17	33	$4,455,988.87
19	$5,585,458.96	34	$4,495,141.72
20	$5,614,329.23	35	$4,535,155.93
21	$5,643,834.65	36	$4,576,050.45
22	$5,673,989.18	37	$4,617,844.66
23	$5,704,807.12	38	$4,660,558.33
24	$5,736,303.04	39	$4,704,211.71
25	$5,768,491.88	40	$4,748,825.46
26	$5,801,388.88	41	$4,794,420.72
27	$5,835,009.60	42	$4,841,019.07

Month			
1	$452,069.17		
2	$452,069.17		
3	$452,069.17		
4	$452,069.17		
5	$452,069.17		
6	$452,069.17		
7	$452,069.17		
8	$452,069.17		
9	$452,069.17		
10	$452,069.17		
11	$452,069.17		
12	$452,069.17		$5,424,830.01
13	$454,180.54	$98,083	
14	$454,180.54	$98,083	
15	$454,180.54	$98,083	
16	$454,180.54	$98,083	
17	$454,180.54	$98,083	
18	$454,180.54	$98,083	
19	$454,180.54	$98,083	
20	$454,180.54	$98,083	
21	$454,180.54	$98,083	
22	$454,180.54	$98,083	
23	$454,180.54	$98,083	
24	$454,180.54	$98,083	$5,450,166.44
25	$456,338.36	$100,241	
26	$456,338.36	$100,241	
27	$456,338.36	$100,241	
28	$456,338.36	$100,241	
29	$456,338.36	$100,241	
30	$456,338.36	$100,241	
31	$456,338.36	$100,241	
32	$456,338.36	$100,241	
33	$456,338.36	$100,241	

34	$456,338.36	$100,241	
35	$456,338.36	$100,241	
36	$456,338.36	$100,241	$5,476,060.28
37	$458,543.65	$102,446	
38	$458,543.65	$102,446	
39	$458,543.65	$102,446	
40	$458,543.65	$102,446	
41	$458,543.65	$102,446	
42	$458,543.65	$102,446	
43	$458,543.65	$102,446	
44	$458,543.65	$102,446	
45	$458,543.65	$102,446	
46	$458,543.65	$102,446	
47	$458,543.65	$102,446	
48	$458,543.65	$102,446	$5,502,523.77
49	$460,797.46	$104,700	
50	$460,797.46	$104,700	
51	$460,797.46	$104,700	
52	$460,797.46	$104,700	
53	$460,797.46	$104,700	
54	$460,797.46	$104,700	
55	$460,797.46	$104,700	
56	$460,797.46	$104,700	
57	$460,797.46	$104,700	
58	$460,797.46	$104,700	
59	$460,797.46	$104,700	
60	$460,797.46	$104,700	$5,529,569.47
61	$463,100.85	$107,003	
62	$463,100.85	$107,003	
63	$463,100.85	$107,003	
64	$463,100.85	$107,003	
65	$463,100.85	$107,003	
66	$463,100.85	$107,003	
67	$463,100.85	$107,003	
68	$463,100.85	$107,003	
69	$463,100.85	$107,003	
70	$463,100.85	$107,003	
71	$463,100.85	$107,003	
72	$463,100.85	$107,003	$5,557,210.17
73	$465,454.91	$109,357	
74	$465,454.91	$109,357	
75	$465,454.91	$109,357	
76	$465,454.91	$109,357	
77	$465,454.91	$109,357	
78	$465,454.91	$109,357	
79	$465,454.91	$109,357	
80	$465,454.91	$109,357	
81	$465,454.91	$109,357	
82	$465,454.91	$109,357	
83	$465,454.91	$109,357	
84	$465,454.91	$109,357	$5,585,458.96
85	$467,860.77	$111,763	
86	$467,860.77	$111,763	
87	$467,860.77	$111,763	
88	$467,860.77	$111,763	
89	$467,860.77	$111,763	
90	$467,860.77	$111,763	
91	$467,860.77	$111,763	
92	$467,860.77	$111,763	

93	$467,860.77	$111,763	
94	$467,860.77	$111,763	
95	$467,860.77	$111,763	
96	$467,860.77	$111,763	$5,614,329.23
97	$470,319.55	$114,222	
98	$470,319.55	$114,222	
99	$470,319.55	$114,222	
100	$470,319.55	$114,222	
101	$470,319.55	$114,222	
102	$470,319.55	$114,222	
103	$470,319.55	$114,222	
104	$470,319.55	$114,222	
105	$470,319.55	$114,222	
106	$470,319.55	$114,222	
107	$470,319.55	$114,222	
108	$470,319.55	$114,222	$5,643,834.65
109	$472,832.43	$116,735	
110	$472,832.43	$116,735	
111	$472,832.43	$116,735	
112	$472,832.43	$116,735	
113	$472,832.43	$116,735	
114	$472,832.43	$116,735	
115	$472,832.43	$116,735	
116	$472,832.43	$116,735	
117	$472,832.43	$116,735	
118	$472,832.43	$116,735	
119	$472,832.43	$116,735	
120	$472,832.43	$116,735	$5,673,989.18
121	$475,400.59	$119,303	
122	$475,400.59	$119,303	
123	$475,400.59	$119,303	
124	$475,400.59	$119,303	
125	$475,400.59	$119,303	
126	$475,400.59	$119,303	
127	$475,400.59	$119,303	
128	$475,400.59	$119,303	
129	$475,400.59	$119,303	
130	$475,400.59	$119,303	
131	$475,400.59	$119,303	
132	$475,400.59	$119,303	$5,704,807.12
133	$478,025.25	$121,927	
134	$478,025.25	$121,927	
135	$478,025.25	$121,927	
136	$478,025.25	$121,927	
137	$478,025.25	$121,927	
138	$478,025.25	$121,927	
139	$478,025.25	$121,927	
140	$478,025.25	$121,927	
141	$478,025.25	$121,927	
142	$478,025.25	$121,927	
143	$478,025.25	$121,927	
144	$478,025.25	$121,927	$5,736,303.04
145	$480,707.66	$124,610	
146	$480,707.66	$124,610	
147	$480,707.66	$124,610	
148	$480,707.66	$124,610	
149	$480,707.66	$124,610	
150	$480,707.66	$124,610	
151	$480,707.66	$124,610	

152	$480,707.66	$124,610	
153	$480,707.66	$124,610	
154	$480,707.66	$124,610	
155	$480,707.66	$124,610	
156	$480,707.66	$124,610	$5,768,491.88
157	$483,449.07	$127,351	
158	$483,449.07	$127,351	
159	$483,449.07	$127,351	
160	$483,449.07	$127,351	
161	$483,449.07	$127,351	
162	$483,449.07	$127,351	
163	$483,449.07	$127,351	
164	$483,449.07	$127,351	
165	$483,449.07	$127,351	
166	$483,449.07	$127,351	
167	$483,449.07	$127,351	
168	$483,449.07	$127,351	$5,801,388.88
169	$486,250.80	$130,153	
170	$486,250.80	$130,153	
171	$486,250.80	$130,153	
172	$486,250.80	$130,153	
173	$486,250.80	$130,153	
174	$486,250.80	$130,153	
175	$486,250.80	$130,153	
176	$486,250.80	$130,153	
177	$486,250.80	$130,153	
178	$486,250.80	$130,153	
179	$486,250.80	$130,153	
180	$486,250.80	$130,153	$5,835,009.60
181	$489,114.17	$133,016	
182	$489,114.17	$133,016	
183	$489,114.17	$133,016	
184	$489,114.17	$133,016	
185	$489,114.17	$133,016	
186	$489,114.17	$133,016	
187	$489,114.17	$133,016	
188	$489,114.17	$133,016	
189	$489,114.17	$133,016	
190	$489,114.17	$133,016	
191	$489,114.17	$133,016	
192	$489,114.17	$133,016	$5,869,369.99
193	$492,040.52	$135,943	
194	$492,040.52	$135,943	
195	$492,040.52	$135,943	
196	$492,040.52	$135,943	
197	$492,040.52	$135,943	
198	$492,040.52	$135,943	
199	$492,040.52	$135,943	
200	$492,040.52	$135,943	
201	$492,040.52	$135,943	
202	$492,040.52	$135,943	
203	$492,040.52	$135,943	
204	$492,040.52	$135,943	$5,904,486.30
205	$495,031.26	$138,933	
206	$495,031.26	$138,933	
207	$495,031.26	$138,933	
208	$495,031.26	$138,933	
209	$495,031.26	$138,933	
210	$495,031.26	$138,933	

211	$495,031.26	$138,933	
212	$495,031.26	$138,933	
213	$495,031.26	$138,933	
214	$495,031.26	$138,933	
215	$495,031.26	$138,933	
216	$495,031.26	$138,933	$5,940,375.17
217	$498,087.80	$141,990	
218	$498,087.80	$141,990	
219	$498,087.80	$141,990	
220	$498,087.80	$141,990	
221	$498,087.80	$141,990	
222	$498,087.80	$141,990	
223	$498,087.80	$141,990	
224	$498,087.80	$141,990	
225	$498,087.80	$141,990	
226	$498,087.80	$141,990	
227	$498,087.80	$141,990	
228	$498,087.80	$141,990	$5,977,053.59
229	$501,211.58	$145,114	
230	$501,211.58	$145,114	
231	$501,211.58	$145,114	
232	$501,211.58	$145,114	
233	$501,211.58	$145,114	
234	$501,211.58	$145,114	
235	$501,211.58	$145,114	
236	$501,211.58	$145,114	
237	$501,211.58	$145,114	
238	$501,211.58	$145,114	
239	$501,211.58	$145,114	
240	$501,211.58	$145,114	$6,014,538.94
241	$371,332.41	$148,306	
242	$371,332.41	$148,306	
243	$371,332.41	$148,306	
244	$371,332.41	$148,306	
245	$371,332.41	$148,306	
246	$371,332.41	$148,306	
247	$371,332.41	$148,306	
248	$371,332.41	$148,306	
249	$371,332.41	$148,306	
250	$371,332.41	$148,306	
251	$371,332.41	$148,306	
252	$371,332.41	$148,306	$4,455,988.87
253	$374,595.14	$151,569	
254	$374,595.14	$151,569	
255	$374,595.14	$151,569	
256	$374,595.14	$151,569	
257	$374,595.14	$151,569	
258	$374,595.14	$151,569	
259	$374,595.14	$151,569	
260	$374,595.14	$151,569	
261	$374,595.14	$151,569	
262	$374,595.14	$151,569	
263	$374,595.14	$151,569	
264	$374,595.14	$151,569	$4,495,141.72
265	$377,929.66	$154,904	
266	$377,929.66	$154,904	
267	$377,929.66	$154,904	
268	$377,929.66	$154,904	
269	$377,929.66	$154,904	

270	$377,929.66	$154,904	
271	$377,929.66	$154,904	
272	$377,929.66	$154,904	
273	$377,929.66	$154,904	
274	$377,929.66	$154,904	
275	$377,929.66	$154,904	
276	$377,929.66	$154,904	$4,535,155.93
277	$381,337.54	$158,311	
278	$381,337.54	$158,311	
279	$381,337.54	$158,311	
280	$381,337.54	$158,311	
281	$381,337.54	$158,311	
282	$381,337.54	$158,311	
283	$381,337.54	$158,311	
284	$381,337.54	$158,311	
285	$381,337.54	$158,311	
286	$381,337.54	$158,311	
287	$381,337.54	$158,311	
288	$381,337.54	$158,311	$4,576,050.45
289	$384,820.39	$161,794	
290	$384,820.39	$161,794	
291	$384,820.39	$161,794	
292	$384,820.39	$161,794	
293	$384,820.39	$161,794	
294	$384,820.39	$161,794	
295	$384,820.39	$161,794	
296	$384,820.39	$161,794	
297	$384,820.39	$161,794	
298	$384,820.39	$161,794	
299	$384,820.39	$161,794	
300	$384,820.39	$161,794	$4,617,844.66
301	$388,379.86	$165,354	
302	$388,379.86	$165,354	
303	$388,379.86	$165,354	
304	$388,379.86	$165,354	
305	$388,379.86	$165,354	
306	$388,379.86	$165,354	
307	$388,379.86	$165,354	
308	$388,379.86	$165,354	
309	$388,379.86	$165,354	
310	$388,379.86	$165,354	
311	$388,379.86	$165,354	
312	$388,379.86	$165,354	$4,660,558.33
313	$392,017.64	$168,991	
314	$392,017.64	$168,991	
315	$392,017.64	$168,991	
316	$392,017.64	$168,991	
317	$392,017.64	$168,991	
318	$392,017.64	$168,991	
319	$392,017.64	$168,991	
320	$392,017.64	$168,991	
321	$392,017.64	$168,991	
322	$392,017.64	$168,991	
323	$392,017.64	$168,991	
324	$392,017.64	$168,991	$4,704,211.71
325	$395,735.46	$172,709	
326	$395,735.46	$172,709	
327	$395,735.46	$172,709	
328	$395,735.46	$172,709	

329	$395,735.46	$172,709	
330	$395,735.46	$172,709	
331	$395,735.46	$172,709	
332	$395,735.46	$172,709	
333	$395,735.46	$172,709	
334	$395,735.46	$172,709	
335	$395,735.46	$172,709	
336	$395,735.46	$172,709	$4,748,825.46
337	$399,535.06	$176,509	
338	$399,535.06	$176,509	
339	$399,535.06	$176,509	
340	$399,535.06	$176,509	
341	$399,535.06	$176,509	
342	$399,535.06	$176,509	
343	$399,535.06	$176,509	
344	$399,535.06	$176,509	
345	$399,535.06	$176,509	
346	$399,535.06	$176,509	
347	$399,535.06	$176,509	
348	$399,535.06	$176,509	$4,794,420.72
349	$403,418.26	$180,392	
350	$403,418.26	$180,392	
351	$403,418.26	$180,392	
352	$403,418.26	$180,392	
353	$403,418.26	$180,392	
354	$403,418.26	$180,392	
355	$403,418.26	$180,392	
356	$403,418.26	$180,392	
357	$403,418.26	$180,392	
358	$403,418.26	$180,392	
359	$403,418.26	$180,392	
360	$403,418.26	$180,392	$4,841,019.07

Jensen
Yorba
Lott
Inc

March 31, 2009

Architecture
Interiors
Landscape
Architecture

RE: Subport Office Building- Space Class

Mr. Terry Harvey, Chief of Staff
Office of Representative Cathy Munoz
Alaska State Capitol, Room 409
Juneau, AK 99801-1182

Dear Terry:

There have been questions raised regarding the class of office space that is being proposed. Classifying office is subjective, but one definition that I found is that "a Class A building can be considered a monument and a testament to the success and power of its tenants." With this definition, there are no Class A buildings in Juneau and only a handful in the State. The same source defines Class B buildings as having good locations, management, and construction, and tenant standards are high and rents are competitive with other new buildings. With these characteristics in mind the proposed building should be listed as a Class B building.

The proposed building will provide office space that meets the State space standards and is comparable to other modern office buildings. As buildings become larger the building codes require more consideration to life safety and environmental conditions. Building codes also change over time, so the proposed building will have better and consequently more expensive, environmental and life-safety systems than buildings constructed 20 or 30 years ago, like the State Office Building in Juneau. For a building of the size proposed it will be necessary to use a structural steel or concrete frame and non-combustible, energy efficient wall and roof assemblies. The infrastructure required to support the technology in a modern office building will be provided as will appropriate heating and ventilation systems. Life safety systems like a fire sprinkler system and an addressable fire alarm system are required and will be included. In summary this building will compare to other recently constructed offices that are designed for energy efficiency, low maintenance, and employee productivity.

Sincerely,

Wayne K. Jensen

1935
Founded as
H.B. Foss Company

1945
Foss & Malcolm

1949
Foss & Olsen

1956
Olsen & Sands

1969
Sands & Ackley

1974
Ackley & Associates,
Inc.

1979
Ackley/Jensen
Architects, Inc.

1985
Jensen Douglas
Architects, Inc.

1997
Jensen Yorba Lott, Inc.

522 West 10th Street
Juneau, Alaska 99801
Tel.: 907.586.1070
Fax: 907.586.3959
jensenyorbalott.com

Jensen
Yorba
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Inc

March 30, 2009

Architecture
Interiors
Landscape
Architecture

RE: Subport Office Building- Construction Systems

Mr. Terry Harvey, Chief of Staff
Office of Representative Cathy Munoz
Alaska State Capitol, Room 409
Juneau, AK 99801-1182

Dear Terry:

Regarding the potential difference between a wood frame building and a steel or concrete structure, many of the building systems would be the same or similar cost assuming the design criteria is the same. The cost of carpeting, paint, doors, lighting, ceilings, electrical systems, heating/ventilation and cooling systems would be similar assuming the same standards are used. The major difference would be in the structure and the exterior wall assemblies. These represent approximately 35% of the building cost so a wood frame building may save 10-15% of the overall construction cost, but the building would need to have fewer floors and a larger site. In order to accommodate the 4 agencies that the State has identified for this building on this site, a wood frame building would not be allowed by the building codes. In order to construct a wood frame building to meet the space needs of the State the number of floors would need to be reduced, making the footprint larger and consequently requiring a larger site.

Sincerely,

Wayne K. Jensen

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Fax: 907.586.3959
jensenyorbalott.com

Jensen
Yorba
Lott
Inc

March 30, 2009

RE: Subport Office Building – Construction Cost

Architecture
Interiors
Landscape
Architecture

Mr. Terry Harvey, Chief of Staff
Office of Representative Cathy Munoz
Alaska State Capitol, Room 409
Juneau, AK 99801-1182

Dear Terry:

As part of the preliminary planning for the Subport building, we contracted with HMS, Inc. a professional cost estimating firm in Anchorage, to prepare a budget construction cost estimate based on the conceptual design and the state space standards. They estimated that the construction cost should be in the range of $250-$255 per square foot or approximately $37,000,000. Adding the development costs which includes design, permitting, inspection and financing brings the total project cost to approximately $45,000,000 or approximately $300 per square foot.

The construction cost estimate was compared to other recent office building projects in the Anchorage area. These costs ranged from slightly under $200 per square foot to over $400 per square foot before the development costs were added. We feel that the budget of around $250 per square foot represents a reasonable budget estimate for this building. Construction costs were escalating rapidly during the previous 5-10 years, but currently that trend has changed and costs are more stable and hopefully more predictable. It is always difficult to compare buildings on a dollars per square foot basis since very few buildings are identical and have the same level of finishes, site considerations or construction materials.

Sincerely,

Wayne K. Jensen
President

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Yorba
Lott
Inc

March 30, 2009

Architecture
Interiors
Landscape
Architecture

RE: Subport Office Building

Mr. Terry Harvey
Office of Representative Cathy Munoz
Alaska State Capitol
Juneau, AK 99801-1182

Dear Terry:

In response to your question regarding parking variances, there are two requirements we have for parking. One is in the State lease which says 1 space per 357 square feet of "useable" office area and the other is the CBJ parking standard in the Land Use ordinance which requires 1 space per 300 square feet of "gross" building area. The CBJ standard requires more parking than the State standard, so we plan to request a variance that puts the requirement more in alignment with the State standard. The final number of parking spaces that will be required is still being determined, but The Trust will have to meet both the State lease and the Land Use ordinance requirements. This obligation will hold for the life of the project, so when the old Subport Building site is developed, The Trust will still need to provide adequate parking for the office building.

As for the flat roof; no new buildings have dead flat roofs, they are required to slope to drain, so we refer to them as low-slope roofs. The advantage of a low-slope roof in an urban area is that water and snow are not dumped off the roof, which is dangerous and damaging, especially for a multi-story building. The water and melting snow is directed to internal roof drains and then into the storm sewer system so it does not present a problem in the areas surrounding the building. Low slope roofs are generally less expensive to construct and they enclose the building in the most efficient envelope so they are energy efficient. In the case of this building, a steep pitched-roof would increase the height of the building. If we were to design a roof with a 4:12 pitch, which is common for residential construction, the peak of the roof would be 25-30' above the eaves, the equivalent of at least 2 additional stories.

Sincerely,

Wayne K. Jensen, AIA
President

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Fax: 907.586.3959
jensenyorbalott.com

Jordan Creek Center
8800 Glacier Highway, Suite 231, Juneau, AK 99801
907 790-6655 • Toll free 866 573-7325 • Fax 907 790-6675
www.jre-realestate.com

J•R•E
juneau real estate

To: Terry Harvey, Chief of Staff
The Honorable Cathy Munoz

Fr: John Williams, Broker/ Owner

John Williams

Re: Analysis of Rent Costs, Proposed AMHT Building on Egan Drive

Terry: Per your request, I have taken a few hours to review the background analysis on the proposed SOA lease of the above described proposed facility. At this time it is clear that substantial additional detail is required before firm projections can be arrived at to generate any investment analysis with a high degree of certainty. Nonetheless, it is clear that the projections being utilized are premised on reasonable assumptions and that they project an "acceptable" to perhaps below average return on investment for the AMHT, subject of course to final design detail, final lease negotiations, etc.

Construction Cost: To begin, the analysis assumes a construction cost of this facility of between $315 - 320 per square foot (excluding land costs). At the time I was working on the Mayor's Capitol Planning Commission and we were investigating the underlying details of a new Capitol building for the State, we were assuming -- based on input from learned sources -- that the low end of the construction cost range would likely exceed $600/SF. Further, the University of Alaska Southeast assumes new construction numbers in the range of $300 - 500 per foot for office buildings appropriate for their use exclusive of land cost or any extraordinary costs associated with utility extensions, special site/foundation costs, etc. Hence, while the proposed facility is better than wood frame/wood siding, it is clearly not "posh," but durable for the intended uses.

Financing: The AMHT intends to perform the development on land they currently own by investing half of the development costs from funds in their endowment and borrow the rest via Certificates of Participation. For the land, they're premising the development on an annual return of 8% of the land value, which is a very typical yield in a long-term lease scenario. They're assuming their cost of funds for the 50% of the development costs to be borrowed will be 5.5%, which of course is subject to potentially notable adjustment between the time of the analysis and the time of issuance due to the uncertainty surrounding the capital markets at present. Finally, their assumptions are that funds withdrawn from their endowment will be invested and receive a return of 7.5%.

Operating Costs: There is intent to construct the facility to be energy efficient, including the use of heat pumps rather than fuel oil for maintaining ambient temperatures. Based on their extensive discussions with several people with expertise in these fields, they have developed some operating cost assumptions which seem if anything a bit aggressive in their implied ability to keep down operating costs. The project won't be burdened with local property tax and will be included in the State's insurance pool (all perils), which will help in terms of overheads. They are also exploring the potential savings of contracting with the State to provide maintenance services via the extant maintenance staff that services State facilities in

this geographic area. However, their projections also exclude a capital reserves component which generally is included in the annual costs to operate even though the real cost of items covered by this category, especially in the early life of the building, is diminimus.

Return to the Risk Taker: The State of Alaska would be considered a gold-plated tenant by most standards. All State leases are of course subject to the constitutional appropriations clause, the risk of which is clearly small but nonetheless there. Also, the income assumptions for the building utilize the proposed state gross lease rate for all spaces, including the 9 - 10,000 SF of commercial space on the ground floor for which the lease certainty or credit risk certainty is entirely different than the remainder of the space. Given the assumption that the entire useable facility is leased without vacancy throughout the 30-year financing horizon at the lease rate paid by SOA, the return to developer is not in any way excessive. In fact, it's safe to say that for this project to realize a fair return to the owner will be in great part dependent on sound and insightful management which minimizes operating costs and vacancies.

Compare to Privately Developed Alternative: The ultimate question for this development seems to come down to how does this facility differ from a similar facility built by the private sector in re: costs to the SOA lessee. Clearly, a major driving force for the AMHT is that they already own the land to be utilized for this development and can put it to use and hopefully generate a return on that asset equal to 8% of its initial value (which is not adjusted with time as the value changes). Since the land in question arguably varies in value between $40/ft for the construction site and $75/ft for the waterfront parcel which will be utilized for parking, While a private investor would likely seek the same 8% return on the land component of their offering, one could argue that less valued land could be found, although I'm at a loss to suggest a site in the down town core that would meet the needs required to construct this facility. For purposes of an apples to apples cost comparison, assume that a private developer could find 145,000 SF of land in the down town core valued at $40/ft rather than the $40 - 75/ft values associated with the two portions proposed for subject development. The reduction in return on investment could be in the range of $0.15 - 0.17/SF/month or approximately 4.2 - 4.8% of the projected cost. Clearly if the site were moved further away from the Capital core land values would further decline. I don't see any other factors that would materially change the cost components for a private developer, as I believe Davis Bacon laws would apply in either scenario.

I hope you find this information of some help. Please don't hesitate to contact me if I may be of further assistance.

JUNEAU CHAMBER OF COMMERCE

3100 Channel Drive, Suite 300 • Juneau AK 99801• (907) 463-3488 • Fax (907) 463-3489
E-mail: iuneauchamber@gci.net • icc@alaska.com • Web site: http://www.iuneauchamber.com

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Chuck Collins, Pres. Elect
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Alaska USA FCU
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BP Alaska
CBJ (Manager's Office)
Capital Office Supply
Coeur Alaska, Inc.
Coogan Construction
Copy Express
Elgee Rehfeld & Mertz
Exxon Mobil
Greens Creek Mining
Goldbelt, Inc.
Sign Pro
Taku Oil
True North FCU
UAS
Wells Fargo Bank of Alaska
Western Auto Marine

Representative Cathy Munoz
Alaska State Capitol Building
Room 409
Juneau, Alaska 99801

Re: Mental Health Land Trust

Dear Rep. Munoz,

The Juneau Chamber has been presented with the plans to build a new state office building on Mental Health Trust Land located in Juneau on a currently vacant lot downtown.

Listed below are a few reasons why this will be a positive investment in Juneau's future;

- The development of this lot will provide a beautiful gateway to downtown Juneau
- It will provide quality office space to approximately 525 state employees
- $35 mil in construction, an additional $10 mil in development costs, much of which will be spent in the Juneau business community
- Long term investment in Juneau: 20 year initial lease with two 10 year options
- It will greatly improve safety for pedestrian access along Egan Dr linking the Sea Walk from downtown to Gold Creek and to the State Museum

This is an opportunity that is a result of the lease on the Labor Building expiring in 2012, The Trust having land available that is contiguous to the Capitol Complex, The Trust having the ability to finance the development and the State facing spending significant money to address problems with the Public Safety and the Douglas Island Buildings. This new building will have space for Dept. of Labor, the regional office of Fish & Game, Correction and Public Safety and a small portion could be occupied by Admin.

It is our understanding that The Trust will finance approximately ½ of the project with cash that is currently held by the AK Permanent Fund and use Certificates of Participation for the other ½. Both of these need to be approved by the Legislature. If the bills are not approved this session the State will need to go out for an RFP for space for the DOL this summer to allow time for a project to be constructed in time to be occupied when the current lease expires. It is critical for the legislation to pass during this session to avoid unnecessary delays and to avoid renovating expenses on the existing locations that have not yet been budgeted.

We encourage the passage of this legislation in favor of moving forward with the development of this much needed project on Mental Health Trust Land downtown Juneau.

Respectfully,

Cathie Roemmich, CEO

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

The Order in which Sen. Olson's office wants this to be heard.

Testimony List for SB 157 AMHTA Subport Building

In audience may call in

~~Kevin Brooks, Deputy Commissioner, Dept of Administration, 465-5671 - OR -~~

✓ Vern Jones, Chief Procurement Officer, Dept of Administration, 465-5684 In person

Jeff Jessee, Chief Executive Officer, AMHTA, 269-7963 on phone

Wayne Jensen, Architect, Jensen-Yorba-Lott in person

Harry Noah, Executive Director, Ak Mental Health Lands Trust Office, 269-8656 in person

Deven Mitchell, State Investment Manager, Dept of Revenue, 465-3409 in person

Jeff Bush, Deputy Mayor, CBJ in person

Contact: Denise Liccioli, Staff to Senator Olson, 465-3880

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

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Testimony List for SB 157 AMHTA Subport Building

Devon Mitchell, State Investment Manager, Dept of Revenue, 465-3409

Jeff Jessee, Chief Executive Officer, AMHTA, 269-7963

Harry Noah, Executive Director, Ak Mental Health Lands Trust Office, 269-8656

Kevin Brooks, Deputy Commissioner, Dept of Administration, 465-5671 - **OR** -
Vern Jones, Chief Procurement Officer, Dept of Administration, 465-5684

Contact: Denise Liccioli, Staff to Senator Olson, 465-3880

Deborah Prator

From: Denise Liccioli
Sent: Thursday, March 26, 2009 5:21 PM
To: Deborah Prator
Subject: testimony

Hi Debbye,
Jeff Jesse confirmed that he intends to be here for the hearing, volcano permitting. We will also have a few people in the audience in case there are questions, but don't intend to have them testify otherwise. For example, the Deputy Mayor of Juneau, and the architect for the project. There may be a couple others, but again, we just want them available in case one of the members has a question that is better answered by one of them; we don't intend to request them to testify per se. Thanks again.

~Denise
Staff to Senator Olson
907-465-3880

Testimony list for Olson SB157

Deborah Prator

From: Denise Liccioli
Sent: Thursday, March 26, 2009 3:58 PM
To: Deborah Prator
Subject: RE: Testimony List for SB 157 AMHTA Subport Building/State Affairs Hearing

I believe that Harry Noah will teleconference and now that we have a date, I will check with Jeff Jesse. The others are from Juneau. If you don't hear from me, it will just be Harry Noah on teleconference.

~Denise
Staff to Senator Olson
907-465-3880

From: Deborah Prator
Sent: Thursday, March 26, 2009 3:36 PM
To: Denise Liccioli
Subject: Testimony List for SB 157 AMHTA Subport Building/State Affairs Hearing

Denise:

Regarding the testimony list you included with my packet, are all of the testifiers planning on being at the committee hearing or will some be testifying via phone?

Debbye

Legislative Aide
Office of Senator Linda Menard
Phone: 907-465-4957
deborah_prator_@legis.state.ak.us

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/18/09

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/2/09

State Affairs Committee considered SENATE BILL NO. 157

SB 157 CERTIFICATES OF PARTICIPATION FOR SUBPORT

"An Act directing the Alaska Permanent Fund Corporation to transfer $22,700,000 from the principal of the mental health trust fund to the Alaska Mental Health Trust Authority; relating to the development of revenue-producing facilities on mental health trust land and to the Alaska Mental Health Trust Authority Subport Office Building; authorizing the issuance of certificates of participation for construction of the building; approving leases of all or part of the building by the Department of Administration; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Admin	4/1/09	✓			1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
Kim Meyer	Meyer	X			
Joe Paskvan	Paskvan	X			
Albert Kookesh	Kookesh	X			
CHAIR: Linda Menard	MENARD	X			

SB 158

SENATOR FRED DYSON

MEMORANDUM

March 20, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Fred Dyson

Subject: Request Hearing on SB 158, Return of Stolen Property

---

Please schedule Senate Bill 158 for hearing in the Senate State Affairs Committee.

I have been made aware of Alaska businessmen and women who have had expensive items stolen from their businesses, have had the police recover the property, but then retained by the police for extended periods of time as evidence. The business people, in order to meet their obligations to customers, are forced to buy replacement materials and items, often at premium prices because the items are being bought in smaller quantities or are being bought urgently in order to meet delivery dates promised to customers. This bill will allow property to be returned to owners much more quickly.

I ask that you schedule a hearing at your earliest convenience, and pass this bill along to the next committee of referral.

Contact Information:
Lucky Shultz (465-6580)

During Session (January-May): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 FAX
During Interim (June-December): 10928 Eagle River Road • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 FAX
Senator.Fred.Dyson@Legis.state.ak.us • www.akrepublicans.org



Senator Fred Dyson
SPONSOR STATEMENT

SB 158: Return of property used as evidence to the owner

All too often victims of robbery are victimized a second time by bureaucracy. Victims of crime involving property of little value are certainly inconvenienced. However, victims of theft of property of considerable value face the added burden of having to purchase replacements for the stolen property. Small business owners who have their inventory stolen may even lose potential sales or bankruptcy if the loss of property results in the inability to consummate the sale or the inventory is uninsured or underinsured. But perhaps the most frustrating of all is when property is recovered by law enforcement agencies, only to be held as evidence and not returned to the victim for weeks, months, or years.

Victims generally understand the necessity of holding stolen items for a period of time to ensure successful prosecution of a case. However, when property is held for an extended period of time, even though it is no longer necessary to physically retain the item, it is no longer acceptable to not return the property to the rightful owner. When it is no longer necessary to retain the property to prosecute a case, law enforcement agencies must return the property to the rightful owner as soon as reasonably possible without jeopardizing their case.

Alaska Statute 12.36.020(c) directs that property in the possession of law enforcement personnel and used as evidence in a criminal proceeding or a children's court proceeding is to be returned to the owner within 60 days after the final disposition of the case. Unfortunately, final disposition of the case may, to the owner, be protracted for a seemingly unending period of time. It is not always necessary for law enforcement personnel to physically retain the property for evidence. In such cases the property should be returned to the owner when it is no longer needed as evidence by law enforcement, rather than being held until final disposition of the case.

Passage of SB 158 will provide for return of property to the owner when the property is no longer needed as evidence or within 60 days of disposition of the case, whichever first occurs.

Updated March 20, 2009

Contact: Lucky Shultz at Senator Fred Dyson's office
State Capitol, Room 121, Juneau, Alaska 99811907-465-2199

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB 158
Bill Version:
() Publish Date:

Identifier (file name): SB158-Law-Crim-03-28-09
Dept. Affected: Law
Title: An Act relating to the return of property used as evidence to the the owner.
RDU Criminal
Component Criminal Justice Litigation
Sponsor Senator Dyson
Requester State Affairs
Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

SB 158 provides that a law enforcement agent may return stolen property to the owner of the property when the agency determines that the property is no longer required to be retained as evidence. It is believed that passage of this bill would have no fiscal impact to the department.

Prepared by: Dave A. Blaisdell, Director — Phone 465-3673
Division: Administrative Services Division — Date/Time 3/28/09 12:00 AM
Approved by: Richard Svobodny, Acting Attorney General — Date 3/28/2009
Department of Law

(Revised 9/10/2008 OMB)

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/20/09

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/31/09

State Affairs Committee considered SENATE BILL NO. 158

SB 158 RETURN OF PROPERTY

"An Act relating to the return of property used as evidence to the owner."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [ ] **CS** SB158 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[✓] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Law	3/28/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French				X
Ky Meyer	Meyer	X			
Joe Paskvan	PASKVAN				X
CHAIR: Lyndon Menard	MENARD	X			

SB 171

Try to hear April 7th or 9th *

Alaska State Legislature

Interim:
716 West 4th Ave.
Anchorage, Alaska 99501
(907) 269-0199

Session:
State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945

Senator Kevin Meyer
Senate District O

TO: Senator Linda Menard
FROM: Senator Kevin Meyer K. Meyer :)
DATE: March 27, 2009
RE: Request for Bill Hearing SB 171 SHORT TITLE: Permanent Fund Dividend for Deceased "

This memo serves as a request for a committee hearing for SB 171, "An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date."

The following documents will be sent electronically:

- Sponsor statement
- SB 171 version 26-LS0804\A
- Sectional
- Support Letters
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

This bill would allow a deceased Alaskan, who would otherwise have been eligible, obtain a PFD through their estate.

Please contact Christine if you have any questions please regarding this legislation.

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501-2133
Phone: (907) 269-0199
Fax (907) 269-0197
Senator_Kevin_Meyer@legis.state.ak.us

Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4945
Fax: (907) 465-3476
Toll Free: (866) 465-4945

SENATOR KEVIN MEYER
SENATE DISTRICT O

SPONSOR STATEMENT FOR SENATE BILL 171

"An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date."

SB 171 grants eligible Alaskans their last Permanent Fund Dividend (PFD).

This legislation would provide for the issuance of a PFD check to a personal representative of an estate or successor claiming the personal property of the deceased should an individual die during the qualifying year.

Currently, if an Alaskan dies during the PFD application process, a family member or their estate may apply on behalf of the deceased. However, if a lifetime Alaskan, who is eligible for a PFD, dies during the qualifying year, their family is ineligible to apply for their PFD.

Children born in Alaska on the last possible day of the eligibility year can receive a PFD. Alaskan students who spend the majority of their time outside the state attending college can receive a PFD. Alaskan residents who spend up to 180 days outside of the state can receive a PFD. But if an Alaskan dies during the qualifying year, their family can not apply for their loved one's PFD. Passage of this bill will close this loophole and allow Alaskans, who are eligible, to receive their final PFD.

This is a common sense bill that would help grieving families deal with the costs associated with losing a family member.

26-LS0804\A

April 3, 2009

26-LS0804\R
Cook
4/6/09

CS FOR SENATE BILL NO. 171( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

"An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date."

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

*** Section 1.** AS 43.23.005(h) is amended to read:

(h) If an individual who would otherwise have been eligible for a permanent fund dividend dies after applying for the dividend but before the dividend is paid, the department shall pay the dividend to a personal representative of the estate or to a successor claiming personal property under AS 13.16.680. If an individual who would otherwise have been eligible for a dividend and who did not apply for the dividend dies during the application period, a personal representative of the estate or a successor claiming personal property under AS 13.16.680 may apply for and receive the dividend. **If an individual who would otherwise have been eligible for a dividend dies during the qualifying year, notwithstanding (a)(1) - (3) of this section, a personal representative of the estate or a successor claiming personal**

New Text Underlined [DELETED TEXT BRACKETED]

L
441

property under AS 13.16.680 may apply for and receive the dividend. Notwithstanding AS 43.23.011, **an** [THE] application for **a** [THE] dividend may be filed by the personal representative or the successor **under this subsection** at any time before the end of the application period for the next dividend year.

*** Sec. 2.** This Act takes effect January 1, 2010.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: (1)
Bill Version: SB 171
() Publish Date: 4/7/09

Identifier (file name): SB171-DOR-TAX-04-03-09
Title: PFD Dividends to Deceased Individuals
Sponsor: Senator Meyer
Requester: Senate State Affairs

Dept. Affected: 4
RDU: Taxation and Treasury
Component: Permanent Fund Dividend Division
Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	114.4		114.4	114.4	114.4	114.4	114.4
Travel							
Contractual	27.0		27.0	27.0	27.0	27.0	27.0
Supplies	2.5		2.5	2.5	2.5	2.5	2.5
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**143.9**	**0.0**	**143.9**	**143.9**	**143.9**	**143.9**	**143.9**
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 Interagency Receipts	143.9		143.9	143.9	143.9	143.9	143.9
TOTAL	**143.9**	**0.0**	**143.9**	**143.9**	**143.9**	**143.9**	**143.9**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time	2.0		2	2	2	2	2
Part-time							
Temporary							

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

Historically, approx. 3,500 people die in Alaska each year. This does not take into consideration Alaskans who die outside of Alaska that may also result in an application. Application on behalf of a deceased person will create an automatic eligibility case that must be assigned to a technician and worked. It is expected that some of the applicants will apply for the first time as deceased individuals, complicating the issue. The average time a technician can expect to put into an deceased individual's eligibility case is estimated at one hour. This includes public response time in answering the many questions the executors of the estates will have regarding the deceased individuals eligibility as well as time spent reviewing documents, requesting information and writing letters. 3,500 man hours translates to 100 weeks or two full time positions.

Prepared by: Deborah M. Bitney
Division: Permanent Fund Dividend
Phone: 465-4785
Date/Time: 4/2/09 5:44 PM

Approved by: Ginger Blaisdell, Director
Administrative Services Division
Date: 4/3/2009

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB 171

ANALYSIS CONTINUATION

It is expected that 100 of those applications will result in denial/appeal which translates to one full month of Appeals technician time, adding to the backlog that currently exists. OAH typically spends 15-20 hours at $135 hour per case. This is estimated to increase our costs of Formal hearings by as much as $27,000 annually. Supply cost is based solely on increased 1099 mailing.

3,500 additional complicated cases annually is not something the division can absorb without increased staffing. At current staffing levels, regular eligiblity casework is not complete for a given year until well into the 4th month of the following year. Applicants who appeal at the informal level can expect resolution of their case to take approximately 8 months.

[redacted]

From: [redacted]
Sent: Wednesday, March 25, 2009 8:04 AM
To: [redacted]
Subject: FW: Permanent Fund - Alan Kajikawa

[redacted]

-----Original Message-----
From: [redacted]
Sent: Wednesday, March 25, 2009 7:24 AM
To: Sen. Kevin Meyer
Subject: Permanent Fund - Alan Kajikawa

Good Morning Kevin,

This is Alan Kajikawa. I talked to you about the status of the permanent fund issue for deceased family members for 2008. You may know that I lost my wife Carol in December after 45 years together with 31 of those in Alaska. I found out like many others through the article in the newspaper that she wouldn't qualify for the permanent fund dividend for 2008 even though she was present in the state all year.
It seems a shame that any Alaskan who was here even through December 31 at 11:59pm of any year would be denied a benefit that was earned by their presence actually in the state vs. many who are not really here. Please let me know if you and your colleagues can correct this situation to benefit those who don't need another situation in their lives to compound the grief that we all will be facing for a long time to come.

On another note, the UAA women came from 12 points behind to win their first game and will play at 3pm Alaska time for their second game. It was a great effort on their part and a heart stopping one for all Alaska fans present at the game.

thank you for your consideration,
e malama pono,

Alan & Hanna Malia Kajikawa
[redacted]

Mary K. (Katy) Neher
1230 West 79th Ave. ~ Anchorage, AK 99518
Work Phone 265-6207 ~ Email K.Neher@conocophillips.com
Home Phone 344-3382 ~ Email mkneher@chugach.net

March 27, 2009

The Honorable Kevin Meyer
Alaska State Legislature
The State Senate
Alaska State Capitol
Juneau, AK 99801-1182

Dear Senator Meyer,

Thank you for taking the time to meet with me when I was in Juneau with the ConocoPhillips Alaska CAP program.

As we discussed, I am very anxious to have the Permanent Fund Dividend eligibility for deceased Alaskans changed. Currently statue AS43.23.005 (h) states: ..."If an individual who would otherwise have been eligible for a dividend and who did not apply for the dividend *dies during the application period*, a personal representative of the estate or a successor claiming personal property under AS 13.16.680 may apply for and receive the dividend."...

I would like to see the simple words "*dies during the application period*" changed to "*dies during the dividend year*". I think this simple change would effect what is fair. Alaskans deserve to receive their final PFD. Although this change won't affect my daughter Melissa's last PFD or other Alaskans that have been denied their final PFD it will affect those in the future.

Accomplishing this change to the PFD eligibility is very important to me. It's the last task I have to do in memory of my daughter, Melissa. Please let me know if you need me to do anything to help with this change.

Once again, thank you for your help.

Thank you,

Mary K. (Katy) Neher

MKN:kn

JUNEAUEMPIRE.COM

State tells families deceased Alaskans not eligible for PFD

Rule requires residents to live in Alaska for entire year to qualify

Monday, February 09, 2009
By Mike Nesper | **Peninsula Clarion**

When Kasilof resident Carole Okamoto contacted the Alaska Permanent Fund dividend division with questions concerning the PFD application process on behalf of her late husband, she was asked a series of questions one would expect:

Did the applicant receive the 2008 dividend? Yes.

During 2008 was the applicant gone from Alaska more than 90 days total? No.

Did the applicant die during the period beginning January 1, 2009, and ending at midnight March 31, 2009?

Huh?

Why does this matter? Okamoto wondered.

What she discovered was that because her husband, Bob, died Nov. 8, 2008, he was not eligible to apply for a 2009 PFD check, which is paid to Alaska residents for the 2008 calendar year. But how could this be?

Okamoto's husband was a long-time Alaska resident, he was in state the necessary 180 days and wasn't a convicted felon. He should be entitled to his check, his wife thought.

"It negated his whole life that year," Okamoto said. "It just doesn't make sense. He deserves it."

Okamoto contacted Rep. Mike Chenault's office, looking for assistance and an explanation of the law. Chenault's office put Okamoto in contact with Deborah Bitney, the director of the permanent fund dividend division.

Chenault's office e-mailed Bitney explaining Okamoto's situation and asked if her husband qualified to receive a 2009 PFD check. Bitney responded with one line: "A person who dies during 2008 does not qualify for a 2009 dividend."

In an interview Friday, Bitney said in order to apply for the PFD Bob would have had to have been alive at some point during 2009. She said a person has to be a resident of Alaska the entire year of 2008 to qualify.

"The rule is you have to be a resident of the state the entire qualifying year," she said.

Bitney said if a person dies during the application process then a family member can apply for them on their behalf, but if a person dies during the qualifying year, 2008 in this case, they are not eligible to apply.

Bitney said the PFD division doesn't have the authority to change the laws surrounding the application process and that any changes would have to come from the Legislature.

Okamoto has attempted to call Chenault and Sen. Tom Wagoner but has not received any return calls. With the Legislature now in session, Okamoto wants to see this law changed.

"This is the time to address it," she said. "This is the time to correct it."

"We need to change the rules, this is not right," said Rose Renner, of Kasilof.

Renner's father died Nov. 14, 2008, and like Okamoto, the PFD office told Renner her father did not qualify to apply for the 2009 dividend.

Renner said if someone can live in Alaska for half of the year and Outside for the other six months and still receive a check, then her father, who lived in the state more than 10 months of 2008, should be eligible to receive the PFD.

"I am still going to file his PFD," Renner said. "There are a lot of people facing this same issue. I do not think that these laws are acceptable."

Click here to return to story:
http://www.juneauempire.com/stories/020909/sta_386176653.shtml

My name is Lena Mason. I would like to thank you for giving me the opportunity to testify at this important hearing. I would like to thank Representative Harry Crawford for introducing bill # HB205 and Senator Kevin Meyer for introducing Bill #SB171. Special thanks to their staff for their support and research they rendered me in this important situation. It is very much appreciated.

My husband Robert and I have been residence of Alaska since 1969. Unfortunately he passed away suddenly on Nov 18, 2008. We have both received permanent fund checks since its inception.

I contacted the permanent fund office to inquire what the procedure was to file for my spouses dividend for 2008. We were advised he was not eligible. If he had passed away in Jan, Feb., or March of 2009 he would have been eligible for the 2008 permanent fund. They also advised that they had to implement a deadline for deceased residents and to be eligible they would have had have been to be a resident for one full year prior to death. I do know that prior to this new ruling deceased resident's received a check for the year they passed away.

If a child is born on Dec 31st they are eligible for a permanent fund check for the year they were born. Residents are allowed to be out of state for 180 days and still be eligible for the permanent fund. This new ruling for deceased residents does not make any sense.

My husband contributed to the state economy and was never out of state for for the maximum amount of time required to qualify to receive the fund.

How is it that the Permanent Fund Office is authorized to make changes for the distribution of the funds? It should be up to the legislature to make rulings regarding how State money is spent and distributed.

My situation is not unique judging by the letters I have read in the Anchorage Daily News.

I did submit an estate form to the PFD office with a copy of a death certificate. The estate form states it must be submitted by Mar 31st 2010., Whether they will honor our request remains to be seen.

I would like to request that you review this ruling and take it under advisement to rectify the guidelines for distribution of funds.

Please accept my most sincere Thanks for your consideration in this matter.
Sincerely,
Lena Mason
2926 Campbell Airstrip Rd.
Anchorage, Ak 99504
907-333-4166

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/27/09

FURTHER: Finance

Date of 5-Day Notice: 4/2/09
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/7/09

State Affairs Committee considered SENATE BILL NO. 171

SB 171 PERMANENT FUND DIVIDEND FOR DECEASED

"An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 171 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** CS Forthcoming

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
REV	4/3	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			✓	
	Meyer	✓			
	Kookesh	✓			
	Parnell	✓			
CHAIR:	MENARD	✓			

SB 184

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/7/09

FURTHER: Finance

Date of 5-Day Notice: 1/21/10
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 1/28/10

State Affairs Committee considered SENATE BILL NO. 184

SB 184 INTERNET ACCESS TO LEG COMMITTEE MTGS

"An Act relating to public access to legislative committee meetings during regular legislative sessions by Internet broadcast."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Legislature	01/27/10	X			1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	X			
	PASKVAN	X			
	KOOKESH	X			
CHAIR:	MENARD	✓			

Alaska State Legislature

Senator Hollis French

SB 184 – INTERNET ACCESS TO LEGISLATIVE COMMITTEE MEETINGS

Sponsor Statement

Senate Bill 184 is meant to bring the workings of the legislature to every computer in Alaska. The legislation would place a webcam in every room where committee meetings are held in the State Capitol. This would ensure that Alaskans can see their legislature in action, live via internet, whenever a scheduled meeting takes place.

These webcams will add to currently available media resources in the capitol. Gavel to Gavel - partly funded by the city of Juneau – provides excellent video coverage of select committee meetings, but the service doesn't have the capacity to cover all proceedings. The current draft of the bill won't replace or duplicate the valuable service provided by Gavel to Gavel, which can be viewed on cable TV networks across the state. Instead, it will ensure that all meetings have video coverage, while also providing a broadcast to anyone with internet access.

Washington, Florida and Texas have recently implemented similar web based initiatives. We know the technology is available. Senate Bill 184 would put this technology to work for Alaskans who want to follow their state government in action.

KTOO
PUBLIC BROADCASTING
FROM ALASKA'S CAPITAL

January 27, 2010

Senator Linda Menard
Senate State Affairs Committee
Alaska State Capitol
Juneau, Alaska 99801

Dear Senator Menard:

I am writing regarding SB 184, Internet Access to Legislative Committee Hearings. We understand that the bill would provide for the installation of webcams and live video streams from committee rooms.

As the producer of Gavel to Gavel Alaska, we support steps to improve electronic access to state government. One of our long term goals is to install broadcast quality television cameras throughout the capitol, to enable us to provide video on demand of all official Legislative proceedings. SB 184 would provide a good demonstration of such a service, and we stand ready to work with Legislative staff on the project, to provide a seamless, easy to use service for Alaska citizens.

Please don't hesitate to contact me if I can provide more information.

Sincerely,

Bill Legere

Bill Legere
President and General Manager

360 Egan Drive Juneau, Alaska 99801-1748 Phone: 907-586-1670 FAX: 907-586-3612

LIVE EVENT WEBCASTS

EVENTS FOR January 26, 2010

View additional programming information for:

CURRENTLY LIVE

8:00:00 AM	**House General Government Appropriations Committee** Public: HB 1096, HB 1436, HB 2460, HB 2863, HB 2880, HB 2902	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)
8:00:00 AM	**House Education Appropriations Committee** Public: HB 2759, HB 2893, HB 2776, HB 2840, HB 2746 Work Session: Review of the Quality Education Council Report and Recommendations.	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)
8:00:00 AM	**House Health & Human Services Appropriations Cmte.** Work Session: Effects of budget reductions and proposed reductions on the mental health system and alcohol and substance abuse programs in the 2009-11 biennium.	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)
9:00:00 AM	**Washington State Supreme Court** Lea Hudson v. Clifford & Jane Doe Hapner (Parties involved in auto accident underwent arbitration which resulted in an award for plaintiff - defendant requested a trial de novo, which occurred but was reversed on appeal, and now seeks to withdraw request)	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)

UP NEXT

10:00 AM	**Washington State Supreme Court** Oral arguments: State v. Abdinasir A. Osman (When is a missing portion of an electronic record of a court proceeding "significant or material" under RALJ 5.4?)
10:00 AM	**House Ecology and Parks Committee** Public: HB 2839, HB 3105 Executive: Bills previously heard in committee. Work Session: Federal update on greenhouse gas legislation from Senator Cantwell's office.
10:00 AM	**House Higher Education Committee** Public: HB 2930, HB 1949, HB 2973, HB 2979 Executive: Bills previously heard in committee.
10:00 AM	**House Education Committee** Public: HB 2915, HB 2852, HB 2904, HB 2913, HB 3025, HB 2996 Executive: SHB 1418, HB 2621, HB 2801
10:00 AM	**House Public Safety & Emergency Preparedness Cmte.** Public: HB 1072, HB 2619, HB 2777, HB 2787, HB 3056 Executive: HB 2787, HB 3056
10:00 AM	**Senate Environment, Water and Energy Committee** Public: SGA 9221, SGA 9229, SB 6656, SB 6672
10:00 AM	**Senate Financial Institutions, Housing & Insurance** Public: SB 6240, SB 6412, SB 6568, SB 6544, SB 6327, SB 6624, SB 6715

WHAT'S ON TODAY 01/26

TV Schedule

Presented By comcast

07:45 AM Legislative Week in Review

08:00 AM *LIVE* House Financial Institutions & Insurance Committee

09:00 AM Governor Gregoire Media Availability

09:30 AM Engaged - Students Becoming Citizens

10:00 AM *LIVE* Senate Judiciary Committee

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Oregon State Legislature

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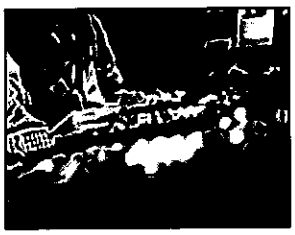
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Capitol Chambers:
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NATIONAL CONFERENCE
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The Forum for America's Ideas

7700 EAST FIRST PLACE DENVER, COLORADO 80230
303-364-7700 FAX: 303-364-7800

January 2010

The following request for information was posted to the electronic discussion group of the American Society of Legislative Clerks & Secretaries on January 20, 2010:

1. If your chamber has audio streaming, do you record and archive all sessions that are broadcast?

2. If you audio stream, do you turn it off when there is a "huddle" at the rostrum to sort out some parliamentary or other situation?

3. If you audio stream committees, do you follow the same procedures you do in your chamber?

4. Are you aware of any situation wherein a member's remarks were externally recorded, edited, and then used against the member?

New Hampshire House

1) Yes
2) No
3) N/A
4) Sure it's happened, but no different from sound bites in a media report. When needed, we advise folks to listen to remarks in entirety.

Kentucky

1. Yes, by KET
2. No
3. Yes
4. No

Vermont House

In the Vermont House we do stream through public radio and we do not record any of those broadcasts. At the rostrum we have a switch that will mute the microphone at the rostrum and another switch that will mute the members' mics and we do turn those off when we have a parliamentary situation at the rostrum. We record committee proceedings but do not stream those. I am unaware of remarks being used against a member.

Iowa House:

1. We stream the session, but do not record or archive it. I believe, however, that the caucuses record the debate.
2. No, although the audio only picks up live microphones, so there would be no live mikes on during a huddle at the rostrum.
3. We do not regularly stream committees.
4. Yes. Anyone with Internet access could record debate. I am aware that debate recordings have been used in campaigns.

Oklahoma Senate:

1 – We stream live audio and video over the Internet. We archive audio of sessions.
2 – We do not turn off streaming during session. However, the audio is only available when a microphone is live, and "huddles" typically do not occur in front of a live mic.
3 – We stream live audio and video from two of our committee rooms, but this is not recorded or archived.
4 – Yes. There have been instances where audio has been used in campaign ads.

Florida House

In Florida, we use video streaming, live broadcast on both internet and public television through a contract we have with a provider called the Florida Channel. We've had an open government law since our 1838 Constitution that required *the doors of the chamber to be left open* for public view during Session. There have been situations where less than flattering images / audio and video streams have been posted on things like You Tube. In the case of the use of the Florida Channel video stream, there is a specific provision in the contract that makes it a violation for the video to be used for political purposes since state funds were used in the production of the content. There is a 'bug' placed on the video (a graphic) identifying the origin that makes the video hard to mask. In the cases where the video appears online in any format, the contractor (the Florida Channel) is obligated to contact the poster to order the contents removal.

Audio is generally not able to pick up member huddles at the rostrum when the mics are shut off. The Speaker has direct control of his mic. All other member mics are off unless the member is recognized to speak.

Louisiana House

Louisiana House live streams and archives a video/audio stream of every committee meeting in the Capitol & all floor proceedings.

Our microphones are directional, so huddles are not picked up. The Speaker or committee chair has the option of shutting down the live feed at any time.

Vermont Senate

Vermont Senate has audio-recorded its chamber sessions for 10 or so years, and they are able to be duplicated for the general public at a modest fee. The system is activated at the Secretary's desk.

For the last 4 or 5 years, Vermont Public Radio has "live-streamed" our chamber sessions by audio means by piggy-backing on to our recording system (assuming we remember to press the recording button). I understand that VPR does not archive these broadcasts.

Microphones (for purposes of recording and live-streaming only) are placed at various senators' desks, the Secretary's desk, and the presiding officer's podium. The Secretary's and the presiding officer's microphones can be muted, but not the others. Occasionally, "huddled" conversations among and between senators at their desks are picked up by the audio transmission system if they occur during the chamber session. If we have a brief recess to consider a parliamentary question or for some other reason, we turn off the recording system and, thus, there would be no live-streaming of those conversations over the radio. Also, as indicated, the presiding officer can prevent the airing of a brief conversation at the presiding officer's podium during a chamber session by holding down the "mute" button.

Committee meetings are usually recorded by legislative council staff, although some committee chairs prohibit such recordings. They are not live-streamed as of yet.

I have not heard any report of situations wherein a member's conversation has been recorded and then used against the member.

Massachusetts Senate

1. We do record and archive all "formal" sessions
2. In the Senate, the microphones are controlled by the Court Officers and when any brief recesses occur around the rostrum, the microphones are muted. In the House the I'm told that the Presiding Officer controls the microphone, additionally, there is a Court Officer nearby who also has the ability to mute the House Rostrum microphones.
3. As for committee hearings, at this point only selected hearings are streamed and if so are archived.
4. We have not had any incidents at this point, but obviously it is within the realm of possibilities.

Pennsylvania Senate

1. Yes, we audio/video stream much like CSPAN. It is controlled by Senate employees. We do record but we only archive for 6 months. We like the argument that the finally approved daily Journals are our official records and we would not want anyone trying to subpoena any recordings to try to go behind the Journal in litigation.
2. The audio is controlled at the rostrum and during a huddle, the mics are turned off. If the huddle lasts longer than a very short time, folks will hear/see a pic of a nice mural and hear some baroque chamber music until we reconvene.
3. Committees are rarely streamed. Only when a big issue is up for consideration. That is determined on an ad hoc basis.
4. In all these years, I am unaware of anyone taking any audio or video and using it against anyone or in a campaign. For what it may be worth, we also "prohibit" anything from being used for campaign purposes and we put a "bug" on the video too.

I guess I could add that there is a "library" of these Senate sessions and committee meetings at the Pennsylvania Cable Network, a private nonprofit corporation which takes our feed and televises it

statewide on cable television. Although not an "official" recording which I could certify for court, it could be obtained to rebut some political maneuver I would guess. Luckily, we have not faced such a problem in the many years we have been doing this. We did have quite a discussion though on whether or not to archive.

Pennsylvania is also one of the very few states to produce a verbatim Journal rather than some type a summary of floor proceedings type of Journal. Our court reporter is meticulous about every word being reflected in the Journal.

Virginia House

1. We do audio stream as well as televise and internet stream and we do record and archive until the Journal is published.

2. When there is a "huddle" at the Lt. Governor's desk we have the ability to turn off the mike as well as the stream from the chamber.

3. We do not audio stream committees.

4. Not aware of any but possible.

Delaware House

1) The House is in the third year of audio streaming our session. We record on DVD and archive all recordings.
2) A "huddle" on the podium would most likely not be picked up by the mics.
3) We do not have capability to audio stream committee meetings.
4) I am not aware of any recording being used against a Member but these days anything can happen. J

North Carolina House

The NC House does record and archive. The microphones are turned on and off by the members themselves. The Speaker or Clerk has the option to "kill" all microphones if necessary. Certain committee rooms and the press room have audio streaming, but they are not archived and posted on the web in the same manner as a daily session. The committees are recorded and CDs made available upon request. I am not aware of any situations that you mention, but it certainly would easy to do.

Maine House

The Maine House does audio/video streaming and archives the audio only in the Maine State Archives. In addition the Maine Legislature has produced a verbatim record since 1897.

We do have the capability to turn off the audio for podium discussions.

Committee public hearings and work sessions are audio streamed but not archived.

I don't know of any situation where an audio file has been edited by another, however, members' remarks do sometimes get used against them.

Wisconsin Senate:

1. We have licensed a 3rd party to video stream session and committees. That 3rd party archives all sessions and makes the archive available via their website. The content is subject to their copyrights and generally is not to be used without their consent.
2. The audio stream is switched to "background" audio during huddles, such that no single voice can be made out.
3. Same process regarding committees, although the background audio can be problematic in smaller hearing rooms.
4. Yes. We had a person make an unauthorized recording of footage from the archive, chop it up into a home-made campaign advertisement portraying the Senator in a poor light, and post it on YouTube. It was not a positive development from the standpoint of the Senate. To make matters worse, the copyright holder decided it was not prudent to attempt to enforce their copyrights, due to possible "fair use" arguments. Although this has happened just this once over the 5 years or so we have had streaming, the lesson we took away was, if you go down to road of making video/audio streams, you should not be surprised to see the stream used against you.

Utah

To add to your response on item 4, I've heard some of our legislators argue that having full recordings archived and available is the best defense against remarks being lifted out of context. If you do not have an official or semi-official recording, there is no public source with the whole picture. Media or even someone planning to run against a legislator, can make their own recording. They can then slice and dice it to the detriment of the sitting legislator. This was part of the reason we decided to stream and archive, floor and committee proceedings.

The other comment they made is that ultimately, you are responsible for what you say (in context of course).

Oklahoma House:

1.) Yes, we conduct live streaming and the audio is archived by date and bill number on the House website and then eventually stored in the state archives on DVD; see example at http://www.okhouse.gov/OkhouseMedia/AudioArchivesList.aspx?AudioDate=5/6/2009;
2.) No, the presiding officer only turns off the microphone; by House rule members are not allowed to approach the dais when a point of order is raised, only the presiding officer and the parliamentarian confer over how to proceed and this is not a public discussion;
3.) No, we do not yet stream committee activity;
4.) No, when we started streaming and archiving audio five years ago, the leadership figures at the time were very concerned that members would be embarrassed by statements made on the House Floor; to date, nothing like this has occurred; this is not to say that silly things have not been said on the Floor but such comments so far have not appeared in media stories or political ads.

Nevada Senate

1. We have been audio/video streaming our Chamber and committee hearings for many, many years. The recordings of both are archived but not accessible to the public via the web; they must contact the Legislature for copies, and our Publications unit will send a CD (at a minimal cost) to the individual requesting the e-information. On all such recordings, our Broadcast and Production Services (BPS) unit will place a sticker noting: For Personal Use Only/Not For Campaign Purposes.

2. All recording (audio/video) is stopped when the Senate is at recess which is when a "huddle" would occur. BPS personnel will turn off the audio of the Chamber to the web recording, and the video shot will be of the State Seal in the Chamber until the Senate is gaveled back into session. During this time, the Senators/President/Secretary can still use the microphones (usually to get someone's attention), but the audio will not be recorded. However, Senators are notorious for walking around and talking with other members during a floor session. If they are not careful, those types of conversations can be recorded and broadcast. They must also be cognizant that when a member close to them is speaking, the cameras may capture their antics as well, since the camera is focused on the speaker's general vicinity. Also, the President and Secretary must be ever vigilant as to their microphones being engage/not when they are in discussion with each other during an active floor session.

3. Yes, except during a recess, the video is still being recorded/streamed. Public access to recordings are by request only. Since members' microphones are much closer to each other in a committee environment, they must be careful of any editorial remarks and the volume of their voices while another member has his/her microphone activated.

4. Not yet.

Arizona House

Audio Streaming:

1. We do record and archive all sessions.
2. No we do not turn it off in case of "huddles", it is controlled by the broadcast center.
3. We audio stream committees with the same procedures as in the chamber.
4. We have had no situations where Members' remarks were edited and used against them.

Washington Senate

1. If your chamber has audio streaming, do you record and archive all sessions that are broadcast?
   Yes, audio and video via a contract with TVW (www.tvw.org) for the live sessions. They archived on their own and its all online. We archive our own audio as well and we get a request for an audio record once in a great while.
2. If you audio stream, do you turn it off when there is a "huddle" at the rostrum to sort out some parliamentary or other situation?
   Yes, the member mics are controlled by a sound clerk at the rostrum. The President controls his own mic. Occasionally he forgets to turn it off but not often.
   There is an ambient sound microphone above the floor that is always on. It was too sensitive a few years ago (it was picking up conversations on the floor) and we had it tuned down. Also, the PA clerk has a "privacy" button that completely cuts the sound feed to TVW's studios. We rarely have had to use it.
3. If you audio stream committees, do you follow the same procedures you do in your chamber?
   Yes but the TVW studio directors have learned to do a much better job of cutting the sound during "mini-caucuses" and other breaks because committee members and clerks are less aware with the sound system until the hear themselves over their own speakers. (Yes, there were discussions with TVW about what "gavel-to-gavel coverage" meant to us.)
4. Are you aware of any situation wherein a member's remarks were externally recorded, edited, and then used against the member?
   Not in quite some time. TVW's copyright and terms of use policies prohibit commercial or political use of their material. http://www.tvw.org/about/copyright.cfm?bhcp=1 and they'll request campaigns to remove TVW clips from ads if they find a violation. TVW does air other "policy" events and had an issue with a local race last summer that wasn't resolved to their satisfaction. You can view their reaction here:
   http://www.tvw.org/modules/articles/TVWStatementOnConstantineAd.pdf

Utah House:

1. Yes. Video/audio streaming is provided for all floor sessions. Floor session video/audio is archived on the legislature's website.

2. When there is a brief break in floor action, the camera can be either be directed to a large House seal, or the cameras can be manually paused, and the audio (microphones) can be muted by either the Speaker or the Clerk.

3. Committees hearings are audio streamed. The audio is archived to the legislature's website.

4. I am not aware of member's remarks in the Chamber being improperly edited and then used against the member. It may have happened, but not to my knowledge.

Colorado Legislature

The Colorado Legislature has had live audio streaming since either 1999 or 2000.

1. We record and archive all.
2. We pause the recording for all recesses or when we're at ease for a side discussion.
3. All committees are also live and recorded and archived.
4. We have had no trouble with any recordings being edited or used in a negative way.

Virginia House of Delegates

1. Yes, we are streaming audio and video of the House floor sessions on the internet. We also record onto DVD and provide copies to leadership, caucuses, Journal staff, and anyone willing to pay for it.

2. When the members and/or staff huddle, the Clerk or the Speaker can turn off the microphones. If neither one does so, staff listening or watching elsewhere in the Capitol complex will often call to remind someone to turn off the microphones.

3. We do not broadcast committee or sub-committee meetings.

4. Video of our floor sessions have appeared on YouTube, on blogs, and on other websites. Sometimes the context is used to present a member in a bad light. It is more often used by members to promote themselves or their positions. I am not personally aware of any incidents of video being "doctored", but this could happen. Honestly, we waited for a long time to do this, and so far none of the fears have been realized. It is also important to note that most of the video that is being posted is coming from the DVD source that we sell and/or give to members and less of it comes from our internet feed.

Oregon

1. If your chamber has audio streaming, do you record and archive all sessions that are broadcast?
   Both our chambers (and committees) have live audio streaming and archiving. After each session is complete, the audio recording (Real Audio format) is immediately available for access by the public on our website. Audio recordings of all proceedings are also permanently archived at our State Archives agency (which is required by statute).
2. If you audio stream, do you turn it off when there is a "huddle" at the rostrum to sort out some parliamentary or other situation?
   Yes. During recesses or when the chamber/committee is at ease, the sound system (microphones) are turned off in the chamber or hearing room and no sound is transmitted to

the streaming system. Also, during floor sessions, microphones are only activated when someone is recognized to speak--- so even in-between dialogue, there is no sound coming from the chambers.

3. If you audio stream committees, do you follow the same procedures you do in your chamber?
   Slightly different for the hearing rooms. All of the microphones are activated when the meeting is called to order, and all the microphones remain on (and the audio is streamed) until the meeting is recessed, at ease or adjourned. So in-between dialogue during a committee, audio can still be heard on the live stream and on the recording.
4. Are you aware of any situation wherein a member's remarks were externally recorded, edited, and then used against the member?
   I am not aware of this happening here, but it is certainly possible. This might be a better question to ask the caucus communications directors.

Nevada Assembly

The Nevada Assembly's recording and archiving practices are consistent with those of the Nevada Senate. My leadership have the same concern, but I am not aware of any instance where a member's remarks were externally recorded, edited, and used against the him.

Mississippi House

Mississippi House rules prohibit recording and archiving our A/V stream. We have a state seal that we use during photography sessions, etc. We do not stream our committee meetings. I am not aware of any situation as described in your fourth question.

Arkansas Senate

We do not have audio streaming in the Arkansas Senate.

Texas Senate

We've been telecasting and webcasting for a number of years (16 and 11 years, respectively), even though our rules only require an audio recording of our sessions and committee hearings. We also have videos of our chamber sessions (not of committee hearings) and CD copies of the audio of both chamber sessions and committee hearings.

1. Yes, we do record and archive all webcasts of sessions and committee hearings.
2. We can turn off the sound system, but we do not because the presiding officer has a switch for his microphone and he turns it off. I turn my microphone off and on constantly, only having it turned on when I am speaking, to prevent the conversations of members who are huddled around me from being recorded and broadcast.
3. Yes, we webcast all committee hearings and record and archive those webcasts. For sound control, the members turn their microphones on when they wish to speak and off when they are not speaking.
4. We are not aware of any remarks being taken, edited, and used against a member. On YouTube we have seen several instances of audio/video on the site that were not flattering and for which permission to use had not been given. Because all of our recordings are copyrighted, YouTube will take the clips down if we ask them.

Witness List

Matt Wallace, Alaska Public Interest Group
Sue Gullefson (Gul-EFF-son), Legislative Affairs Agency
Arliss Sturgulewski (Stir-juh-loo-ski), Fmr. State Senator
Bill Legere (Le-jair), General Manager, KTOO Broadcasting (Questions only)

SB 189

ALASKA STATE LEGISLATURE

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Charlie Huggins
Senator

SB 189 Sponsor Statement

This bill provides that felons who have received a pardon or who have received a set aside after a suspended imposition of sentence (SIS) will be allowed to possess concealed firearms without restrictions.

There are many citizens who have faltered in the past, paid their debt to society, turned their lives around and become valuable contributing members of society. We acknowledge their rehabilitation and welcome them back to society; sometimes, in the case of felons, with only partially restored civil rights. A select, exemplary, few come to the attention of presidents and governors, pursue and endure the thorough, lengthy and arduous clemency process and receive a pardon. Others, due to youthful indiscretions or other mitigating factors are deemed by the court to be worthy of an SIS and receive a set aside. It is those few who have proven worthy of a pardon or SIS to whom this legislation is directed. By passage of SB 189 those individuals will have their right to bear arms fully restored.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB189-DOC-OC-04-13-09
() Publish Date:

Identifier (file name): SB189-DOC-OC-04-13-09
Dept. Affected: DOC
Title "Act relating to misconduct involving weapons in the third degree"
RDU Adminstration & Support
Component Office of the Commissioner
Sponsor Senator Huggins, Stedman
Requester Governor
Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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	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 Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Passage of this legislation will have no financial impact to the Department of Corrections.

Prepared by: Leslie Houston, Director — Phone (907) 465-3339
Division Administration and Support — Date/Time 4/13/2009 15:03:00 PM
Approved by: Dwayne Peeples, Deputy Commissioner — Date 4/13/2009
Department of Corrections

SEARCH

OFFICE OF THE PARDON ATTORNEY

APPLICATION FORMS

CLEMENCY REGULATIONS

STANDARDS FOR CONSIDERATION OF CLEMENCY PETITIONS

CLEMENCY STATISTICS

CLEMENCY RECIPIENTS

CONGRESSIONAL TESTIMONY

CONTACT THE OFFICE OF THE PARDON ATTORNEY

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Standards for Consideration of Clemency Petitions

United States Attorney's Manual Standards for Consideration of Clemency Petitions

Section 1-2.110 Office of the Pardon Attorney

The Pardon Attorney assists the President in the exercise of his power under Article II, Section 2, clause 1 of the Constitution (the Pardon Clause). *See* Executive Order dated June 16, 1893 (transferring clemency petition processing and advisory functions to the Justice Department), the Rules Governing the Processing of Petitions for Executive Clemency (codified in 28 C.F.R. §§ 1.1 *et seq.*), and 28 C.F.R. §§ 0.35 and 0.36 (relating to the authority of the Pardon Attorney). The Pardon Attorney, under the direction of the Deputy Attorney General, receives and reviews all petitions for executive clemency (which includes pardon after completion of sentence, commutation of sentence, remission of fine and reprieve), initiates and directs the necessary investigations, and prepares a report and recommendation for submission to the President in every case. In addition, the Office of the Pardon Attorney acts as a liaison with the public during the pendency of a clemency petition, responding to correspondence and answering inquiries about clemency cases and issues. The following sets forth guidance on clemency matters.

Section 1-2.111 Role of the United States Attorney in Clemency Matters

The Pardon Attorney routinely requests the United States Attorney in the district of conviction to provide comments and recommendations on clemency cases that appear to have some merit, as well as on cases that raise issues of fact about which the United States Attorney may be in a position to provide information. Occasionally, the United States Attorney in the district in which a petitioner currently resides also may be contacted. In addition, in cases in which the petitioner seeks clemency based on cooperation with the government, the Pardon Attorney may solicit the views of the United States Attorney in the district(s) in which the petitioner cooperated, if different from the district of conviction. While the decision to grant clemency generally is driven by considerations that differ from those that dictate the decision to prosecute, the United States Attorney's prosecutive perspective lends valuable insights to the clemency process.

The views of the United States Attorney are given considerable weight in determining what recommendations the Department should make to the President. For this reason, and in order to ensure

consistency, it is important that each request sent to the district receive the personal attention of the United States Attorney. Each petition is presented for action to the President with a report and recommendation from the Department, and the recommendation by the United States Attorney is included in this report.

The United States Attorney can contribute significantly to the clemency process by providing factual information and perspectives about the offense of conviction that may not be reflected in the presentence or background investigation reports or other sources, e.g., the extent of the petitioner's wrongdoing and the attendant circumstances, the amount of money involved or losses sustained, the petitioner's involvement in other criminal activity, the petitioner's reputation in the community and, when appropriate, the victim impact of the petitioner's crime. On occasion, the Pardon Attorney may request information from prosecution records that may not be readily available from other sources.

As a general matter, in clemency cases the correctness of the underlying conviction is assumed, and the question of guilt or innocence is not generally at issue. However, if a petitioner refuses to accept guilt, minimizes culpability, or raises a claim of innocence or miscarriage of justice, the United States Attorney should address these issues.

In cases involving pardon after completion of sentence, the United States Attorney is expected to comment on the petitioner's post-conviction rehabilitation, particularly any actions that may evidence a desire to atone for the offense, in light of the standards generally applicable in pardon cases as discussed in the following section. Similarly, in commutation cases, comments may be sought on developments after sentencing that are relevant to the merits of a petitioner's request for mercy.

In pardon cases, the Pardon Attorney will forward to the United States Attorney copies of the pardon petition and relevant investigative reports. These records should be returned to the Pardon Attorney along with the response. In cases involving requests for other forms of executive clemency (i.e., commutation of sentence or remission of fine), copies of the clemency petition and such related records as may be useful (e.g., presentence report, judgment of conviction, prison progress reports, and completed statement of debtor forms) will be provided.

The Pardon Attorney also routinely requests the United States Attorney to solicit the views and recommendation of the sentencing judge. If the sentencing judge is retired, deceased, or otherwise unavailable for comment, the United States Attorney's report should so advise. In the event the United States Attorney does not wish to contact the sentencing judge, the Pardon Attorney should be advised accordingly so that the judge's views may be solicited directly. Absent an express request for confidentiality, the Pardon Attorney may share the comments of the United States Attorney with the sentencing judge or other concerned officials whose views are solicited.

The United States Attorney may support, oppose or take

no position on a pardon request. In this regard, it is helpful to have a clear expression of the office's position. The Pardon Attorney generally asks for a response within 30 days. If an unusual delay is anticipated, the Pardon Attorney should be advised when a response may be expected. If desired, the official views of the United States Attorney may be supplemented by separate reports from present or former officials involved in the prosecution of the case. The United States Attorney may of course submit a recommendation for or against clemency even if the Pardon Attorney has not yet solicited comments from the district. The Pardon Attorney informs the United States Attorney of the final disposition of any clemency application on which he or she has commented.

Section 1-2.112 Standards for Considering Pardon Petitions

In general, a pardon is granted on the basis of the petitioner's demonstrated good conduct for a substantial period of time after conviction and service of sentence. The Department's regulations require a petitioner to wait a period of at least five years after conviction or release from confinement (whichever is later) before filing a pardon application (28 C.F.R. § 1.2). In determining whether a particular petitioner should be recommended for a pardon, the following are the principal factors taken into account.

1. Post-conviction conduct, character, and reputation.

An individual's demonstrated ability to lead a responsible and productive life for a significant period after conviction or release from confinement is strong evidence of rehabilitation and worthiness for pardon. The background investigation customarily conducted by the FBI in pardon cases focuses on the petitioner's financial and employment stability, responsibility toward family, reputation in the community, participation in community service, charitable or other meritorious activities and, if applicable, military record. In assessing post-conviction accomplishments, each petitioner's life circumstances are considered in their totality: it may not be appropriate or realistic to expect "extraordinary" post-conviction achievements from individuals who are less fortunately situated in terms of cultural, educational, or economic background.

2. Seriousness and relative recentness of the offense.

When an offense is very serious (e.g., a violent crime, major drug trafficking, breach of public trust, or white collar fraud involving substantial sums of money), a suitable length of time should have elapsed in order to avoid denigrating the seriousness of the offense or undermining the deterrent effect of the conviction. In the case of a prominent individual or notorious crime, the likely effect of a pardon on law enforcement interests or upon the general public should be taken into account. Victim impact may also be a relevant consideration. When an offense is very old and relatively minor, the equities may weigh more heavily in favor of forgiveness, provided the petitioner is otherwise a suitable candidate for pardon.

3. Acceptance of responsibility, remorse, and atonement.

The extent to which a petitioner has accepted responsibility for his or her criminal conduct and made restitution to its victims are important considerations. A petitioner should be genuinely desirous of forgiveness rather than vindication. While the absence of expressions of remorse should not preclude favorable consideration, a petitioner's attempt to minimize or rationalize culpability does not advance the case for pardon. In this regard, statements made in mitigation (e.g., "everybody was doing it," or "I didn't realize it was illegal") should be judged in context. Persons seeking a pardon on grounds of innocence or miscarriage of justice bear a formidable burden of persuasion.

4. Need for relief.

The purpose for which pardon is sought may influence disposition of the petition. A felony conviction may result in a wide variety of legal disabilities under state or federal law, some of which can provide persuasive grounds for recommending a pardon. For example, a specific employment-related need for pardon, such as removal of a bar to licensure or bonding, may make an otherwise marginal case sufficiently compelling to warrant a grant in aid of the individual's continuing rehabilitation. On the other hand, the absence of a specific need should not be held against an otherwise deserving applicant, who may understandably be motivated solely by a strong personal desire for a sign of forgiveness.

5. Official recommendations and reports.

The comments and recommendations of concerned and knowledgeable officials, particularly the United States Attorney whose office prosecuted the case and the sentencing judge, are carefully considered. The likely impact of favorable action in the district or nationally, particularly on current law enforcement priorities, will always be relevant to the President's decision. Apart from their significance to the individuals who seek them, pardons can play an important part in defining and furthering the rehabilitative goals of the criminal justice system.

Section 1-2.113 Standards for Considering Commutation Petitions

A commutation of sentence reduces the period of incarceration; it does not imply forgiveness of the underlying offense, but simply remits a portion of the punishment. It has no effect upon the underlying conviction and does not necessarily reflect upon the fairness of the sentence originally imposed. Requests for commutation generally are not accepted unless and until a person has begun serving that sentence. Nor are commutation requests generally accepted from persons who are presently challenging their convictions or sentences through appeal or other court proceeding.

The President may commute a sentence to time served or

he may reduce a sentence, either merely for the purpose of advancing an inmate's parole eligibility or to achieve the inmate's release after a specified period of time. Commutation may be granted upon conditions similar to those imposed pursuant to parole or supervised release or, in the case of an alien, upon condition of deportation.

Generally, commutation of sentence is an extraordinary remedy that is rarely granted. Appropriate grounds for considering commutation have traditionally included disparity or undue severity of sentence, critical illness or old age, and meritorious service rendered to the government by the petitioner, e.g., cooperation with investigative or prosecutive efforts
that has not been adequately rewarded by other official action. A combination of these and/or other equitable factors may also provide a basis for recommending commutation in the context of a particular case.

The amount of time already served and the availability of other remedies (such as parole) are taken into account in deciding whether to recommend clemency. The possibility that the Department itself could accomplish the same result by petitioning the sentencing court, through a motion to reward substantial assistance under Rule 35 of the Federal Rules of Criminal Procedure, a motion for modification or remission of fine under 18 U.S.C. § 3573, or a request for compassionate relief under 18 U.S.C. § 3582(c)(1), will also bear on the decision whether to recommend Presidential intervention in the form of clemency. When a commutation request is based on the serious illness of the petitioner, transmission of the United States Attorney's response by facsimile in advance of mailing the original is always appreciated.

When a petitioner seeks remission of fine or restitution, the ability to pay and any good faith efforts to discharge the obligation are important considerations. Petitioners for remission also should demonstrate satisfactory post-conviction conduct.

On January 21, 1977, the President by Proclamation 4483 granted pardon to persons who committed non-violent violations of the Selective Service Act between August 4, 1964 and March 28, 1973 and who were not Selective Service employees. Although a person who comes within the described class was immediately pardoned by the proclamation, the Pardon Attorney issues certificates of pardon to those within the class who were actually convicted of a draft violation and who make written application to the Department on official forms. When these applications are received by the Pardon Attorney, they are forwarded to the United States Attorney for the district in which the applicant was convicted to verify the facts of the case. The verification should be returned to the Pardon Attorney promptly.

SEARCH

OFFICE OF THE PARDON ATTORNEY

APPLICATION FORMS

CLEMENCY REGULATIONS

STANDARDS FOR CONSIDERATION OF CLEMENCY PETITIONS

CLEMENCY STATISTICS

CLEMENCY RECIPIENTS

CONGRESSIONAL TESTIMONY

CONTACT THE OFFICE OF THE PARDON ATTORNEY

PARDON ATTORNEY FOIA

DOJ HOME

Pardon Information and Instructions

Information and Instructions on Pardons
Please read carefully before completing the pardon application

1. Submit the petition to the Office of the Pardon Attorney

All petitions, except petitions relating to military offenses (see paragraph 6 below), should be forwarded to the Office of the Pardon Attorney, Department of Justice. The completed pardon petition must be entirely legible; therefore, please type or print in ink. The form must be completed fully and accurately in order to be considered. You may attach to the petition additional pages and documents that amplify or clarify your answer to any question.

2. Federal convictions only

Under the Constitution, only federal criminal convictions, such as those obtained in the United States District Courts, may be pardoned by the President. In addition, the President's pardon power extends to convictions obtained in the Superior Court of the District of Columbia and military court-martial proceedings. However, the President cannot pardon a state criminal offense. Accordingly, if you are seeking clemency for a state criminal conviction, you should not complete and submit this petition. Instead, you should contact the Governor or other appropriate authorities of the state where you reside or where the conviction occurred (such as the state board of pardons and paroles) to determine whether any relief is available to you under state law. If you have a federal conviction, information about the conviction may be obtained from the clerk of the federal court where you were convicted.

3. Five-year waiting period required

Under the Department's rules governing petitions for executive clemency, 28 C.F.R. §§ 1.1 *et seq.*, a minimum waiting period of five years after completion of sentence is required before anyone convicted of a federal offense becomes eligible to apply for a presidential pardon. The waiting period, which is designed to afford the petitioner a reasonable period of time in which to demonstrate an ability to lead a responsible, productive and law-abiding life, begins on the date of the petitioner's release from confinement. Alternatively, if the conviction resulted in a sentence other than a term of imprisonment, such as probation or a fine, the waiting period begins on the date of sentencing. In addition, the petitioner should have satisfied the penalty imposed, including all probation, parole, or supervised release. Moreover, the waiting period begins upon release from confinement for your

most recent c onviction, whether or not this is the offense for which pardon is sought. You may make a written request for a waiver of this requirement. However, waiver of any portion of the waiting period is rarely granted and then only in the most exceptional circumstances. In order to request a waiver, you must complete the pardon application form and submit it with a cover letter explaining why you believe the waiting period should be waived in your case.

4. Reason for seeking pardon

In answering question 20, you should state the specific purpose for which you are seeking pardon and, if applicable, attach any relevant documentary evidence that indicates how a pardon will help you accomplish that purpose (such as citations to applicable provisions of state constitutions, statutes, or regulations, or copies of letters from appropriate officials of administrative agencies, professional associations, licensing authorities, etc.). In addition, you should bear in mind that a presidential pardon is ordinarily a sign of forgiveness and is granted in recognition of the applicant's acceptance of responsibility for the crime and established good conduct for a significant period of time after conviction or release from confinement. A pardon is not a sign of vindication and does not connote or establish innocence. For that reason, when considering the merits of a pardon petition, pardon officials take into account the petitioner's acceptance of responsibility, remorse, and atonement for the offense.

5. Multiple federal convictions

If you have more than one federal conviction, the most recent conviction should be shown in response to question 2 of the petition and the form completed as to that conviction. For all other federal convictions, including convictions by military courts-martial, the information requested in questions 2 through 6 of the petition should be provided on an attachment. Any federal charges not resulting in conviction should be reported in the space provided for prior and subsequent criminal record (question 7).

6. Pardon of a military offense

If you are requesting pardon of a court-martial conviction only, you should submit your completed petition directly to the Secretary of the military department that had original jurisdiction in your case, completing questions 2 through 6 and question 15 of the petition form to show all pertinent information concerning your court-martial trial and conviction. The addresses for submitting a request for a pardon of a court-martial conviction are as follows:

Secretary of the Army
Department of the Army
Pentagon
Washington, DC 20310

Secretary of the Navy
Department of the Navy
Pentagon

Washington, DC 20350

Secretary of the Air Force
Department of the Air Force
Pentagon
Washington, DC 20330

Pardon of a military offense will not change the character of a military discharge. An upgrade or other change to a military discharge may only be accomplished by action of the appropriate military authorities. To apply for a review of a military discharge, you should write to the relevant military branch, at the address listed below:

Army Review Boards Agency
1901 South Bell Street
Arlington, Virginia 22202-4508

Secretary of the Navy
Naval Council of Personnel Records
702 Kennon Street, SE
Suite 309
Washington Navy Yard, DC 20374-5023

Air Force Review Boards Agency
SAS/MRBR
550C Street West
Suite 40
Randolph Air Force Base, Texas 78150-4742

7. Additional arrest record

In response to question 7, you must disclose any additional arrest or charge by any civilian or military law enforcement authority, including any federal, state, local, or foreign authority, whether it occurred before or after the offense for which you are seeking pardon. Your answer should list every violation, including traffic violations that resulted in an arrest or criminal charge, such as driving under the influence. Your failure to disclose any such arrest, whether or not it resulted in conviction, may be construed as a falsification of the petition.

8. Credit status and civil lawsuits

In response to question 14, you must list all delinquent credit obligations, whether or not you dispute them. You must also list all civil lawsuits in which you were named as a party, whether as plaintiff or defendant, including bankruptcy proceedings. You must also list all unpaid tax obligations, whether federal, state, or local. You may submit explanatory material in connection with any of these matters (such as an agreed method of payment for indebtedness).

9. Character references

At least three character affidavits must accompany the petition. If you submit more than three, you should designate the three persons whom you consider to be primary references. The affidavit forms provided are preferred. However, letters of recommendation may be

substituted if they contain the full name, address, and telephone number of the reference, indicate a knowledge of the offense for which you seek pardon, and bear a notarized signature. Persons related to you by blood or marriage cannot be used as primary character references.

10. Effect of a pardon

While a presidential pardon will restore various rights lost as a result of the pardoned offense and should lessen to some extent the stigma arising from a conviction, it will not erase or expunge the record of your conviction. Therefore, even if you are granted a pardon, you must still disclose your conviction on any form where such information is required, although you may also disclose the fact that you received a pardon. In addition, most civil disabilities attendant upon a federal felony conviction, such as loss of the right to vote and hold state public office, are imposed by state rather than federal law, and also may be removed by state action. Because the federal pardon process is exacting and may be more time-consuming than analogous state procedures, you may wish to consult with the appropriate authorities in the state of your residence regarding the procedures for restoring your state civil rights.

11. Scope of investigation

Pardon officials conduct a very thorough review in determining a petitioner's worthiness for relief. Accordingly, you should be prepared for a detailed inquiry into your personal background and current activities. Among the factors entering into this determination are the nature, seriousness and recentness of the offense, your overall criminal record, any specific hardship you may be suffering because of the conviction, and the nature and extent of your post-conviction involvement in community service, or charitable or other meritorious activities. We encourage you to submit information concerning your community contributions.

12. Exclusive Presidential authority

The power to grant pardons is vested in the President alone. No hearing is held on the pardon application by either the Department of Justice or the White House. You will be notified when a final decision is made on your petition, and there is no appeal from the President's decision to deny a clemency request. The Office of the Pardon Attorney does not disclose information regarding the nature or results of any investigation that may have been undertaken in a particular case, or the exact point in the clemency process at which a particular petition is pending at a given time. As a matter of well-established policy, the specific reasons for the President's decision to grant or deny a petition are generally not disclosed by either the White House or the Department of Justice. In addition, documents reflecting deliberative communications pertaining to presidential decision-making, such as the Department's recommendation to the President in a clemency matter, are confidential and not available under the Freedom of Information Act. If your petition is denied, you may submit a new petition for consideration two years from the date of denial.

IV. LEGAL EFFECTS OF A PARDON IN ALASKA

A. Rights

One of the primary misconceptions about pardons in Alaska is that a pardon is the only manner by which one may have one's rights restored. In some states a pardon is the only manner by which a convicted felon may have his or her civil rights restored. However, in Alaska some rights are automatically restored upon unconditional discharge, which is the completion of one's sentence, including any period of probation, discretionary parole, or mandatory parole.

1. Right to Serve on a Jury

A person is disqualified from serving as a juror if the person has been convicted of a felony for which the person has not been unconditionally discharged. *AS 09.20.037(1)*

Thus, in Alaska, a pardon is not necessary to restore one's eligibility to serve on a jury or to vote. The right to vote and the right to serve on a jury are automatically restored to felons upon unconditional discharge of the sentence.

2. Voting Rights

Any person convicted of a felony involving moral turpitude under federal or state law may not vote in a federal, state or municipal election from the date of the conviction through the date of unconditional discharge. *AS 15.05.030*

Upon presenting proof that the person is unconditionally discharged from custody the person may register to vote [*AS 15.07.135*]. If you wish to participate in an election in Alaska after unconditional discharge of your sentence, contact your voting district's regional officer or contact:

State of Alaska
Division of Elections
P.O. Box 110017
Juneau, AK 99811-0017

B. The Right to Own and Possess Firearms

There is a very complex mix of **state** and **federal** law relating to the issue of firearm ownership and possession. Multiple state and federal statutes relate to this issue, and they are subject to frequent change by state and federal legislation. Both the federal and Alaska statutes are likely applicable to an applicant for executive clemency relating to these issues. These laws do vary with allowances and applicability.

As relates to this issue --- and any resolutions relating to firearm ownership and possession forth-coming from executive clemency should it be granted --- are not and will not be addressed by the Parole Board staff or the Office of the Governor in conduct of executive clemency investigations.

Should gun ownership or possession be of concern or critical to your anticipated relief by the granting of a pardon, you must explore and resolve any and all legal complexities (state and federal) through your own personal initiative and research. Due to the complexity of the issue, you should anticipate that this may well necessitate the retention of legal services.

No promise, assurance, or indication of expectation on the issue of gun ownership or possession will be made or implied through the processing and potential granting of executive clemency.

C. Effect Upon the Judgment and Upon Sentencing for Subsequent Offenses

Although many states take a different view, unless otherwise specified in the document granting a pardon in Alaska, a pardon sets aside the conviction. Thus, if a person who has received a pardon is later convicted of another offense, the earlier offense for which a pardon was received may not be considered as a prior conviction at sentencing. However, the facts giving rise to that conviction may be presented to the sentencing court.

A pardon does not eliminate or erase the conviction. The records of conviction continue to exist in both court and law enforcement files. The pardon is included in those files, and the purposes to which those files can be used are limited. In this sense then, to set aside the conviction means only that the individual is considered under the law not to have been previously convicted.

D. Occupational Licensing

Many occupations within the State of Alaska require special licenses which are issued by various licensing boards. Such occupations include barbering, welding, dentistry, law, real estate sales, nursing and guiding. Most of these occupational licensing laws contain provisions requiring that no person may be licensed unless they are of "good moral character." A few, such as the standards for becoming licensed as a guide, require a demonstration that the applicant "has not been convicted of a crime involving moral turpitude." Still others prevent licensing where an applicant has been convicted of a felony.

For example, a regional school board member who is convicted of a felony involving moral turpitude or an offense involving a violation of oath of office while serving as a school board member may not continue to serve. *AS 14.08.045*

A judge shall be removed from office upon final conviction of a "crime punishable as a felony under the state or federal law." *AS 22.30.070(b)*

A professional or occupational license may be denied, suspended or revoked because of a felony conviction.

Examples are:	Insurance Agent	AS 21.27.410(a)(7)
	Accountant	AS 08.04.450(5) & (6)
	Nurse	AS 08.68.270(2)
	Real Estate Broker	AS 08.88.171(a)

As discussed above, unless otherwise specified in the document granting a pardon, a pardon in Alaska sets aside the conviction. Therefore, if there is a requirement that the license applicant has not been convicted of a felony, the pardon would permit licensing. However, if the licensing standard is good moral character, the pardon does not erase the moral guilt associated with the commission of a criminal offense and the fact giving rise to that conviction may be considered in determining whether that person is of "good moral character."

E. Summary of Legal Effects of a Pardon

In summary, the primary legal effect of a pardon is that it sets aside a conviction for a crime committed under the laws of the State of Alaska or the Territory of Alaska. This serves to relieve the person to whom it is granted from all further punishment and other legal consequences imposed by reason of the conviction.

Finally, a conviction for which a pardon has been granted may not be considered at sentencing for the commission of a later offense, nor by any licensing board which issues licenses to practice certain occupations. However, the facts giving rise to that conviction may be considered by both a sentencing court and occupational licensing boards.

V. THE APPLICATION PROCESS

1. ELIGIBILITY DETERMINATION
2. APPLICATION COMPLETION AND SUBMISSION
3. EXECUTIVE CLEMENCY ADVISORY COMMITTEE

An applicant begins the process by first completing and submitting an "Eligibility Determination" form to the Alaska Board of Parole Office (ATTN: Clemency Determination). Once eligibility is positively determined, an Application Form will then be provided to the potential applicant. Requests for Eligibility Determination forms should be submitted to:

Alaska Board of Parole
ATTN: Clemency Determination
550 West 7th Ave., Suite # 601
Anchorage, AK 99501

If an individual is determined to be eligible for executive clemency consideration, and once an application is provided to the applicant and received back in the Parole Board office: the application is investigated by staff of the Board of Parole and a summary is prepared and submitted to the Governor's Executive Clemency Advisory Committee (ECAC). Investigation and review of a clemency application can often take as long as one year.

The Executive Clemency Advisory Committee has historically been comprised of three persons: the Lieutenant Governor, the Attorney General or a representative from the Department of Law, and a public member. The committee meets as often as necessary to review pending applications. In recent years, ECAC meetings have averaged only once or twice a year, if needed.

Following consideration and review of applications, the Executive Clemency Advisory Committee prepares a summary and recommendation for each application and submits it to the Governor along with the complete file. The Governor then reviews each case, makes a decision and the applicant is notified of that decision. The entire process, from the time of submission of an application to the point of decision by the Governor can easily take one full year, but in some circumstances can take longer.

Some of the Factors Considered in Evaluating Applications for Clemency

Applicants for Executive Clemency should be aware that virtually their entire history is considered in evaluating an application for clemency. Applicants are required to sign waivers permitting an investigation of their employment and personal history (and medical conditions if pertinent).

Of particular importance will be the facts surrounding the offense for which clemency is requested, the presentence report, the record of the sentencing, progress reports during incarceration and behavior since release from custody. Additional factors include the person's arrest and conviction record for other offenses, and at times, the health of the applicant. Compliance with orders and conditions established by the court are especially important.

The comments of the Sentencing Judge, the District Attorney involved in the case, and comments of the Victim(s) are solicited and considered by the Executive Clemency Advisory Committee and the Governor.

In applications for commutation of sentence, the length of time already served is of particular importance.

Finally, the most important factor is the exceptional or extraordinary circumstance of the applicant that would justify use of the Governor's clemency power. Clemency is rarely granted, and only under the most exceptional of circumstances.

VI. RULES GOVERNING APPLICATIONS FOR EXECUTIVE CLEMENCY

After a Determination of Eligibility has been made:

1. The clemency application must be typewritten or fully completed in ink, preferably printed, and be legible. No one, including the applicant, is entitled to attend the hearing. Each applicant must provide the date of conviction, crime of conviction, court case number and the sentence imposed for each conviction. This information can be obtained from the clerk of court. In addition to the clemency application, all applicants are required to complete and submit the Executive Clemency Application. Documents relating to the completion or compliance with orders of the court should also accompany the application. Application forms are available from the Board of Parole -- after the initial determination of positive eligibility by the staff of the Parole Board.

2. All persons who have committed a crime under the laws of the State of Alaska or the Territory of Alaska may apply for Executive Clemency. *Applications for pardon or commutation will not be considered for convictions of municipal laws, federal laws or convictions in other states.* Applications will not be considered during pending appeals from judgments or conviction; nor, in felony cases, within three months before the expiration of sentence, except in unusually urgent and meritorious cases, or when circumstances surrounding the conviction indicate a violation of constitutional rights.

3. Generally, applications for executive clemency will not be considered until after the person has served some portion of the sentence. Applications will not be considered until the person has reached his or her parole period (where applicable) or has been denied parole. Applications may be considered earlier only upon a substantial showing of innocence or some other exceptional circumstance arising since trial, which clearly justifies a possible extension of executive clemency. Every prisoner applying prior to his or her parole eligible date must state substantial facts showing why release on parole, when eligible, would not meet the situation in the prisoner's case.

4. Applications for pardon or commutation will not be considered while parolees are on parole except in cases of prisoners serving life sentences and where the applicant has been on parole for more than two years.

5. The Governor of Alaska will not circumvent AS 28.15.181(a)(5) which speaks to revocation of driver's licenses for operating a motor vehicle or aircraft while intoxicated.

6. In the absence of exceptional circumstances, applications for pardon after completion of sentence will not be considered unless the applicant has been discharged from custody or from parole or probation for at least two years. A longer period may be required before favorable action is taken, dependent largely on the nature of the offense and the character of the applicant, both before and since the conviction. In cases of perjury, subornation of perjury or violation of a public trust involving personal dishonesty, or other crimes of a serious nature, the lapse of ten years after release is usually required.

7. If the application is denied, the Governor will not accept resubmission of an application during the four-year term of office unless substantial new information is discovered.

8. If clemency is granted, it does not become effective until it is delivered and accepted by the applicant. Once delivered, a conditional pardon or other forms of conditional clemency may be revoked by the Governor for violations of conditions imposed.

9. If clemency is granted, the applicant, as well as appropriate officials will promptly receive an original signed and sealed document of the grant of clemency. A copy will also be sent to the sentencing court, and the Alaska Department of Public Safety (Records Section), to be retained in their files.

10. Clemency ***"Will forgive, but not forget."*** All records regarding the conviction are retained by the appropriate agencies. In Alaska, there are no provisions for expungement of criminal records upon a grant of clemency.

VII. APPENDIX

DEFINITIONS

AMNESTY --- Is a form of Executive Clemency which is extended to a class or group of persons, usually persons who have all committed the same crime. It is extended without regard to the special circumstances of individual cases. Traditionally amnesties have been granted to restore social peace after a period of political upheaval.

APPLICATION FORM --- After a Determination of Eligibility has been made: The application process for Executive Clemency is begun by completing an application form and submitting it to the Alaska Board of Parole. The clemency application must be fully completed in ink, and be legible or typewritten. Each applicant must provide the date of conviction, crime of conviction, court case number and the sentence imposed for each conviction. This information can be obtained from the clerk of court. In addition to the clemency application, all applicants are required to complete and submit the Executive Clemency Questionnaire Worksheet. Letters from individuals or organizations in support of the applicant should be attached to the clemency application. Authors of such letters should include a statement relating to their knowledge of the applicant, including his or her background and present circumstances, and the reason they feel the applicant should be granted clemency. Documents relating to completion or compliance with orders of the court should be attached to the application. Application forms are available from the Board of Parole after a Determination of Eligibility is made.

BOARD OF PAROLE --- is the Alaska Board of Parole. The Governor may refer applications for executive clemency to the Board of Parole. The Board through its staff investigates each case and submits to the Executive Clemency Advisory Committee and the Governor a report of the investigation, together with all other information the Board has regarding the applicant. When the report or investigation is completed, the Board also transmits to the Executive Clemency Advisory Committee and the Governor the comments it has received from the victim.

COMMENTS REGARDING THE CLEMENCY APPLICATION --- The comments of the Sentencing Judge, the District Attorney involved in the case, and the comments of the Victim(s) are solicited and considered by the Executive Clemency Advisory Committee and the Governor. Letters submitted by those in support of the applicant's clemency application are also considered.

COMMUTATION OF SENTENCE --- is a reduction or lessening of the original sentence. Usually it takes the form of a reduction in the length of imprisonment. A commutation may be granted conditionally.

CONDITIONAL CLEMENCY --- Pardons, amnesties, commutations of sentence and remissions may be conditional. The Governor may impose any conditions and the time the conditions may be in effect may extend beyond the term of the original sentence or even for life. It is necessary to comply with the conditions imposed for the pardon, amnesty, commutation of sentence or remission to be valid.

CRIMES AGAINST PERSON --- means a crime set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330; or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330.

CRIMES OF MORAL TURPITUDE --- includes those crimes which are immoral or wrong in and of themselves, such as murder, sexual assault, robbery, kidnapping, incest, arson, burglary, theft and forgery. See AS 15.60.010(8). Contact the Division of Elections if you wish to obtain a list of the crimes of moral turpitude relating to voting rights.

EFFECTIVE DATE --- If clemency is granted, it does not become effective until it is delivered to and accepted by the applicant.

ELIGIBILITY — Any person who has committed a crime under the laws of the State of Alaska or the Territory of Alaska may apply to the Governor for executive clemency, if determined to be eligible. *Applications will not be considered for convictions of municipal laws, federal laws, or convictions in other states.* Applications for clemency will not be considered during pending appeals from judgment or conviction. No applications will be considered where a Suspended Imposition of Sentence (SIS) disposition has been granted by the court. See "Reasons for Clemency Ineligibility."

EXECUTIVE CLEMENCY — in the State of Alaska is the power granted to the Governor by the Alaska Constitution to grant pardons, commutations of sentence, amnesty and the remission of fines and forfeitures. It is a power which is exercised solely at the Governor's discretion. It is a general term used to describe pardons, commutation, amnesty or remissions.

EXECUTIVE CLEMENCY ADVISORY COMMITTEE — is historically comprised of three persons: the Lieutenant Governor, the Attorney General or a representative from the Department of Law, and a public member. The Committee reviews each case and makes a recommendation to the Governor. The Committee meets as often as necessary to review pending applications, usually only once or twice per year.

EXECUTIVE PRIVILEGE — The records, documents and reports generated during the executive clemency process are prepared for the exclusive use of the Governor. These clemency documents are confidential and are not considered public information. The Governor's final decision in each case and the official orders signed by the Governor are public information.

EFFECTIVE DATE — If clemency is granted, it does not become effective until it is delivered to and accepted by the applicant.

FIREARM — defined by AS 11.81.900(b)(24) is a weapon including a pistol, revolver, rifle, or shotgun whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury.

JURY SERVICE — A person is disqualified from serving as a juror if the person has been convicted of a felony for which the person has not been unconditionally discharged. *AS 09.20.037*

LEGAL EFFECT OF CLEMENCY — The primary legal effect of a pardon is that it sets aside a conviction for a crime committed under the laws of the State of Alaska or the Territory of Alaska. This serves to relieve the person to whom it is granted from all further punishment and other legal consequences imposed by reason of the conviction. Upon a grant of clemency the records continue to exist in court and law enforcement files. A grant of clemency ***"will forgive, but not forget."***

PARDON — is a form of Executive Clemency, which if full and unconditional, relieves an offender from further punishment and disabilities imposed by reason of a conviction of a criminal offense. It is an act of grace which represents forgiveness for the particular crime. The governor may grant pardons in whole or in part for offenses against the laws of the State of Alaska or the Territory of Alaska.

> ***CONDITIONAL PARDON*** — is a form of Executive Clemency to which a condition or conditions are attached. The pardon does not become effective until the person pardoned has performed or completed the requirements outlined by the condition or conditions. The conditional pardon can also become void if some specific act or event occurs.
>
> ***FULL PARDON*** — is a form of Executive Clemency which relieves the grantee of all legal consequences and without conditions.
>
> ***GENERAL PARDON*** — is a form of Executive Clemency usually granted to all the persons participating in a given criminal offense. [See definition of Amnesty above.]
>
> ***PARTIAL PARDON*** — is a form of Executive Clemency which relieves only a portion of punishment or absolves only a portion of the legal consequences of a crime.
>
> ***UNCONDITIONAL PARDON*** — is a form of Executive Clemency which relieves the grantee without any conditions whatsoever. It is the same as a full pardon.

PAROLE -- A prisoner, sentenced to one or more terms of imprisonment exceeding 180 days in the case of discretionary parole and of two years or more in the case of mandatory parole released by the Board or by operation of law before the expiration of the term, subject to custody and jurisdiction by the Board. Parole is a function of the Executive Branch of government.

PRISONER -- An offender confined for violation of state law, but does not include a person confined under AS Title 47.

PROBATION -- A court imposed sentence suspending incarceration and instead imposing a term of supervision in the community under the discretion of the probation officer. Probation is a function of the Judicial Branch of government.

QUESTIONNAIRE WORKSHEET -- All applicants are required to complete and submit the Executive Clemency Questionnaire Worksheet as an integral part of the Application Form. Questionnaire Worksheet forms are made available to you when the Application Form is sent.

RECORDS RETENTION -- A pardon does not eliminate or erase the conviction. The records of conviction are retained by the appropriate agencies and continue to exist in both court and law enforcement files. In Alaska there are no provisions for expungement of criminal records upon the granting of clemency.

RELEASE OF INFORMATION -- Each applicant must sign a release of information authorizing an investigation of the applicant's current and past record and character. This form is part of the clemency application.

REMISSION OF FINE -- is the forgiveness in whole or part, of a fine imposed by the court.

REMISSION OF FORFEITURE -- is the forgiveness and restoration of property or a property right forfeited by reason of conviction of the crime.

REVOCATION -- Once delivered: a conditional pardon, conditional commutation of sentence or other forms of conditional clemency may be revoked by the Governor for violations of the conditions imposed.

UNCONDITIONAL DISCHARGE -- A defendant is released from all disability arising under a sentence, including probation and parole. *AS 15.60.010(33)*

VICTIM -- as defined in AS 12.55.185(16), a "victim" means:

(A) a person against whom an offense has been perpetrated;

(B) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is a minor, incompetent, or incapacitated:
  (i) an individual living in a spousal relationship with the person specified in (A) of this paragraph; or
  (ii) a parent, adult child, guardian, or custodian of the person;

(C) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is dead:
  (i) a person living in a spousal relationship with the deceased before the deceased died;
  (ii) an adult child, parent, brother, sister, grandparent, or grandchild of the deceased; or
  (iii) any other interested person, as may be designated by a person having authority in law to do so.

VICTIM COMMENTS -- The victim may comment in writing to the Board on the application for executive clemency. See AS 33.20.080. The comments are forwarded to the Executive Clemency Advisory Committee and the Governor.

VICTIM NOTIFICATION -- If requested by the victim of a crime against a person, a crime involving domestic violence, or arson in the first degree, the board shall send notice of an application for executive clemency submitted by the person who was convicted of that crime. The victim may comment in writing to the board on the application for executive clemency. If the victim desires notice, the victim shall maintain a current, valid mailing address on file with the Department of Corrections. The Board shall send the notice required under this section to the victim's last known address. The victim's address may not be disclosed to the clemency applicant or the applicant's attorney.

VOTING RIGHTS -- Any person convicted of a felony involving moral turpitude under state or federal law may not vote in a state, federal or municipal election from the date of the conviction through the date of unconditional discharge (*AS 15.05.030*). Upon presenting proof that the person is unconditionally discharged from custody the person may register to vote. If you wish to participate in an election in Alaska after unconditional discharge of your sentence or obtain a list of the crimes of moral turpitude, contact your voting district's regional office or: State of Alaska, Division of Elections, P.O. Box 110017, Juneau, AK 99811-0017 .

[10/2006 Clemency Handbook]

ALASKA STATE LEGISLATURE

Senate District H
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Charlie Huggins
Senator

To: Legal Services
From: Senator Huggins
Re: Drafting request: Former felons & firearms
Date: 3/26/2009

BY FAX: 12 pages total including this cover

Please review the attached letter from Ross & Miner (3 pages) and the Proposed legislation memorandum with attached sample bill language (8 pages).

We would like a workdraft which would rectify the the problems Alaska ex-felons who have been pardoned or had convictions set aside are having regarding the purchase, ownership and carrying of firearms due to certain interpretations of federals agencies such as the FBI and ATF.

Contact: Sharon Long
465-5083

Jody Simpson

From: Jody Simpson
Sent: Thursday, March 12, 2009 1:17 PM
To: Jody Simpson
Subject: Sec. 11.61.200. Misconduct involving weapons in the third degree.

Sec. 11.61.200. Misconduct involving weapons in the third degree.

(a) A person commits the crime of misconduct involving weapons in the third degree if the person

(1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;

(2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

(4) knowingly sells or transfers a firearm to another whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or controlled substance into that other person's body;

(5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;

(6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;

(7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 - 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located;

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in circumstances other than described in AS 11.61.190(a)(2); or

(12) knowingly possesses a firearm that is concealed on the person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory.

(b) It is an affirmative defense to a prosecution

(1) under (a)(1) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) under (a)(2) or (10) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) For purposes of (a)(12) of this section, a firearm on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a firearm without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it. A firearm on a person is not concealed if it is unloaded and is encased in a closed container designed for transporting firearms.

(g) It is an affirmative defense to a prosecution under (a)(12) of this section that

(1) either

(A) the defendant convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the defendant's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(12) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory; and

(2) at the time of possession, the defendant was

(A) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(B) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(h) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(D) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

(i) Misconduct involving weapons in the third degree is a class C felony.

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Edward L. Miner
Tamara Huffman, paralegal

21 November 2008

Senator Charlie Huggins
600 E. Railroad Avenue
Wasilla, AK 99654
State Capitol, Room 417
Juneau, AK 99801

Dear Senator:

The laws regarding possession of firearms in Alaska—laws which were contemplated and enacted by our own state legislature—are being attacked, gutted and rewritten by bureaucrats at the ATF and FBI. Attempts to correct these errors at the federal level have been ignored. It is now incumbent upon the Alaska legislature to take action to defend the rights of Alaskans. In this letter I will explain the source of the problem, illustrate particular grievances against the federal agencies involved, and offer the proper solution—a recrafting of Alaska Statute 11.61.200(g)(2).

Under Alaska law, an individual who has been convicted of a felony can have their right to bear arms restored by any of three occurrences: a pardon, a suspended imposition of sentence, or by the passage of ten years from unconditional discharge. The Alaska legislature, recognizing both the distinctions of life in Alaska and also the profound respect that the majority of Alaskans have for the right to bear arms, has made the decision to establish a means by which individuals who have previously been convicted of a felony may regain their right to bear arms. The bureaucrats at the ATF and FBI have subverted the goals of the Alaska legislature through the tortured and twisted application of limited U.S. Supreme Court cases to Alaska law. In doing so, these agencies have wrongfully deprived Alaskans of their rights.

In Caron v. U.S., the U.S. Supreme Court held that if a person who has previously been convicted of a felony is prohibited from possessing any type of firearm under state law, then they are prohibited from possessing all firearms under federal law.[1] Prior to this ruling, several states allowed previously convicted felons to regain the right to possess rifles and shotguns but prohibited them from possessing handguns.[2] Alaska law draws no distinctions among the types of firearms which a previously convicted felon may posses.[3] Alaska law allows an individual whose rights have been restored to possess rifles, shotguns and handguns. The only limit contained in our state law is upon the carrying of a concealed firearm by a person whose rights have been restored.[4] While the right of possession is fully restored, an individual who has previously been convicted of a felony may only carry a firearm concealed under limited circumstances—either while he is upon his own land or while he is engaged in outdoor activities that would "necessarily involve the carrying of a weapon for personal protection."[5]

An accurate reading of the Alaska statutes reveals that our state law should not be impacted by the Court's holding in Caron. Alaska law does not limit the "type" of firearms which a previously convicted felon may possess. Furthermore, the single limitation in place for previously convicted felons proscribes only their ability to carry a firearm in a concealed manner, and does not limit their right of possession in any way. The ATF and FBI are, however, interpreting the Alaska statute as a restriction upon possession. Because of this interpretation, Alaskans who have led productive lives, but who have convictions sometimes decades in their past, are being denied their right to own guns, and even being threatened with prosecution for serious Federal offenses.

To better understand the plight of the individuals being affected by this law, I will offer some specific examples. In 1970, at the tender age of 19, R.S. made the mistake of getting caught up in recreational drug use. He was arrested for the possession of hallucinogens and convicted of a felony. As a first-time youthful offender, he was granted a suspended imposition of sentence, and given the opportunity to mend his ways. He is now a happily married 56-year-old father. He has worked,

[1] Caron v. U.S., 524 U.S. 308, 314 (1988).
[2] See U.S. v. Tomlinson, 67 F.3d 508 (4th Cir. 1995); see also U.S. v. Dahms, 938 F.2d 131 (9th Cir. 1991).
[3] See AS 11.61.200(a) and (b).
[4] AS 11.61.200(a)(12) and (g)(2).
[5] Id. The Alaska appellate courts have not established an objective test or enumerated specific criteria to consider when determining which activities "necessarily involve the carrying of a weapon for personal protection."

hunted and fished his entire life. He only learned recently, when he applied for the purchase of a new firearm, that he is now suddenly prohibited from owning firearms, despite having been granted a suspended imposition of sentence more than 30 years ago.

R.P. was convicted of a felony in 1992. After paying for his crime, he went straight to work helping the public. He became the director of the search and rescue organization for an Alaskan borough. Governor Murkowski granted him a full pardon, expressly for the purpose of allowing him to possess a firearm to help him fulfill his duties. He recently became aware of the fact that—despite the Governor's pardon—federal law prohibits him from possessing firearms.

The Federal law has stripped Alaska of the right to make its own decision on restoring gun rights to ex-felons. The overreaching actions of the bureaucrats at the ATF and FBI have left Alaska with a single option - to amend AS 11.61.200 to remove the disability on carrying a concealed weapon by a person convicted of a felony who has had their rights restored. By removing this disability in Alaska's law, the ATF and FBI will have no basis whatsoever to challenge Alaska's laws, and we can allow ex-felons who have proven their rehabilitation to participate in the full rights that all Alaskans enjoy.

I have included the text of a sample bill that would amend AS 11.61.200, and restore Alaska's policy of allowing rehabilitated ex-felons to own firearms. I urge the Legislature to adopt these changes and to assure the continued support of the right of Alaskans to bear arms for the defense of themselves and others.

Sincerely,

Wayne Anthony Ross
Attorney at Law
Director, NRA

Memorandum

Re: Proposed legislation
File: 11.61.220 Project
Date: 9 September 2008

Several of our clients have experienced problems in either being denied an Alaska Concealed Handgun Permit (CHP) or denied permission to purchase firearms during a "National Instant Criminal Background Check System" (NICS) check.

These problems stem from the language of AS 11.61.200, the Alaska Statute for Misconduct Involving Weapons in the Third Degree. AS 11.61.200(a)(12) bars all people convicted of felonies from carrying a concealed weapon, while AS 11.61.200(g) sets out the exceptions to (a)(12)'s blanket ban.

Because of the limited nature of subsection (g)'s exceptions, the Alaska Department of Public Safety takes the position, upheld by the Alaska Supreme Court in *Gabrielle v. State of Alaska,* that anyone with a felony conviction is ineligible for an Alaska CHP. Additionally, the FBI has taken the position that the limit on a felon's ability to carry a concealed weapon under AS 11.61.200(a)(12) & (g) activate the federal ban on the possession of any firearm under 18 USC §922(g), as intepreted in *Caron v. U.S.*

I shall attempt to describe how the particular provisions of Alaska and Federal law have created these twin problems, and what we can do to attempt to fix them by changing Alaska's law.

The Alaska CHP Issue

The Alaska Department of Public Safety has taken the position that anyone with a prior felony conviction, regardless of the time since the conviction or whether the conviction was set aside or pardoned, does not qualify for an Alaska CHP. They have based this determination on the limited scope of the exceptions in AS 11.61.200(g) to the total ban in 11.61.200(a)(12) of any felon carrying a concealed firearm.

AS 11.61.200(g) only allows a convicted felon to carry a concealed firearm if; (1) the conviction has been pardoned, (2) the conviction has been set aside, or (3) 10 years have elapsed since the conviction, and either (a) the person was in their home or on land immediately adjacent to their home, or (b) was engaged in an outdoor activity that necessitated carrying the weapon for personal protection. Thus, without <u>both</u> some evidence of rehabilitation in (1)-(3), <u>and</u> observing the limited conditions for carrying in (a)-(b), a person convicted of a felony is guilty of

Misconduct Involving Weapons in the Third Degree if they carry a concealed weapon.

The Alaska Department of Public Safety's interpretation of AS 11.61.200 was upheld in *Gabrielle v. State of Alaska.*[1] There, the Supreme Court of Alaska held that a person with a felony record of any description, though not prohibited from applying for an Alaska CHP under the statutes and regulations governing eligibility for the permit, nevertheless was not entitled to an Alaska CHP because of the restrictions found in AS 11.61.200. Because this issue has been appealed to the highest court capable of deciding the issue, the only way to change this outcome is through legislation.

The NICS Check / 18 USC §922(g)(1) Issue

The FBI's National Instant Criminal Background Check System implements a federal requirement that all federally licensed firearms dealers conduct a background check on all prospective firearms purchasers. The background check screens those that have been disqualified from purchasing firearms through operation of federal law. Information is entered into the NICS system by multiple state and federal agencies, but the FBI determines whether the information provided disqualifies an individual from purchasing firearms.

Many of the federal restrictions on possession of firearms are found at 18 U.S.C. §922(g). §922(g)(1) prohibits anyone who has been convicted of a felony from possessing a firearm, however §921(a)(20) contains an exception for those felons who have had their civil rights restored (through operation of law, a pardon, or any similar means). The exception in §921(a)(20) has its own exception, however, prohibiting those convicted of a felony whose civil rights have been restored from possessing a firearm if state law prohibits them from possessing a weapon of any type.

The exception to the exception found in §921(a)(20) was interpreted by the U.S. Supreme Court in *Caron v U.S.*[2] There, the Court faced a person whose civil rights had been restored under Massachusetts law, including the right to possess long guns and handguns. However, he was not allowed to carry handguns outside his home or business, though this right was afforded to non-felons. The Supreme Court found that this restriction, though not strictly a prohibition against of possession of handguns, was enough of a restriction to activate the exception to the exception found in §921(a)(20).

Applying *Caron* to Alaska law, the FBI has taken the position that the restrictions on ex-felons carrying concealed weapons found in AS 11.61.200(a)(12) & (g) are sufficient to activate the exception to the exception found in 18 U.S.C. §921(a)(20). Because of this interpretation, ex-

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[1] 158 P.3d 813 (Alaska 2007).

[2] 524 U.S. 308 (1998).

felons in Alaska, even those who have had convictions set aside or pardoned, are barred from possessing any firearm by §922(g)(1).

The FBI's interpretation of the effect of AS 11.61.200 on the application of 18 U.S.C. §922(g)(1) is contrary to the Alaska Supreme Court's interpretation in *Gabrielle* (which was not binding on the FBI), and has been questioned in other federal cases such as the unpublished *U.S. v Flores*.[3] However, given the similarity between Alaska law and the Massachusetts law at question in *Caron* (both allowed possession of all types of weapons, but restricted where and how handguns could be carried), the FBI's interpretation of the law is not clearly incorrect. It would be possible to challenge the FBI in court, but it is far from certain that we could obtain a favorable result.

The Common Factor

The common factor in both of these issues is AS 11.61.200, and the restriction on ex-felons carrying concealed weapons in Alaska, except under certain narrow exceptions. While Alaska has several statutes covering the crime of "Misconduct Involving Weapons," enumerating different degrees of the offense, no other iteration of the statute implicates the carrying or possession of weapons by ex-felons, and so would not impact either eligibility for an Alaska CHP or eligibility under the FBI's NICS system.

Likewise, Alaska's statutes and regulations governing Alaska's CHP program (AS 18.65.700-790, 13 AAC 30.010-900) set out eligibility requirements, including disqualifications if an applicant has had multiple recent misdemeanor offenses or has been ordered by a court to attend a drug- or alcohol-rehabilitation clinic. However, none of the requirements for a CHP touch on the status of the applicant as an ex-felon; pardoned, conviction set aside, or otherwise. Thus, none of these statutes or regulations need to be revised in addressing either the CHP or NICS issue.

Therefore, a legislative fix to this issue need only modify the restrictions on ex-felons carrying or possessing weapons that are found in AS 11.61.200.

The Possible Solutions

Alaska is unusually *laissez-faire* in its approach to gun rights (being one of two states that allows concealed carry of firearms without a permit). However, Alaska also tends towards a tougher stance on crime issues than other states. In attempting to change the policy embodied in AS 11.61.200 towards the gun rights of ex-felons, we will be working in the cross-currents of these two conflicting political priorities.

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[3] 118 Fed. Appx. 49 (C.A.6 (Mich.)).

From a strictly political perspective, we could attempt to counter some of the turbulence of a legislative proposal by noting that it is federal law that has forced us to seek a modification of our state law, in order to allow us to pursue our own policy of granting forgiveness to, and restoring the rights of, ex-felons. Federal law has stripped Alaska of its right to make its own determination of how ex-felons are to exercise their gun rights, and leaves us only a simplistic all-or-nothing choice as to whether ex-felons should regain their gun rights.

There are several different methods we could pursue to change AS 11.61.200 so as to allow for ex-felons to apply for an Alaska CHP and to bypass the federal ban on possession found in 18 U.S.C. §922(g)(1). The principal question in changing the restrictions found in AS 11.61.200, however, is how far to expand the re-enfranchisement of gun rights to ex-felons.

First, in order to permit ex-felons to apply for an Alaska CHP, or to possess a weapon under 18 U.S.C. §922(g)(1) and *Caron*, we must remove the restrictions on where an ex-felon may carry a concealed weapon found in AS 11.61.200(g)(2) (I have attached two sample proposed bills with this memo for you to review). This would allow an ex-felon to carry a concealed weapon under the same circumstances that any other citizen would be able to. This would broaden the rights of ex-felons, as it allows them to carry concealed weapons where previously they were not allowed to. However, this is the only means of restoring their right to own weapons at all, given the FBI's interpretation of 18 U.S.C. §922(g)(1).

As for how far to extend re-enfranchisement, currently AS 11.61.200(g) identifies three groups of ex-felons that it restores gun rights to; ex-felons who (1) received a pardon, (2) had their conviction set aside, or (3) had more than 10 years elapse since they finished serving their sentence and who had not committed a violent felony. There is a strong argument that all three groups should be granted full re-enfranchisement, as all three demonstrate some individualized showing of rehabilitation, rather than automatically granting an ex-felon gun rights as soon as they get out of jail.

Conclusion

Alaska has made its own policy decision about how to handle the gun rights of ex-felons, however the Federal Government has stripped Alaska of the right to make our own judgments except for an all-or-nothing decision on the gun rights of ex-felons. That message of Federal interference with Alaska's laws is the message we should emphasize in attempting to amend AS 11.61.200, in order to restore the gun rights of those denied them under the federal government's ban.

Collateral references. — What constitutes "constructive possession" of unregistered or otherwise prohibited weapon under state law. 88 ALR5th 121.

Sec. 11.61.200. Misconduct involving weapons in the third degree. (a) A person commits the crime of misconduct involving weapons in the third degree if the person

(1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;

(2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

(4) knowingly sells or transfers a firearm to another whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or controlled substance into that other person's body;

(5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;

(6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;

(7) violates AS 11.46.320 and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;

(8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under AS 18.66.100 — 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of AS 11.56.740 and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located;

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in circumstances other than described in AS 11.61.190(a)(2); or

(12) knowingly possesses a firearm that is concealed on the person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory.

(b) It is an affirmative defense to a prosecution

(1) under (a)(1) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and

the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory;

(2) under (a)(2) or (10) of this section that

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) For purposes of (a)(12) of this section, a firearm on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a firearm without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it. A firearm on a person is not concealed if it is unloaded and is encased in a closed container designed for transporting firearms.

(g) It is an affirmative defense to a prosecution under (a)(12) of this section that

(1) either

(A) the defendant convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the defendant's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(12) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory; and

(2) at the time of possession, the defendant was

(A) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(B) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(h) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

"An Act Relating to The Restoration of Rights to Offenders Who Have Had Their Conviction Pardoned or Set Aside."

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

***Section 1:** AS 11.61.200(g) is amended to read:

(g) It is an affirmative defense to a prosecution under (a)(12) of this section that

(1) either

(A) the defendant convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the defendant's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(12) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory(; AND).

((2) AND AT THE TIME OF POSSESSION, THE DEFENDANT WAS

(A) IN THE DEFENDANT'S DWELLING OR ON LAND OWNED OR LEASED BY THE DEFENDANT APPURTENANT TO THE DWELLING; OR

(B) ACTUALLY ENGAGED IN LAWFUL HUNTING, FISHING, TRAPPING, OR OTHER LAWFUL OUTDOOR ACTIVITY THAT NECESSARILY INVOLVES THE CARRYING OF A WEAPON FOR PERSONAL PROTECTION.)

"An Act Relating to The Restoration of Rights to Offenders Who Have Had Their Conviction Pardoned or Set Aside."

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

***Section 1:** AS 11.61.200(g) is amended to read:

(g) It is an affirmative defense to a prosecution under (a)(12) of this section that

(1) either

(A) the defendant convicted of the prior offense on which the action is based received a pardon for that conviction; **or**

(B) the underlying conviction upon which the action is based has been set aside under AS 12.55.085 or as a result of post-conviction proceedings; or

((C) A PERIOD OF 10 YEARS OR MORE HAS ELAPSED BETWEEN THE DATE OF THE DEFENDANT'S UNCONDITIONAL DISCHARGE ON THE PRIOR OFFENSE OR ADJUDICATION OF JUVENILE DELINQUENCY AND THE DATE OF THE VIOLATION OF (A)(12) OF THIS SECTION, AND THE PRIOR CONVICTION OR ADJUDICATION OF JUVENILE DELINQUENCY DID NOT RESULT FROM A VIOLATION OF AS 11.41 OR OF A SIMILAR LAW OF THE UNITED STATES OR OF ANOTHER STATE OR TERRITORY; AND)

(2) **a period of 10 years or more has elapsed between the date of the defendant's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(12) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of AS 11.41 or of a similar law of the United States or of another state or territory,** and at the time of possession, the defendant was

(A) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(B) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

Michael Rovito

From: Karl Thomas [them_thangs_on_my_mind@hotmail.com]
Sent: Wednesday, April 15, 2009 12:32 PM
To: Michael Rovito
Subject: my letter for the record for sb189

Karl Thomas
8100 Boundary Ave #5
Anchorage, AK 99504
907-952-3201

Subject: SB 189 by Senator Charlie Huggins

Set aside under state law are allowed to purchase firearms under SB 189

My name is Karl Thomas. I am writing this letter to get support for this project. In essence I was convicted of a non-violent felony I was sentenced to a term of suspended imposition of sentence. My rights were restored in every way except when I try to purchase a firearm.
I was denied by the NICS after filing a voluntary appeal to them. The reason NICS denied my rights to purchase a firearm was case law Caron V. United States, 118 S. CT. 2007. Since Alaska state law restricts where a felon can possess a firearm .I am then considered to be federally prohibited by the Caron decision, since my case was set a side and all rights restored I should be able to purchase firearms, but I am not allowed to purchase firearms which is a infringement on my rights since they have been fully restored with no restrictions
I would like for the law to mimic US code federal law. 18 U.S.C. 922(g)(1) provides in pertinent part: It shall be unlawful for any person . . . who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. However, 18 U.S.C. 921 provides in pertinent part: **Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.**
Since I am not allowed to purchase firearms legally from a dealer, the only way for me to purchase a new firearm would be an illegal straw purchase or any other illegal means. I would greatly appreciate if you could correct this law so other Alaskans can purchase firearms legally after their rights have been restored.
Thank you for your time,

Takes away restriction had on their own land.

Karl Thomas 15thDay of April 2009

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SB 190

ALASKA STATE LEGISLATURE

Session
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Fax: (907) 465-6615

Interim
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Anchorage, AK 99501
(907) 269-0120
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Senator_Bill_Wielechowski@legis.state.ak.us



Co-chair
Joint Armed Services Committee
Resources Committee

Member
Energy Committee
Judiciary Committee
World Trade Committee

SENATOR BILL WIELECHOWSKI



TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Senator Bill Wielechowski

DATE: February 22, 2010

RE: Hearing Request for SB 190

Dear Senator Menard,

I respectfully ask that you schedule a hearing for **SB 190 – "An Act relating to biometric information"** in the Senate State Affairs Committee.

I intend to request that representatives from the appropriate state agencies and from legislative legal services be present to respond to any questions that may arise. Further, I would like to allow public testimony to be taken statewide by electronic means.

Please feel free to contact my aide George Ascott at 465-2435 with any questions or concerns.

Thank you for your consideration of this request.

ALASKA STATE LEGISLATURE

Session
State Capitol, Rm. 115
Juneau, AK 99801
(907) 465-2435
Fax: (907) 465-6615

Interim
716 W. 4th Ave, Ste. 540
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Co-chair
Joint Armed Services Committee
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SENATOR BILL WIELECHOWSKI

Senate Bill 190

"An Act Relating to the use of biometric information"

Sponsor Statement

In 2004, the Alaska Legislature unanimously passed legislation outlawing the collection, analysis, or storage of a law-abiding citizen's genetic information without their express written consent. This legislation was drafted in response to rapidly evolving technology that holds great promise for fields such as medicine and law enforcement; but also holds the potential for misuse by those who would use a person's genetic data to obtain information about them that they would normally have an express right to keep private.

Senate Bill 190 would update this legislation to protect not only Alaskans' DNA, but all similar forms of biometric information. The term "biometric information" refers to any information about an individual based on their unique behavioral or physiological characteristics. The most commonly known forms of biometric information are a person's fingerprints and their DNA; but also include such information as iris and retinal patterns, hand geometry, voice patterns, and facial characteristics.

At this time, many potential uses of biometric information are still at the rudimentary stages of development. However, new technologies will soon be available that will be able to make use of this information with chilling consequences for individual privacy and civil liberties.

Examples of the potential misuse of biometric information include the collection of an individual's DNA by potential employers or insurers to weed out applicants that may have a genetic predisposition towards certain illnesses; and the use of video surveillance enhanced by facial recognition technology to track citizens' movements without their knowledge.

Alaskans should bear in mind that one of the proposed requirements of the Federal REAL ID Act was that every Alaskan ID card contain a radio frequency identification (RFID) chip, which would allow a citizen's movements to be tracked without their knowledge.

Thankfully, the State of Alaska has joined other states in refusing to submit to the REAL ID Act. The legislature should take a similar strong stand to protect Alaskans' biometric information and their constitutional right to privacy.

26-LS0332\C
Bannister
3/10/10

CS FOR SENATE BILL NO. 190( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS WIELECHOWSKI, Ellis

A BILL

FOR AN ACT ENTITLED

"An Act relating to biometric information."

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

*** Section 1.** AS 18.13.010 is amended to read:

Sec. 18.13.010. Biometric information [GENETIC TESTING]. (a) Except as provided in (b) of this section,

(1) a person may not collect a DNA sample **or other biometric information** from a person, perform a DNA analysis on a sample, retain a DNA sample **or other biometric information, retain** [OR] the results of a DNA analysis, or disclose the results of a DNA analysis **or other biometric information** unless the person has first obtained the informed**, willing,** and written consent of the person, or the person's legal guardian or authorized representative, for the collection, analysis, retention, or disclosure;

(2) a DNA sample **or other biometric information** and the results of a DNA analysis performed on the sample are the exclusive property of the person sampled**,** [OR] analyzed**, or from whom the biometric information was taken**.

(b) The prohibitions of (a) of this section do not apply to DNA samples collected**, other biometric information collected,** and **DNA** analyses conducted

(1) under AS 44.41.035 or comparable provisions of another jurisdiction;

(2) for a law enforcement purpose, including the identification of perpetrators and the investigation of crimes and the identification of missing or unidentified persons or deceased individuals;

(3) for determining paternity;

(4) to screen newborns as required by state or federal law;

(5) for the purpose of emergency medical treatment**; or**

(6) for the collection of fingerprints when specifically provided for by state statute.

(c) A general authorization for the release of medical records or medical information may not be construed as the [INFORMED AND WRITTEN] consent required by this section. The Department of Health and Social Services may by regulation adopt a uniform [INFORMED AND WRITTEN] consent form to assist persons in meeting the requirements of this section. A person using that uniform [INFORMED AND WRITTEN] consent **form** is exempt from civil or criminal liability for actions taken under the **uniform** consent form. A person may revoke or amend their [INFORMED AND WRITTEN] consent at any time.

*** Sec. 2.** AS 18.13.020 is amended to read:

Sec. 18.13.020. Private right of action. A person may bring a civil action against a person who collects a DNA sample **or other biometric information** from the person, performs a DNA analysis on a sample, retains a DNA sample or **other biometric information, retains** the results of a DNA analysis, or discloses the results of a DNA analysis **or other biometric information** in violation of this chapter. In addition to the actual damages suffered by the person, a person violating this chapter shall be liable to the person for damages in the amount of $5,000 or, if the violation resulted in profit or monetary gain to the violator, $100,000.

*** Sec. 3.** AS 18.13.030(a) is amended to read:

(a) A person **who is not a governmental entity** commits the crime of

unlawful DNA collection, analysis, retention, or disclosure if the person **who is not a governmental entity** knowingly collects a DNA sample from a person, performs a DNA analysis on a sample, retains a DNA sample or the results of a DNA analysis, or discloses the results of a DNA analysis in violation of this chapter.

*** Sec. 4.** AS 18.13.100 is amended by adding new paragraphs to read:

(4) "biometric information" means information that is based on fingerprints, hand geometry, voice recognition, facial recognition, iris scan, retinal scan, or DNA;

(5) "governmental entity" means a state agency, a municipality, and an agency of a municipality; in this paragraph, "state agency" means an agency of the executive, judicial, or legislative branch of state government;

(6) "person" has the meaning given in AS 01.10.060, and includes a governmental entity.

SB 190 – Biometric Information
List of Anticipated Changes in Committee Substitute (Senate State Affairs)

Page 3, lines 3-5 amended to read as follows:

(3) "biometric information" means information that is based on ~~an individual's unique behavioral or physiological characteristics, including~~ fingerprints, hand geometry, voice recognition, facial recognition, iris scan, retinal scan, and DNA

Page 2, lines 11-12 amended to read as follows:

(6) For the collection of fingerprints as specifically referenced in state statute"

Page 1, Line 10: amended to read:

....obtained the informed, *willing,* and written consent

Page 2, line 32 and page 3 line one, amended to remove misdemeanor penalties for collection of all forms of biometric information except DNA. There will still be a private right of action for the collection of biometric information other than DNA.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 22, 2010

SUBJECT: SB 190 relating to biometric information
(Work Order No. 26-LS0332\P)

TO: Senator Bill Wielechowski
Attn: George Ascott

FROM: Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents

Section 1. Expands AS 18.13.010(a), which currently deals with DNA information, to prohibit collecting other biometric information from a person, retaining other biometric information, and disclosing the results of other biometric information without the required consent. Makes the other biometric information the exclusive property of the person who was the source of the biometric information.

Section 2. Amends AS 18.13.010(b), which lists the situations to which (a) does not apply. Expands the subsection to indicate that the listed situations cover "other biometric information collected" as well as DNA. Adds to the list an exception for background checks as required or permitted by state or federal law.

Section 3. Amends AS 18.13.020, which provides a private right of action for violations. Adds the biometric information prohibitions to the violations for which a person has a right of action.

Section 4. Amends AS 18.13.030(a), which sets a criminal penalty for violations, to include violations of the biometric information prohibitions. Removes governmental entities from the subsection.

Section 5. Amends AS 18.13.030(c), which makes the crime a class A misdemeanor. Conforms the name of the violation to the name of the crime established in (a).

Section 6. Amends AS 18.13.100, the definition section for AS 18.13. Adds definitions for "biometric information," "governmental entity," and "person."

If I may be of further assistance, please advise.

TLB:ljw
10-123.ljw

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 190**
() Publish Date:

Identifier (file name): SB190-LAW-CRIM-03-01-10
Title: An Act relating to biometric information
Sponsor: Senator(s) Wielechowski, Ellis
Requester: Senate State Affairs

Dept. Affected: Law
RDU: CRIMINAL
Component: Criminal Justice Litigation
Component Number: 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	***	***	***	***	***	***	***
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 Interagency Receipts							
TOTAL	***	***	***	***	***	***	***

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

See attached page...

Prepared by: Eileen Donahue, Division Operations Manager
Division: Administrative Services
Phone: 465-5427
Date/Time: 3/1/10 12:00 PM

Approved by: Daniel S. Sullivan, Attorney General
Department of Law
Date: 3/1/2010

(Revised 11/6/2009 OMB)

STATE OF ALASKA
2010 LEGISLATIVE SESSION

BILL NO. SB 190

ANALYSIS CONTINUATION

SB 190 would expand privacy interests in information that is not currently considered to be private – such as fingerprints and facial characteristics. This information is described as biometric information. It provides that a private entity could be prosecuted for a crime or sued civilly, or both, for disclosing information without the written consent of the subject of the information.

The definition of biometric information is potentially very broad and includes information based on a person's behavioral characteristics. Because of the possible breadth of the information included, distribution of which would be subject to criminal prosecution without permission of the person, the Department of Law submits an indeterminate note. We will be working with other agencies to determine whether we can make a more specific estimate of the costs of SB 190.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB190
() Publish Date:

Identifier (file name): SB190-DPS-R&I-03-01-10
Dept. Affected: Public Safety
Title "An Act relating to biometric information."
RDU Statewide Support
Component Records & Identification
Sponsor Senator Wielechowski
Requester Senate State Affairs Committee
Component Number 1190

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill would extend the genetic privacy laws under AS 18.13 to include biometric information. The Department of Public Safety's Division of Statewide Services does not predict a fiscal impact as a result of this proposed legislation.

Prepared by: David Schade, Director
Phone (907) 269-0202
Division Statewide Services
Date/Time 3/1/10 12:00 PM
Approved by: Joe Masters
Date 3/1/2010
Commissioner

(Revised 11/6/2009 OMB)

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Facial Biometrics System Capable of Creating a Facial 'DNA'

ScienceDaily (Nov. 16, 2009) — Research into techniques of facial biometrics, carried out by scientists at Universidad Carlos III de Madrid (UC3M), has resulted in a system that is able to recognize the facial "DNA" of every individual by determining his/her most noteworthy facial traits, with a of 95% rate of precision.

See also:

Computers & Math
- Mathematics
- Artificial Intelligence
- Computer Modeling
- Computer Programming
- Information Technology
- Mathematical Modeling

Reference
- Speech recognition
- Computational genomics
- Mathematical model
- Computer vision

Recognition techniques based on facial features, known as facial biometrics, is usually based on the search for those traits which make one face different from another. The research carried out by this team, in contrast, approaches the issue from a slightly different point of view.

"The difference between our work and the majority of the others that are found in this field is the idea of individualized models," explains one of the study's authors, mathematician David Delgado Gomez from the UC3M Statistics Department. "Our objective," he continued, "is to create a model for each person which highlights the most distinguishing features of each face, as a sort of facial 'DNA'."

The researchers had this idea when they were imagining the situation of a crowded room where someone comes in asking for one of them. "Our way to describe a person is through some traits that the others don't have, such as the tall woman with blue eyes, or the bald guy with a beard. We try to apply this idea to our algorithm," remarked Professor Delgado, who has been carrying out this research with Federico Sukno, Kaushik Pavani and Alejandro Frangi from the CISTIB Group of *Universidad Pompeu Fabra* of Barcelona, and Bjarne Ersboll and Jens Fagertun from the mathematical modelling group of Technical University of Denmark, which has recently published an article entitled "Similarity-based Fisherfaces," with some of their research results appearing in the scientific journal *Pattern Recognition Letters.*

Basic elements



A new facial biometrics system that is able to recognize the facial "DNA" of every individual by determining his/her most noteworthy facial traits. (Credit: Image courtesy of Universidad Carlos III de Madrid - Oficina de Información Científica)

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A facial biometrics system is normally made up of three components. First, a camera is necessary to record an image; secondly, a software program is needed which determines if there is a face in that image, locating among other things, the facial geometry (the placement of the eyes, nose, mouth, etc.); and thirdly, a system that is capable of classifying all those elements to differentiate between them and those of other persons. The most complicated part, according to the researchers was combining the facial geometry and facial texture.

"With only the geometric information, very low classifications are obtained, which is why we combine this information with that of facial texture to obtain a more robust model, and a statistical way of combining them occurred to us, which offered very good results.," Delgado pointed out. The researchers have shown that when this system is used in a controlled environment, it can achieve a 95% rate of precision.

The main complication occurring when using this type of systems is the lighting, which can change the color of the face. Another challenge is the passage of time, because as a person ages, his/her face undergoes changes as it becomes heavier, thinner, or more wrinkled, which can then fool the classifiers. On the other hand, the researchers add, it does have a significant advantage when compared to other biometric systems: it doesn't need direct interaction with a person as do fingerprinting or iris recognition, for example.

Adapted from materials provided by Universidad Carlos III de Madrid - Oficina de Información Científica, via AlphaGalileo.

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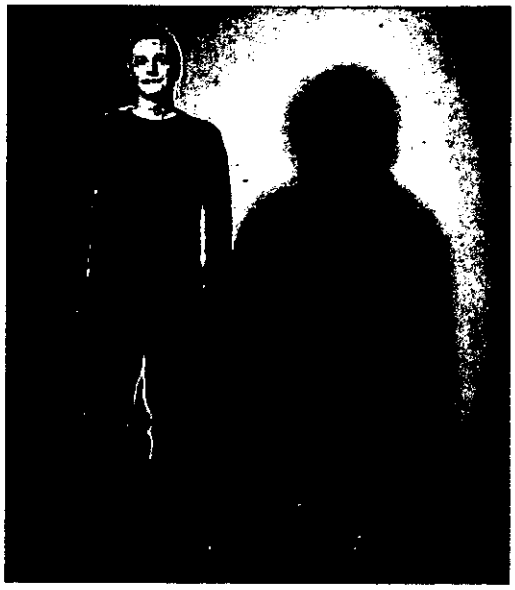
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Special investigation: How my genome was hacked

25 March 2009 by **Peter Aldhous** and **Michael Reilly**
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Editorial: *Time for laws on genome spies*



This man's genome has hacked. That was for work purposes. You may not be so lucky (Image: Mark Richards)

1 more image

INTIMATE secrets hidden in your DNA could be stolen without you even realising. By taking a glass from which you have drunk, a "genome hacker" could obtain a comprehensive scan of your genome, revealing DNA variants that help determine your susceptibility to a wide range of diseases, from a common form of blindness to Alzheimer's disease.

That's the disturbing finding of a *New Scientist* investigation, in which one of us - Michael Reilly - "hacked" the genome of the other - Peter Aldhous - armed with only a credit card, a private email account and a home address.

You might have thought that genome hacking requires specialist skills, and personal access to sophisticated equipment. But in recent years, some companies have started to offer personal genome scans to the public over the internet. Other firms routinely analyse genomes on behalf of scientists involved in human genetics research. In theory, both types of service are vulnerable to abuse by a genome hacker determined to submit someone else's DNA for covert analysis.

Until our investigation, it was not clear whether this would be possible in practice. Could a hacker with no access to a genetics lab take an item carrying another person's DNA and obtain a sample that companies would accept for scanning? Would the sample be of high enough quality to yield accurate results? And would genome analysis companies have procedures in place to identify and refuse suspicious orders?

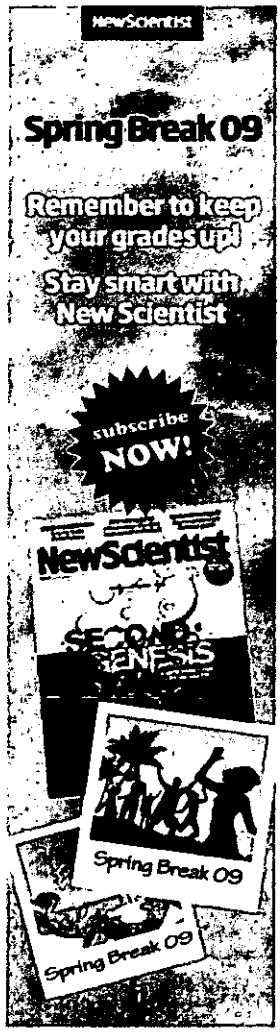
We decided to find out. Rather like computer security researchers who expose vulnerabilities in software code so that they can be "patched" to guard against malicious hackers, our goal was to uncover vulnerabilities in the way companies offering genome scans operate, so that they can be fixed.

Our investigation uncovered some loopholes that might be closed to help thwart genome thieves. The findings also strengthen the case for additional laws to protect the information contained in the DNA that we all shed continually and leave lying around.

"Just as we have a right to expect that relatives, neighbours, or even strangers can't poke through our medical records without our permission, we should have a right to expect that people can't snoop through our genes," says Kathy Hudson, who heads the Genetics and Public Policy Center in Washington DC.

We should have a right to expect that people can't snoop through our genes

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Our experimental genome hack began like this: Peter drank water from a glass, which he handed to Michael. Michael's first task was to get Peter's DNA off the glass and turn it into a sample that he could submit to a genome-scanning company.

Michael approached several firms that ordinarily extract DNA from items like drinking glasses and match this DNA against particular individuals, on behalf of the police, private detectives or citizens pursuing their own investigations. He said nothing about his intentions, but soon found a company that would extract the DNA without performing any DNA matches. Some weeks later a vial containing a solution of Peter's DNA turned up at Michael's home.

DNA boosters

Companies that perform genome scans use DNA "chips" that test for the presence of hundreds of thousands of DNA variants known as single nucleotide polymorphisms, or SNPs - some of which have been associated with susceptibility to various diseases. As these chips require more DNA than came from our drinking glass, Michael's next challenge was to duplicate Peter's DNA to get a large enough sample.

This procedure, called "whole genome amplification", is offered to scientists and could, for instance, be used to amplify DNA from small clinical samples in studies investigating the genetic origins of disease. Geneticists often place orders involving large numbers of samples, but Michael found a lab services firm that was willing to amplify our single sample to produce more than enough DNA to run on a SNP chip. He did not say why he wanted this done.

Next we had to choose a company to perform the genome scan itself. Lab services companies, such as the one that performed our amplification, often offer this service to scientists as well. But they do not provide an interpretation of the scans in terms of health risks and other traits - something a genome hacker is likely to want. So this wasn't our first port of call. Instead, we looked at the personal genomics services offered to members of the public by companies such as Decode Genetics of Reykjavik, Iceland, and the Californian firms 23andMe of Mountain View and Navigenics, based in Foster City.

Swab spiker

To gather the DNA provided by their customers, 23andMe and Navigenics use a collection tube into which you must spit about 2 millilitres of saliva. We decided that it would be hard to convert Peter's amplified DNA sample into a form that closely mimicked saliva. So we chose to use Decode's service, branded deCODEme, which instead collects DNA using swabs consisting of a piece of filter paper on a plastic handle that customers are supposed to rub against the inside of their cheek. We reasoned that Michael might be able to "spike" these swabs with Peter's amplified DNA without Decode noticing.

The terms and conditions for the deCODEme service state that someone submitting DNA must have the legal authority to do so, and that the sample must be taken from the cheek. We wanted to test whether deCODEme is vulnerable to abuse from someone prepared to ignore these terms, so Michael pipetted some of Peter's DNA onto deCODEme's swabs and sent them off for analysis under his own name. As far as Decode was concerned, it was a sample of Michael's DNA taken by swabbing his own cheek.

This is when we hit our only real obstacle. A few weeks later, Michael was told that the sample had not processed successfully. This is possibly because Decode uses a chip that isn't designed to work with amplified DNA.

We had two contingency plans, however. First, Michael contacted our original lab services company again and asked it to analyse the remainder of our amplified sample using a different type of chip to the one that Decode uses. This company also has terms and conditions specifying that customers must have the necessary consents and approvals to submit samples. Mimicking a hacker who would be willing to ignore these terms, Michael submitted the amplified DNA for scanning.

Second, we made use of the replacement cheek swabs sent to deCODEme customers when a sample fails to process. We wanted to test the swabs' vulnerability to being spiked with a different source of "abandoned" DNA that might be taken by a genome hacker - semen from a used condom. Peter sealed

the replacement swabs, spiked with his semen, in an envelope, which Michael sent back to Decode.

Both of these back-up plans worked. For the sample of DNA taken from the drinking glass and analysed by the lab services company we obtained a read-out of about a million of Peter's SNPs. To interpret this information, we used a computer program called Promethease, which can be downloaded for free from the genomics website SNPedia.com.

SNPedia contains information contributed by genomics enthusiasts on the diseases and traits linked to particular SNPs, mostly drawn from scientific papers. Promethease is a tool intended for legitimate customers of personal genomics companies that takes the raw data from an individual's genome scan and relates it to the information in SNPedia, highlighting those SNPs that seem to reveal the most interesting things about the person concerned.

For the semen sample submitted to Decode, we obtained the company's own interpretation of Peter's lifetime risks of developing a range of diseases, in addition to a full download of the raw data, again documenting about a million SNPs.

So what would a hacker who had taken Peter's DNA have learned about him? For the DNA taken from the drinking glass, Promethease highlighted a range of SNPs, including those conferring increased risks of baldness, the skin disease psoriasis, and a form of blindness called exfoliation glaucoma. Decode's interpretation of the semen sample was rather different. For instance, it decided from an analysis of eight different SNPs that Peter's risk of developing psoriasis is very low (see table). And while Promethease and Decode both concluded that Peter is more likely than a typical person to develop Alzheimer's disease, they disagreed on the size of his risk (see "A short-lived Alzheimer's scare").

In part, these confusing results reflect current limits to geneticists' knowledge of how individual variations in DNA sequences influence health. But the science is advancing quickly, so there is no room for complacency about the ease with which a genome can be hacked.

Motives for such hacking are not hard to find. In the wake of the US presidential election, Robert Green and George Annas of Boston University speculated that future campaigns could be blighted by the sneaky analysis of a candidate's DNA by political opponents who hope to reveal looming health problems (*The New England Journal of Medicine*, vol 359, p 2192).

For people who are not politicians or celebrities, the most obvious threat comes from unscrupulous employers or insurers - and many countries have already restricted their use of genetic information. But private citizens may also have motives to pry into one another's DNA. A newly engaged person might want to know whether their future spouse carries genes making them vulnerable to dementia, for example. Or a childless couple could simply wipe a dribbling baby's mouth to investigate the child's genetic heritage and traits before deciding whether to adopt.

> An engaged person might want to know if their future spouse is vulnerable to dementia

Cost is not a huge obstacle, as the sums we spent would not deter a wealthy snoop. Decode's analysis of Peter's semen cost $985, while the total price for extracting his DNA from a drinking glass and then getting it amplified and analysed by the lab services company was about $1700. Genomic analysis is only going to get cheaper, and more powerful. "The plummeting costs of genome profiling and sequencing make it all too tempting to snoop around in other people's genomes," says Hudson.

Still, the results of our investigation suggest steps that companies could take to help protect people's privacy, and *New Scientist* has informed firms that run SNP analyses of our findings.

For companies selling genetic analyses to the public, verifying the origin of samples will always be difficult unless sample collection is supervised by a medical professional or some other official witness. It is possible to run lab tests that distinguish saliva and swabs taken from inside the cheek from other biological samples, however.

Companies offering services to research scientists, meanwhile, might consider running some checks to try to confirm that customers are legitimate. Such checks may not be completely hacker-proof, but had Michael been asked for evidence of affiliation to a scientific institution, he would not have been able to provide it legitimately.

Following our investigation, the company that amplified and analysed the sample from the drinking glass is now considering whether it could introduce further checks without obstructing legitimate orders. "Clearly we do not want to process samples where the proper consent has not been obtained," says the firm's operations director. "It's a question of how to achieve that goal without impeding the research of legitimate scientists."

Thwarting genome hackers may also require new laws to protect privacy. One approach would be for other countries to follow the UK, which has made it a crime to have someone else's DNA with the intent of analysing it without consent. "Although we are not aware of any instances of this in personal genome analysis, there is a clear rationale for making it illegal to analyse an individual's DNA without their knowledge and consent," says Decode spokesman Edward Farmer. Such laws are difficult to enforce, however, as an earlier *New Scientist* investigation revealed (31 January, p 6).

Another approach, which could be tried in parallel, would be to make it illegal for companies to extract and analyse DNA left on everyday items, except under specific circumstances. "There's no good reason, unless you are a police officer investigating a crime, to be doing DNA analysis on a sample from a drinking glass," argues Mark Rothstein, director of the Institute for Bioethics, Health Policy and Law at the University of Louisville in Kentucky.

One thing is clear: if lawmakers fail to rise to the challenge posed by genome hacking, we all have reason to fear for the security of our DNA.

Editorial: *Time for laws on genome spies*

A short-lived alzheimer's scare

We have shown that a genome hacker could take someone's DNA and obtain scans that reveal their risks of certain diseases (see main story). But how accurate are these scans, and how meaningful are the interpretations drawn from them?

To get an idea, we compared the scan results for three samples of DNA taken from our reporter Peter Aldhous. One scan was obtained legitimately by Peter submitting a sample of his saliva to the personal genomics firm 23andMe; the other two were from simulated genome "hacks". The first of these hacked samples was semen from a condom, submitted to a rival service provided by Decode Genetics; the second consisted of DNA extracted from a drinking glass, which was then amplified and scanned by a lab services company.

The raw data from these scans, which document DNA variants known as SNPs, were reasonably consistent, according to an analysis performed for *New Scientist* by Kevin Jacobs, who runs Bioinformed Consulting Services in Gaithersburg, Maryland.

The raw data for the hacked semen sample were the same as for the legitimate saliva control for 99.996 per cent of the SNPs recorded in both cases. Meanwhile, the SNP data for the DNA taken from the drinking glass diverged a little from the results coming from the semen sample and the control, agreeing about 93 per cent of the time in each case. Why the glass sample gave slightly different results is unclear, but it might be due to degradation or contamination of the DNA, or artefacts introduced during its amplification.

Interpretations of the raw SNP data varied much more widely, however (see table). Most confusing - and initially rather scary - were the suggestions about Peter's risk of developing Alzheimer's disease.

Look again

Alzheimer's risk is determined partly by variants of a gene called *APOE*. 23andMe provides no information on these variants, and for the other two samples we received conflicting interpretations.

For the DNA sample taken from the drinking glass, the software that we used to interpret the scan, called Promethease, highlighted a rare form of one SNP, which nestles close to *APOE* and tends to be inherited along with two copies of the risky variant of the gene, known as epsilon 4. Based on this, Promethease suggested Peter's risk of developing Alzheimer's disease was between 15 and 25 times that of an average person.

It all seemed very worrying, until we looked at Decode's analysis. The raw data confirmed that Peter does carry this rare SNP, but Decode does not assess *APOE* in the indirect way that Promethease does. Instead, it analyses two SNPs in the *APOE* gene itself that define how many copies of the risky variant are actually present. This revealed that Peter has just one copy of epsilon 4, and one of the common variant, epsilon 3. On this basis, Decode concluded that he is only twice as likely to develop Alzheimer's as a typical person - a moderate risk that Peter shares with about 1 in 5 people of European descent.

So while the raw data from genome scans - legitimately obtained or not - are reasonably accurate, determining what they mean is another matter entirely.

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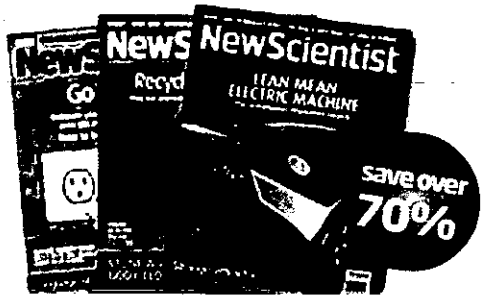
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Fingerprinting program threatens privacy for CPAs, accountants

By Jason Giaimo
Publication Date: 04/27/08

Accountants and certified public accountants are in an uproar over a new program instituted by the American Institute of Certified Public Accountants that forces those seeking certification to be fingerprinted.

Worse still, fingerprints will be stored by a soon-to-be foreign corporation.

For the first time in its 121-year history, the venerable American Institute of Certified Public Accountants (AICPA) is forcing examinees across the country to either submit to being fingerprinted or be barred from the exam process, regardless of other identification presented.

Accountants should think twice before taking the CPA exam until this program is rescinded. I am challenging the national accounting board over its new forced fingerprint collection program, and I am far from alone.

We have surrendered enough of our privacy. This illogical, un-American and Orwellian obsession with collecting innocent people's fingerprints must end now.

It's hard to understand the business case for this type of application. I offered to show my U.S. passport, driver's license, social security card, even my original birth certificate, but was still barred from completing my remaining CPA exams due to "insufficient identification." I was two days away from completion when the new program went into effect.

How can a passport be sufficient identification to travel the world and enter the USA, but not to sit for the CPA exam? This is clearly not about identification, but about data collection. It's shameful and it needs to stop.

CPAs across the nation, including the Alaska State Board of Accountancy, staunchly oppose the new national forced fingerprinting program. The AICPA has agreed to put the program on the agenda for review at its May 19 national meeting, according to national accounting board official Pat Hartman.

The Institute of Management Accountants (IMA), another group that offers certifications, said it does not plan to require fingerprinting for their exams.

Some believe fingerprints are necessary for identity validation. Others say it's too risky. Risky indeed.

According to the National Association of State Boards of Accountancy executives, the new CPA fingerprint database will be stored by ChoicePoint Corp., the same data broker that was recently fined a whopping $15 million

by the Federal Trade Commission - the largest civil penalty in FTC history - for "making false and misleading statements about its privacy policies, violating consumer's privacy rights, and for violating numerous federal laws," according to the FTC Web site.

ChoicePoint was also accused of selling highly confidential financial information to Nigerians involved in crime operation.

Currently, the company maintains more than 17 billion records of individuals and businesses, which it sells to an estimated 100,000 clients, including the Department of Homeland Security, law enforcement agencies and the FBI. Worse still, ChoicePoint recently announced that it is being acquired by foreign corporation ReedElsevier, which privacy advocates maintain will make it even less subject to U.S. regulatory and legal control.

Why should innocent Americans object to having their fingerprints taken?

When you submit to being fingerprinted for "routine" background checks, your prints are compared against the FBI's database of more than 55 million sets of fingerprints, and then (supposedly) purged.

However, according to a Dec. 23, 2007, article in the Washington Post, the FBI is initiating a new program called "rap-back," which will allow the FBI to retain and add the fingerprints from "routine" background checks on innocent Americans to their massive tracking database.

Your fingerprints will then be subject to "electronic line-ups" whenever the law enforcement database is queried for terrorism, murder or other criminal activities.

Mistakes do happen. People have been falsely imprisoned by errors in fingerprint matching. Just Google U.S. attorney Brandon Mayfield for one such example. His prints initially came back a "100 percent perfect match" to a terrorist bombing, according to FBI fingerprint experts.

I remain an optimist. The AICPA is responsive to public comment and has top-notch leadership. While this unfortunate misstep puts CPAs at risk and hurts the profession, I'm confident the organization will rectify the situation by shutting down this program at its May 19 meeting. My hope is that the public and CPAs will e-mail the AICPA to share their views about this program.

The e-mail addresses of key AICPA/NASBA executives can be found on my Web site at www.NetGainConsultants.com or on the AICPA's site at www.aicpa.org.

Jason Giaimo is a privacy rights advocate and the owner of Net Gain Business Consultants, a professional business and accounting consulting firm, that operates in Alaska, California and New York.
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ELECTRONIC FRONTIER FOUNDATION

Biometrics: Who's Watching You?

Introduction

Among the many reactions to the September 11 tragedy has been a renewed attention to biometrics. The federal government has led the way with its new concern about border control. Other proposals include the use of biometrics with ID cards and in airports, e.g. video surveillance enhanced by facial-recognition technology.

The purpose of this document is to sketch out EFF's concerns about biometrics. In today's public arena, biometric technologies are being marketed as a "silver bullet" for terrorism; however, very little independent, objective scientific testing of biometrics has been done. Deploying biometric systems without sufficient attention to their dangers makes them likely to be used in a way dangerous to civil liberties. This document is very much a work in progress and we welcome comments.

What Are Biometrics?

Biometrics refers to the automatic identification or identity verification of living persons using their enduring physical or behavioral characteristics. Many body parts, personal characteristics and imaging methods have been suggested and used for biometric systems: fingers, hands, feet, faces, eyes, ears, teeth, veins, voices, signatures, typing styles, gaits and odors.

Our Major Concerns

- **Biometric technology is inherently individuating and interfaces easily to database technology, making privacy violations easier and more damaging.** If we are to deploy such systems, privacy must be designed into them from the beginning, as it is hard to retrofit complex systems for privacy.
- **Biometric systems are useless without a well-considered threat model.** Before deploying any such system on the national stage, we must have a realistic threat model, specifying the categories of people such systems are supposed to target, and the threat they pose in light of their abilities, resources, motivations and goals. Any such system will also need to map out clearly in advance how the system is to work, in both in its successes and in its failures.
- **Biometrics are no substitute for quality data about potential risks**. No matter how accurately a person is identified, identification alone reveals nothing about whether a person is a terrorist. Such information is completely external to any biometric ID system.
- **Biometric identification is only as good as the initial ID.** The quality of the initial "enrollment" or "registration" is crucial. Biometric systems are only as good as the initial identification, which in any foreseeable system will be based on exactly the document-based methods of identification upon which biometrics are supposed to be an improvement. A terrorist with a fake passport would be issued a US visa with his own biometric attached to the name on the phony passport. Unless the terrorist A) has already entered his biometrics into the database, and B) has garnered enough suspicion at the border to merit a full database search, biometrics won't stop him at the border.
- **Biometric identification is often overkill for the task at hand.** It is not necessary to identify a person (and to create a record of their presence at a certain place and time) if all you really want to know is whether they're entitled to do something or be somewhere. When in a bar, customers use IDs to prove they're old enough to drink, not to prove who they are, or to create a record of their presence.
- **Some biometric technologies are discriminatory.**A nontrivial percentage of the population cannot present suitable features to participate in certain biometric systems. Many people have fingers that

simply do not "print well." Even if people with "bad prints" represent 1% of the population, this would mean massive inconvenience and suspicion for that minority. And scale matters. The INS, for example, handles about 1 billion distinct entries and exits every year. Even a seemingly low error rate of 0.1% means 1 million errors, each of which translates to INS resources lost following a false lead.

- **Biometric systems' accuracy is impossible to assess before deployment** Accuracy and error rates published by biometric technology vendors are not trustworthy, as biometric error rates are intrinsically manipulable. Biometric systems fail in two ways: false match (incorrectly matching a subject with someone else's reference sample) and false non-match (failing to match a subject with her own reference sample). There's a trade-off between these two types of error, and biometric systems may be "tuned" to favor one error type over another. When subjected to real-world testing in the proposed operating environment, biometric systems frequently fall short of the performance promised by vendors.
- **The cost of failure is high.** If you lose a credit card, you can cancel it and get a new one. If you lose a biometric, you've lost it for life. Any biometric system must be built to the highest levels of data security, including transmission that prevents interception, storage that prevents theft, and system-wide architecture to prevent both intrusion and compromise by corrupt or deceitful agents within the organization.

Despite these concerns, political pressure for increasing use of biometrics appears to be informed and driven more by marketing from the biometrics industry than by scientists. Much federal attention is devoted to deploying biometrics for border security. This is an easy sell, because immigrants and foreigners are, politically speaking, easy targets. But once a system is created, new uses are usually found for it, and those uses will not likely stop at the border.

With biometric ID systems, as with national ID systems, we must be wary of getting the worst of both worlds: a system that enables greater social surveillance of the population in general, but does not provide increased protection against terrorists.

Some Current Biometric Initiatives

Sec. 403(c) of the **USA-PATRIOT Act** specifically requires the federal government to "develop and certify a technology standard that can be used to verify the identity of persons" applying for or seeking entry into the United States on a U.S. visa "for the purposes of conducting background checks, confirming identity, and ensuring that a person has not received a visa under a different name."

The recently enacted **Enhanced Border Security and Visa Entry Reform Act of 2002**, Sec. 303(b)(1), requires that only "machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers" shall be issued to aliens by October 26, 2004. The Immigration and Naturalization Service (INS) and the State Department currently are evaluating biometrics for use in U.S. border control pursuant to EBSVERA.

Even prior to September 11, however, large-scale civilian biometric identification systems were being pushed. Both the **Personal Responsibility and Work Opportunity Act of 1995** (PRWOA), a welfare reform law, and the **Immigration Control and Financial Responsibility Act of 1996** (ICFRA), an immigration reform law, called for the use of "technology" for identification purposes.

The PRWOA requires the states to implement an electronic benefits transfer program "using the most recent technology available . . . which may include personal identification numbers, photographic identification . . . and other measures to protect against fraud and abuse." This law covers, for example, the Food Stamps program.

The ICFRA requires the President to "develop and recommend . . . a plan for the establishment of a data system or alternative system . . . to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs . . . or government benefits." This system "must be capable of reliably determining with respect to an individual whether . . . the individual is claiming the identity of another person."

The **Illegal Immigration Reform and Immigrant Responsibility Act of 1996** (IIRAIRA) requires the INS to include on alien border crossing cards "a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable." The State Department collects fingerprints and photographs of aliens for these cards.

The **Truck and Bus Safety and Regulatory Reform Act of 1988** (TBSRRA) requires "minimum uniform standards for the biometric identification of commercial drivers."

EFF's concerns about biometrics

Why be concerned about biometrics? Proponents argue that: A) biometrics themselves aren't dangerous because all the real dangers are associated with the database behind the biometric information, which is little different from problems of person-identifying information (PII) databases generally; B) biometrics actually promote privacy, e.g., by enabling more reliable identification and thus frustrating identity fraud.

But biometric systems have many components. Only by analyzing a system as a whole can one understand its costs and benefits. Moreover, we must understand the unspoken commitments any such system imposes.

Surveillance

The chronic, longitudinal capture of biometric data is useful for surveillance purposes. Our Surveillance Monitor page highlights some of these issues. Biometric systems entail repeat surveillance, requiring an initial capture and then later captures.

Another major issue relates to the "voluntariness" of capture. Some biometrics, like faces, voices, and fingerprints, are easily "grabbed." Other biometrics, at least under present technology, must be consciously "given." It is difficult, for instance, to capture a scan of a person's retina or to gather a hand geometry image without the subject's cooperation. Easily grabbed biometrics are a problem because people can't control when they're being put into the system or when they're being tracked. But even hard-to-grab biometrics involve a trust issue in the biometric capture device and the overall system architecture.

Databases

To be effective, a biometric system must compare captured biometric data to a biometric database. Our National ID System page highlights issues surrounding database abuse, which has both static and dynamic dimensions.

The static issues surrounding databases are mainly about safeguarding large and valuable collections of personally identifying information. If these databases are part of an important security system, then they (and the channels used to share PII) are natural targets for attack, theft, compromise, and malicious or fraudulent use.

The dynamic issues surrounding databases mainly concern the need to maintain reliable, up-to-date information. Databases that seek to maintain accurate residence information must be updated whenever one moves. Databases that are used to establish eligibility for benefits must be updated so as to exclude persons no longer eligible. The broader the function of the system, the more and broader the updating that is required, increasing the role of general social surveillance in the system.

It may seem that one of the issues that plagues token-based ID systems (like ID cards) -- the security or integrity of the token itself -- does not apply for biometric systems, because "you are your ID." But the question of the reliability of the token is really a question about trust. In an ID card system, the question is whether the system can trust the card. In biometric systems, the question is whether the individual can trust the system. If someone else captures your signature, fingerprint, or voice, for instance, what prevents it from being used by others? Any use of biometrics with a scanner run by someone else involves trusting someone's claim about

what the scanner does and how the captured information will be used.

Vendors and scanner operators may say that they protect privacy in some way, perhaps by hashing the biometric data or designing the database to enforce a privacy policy. But the end user typically has no way to verify whether such technical protections are effective or implemented properly. End-users should be able to verify any such claims, and to leave the system completely if they are not satisfied. Exiting the system, of course, should at least include the expungement of the end-user's biometric data and records.

Linking

An oft-noted risk of biometric systems is the use of biometrics as a linking identifier. This risk, of course, depends to some extent on standardization. Consider, for instance, the use of the Social Security number as a linker across disparate databases. While the private sector would not have been able to develop anything like the SSN on its own, once the government created this identifier, it became a standard way of identifying individuals. Standardization therefore creates new privacy risks because information gathered for one purpose can be used for completely unrelated, unconsented-to purposes.

Currently, Automated Fingerprint ID Systems (AFIS) are heavily used by the government in connection with law enforcement, but there is at present little standardization within the AFIS industry. If law enforcement and private industry were to unify their fingerprint databases under one common standard, such as under a national ID system, this would potentially put one's entire life history in interoperating databases that are only a fingerprint away.

Tracking

By far the most significant negative aspect of biometric ID systems is their potential to locate and track people physically. While many surveillance systems seek to locate and track, biometric systems present the greatest danger precisely because they promise extremely high accuracy. Whether a specific biometric system actually poses a risk of such tracking depends on how it is designed.

Why should we care about perfect tracking? EFF believes that perfect tracking is inimical to a free society. A society in which everyone's actions are tracked is not, in principle, free. It may be a livable society, but would not be our society.

EFF believes that perfect surveillance, even without any deliberate abuse, would have an extraordinary chilling effect on artistic and scientific inventiveness and on political expression. This concern underlies constitutional protection for anonymity, both as an aspect of First Amendment freedoms of speech and association, and as an aspect of Fourth Amendment privacy.

Implemented improperly, biometric systems could:

- increase the visibility of individual behavior. This makes it easier for measures to be taken against individuals by agents of the government, by corporations, and by our peers.
- result in politically damaging and personally embarrassing disclosures, blackmail and extortion. This hurts democracy, because it reduces the willingness of competent people to participate in public life.
- increase the 'circumstantial evidence' available for criminal prosecution. This might dramatically affect the existing balance of plausible-sounding evidence available to prosecutors, and hence increase the incidence of wrongful conviction. Many criminal cases are decided by plea bargaining, a process that is sensitive to the perceived quality of evidence. Even ambiguous or spurious evidence generated by complex technical systems may be difficult for overburdened public defenders to challenge.
- enable the matching of people's behavior against pre-determined patterns. This could be used by the government to generate suspicion, or by the private sector to classify individuals into micro-markets, the better to manipulate consumer behavior.
- aid in repressing readily locatable and trackable individuals. While the public's concern is usually focused

on the exercise of state power, these technologies may also greatly empower corporations. If proper privacy safeguards are not constructed into such systems, they would prove useful in dealing with such troublesome opponents as competitors, regulators, union organizers, whistleblowers, and lobbyists, as well as employees, consumer activists, customers and suppliers.

The Attributes of Biometric Systems

How Do Biometrics Compare to Other Types of ID?

Currently other than personally recognizing someone, or having a trusted third party personally swear to their identity, the only other technique for identifying a person is through the use of a "token." These tokens, which are in essence representations of the oath of a trusted third party, come in two basic forms:

- **Knowledge tokens**, such as passwords, secret PINs (Personal Identification Numbers), or knowledge of personal data (knowing one's mother's maiden name, e.g.), or
- **Physical tokens** such as ID cards, passports, chip cards, or plain old keys.

Token IDs offer certain advantages over biometric identification. Security against "false acceptance" of impostors can be raised by increasing the complexity of the token used for identification. Also, in the event of loss or compromise, the token, be it a password, PIN, key, or ID card, can be revoked, changed or reissued, a biometric measurement cannot.

The advantage of biometrics is that unlike tokens, biometrics cannot be lost, loaned, or forgotten. Token-based systems must verify that the presenter is the authorized user, not an unauthorized person who has come to possess the token.

Used carefully, biometrics may be combined with token-based systems to mitigate the vulnerability of ID tokens to unauthorized use.

Functions of Biometric Systems

One useful way of thinking about biometrics is that they are used for one of two purposes: A) To prove that you are who you say you are (positive ID), or B) To prove that you are not who you say you are not (negative ID).

In a positive ID situation, the subject asserts that she is Jane Doe and submits a "live" sample (a fingerprint, for example) to the system. The system then checks its database of previously enrolled or registered samples to see if the live sample matches the reference sample. A positive ID system is designed to prevent more than one person from using a single identity.

In a negative ID situation, John Roe claims *not* to be someone already known to the system. Here, the system checks its database to see that Roe is not on the watchlist of suspected criminals and terrorists, whose biometrics are already in the system. A negative ID system is designed to prevent one person from using more than one identity.

When biometrics are employed to effect negative identification, one need not be enrolled. The only persons who must be "in" the database are those whom the operator is trying to keep out or catch.

Biometrics alone cannot establish "true identity." A biometric system cannot prevent someone from furnishing fake credentials when they first enter the system. They can only prevent them from using another identity once enrolled.

Common Aspects of All Biometric Systems:

All biometric technology systems have certain aspects in common. All are dependent upon an accurate reference or "registration" sample. If a biometric system is to identify a person, it first must have this sample,

positively linked to the subject, to compare against. Modern biometric identification systems, based on digital technology, analyze personal physical attributes at the time of registration and distill them into a series of numbers. Once this reference sample is in the system, future attempts to identify a person are based on a comparison of a "live" sample and the reference sample or samples.

A perfect system would recognize a person 100% of the time, and reject an impostor 100% of the time. However, biometric samples are gathered from people in environmental conditions that are uncontrollable, over equipment that may slowly be wearing out, and using technologies and methods that vary in their level of precision. Consequently, the accuracy of biometric systems is assessed in light of these confounding variables via its tendency to experience either a "false match" (also called a "false accept") or a "false non-match" ("false reject"). The point at which these two rates intersect is called the equal error rate or crossover point.

Biometric systems may be "tuned" to diverge from the equal error rate to provide a match threshhold that satisfies the designer's requirements. If a system compares a large number of persons against a small number of samples, and the consequence of a false match is low, (for example, at a border crossing or airport that is looking for a short list of criminals) a system biased towards a higher "false accept" or "false match" rate may be desirable. The advantage to biasing a system in this manner is that it is likely to err on the side of safety, and less likely to let a criminal slip through undetected. The disadvantage is that the system will falsely associate innocent people with criminals. If other safeguards are in place and the system operators understand the system's bias towards false match, the result can be a relatively trivial loss of convenience due to increased scrutiny (extra inspection of luggage, questioning, etc.) Biasing such a system towards a high "false non-match" or "false reject" rate will result in fewer passengers slowed down at the gate, but at the cost of possibly losing the sought-after criminals.

When assessing the utility or the cost of a biometric system, it's important to bear the common features of all such systems in mind. How is the reference sample to be gathered and catalogued? How it the live sample going to be gathered? Can a live sample be captured without the subject's knowledge and cooperation? What are the implications of all four possible outcomes (true match, true non-match, false match, false non-match)? What is the value of a successful system, and what is the cost, to all parties, should it fail?

Further, we should not assess failure simply from the perspective of the core biometric technology itself. Even an ideal system can be defeated easily if it is incorporated into an insecure or poorly-designed overall system architecture. Any biometric system, especially one that involves a component of telecommunication, **must** be very carefully designed to prevent the loss or interception of user biometrics. Any deployed system must incorporate safeguards to prevent the interception of biometric data while it is being communicated. If a user's biometric is intercepted, criminals may be able to replicate either the sample itself or the string of binary data produced by a successfully-matched sample. Armed with such intercepted biometric data, a criminal would be able to effect a potentially very damaging identity theft.

Types of Biometrics

A proper assessment is built not only on a general understanding of biometrics, but also on an understanding of specific technologies. An understanding of both biometrics in general and specific biometric technologies is a necessary condition for a solid understanding of the larger social implications of biometrics.

Signature

The biometric most familiar to us is the signature. Our ability to judge by sight if one signature matches another has made this a time-proven and legally-binding biometric. However, by sight alone, most of us cannot recognize the pressure of the pen on the paper or the speed and rhythms of its traverse of the page. Computers can do all these things, and quantify, analyze and compare each of these properties to make signature recognition a viable biometric technology. Being based on things that are not visible (pen pressure and velocity, for example), signature-based biometric technology, offers a distinct advantage over regular signature verification -- in addition to mimicking the letter forms, any potential forger has to fabricate a signature at the

same speed, and with the same pen weight, as his victim.

Signature biometrics pose a couple of unique problems. The first is the comfort with which people are already willing to use their signature as a form of identification. While this high level of consumer acceptance is viewed as a strength by vendors of such systems, this bears with it a strong downside. Without proper notification, a person may sign an electronic signature pad and unwittingly also be surrendering a reference or live biometric sample. Since the custom of leaving a signature as one's "official mark" is based on the presumption of irreproducibility (i.e., that a forger would be hard-pressed to imitate a signature just by looking at it), people are willing to provide a signature without giving its potential for reproduction a second thought. However, electronic data is easy to copy and transmit. And so, a forger posing as a delivery man might fraudulently secure a signature biometric by presenting a victim with a "gift" box, requesting a signature to confirm delivery, and making off with the victim's biometric data.

The second unique property of signature biometrics is that unlike all other biometrics, which either establish an identity (identification) or confirm an identity (authentication), a signature can convey *intent* (authorization). In other words, a traditional signature on paper is taken both to authenticate the signator, and to convey the signator's legal authority. An electronic system that solicits a user's non-signature biometric must provide a separate step to convey the user's legal authorization for any binding transaction. A signature-based biometric system could mimic our current legally customary acceptance of a signature to simultaneously convey both identity and authority.

Keystroke Dynamics

The rhythms with which one types at a keyboard are sufficiently distinctive to form the basis of the biometric technology known as keystroke dynamics. While distinct, keystroke dynamics are not sufficiently unique to provide identification, but can be used to confirm a user's identity.

Keystroke dynamics, unlike other biometric technologies, is 100% software-based, requiring no sensor more sophisticated than a home computer. Because of this, deployment is occurring in fairly low-stakes, computer-centric applications, such as content filtering (Net Nanny owns BioPassword, the leading keystroke dynamics vendor) and digital rights management, in which passwords to download music are bolstered with by keystroke dynamic verification, to prevent password-sharing. As a general rule, any method involving home or office computers is inherently insecure, as these devices leave a lot more room for experimentation than devices like ATMs or entry systems, and the information they use tends to travel over unsecured communication lines.

Hand Geometry

Perhaps the most ubiquitous electronic biometric systems are hand geometry based. Hand-geometry-based systems require the subject to place his or her hand (usually the right hand) on a plate where it is photographically captured and measured. Made of 27 bones and a complex web of interconnected joints, muscles, and tendons, the human hand presents a sufficiently peculiar conformation of anatomical features to enable authentication, but is not considered sufficiently unique to provide full identification. Further, the geometry of the hand is variable over time, as hand shape may be altered due to injury, disease, aging, or dramatic weight swings. A simple hand-geometry system will measure length and thickness of digits, width of the palm at various points, and the radius of the palm. This results in a relatively simple identification that can be expressed in a very simple, compact string of data. Efforts have been made to improve the accuracy of hand geometry, including three-dimensional sampling (i.e., a second camera measuring the thickness of the hand from the side), and a patented system (owned by the British concern, Neusciences) that measures the pattern of the veins of the hand. Neusciences claims that their system provides a high degree of accuracy and that the hand vein feature is unique and relatively invariable, changing little over a person's lifespan.

In deployment, traditional hand geometry systems have found acceptance in applications requiring verification of an identity, rather than a full proof or establishment of an identity. Airports, prisons, and factories have successfully employed hand-geometry-based systems to restrict access to runways, to prevent walk-out escapes during visits, and to ensure that time cards are being punched only by the worker, and not by that

worker's pal on his or her behalf. In all these instances, the subject is attempting to prove or disprove his or her membership in a relatively small group of people (authorized runway personnel, prisoners/visiting family, factory workers). When stakes are high, these systems are not relied on exclusively to confirm identity; rather, they are used to provide an additional layer of security above and beyond that provided by existing security systems.

Since they must accommodate the largest of hands, any hand geometry or hand vein system must be somewhat bulky, and requires the user to perform an obtrusive task (placing his or her hand on the platen for sampling). Because of this obtrusiveness, hand-based biometrics represent less of a privacy threat than some other systems: subjects cannot have their biometric features sampled without their knowledge, and the sampling method is unambiguous in its intent.

Fingerprint

Fingerprinting is a highly familiar and well-established biometric science. The traditional use of fingerprinting, of course, has been as a forensic criminological technique, used to identify perpetrators by the fingerprints they leave behind them at crime scenes. Scientists compare a latent sample left at a crime scene against a known sample taken from a suspect. This comparison uses the unique features of any given fingerprint, including its overall shape, and the pattern of ridges, valleys, and their bifurcations and terminations, to establish the identity of the perpetrator.

In the context of modern biometrics, these features, called fingerprint minutiae, can be captured, analyzed, and compared electronically, with correlations drawn between a live sample and a reference sample, as with other biometric technologies. Fingerprints offer tremendous invariability, changing only in size with age, are highly resistant to modification or injury, and very difficult to "forge" in any useful way. Although the development of some sort of surreptitious sensor is not inconceivable, the reality is that sensors remain obtrusive, requiring a willful finger pressure to gather a useful sample. Unlike other systems, based on cameras and high-tech sensors, fingerprint sampling units are compact, rugged, and inexpensive, with commercially available systems from multiple vendors offering very good accuracy. Next-generation scanners can analyze below the surface of the skin, and can add pore pattern recognition in addition to the more obvious minutia of the fingerprint.

Facial Recognition

Facial recognition sprung into the national spotlight during the 2001 Super Bowl, when Tampa police scanned the faces of game fans without their knowledge for the purpose of spotting terrorists in the crowd. While this proved a public relations nightmare in January 2001, the use of this technology in New Orleans at the post-9/11 Super Bowl of 2002 generated little controversy. Facial recognition remains one of the more controversial biometric technologies because of its very *un*obtrusiveness. With good cameras and good lighting, a facial recognition system can sample faces from tremendous distances without the subject's knowledge or consent.

Most facial recognition technology works by one of two methods: facial geometry or eigenface comparison. Facial geometry analysis works by taking a known reference point (for example, the distance from eye to eye), and measuring the various features of the face in their distance and angles from this reference point. Eigenface comparison uses a palette of about 150 facial abstractions, and compares the captured face with these archetypal abstract faces. In laboratory settings, facial recognition results are excellent, but critics have questioned the effectiveness of the technology in real-world circumstances. Nevertheless, the accuracy of facial recognition has been good enough for casinos to have put the the technology to use since the late 1990s as a means to spot banned players. Facial recognition technology proponents claim good performance even against disguises, weight changes, aging, or changes in hairstyle or facial hair.

Eye biometrics: Iris/Retina

The human eye offers two features with excellent properties for identification. Both the iris (the colored part visible at the front of the eye) and the veins of the retina (the thin film of nerve endings inside the eyeball that capture light and send it back to your brain) provide patterns that can uniquely identify an individual. Retinal scanning is the older technology, and requires the subject to look into a reticle and focus on a visible target

while the scan is completed. It's definitely one of the more intrusive biometric technologies, with some subjects reporting discomfort at the scanning method. Iris recognition has an advantage in ease of use, in that it merely requires the subject to look at a camera from a distance of three to ten inches. The iris scanner illuminates the iris with invisible infra-red light, which shows details on darker-colored eyes that are not visible to the naked eye. The pattern of lines and colors on the eye are, as with other biometrics, analyzed, digitized, and compared against a reference sample for verification.

Iridian Technologies, who hold the patents on iris recognition, claim that the iris is the most accurate and invariable of biometrics, and that their system is the most accurate form of biometric technology. Iridian's system also has the benefit of extremely swift comparisons. The compay claims that it can match an iris against a database of 100,000 reference samples in 2-3 seconds, whereas a fingerprint search against a comparable database might take 15 minutes.

Voice Verification

None of us finds it remarkable when a friend recognizes our voice on the telephone. However, what we find easy to do is still a very hard problem for computers, especially when their job is to identify someone positively. The prospect of accurate voice verification offers one great advantage, which is that it would allow a remote identification using the phone system, an infrastructure that's already been built and thus has zero client-side cost: no special reader needs to be installed in your home. Even without the phone system, the sampling apparatus, a microphone, remains far cheaper than competing, largely optically-based biometric technologies.

But voice recognition technology is still not good enough to be used as a front-line biometric technology. Simply put, voice verification systems have to account for a lot more variables than do other systems, starting with the inevitable compression of a voice captured by cheap microphones (especially those found on phone handsets), discriminating a voice from background noise and other sonic artifacts, and the human voice's tremendous variability, due to colds, aging, and simple tiredness. Also, just as a voice can be surreptitiously recorded over the telephone or face-to-face, a person's voice can be captured surreptitiously by a third party (either by tapping or bugging) and replayed, or a person's voice might be biometrically sampled remotely without consent during a fake door-to-door or telephone sales call. Because of these difficulties, commercial deployments of voice verification have been limited to "backup" status, systems in which there are other token-based methods of identification, with voice verification providing an added layer of protection.

Characterizing Different Biometrics

Different biometric features have characteristics that make them more or less useful for particular applications. Dr. James Wayman, director of the National Biometric Test Center at San Jose State University, categorizes biometric features in terms of five qualities:

- **Robustness**: repeatable, not subject to large changes.
- **Distinctiveness**: there are wide differences in the pattern among the population.
- **Accessibility**: easily presented to an imaging sensor.
- **Acceptability**: perceived as non-intrusive by the user.
- **Availability**: a user may present a number of independent measurable features.

Dr. Wayman explains these qualities by comparing fingerprinting to hand geometry.

> *"Fingerprints are extremely distinctive, but not very robust, sitting at the very end of the major appendages you use to explore the world. Damaging your fingerprints requires less than a minute of exposure to household cleaning chemicals. Many people have chronically dry skin and cannot present clear prints. Hands are very robust, but not very distinctive. To change your hand geometry, you'd have to hit your hand very hard with a hammer. However, many people (somewhat less than 1 in 100) have hands much like yours, so hand geometry is not very distinctive. Hands are easily presented without much training required, but most people initially misjudge the location of their fingerprints,*

assuming them to be on the tips of the fingers. Both methods require some "real-time" feedback to the user regarding proper presentation. Both fingerprints and the hand are accessible, being easily presented. In the 1990 Orkand study, only 8% of customers at Department of Motor Vehicle offices who had just used a biometric device agreed that electronic fingerprinting "invades your privacy." Summarizing the results of a lengthy survey, the study rated the public acceptance of electronic fingerprinting at 96%. To our knowledge, there is no comparable polling of users regarding hand geometry, but we hypothesize that the figures would not be too different. With regard to availability, our studies have shown that a person can present at least 6 nearly-independent fingerprints, but only one hand geometry (your left hand may be a near mirror image of your right)."*

**Orkand Corporation, "Personal Identifier Project: Final Report", April 1990, State of California Department of Motor Vehicles report DMV88-89, reprinted by the U.S. National Biometric Test Center.*

Characterizing Biometric Applications

Dr. Wayman suggests characterizing biometric applications in terms of seven variables:

- **Cooperative vs. Non-Cooperative** This refers to the behavior of the "threat" or would-be deceptive user. Is the "threat" trying to cooperate with the system? If the threat is trying to enter a restricted area, she either cooperates with the positive ID system to try to fool it into thinking she's allowed in, or deceptively tries not to cooperate with a negative ID system so as not to trigger the alarm. One implication of this variable is the scope of database search. In cooperative applications, users may first identify themselves with a card or PIN, so that the system need only match against the claimed identity's template. In non-cooperative applications, users can't be trusted to identify themselves correctly, so the entire database may need to be searched.
- **Overt vs. Covert** Is the user aware that the biometric sampling and identification is occurring?
- **Habituated vs. Non-Habituated** Is the intended user expected to be experienced in the use of the system?
- **Attended vs. Non-Attended** Will the intended user be supervised when using the system?
- **Standard vs. Non-Standard Environment** How controlled are the environmental conditions for operation?
- **Public vs. Private** Will users be customers (public) or employees (private)?
- **Open vs. Closed** Will the application be required to exchange biometric data with other systems or not?

Dr. Wayman explains that the positive biometric identification (hand geometry) of users of the Immigration and Naturalization Service's Passenger Accelerated Service System (INSPASS) for rapidly admitting frequent travelers into the United States:

"can be classified as a cooperative, overt, non-attended, non-habituated, standard environment, public, closed application. The system is cooperative because those wishing to defeat the system will attempt to be identified as someone already holding a pass. It will be overt because all will be aware that they are required to give a biometric measure as a condition of enrollment into this system. It will be non-attended and in a standard environment because collection of the biometric will occur near the passport inspection counter inside the airports, but not under the direct observation of an INS employee. It will be non-habituated because most international travelers use the system less than once per month. The system is public because enrollment is open to any frequent traveler into the United States. It is closed because INSPASS does not exchange biometric information with any other system." (emphases added)

Characterizing Biometric ID Systems

Dr. Wayman suggests that biometric ID systems should be viewed in terms of a generic biometric system made up of five basic components or subsystems, depending on the application: data collection, transmission, signal processing (which comprises feature extraction, quality control, pattern matching), storage, and decision.

- **Data collection** Biometric systems involve at least two discrete data collection steps. First, any biometric system must contain a biometric characteristic deemed "true" or canonical from the system's viewpoint. The term "enrollment" or "registration" refers to the first entry of biometric data into the database. Second, the system must compare a later-submitted "sample" (often called a "live sample") to the sample in the database. (Scale is crucial to the enrollment step, sometimes for quite mundane reasons. In the context of biometric visa issuance by the State Department, for instance, the government has been looking at whether or not U.S. consulates around the world have room to handle the additional equipment and physical traffic needed for data collection.)
- **Transmission** Many biometric systems collect data at one location but store and/or process it at another. Such systems require data transmission.
- **Signal processing** Once a biometric is acquired, it must be prepared for comparison. There are three basic tasks here: feature extraction, quality control, and pattern matching. A fourth task in large-scale systems is pattern classification.
    - *Feature extraction* involves finding the true biometric pattern amid noise and signal degradation, preserving the critical information, and discarding redundant or unnecessary data. Dr. Wayman gives the example of a text-independent speaker-recognition system. A properly implemented system isolates "features that depend only on the speaker and not on the words being spoken." At the same time, the system focuses on features that do not change "even if the speaker has a cold or is not speaking directly into the microphone."
    - *Quality control* involves checking to see if the signal is of good quality. Ideally, it should be possible to make a quick determination so that another measure can be taken if the signal is inadequate.
    - *Pattern matching* involves comparing the live sample to the reference sample in the database. If the user claims to be Jane Doe, the pattern-matching process may only need to compare the sample to Jane Doe's stored template. In other situations, the sample must be compared to multiple templates. The pattern-matching process generates a quantitative "distance" measure of the comparison -- how close are they? Even for the same person, the distance is rarely if ever zero.
    - *Pattern classification* is a technique aimed at reducing the computational overhead of pattern matching. In large-scale systems, it can be computationally taxing to match each sample against all stored templates in the database. If biometric patterns can be categorized, then it may be possible to perform the match against only the stored templates in that category. This is sometimes referred to as "binning." A different technique with the same goal is "filtering," which involves partitioning the database based on information not contained in the biometric itself. If you know the person is a man, you don't need to check against women's biometrics. Both of these techniques introduce additional error possibilities; if binning or filtering is erroneous, then the true template is not used and a false non-match results.
- **Decision** This subsystem implements the biometric ID system's actual policy with regard to matching. In general, lowering the number of false non-matches raises the number of false matches, and vice versa. The signal processing subsystem yields a quantitative "distance" measure, but "how close or far is enough?" is a matter of policy. In a high-security application where the cost of a false acceptance could be high, system policy might prefer very few false acceptances and many more false rejections. In a commercial setting where the cost of a false acceptance could be small and treated as a cost of doing business, system policy might favor false acceptances in order not to falsely reject and thereby inconvenience large numbers of legitimate customers. The inevitable existence of these errors means that any biometric ID system must also have well-designed policies for exception handling.
- **Storage** Biometric reference samples must be stored somewhere for matching purposes. For systems only performing "one-to-one" matching, the database may be distributed on cards carried by each enrolled user. The user simply presents his or her biometric and the system checks to see if it matches

the template stored on the card. Depending upon system policy, no central database need exist, although in this application a centralized database can be used to detect counterfeit cards or to reissue lost cards without re-collecting the biometric pattern.

In other cases, centralized storage is necessary because the system must match the live sample to multiple templates. As the number of templates grows, speed becomes an increasingly significant issue. One technique is to partition the database (i.e., binning or filtering) so that any sample need only be matched to the templates in one partition. This increases system speed and decreases false matches at the expense of increasing the false non-match rate owing to partitioning errors. System error rates thus change with increasing database size and ID systems do not linearly scale.

Full biometric patterns cannot be reconstructed from the stored reference samples if these are stored as templates, which reduce data richness dramatically. Templates themselves are often created using the system vendor's proprietary feature extraction algorithms. Whether stored templates themselves can be used to "spoof" the system internally is entirely dependent on the security of the system architecture.

Biometric ID systems may store not only the templates but also raw data. One reason to do so would be to allow changes to the system or to change system vendors without having to re-collect data from all enrolled users. Full raw data storage is a riskier practice in that new templates may be extracted from the data or the raw data itself may be used against the system.

The State of Scientific Testing of Biometric ID Systems

According to Dr. Wayman,

> *"Testing of biometric devices requires repeat visits with multiple human subjects. Further, the generally low error rates mean that many human subjects are required for statistical confidence. Consequently, biometric testing is extremely expensive, generally affordable only by government agencies. Few biometric technologies have undergone rigorous, developer/vendor-independent testing to establish robustness, distinctiveness, accessibility, acceptability and availability in 'real-world' (non-laboratory) applications."*

An in-depth discussion of the statistical methodology in testing biometric ID systems is beyond the scope of this discussion. We recommend Dr. Wayman's website to interested persons. Note, however, that it is very difficult to generalize from test results. At this time, scientists have no way of accurately estimating how large a test is needed to adequately characterize any biometric device in any application, even with advance knowledge of theoretical error rates.

Media Coverage/Resources

Check out this page for helpful resources including lots of media coverage and links related to the topic.

Acknowledgements:

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March 1, 2010

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STUDENT ADVISORS

The Honorable Linda Menard
Chair, Senate State Affairs Committee
Alaska State Senate
State Capitol, Room 9
Juneau, AK 99801

Re: Senate Bill 190
ACLU Support for Protection of Biometric Information

Chair Menard:

Thank you for the opportunity to submit written testimony regarding Senate Bill 190.

As you know, the American Civil Liberties Union of Alaska ("ACLU") represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions.

From a constitutional rights and privacy perspective, **the ACLU of Alaska endorses protections for individuals' personal biometric information, and applauds the proactive introduction of this Bill to avoid violations of privacy before they occur.**

The ACLU will be pleased to support SB 190, subsequent to the minor revisions outlined below.

Need for Biometrics Legislation

Recent advances in genomics, bioinformatics and data mining are encouraging a worldwide proliferation of "gene banks" – large collections of biological samples that usually include genetic information derived from those samples, as well as linked medical, family history or lifestyle information. The use of these biological repositories for genetics research could lead to advances in public health, such as the identification of genetic factors in diseases, or the development of diagnostic tests. ***On the other hand, they also create yet another avenue for privacy infringements, stigmatization and discrimination.***

The ACLU works to support legislation preventing privacy infringement and genetic discrimination. SB 190 can advance these goals.

Amendment of Exception for Background Checks

As noted, SB 190 requires minor modification to ensure that the protections contemplated are fully realized.

Section 2, proposes an amendment to subsection (b) of AS 18.13.010 which would add an exception for: ***". . . background checks as permitted or required by state statute or federal statute or regulation."***

As currently worded, this exception essentially negates the entirety of the protections set forth in AS 18.13.010(a).

For example, to the extent background checks are or may be permitted under state or federal law, for employment or other purposes, ***none of the protections*** would apply. Thus, by the terms of the proposed amendments, a federal regulation allowing background checks would unconstitutionally allow the wholesale collection, analysis, and retention of DNA samples or other biometric information without a person's informed consent, or even their knowledge of the sample's collection.

The ACLU would oppose such an overbroad exception.

Intention to Protect Against Coerced Consent

It is our understanding that SB 190 is intended to protect against coerced "consent." Given the sensitivity of biometric information, and the plethora of medical information obtainable from it, we endorse the addition of language that would protect Alaskans from improperly being compelled to waive their rights to protect their personal, private information. We would be

pleased to work with the Bill's sponsor, the legislative drafter, or the Committee to draft appropriate language to achieve that purpose.

Thank you again for the opportunity to share our concerns. Should you require any additional information, please feel free to contact the undersigned.

Sincerely,



Jeffrey Mittman
Executive Director
ACLU of Alaska

cc: Senator Meyer, Vice Chair
Senator Wielechowski, Sponsor
Senator French
Senator Kookesh
Senator Paskvan

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/10/09

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 03/11/10

State Affairs Committee considered SENATE BILL NO. 190

SB 190 BIOMETRIC INFORMATION FOR ID

"An Act relating to biometric information."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 190 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[✓] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	03/01/10			X	
LAW	03/01/10		X		
fiscal info forthcoming					

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
Albert Kookesh	Kookesh	X			
Joe Paskvan	Paskvan				X
[illegible]	Fresh				X
CHAIR: Linda Menard	MENARD				X

SB 194

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/17/09

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 194

SB 194 CIVIL DAMAGES FOR ALCOHOL VIOLATIONS

"An Act relating to civil damages for certain alcohol violations."

and recommends:

[X] be **replaced** with [ ] **SCS** or [X] **CS** SB 194 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[X] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Law	01/25/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	PASKVAN	X			
	Kookan	X			
CHAIR:	MENARD	X			

Alaska State Legislature

Interim:
716 West 4th Ave.
Anchorage, Alaska 99501
(907) 269-0199

Session:
State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945

Senator Kevin Meyer
Senate District O

TO: Sarah Munson, Senate State Affairs Committee Aide
FROM: Christine R. Marsigan, Staffer to Senator Meyer
DATE: January 26, 2010
RE: Bill Packet for SB 194

Enclosed are materials for SB 194, "An Act relating to civil damages for certain alcohol violations" scheduled for hearing in the Senate State Affairs meeting January 28, 2010.

- Sponsor statement
- SB 194 version 26-LS0895\A
- Draft of CS 26-LS0895\R
- Legal Memo concerning CS 26-LS0895\R
- Back up information consisting of pages 5-7 of the State of Alaska's Plan to Reduce & Prevent Underage Drinking
- People willing to testify or answer questions: OC Madden, Anchorage CHARR/Brown Jug
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

Materials pending:

- Additional Support Letters

This bill is very short and self-explanatory. As such, a sectional analysis is not included.
During the course of the hearing an explanation can be made of the CS for SB 194. If you would like a written explanation for the packet, please contact me directly. 465-6876.

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
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Senator_Kevin_Meyer@legis.state.ak.us

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Juneau, Alaska 99801-1182
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SENATOR KEVIN MEYER
SENATE DISTRICT O

SPONSOR STATEMENT FOR SB 194

"An Act relating to penalties and civil damages for certain alcohol violations."

SB 194 increases civil damages to licensees from minors who knowingly enter or remain in premises licensed to sell alcohol. The bill would increase the amount awarded in civil damages from $1,000 to $1,500 under AS 04.16.049.

Underage drinking is a problem in Alaska. According to the State of Alaska's Plan to Reduce & Prevent Underage Drinking (October 2009), 11 percent of all treatment admissions for alcohol abuse in the state were youth aged 12-20. An increase in civil damages would reinforce the message to those youth that underage drinking will not be tolerated.

In 2001, legislation established civil actions from a licensee against minors who attempted to use fake ID's. The current legislation seeks to increase damages from that civil action.

Passing SB 194 will reinforce the penalty on youths who knowingly enter or remain on premises where alcohol is sold or consumed. The bill will also encourage licensees to continue their enforcement of underage drinking laws.

26-LS0895\R
Luckhaupt
10/21/09

CS FOR SENATE BILL NO. 194( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

"An Act relating to penalties and civil damages for certain alcohol violations."

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

*** Section 1.** AS 04.16.049(e) is amended to read:

(e) A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of **$1,500** [$1,000] and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.

*** Sec. 2.** AS 04.16.065(a) is amended to read:

(a) A person who has attained 18 years of age, or an emancipated minor, who violates AS 04.16.060 is, in addition to any criminal penalty provided by law, liable in a civil action to the licensee for a penalty of **$1,500** [$1,000] plus costs and reasonable attorney fees.

*** Sec. 3.** AS 04.16.180 is amended by adding a new subsection to read:

(e) In addition to other penalties provided in this chapter, the court may

require a person convicted of an offense under this chapter who was less than 21 years of age at the time the person committed the offense to pay for and enroll in a juvenile alcohol safety action program if one is available.

*** Sec. 4.** AS 04.21.080 is amended by adding a new paragraph to read:

(18) "juvenile alcohol safety action program" means

(A) a juvenile alcohol safety action program developed and implemented or approved by the Department of Health and Social Services under AS 47.37;

(B) any other alcohol education or treatment program approved by the Department of Health and Social Services under AS 47.37 if a program described in (A) of this paragraph is not available in the community in which the person resides; or

(C) a program or counseling approved by the court if a program or treatment described in (A) of this paragraph is not available in the community where the person resides.

*** Sec. 5.** AS 04.16.050(*l*)(2) is repealed.

LEGAL SERVICES

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

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM October 20, 2009

SUBJECT: Requiring Alcohol Education and Assessment for Minors in Civil Actions Brought by Licensees (Work Order No. 26-LS0895\R)

TO: Senator Kevin Meyer
Attn: Christine Marasigan

FROM: Gerald P. Luckhaupt
Legislative Counsel

You have requested that mandatory alcohol education be required for persons subject to civil suits by licensees under AS 04.16.049(e) and 04.16.065(a). These civil suits are brought by licensees against persons under the age of 21 who attempt to use fake ids or otherwise access premises or purchase alcohol when they are underage. These civil suits are lawsuits between two private parties and do not involve the state or other prosecuting authority and criminal and other penalties may not be imposed. Imposition of criminal sanctions including attendance at alcohol education[1] is inappropriate and unavailable to civil litigants. I do not see how one civil litigant can be authorized to impose a potential criminal sanction on the other civil litigant.

What I did do is provide that a court may require a person under the age of 21 to participate in a juvenile alcohol action safety program whenever the person is convicted of an offense under AS 04.16. Currently we only require this for minor in possession under AS 04.16.050. While this does not directly satisfy your request it does allow alcohol education programs to be required of minors when they are prosecuted and convicted of offenses under AS 04.16.049 and 04.16.065 and other offenses under AS 04.16.

GPL:ljw
09-354.ljw

Enclosure

[1] I assume by this you mean a juvenile alcohol safety action program as is currently required for minor in possession convictions under AS 04.16.050.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 194**
() Publish Date:

Identifier (file name): SB194-LAW-CRIM-1-25-10
Title: An Act relating to civil damages for certain alcohol violations
Sponsor: Senator Meyer
Requester: Senator Meyer

Dept. Affected: Law
RDU: CRIMINAL
Component: Criminal Justice Litigation
Component Number: 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill raises the possible civil penalty a licensee can get from a minor who tries to buy alcohol on the licensee's premises from $1,000 to $1,500. The department does not anticipate any significant fiscal impact

Prepared by: Eileen Donahue, Division Operations Manager — Phone 465-5427
Division: Administrative Services — Date/Time 1/25/10 12:00 AM
Approved by: Daniel S. Sullivan, Attorney General — Date 1/25/2010
Department of Law

(Revised 11/6/2009 OMB)

ANCHORAGE CHARR
CABARET, HOTEL, RESTAURANT & RETAILERS ASSOCIATION

January 26, 2010

Senator Kevin Meyer
Alaska State Capitol
Juneau, AK 99801

Re: SB 194

Dear Senator Meyer:

Underage drinking in Alaska has long been a concern in our communities and for this reason we support legislation to increase penalties for underage drinking through the civil penalties process.

As responsible owners and operators, we do not want to contribute to the problem of underage drinking. When a licensee is caught serving or selling alcoholic beverages to a minor the consequences and penalties are severe. We believe the minor should be held primarily responsible for his/her actions; the current $1,000 civil penalty is not enough. There should be steps for offenses to include increasing the $1,000 to $1,500, required or mandatory education and prevention and delaying access to the driver license at the age of 21.

In 2006, the Alaska Federation of Natives (AFN) with funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) report highlights the current status of underage drinking throughout rural and urban Alaska from a youth's perspective. The problem of underage drinking is statewide and impacts families, communities, social, health, medical, justice, law enforcement, education and economic bodies.

Anchorage CHARR assists members by processing civil penalty cases against minors on behalf of the licensee and providing information about minor civil penalty law. We compile information from our member about the civil case against the minor, prepare all required legal documents and coordinate third party notification for court appearance.

Currently our office has processed 42 minor cases with 15 pending court filing.

We urge you to please consider supporting SB 194.

Sincerely,

Silvia Villamides,
Executive Director

ABL American Beverage Licensees
Drink Responsibly. Drive Responsibly.

P.O. Box 242023
Anchorage, AK 99524
907.646.4628
anchoragecharr@gci.net

STATE OF ALASKA
Plan to Reduce & Prevent Underage Drinking
October 2009, pages 5-7 (28 pages total)
http://www.hss.state.ak.us/DBH/prevention/docs/2009_underagedrinkplan.pdf

Executive Summary

Childhood and underage drinking has been shown to be a causal factor in homicide, suicide, traumatic injury, traffic fatalities, drowning, burns, violent and property crime, high risk sex, fetal alcohol syndrome, alcohol poisoning and the need for treatment for alcohol abuse and dependence.[ii] The research shows that early onset alcohol use is strongly associated with adult alcohol dependence.[iii] While there are no significant differences between national and Alaskan trends for heavy drinking[a], the prevalence of binge drinking[b] among Alaska's adults is consistently higher than the national average.[c iv]

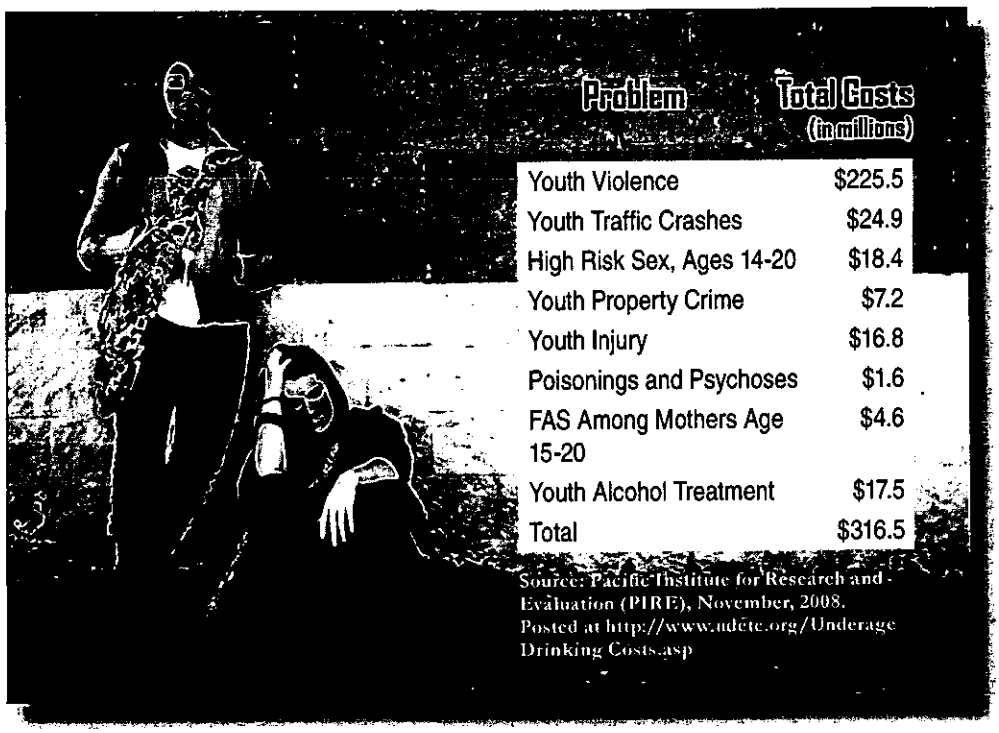
Further, excessive alcohol use by youth causes damage to the developing brain.[v] There exists a perception that adolescents can easily recover from drinking because their bodies are more resilient; however, the opposite is true. According to the American Medical Association, alcohol can seriously damage long and short term growth processes of the brain during adolescence. Frontal lobe development and the refinement of pathways and connections continue until the age of 16, and a high rate of energy is used as the brain matures until the age of 23. Damage from alcohol prior to age 23 can be long-term and irreversible. Furthermore, even moderate drinking impairs learning and memory in youth.[vi]

A myriad of catastrophic health, social and economic problems resultant from underage drinking has impacted Alaska's youth. In 2000, the Alaska Department of Health and Social Services, Division of Juvenile Justice sponsored an assessment of underage drinking in Alaska. Investigators examined statewide efforts and data and conducted more detailed inquiries by interviewing 203 key informants from 17 rural and urban sample communities. The consequences of underage drinking in Alaska are reflected in an increase in the number of alcohol-related accidents among youth requiring hospitalization of 66.3 percent between 1991 and 1998. Over this period, Alaska averaged 30 suicide attempts annually among youth where alcohol was a factor.[vii]

The cost of underage drinking to the citizens of Alaska was $317 million in 2005, inclusive of medical care, work loss, and pain and suffering.[viii] This is equivalent to $3,944 per year for each youth in the State. Based on these figures, per capita, Alaska is second among the fifty states for the cost of underage drinking.

As demonstrated in the table below, the largest costs to the State of Alaska can be attributed to youth violence and traffic crashes by underage youth under the influence of alcohol. Furthermore, a multitude of other problems contribute significantly to the overall cost. For example, among teen mothers, fetal alcohol syndrome (FAS) costs Alaska $4.6 million. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence and are two and a half times more likely to become abusers of alcohol than those who begin drinking at age 21.[ix] In 2003, 366 youth 12-20 years old were admitted for alcohol treatment in Alaska, accounting for 11 percent of all treatment admissions for alcohol abuse in the State.[x]

Costs of Underage Drinking by Problem, Alaska 2005



Problem	Total Costs (in millions)
Youth Violence	$225.5
Youth Traffic Crashes	$24.9
High Risk Sex, Ages 14-20	$18.4
Youth Property Crime	$7.2
Youth Injury	$16.8
Poisonings and Psychoses	$1.6
FAS Among Mothers Age 15-20	$4.6
Youth Alcohol Treatment	$17.5
Total	$316.5

Source: Pacific Institute for Research and Evaluation (PIRE), November, 2008. Posted at http://www.udetc.org/UnderageDrinkingCosts.asp

The Alaska Departments of Education and Early Development and Health and Social Services conduct a biannual statewide student survey on health behavior. Alaska uses the Alaska Youth Risk Behavior Survey (YRBS), based upon the U.S. Centers for Disease Control and Prevention's (CDC) epidemiological surveillance system.[xi] This survey was established to monitor the prevalence of behaviors that not only influence adolescent health, but also put youth at risk for the most significant health and social problems. Participating school

[a] Defined as 2 drinks per day for men and 1 drink for women.
[b] Defined as 5 or more drinks on one occasion.
[c] Thirty-nine percent higher for women and 14 percent higher for men.

Executive Summary

districts may receive a full report of their local data, which can be the centerpiece of their own local needs assessments, adding other data such as the Alaska School Boards' School Climate and Connectedness survey and local law enforcement data.

In 2007, 43 high schools were scientifically selected to be included in the survey. Thirty-eight (88 percent) schools participated and 1,318 (68 percent) students (from a total of 1, 952 selected) completed the survey resulting in an overall response rate of 60 percent (P. Owen, personal communication, October 27, 2008).

According to self-reports by Alaskan students in grades 9-12:[xii]

- 74% had at least one drink of alcohol on one or more days during their life.
- 20% had their first drink of alcohol, other than a few sips, before age 13.
- 40% had at least one drink of alcohol on one or more occasion in the past 30 days.
- 26% had five or more drinks of alcohol in a row (i.e. binge drinking) in the past 30 days.

The 2007 YRBS also shows that 10 percent of Alaska youth self-reported drinking and driving within the past 30 days. According to the Alaska Highway Safety Office 2006 Annual Report, a third of alcohol impaired drivers and 47 percent of speeding drivers were under the age of 26.[xiii] Additionally, in 2006 there were 102 traffic accidents with alcohol impaired youth drivers ages 11-20.[xiv]

The state-wide YRBS demonstrates that underage drinking is widespread in Alaska, but it does not include all age appropriate youth. There are more youth at risk than are represented. Alaska state law requires that students have active consent[d] from parents to participate in school surveys, which excludes students who do not return a signed permission slip. In addition, alternative high school students were excluded from the state-wide YRBS report and students who have dropped out of school were not represented. Studies have shown that alternative high school students are at significantly higher risk for engaging in risky behaviors[xv] and substance use is correlated with school dropout.[xvi] As such, the risk behaviors of youth are likely underrepresented with the Alaska state-wide YRBS.

However, in 2007, with support from community partners, the Anchorage School District was able to administer the YRBS in alternative schools.[xvii] While they were not able to obtain the 60 percent response rate needed to generalize the findings to all alternative high school students,[e] the findings are important to consider as we plan prevention measures. The table below compares the responses from the Anchorage traditional high schools that were included with the state-wide YRBS and those Anchorage students who participated in the alternative school YRBS.[f]



Comparison of Traditional vs Alternative High Schools in Anchorage 2007

	Traditional High Schools	Alternative High Schools	McLaughlin High School
Percentage of students who had their first drink of alcohol other than a few sips before age 13	20.6%	30.8%	41.3%
Percentage of students who had at least one drink of alcohol on one or more of the past 30 days	40.8%	54%	76.4%
Percentage of students who had 5 or more drinks of alcohol in a row within a couple hours on one or more of the past 30 days	26.2%	37.3%	63.8%

Executive Summary

The alternative high schools participating in the 2007 Anchorage Youth Risk Behavior Survey included the following:

- *McLaughlin Secondary School* serves students who have been incarcerated at the McLaughlin Youth Center, a state detention center for juveniles.
- *AVAIL* (Anchorage Vocational Academic Institute of Learning) is an alternative high school program devoted to students who have dropped out of traditional schools.
- *Benson/Search* is an alternative school serving the educational needs of students who have been deemed "at risk."
- *COHO* (Creating Optimal High School Opportunities) offers students in the Chugiak and Eagle River area an alternative to the traditional high school classroom.
- *Continuation Program* is a self-directed alternative education program for students who are expelled, on a long-term suspension, or are in need of a transitional education placement.
- *Crossroads* is the Anchorage School District's school for pregnant and parenting teens.
- *SAVE* is an accredited comprehensive alternative high school that provides the opportunity for credit recovery, and is designed to meet the requirements for high school graduation.

These findings both highlight the need for further evaluation of alternative school students' risk behaviors in an effort to better plan prevention measures for these students and illustrate the strong likelihood that current reports of underage drinking in Alaska are under representative of the actual trend.

Despite the toll that underage drinking brings to bear on all citizens of Alaska — be it physical, mental, social, or economic — social norms remain static leaving the overall impression that underage drinking in Alaska "isn't a problem". Alaska has made great strides in the prevention of underage tobacco use and the parallels between the two drugs, alcohol and tobacco, are remarkable. That being said, enforcement efforts within the Departments of Health and Social Services and Public Safety have been coordinated for both tobacco and alcohol. As a result, an interesting pattern has emerged, which clearly demonstrates exactly where social attitudes lie. For example, in FY 2007, 9.2 percent of all retailers investigated sold tobacco to underage buyers whereas 22 percent of all retailers investigated sold alcohol to underage buyers.



Holding youth solely responsible for underage drinking is unreasonable. As the national report concluded, "Youth drink within the context of a society in which alcohol use is normative behavior and images about alcohol are pervasive." Efforts to reduce and prevent underage drinking, therefore, need to focus on a variety of environmental strategies that engage adults, youth, and the society at large. Alaska's plan employs a variety of strategies, including, but not limited to: public awareness; alcohol advertising; education; limiting access; collaboration; governmental assistance; and research and evaluation.

The problem of underage drinking in Alaska is significant but not insurmountable. It will, however, require determination and commitment to a long-term effort on the part of our citizens, state and community leaders to get involved and to take the action necessary to make a difference.

The national and Alaska-specific information and recommendations contained herein provide a blueprint for a range of science-based state and community actions that are necessary in order to successfully reduce underage drinking in Alaska. These recommendations are based on the IOM/NAS Report: *Reducing Underage Drinking: A Collective Responsibility.* **Each recommendation is categorized as national (N), state (S), or local (L).** The national recommendations are numbered based on the location within the IOM/NAS report. The numbering of the state and local recommendations is specific to this plan.

[d] Parents must sign a permission slip (versus passive consent in which the parent can exclude the student from participating with a written request).

[e] There were 230 respondents from Anchorage alternative schools and 75 respondents from McLaughlin High School.

[f] The Anchorage alternative school YRBS is only representative of those students who participated in the survey as the response rate was not high enough to generalize it to all alternative school students.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
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Juneau, Alaska 99801-1182
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MEMORANDUM January 28, 2010

SUBJECT: Cross-References to Repealed Subsection (CSSB 194(STA))
(Work Order No. 26-LS0895\E)

TO: Senator Linda Menard
Chair of the State Affairs Committee
Attn: Sarah Munson

FROM: Gerald P. Luckhaupt
Legislative Counsel

Enclosed is the final CS(STA) version you requested. Please be advised that two cross-references to AS 04.16.050(l)(2), which is repealed in sec. 5 of the bill and is replaced by AS 04.21.080(18), added by sec. 4 of the bill, will need to be corrected at some point. The cross-references are:

AS 28.15.183(g) - reference to AS 04.16.050(l)(2) needs to be replaced with AS 04.21.080;

AS 28.15.211(g) - reference to AS 04.16.050(l)(2) needs to be replaced with AS 04.21.080.

GPL:ljw
10-049.ljw

Enclosure

SB 216

STATE OF ALASKA

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

OFFICE OF THE COMMISSIONER

Sean Parnell, GOVERNOR

P. O. BOX 5800
Ft Richardson, ALASKA 99505-5800
PHONE: (907) 428-6003
FAX: (907) 428-6019



January 26, 2010

Sen. Linda Menard:

I respectfully request that you hold a hearing and move forward Senate Bill 216 regarding Disaster Assistance Grants. After the devastating year of 2009, where we had two separate Presidential Disaster Declarations, it has been made painfully obvious that Alaska's Individual and Family Grant program is out of date and must be made relevant.

The critical piece of this legislation is the connection to the Federal Individual Assistance Grant Award and the Consumer Price Index. Alaska's Individual and Family Grant program was first put on the books in 1977 at the current maximum level of payment, which is $5000.00. By connecting the grant maximum to half of the Federal Individual Assistance maximum grant amount identified in 42 U.S.C. 5174(h) which fluxuates based upon the Consumer Price Index, we will ensure that the original intent of the legislation will remain relevant to the economy and not require future statutory change.

I appreciate your willingness to hear this piece of legislation and I will be available to testify at your request. Thank you for your support.

Sincerely,

Thomas H. Katkus

Brigadier General Thomas H. Katkus
Commissioner

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Governor Sean Parnell
STATE OF ALASKA

January 8, 2010

The Honorable Gary Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens,

Under the authority of Art. III, Sec. 18, of the Alaska Constitution, I am transmitting a bill that increases the existing limit on State grants for major disaster victims in the State of Alaska.

This bill would change an existing limitation on the Governor's authority to issue assistance grants to victims of a major disaster in this state, which has not been updated for nearly 20 years. Under current law, when the Governor declares a disaster emergency, a grant can only be provided to a victim of the disaster in this state in an amount not to exceed $5,000. After witnessing the widespread disaster of the 2009 spring floods, it has become obvious that the maximum amount of $5,000 per household is not enough to cover incurred costs from damages in today's economy. It is clearly time to revise the limit and give the State the ability to provide improved relief to victims of major disasters in this state.

This proposed legislation increases the maximum amount that can be granted to a household in 2010 to $14,950 for a State-declared disaster. This is calculated by setting it at half of the amount of a federally declared disaster. The amount will be adjusted each year based upon the consumer price index.

I urge your prompt and favorable action on this bill.

Sincerely,

Sean Parnell
Governor

Enclosure

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 216
(S) Publish Date: 1/19/10

Identifier (file name): LL0854 Disaster Relief
Dept. Affected: DMVA
Title: An Act relating to grants to victims of a disaster in this state; and providing for an effective date
RDU: Fund Transfers (52)
Component: Disaster Relief Fund
Sponsor: Rules Committee
Requester: Governor
Component Number: 2497

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims	595.5	300.0	895.5	895.5	895.5	895.5	895.5
Miscellaneous							
TOTAL OPERATING	**595.5**	**300.0**	**895.5**	**895.5**	**895.5**	**895.5**	**895.5**
CAPITAL EXPENDITURES	**0.0**	**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**	**0.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	595.5	300.0	895.5	895.5	895.5	895.5	895.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**595.5**	**300.0**	**895.5**	**895.5**	**895.5**	**895.5**	**895.5**

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Part-time	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Temporary	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

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

Please see attached

Prepared by: McHugh Pierre, Deputy Commissioner/Legislative Liaison
Phone 907-428-6003
Division: Commissioner's Office
Date/Time 12/11/09 @ 11:00 am
Approved by: Thomas Katkus, Commissioner
Date 12/11/2009
Department of Military and Veterans Affairs

(Revised 11/6/2009 OMB)

ANALYSIS CONTINUATION

Funding for this legislation is authorized under the Alaska Disaster Act 26.23 and provided through fund transfers to the Disaster Relief Fund (DRF). In recent years, the Legislature has provided an annual appropriation to the DRF ensuring funds are quickly available once a disaster declaration is made and legislative concurrence is obtained, when required. Therefore, determining an annual amount for a fiscal note is dependent upon the number of disasters we incur that affect individuals and families. This cannot be predicted but historial references are provided for analysis and we made the assumption that there may be 2 events per year that qualify for this benefit.

2009 Spring Flood Disaster is used as an example - a large portion of this disaster was approved for a Presidential Disaster Declaration and there the State Individual Assistance Program was only enacted for a total of 30 eligible applicants. If all applicants had major damages, they would be eligible for the maximum current grant of $5,000 for a total of $150,000. Under proposed legislative language change, each applicant would be eligible for $14,950 (one half of the maximum grant amount established under Section 1 of the bill) if their damages equaled this amount under the State Individual Assistance Plan. The total maximum grant funds for the 30 applicants would have totaled $448,500, an increase in State Disaster Relief Funding requirements of $298,500 for this disaster.

In order to provide an average, we have the following statistics. Since 2002, we have had 10 disasters where we implemented the State Individual Assistance Program with an average of 133 applicants. under our current legislation, the maximum total grant funds per disaster would have been an average of $665,000. With the implementation of new legislation, the increase would have been an average of over $1.3 million per event. These are only estimates and would depend on levels of damages incurred by each individual applicant.

STATE INDIVIDUAL and FAMILY GRANT PROGRAM (IFG)

History of State IFG Program:

Authority: **Alaska Statute 26.23.090**

Enacted in: 1977

Amended in 1990

$5,000 limit dates back to original date statute was enacted (1977)

Regulations: **06 Alaska Administrative Codes (AAC) 94.200 – 94.280**

Adopted in: 2000

Individual Assistance Task Force:

- **The Individual Assistance Task Force convened January 2008 to examine Individual Assistance programs and current program capacity to provide prompt and effective relief to individuals and families affected by disasters.**
- **Agencies involved in review of IFG program:**
  - **Division of Homeland Security and Emergency Management, Department of Commerce, Community, and Economic Development, Department of Health and Social Services, Alaska Housing Finance Corporation, Alaska VOAD, American Red Cross of Alaska, and USDA Rural Development**
- **Agencies met 10 times over a six month period**
- **Task Force recommended that maximum awards increase and that funding levels be tied to an annual figure such as the FEMA Individual and Households Program award or the Consumer Price Index.**

IFG Program Requirements:

- **AS 26.23.090**
  - **Governor authorized to make grants to individuals and families to meet disaster related expenses or serious needs that cannot be met from other means of assistance.**
  - **Current funding limits:**
    - **State Disaster Limit - $5,000**
    - **Legislative Recommendation – One-Half of Federal IA Program (based on CPI)**
- **06 AAC 94.200 – 94.280**
  - **Must incur a necessary expense or serious need in the declared disaster area as a result of the disaster, and be unable to meet that expense or need**
  - **Grants may be given to meet necessary expenses or serious needs by providing essential items or services in the following categories: housing; housing repair; personal property, transportation; medical or dental expenses; expenses related to funerals, burials, and cremations.**

- Disaster victims' needs will be identified on the Disaster Assistance Application and confirmed by verifications. Verifications can be accomplished by on-site visits, photographs, Loss Verification Statement forms, and other documentation deemed appropriate by the IA Officer.
- Applicants will be denied eligibility for a current disaster claims if they have not complied with requirements on previous disasters. Therefore, applicants will be cross-referenced for any past disaster non-compliance.
- If the grantee is in a Special Flood Hazard Area, as determined by the National Flood Insurance Program (NFIP), and the grantee is a homeowner, flood insurance coverage must be maintained on the residence at the flood-damaged property address for as long as the grantee owns the structure, in order for the grantee to be eligible for a future grant for acquisition and construction purposes. If the grantee is a renter, flood insurance required under this section must be maintained on the contents of the rental unit for as long as the grantee resides at the flood-damaged property address.

STATE OF ALASKA

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

OFFICE OF THE COMMISSIONER

Sean Parnell, GOVERNOR

P. O. BOX 5800
Ft Richardson, ALASKA 99505-5800
PHONE: (907) 428-6003
FAX: (907) 428-6019

January 26, 2010

SB 216 primary staff contacts:

McHugh Pierre
Deputy Commissioner
907-428-6003

Mike O'Hare
Deputy Director, Division of Homeland Security and Emergency Management
907-428-7066

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/19/10

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/4/10

State Affairs Committee considered SENATE BILL NO. 216

SB 216 GRANTS TO DISASTER VICTIMS

"An Act relating to grants to victims of a disaster in this state; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
~~DMVA~~	~~12/11/09~~	~~X~~			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DMVA	12/11/09	X			1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	PASKVAN	X			
	KOOKESH	X			
CHAIR:	MENARD	X			

SB 217

Alaska Housing
FINANCE CORPORATION

Headquarters
4300 Boniface Parkway
Anchorage, Alaska 99504
(907) 338-6100

Mailing Address
P.O. Box 101020
Anchorage, AK 99510-1020

Internet Web Site
http://www.ahfc.state.ak.us

MEMORANDUM

received
01/21/10 12:15pm

Date: January 21, 2010

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Dan Fauske, Executive Director/CEO
Alaska Housing Finance Corporation

Re: SB 217, AHFC Vets Bond Bill

This is a request for the scheduling of Senate Bill 217, An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; and providing for an effective date.

SB 223 will put on the general election 2010 ballot a question for voters on whether or not to approve having AHFC issue up to $600 million in bonds to fund the Alaska Veterans Mortgage Loan Program.

Alaska is one of five states in the country that has a veterans mortgage loan program. This program requires the general obligation of the state of Alaska to back the bonds sold to fund the program. Over the years the vets program has been very successful, having one of the lowest foreclosure rates of any of AHFC's programs.

The last time this question was on the general election ballot was 2002, when over seventy percent of voters approved $500 million in bonds for the program.

Due to recent positive changes that the five states were able to get through Congress, there are now more veterans eligible for the program than past years. As a result, the Corporation

estimates that we may run out of funds for the program some time in 2011. As a result, a vote will be needed this year to make sure that the program doesn't have to be shut down.

I would appreciate the scheduling of SB 217 in the Senate State Affairs Committee at your earliest possible convenience. If you have any questions or need any further information about the bill, please contact Bryan Butcher in my office at 330-8445.

Alaska Housing
FINANCE CORPORATION

Headquarters
4300 Boniface Parkway
Anchorage, Alaska 99504
(907) 338-6100

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Anchorage, AK 99510-1020

Internet Web Site
http://www.ahfc.state.ak.us

SB 217 AHFC Vets Bonds
Sponsor Statement

SB 217 will place a question on the ballot for the general election of 2010 asking voters to approve an additional $600 million of state guaranteed bonds to be issued by the Alaska Housing Finance Corporation for the purchase of mortgage loans made to qualifying veterans.
The Veterans Mortgage Loan Program allows the Alaska Housing Finance Corporation to sell tax-exempt bonds to fund the program. Because of this, the Veterans Mortgage Loan Program generally offers a lower interest rate than the conventional single family mortgage loan program. As of December 23, 2009, the Veterans program interest rate was 3/8 of a percent below the Corporation's conventional taxable mortgage loan program.

To qualify, veterans must apply to AHFC within 25 years of his/her date of discharge from "active duty service." (Active duty service is full-time duty, other than for training.) Active duty service in the US Armed Forces, US Armed Forces Reserves, Public Health Service, NOAA, or service as a cadet at the US Military, Air Force, Coast Guard or Naval Academy may meet requirements.

Qualified veterans may be retired or active duty personnel. If retired, discharged, or released from active duty, separation must have been under conditions other than dishonorable. Active duty personnel must have completed their initial military obligation.

The last time veterans bonds were on the general election ballot was 2002, when Alaskans approved the bonds by over seventy percent. As a result of recent passed legislation in Congress, Alaska along with the states of California, Oregon, Texas and Wisconsin have been able to offer more loans to veterans through the program than the previous years. Because of this, it is estimated that the Corporation could run out of bond authorization for the veterans loan program some time in 2011. This is the reason for the urgency of getting the issue to the ballot in 2010.

02/05/10 Corrected

Senate Bill 217

Sectional Analysis

Section 1 -

Section 1 adds the unconditional guarantee of the state of Alaska to bonds issued by the Alaska Housing Finance Corporation for the purchase of mortgage loans made to qualifying veterans. The principal amount of the bonds shall not exceed $600 million.

Section 2 -

Section 2 gives the Alaska Housing Finance Corporation the authorization to sell bonds guaranteed under Section 1 of the bill, pending the approval of the voters of Alaska.

Section 3 -

Section 3 changes the definition of 'qualifying veteran' in state statute to conform to the federal definition that was changed effective May 30, 2006. The federal definition for eligibility changed from a veteran having served in the military prior to January 1, 1977 and not having been out of the service more than 30 years to the new definition of a veteran not having been out of the military more than 25 years with no specific dates during which he/she must have served.

Section 4 -

Section 4 adds the language that will be included on the general election ballot in 2010.

Section 5 -

Section 5 provides for an immediate effective date.

02/05/10 corrected

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version:
() Publish Date:

Identifier (file name): 0879-DOR-AHFC-12-17-09
Dept. Affected: Revenue
Title: AHFC Veterans Housing Loan Bonds
RDU: Alaska Housing Finance Corp.
Component: Operations
Sponsor: Rules Committee
Requester: Governor
Component Number: 110

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual	150.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**150.0**	**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							
AHFC Receipts	150.0						
TOTAL	**150.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill authorizes a statewide public vote on $600 million in revenue bonds to finance the Veterans Mortgage Program. Alaska is one of five states in the nation that established this program under the federal tax code. AHFC administers the program on behalf of the State.

Costs associated with the issuance of these bonds are anticipated to be covered with annual operating budget authorizations. Anticipated costs related to voter information education and dissemination about the bonds and the program will be approximately $150,000.

If approved by voters, bond issuances in the future will be done based on loan demand.

Prepared by: Bryan Butcher, Director, Gov't Relations/Public Affairs
Phone 330-8445
Division: Alaska Housing Finance Corporation
Date/Time 2/4/10 12:00 AM
Approved by:
Date

(Revised 11/6/2009 OMB)

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 217
(S) Publish Date: 1/19/10

Identifier (file name): 0879-DOR-AHFC-12-17-09
Dept. Affected: Revenue
Title: AHFC Veterans Housing Loan Bonds
RDU: Alaska Housing Finance Corp.
Component: Operations
Sponsor: Rules
Requester: Request of Governor
Component Number: 110

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual	150.0	150.0					
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**150.0**	**150.0**	**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							
AHFC Receipts	150.0	150.0					
TOTAL	**150.0**	**150.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill authorizes a statewide public vote on $800 million in revenue bonds to finance the Veterans Mortgage Program. Alaska is one of five states in the nation that established this program under the federal tax code. AHFC administers the program on behalf of the State.

Costs associated with the issuance of these bonds are anticipated to be covered with annual operating budget authorizations. Anticipated costs related to voter information dissemination about the bonds and the program will be approximately $150,000.

If approved by voters, bond issuances in the future will be done based on loan demand.

Prepared by: Bryan Butcher, Director, Gov't Relations/Public Affairs — Phone 330-8445
Division: Alaska Housing Finance Corporation — Date/Time 12/17/09 12:00 AM
Approved by: Ginger Blaisdell, Director — Date 1/6/10; 1:38pm
Administrative Services Division

(Revised 11/6/2009 OMB)

Alaska Housing
FINANCE CORPORATION

Headquarters
4300 Boniface Parkway
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(907) 338-6100

Mailing Address
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Anchorage, AK 99510-1020

Internet Web Site
http://www.ahfc.state.ak.us

ALASKA HOUSING FINANCE CORPORATION
VETERANS MORTGAGE LOAN PROGRAM ACTIVITY
FISCAL YEAR 1994-2010

Fiscal Year	Number Of Loans	Loan Total
2010	54	$11,728,123
2009	168	$40,134,867
2008	230	$51,046,577
2007	270	$58,411,919
2006	44	$11,549,485
2005	57	$12,260,899
2004	125	$25,472,549
2003	187	$38,782,068
2002	315	$59,339,089
2001	430	$73,184,764
2000	496	$85,877,200
1999	540	$91,249,038
1998	597	$93,885,910
1997	340	$52,161,904
1996	246	$35,650,186
1995	482	$68,947,388
1994	177	$24,435,920
Total	**4758**	**$834,117,886**

On January 25, 2010, Standard and Poor's looked at the delinquency rates of the loan portfolios of 34 state Housing Finance Agency bond programs. Of those, the Alaska Housing Finance Corporation's Veterans Mortgage Loan program had the LOWEST delinquency rate of any other state program at 1.28 percent.

Sarah Munson

From: Bryan Butcher [bbutcher@ahfc.state.ak.us]
Sent: Monday, February 01, 2010 1:26 PM
To: Sarah Munson
Subject: SB 217

Testifying in Juneau will be:

Dan Fauske, CEO/Executive Director
Bryan Butcher, Director of Governmental Relations/Public Affairs
Joe Dubler, CFO/Director of Finance

We would like to have our Residential Loan Officer Laurie Holte and our Mortgage Operations Director Paul Kapansky call in if possible.

Thanks,
Bryan

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/19/10

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/4/10

State Affairs Committee considered SENATE BILL NO. 217

SB 217 GUARANTEED REVENUE BONDS FOR VETERANS

"An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
1 fiscal info forthcoming					

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Revenue	12/17/09	X			

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	PASKVAN	X			
	KOOKESH	X			
CHAIR:	MENARD	X			

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/19/10

FURTHER: Finance

Date of 5-Day Notice: 1/28/10
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/4/10

State Affairs Committee considered SENATE BILL NO. 217

SB 217 GUARANTEED REVENUE BONDS FOR VETERANS

"An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
1 REV	2/4	V			2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	PASKVAN	X			
	Kookesh	X			
CHAIR:	MENARD	X			

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: X (2)
Bill Version: SB 217
() Publish Date: 2/5/10

Identifier (file name): 0879-DOR-AHFC-12-17-09
Title: AHFC Veterans Housing Loan Bonds
Sponsor: Rules Committee
Requester: Governor

Dept. Affected: Revenue
RDU: Alaska Housing Finance Corp.
Component: Operations
Component Number: 110

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual	150.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**150.0**	**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							
AHFC Receipts	150.0						
TOTAL	**150.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill authorizes a statewide public vote on $600 million in revenue bonds to finance the Veterans Mortgage Program. Alaska is one of five states in the nation that established this program under the federal tax code. AHFC administers the program on behalf of the State.

Costs associated with the issuance of these bonds are anticipated to be covered with annual operating budget authorizations. Anticipated costs related to voter information education and dissemination about the bonds and the program will be approximately $150,000.

If approved by voters, bond issuances in the future will be done based on loan demand.

Prepared by: Bryan Butcher, Director, Gov't Relations/Public Affairs — Phone 330-8445
Division: Alaska Housing Finance Corporation — Date/Time 2/4/10 12:00 AM
Approved by: _____ — Date _____

(Revised 11/6/2009 OMB)

SB 244

ALASKA STATE LEGISLATURE

SESSION
State Capitol, Rm 516
Juneau, Alaska 99801-1182
(907) 465-3873 Phone
(907) 465-3922 Fax
(877) 463-3873 Toll Free
Senator_Bert_Stedman@legis.state.ak.us

INTERIM
50 Front Street
Ketchikan, AK 99901-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT K. STEDMAN

MEMORANDUM

received
02/02/10 12:00pm

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Bert Stedman

Date: February 1, 2010

Subject: Request for Hearing

I respectfully request that Senate Bill 244, An Act relating to the governor's duty station and travel allowance, be scheduled for a hearing in the Senate State Affairs Committee at your earliest convenience.

Attached is the following documentation:

- SB 244
- Sponsor Statement

If you have any questions or need more information, feel free to contact me or my aide Darwin Peterson at 465-3873. Thank you for your consideration.

DISTRICT A
Ketchikan • Sitka • Petersburg • Wrangell
Pelican • Elfin Cove • Port Alexander • Saxman • Meyers Chuck • Thorne Bay • Coffman Cove • Hollis

ALASKA STATE LEGISLATURE

SESSION
State Capitol, Rm 516
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(877) 463-3873 Toll Free
Senator_Bert_Stedman@legis.state.ak.us

INTERIM
50 Front Street
Suite 203
Ketchikan, AK 99901-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT K. STEDMAN

SPONSOR STATEMENT

SB 244 – GOVERNOR'S DUTY STATION

SB 244 will clarify state law regarding the governor's duty station and travel allowance. Currently in statute, there are no provisions that require the governor to reside in the capital city and occupy the governor's mansion during his or her term of office. The bill specifies that the governor's duty station, defined as the location where the governor spends the major portion of time assigned to fulfill the duties of office, is considered to be Juneau.

The proposed law does not prohibit the governor from maintaining a personal residence in another part of the state, but if he chooses to reside there and not in the governor's mansion, he will not be entitled to a travel allowance when away from the capital.

DISTRICT A
Ketchikan • Sitka • Petersburg • Wrangell
Pelican • Elfin Cove • Port Alexander • Saxman • Meyers Chuck • Thorne Bay • Coffman Cove • Hollis

ALASKA STATE LEGISLATURE

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SENATOR BERT K. STEDMAN

SECTIONAL ANALYSIS

SB 244

"An Act providing that, during the governor's term of office, the duty station of the governor is Juneau, and prohibiting payment of certain travel allowances for use of the governor's personal residence."

Sec. 1 Amends AS 39.20.060 by removing the exemption in state law enjoyed by the governor and lt. governor with respect to the calculation and payment of travel allowances.

Sec. 2 Adds a new subsection to AS 39.20.060 declaring Juneau to be the governor's designated duty station and makes conforming amendments to the calculation and payment of travel allowances that apply to the governor.

Sec. 3 Satisfies AS 39.20.070 which requires modifications to AS 39.20.050 or AS 39.20.060 be done so expressly.

DISTRICT A
Ketchikan • Sitka • Petersburg • Wrangell
Pelican • Elfin Cove • Port Alexander • Saxman • Meyers Chuck • Thorne Bay • Coffman Cove • Hollis

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB 244
() Publish Date:

Identifier (file name): SB244-GOV-EO-02-09-10
Dept. Affected: OOG
Title "An Act providing..... duty station of the governor is Juneau .... and prohibiting payment of certain travel allowances..."
RDU Executive Operations
Component Executive Office
Sponsor Senators Stedman, Egan
Requester (S) State Affairs
Component Number 6

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

SB 244 establishing Juneau as the governor's duty station, and prohibiting the payment of a lodging allowance when a governor stays in their personal residence at another location, has no fiscal impact on the Office of the Governor. Travel allowances paid to a governor are based on allowable payments set out in the Administration Manual. The Administration Manual provides for payment of "actual lodging expenses", and a miscellaneous meal and expense allowance. As there are no lodging costs when staying in a personal residence, there is no lodging allowance paid.

Prepared by: Linda Perez, Director
Phone 465-3876
Division Administrative Services
Date/Time 2/9/10 5:00 PM
Approved by: Linda Perez, Administrative Director
Date 2/9/2010
Office of the Governor

(Revised 11/6/2009 OMB)

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/29/10

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 2/11/10

State Affairs Committee considered SENATE BILL NO. 244

SB 244 GOVERNOR'S DUTY STATION/TRAVEL ALLOWANCES

"An Act providing that, during the governor's term of office, the duty station of the governor is Juneau, and prohibiting payment of certain travel allowances for use of the governor's personal residence."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
GOV	2/9/10			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Parkinson	✓			
	Meyer	X			
	French	X			
CHAIR:	MENARD	X			

SB 249

ALASKA STATE LEGISLATURE

Rules Committee
•
Finance Committee
•
Health & Social Services Committee
•
Legislative Council
•
Committee on Committees

While in Session
State Capitol, Rm. 103
Juneau, AK 99801
(907) 465-3704
Fax: (907) 465-2529
•
While in Anchorage
716 W. 4th Ave
Anchorage, AK 99501
(907) 269-0169
Fax: (907) 269-0172

SENATE MAJORITY LEADER
JOHNNY ELLIS

SPONSOR STATEMENT – SENATE BILL 249

SB 249 – An Act relating to official action by electronic transmission, to records, and to public records.

SB 249 clarifies and strengthens current law regarding the preservation of and access to public records. Our public records statutes are made up of three chapters, relating to the preservation and maintenance of records, and a criminal statute to set out potential punishments. Inconsistencies and variations between the three have led to confusion and controversy on the part of the public in its attempts to access records they are entitled to, and the agencies in their efforts to preserve and maintain records while balancing open government with personal privacy and legal limits.

As technology advances and government and society are forced to adapt, it becomes essential for our Public Records statutes to keep up with current practices in order to fulfill their original purpose. Alaska's original public records law was adopted as a part of the Organic Act of 1913. Over the years, it has been revised and expanded to keep up with changes in government practice and technological advances. However, the original statute provides a powerful statement of intent: "*Every person has a right to inspect any public writing or record . . . and every public officer having the custody thereof is bound to permit such inspection. . .*"

The bill makes the following changes:

- Applies a consistent definition to the term 'public record' throughout the Alaska statutes.
- Clarifies that electronic transmissions, including text messages, instant messages, email, or other forms of electronic communication are included within that definition.
- Clarifies the duty of state agencies to preserve records, and the ability of the public to access records which are required by law to be preserved.
- Amends the Executive Branch Ethics Act to codify in statute Commissioner Kreitzer's policy which requires state employees to use state electronic systems in order to take official actions so that emails about state business can be included in the public records systems.
- Limits the fees that may be charged to members of the public who wish to access public records to the actual costs of materials and supplies needed to provide the records.
- Explains that impeding either the preservation of or access to public records is a violation of existing criminal law.

SB 249 preserves the ability of Alaskans to keep their government open and accountable. I urge you to join me in support of ethical and transparent government.

ALASKA STATE LEGISLATURE

Rules Committee
•
Finance Committee
•
Health & Social Services Committee
•
Legislative Council
•
Committee on Committees



While in Session
State Capitol, Rm. 103
Juneau, AK 99801
(907) 465-3704
Fax: (907) 465-2529
•
While in Anchorage
716 W. 4th Ave
Anchorage, AK 99501
(907) 269-0169
Fax: (907) 269-0172

SENATE MAJORITY LEADER
JOHNNY ELLIS

SECTIONAL ANALYSIS – SENATE BILL 249

SB 249 – An Act relating to official action by electronic transmission, to records, and to public records.

Section 1 – Provides a standard definition of public records in the criminal statutes.

Section 2 – Requires the use of state electronic delivery systems for official state actions.

Section 3 – Provides a standard definition of public records in the preservation statutes.

Section 4 – Limits the fees that can be charged for access to public records to the actual cost of duplication, not including labor or overhead.

Section 5 – Makes conforming changes to the fee statutes.

Section 6 – Clarifies the existing relationship between the criminal statutes and the duty to preserve public records.

Section 7 – Provides a standard definition of public records in the statutes regarding access to public records.

Section 8 – Makes conforming changes to the fee statutes.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 249**
() Publish Date:

Identifier (file name): SB249-DOA-ETS-03-22-10
Dept. Affected: DOA
Title "An Act relating to official action by electronic transmission, to records, and to public records."
RDU Enterprise Technology Services
Component Enterprise Technology Services
Sponsor Senator Ellis
Requester (S) STA
Component Number 2082

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill refines the definition of "electronic record" as defined in AS 40.21.150(4) and (6) to specifically include text messages, instant messages, electronic mail, or any other form of communication not directly involving the physical transmission of paper that creates a record that can be retained, retrieved, and reviewed by a recipient of the communication and that can be reproduced in paper form through an automated process. Currently the department has processes in place to meet the requirements of this bill with the exception of instant messages and text messages. Analysis continued on next page.

Prepared by: Jim Kohler, Deputy Director — Phone (907) 723-9686
Division Enterprise Technology Services — Date/Time 3/22/10 12:00 PM
Approved by: Rachael Petro, Deputy Commissioner — Date 3/22/2010
Department of Administration

ANALYSIS CONTINUATION

Text and instant messaging are services provided by third party vendors. To date, there is no method in place for automatic archiving of data transmitted using instant messaging. Instant messaging software currently operates on a vendor policy of "no storage, no retrieval". Manual storage by the user is the only known method of saving instant messages. It is believed that text message data can be retrieved via either the phone's internal storage or a vendor's server/backup storage. However, any retrieval of text messages are dependent on the vendor's retention of data. Costs associated with retrieving text messages through vendors and producing such data are unknown at this time.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

ANNETTE KREITZER
CHIEF INFORMATION OFFICER

SEAN PARNELL, GOVERNOR

P.O. BOX 110200
JUNEAU, ALASKA 99811-0200

PHONE: (907) 465-2200
FAX: (907) 465-2135

Focus: State of Alaska Executive Branch Employees	State of Alaska Department of Administration Office of the Commissioner Chief Information Officer
Topic: Email Retention Policy	**Effective Date:** August 7, 2009
Authority: AS 44.21	

POLICY

Emails, including attachments, are subject to the same records retention requirements that apply to any other electronic or non-electronic records. Like paper records, if an email is subject to multiple records retention requirements, it must be archived for the longest applicable period. The applicable records retention requirements are the State of Alaska executive branch records retention schedules imposed pursuant to AS 40.21 and any implementing regulations, and the requirements imposed pursuant to a notification of a legal hold in connection with judicial or administrative litigation, or imposed because of a request under the Alaska Public Records Act, AS 40.25.100 - 40.25.220.

Accordingly, all executive branch employees are responsible for archiving into the designated executive branch email archiving system their sent and received emails (including any attachments) in accordance with the policy identified here.[1])

ALL EXECUTIVE BRANCH EMPLOYEES

When executive branch employees conduct state business through email they must, whenever feasible, use the state's electronic mail system. In some circumstances, employees may need to use, or may inadvertently use, private email accounts to conduct state business. In those

---

[1]) **Guidelines for determining what types of emails must be archived** can be found in the document entitled "Email: FAQ and Rules,» linked on the Division of Archives home page and found at
http://www.archives.state.ak.us/pdfs/records management/e mail.pdf

instances, employees must send copies of those messages to their state email accounts.

Under no circumstance may State of Alaska personally identifiable information (PII) be sent to or from an executive branch employee's private email account. PII is defined in AS 45.48.590(4).[2]

Employees are required to follow the executive branch email policy. Failure to do so may result in discipline up to and including dismissal.

EXECUTIVE EMPLOYEES

Any email sent or received by an executive employee[3]) may be deleted within 90 days unless the email is subject to a records retention requirement, public records request or legal hold. If within that 90-day period a sent or received email becomes subject to a records retention requirement, public records request or legal hold then it cannot be deleted unless the requirement, request, or hold is lifted before the end of the period. All email not deleted within 90 days will be automatically archived.

NON-EXECUTIVE EMPLOYEES

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[2] Definition of Personally Identifiable Information:
AS 45.48.590(4): "personal information' means (A) an individnal's passport number, driver's license **number, state identification number, bank account number, credit card number, debit card number, other** payment card number, financial account information, or information from a financial application; or (B) a combination of an individual's (i) name; and (ii) medical information, insurance policy number, employment information, or employment history ....."

[3] Definition of Execntive Employee:
The following persons are executive employees: (I) the Executive Branch employees defined as "public officials" in AS 39.50.200(a)(9); and (2) the persons employed in the following job classifications:

Assistant Commissioner
Executive Director
Assistant Director
Labor Relations Manager
State Accountant
State Leasing and Facilities Manager
Department of Public Safety Liaison
Chief, Worker's Compensation Adjudication
Veterans Affairs Administrator
Administrator, Violent Crimes Compensation Board
Administrator, Highway Safety Planning Agency
Marine Highway Transportation Services Manager

Positions placed in the partially exempt service under AS 39.25.130(a)(I) or (2) will be added to this list.

If a records retention requirement applies to a sent or received email of a non-executive employee, then within 90 days after the email was sent or received, it must be archived into the state's designated email archiving system in accordance with the records retention requirement. If an email is subject to multiple records retention requirements, it must be archived for the longest applicable period. Any email not archived within 90 days after it was sent or received will be automatically deleted.

EDUCATION

All employees with an email account must be educated on the executive branch email policy. Any new employee with an assigned email account must be educated on the policy before the account is activated. The education portion of this policy does not take effect until the state implements the email archiving system.

Annette Kreitzer, Commissioner
Department of Administration
Chief Information Officer

8-7-09
Date

adn.com
Anchorage Daily News

Print Page | Close Window

Our view: Private e-mails

Court says loophole is OK; legislators, governor should act

(08/14/09 21:17:14)

Judge Jack Smith says there is no state law requiring state employees to do their state business on the state e-mail system. With the ruling, employees may still potentially hide messages from public scrutiny by using private e-mail accounts, as Gov. Sarah Palin and her staff did. OK, then, it's time to pass a state law.

State Rep. Mike Doogan offered one such bill last year, HB195. It went nowhere, though. Doogan is stuck in the House minority, with relatively little power.

In any event, it will be months before the Legislature can close this gap in the state public records law. Lawmakers don't convene again until January.

In the meantime, Gov. Sean Parnell can help immensely by taking a more forceful approach to this question.

His spokeswoman Sharon Leighow said last week that Gov. Parnell stands by a previous directive from Gov. Palin's chief of staff, who said any private e-mails concerning state business must be copied into the state's e-mail system.

However, that directive was issued only to the governor's office staff, rather than to all state government employees. Leighow said in an e-mail Thursday that a new state policy is due out soon and will deal with this issue.

Gov. Parnell needs to issue a clear, unambiguous order to all state employees and ensure that all e-mails about state business appear in the state e-mail system. That way, the e-mails can be properly archived for possible public access until the Legislature has time to write this requirement into state law.

BOTTOM LINE: E-mails about state business need to be in the state e-mail system.

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Copyright © Mon Aug 17 2009 14:02:47 GMT-0800 (Alaskan Daylight Time)1900 The Anchorage Daily News (www.adn.com)

11.81.900 (b)

(53) "Public record" means:

(A) each of the following that is developed or received under law or in connection with the transaction of official business and preserved or appropriate for preservation by any agency, municipality, or any body subject to the open meeting provision of AS 44.62.310, as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the state or municipality or because of the informational value in it:

(i) a document, paper, book, letter, drawing, map, plat, photo, photographic file, motion picture, film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card or other document of any other material, regardless of physical form or characteristic; and

(ii) an electronic transmission, including a text message, an instant message, electronic mail, or any other form of communication not directly involving the physical transmission of paper that creates a record that can be retained, retrieved, and reviewed by a recipient of the communication and that can be reproduced in paper form through an automated process;

(B) staff manuals and instructions to staff that affect the public;

40.21.150

(6) "record"

(A) means each of the following that is developed or received under law or in connection with the transaction of official business and preserved, required by law to be preserved, or appropriate for preservation by an agency or a political subdivision as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the state or municipality or because of the informational value in it:

(i) a document, paper, book, letter, drawing, map, plat, photo, photographic file, motion picture, film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card or other document of any other material, regardless of physical form or characteristic; and

(ii) an electronic transmission, including a text message, an instant message, electronic mail, or any other form of communication not directly involving the physical transmission of paper that creates a record that can be retained, retrieved, and reviewed by a recipient of the communication and that can be reproduced in paper form through an automated process;

(B) does not include library and museum material developed or acquired and preserved solely for reference, historical, or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications and processed documents;

40.25.220

(3) "public record" or "public records"

(A) means the following that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved, required by law to be preserved, or appropriate for preservation as information or as evidence of the organization or operation of the public agency:

(i) books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics; and

(ii) an electronic transmission, including a text message, an instant message, electronic mail, or any other form of communication not directly involving the physical transmission of paper that creates a record that can be retained, retrieved, and reviewed by a recipient of the communication and that can be reproduced ibn paper form through an automated process;

(B) does not include proprietary software programs;

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/1/10

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 03/23/10

State Affairs Committee considered SENATE BILL NO. 249

SB 249 PUBLIC RECORDS/ELECTRONIC TRANSMISSIONS

"An Act relating to official action by electronic transmission, to records, and to public records."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	03/22/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC.	AMEND
	French	✓			
	Meyer	✓			
	Parkinson	X			
	Kookesh	-			
CHAIR: Linda Menard	MENARD	✓			

SB 259

Senator Linda Menard

Session
State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
Fax: (907) 465-3805

Interim
600 E. Railroad Ave.
Wasilla, Alaska 99654
Phone: (907) 376-3370
Fax: (907) 376-3157

Alaska State Legislature



To: Sen. Linda Menard
Chair, Senate State Affairs Committee

From: Sen. Linda Menard

Date: February 16, 2010

Re: Hearing Request for Senate Bill 259

Honorable Senator Linda Menard,

I respectfully request a hearing of Senate Bill No. 259 before the Senate State Affairs Committee.

Senate Bill 259 is an act relating to the powers and duties of the legislative audit division.

Thank you for your consideration.

Senator_Linda_Menard@legis.state.ak.us

Alaska State Legislature

Senator Linda Menard, Chair
State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
Fax: (907) 465-3805

Committee Members:
Senator Albert Kookesh
Senator Hollis French
Senator Joe Paskvan
Senator Kevin Meyer

Senate State Affairs Committee

SPONSOR STATEMENT: Senate Bill 259

Senate Bill 259 clarifies the scope and authority of the Legislative Audit Division. The director of Legislative Audit contends that the division's audit authority is limited to state organizations. Some legislators, however, contend that the Legislative Audit Division should have the authority to audit any organization or function that receives or utilizes state or public funds administered by state departments.

The Legislature has, in the past, requested the division conduct audits as a result of allegations that non-profit organizations were disbursing grant funds inappropriately, such as "steering grants" to family members, for example. This bill, of course, is not directed at any one specific organization, rather it stems from repeated allegations that some grantees fail to follow state policy after receiving grants.

By passing Senate Bill 259, the Legislature will have the power to direct the Legislative Audit Division to audit a state agency or a grantees use of state funds. The bill will also affirm the Legislative Audi Division has the authority in statute to perform such audits.

Passing this bill only makes sense, since doling out state money to grantees should be met with assurances that the money is being used for the purpose proposed. Not only is this good practice, but encourages future grantees to follow rules set by the state when trusted with public funds.

Please join me in helping with the swift passage of Senate Bill 259.

26-LS1419\R
Bannister
3/15/10

CS FOR SENATE BILL NO. 259( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to the powers and duties of the legislative audit division."

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

*** Section 1.** AS 24.20.271 is amended to read:

Sec. 24.20.271. Powers and duties. The legislative audit division [SHALL]

(1) **shall** conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and make the audit, together with a written report, available to the legislature not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions, or agency programs whose activities are subject to termination as prescribed in AS 44.66; the division shall notify the legislature that the audit and report are available;

(2) **shall** audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) **shall,** at the direction of the Legislative Budget and Audit

Committee, conduct performance post-audits on any agency of state government;

(4) **may** cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) **shall** require the assistance and cooperation of all state officials and other state employees in the inspection, examination, and audit of state agency books and accounts;

(6) **shall** have access at all times to the books, accounts, reports, or other records, whether confidential or not, of every state agency;

(7) **shall** ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division;

(8) **shall** complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee;

(9) **shall** have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency;

(10) **shall** conduct an audit every two years of information found in the annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) - (e) and of the timeline extensions made by the commission under AS 42.05.175(f), and of other performance measures adopted by the commission;

(11) may perform an audit of the money received by an organization from or through the state when the performance of the audit is approved by the Legislative Budget and Audit Committee.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 16, 2010

SUBJECT: Sectional summary of CSSB 259( ) relating to the powers and duties of the legislative audit division
(Work Order No. 26-LS1419\R)

TO: Senator Linda Menard
Attn: Michael Rovito

FROM: Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Amends AS 24.20.271. Changes one of the division's powers to allow, rather than require, the division to cooperate with state agencies about establishing or improving their accounting systems. Gives the legislative audit division an additional power. The added power allows the division to perform an audit of the money received by an organization from or through the state -- if the Legislative Budget and Audit Committee approves performing the audit.

If I may be of further assistance, please advise.

TLB:med
10-042.med

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB259**
() Publish Date:

Identifier (file name): SB259-LBA-DLA-03-17-10
Dept. Affected: Legislature
Title: An Act relating to the powers and duties of the Legislative Audit Division
RDU: Budget and Audit Committee
Component: Legislative Audit
Sponsor: Senate State Affairs Committee
Requester: Senate State Affairs Committee
Component Number: 773

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation has zero fiscal impact on the Division of Legislative Audit.

Prepared by: Pat Davidson, Legislative Auditor — Phone 465-3816
Division: Division of Legislative Audit — Date/Time 3/17/10 4:13 PM
Approved by: Pat Davidson, Legislative Auditor — Date 3/17/2010
Division of Legislative Audit

(Revised 9/10/2008 OMB)

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM January 22, 2010

SUBJECT: Authority of the Legislative Audit Division to audit non-governmental entities (CSSB 78(STA), Work Order No. 26-LS0194\P)

TO: Senator Fred Dyson

FROM: Jack Chenoweth
Assistant Revisor

Question Presented

Chuck Kopp of your office staff asked legislative research what authority the Legislative Audit Division has, at the direction of the Budget and Audit Committee, to conduct audits of non-governmental agencies, such as non-profit organizations, that receive state funds. Legislative research asked us to respond. I understand that you specifically would like to know whether Senate Bill 78 needs to pass in order to allow Legislative Audit to perform these types of audits.

Answer

It is more probable than not that an amendment based on or similar to the content of Senate Bill 78 is required before the auditor could investigate nongovernmental agencies. I reach this conclusion principally on the basis of a 1982 Opinion of the Attorney General, 1982 Op. (Inf.) May 20, 1982, the reasoning of which reads, in relevant part:

> The Office of Legislative Auditor is established by article IX, section 14, of the Alaska Constitution. Under section 14, the auditor has the power to conduct post-audits as prescribed by law. The Alaska Constitution has been implemented by the legislature by the enactment of AS 24.20.201. Under that section, the legislative budget and audit committee is established by law to supervise the work of the legislative auditor. The powers of that interim committee are specifically enumerated in AS 24.20.201(a)(1) - (12). The purpose of your proposed investigation apparently is to review the contracting practices of the Department of Natural Resources in regard to the sale of state royalty oil. Under AS 24.20.201(a)(6), the legislative budget and audit committee may make recommendations concerning appropriations, their expenditure and the fiscal policies and procedures of state government to the governor when appropriate and to the legislature. Unless it can be determined that the

> investigation concerns the "fiscal policies and procedures of state government," then it is our opinion that the legislative budget and audit committee has no power to conduct an investigation of this nature. . . .
>
> The legislative auditor has historically been used to carry out the post-audit function. However, under AS 24.20.271 the legislative audit division, under the direction of the legislative auditor, has the power to carry out the audit function assigned to the legislative auditor. Under AS 24.20.271(8), the audit division "shall complete studies and prepare reports, memoranda or other materials as directed by the legislative budget and audit committee." Under AS 24.20.271(6), the legislative audit division has access at all times to the books, accounts, reports or other records, whether confidential or not, of every state agency. In addition, the legislative audit division has the authority necessary to audit banks to verify a deposit of state money with a bank. [Currently authorized by AS 24.20.271(7).] No other provision of section 271 authorizes the division to obtain the books and papers of an entity which is not a state agency.
>
> . . . .

The opinion concludes that, while the power is clearly one that the legislature may grant, it did not then (and arguably still does not now) exist, and would need to be explicitly authorized before it could be exercised. I assume also that legal counsel for a private entity that would choose to resist an audit could find and would cite the reasoning of the 1982 opinion to avoid examination by state auditors.

While a credible argument could be offered that sufficient authority already exists in the current statutes, notably under existing AS 24.20.281,[1] to conduct these post-audits, given that the constitutional provision directs that audits may be conducted "as provided by

[1] AS 24.20.281 provides:

> **Special audit.** A member of the legislature may, in writing and with at least six days notice, request that the budget and audit committee direct a special audit of any state agency or determine the propriety of any expenditure of state funds received by any political subdivision or other entity obtaining state funds. Should a majority of the committee vote to approve the request, the legislative audit division shall make the audit.

This section did exist at the time of the 1982 opinion but is not cited or relied upon in it.

law," this office, too, has in the past recommended that the legislature amend AS 24.20.271,[2] to provide a statement of authority to exercise that authority, at least comparable to the authority prescribed to audit banks.

JBC:plm
10-027.plm

Enclosures

[2] *See* memo from Theresa Bannister dated December 18, 2007, relating to Work Order 25-LS1259\A, SB 213 from the 25th Legislature, which became the basis of SB 78 and CSSB 78(STA) in the current legislature. Copies of these materials are enclosed, along with a December 2, 2008, memo outlining some of the potential constitutional and legal issues that could arise.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM December 18, 2007

SUBJECT: Authority of the Legislative Audit Division to audit persons, other than state agencies, who receive money from the state (Work Order No. 25-LS1259\A)

TO: Senator Fred Dyson

FROM: Theresa Bannister
Legislative Counsel

This memo accompanies a bill addressing the subject described above.

1. AS 24.20.271, the section that describes the powers and duties of the legislative audit division (LAD), is generally limited to state entities, including boards and commissions, and custodians of public funds and disbursing officers of the state.[1] However, AS 24.20.271(8) authorizes LAD to "complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee" (LB&A).

Under AS 24.20.281, a member of the legislature may "request that LB&A direct a special audit of any state agency or determine the propriety of any expenditure of state funds received by any political subdivision or other entity obtaining state funds." It is possible that "other entity" could be interpreted to cover private entities. Whether determining the propriety of the expenditure of state funds received by the entity would be interpreted to cover audits is not clear. Although "determining the propriety" appears to be an alternative to "special audit" in the sentence, the conclusion of the section appears to identify the legislator's request for either purpose with an "audit."

AS 24.20.201(a)(4) authorizes LB&A to review the expenditure of state funds. AS 24.20.201(a)(7) authorizes LB&A to prepare reports. It is possible that one of these could be broadly interpreted to cover private audits, but it is not a solid basis for the authority.

I recommend that, if you want LAD to be able to perform audits of private organizations receiving money from the state, you amend AS 24.20.271 (or AS 24.20.281) to clearly

[1] I would interpret "custodians" to include private persons who receive money from the state, because the term suggests a holder of money rather than a user (recipient) of money.

state that. Therefore, I have prepared a bill to authorize LAD to perform these additional audits.

2. Coverage of private audits. Your request mentioned "organizations." Do individuals ever receive money that you might want to have audited?

If I may be of further assistance, please advise.

TLB:ljw
07-421.ljw

Enclosure

Conceptual Amend #1

Pg 2, ln 24
may → shall

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/5/10

FURTHER: Finance

Date of 5-Day Notice: 2/18/10
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/18/10

State Affairs Committee considered SENATE BILL NO. 259

SB 259 LEGISLATIVE AUDIT DIVISION POWERS

"An Act relating to the powers and duties of the legislative audit division."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 259 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** CS. Forthcoming ( )

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LEG	3/17			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
K. Meyer	Meyer			X	
Joe Paskvan	Paskvan			X	
CHAIR: Linda Menard	MENARD	✓			

SENATOR FRED DYSON

Sponsor Statement for SB 78

"An Act relating to the powers and duties of the legislative audit division"

March 2, 2009
Contact: Lucky Shultz at Senator Fred Dyson's office (907) 465-2199

This bill clarifies the scope and authority of the Legislative Audit Division. The director of Legislative Audit contends that the division's audit authority is limited to state organizations. Some legislators contend, however, that the Legislative Audit Division also has (and should have) limited authority to audit any organization or function that receives or utilizes state funds or public funds that are administered by state departments.

The Legislature has, in the past, requested the division to conduct audits as a result of allegations that non-profit organizations were disbursing grant funds inappropriately, such as "steering grants" to family members, for example. At other times, the Legislature requested audits because of allegations that grantees failed to follow state policy. Because state law is not clear in this are, the director of the Legislative Audit Division has expressed concerns regarding the authority to conduct such audits, particularly of non-state organizations.

Passage of SB 78 will make it clear that the Legislature has the power to direct the Legislative Audit Division to audit a state agency or a grantee's use of state funds, and that the division has the authority, when requested by the Legislature, to conduct such audits.

During Session (January-May): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 FAX
During Interim (June-December): 10928 Eagle River Road • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 FAX
Senator.Fred.Dyson@Legis.state.ak.us • www.akrepublicans.org

26-LS0194\S
Bannister
3/18/09

CS FOR SENATE BILL NO. 78( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DYSON

A BILL

FOR AN ACT ENTITLED

"An Act relating to the powers and duties of the legislative audit division."

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

* **Section 1.** AS 24.20.271 is amended to read:

Sec. 24.20.271. Powers [AND DUTIES]. The legislative audit division [SHALL]

(1) **shall** conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and make the audit, together with a written report, available to the legislature not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions, or agency programs whose activities are subject to termination as prescribed in AS 44.66; the division shall notify the legislature that the audit and report are available;

(2) **shall** audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) **shall,** at the direction of the Legislative Budget and Audit Committee, conduct performance post-audits on any agency of state government;

(4) **shall** cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) **shall** require the assistance and cooperation of all state officials and other state employees in the inspection, examination, and audit of state agency books and accounts;

(6) **shall** have access at all times to the books, accounts, reports, or other records, whether confidential or not, of every state agency;

(7) **shall** ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division;

(8) **shall** complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee;

(9) **shall** have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency;

(10) **shall** conduct an audit every two years of information found in the annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) - (e) and of the timeline extensions made by the commission under AS 42.05.175(f), and of other performance measures adopted by the commission;

* **(11) may perform an audit of the money received by an organization from or through the state when the performance of the audit is approved by the Legislative Budget and Audit Committee; the audit is limited to the financial records of the organization.**

CS financial e.g. low successful CS.

26-LS0194\A

OCP

New CS coming from French this a.m. 3/19/09

SENATE BILL NO. 78

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR DYSON

Introduced: 1/26/09
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the powers and duties of the legislative audit division."

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

*** Section 1.** AS 24.20.271 is amended to read:

Sec. 24.20.271. Powers [AND DUTIES]. The legislative audit division **may** [SHALL]

(1) conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and make the audit, together with a written report, available to the legislature not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions, or agency programs whose activities are subject to termination as prescribed in AS 44.66; the division shall notify the legislature that the audit and report are available;

(2) audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) at the direction of the Legislative Budget and Audit Committee, conduct performance post-audits on any agency of state government;

(4) cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) require the assistance and cooperation of all state officials and other state employees in the inspection, examination, and audit of state agency books and accounts;

(6) have access at all times to the books, accounts, reports, or other records, whether confidential or not, of every state agency;

(7) ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division; — follow.

(8) complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee;

(9) have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency;

(10) conduct an audit every two years of information found in the annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) - (e) and of the timeline extensions made by the commission under AS 42.05.175(f), and of other performance measures adopted by the commission;

(11) perform an audit of an organization that receives money from or through the state, including money that the state has received from the federal government, when the performance of the audit is approved by the Legislative Budget and Audit Committee.

follow State #

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB78**
() Publish Date:

Identifier (file name): SB78-LBA-DLA-03-13-09
Dept. Affected: Legislature
Title: An Act relating to the powers and duties of the Legislative Audit Division
RDU: Budget and Audit Committee
Component: Legislative Audit
Sponsor: Senator Dyson
Requester: Senate State Affairs
Component Number: 773

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation has zero fiscal impact on the Division of Legislative Audit.

Prepared by: Pat Davidson, Legislative Auditor
Phone 465-3816
Division: Division of Legislative Audit
Date/Time 3/13/09 9:34 AM
Approved by: Pat Davidson, Legislative Auditor
Division of Legislative Audit
Date 3/13/2009

(Revised 9/10/2008 OMB)



SENATOR FRED DYSON

SPONSOR STATEMENT

SB 78 - An Act relating to the powers and duties of the Division of Legislative Audit

The purpose of this bill is to make clear that the Division of Legislative Audit has the power to perform audits of non-governmental agencies, such as non-profit organizations, that receive money from or through the state.

The Legislature has, in the past, requested Legislative Audit to conduct audits as a result of allegations that non-profit organizations were disbursing grant funds inappropriately, such as "steering grants" to family members, or that grantees failed to follow state policy.

As state law is not clear in this area, the Division of Legislative Audit has expressed concerns regarding the authority to conduct such audits, particularly of non-state organizations that receive or utilize state funds or public funds that are administered by state departments.

Legislative Legal Services issued a memorandum opinion on December 18, 2007, and again on January 22, 2010 that if the Division of Legislative Audit is to be able to perform audits of private organizations receiving money from or through the state, the powers and duties of Legislative Audit, as identified in AS 24.20.271, should be amended to clearly state this authority.

Passage of SB 78 will make it clear that the Division of Legislative Audit, at the direction of the Legislative Budget and Audit Committee, has the authority to audit private organizations receiving money from or through the state.

During Session (January - May): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 (fax)
During Interim (June-December): 10928 Eagle River Road, Suite 238 • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 (fax)
senator.fred.dyson@legis.state.ak.us • www.akrepublicans.org

CS FOR SENATE BILL NO. 78(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR DYSON

A BILL

FOR AN ACT ENTITLED

"An Act relating to the powers and duties of the legislative audit division."

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

*** Section 1.** AS 24.20.271 is amended to read:

Sec. 24.20.271. Powers [AND DUTIES]. The legislative audit division [SHALL]

(1) **shall** conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and make the audit, together with a written report, available to the legislature not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions, or agency programs whose activities are subject to termination as prescribed in AS 44.66; the division shall notify the legislature that the audit and report are available;

(2) **shall** audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) **shall,** at the direction of the Legislative Budget and Audit Committee, conduct performance post-audits on any agency of state government;

(4) **shall** cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) **shall** require the assistance and cooperation of all state officials and other state employees in the inspection, examination, and audit of state agency books and accounts;

(6) **shall** have access at all times to the books, accounts, reports, or other records, whether confidential or not, of every state agency;

(7) **shall** ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division;

(8) **shall** complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee;

(9) **shall** have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency;

(10) **shall** conduct an audit every two years of information found in the annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) - (e) and of the timeline extensions made by the commission under AS 42.05.175(f), and of other performance measures adopted by the commission;

(11) may perform an audit of the money received by an organization from or through the state when the performance of the audit is approved by the Legislative Budget and Audit Committee.

CS FOR SENATE BILL NO. 78(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/20/09
Referred: Finance

Sponsor(s): SENATOR DYSON

A BILL

FOR AN ACT ENTITLED

"An Act relating to the powers and duties of the legislative audit division."

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

*** Section 1.** AS 24.20.271 is amended to read:

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(1) **shall** conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and make the audit, together with a written report, available to the legislature not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions, or agency programs whose activities are subject to termination as prescribed in AS 44.66; the division shall notify the legislature that the audit and report are available;

(2) **shall** audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) **shall,** at the direction of the Legislative Budget and Audit Committee, conduct performance post-audits on any agency of state government;

(4) **shall** cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) **shall** require the assistance and cooperation of all state officials and other state employees in the inspection, examination, and audit of state agency books and accounts;

(6) **shall** have access at all times to the books, accounts, reports, or other records, whether confidential or not, of every state agency;

(7) **shall** ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division;

(8) **shall** complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee;

(9) **shall** have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency;

(10) **shall** conduct an audit every two years of information found in the annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) - (e) and of the timeline extensions made by the commission under AS 42.05.175(f), and of other performance measures adopted by the commission;

(11) may perform an audit of the money received by an organization from or through the state when the performance of the audit is approved by the Legislative Budget and Audit Committee.

SENATE BILL NO. 78

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR DYSON

Introduced: 1/26/09
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the powers and duties of the legislative audit division."

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

*** Section 1.** AS 24.20.271 is amended to read:

Sec. 24.20.271. Powers [AND DUTIES]. The legislative audit division **may** [SHALL]

(1) conduct a performance post-audit of boards and commissions designated in AS 44.66.010 and of those programs and activities of agencies subject to termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and make the audit, together with a written report, available to the legislature not later than the first day of the regular session of the legislature convening in each year set out with reference to boards, commissions, or agency programs whose activities are subject to termination as prescribed in AS 44.66; the division shall notify the legislature that the audit and report are available;

(2) audit at least once every three years the books and accounts of all custodians of public funds and all disbursing officers of the state;

(3) at the direction of the Legislative Budget and Audit Committee, conduct performance post-audits on any agency of state government;

(4) cooperate with state agencies by offering advice and assistance as requested in establishing or improving the accounting systems used by state agencies;

(5) require the assistance and cooperation of all state officials and other state employees in the inspection, examination, and audit of state agency books and accounts;

(6) have access at all times to the books, accounts, reports, or other records, whether confidential or not, of every state agency;

(7) ascertain, as necessary for audit verification, the amount of agency funds on deposit in any bank as shown on the books of the bank; no bank may be held liable for making information required under this paragraph available to the legislative audit division;

(8) complete studies and prepare reports, memoranda, or other materials as directed by the Legislative Budget and Audit Committee;

(9) have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency;

(10) conduct an audit every two years of information found in the annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) - (e) and of the timeline extensions made by the commission under AS 42.05.175(f), and of other performance measures adopted by the commission;

(11) perform an audit of an organization that receives money from or through the state, including money that the state has received from the federal government, when the performance of the audit is approved by the Legislative Budget and Audit Committee.

SB 260

Senator Linda Menard

Session
State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
Fax: (907) 465-3805

Interim
600 E. Railroad Ave.
Wasilla, Alaska 99654
Phone: (907) 376-3370
Fax: (907) 376-3157

Alaska State Legislature

To: Senator Linda Menard
Senate State Affairs Committee

From: Senator Linda Menard

Date: February 15, 2010

Re:Request for hearing of SB 260

Honorable Senator Linda Menard,

I respectfully request a hearing of Senate Bill No. 260 before the Senate State Affairs Committee.

Senate Bill 260 is an act relating to electronic voting procedures for electric and telephone cooperatives.

Thank you for your consideration.

Senator_Linda_Menard@legis.state.ak.us

Alaska State Legislature

Senator Linda Menard, Chair
State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
Fax: (907) 465-3805

Committee Members:
Senator Albert Kookesh
Senator Hollis French
Senator Joe Paskvan
Senator Kevin Meyer

Senate State Affairs Committee

SPONSOR STATEMENT: Senate Bill 260

Senate Bill 260 puts in statute the ability for telephone or electric cooperatives to allow members to vote by electronic transmission as specified by the coop's by-laws.

Currently, coop members may only vote in person or via the postal service. This method, however, is outdated and could be having a negative impact on member participation in elections and other important matters.

By allowing telephone and electric coops to permit voting via electronic transmission approved in its by-laws, the Legislature will make it so common 21st century practices may be applied to important public involvement matters.

There is a zero fiscal note with this bill, and coops in every corner of Alaska will be enthused the Legislature has had the foresight to pass legislation important to their public process. This bill does not make electronic transmission voting mandatory, and cooperatives choose whether they want to partake or not.

Already, however, Matanuska Telephone Association (MTA) members have voted to adopt a new bylaw allowing electronic transmission voting. All MTA, and other coops, need is for the Legislature amends the statute to allow these coops to do so.

Please help me in facilitating the quick passage of SB 260.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 16, 2010

SUBJECT: Sectional summary of SB 260 (Work Order No. 26-LS1359\R)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee
Attn: Michael Rovito

FROM: Brian J. Kane BJK
Legislative Counsel

You have requested a sectional summary of SB 260, a bill relating to electronic voting procedures for electric and telephone cooperatives.

Please note that a sectional summary of a bill is not an authoritative interpretation of a bill. The bill itself is the best statement of its contents.

Section 1 of the bill allows for members of electric or telephone cooperatives to vote on matters by electronic transmission if the bylaws so provide.

Section 2 of the bill adds an electronic transmission option for determining a record date for notice to members of an electric or telephone cooperative.

Section 3 of the bill adds electronic transmission to the prohibited means of voting for a member or district delegate at a meeting and allows for voting for the district directors by electronic transmission.

Section 4 of the bill allows for electronic voting as an option for voting on an amendment to the articles of incorporation for an electric or telephone cooperative.

Section 5 of the bill provides for an immediate effective date.

BJK:plm
10-074.plm

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB260**
() Publish Date:

Identifier (file name): SB260-CED-RCA-02-16-10
Dept. Affected: DCCED
Title: Electric & Telephone Cooperatives' Voting
RDU: Regulatory Commission of Alaska (399)
Component: Regulatory Commission of Alaska
Sponsor: Senate State Affairs
Requester: Senate State Affairs
Component Number: 2417

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	0.0		0.0	0.0	0.0	0.0	0.0
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 Interagency Receipts							
TOTAL	**0.0**		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This proposed legislation would amend voting procedures in AS 10.25 for electric and telephone cooperatives to authorize electronic voting.

(ANALYSIS CONTINUED)

Prepared by: Robert M. Pickett, Chairman — Phone 907.276.6222
Division: Regulatory Commission of Alaska — Date/Time 2/16/10 12:30 p.m.
Approved by: Emil R. Notti, Commissioner — Date 2/16/2010
Commerce, Community, and Economic Development

(Revised 11/6/2009 OMB)

STATE OF ALASKA
2010 LEGISLATIVE SESSION

BILL NO. SB 260

ANALYSIS CONTINUATION

The Regulatory Commission of Alaska (RCA) has limited jurisdiction that includes regulating the rates and services of non-exempt electric and telephone cooperatives. *See* AS 42.05.141. With the exception of deregulation elections governed by AS 42.05.712, RCA jurisdiction does not extend to membership voting procedures. Members of electric and telephone cooperatives seeking to enforce the electronic voting procedures proposed by this legislation would need to pursue judicial recourse rather than RCA intervention.

Since the RCA will not be involved in enforcing the amended voting procedures, it will not experience any increase in workload based on the passage of SB 260.

CHUGACH
POWERING ALASKA'S FUTURE

February 15, 2010

Senator Linda Menard, Chair
Senate State Affairs Committee
State Capitol, Room 9
Juneau, Alaska 99801

Dear Senator Menard:

I am writing to express Chugach Electric Association's support for SB 260. Chugach is very much in favor of AS 10.25 being changed to allow cooperatives the option of electronic voting in their co-op elections.

As drafted, SB 260 makes electronic transmission of a ballot optional for those cooperatives whose members vote to change their bylaws to permit it. Chugach agrees making this voting method optional and member driven is the right approach. It is also important to note the bill allows each cooperative to determine voting procedures that are appropriate for their organization, thereby providing the flexibility for each co-op to decide how best to implement electronic voting. Once again, we think that is the right way to proceed. We understand that not all cooperatives might want to offer electronic voting, and those that do, might want to limit the means of transmission in order to ensure a secure and efficient election process.

Electronic voting is a choice that we believe many members will appreciate. Chugach members already voted several years ago to change the bylaws to permit electronic voting when state law is changed.

Chugach urges legislative support of SB 260.

Sincerely,

Bradley W. Evans
Chief Executive Officer

Chugach Electric Association, Inc.
5601 Electron Drive, P.O. Box 196300, Anchorage, Alaska 99519-6300 • (907) 563-7494 Fax (907) 562-0027 • (800) 478-7494
www.chugachelectric.com • info@chugachelectric.com

Sent Via Email: Sen.Linda.Menard@legis.state.ak.us
Sent Via Fax: 907.465.3805

February 12, 2010

Honorable Linda Menard
Alaska State Capitol, Room #9
Juneau, AK 99801

RE: SB 260 – Electric/Telephone Cooperatives Voting

Dear Senator Menard:

I'm writing to ask for your support on SB 260 "An Act relating to electronic voting procedures for electric and telephone cooperatives: and providing for an effective date".

As you know, the internet has changed forever the way we communicate and do business. Alaskans have more than embraced this new world and currently lead the country as the most Internet-connected state in America. Matanuska Telephone Association (MTA) is very proud of the work we have done, to bring the future to those we serve, by building a state-of-the-art telecommunications network capable of providing a high speed broadband connection to 98% of our member/owners.

Given this connectivity and the efficiency and effectiveness it can bring, MTA proactively presented to its membership in 2007 a proposed bylaw change to allow electronic voting and to send and receive documents electronically. In the balloting process, we explained that before implementation could take place, the Alaska Legislature would need to amend State cooperative law to allow for electronic voting. Our membership voted overwhelmingly to adopt the new bylaw allowing electronic voting, as determined by MTA's Board of Directors.

It goes without saying that electronic voting can be faster and more efficient for MTA and its members. It will also save considerable postage costs, make counting votes in our elections more efficient and help reduce wasted paper. But, more importantly, MTA believes this method of balloting promotes members ability to have every option available to them to participate in their cooperative elections.

On behalf of MTA's membership and our Board, I ask for your support of the Senate Bill 260 to allow electronic voting for our members.

Thank you for your consideration.

Sincerely,

Greg Berberich
Chief Executive Officer

Matanuska Telephone Association Inc.
1740 South Chugach Street
Palmor, Alaska 99645

907.745.3211
800.478.3211 (in Alaska)

www.mtasolutions.com

Local
Long Distance
Wireless
Business Solutions
Internet
Directory
DTV

Alaska Power Association
703 West Tudor Road, Suite 200
Anchorage, Alaska 99503-6650
907-561-6103
Fax: 907-561-5547
www.alaskapower.org

February 12, 2010

Senator Linda Menard, Chair
Senate State Affairs Committee
Alaska State Legislature
Capitol Building Room 9
Juneau, Alaska 99801

Re: Support for SB 260: Permitting Electronic Voting for Cooperatives

Dear Senator Menard:

Alaska Power Association supports Senate Bill 260, electronic voting for electric and telephone cooperatives. Alaska Power Association is the statewide trade association for the electric utilities that supply power to more than a half-million Alaskans in communities from Barrow to Unalaska and down the Inside Passage.

Member representation through the exercise of voting rights is a cornerstone of the principles of cooperatives. Voting is permitted under the cooperative statute in person and by U.S. mail if the cooperative's bylaws allow it. The Internet has made it possible for secure and private activity to be conducted via electronic means.

Alaska Power Association urges and supports amendments to the Alaska Statutes that would allow cooperative members to exercise their voting rights via the Internet if their bylaws so allow.

We urge support of this bill and its passage from your committee at the earliest time.

Sincerely,

Marilyn Leland
Executive Director



February 10, 2010

Mr. Michael Rovito
Office of Sen. Linda Menard
Capitol Building Room 9
Juneau, Alaska 99801

Re: Support for SB 260 – Permitting Electronic Voting for Cooperatives

Dear Mr. Rovito,

Please convey to Sen. Menard and the Senate State Affairs Committee Alaska Village Electric Cooperative's strongest support for SB 260.

The language in SB 260 is not mandatory, but rather permissive, allowing cooperatives that have been so directed by their members, through their bylaws, to institute electronic voting on matters that may come before the membership.

In this modern age, where communication via the postal service has become almost archaic, it is only logical that the communication channels that are most used by most individuals should be permitted for the conduct of commerce. Indeed, it is now impossible to deal with some state agencies, such as APOC, by any other method, since it is simply not allowed!

I urge support of this bill and its passage from your committee at the earliest time.

Yours sincerely,

Meera Kohler
President and CEO

4831 EAGLE STREET * ANCHORAGE, ALASKA * PHONE (907) 561-1818 * FAX (907) 562-4086

GVEA
Golden Valley Electric Association
PO Box 71249, Fairbanks, AK 99707-1249 • (907) 452-1151 • www.gvea.com
Your Touchstone Energy® Cooperative

February 16, 2010

The Honorable Linda Menard
Chair, Senate Affairs Committee
Alaska State Legislature
State Capitol, Room 9
Juneau, Alaska 99801

Subject: Support for SB 260 – permitting electronic voting for cooperatives

Honorable Menard:

Golden Valley Electric Association, Inc. supports Senate Bill 260. Golden Valley is in favor of AS 10.25 being changed to allow cooperatives the option of electronic voting in their co-op elections.

Currently, Golden Valley is in the process of conducting a membership bylaw election which will amend our bylaws to permit electronic voting. Allowing this option acknowledges that the Internet has become a universal platform for sharing information. It offers co-op members a choice in submitting their ballot. Electronic submission will also save on cooperative mailing & handling costs.

Using the Internet as a universal medium to conduct business does not preclude our traditional means of operating and communicating with our members, but offers an additional option. I look forward to your support of this bill and its passage from your committee. If you have any questions, please feel free to contact me.

Sincerely,

Brian Newton
President and CEO

Senator Linda Menard

Session
State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
Fax: (907) 465-3805

Interim
600 E. Railroad Ave.
Wasilla, Alaska 99654
Phone: (907) 376-3370
Fax: (907) 376-3157

Alaska State Legislature

In-person testimony for SB 260:

Phil Steyer, Chugach Electric Association

Senator_Linda_Menard@legis.state.ak.us

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/5/10

FURTHER: Judiciary

Date of 5-Day Notice: 2/11/10
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/18/10

State Affairs Committee considered SENATE BILL NO. 260

SB 260 ELECTRIC & TELEPHONE COOPERATIVES' VOTING

"An Act relating to electronic voting procedures for electric and telephone cooperatives; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DCED	02/10/10			X	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
Chair:	MENAD	X			
K-Meyer	Meyer	X			

SB 261

MEMORANDUM

DATE: February 9, 2010

TO: Sarah Munson, Committee Staff
Senate State Affairs Committee

FROM: Tim Benintendi, Staff, Sn. Olson's Office

SUBJ: SB 261Hearing Request Notes

Attached, please find the requested materials for a committee hearing: Copy of SB 261, sponsor statement / sectional analysis, support letter from Kawerak, Inc., and a support letter from the Regional Wellness Forum.

Ms. Berda Willson of Nome and chairperson of the Regional Wellness Forum, will testify by teleconference from Nome. I am trying to confirm that someone will testify, also by teleconference from Nome, on behalf of the Child and Family Services office of Kawerak, Inc. When I get that confirmation, I will let you know.

Since I carry this bill for Sn. Olson, I need to mention that I will be traveling back from Anchorage the morning of Tuesday, Feb. 16th. I therefore cannot commit to a 9:00am hearing that day. I can commit to any other date and time on your schedule.

Please contact me if there are any questions, 465-4989. Thank you.

Tim

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

MEMORANDUM

DATE: February 9, 2010

TO: Senator Linda Menard, Chair
Senate State Affairs Committee
ATTN: Sarah Munson, Committee Staff

FROM: Senator Donald Olson D.O.
Senate District T

SUBJ: Request for Hearing – Senate Bill 261

I would like to request a State Affairs Committee hearing for SB 261 at your earliest convenience. Senate Bill 261 would redefine one of the existing public member seats on the Alcoholic Beverage Control Board to a seat for a resident of a rural area. The bill defines a "rural area" as a community with a population of 4,500 or less that is not connected by road or rail to Anchorage or Fairbanks.

The intent of the bill is to raise the profile of problems associated with alcohol, and to do so in a public forum where more specific attention and action may be brought to address these problems. With SB 261, I chose to redefine one of the public member seats, as opposed to raising the number of overall seats, so as not to adversely affect other ABC Board dynamics.

Submitted with this request are: A combined sponsor statement and sectional analysis, copy of the bill, and two letters of support. I would request teleconference service, and I have available to testify, constituents from Nome who are involved in family wellness, and are very interested in this legislation.

If there are any questions, please contact Tim Benintendi of my office at 465-4989. Thank you.

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

Senate Bill 261 – Rural Seat on ABC Board

Version 26-LS1406/R, February 5, 2009
STAFF: Tim Benintendi, 465-4989

SPONSOR STATEMENT and SECTIONAL ANALYSIS

SPONSOR STATEMENT:

Alcohol problems of every shade are well known throughout Alaska, especially in Rural Alaska. Availability issues, illegal sales, the social and medical dimensions of excessive consumption, and the public cost associated with remedial programs (which never seem to significantly impact caseloads), greatly reduces the quality of life for rural residents. Wellness services cannot keep up with, let alone contain, the adverse impacts of alcohol consumption in our smallest communities.

The state's Alcoholic Beverage Control Board is composed of five members, two of whom must be actively engaged in the alcoholic beverage industry, and three of whom must represent the general public.

Senate Bill 261 would redefine one of the public member seats to a resident of a rural area. The bill defines a "rural area" as a community with a population of 4,500 or less that is not connected by road or rail to Anchorage or Fairbanks.

The intent of the bill is to raise the profile of the problem in a public forum where more specific attention and action may be brought to address the plight of residents of our smallest communities. SB 261 chose to redefine one of the public member seats, as opposed to raising the number of overall seats, so as not to affect other ABC Board dynamics.

SECTIONAL ANALYSIS:

SECTION 1: Would amend AS 04.06.020 to provide for one of the three members representing the general public, to be a resident of a rural area.

This section also defines "rural area" to mean a community with a population of 4,500 or less, and which is not connected by road or rail to Anchorage or Fairbanks.

SECTION 2: Adds a new section to provide for the first appointment of a member from a rural area, to take place when the next public member seat is expired and available for appointment.

SECTION 3: The effective date is immediate.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB261**
() Publish Date:

Identifier (file name): SB261-DPS-ABCB-02-16-10
Dept. Affected: DPS
Title: ALCOHOLIC BEVERAGE CONTROL BD MEMBERS
RDU: Statewide Support (165)
Component: Alcohol Beverage Control Board
Sponsor: Senator Olson
Requester: Senate State Affairs
Component Number:

Expenditures/Revenues $0

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE $0

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

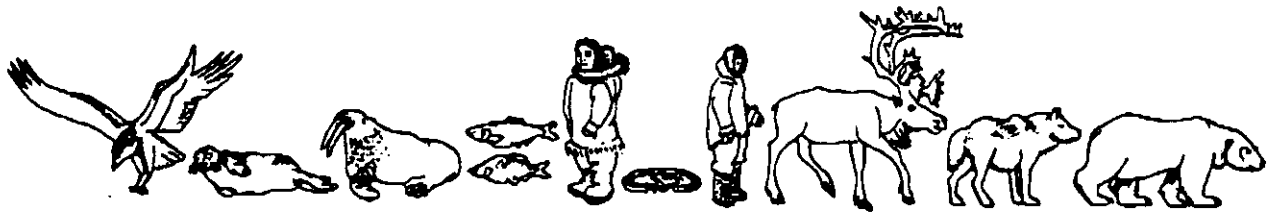
ANALYSIS: *(Attach a separate page if necessary)*

This legislation requires at least one of the three public members of the Alcohol Beverage Control Board reside in a rural area with a population of 4,500 or less that is not connected by road or rail to Anchorage or Fairbanks.

SB 261 does not increase the number of board members. The ABC Board currently has a rural member serving as a public member, therefore, this legislation does not require additional funds.

Prepared by: Shirley A. Gifford, Director — Phone 269-0351
Division: ABC Board — Date/Time 2-16-10 8:11 a.m.
Approved by: Joe Masters — Date 2/16/2010
Commissioner

(Revised 11/6/2009 OMB)



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

TELEPHONE: (907) 443-5231 • FAX: (907) 443-3708

SERVING THE VILLAGES OF:

BREVIG MISSION
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GOLOVIN
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SHISHMAREF
SOLOMON
STEBBINS
ST. MICHAEL
TELLER
UNALAKLEET
WALES
WHITE MOUNTAIN

SB 261

February 8, 2010

Re: **Proposed Amendment to AS 04.06.020**

Dear Senator Donald Olson and Legislative Staff:

On behalf of Kawerak, Inc. this letter is in support of the proposed amendment to AS 04.06.020 to include at least one member of the Alcoholic Beverage Control Board to be a resident of a rural area.

Many factors contribute to the devastation caused by substance abuse in our region. While we are grateful for the continued efforts of the Alcoholic Beverage Control Board and many other individuals/entities in the region committed to addressing substance abuse, our region continues to suffer from extremely high rates of substance abuse and related problems.

We believe that rural areas such as the Bering Strait region would benefit significantly from having sustained rural representation on the ABC Board that is not affiliated with the alcoholic beverage industry and is focused specifically on rural issues and concerns.

If you should have any questions, or would like to discuss this further, please contact Bridie Trainor of Kawerak Wellness at (907) 443-4393. Thank you for your consideration.

Sincerely,

KAWERAK, INC.

Loretta Bullard, President

Regional Wellness Forum

To Provide a Forum for the Region, to address efforts to reduce Alcohol and Drug Abuse, and to Promote Wellness

P.O. Box 948, Nome AK, 99762

SB 261

February 8, 2010

Re: **Proposed Amendment to AS 04.06.020**

Dear Senator Donald Olson and Legislative Staff:

The purpose of this correspondence is to support the proposed amendment to include at least one member of the Alcoholic Beverage Control Board be a resident of a rural area added in AS 04.06.020.

This request is made by the Regional Wellness Forum formed in 1999 to address substance abuse problems in Nome and the Bering Strait region. The RWF includes representatives from many diverse entities (as you will note from the signatories to this correspondence). The RWF successfully established and has maintained a community safety patrol and many other worthwhile efforts since its inception to address substance abuse and its many tragic consequences in the region.

Despite the efforts of the RWF and many other individuals/entities in the region committed to addressing substance abuse, our region continues to suffer from extremely high rates of substance abuse and resultant problems. For example, in 2007, the Nome Police Department transported a total of 877 intoxicated persons as Title 47 holds to the hospital. This is in a community of approximately 3800 people. As a "wet" hub community, rural residents from surrounding villages travel to Nome to drink, and become homeless. This year alone, two intoxicated individuals froze to death, and this problem of homeless death or injury due to intoxication has always been a significant problem in our community.

There are many factors which contribute to the high rate of substance abuse problems in our region. Continuing to serve liquor to overly intoxicated individuals and allowing such persons to remain in drinking establishments, and selling liquor to such individuals from liquor stores when they are clearly too intoxicated under state law to be provided any further alcohol, are contributing factors in this region to the high rate of substance abuse and its consequences.

The Alcoholic Beverage Control (ABC) Board is a critical component of any effort to enforce State laws regarding serving and selling liquor to intoxicated persons. While

we applaud past efforts of the ABC Board to conduct sting operations in our community, we believe that rural areas such as the Bering Strait region would benefit significantly from having sustained rural representation on the ABC Board that is not affiliated with the alcoholic beverage industry and is focused specifically on rural issues and concerns.

If you should have any questions, or would like to discuss this further, please consider Berda Willson, RWF Chair, to be the contact person for this proposal. She can be reached at (907) 443-5312 or bwillson@gci.net. Thank you for your consideration.

CC: Alaska Legislature

Regional Wellness Forum Members:

Jacob Ahwinona, Kawerak Elder Representative
Gina Appolloni, Kawerak Director of Village Public Safety Office
Simon Bekoalok, Norton Sound Health Corporation
Melanie Edward Kawerak Vice President
John Bioff, Norton Sound Health Corporation
Judge Ben Esch (Not Representing)
Dorcas Bloom, Norton Sound Health Corporation

Angie Gorn, Norton Sound Health Corporation
Loretta Bullard, Kawerak President
Mike Hannigan, Northwest Campus University of Alaska Fairbanks
Bob Frochle, Nome Youth Facility
Emily Hughes, Norton Sound Health Corporation
Carol Gales, Northwest Campus University of Alaska Fairbanks
Sgt. Andrew Merrill, Nome Police Department
Kathy Johnson, Norton Sound Health Corporation
Carl White, Bering Strait School District
Breanne MacFarland, Sitnasuak Native Corporation
Rahnia Parker, Norton Sound Health Corporation
Barb Nickels, Kawerak Director of Community Planning
Berda Willson, Regional Wellness Forum Chairperson
Jason Hymer, Norton Sound Health Corporation
Michael Dunham, Anvil Mountain Correctional Center
Kari Van Delden, North West Campus
Carol Piscoya, Norton Sound Health Corporation
Aprille Pitt, Kawerak Wellness Program
Helen Pootoogooluk, Norton Sound Health Corporation
Bridie Trainor, Director of Kawerak Wellness Program
Jon Wehde, Nome Public Schools

John Papasodora, Nome Police Department
Melissa Boeckmann, Norton Sound Health Corporation
Robert Keith, Kawerak Board
Samaria Ross, Bering Sea Women's Group
Lance Johnson, Nome Community Center
Julie Renwick, Norton Sound Health Corporation
Roy Agloinga, Norton Sound Health Corporation

Signed on behalf of the Regional Wellness Forum,

Berda Willson
Signature
Chair Regional Wellness Forum
Title
February 8, 2010
Date

To Provide a Forum for the Region, to address efforts to reduce Alcohol and Drug Abuse, and to Promote Wellness

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/5/10

FURTHER: Labor and Commerce

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/10/10

State Affairs Committee considered SENATE BILL NO. 261

SB 261 ALCOHOLIC BEVERAGE CONTROL BD MEMBERS

"An Act relating to the membership of the Alcoholic Beverage Control Board; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	02/16/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	Kogeth	X			
CHAIR:	MENARD	X			

SB 265

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 10, 2010

SUBJECT: 2010 Revisor's Bill (SB 265; Work Order No. 26-LS1220\S)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee
Attn: Sarah Munson

FROM: Kathryn L. Kurtz KK
Assistant Revisor

Enclosed is a copy of the 2010 revisor's bill, which has been referred to your committee, along with a sectional summary, and two letters of support from the Department of Law.

I am also enclosing a statement explaining the need for the bill. Please note that I, as Assistant Revisor, am not able to speak for the Legislative Council, which is the sponsor of the bill. I do hope this statement will suffice for your purposes.

Please schedule this bill for a hearing. I would be happy to appear at the hearing and speak to the bill. You can reach me at 465-6663 if you have questions.

KLK:plm
10-063.plm

Enclosures

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 10, 2010

SUBJECT: Statement of Assistant Revisor Relating to 2010 Revisor's Bill (SB 265; Work Order No. 26-LS1220\S)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee
Attn: Sarah Munson

FROM: Kathryn L. Kurtz KK
Assistant Revisor

The revisor of statutes prepares a bill draft annually under AS 01.05.036 to correct or remove deficiencies, conflicts, and obsolete provisions, and to otherwise improve the form or substance of the state statutes.[1] This bill provides an opportunity for the legislature to correct errors in the statutes that would otherwise have to remain on the books unless corrected in a substantive bill.

The bill amends sections in several statutory titles. This is permitted under article II, section 13 of the Constitution of the State of Alaska, which provides an exception to the single subject rule for bills revising existing laws.

The bill has been reviewed by the Department of Law, which concluded that it makes "important technical improvements to the law."[2]

---

[1] AS 01.05.036 provides:

Sec. 01.05.036. Improvement of statutes. The Legislative Affairs Agency, working in cooperation with the revisor, shall make recommendations to the legislative council concerning deficiencies, conflicts, or obsolete provisions in and the need for reorganization or revision of the statutes, and, at the direction of the legislative council, shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state. Each title of the Alaska Statutes shall be systematically reviewed at least once each two years for deficiencies, conflicts, or obsolete provisions.

[2] See letters from Deborah Behr dated January 11 and January 25, 2010. Note that sec. 6 of the \A version, referred to in the January 11 letter, was deleted from the draft bill.

The bill was approved for introduction at the Legislative Council meeting held February 4, 2010.

KLK:plm
10-064.plm

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 10, 2010

SUBJECT: Sectional Summary of the 2010 Revisor's Bill
(SB 265; Work Order No. 26-LS1220\S)

TO: Senator Linda Menard
Chair of the Senate State Affairs Committee
Attn: Sarah Munson

FROM: Kathryn L. Kurtz KK
Assistant Revisor

This is a sectional summary of the 2010 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the Legislative Affairs Agency, working in cooperation with the Revisor of Statutes

> . . . shall make recommendations to the legislative council concerning deficiencies, conflicts, or obsolete provisions in and the need for reorganization or revision of the statutes, and, at the direction of the legislative council, shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state. . . .

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections that delete, repeal, or update obsolete provisions: 12, 21, 22

Sections that correct errors or oversights: 1, 4, 5, 10, 11, 16, 17, 27

Sections that improve the form or substance of the law: 2, 3, 6 - 9, 13 - 15, 18 - 20, 23 - 26, 28

Bill section 1. Amends the definition of "public aircraft" in AS 02.15.260(15). This definition was originally adopted in sec. 1, ch. 123, SLA 1949, prior to statehood. In the session laws, the definition read:

> "Public Aircraft" means an aircraft used exclusively in the governmental service with reference to the United States, and the Territorial Government.

However, in the first revised statutes published in 1962, the definition, then AS 02.15.270(12), read as it does now:

> (15) "public aircraft" means an aircraft used exclusively in the governmental service of the United States and the state government;

The changes in the definition, necessitated by the transition to statehood, presumably occurred in the course of the bulk formal revision of the statutes, adopted as the law of Alaska in 1963. *See* AS 01.05.006.

In its original form, the definition referred to both the government of the United States and the territorial government. The "with reference to" phrasing would have included an aircraft used in the service of either governmental entity. The wording of the revised version retains the "and" used in the original, but does not include the "with reference to" phrasing, suggesting that a particular aircraft would need to be used in both federal and state governmental service to fall within the definition. This seems inconsistent with the original definition, which appeared to be disjunctive. Also, the disjunctive form is more consistent with the definition of "civil aircraft" in AS 02.15.260(8), which reads

> (8) "civil aircraft" means any aircraft other than a public aircraft;

Together, it seems clear that these definitions were intended to cover all aircraft. To include an aircraft used only in the service of the state government and not the federal government in the definition of "civil aircraft" would require a strained reading of that definition. For these reasons, the conjunction "and" is replaced with "or" in this section.

Bill section 2. Amends the spanned reference to the Alaska Public Records Act in AS 06.55.407(a) to include the new short title section (added in 2008).

Bill section 3. This section amends a reference to unsworn falsification in AS 06.60.580 to specify unsworn falsification *in the second degree.*

From the revision of the criminal code in 1978 until 2006, the crime of unsworn falsification, a class A misdemeanor, was codified at AS 11.56.210. In 2006, the legislature enacted AS 11.56.205, making unsworn falsification on a permanent fund dividend application a class C felony. Unsworn falsification in other contexts, still

punishable under AS 11.56.210, became unsworn falsification in the second degree. In the 2006 bill, most statutory references to "unsworn falsification" were amended to read "unsworn falsification in the second degree."

AS 06.60.580 was enacted in 2007 with a reference to "unsworn falsification" that did not specify degree. Because the section relates to claims from the originator surety fund, AS 11.56.205 has no relevance here. The amendment adds the words "in the second degree" to correct an oversight.

Bill section 4. This section deletes the phrase "the supervision required by AS 08.04.023" in AS 08.04.450. This phrase is a non sequitur because AS 08.04.023 does not contain any supervision requirement; it is extraneous and without legal effect. Inclusion of the phrase was a drafting error made by the legal services division.

Bill section 5. Changes "planning" to "planing" in AS 08.32.110(a). Although an Internet search reveals references to both "root planning" and "root planing," it appears that "root planing" is the more common usage for the therapy for periodontal disease performed by dental hygienists, and the word "planing" does some more accurately descriptive of the procedure, which involves smoothing the surface of a tooth's root. Also, the term "root planing" is used by the Alaska Department of Health and Social Services[1] and the American Dental Association.[2]

Bill section 6. Amends the definition of "limited liability partnership" in AS 08.48.341(10), the definition for statutes relating to the professional registration of architects, engineers, and land surveyors.

In 2000, the legislature passed an act adding limited liability companies and limited liability partnerships to the organizations that may practice architecture, engineering, and surveying. It included a new section defining the term "limited liability partnership" with reference to AS 32.05.415 and 32.05.990. That Act, ch. 38, SLA 2000, took effect August 9, 2000. During the same session, the legislature also passed an act repealing AS 32.05, the Uniform Partnership Act, and replacing it with a new version of that Act. The new provisions in that Act, ch. 115, SLA 2000, took effect January 1, 2001. The repeal of AS 32.05 took effect January 1, 2004.

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[1] BJ Whistler, Alaska Oral Health Plan: 2008 - 2012, Section of Women's Children's and Family Health, Division of Public Health, Alaska Department of Health and Social Services, 2007, at http://www.hss.state.ak.us/dph/wcfh/Oralhealth/docs/Oral-Health-Plan.pdf, accessed January 8, 2010, at p. 13.

[2] "Treating Periodontal Disease. Scaling and Root Planing. Journal of the American Dental Association, vol. 134, February 2003 at 259, at http://www.ada.org/prof/resources/pubs/jada/patient/patient_23.pdf, accessed January 8, 2010.

Chapter 115, the Act enacting the new Uniform Partnership Act, did not make conforming changes to AS 08, as amended by chapter 38. As a result, since the repeal of AS 32.05 in 2004, the definition in AS 08.48.341(10) has pointed to two statutes that no longer exist. However, chapter 115 did amend AS 04.21.080(b)(11) and (15), definitions nearly identical to those in AS 08.48.341(10). Since the original definitions were so similar, the changes in this bill are modeled on those in secs. 2 and 3, ch. 115, SLA 2000. The changes are necessary to alert the reader to the location of the current law, which, under sec. 10, ch. 115, SLA 2000, has applied to all limited liability partnerships since January 1, 2004.

Bill section 7. Inserts the word "has" at the beginning of AS 08.65.140(d)(14) to improve the readability of the paragraph, and for consistency with the remainder of the subsection.

Bill section 8. Amends AS 12.55.035(c) by deleting "greater" (the comparative form of the adjective) and inserting "greatest" (the superlative form). This change is suggested because the comparative is generally used for comparing two things and the superlative is used for comparing three or more things. Since the rest of the sentence asks the reader to choose among three options, the superlative form is preferable here.

Bill section 9. Amends the spanned reference to the Alaska Public Records Act in AS 12.65.140(b) to include the new short title section (added in 2008).

Bill section 10. Amends AS 13.26.344(j) to add a missing part of the verb. This change makes the provision parallel to other subsections of AS 13.26.344.

Bill section 11. Changes a reference to a federal regulation in AS 13.27.030, part of the Uniform Adult Guardianship and Protective Proceedings Act enacted in 2008. The statute now refers to "protected health information as defined in 45 CFR 164.504." However, that section of the CFR does not include a definition of the term "protected health information." The term is defined for purposes of 45 CFR 164.504 and the rest of subchapter C, subtitle A, title 45 in 45 CFR 160.103.

Alaska's statute used the reference included in the model act. Through the attorney general's office, we have received confirmation from the National Conference of Commissioners on Uniform State Laws that the cite in section 105 of the model act was erroneous, and that the correct cite is 45 CFR 160.103. This corrects the error.

Bill section 12. Amends AS 14.43.930(e)(2) to reflect the current name of the Northwest Association of Accredited Schools, which was formerly the Northwest Association of Schools and Colleges. The Association changed its name in 2004.

Bill section 13. Amends the spanned reference to the Alaska Public Records Act in AS 17.37.010(a) to include the new short title section (added in 2008).

Bill section 14. Amends the spanned reference to the Alaska Public Records Act in AS 18.65.087(e) to include the new short title section (added in 2008).

Bill section 15. Codifies at AS 26.23.240 a short title for AS 26.23.010 - 26.23.240 and 26.23.900 -- the "Alaska Disaster Act." This term has frequently been used by the Attorney General as a shorthand reference to AS 26.23 (see Op. Atty Gen. file nos. 883-03-0070 (June 2, 2003), 663-93-0425 (July 8, 1993), and 663-92-0494 (January 13, 1993) for example). The term was employed by the Alaska Supreme Court in *City of Seward v. Afognak Logging*, 31 P.3d 780, 785 (Alaska 2001).

The phrase "Alaska Disaster Act" was used as a chapter heading when AS 26.23 was originally enacted, in sec. 3, ch. 104, SLA 1977. In 1990, two sections were added to the chapter: AS 26.23.300, creating a disaster relief fund, and AS 26.23.400, creating a fuel emergency fund. Each of these was created as a new article, and the definitions section, formerly AS 26.23.230, was renumbered as AS 26.23.900. In 2002, the Emergency Management Assistance Compact was enacted (AS 26.23.135 - AS 26.23.136), replacing the former Interstate Civil Defense and Disaster Compact, which was repealed. "Alaska Disaster Act" has been retained as the article title for Article 1 of AS 26.23.

In codifying the short title, the question arises whether it should apply only to the sections enacted in 1977, or to the 1990 additions as well. The drafting manual advises that a short title "should be used only with a bill that contains a cohesive body of proposed law dealing comprehensively with a particular subject." Manual at 23. For the sake of consistency with the existing article heading and usage by the Alaska Supreme Court and the Attorney General, the revisor's bill applies the short title only to Article 1 of AS 26.23 and the definitions section, AS 26.23.900, which was part of the original material designated as the Alaska Disaster Act in the 1977 legislation.

Bill section 16. Amends AS 29.65.050(b) to conform the usage to the term defined in AS 29.65.130(10) -- "vacant, unappropriated, unreserved land." Since the subsection in which the phrase "land that was vacant, unappropriated, or unreserved" was adopted in the same 1985 revision of the municipal code as the definition in AS 29.65.130(10), it is assumed that the inconsistency is a drafting error or oversight.

Bill section 17. Amends AS 29.65.060(a). Currently, the statute reads "vacant, unappropriated, *or* unreserved land as defined in this chapter" (emphasis added). The "or" is deleted to conform the usage with the phrase that is actually defined in the chapter.

Bill section 18. Amends AS 34.45.320(b) to specify unsworn falsification in the second degree (under AS 11.56.210), which is generally applicable, as opposed to unsworn falsification in the first degree (under AS 11.56.205), which relates only to permanent fund dividend applications.

AS 34.45.280(b) specifies that reports of abandoned personal property are to be made on a form which gives notice that statements on the form are made under penalty of unsworn falsification. Since this section relates to reports of unclaimed property rather than permanent fund dividend applications, unsworn falsification in the second degree under AS 11.56.210 is clearly the applicable statute. This section predates the 2006 changes to the law of unsworn falsification, and it is not clear why the reference was not changed in the 2006 bill. Although the general reference may suffice -- "under penalty of unsworn falsification" is not wrong, it is merely imprecise -- a reference that includes "in the second degree" is more accurate here. For further explanation, see the discussion in bill sec. 3, above.

Bill section 19. Amends AS 34.45.380(a) to specify unsworn falsification in the second degree (under AS 11.56.210), which is generally applicable, as opposed to unsworn falsification in the first degree (under AS 11.56.205), which relates only to permanent fund dividend applications. See bill sec. 18, above; the only difference is that AS 34.45.380(a) relates to abandoned property claim forms (rather than report forms).

Bill section 20. Amends the spanned reference to the Alaska Public Records Act in AS 40.25.220 to include the new short title section (added in 2008).

Bill section 21. Amends AS 41.21.506(b)(2) to remove an exception added in sec. 2, ch. 61, SLA 2009 relating to AS 16.40.260 and 16.40.270 on the date that those two sections are repealed. The repeal will take effect January 1, 2011, under sec. 8, ch. 70, SLA 2004 as amended by sec. 3, ch. 61, SLA 2009, unless that section is further amended.

Bill section 22. Corrects a reference to the United States Code in AS 42.40.430. In 2002, 40 U.S.C. 471 was renumbered as 40 U.S.C. 401 in a general revision of federal laws relating to public property. According to the statement of purpose for the revision Act, P.L. 107-217, sec 5(b)(1), "[t]his Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law."

Bill section 23. Amends the spanned reference to the Alaska Public Records Act in AS 43.05.455(d) to include the new short title section (added in 2008).

Bill section 24. Amends the spanned reference to the Alaska Public Records Act in AS 43.05.475(b) to include the new short title section (added in 2008).

Bill section 25. Adds a short title at AS 44.62.319 for AS 44.62.310 - 44.62.312, which is commonly referred to as "the open meetings act." *See for example Abood v. League of Women Voters*, 743 P.2d 833 (Alaska 1987), *Hickel v. Southeast Conference*, 846 P.2d 38 (Alaska 1992), *Griswold v. City of Homer*, 55 P.3d 64 (Alaska 2002), and 1995 Op. (Inf.) Atty Gen. Alas. 317, file no. 663-95-0524 (August 21, 1995).

Bill section 26. In AS 46.14.500(c), changes a parenthetical reference to the Clean Air Act to make the form similar to that used for other United States Code citations cited in the Alaska Statutes.

Bill section 27. Moves the phrase "the facility may" in AS 47.30.695 from the introductory text into the text of paragraph (1). This is necessary because the phrase "the facility may" cannot be applied to paragraph (2), since paragraphs (1) and (2) are disjunctive ("or" is the conjunction), and (2) has a different verb phrase ("the treating physician may").

Bill section 28. Instructs the revisor to conform references to the Open Meetings Act to reflect the short title codified in sec. 25 of the bill.

Bill section 29. Makes the effective date for sec. 21 of the Act conditional; this section should only take effect if the sections referred to are actually repealed.

Bill section 30. Provides an effective date for sec. 21, if sec. 21 takes effect under sec. 29.

Bill section 31. Provides an effective date for the remaining sections of the bill.

KLK:plm
10-065.plm

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB 265
() Publish Date:

Identifier (file name): SB265-LAW-CIV-02-12-10
Dept. Affected: Law
Title: An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes
RDU: Civil
Component: Legislation/Regulations
Sponsor: Rules by request of Legislative Council
Requester: State Affairs
Component Number: 2209

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

SB 265 is the 2010 revisor of statute's bill. It makes important technical improvements to Alaska statutes. It has no fiscal impact on the Department of Law.

Prepared by: Eileen Donahue, Division Operations Manager
Phone 465-5427
Division: Administrative Services
Date/Time 2/12/10 1:30 PM
Approved by: Daniel S. Sullivan, Attorney General
Date 2/12/2010
Department of Law

(Revised 11/6/2009 OMB)

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SEAN PARNELL, GOVERNOR

LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520

January 11, 2010

Kathryn L. Kurtz
Assistant Revisor
Legislative Affairs Agency
Division of Legal and Research Services
Terry Miller Bldg, Room 329
Juneau, Alaska

Re: 2010 Revisor's Bill (December 22, 2009 draft (26-LS1220\A))

Thank you for the opportunity to review the December 22, 2009 draft (26-LS1220\A) of the 2010 revisor's bill.

We had previously discussed the litigation concerning sec. 6 of this draft, which concerns "confidential records relating to university land and interest in land." Because of the litigation, we would recommend deleting sec. 6.

Otherwise the draft bill looks great and makes important technical improvements to the law. Thanks for your effort.

Sincerely,

DANIEL S. SULLIVAN
ATTORNEY GENERAL

By: Deborah E Behr
Deborah E. Behr
Chief Assistant Attorney General

DEB:pav

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SEAN PARNELL, GOVERNOR

LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520

January 25, 2010

Kathryn L. Kurtz
Assistant Revisor
Legislative Affairs Agency
Division of Legal and Research Services
Terry Miller Bldg, Room 329
Juneau, Alaska 99801

Re: Additional Sections of Draft 2010 Revisor's Bill (January 18, 2010 draft (26-LS1220\E))

Thank you for the opportunity to review the January 18, 2010 draft (26-LS1220\E) of additional sections to the draft 2010 revisor's bill.

The additional sections to the draft bill look great and make important technical improvements to the law. Thanks for your effort.

Sincerely,

DANIEL S. SULLIVAN
ATTORNEY GENERAL

By: Deborah E. Behr

Deborah E. Behr
Chief Assistant Attorney General

DEB:tjd

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/8/10

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/16/10

State Affairs Committee considered SENATE BILL NO. 265

SB 265 2010 REVISOR'S BILL

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Law	02/12/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			✓	
	Meyer	X			
CHAIR:	MENARD	X			

SB 266

ALASKA STATE LEGISLATURE

SENATOR JOE THOMAS

received
02/17/10 12:39pm

February 15th, 2010

Senator Linda Menard
Chair, Senate State Affairs Committee
Alaska State Capitol, Room 9
Juneau, AK 99801

Re: Senate Bill ~~226~~ 266 - An Act relating to emergency compensation from the Violent Crimes Compensation Board

Senator Menard,

I write today to respectfully request that the Senate State Affairs Committee schedule Senate Bill ~~226~~ 266. An Act relating to emergency compensation from the Violent Crimes Compensation Board for a hearing at your earliest possible convenience.

This bill proposes to increase the limit for emergency compensation to $3,500 from $1,500. This amount has not been increased since 1975 and is limited to verifiable lost wages, counseling, security measures and relocation costs. The costs for these expenses have increased substantially over the years, and $1,500 is unable to cover deposit and first and last month rents, especially when a family or dependents are involved. Emergency awards are necessary because the Board only meets approximately five times per year, and it can be several weeks or months before a claim is considered.

Attached is a copy of the bill, the sponsor statement and back up information.

Please feel free to contact me with any questions at 465-2327

Sincerely,

Joe Thomas

Senator Joe Thomas

January – May: State Capitol – Juneau, Alaska 99801 – (907) 465-2327 – 1 (800) 336-7383 – Fax (907) 465-5241
June – December: 1292 Sadler Way Ste 203 – Fairbanks, Alaska 99701 – (907) 456-8161 – Fax (907) 456-8163
Senator.Joe.Thomas@legis.state.ak.us

ALASKA STATE LEGISLATURE

SENATOR JOE THOMAS

Senate Bill 266

An Act relating to emergency compensation from the Violent Crimes Compensation Board

Sponsor Statement

The Victims of Violent Crimes Compensation Board (VCCB) was created in 1972 in an attempt to mitigate the financial hardships suffered by victims of violent crimes. This board is able to support these victims and their dependents with up to $40,000 and $1,500 in immediate emergency compensation.

Senate Bill 266 proposes to increase the limit for emergency compensation to $3,500.

The allowable amount for emergency compensation has not been increased since 1975 and is limited to verifiable lost wages, counseling, security measures and relocation costs. The most pressing need for emergency compensation is to cover relocation costs when a victim is in immediate danger at their current location.

The costs for these emergency expenses have increased substantially over the years, and $1,500 is unable to cover deposit and first and last month rents, especially when a family or dependents are involved. Emergency awards are necessary because the Board only meets approximately five times per year, and it can be several weeks or months before a claim is considered.

In Fiscal Year 2009 there was $25,547.80 given in emergency compensation for 22 claims. 12 of these were made at the maximum amount of $1,500. So far in FY2010, $29,699.17 has been awarded by way of emergency awards for 24 claims. The crime victim compensation fund receives approximately 70% of its appropriations from the state in the form of felon's garnished Permanent Fund Dividends and 30% from federal funds. This type of compensation is deducted from the final amount given to the victim and any excess award must be repaid to the Board.

I urge you to join me in assisting Alaska's victims of violent crimes when their need is greatest and support Senate Bill 266.

January – May: State Capitol – Juneau, Alaska 99801 – (907) 465-2327 – 1 (800) 336-7383 – Fax (907) 465-5241
June – December: 1292 Sadler Way Ste 203 – Fairbanks, Alaska 99701 – (907) 456-8161 – Fax (907) 456-8163
Senator.Joe.Thomas@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 266**
() Publish Date:

Identifier (file name) SB266-DOA-DAS-02-24-10
Title "An Act relating to emergency compensation from the Violent Crimes Compensation Board."
Sponsor Senator Thomas
Requester (S) STA

Dept. Affected: DOA
RDU VCCB
Component VCCB
Component Number 2694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
No fiscal impact is anticipated, therefore the agency submits a zero fiscal note.

Prepared by: Eric Swanson, Director — Phone (907) 723-9686
Division Administrative Services — Date/Time 02/24/2010 3:00pm
Approved by: Kevin Brooks, Deputy Commissioner — Date 2/24/2010
Department of Administration

(Revised 11/6/2009 OMB)

VIOLENT CRIMES COMPENSATION BOARD

EMERGENCY AWARDS

The State's violent crimes compensation program is funded through both state and federal funds. Approximately 70% of the amount awarded annually in compensation comes from a legislative appropriation of state funds, and 30% comes from federal funds in the form of an annual federal grant.

In FY2009 the VCCB received authorization by the legislature to spend $510,100 in federal funds, and $1,233,300 from PFD criminal receipts on awards to victims of crime. (Note these figures exclude monies for the program's operating expenses)

In FY2009 the total amount paid to victims = $1,701,795, including $25,547.80 awarded by way of emergency awards.

In FY2010 to date the Board has awarded $29,699.17 by way of emergency awards.

Note: amounts awarded as emergency funds are deducted from the amount of the final award made to the victim. Should the claim be deemed ineligible, the emergency funds would be required to be repaid. This does not happen in practice since it is only those claims where eligibility already appears to be established where emergency awards can be considered (see Board policy)

Emergency awards are necessary because the Board only meets approximately 5 times a year. Therefore, it can be several weeks or even months before a claim is considered for award. The Board exercises its discretion in determining whether it believes an emergency award is justified, which awards are limited to lost wages, counseling, relocation or security measures.

In FY 2009 emergency awards were made on 22 claims. 10 were for lost wages; 5 for counseling; 6 for relocation and 1 for both lost wages and counseling. The average amount awarded was $1,161.26, but 12 awards were made at the maximum $1,500 level.

The maximum amount that may be awarded as an emergency award has not increased since 1975. The main reason for requesting the increase is that rental costs have increased significantly over the years. If someone needs to find a new place to live urgently, whether as a matter of security or for their emotional wellbeing, $1,500 does not go very far, particularly where a family is involved. Raising the emergency award amount to $3,500 will enable the board to sufficiently provide for emergency situations.

E.g. we recently relocated a family where the 13 year old daughter had been raped in her bed by a family acquaintance. The family was being harassed by the family of the perpetrator. The Board awarded $1,500 in emergency funds so that they could relocate as soon as possible for safety and because the little girl was extremely traumatized. The funds paid for the security deposit ($1,000) and part of one month's rent ($1,600). At the next Board meeting additional funds were awarded to this family for relocation costs as well as funds for counseling.

Board Awards

Quick Links
Forms
Policies

Emergency Awards

Short Description

If a claim appears to be eligible for compensation and a claimant would suffer undue hardship if assistance were not provided, the Board may award up to $1,500 in emergency assistance.

Policy

Adopted 9-27-06

Utilizing statutory discretion, if it appears to the Board, prior to taking action on an application, that the claim is one for which compensation is likely, and undue hardship would result to the applicant if immediate payment is not made, the Board may make an emergency award of compensation to the applicant and/or their service provider pending a final decision. However, the amount of the emergency compensation may not exceed $1,500.00 per applicant. The amount of the emergency compensation shall be deducted from the final compensation made to the applicant and the excess of the amount of the emergency compensation over the final amount awarded shall be repaid by the applicant to the Board.

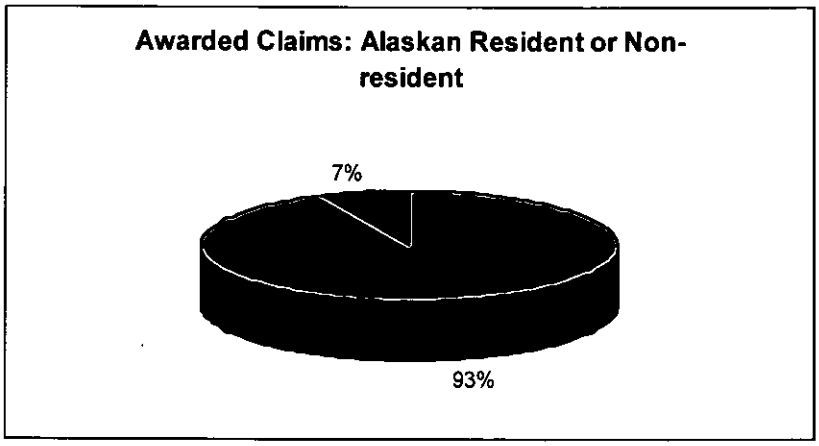
Emergency awards shall be limited to verifiable lost wages, counseling only when payments are made directly to the service provider, relocation costs, and security measures if/when relocation assistance is not requested. The Board will not consider awarding medical costs through emergency awards.

PO Box 110230, Juneau, AK 99811
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Email VCCB | Fax: (907) 465-2379 | Phone: (907) 465-3040
State of Alaska | Webmaster

The Board receives applications for compensation from all regions of the state. The following table shows the number of new applications received during the reporting period by location:

SFY2009					
Akiachak	2	Fairbanks	47	Nikiski	3
Afognak	1	Fort Wainwright	1	Ninilchik	1
Alakanuk	1	Fort Greely	4	Nondalton	1
Anchorage	289	Girdwood	1	Noorvik	1
Anderson	1	Grayling	2	Nome	10
Angoon	5	Haines	2	North Pole	13
Aniak	1	Houston	3	Palmer	20
Barrow	7	Homer	8	Perryville	1
Bethel	12	Hoonah	1	Point Hope	2
Big Lake	2	Hooper Bay	4	Petersburg	10
Birch Creek	1	Iliamna	1	Port Alexander	2
Chefornak	2	Juneau	40	Quinhagak	1
Chevak	4	Kasilof	2	Russian Mission	4
Chickaloon	1	Kasigluk	1	Razdolna	1
Chuathbaluk	1	Kenai	21	Seward	4
Chugiak	1	Ketchikan	11	Sitka	9
Craig	1	Kiana	1	Soldotna	17
Cordova	1	Kivalina	2	Shageluk	1
Copper Center	2	Knik Knik River	1	Selawik	1
Crooked Creek	1	Koyukuk	2	Stebbins	1
Delta Junction	1	Kodiak	15	St Mary's	1
Dillingham	7	Kotlik	4	Tuntuliak	2
Eagle River	3	Kotzebue	10	Talkeetna	1
Eielson AFB	1	Lower Kalskag	1	Valdez	2
Emmonak	9	Metlakatla	1	Willow	2
Elmendorf	2	Mountain Village	5	Wasilla	40
		Total Alaska	703		
		Out of State	7		
		TOTAL	710		

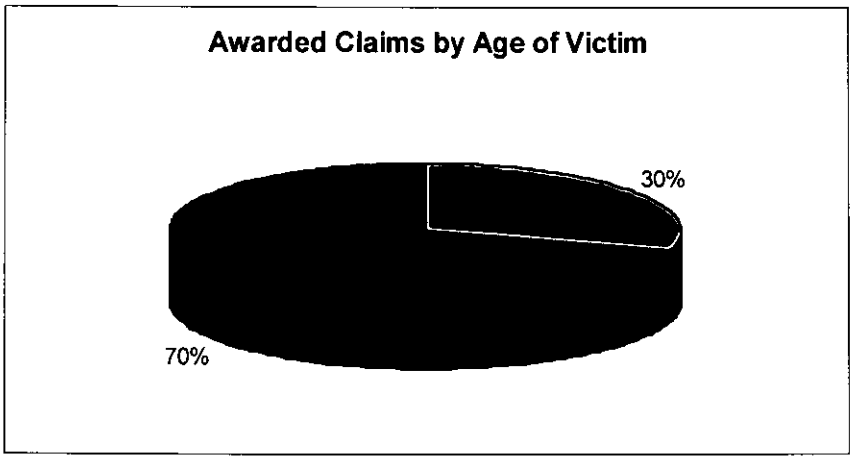
The following chart shows how funds were paid out during this reporting period by resident and non-resident:



Note: "Awarded claims" include reconsiderations of pre-existing claims and new claims

Residents 93% **Non-residents 13%**

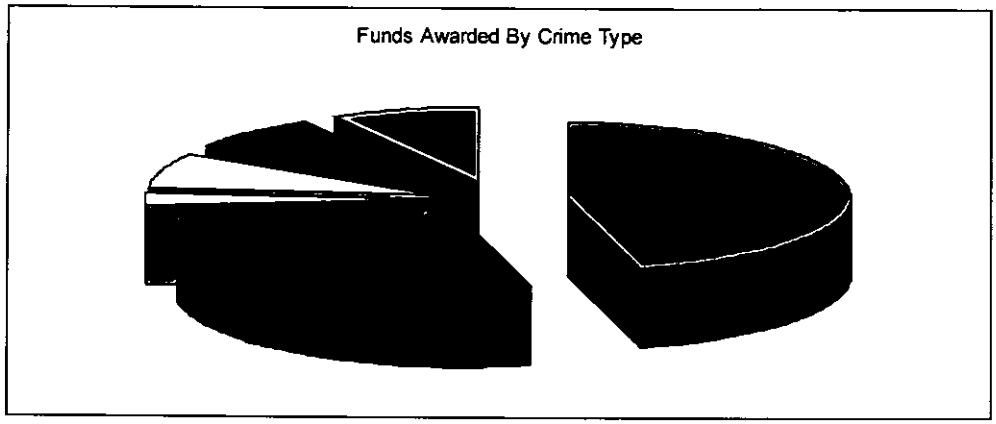
The following charts shows how funds were paid out during this reporting period by the victim's age, type of crime and type of service.



Note: "Awarded claims" include reconsiderations of pre-existing claims and new claims

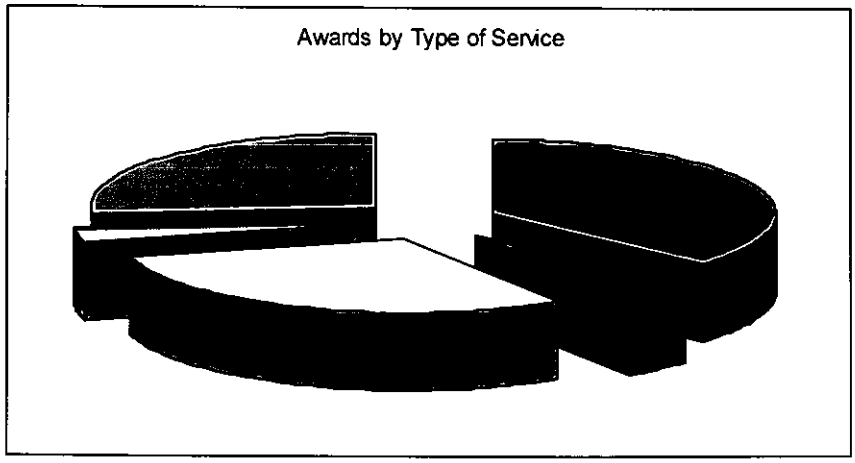
30% of Claims Approved Involved Victims Age 17 and under
70% of Claims Approved Involved Victims Age 17 and Over

VIOLENT CRIMES COMPENSATION BOARD AWARDS – 2009



Note: "Awarded claims" include reconsiderations of pre-existing claims and new claims

Assault	$782,077.17
Homicide	$460,268.65
Sexual Assault - Adult	$50,486.61
Child Physical and Sexual Abuse	$130,492.70
DUI/DWI	$131,898.22
Other: robbery, arson, kidnapping, trafficking, other vehicular	$146,572.08



Note: "Awarded claims" include reconsiderations of pre-existing claims and new claims

Medical/Dental	$625,823.45
Counseling	$70,082.29
Economic Support (lost support/wages)	$504,079.36
Funeral	$46,165.48
Crime Scene Cleanup	$3,036.36
Other (e.g. relocation)	$452,608.50

In 2009, the total amount paid out was $1,701,795.

Sample of Emergency Awards from Fiscal Year 2009

#34183 The claimant, a female, filed as a victim of sexual assault and the Board previously awarded an emergency award in the amount of $700 for Other-replace clothing and CITA. The Board determined the claimant to be an innocent victim of a violent crime under AS 18.67. It was the decision of the Board to award the requested compensation under AS 18.67.110(a)(4). All Board members concurred with the decision.
AWARDED: $0

#34583 The claimant, a female, filed as a victim of sexual assault. The Board determined the claimant to be an innocent victim of a violent crime under AS 18.67. It was the decision of the Board to award emergency relocation under AS 18.67.(a)(1). All Board members concurred with the decision.
AWARDED: $1,500 Relocation

#34551, 673-4 The claimant, a female, was a victim of a domestic assault and the Board previously awarded an emergency award in the amount of $1,500 for airfare, food, glasses, CITA housing expenses. The Board determined the claimant to be an innocent victim of a violent crime under AS 18.67, and awarded relocation expenses. It was the decision of the Board to award the requested compensation under AS 18.67.110(a)(1)(4). All Board members concurred with the decision.
AWARDED: $0
Pre-approve up to $2,600 MHT
Pre-approve up to $1,200 MHT
Pre-approve up to $1,200 MHT
Pre-approve up to $3,736.90 Relocation

#34584 The claimant, a female, was a victim of human trafficking and the Board previously awarded an emergency award in the amount of $1,500.00 for relocation. The Board determined the claimant to be an innocent victim of a violent crime under AS 18.67, and awarded relocation. It was the decision of the Board to award the requested compensation under AS 18.67.110(a)(1)(4). All Board members concurred with the decision.
AWARDED: $1,444.70 Relocation
Pre-approve up to $2,600.00 MHT
Pre-approve up to $300.00 Mileage
Pre-approve up to $2,055.30 Relocation
Pre-approve up to $600.00 CITA

#34583 The claimant, a female, was a victim of sexual assault and the Board previously awarded an emergency award in the amount of $1,500 for relocation. The Board determined the claimant to be an innocent victim of a violent crime under AS 18.67, and awarded relocation expenses. It was the decision of the Board to award the requested compensation under AS 18.67.110(a)(1)(4). All Board members concurred with the decision.
AWARDED: $2,128.22 Relocation
Pre-approve up to $2,600.00 MHT
Pre-approve up to $1,609.78 Relocation
Pre-approve up to $2,500.00 Re-establishment

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/10/10

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 02/25/10

State Affairs Committee considered SENATE BILL NO. 266

SB 266 VIOLENT CRIMES EMERGENCY COMPENSATION

"An Act relating to emergency compensation from the Violent Crimes Compensation Board."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	02/24/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	Kodiak	✓			
CHAIR:	MENARD	✓			

SB 278

ALASKA STATE LEGISLATURE

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Senator_Bill_Wielechowski@legis.state.ak.us



Co-chair
Joint Armed Services Committee
Resources Committee

Member
Energy Committee
Judiciary Committee
World Trade Committee

SENATOR BILL WIELECHOWSKI



TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Senator Bill Wielechowski

DATE: February 18, 2010

RE: Hearing Request for SB 278

Dear Senator Menard,

I respectfully ask that you schedule a hearing for **SB 278– Leave for Military Spouses**, in the Senate State Affairs Committee.

I intend to request that representatives from the appropriate state agencies and from legislative legal services be present to respond to any questions that may arise. Further, I would like to allow public testimony to be taken statewide by electronic means.

Please feel free to contact my aide George Ascott at 465-2435 with any questions or concerns.

Thank you for your consideration of this request.

ALASKA STATE LEGISLATURE

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SENATOR BILL WIELECHOWSKI

Sponsor Statement

SB 278 – Leave for Military Spouses

"An Act allowing certain teachers, public employees, and private sector employees to take leave without pay when their spouses are on leave from deployment in a combat zone."

Senate Bill 278 will require employers to grant leave without pay to spouses of military personnel who are deployed during a period of military conflict in a geographic area that is designated a combat zone by the President of the United States, and are on leave from military deployment.

This law will apply to school districts, state and local governments, and private sector employers with 20 or more employees. It will allow the employees to take up to ten days of unpaid leave to spend time with their spouses before they return to combat.

Current federal law allows some military spouses to take up to 12 weeks of job protected leave in similar situations, but it is limited to family members of the National Guard and Reserves. Spouses of service members in the Regular Armed Forces do not qualify for leave under the federal law.

Under this legislation, Alaska would join California, Illinois, Indiana, Maine, Minnesota, Nebraska, New York, Oregon, Rhode Island and Washington in passing similar laws to protect the jobs of military spouses.

26-LS1034\S
Wayne
3/10/10

CS FOR SENATE BILL NO. 278( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR WIELECHOWSKI

A BILL

FOR AN ACT ENTITLED

"An Act allowing certain teachers, public employees, and private sector employees to take leave without pay when the spouse or domestic partner of the teacher or public employee or the spouse of the employee not a teacher or public employee is on leave from deployment in a combat zone."

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

*** Section 1.** AS 14.20.345(b) is amended to read:

(b) A leave of absence **under this section or AS 14.20.348** is not an interruption of the continuous service necessary to attain or retain retirement or tenure rights under AS 14.20.150, 14.20.155, or 14.20.160. However, the time spent on leave of absence **under this section** may not be counted in determining when a teacher has sufficient service to enable the teacher to acquire retirement or tenure rights.

*** Sec. 2.** AS 14.20 is amended by adding a new section to read:

Sec. 14.20.348. Leave without pay when spouse or domestic partner is on leave from military deployment in a combat zone. (a) Notwithstanding

AS 14.20.345(a), a teacher who is employed by an employer that employs any combination of 20 or more full-time, part-time, and temporary employees may take leave without pay, not to exceed 10 regularly scheduled work days in a calendar year, when the teacher's spouse or domestic partner is

(1) a member of a regular, reserve, or auxiliary component of the armed forces of the United States or the organized militia under AS 26.05.010 who is deployed during a period of military conflict in a geographic area that is designated a combat zone by the President of the United States; and

(2) on leave from the military deployment described in (1) of this subsection for any reason.

(b) A teacher is required to give notice of a request for leave under this section at least 14 days in advance, or, if a related medical emergency exists and giving at least 14 days of advance notice is not practicable, the teacher is required to give as much notice as is practicable.

(c) An employer may require that a teacher who requests leave under this section provide the employer with verification that, during that leave, the teacher's spouse or domestic partner is, was, or will be on leave from military deployment in a combat zone, as required under (a) of this section.

(d) A request for leave that meets the requirements of (a) of this section may not be denied, and a teacher's employer may not, by act or omission, retaliate against the teacher for requesting or taking the leave.

(e) A leave of absence under this section

(1) is not a break in service for retirement purposes;

(2) continues the teacher in pay status, notwithstanding AS 14.20.345(d) and (f), for the purpose of ensuring that the teacher's eligibility for employee benefits, including retirement benefits, is not affected by the leave; and

(3) except as provided in (1) and (2) of this subsection, does not entitle the teacher to accrue retirement benefits that would not ordinarily accrue if the teacher were on leave of absence without pay under AS 14.20.345(a).

(f) A change to a teacher's terms or conditions of employment is void if its cause is an act of retaliation that violates (d) of this section.

(g) In this section,

(1) "domestic partner" means a person who is cohabiting with another in a relationship that is like a marriage but that is not a legal marriage;

(2) "period of military conflict" means a period of war

(A) declared by the United States Congress; or

(B) in which a member of a reserve component of the armed forces of the United States is ordered to active duty under 10 U.S.C. 12301 or 12302.

*** Sec. 3.** AS 23.10.105 is amended to read:

Sec. 23.10.105. Posting summary required. An employer subject to AS 23.10.050 - 23.10.150 **or 23.10.435** shall keep a summary or abstract of **the applicable** [THESE] sections, approved by the commissioner, posted in a conspicuous location at the place where a person subject to them is employed. An employer shall be furnished copies of a summary by the state on request without charge. **The requirement under this section that a summary or abstract of AS 23.10.435 be posted by the employer may be satisfied by electronic means.**

*** Sec. 4.** AS 23.10 is amended by adding a new section to article 7 to read:

Sec. 23.10.435. Leave without pay when spouse is on leave from military deployment in a combat zone. (a) This section applies to every person that, as an employer, other than the federal or state government or the government of a political subdivision of the state, employs, for 20 weeks or more during the calendar year, any combination of 20 or more full-time, part-time, and temporary employees who average 20 or more hours a week of work for weeks worked in the calendar year and who are compensated under an express or implied contract of hire that is oral or written.

(b) When an employee's spouse is a member of a regular, reserve, or auxiliary component of the armed forces of the United States or the organized militia under AS 26.05.010 who is deployed during a period of military conflict in a geographic area that is designated a combat zone by the President of the United States and is on leave from that military deployment for any reason, an employee of an employer described in (a) of this section may take, and the employee's employer shall grant, leave without pay. Leave authorized by this subsection may not exceed 10 regularly

scheduled work days in a calendar year, but the authorized leave may be increased beyond 10 days by voluntary agreement between the employer and the employee,

(c) An employee is required to give notice of a request for leave under this section at least 14 days in advance, or, if a related medical emergency exists and giving 14 or more days of advance notice is not practicable, the employee is required to give as much notice as is practicable.

(d) An employer may require that an employee who requests leave under this section provide the employer with verification that, during that leave, the employee's spouse is, was, or will be on leave from military deployment in a combat zone, as required under (a) of this section.

(e) A request for leave that meets the requirements of (b) - (d) of this section may not be denied.

(f) A leave of absence under this section

(1) is not a break in service for retirement purposes;

(2) continues the employee in pay status for the purpose of ensuring that the employee's eligibility for employee benefits, including retirement benefits, is not affected by the leave; and

(3) except as provided in (1) and (2) of this subsection, does not entitle the employee to accrue retirement benefits that would not ordinarily accrue when the employee is on other authorized leave without pay.

(g) An employer may not

(1) hinder or delay the commissioner or an authorized representative of the commissioner in the performance of a duty related to the enforcement of this section;

(2) refuse to admit the commissioner or an authorized representative of the commissioner to any place of employment as may be required for the enforcement of this section;

(3) refuse to make a record accessible, or to furnish a sworn statement of the record, or to give information required for the enforcement of this section, upon demand, to the commissioner or an authorized representative of the commissioner;

(4) fail to post a summary or abstract of this section as required by

AS 23.10.105; or

(5) discharge or in any other manner discriminate or retaliate against an employee because the employee requests the leave, takes the leave, files a complaint, institutes or causes to be instituted any proceeding under or related to this section, or testifies or is about to testify in a proceeding under or related to this section.

(h) If an employer violates (g) of this section, the affected employee may bring a civil action to recover wages lost as a result of the violation and other damages that resulted from the violation, and may also seek an order requiring the reinstatement of the employee.

(i) The commissioner shall adopt regulations to implement this section.

(j) In this section, "period of military conflict" means a period of war

(1) declared by the United States Congress; or

(2) in which a member of a reserve component of the armed forces of the United States is ordered to active duty under 10 U.S.C. 12301 or 12302.

*** Sec. 5.** AS 39.20 is amended by adding a new section to read:

Sec. 39.20.285. Leave without pay when spouse or domestic partner is on leave from military deployment in a combat zone. (a) This section applies to every person who is a paid employee of

(1) the executive, judicial, or legislative branch of state government, a state public corporation or council established by law, or the University of Alaska, whether the employee is a permanent, nonpermanent, or temporary employee, who is employed for an average of 20 or more scheduled hours each week, but does not include employees of the Alaska Railroad Corporation;

(2) a political subdivision of the state.

(b) An employee may take leave without pay, not to exceed 10 regularly scheduled work days in a calendar year, when the employee's spouse or domestic partner is

(1) a member of a regular, reserve, or auxiliary component of the armed forces of the United States or the organized militia under AS 26.05.010 who is deployed during a period of military conflict in a geographic area that is designated a

combat zone by the President of the United States; and

(2) on leave from the military deployment described in (1) of this subsection for any reason.

(c) An employee is required to give notice of a request for leave under this section at least 14 days in advance, or, if a related medical emergency exists and giving 14 or more days of advance notice is not practicable, the employee is required to give as much notice as is practicable.

(d) An employer may require that an employee who requests leave under this section provide the employer with verification that, during that leave, the employee's spouse or domestic partner is, was, or will be on leave from military deployment in a combat zone, as required under (a) of this section.

(e) A request for leave that meets the requirements of (b) of this section may not be denied, and an employee's employer may not, by act or omission, retaliate against the employee for requesting or taking the leave.

(f) A leave of absence under this section

(1) is not a break in service for retirement purposes;

(2) continues the employee in pay status for the purpose of ensuring that the employee's eligibility for employee benefits, including retirement benefits, is not affected by the leave; and

(3) except as provided in (1) and (2) of this subsection, does not entitle the employee to accrue retirement benefits that would not ordinarily accrue when the employee is on other authorized leave without pay.

(g) A change to an employee's terms or conditions of employment is void if its cause is an act of retaliation that violates (e) of this section.

(h) The director of personnel in the Department of Administration shall adopt regulations to implement this section as it applies to employees described in (a)(1) of this section.

(i) In this section,

(1) "domestic partner" means a person who is cohabiting with a another in a relationship that is like a marriage but that is not a legal marriage;

(2) "period of military conflict" means a period of war

(A) declared by the United States Congress; or

(B) in which a member of a reserve component of the armed forces of the United States is ordered to active duty under 10 U.S.C. 12301 or 12302.

*** Sec. 6.** AS 39.20.310 is amended to read:

Sec. 39.20.310. Exceptions. Except as provided in AS 39.20.275 **and 39.20.285**, AS 39.20.200 - 39.20.330 do not apply to

(1) members of the state legislature, the governor, the lieutenant governor, and justices and judges of the supreme and superior courts and of the court of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the salaries fixed by law for these officers by reason of absence from duty on account of illness or otherwise;

(2) magistrates serving the state on less than a full-time basis;

(3) officers, members of the teaching staff, and employees of the University of Alaska;

(4) persons employed in a professional capacity to make a temporary and special inquiry, study, or examination as authorized by the governor, the legislature, or a legislative committee;

(5) members of boards, commissions, and authorities who are not otherwise employed by the state;

(6) temporary employees hired for periods of less than 12 consecutive months;

(7) persons employed by the division of marine transportation as masters and members of the crews operating the state ferry system who are covered by collective bargaining agreements as provided in AS 23.40.040, except as expressly provided by law;

(8) persons employed by the state who are covered by collective bargaining agreements as provided in AS 23.40.210, except as expressly provided by law.

26-LS1034\S.1
Wayne
3/11/10

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 278( ), Draft Version "S"

Page 4, following line 6:

Insert a new subsection to read:

"(d) If the employee who requests leave is covered by medical insurance that is provided through the employer, the employer shall allow the employee to continue the coverage without interruption during the leave. The employee shall pay the expense of continuing medical insurance coverage during leave under this section unless the employer and the employee agree otherwise."

Reletter the following subsections accordingly.

Page 4, line 11:

Delete "(b) - (d)"

Insert "(b), (c), and (e)"

Page 4, line 17, following "leave":

Insert "except as provided in (d) of this section"

Page 5, line 7:

Delete "(g)"

Insert "(h)"

26-LS1034\S.2
Wayne
3/11/10

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 278( ), Draft Version "S"

Page 2, line 1:

Delete "a teacher who is employed by an employer that employs"

Insert "a person who is employed as a teacher at a school where"

Page 2, line 2, following "employees":

Insert "are employed"

SB 278 – Leave for Military Spouses

List of Anticipated Changes in Committee Substitute (Senate State Affairs)

Largely based on other state statutes

Require 14 days advance notice to employer– except in the case of medical emergencies. In the case of medical emergencies, "as soon as is practicable." (This language mirrors that in the Federal Family Medical Leave Act).

From discussions with ASD Superintendant Comeau, at least 10 days notice would typically be needed, although in the case of medical emergencies they can provide leave without advance notice. pg 2, line 11-14 pg 4, line 3-6 pg 6, line 4-7

Allow for electronic posting of notice

This was also suggested by Superintendant Comeau. pg 3 14-16

Allow employers to request documentation of spouse's combat leave

This was added at the suggestion of committee members. pg2, line 15-18; pg4 ln 7-10; pg 6 line 8-11

Private employers shall make it possible continue benefits at employee's own expense

Under the current version, the employer must pay for the continued benefits. pg 4 ln 1-2 MISTAKE Amend S.1

Make the penalties the same as those for jury duty (AS 09.20.037) as opposed to those ~~under AS 23.10.110~~ (unpaid overtime). pg 5 ln 3, 7-10

Make the bill apply to only employees who work 20 or more hours per week.

Make the bill apply only to employers with 20 or more employees for more than 20 calendar weeks of the year. pg 3 21-23

This was added to protect seasonal businesses. pg 3 21-23

Make the bill apply only to *schools* with 20 or more employees, as opposed to school districts.

This is in response to concerns that rural schools with only one or two teachers would not be able to function with the sudden loss of a teacher. This change would have the desired effect according to conversations with district superintendents. pg 2 ln 1-2 Amend. S.2

Make the bill apply to domestic partners (private employers will be exempted from this requirement). pg 2 line 4, pg 3. line 2, pg 5 ln 27-28, pg 6 ln 29

Clarify that the leave be taken only *during leave from deployment*, not before deployment or after.

This change may not be made. According to the drafter, this is already covered in the bill. pg 2, line 9-10 pg 6, line 2-3

ALASKA STATE LEGISLATURE

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Senator_Bill_Wielechowski@legis.state.ak.us



Co-chair
Joint Armed Services Committee
Resources Committee

Member
Energy Committee
Judiciary Committee
World Trade Committee

SENATOR BILL WIELECHOWSKI

SB 278
Sectional Summary

Section 1. Applies to teachers taking leave without pay under this Act. Establishes that leave taken under this Act is not an interruption of service for retirement or tenure purposes.

Section 2. Allows teachers to take 10 work days of unpaid leave when the teacher's spouse is a member of the armed forces on leave from deployment in a combat zone. Advance notice of a leave request is not required, and the request may not be denied.

This section allows the teacher to continue to receive medical benefits for the duration of leave taken, and protects the teacher from retaliation by the employer.

Section 3. Requires employers to post notice of this leave entitlement in the workplace. The state will provide copies of the notice free of charge upon request.

Section 4. Adds a new section to Title 23 which extends the leave entitlement described in section two of this summary to employees of private employers with 20 or more employees. Similarly, this section requires that an employer post notice of this entitlement, and provides a mechanism for enforcement.

Section 5. Amends the Alaska Family Leave Act to apply this spousal leave requirement to the executive, judicial, or legislative branch; state corporations or councils; and the University of Alaska.

Section 6. Clarifies that public officials who are otherwise exempt from the Alaska Family Leave act are eligible for spousal combat leave under this act.

Please note: This sectional summary should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 278**
() Publish Date:

Identifier (file name): SB278-DOA-DOPLR-02-23-10
Dept. Affected: Administration
Title "An Act allowing certain teachers, public employees, and private sector employees to take leave without pay ..."
RDU Central Administrative Services
Component Personnel
Sponsor Sen. Wielechowski
Requester (S)STA
Component Number 56

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
This bill will have no fiscal impact on the Division of Personnel and Labor Relations.

Prepared by: Nicki Neal, Director
Phone 465-4429
Division Personnel and Labor Relations
Date/Time 2/23/10 12:00 AM
Approved by: Kevin Brooks, Deputy Commissioner
Date 2/23/2010
Department of Administration

(Revised 11/6/2009 OMB)



ALASKA STATE COUNCIL

February 24, 2010

Senator Wielechowski
Alaska State Senate
Juneau, Alaska

Senator Wielechowski:

On behalf of the members of Vietnam Veterans of America now living in Alaska we want to express our support for **SB278**. Vietnam Veterans now make up the largest community in our state veteran's population.

The motto of VVA is: ***"Never again will one generation of veterans abandon another."*** While some find this objectionable, it is a statement of truth based on what our generation of warriors experienced when we served and then came home. It is also our mission, and we take it very seriously.

We support SB278 because it is the right thing to do for those few men and women living in Alaska who volunteer to stand guard for America. It is also the right thing to do for their spouses and families.

When we became aware that spouses were having trouble getting even ten days of unpaid leave to fly to be at the bed side of their loved one after being noticed that they had been wounded, or to embrace the one they love while they have a few days off from war, we were shocked. But then we remembered what it was like when we were at war and when we got time off from the rice paddies.

The passage of this bill and its House companion is a statement by our state that we will stand with these families as they fight these wars together in the defense of our nation and our way of life.

The passage of SB278 is a state legislative priority for VVA Alaska as expressed by AK VET PAC.

We ask each of the members of our state legislature to take a stand for what is right, what is noble, and what is in our own best interest and support this needed legislation.

With respect,

Albert Baffone
Vice President

3705 Arctic Blvd #415, Anchorage, Alaska 99503
907 222 6945 907 222 6933 fax 907 229 5328 Chairman's Cell 907 748 1722 Ex Dir

MEMORANDUM for the STATE OF ALASKA

To: Senator Bill Wielenchowski **Date:** 23 Feb 2010

From: Verdie Bowen
Director, Office of Veterans Affairs **Phone:** 907-428-6016

Subject: Senate Bill No. 278 (Leave for Military Spouse)

I support Senate Bill 278 in its entirety. SB 278 will provide the necessary transitional help required by our Active and National Guard members upon their return from deployment. The key element in their transition is a strong spousal support unit. This spousal support is pivotal to their transition back to an integrated civilian/local military life. One thing to keep in mind during this transition is those military members who have supporting spouses are less likely to have transitional issues than those with no spousal support at all.

Please support SB 278. This could prove to be one of the best support efforts the state can provide our returning service members.

v/r

Verdie A. Bowen

Verdie A. Bowen
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State of Alaska
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ALASKA VETERANS FOUNDATION

February 24, 2010

Senator Bill Wielechowski
Alaska State Senate
Juneau, AK
REF: SB 278

Senator Wielechowski,

One would think that if an employee came to you and said, "My husband has been wounded in Iraq and I need to go to him right now. Can I get ten days, without pay, to go be by his side?"

or

"My wife, who has been in Afghanistan for over a year, has R&R, but she can't come back to Anchorage, so I'd like to take ten days off, without pay, to go and see her in Germany. Can we do that?"

How do we really support our troops? Bumper stickers? Yellow ribbons? Public speeches on Memorial Day or Veterans Day? What do we really do to show support for the few men and women – the few Americans, willing to stand guard for America and push the frontier of human freedom in parts of the world bent on killing every one of us?

Most of us would do anything we could to help either of these spouses go to their loved one. But there are employers who will not.

We thought the Federal Family Leave Act would have addressed these kinds of issues, but it doesn't appear to be the case. It looks like we need a state law to enable those who stay home and fight every day in a different battle while their loved ones are overseas, to see their wounded warrior or visit their loved one when that opportunity suddenly becomes available.

The NFIB whines that these employees don't give enough notice. Do the enemies of America give notice when they decide to wound an American warrior? Does the Army give a warrior enough notice for R&R? – not always.

How do we support our troops? Passage of this bill and its companion HB347 in the House is one way Alaska makes it clear – As a state, as a people, we support those few men and women willing to stand guard for America.

It is an honor,

Ric Davidge
Chairman

3705 Arctic Blvd #415, Anchorage, AK 99503 907 222 6945 fax 907 222 6933
Ricdavidge.ak@gci.net

Senator Wielechowski
Alaska State Sente
Juneau, AK
REF: SB278

I am writing to express my support of SB 278, Leave for Military Spouses

As I walked through the Anchorage Airport and reflected on the Banner saying "Welcome Home to our Troops", I had to ask whether the welcome home was simply limited to outside the work hours or at times convenient to others. I see military members and here them regularly being thanked for their service. Yet, I also realize that they have volunteered to serve. And in volunteering, they have also volunteered to give up family time, to miss loved ones and loved ones' events. As a military brat, I missed birthdays, holidays, and family celebrations without a father available. As a military spouse, I saw the days missed by our children as their father was deployed. In either case, I feel that time off should not be stolen moments from the workplace, but precious moments that build a stronger family and strengthen the workplace. It is too bad that we need to make a law that will allow the decision to volunteer earnings for cherished moments. But sometimes, we have to do the right thing for the right reasons. As a spouse and family members, that is often easier to see and understand in the home than as an employee or employer in the workplace.

As you present SB 278, thank you for recognizing that spouses are willing to volunteer to share their time with their returning loved one, who for the moment is out of harms way. And this time is not doing harm to the workplace, when the recognition and support makes for stronger families and stronger employees.

Thank you,

Paula Pawlowski
3300 Balchen Dr.
Anchorage, AK 99517
907-223-0628

ALASKA VETERANS POLITICAL ACTION COMMITTEE

Alaska Veterans 2010 Priorities (2/12/10 update)

Outlined below are the state legislative priorities as we see them for the 2010 session. If you have other issues or think there should be different priorities, or in anyway disagree with what is outlined below, please notify: ricdavidge.ak@gci.net

1. Outreach Fully implement HB44 which created the first volunteer veterans register on the PFD application.

This requires the Dept of Mil & Vet Affairs to craft a contract/agreement between the state and "Congressionally Chartered Veteran Service Organizations" as required by the act. The components of these agreements are critical. We DO NOT want service organizations using this list to "recruit". That was a part of the agreement we made with legislators that got this bill passed. Only Congressional Chartered Veteran Service Organizations can participate. That's VVA, VFW, Am Leg, Am Vets, MOPH.

We suggest that the AK Dept of Mil & Vet Affairs enter into an agreement with all Veteran Service Organizations to cooperate in the effort to reach our veterans with information about their rights, benefits, services, etc.

We also suggest that the AK Dept of Mil & Vet Affairs enter into a MOA/MOU with the US Dept of Veterans Affairs, Alaska to cooperatively do at least one general mailing a year to every veteran on this list. This mailing should advise each veteran of the rights, benefits, and services they MAY qualify for and how to access them through the services of a nationally accredited Veteran Service Officer. Status: House/Senate Joint Cmte on Mil & Vet Affairs needs to hold a hearing and request status, what are the problems, etc. This "law" should be fully implemented – it is the law. Wasup?

2. Immediate inclusion of all nationally accredited Veteran Service Officers (VSO) in state funding for veterans services under the Dept of Mil & Vet Affairs.

It is time the state recognized the work that all accredited veterans organization Service Officers are doing for our military, our veterans, and for their families.

For years a small number of Veteran Service Organizations have received exclusive financial support from the state in the state's Dept of Mil and Vet Affairs. **This is wrong.** All nationally accredited Veteran Service Officers should be included in this program under the Director of Veteran Services within the AK Dept of Mil & Vet Affairs. Additionally, the programs of these VSO's and their supportive organizations **must** be reviewed regularly to ensure the state's funds are being responsibly used to benefit Alaska's veterans and the state's interests. The new DMVA Director of Veterans Affairs is trying to provide appropriate oversight and accountability for the use of these state funds. He needs strong legislative and administrative support for his efforts. We strongly support his efforts.

We recommend a serious overhaul of this program, long supported by the state. It is our intention to bring this before our state legislators this 2010 session and every session until this program is made more inclusive and far more productive and responsive to the interests of our veterans and the state. We will also push for more funding in the program as we can clearly demonstrate such an investment is in the economic best interest of the state as well as thousands of Alaskan veterans and their families. Status: we have requested a formal update from the Commission of Military and Veterans Affairs. We have notified the House/Senate Finance Cmtes that VVA VSO's need to be included in the program. VVA requested this action over three years ago following the election of Gov Palin.

3. Immediate passage of HJR 16 now in House Rules **Cmte calls for Congressional oversight hearings** into why federal agencies **in Alaska** refuse or fail to meet their mandated 3% set a side for Service Disabled Veteran Owned Small Businesses (SDVOSB) in Alaska. This resolution is in direct support of the efforts of our Congressional Delegation to get federal agencies in Alaska to meet these and other federal contracting/procurement/and hiring requirements. Passage of this resolution will bolster efforts by a number of states to get Congress to give this long standing infraction of federal law and policy to the detriment of disabled veterans who start business that qualify for federal procurement preferences. Update: Sponsor/Gatto sent request to House Rules to schedule for House floor action

4. **Immediate passage of HB225** (alternative to HB24) which passed the state House w/out a dissenting vote last session. This bill **authorizes a 5% preference on all state procurements/contracts for Alaskan Veteran Owned Businesses**. Senate action should remove the arbitrary cap on the size of projects/procurements for which this preference can apply. Status: In House Finance since 4/14/09 We have requested Sponsor ask for Cmte Hearing

5. Immediate passage of SB151 which makes **it a class A misdemeanor for any "charity" to solicit donations if they are not in full compliance with state and federal laws and regulations**. It also requires that all donations be used for the purpose they are solicited for. This is in direct response to the national and Alaskan problem of bogus charities, especially veteran "charities" that are not in compliance with the law or use their donations for "other purposes". The definition of "soliciting" needs to be expanded to not just be limited to phone solicitations but all and any solicitation by any organization or group for veterans or other groups.

We also believe it timely to begin a serious discussion on what is an appropriate split between those who actually do the solicitation and the organizations that receive the benefits of these efforts. We suggest a split of 60% for the organization and 40% for compensation of solicitors.

Finally, we believe it essential that our State Attorney General open formal investigations and/or audits into charities who are not in full state/federal compliance and about whom the Attorney General receives formal complaints. This is beginning to happen in more and more states as policy makers become aware of the amount of "fraud" and misrepresentation that is taking place by some so called charities. Status: In Sen Finance since 3/18/09 Time to move it to Sen Rules with amendments as outlined above.

6. We need more "partnerships" in rural and remote Alaska to provide healthcare services to our veterans and their families across Alaska. (A report on Rural and Remote Healthcare Needs of our Veterans, developed for the National Conference of State Council Presidents is available upon request). Status: The AK VA is making real progress here, but we would like to see more.

7. Ending Homelessness for AK Veterans The Alaska Veterans Foundation, Inc. and a growing number of national veteran's organizations lead by the Vietnam Veterans of America are joining together with community service organizations and private corporations to end homelessness for Alaska's veterans in the next 5 years. This must be an active and visible partnership between the state, local governments, and these mentioned groups.

Status:

- The Alaska Veterans Foundation, Inc. has put forward a request for funds to do the pre-development work essential to start Alaska's first Housing First concept **for veterans** using a harm reduction model with priority for the chronic homeless veterans in Anchorage. We will update you on this proposal to Congress requested by Members of our delegation. If you want a copy of the proposal please email: rdavidge@cyalaska.com

- Legislatively, one critical key in moving in the right direction is by actually funding the **Alaska Housing Trust** as agreed years ago. Contact **Chairman Mike Hawker of the House Appropriations Committee** Rep_Mike_Hawker@legis.state.ak.us

The demographics of homelessness for our veterans are changing, but the groups who serve the homeless are not moving quickly enough to meet these new challenges.

1. The number of women new veterans' w/children who are homeless is increasing dramatically.
2. The number of veterans with families is increasing and now is about 1/3 of the total in AK.
3. We need new housing products that include Housing First models. They work and save communities tens of thousands of dollars in local taxes annually.
4. The State of Alaska has been actively studying this horrific cultural issue, but yet the number of new "doors" has not dramatically increased. We need a new approach.
5. We have serious cultural issues/conflicts that MUST be addressed when dealing with this issue.
6. 90+% of all public funds directed towards the homeless are for "services". **This will not solve this problem.** We need "Housing First" models in every major community across our state.

We have the means, method, plan, and proven solutions capable of accomplishing this in 5 years.

8. HB284/SB215 Requires the AK Department of Health and Social Services to accept federal prescription drug benefits or provide comparable benefits for residents of AK Pioneers' Home, including residents eligible for discount or free benefits from the US Dept of VA or the Indian Health Svc . . . Introduced by Rep Dahlstrom, Gara, Herron, Wilson in the House and Senators Wielechowski, in the Senate these bills are an attempt for formally codify the agreement worked out last year by Members of the Legislature, Veterans Organizations, the VA, the Commissioner HSS/and the Pioneers Homes/AK Vet Home on handling medications for veterans in resident. Although the current agreement appears to be working well, it is our belief, and one shared by these sponsors, that this agreement needs to be formally codified into law. Update: SB215 http://www.legis.state.ak.us/basis/get_bill.asp?bill=SB%20215&session=26 Out of Sen HSS w/Do Pass 0 fiscal note, now referred to Sen Finance.

9. SB278/NEW BILL – Allowing teachers, public employees, and private sector employees to take leave without pay when their spouses are on leave from deployment in a combat zone. Introduced by Senator Wielechowski, this bill is in direct response to problems military spouses have had trying to take time off from work to visit their spouse while on leave/R&R from combat locations. The bill has also been expanded to include leave without pay when a spouse wishes to spend time with a wounded warrior, again in response to problems some have had.

We were asked to review this bill during its formation and strongly support Sen. Wielechowski's efforts. Although one would think the Federal Family Leave Act would cover spouses visiting their wounded warriors, there appears to be a need for state law making this clear. The bill limits the time to 10 working days. Status: Just introduced this week

Other Issues:

- Need coordinated effort by State DMVA and Veteran Service Organizations to get Native Corps to hire and support their own NVSOs. VVA has offered to help train and support these VSOs and coordinate with our regional and village corporations to accomplish this.
- We need younger VSOs. AVVA is now approved by the VA, so we will begin finding, training and supporting younger VSOs to work with our new veterans.
- Fix the PFD process to be more workable with overseas deployments for Active Duty, Reserves, and National Guard. Amend the 72 hr every two years, fix the 180 day requirement, and fix the 5 year presumption.
- Alaska State veteran personnel/hire laws and regulations need to be updated and extended similar to federal preferences.
- Veteran Courts – need more development, focus on intake points that ensure we ask: "are you a veteran?"
- New Vet Transition Teams – needs more local community interface. Suggest a booklet by the State DMVA on state and local services and benefits. Should allow VSO's into system.

We hope this is helpful to our collective efforts to improve the lives of Alaska's veterans and their families.

Prepared by Ric Davidge 907 229 5328 ricdavidge.ak@gci.net rdavidge@cyalaska.com

- State Council President, Vietnam Veterans of America (VVA)
- Chairman, Alaska Veterans Foundation, Inc. (AKVF)
- Chairman, MOA Mil & Vet Affairs Commission
- Chairman, Alaska Veterans Political Action Committee (AK VET PAC)
- Chairman, Ending Chronic Homelessness for our veterans (National Conf of State Council Presidents, VVA)
- Chairman, Political Action Committee (National Conf of State Council Presidents, VVA)
- National Chairman, Economic Opportunities Committee, VVA

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division
(January 2009)

Fact Sheet #28A: The Family and Medical Leave Act Military Family Leave Entitlements

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a "single 12-month period" to care for a covered servicemember with a serious injury or illness. These two new types of FMLA leave are known as the military family leave entitlements.

EMPLOYER COVERAGE

FMLA applies to all public agencies, including state, local and federal employers, local education agencies (schools), **and** private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including joint employers and successors of covered employers.

EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits, an employee **must**:

- work for a covered employer;
- have worked for the employer for a total of 12 months;
- have worked at least 1,250 hours over the previous 12 months; and
- work at a location where at least 50 employees are employed by the employer within 75 miles.

MILITARY FAMILY LEAVE ENTITLEMENTS

Military Caregiver Leave: A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness up to a total of **26 workweeks** of **unpaid** leave during a "single 12-month period" to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.)

Qualifying Exigency Leave: A covered employer must grant an eligible employee up to a total of **12 workweeks** of **unpaid** leave during the normal 12-month period established by the employer for FMLA leave

for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issues arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of **seven** days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to **five** days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a **combined** total of 26 workweeks in a "single 12-month period" if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever **medically necessary** to care for a covered servicemember with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Under certain conditions, employees **or** employers may choose to "substitute" (run concurrently) accrued **paid** leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

NOTICE REQUIREMENTS

Employee Notice

Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements.

An employee does not need to specifically assert his or her rights under FMLA, or even mention FMLA, when providing notice. The employee must provide "sufficient information" to make the employer aware of the need for FMLA leave and the anticipated timing and duration of the leave. Depending on the situation, such information may include, as applicable:

- that the requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered military member and the anticipated duration of the leave;
- that the leave is for a qualifying family member who is a covered servicemember with a serious injury or illness and the anticipated duration of the leave.

When an employee seeks leave due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. Additionally, employers must either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA purpose, the employer must notify the employee of his or her eligibility to take leave, including a reason for non-eligibility if the employee is determined not to be eligible. Such eligibility notice may be oral or written and should, generally, be given within five business days of the request for FMLA leave. Subsequent eligibility notice in the same 12-month leave period may be required when an employee's eligibility status changes. Employers also must inform employees of their rights and responsibilities under FMLA, including giving specific written information on what is required of the employee.

When the employer has enough information to determine that leave is being taken for an FMLA-qualifying reason, the employer must notify the employee that the leave is designated and will be counted as FMLA leave. The employer must designate leave that qualifies as **both** leave to care for a covered servicemember with a serious injury or illness **and** leave to care for a qualifying family member with a serious health condition as leave to care for a covered servicemember in the first instance. The designation notice must be in writing and, generally, must be given within five business days of the determination. An employer also must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA entitlement.

CERTIFICATION REQUIREMENTS

Employers may require that an employee's request for military family leave be supported by an appropriate certification. An employer may require that:

- leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;
- leave to care for a covered servicemember with a serious injury or illness be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember's family.

Second and third opinions and recertification are not permitted for certification of a covered servicemember's serious injury or illness or of a qualifying exigency. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, an employer may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

UNLAWFUL ACTS

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

ENFORCEMENT

The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also be able to bring a private civil action against an employer for violations.

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us

jackson|lewis

Preventive Strategies and Positive Solutions for the Workplace

Growing Number of States Passing Family Military Leave Acts

July 30, 2007

With the continuing demands on the military Reserve and National Guard, a growing number of states have been passing Family Military Leave Acts giving soldiers' family members limited unpaid leave entitlements. In general, the acts allow the family members of active duty soldiers to take unpaid leave during periods leading up to or immediately following their family member's deployment and also during periods of leave while still on active duty. The new statutes vary, but employers should be cognizant of these new laws and prepared to adjust their leave procedures to comply. Currently, Illinois, Indiana, Maine, Minnesota, Nebraska, and New York have passed these laws.

Illinois

The Illinois Family Military Leave Act requires employers with 15 to 50 employees to provide up to 15 days of unpaid family military leave to the spouse or parent of a soldier called to military service lasting longer than 30 days. Employers with more than 50 employees must provide up to 30 days of unpaid leave. During the period of leave the employee's health benefits must be maintained at the expense of the employee. Additionally, the employer cannot take any adverse actions against the employee for exercising his or her rights under this act. The employer has some rights under this act, as well. The employee must provide the employer with 14 days of notice prior to taking 5 or more days of leave. Additionally, employees are not eligible for leave under this act unless they have exhausted all paid vacation, personal, or any other leave, except for sick or medical leave, that might be granted to the employee.

Indiana

The Indiana Military Family Leave Law went into effect July 1, 2007. Under this act, employers with 50 or more employees must provide 10 days of unpaid leave to the spouse, parent, grandparent, or sibling of the person who is ordered to active duty. To be eligible, the employee must have worked for the employer for the 12 months prior to the leave date, and must have worked at least 1,500 hours during those 12 months. Additionally, the employee can only take the leave during three periods: 1) the 30 days before active duty orders are in effect; 2) the 30 days following the termination of the person's active duty; or 3) while the person is still on active duty but is on leave. Additionally, the employer has the right to require verification from employees of their eligibility under this act, as well as 30 days' written notice of the requested leave, when it is possible. The employee's health benefits can continue during the leave period at the employee's expense. Finally, the employee must be restored to the same position or one of equal status when he or she has returned from leave.

Maine

The current Family Military Leave Law requires employers with 50 or more employees to provide up to 15 days of unpaid leave to the spouse, domestic partner, or parent of the person ordered to active duty for a period of 180 days or longer. The employee must have been working for the same employer for 12 months or longer and for a minimum of 1,250 hours during the previous 12 months. Employees currently are eligible to take leave under this act only during the 15 days immediately prior to deployment or during the 15 days immediately following deployment. An employee who requests leave for 5 days or longer must notify the employer in writing at least 14 days prior to the leave. Additionally, the employer has the right to require certification that the employee is in fact eligible for leave under this act. As of September 20, 2007, an amended Family Military Leave Law will become effective. The new law will make the Family Military Leave Law applicable to employers with 15 or more employees. Additionally, employees will be able to take leave not only during the 15 days prior to and following deployment, but also during periods when the person is on leave during active duty.

Minnesota

Employers must grant the parent, child, sibling, or spouse of a person killed or injured while on active duty in the military up to 10 days of unpaid leave. The employer has the right to require the employee to use any paid leave, except for sick or medical leave, prior to taking any unpaid leave under this act. The employee is required to give the employer only as much notice as is possible prior to taking the leave. Additionally, employers are required to provide up to 1 day unpaid leave for the parent, child, sibling, or spouse of the person ordered to or returning from active duty to attend the send-off ceremony or homecoming.

Nebraska

Employers in Nebraska with 15 to 50 employees are required to provide up to 15 days of unpaid family military leave to the parent or spouse of a person being called to active duty for longer than 179 days. Employers with more than 50 employees must provide up to 30 days of unpaid family military leave. To be eligible under this law, the employee must have worked for the employer for at least 12 months prior to the requested leave and must have worked for at least 1,250 hours during that time period. An employee who requests leave for longer than 5 days is required to give the employer at least 14 days' notice prior to the time the leave is going to begin. Additionally, employers are required to restore the employees to their original or equivalent positions when they return from their leave. While on leave, employees can continue to receive their health benefits at their own expense.

New York

When the New York Family Military Leave Law became effective in August of 2006, it was the first state to have a family military leave law requiring employers to provide unpaid time off to family members of those on active duty in the military. The law requires employers with 20 or more employees to provide the spouse of a person on active duty in a combat theater or zone of operations

up to 10 days of unpaid leave. Under the New York law, time off may only be taken while the person in the military is on leave from active duty. To be eligible for leave under this law, the employee must work for the employer from which leave is sought for at least 20 hours per week. This law does not require any minimum length of service for eligibility. Additionally, the employee is not required to give the employer notice prior to taking leave. Also, employers are not permitted to retaliate against employees taking this leave.

Jackson Lewis attorneys are available to answer inquiries regarding these new laws and assist employers in achieving compliance with their requirements.

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America's Newspapers

Senate looks at time off for spouse during leave

Olympian, The (WA) - Tuesday, February 19, 2008

Author: *Michael Gilbert, The News tribune*

There are few things as sacred for service members and their loved ones enduring a combat deployment as midtour leave.

Troops in Iraq and Afghanistan get up to 18 days of time out of the war zone. Most use the time to relax at home with their families.

The timing sometimes is unpredictable. Leaves are known to be postponed at the last minute because of the operational needs of the service member's unit. Flights out get diverted. But when the leave finally comes through, the last thing the spouse at home needs is trouble with the boss about getting time away from work.

That's the point of Senate Bill 6447, a measure being considered in Olympia that would require employers to give up to 15 days of unpaid leave to employees whose military spouses are home on leave from the war zone.

It's one of a couple dozen military and veterans-related bills still alive in the Legislature as lawmakers move toward today's cutoff deadline. Measures must pass out of the chamber in which they originated or they're considered dead for the session.

"It seems like a law that shouldn't even be necessary, but if it helps assure that people get their time off, that's one less thing to worry about," said Caedmon Cahill, a Seattle public defender whose husband, Leo, is a company commander with the 173rd Airborne Brigade in Afghanistan. "He's due home on leave in March."

Cahill heard from her mother-in-law about how other states had passed a similar law, and talking with a friend, learned about how she had to fight to get a mere two days off when her husband came home from Iraq.

"I realized Washington didn't have this law, and I was starting a new job at the time," Cahill said. "I thought this would make it easier for people to feel comfortable and safe in asking for the time off."

Cahill, a year out of law school, enlisted a friend who is a lobbyist, and the two drafted the bill - the Family Military Leave Act - at her kitchen table over a weekend. It cleared the Senate Government Operations & Elections Committee in late January and was waiting for a vote on the Senate floor.

The bill's sponsor, Sen. Steve Hobbs, a Lake Stevens Democrat and Army Iraq veteran, said he expects the measure will clear the Senate. No one spoke in opposition to the bill in committee.

"Our service members families gave pretty compelling testimony, and on top of that we have the 81st Brigade Combat Team getting ready to deploy," Hobbs said, referring to the Washington National Guard brigade that is expected to return to Iraq late this summer.

"This is really going to address their needs," he said.

Other bills

Other bills still alive include a number of technical fixes to correct the unforeseen complications that arise when state or local government employees are called up to full-time service in the National Guard or reserves. For instance, one would ensure that employees get credit toward their retirement, while another would see that they get paid on time, and another would extend military leaves of absence for government employees from 15 to 30 days.

There are also House and Senate bills to create a new state license plate for parents whose service-member children are killed in military service.

There are House and Senate versions of bills to protect the child-custody rights of service members when they're deployed overseas. The House passed a bill to allow service members who left high school before graduating in order to serve in Vietnam to receive their diplomas.

"They're definitely paying attention to veterans issues," said Heidi Audette, spokeswoman for the state Department of Veterans Affairs. "There are a lot of issues that are still moving, probably more than in past sessions."

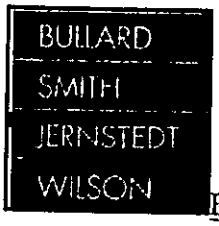
More bills are still alive past the cutoff.

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Record Number: *story_20747347*
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The Oregon Biz Report - Business News from Oregon

Oregon Military Leave Act now in effect

August 9, 2009



Bullard Smith Jernstedt Wilson
BULLARD eAlert

1. **Oregon Military Leave Act**
2. **Oregon Workplace Religious Freedom Act:**
3. **Annual Labor and Employment Law Briefing– 11/14/09:**

On June 25, 2009, the Oregon Military Family Leave Act went into effect, requiring all public, private, and not-for-profit employers of 25 or more employees in Oregon to provide up to 14 days of unpaid leave to "eligible" employees who are spouses of members of the armed forces during periods of military conflict. Click the following link to read the Bullard Alert describing the OMFLA in more detail: http://www.bullardlaw.com/Resources/BullardAlerts.html.

Oregon Workplace Religious Freedom Act:
Last week Governor Kulongoski signed the Oregon Workplace Religious Freedom Act, which goes into effect January 1, 2010. Among other things, absent "undue hardship" the Act prohibits an employer from "impos[ing] an occupational requirement that restricts the ability of an employee to wear religious clothing, to take time off for a holy day or to take time off to participate in a religious observance or practice." Further, the Act also requires that an employer permit an employee to use accrued "vacation leave, or other leave available to the employee, for the purpose of allowing the employee to engage in the religious observance or practices of the employee". While the Act applies to most workplaces, makes an exception for school districts, education service districts and public charter schools, which may prohibit teachers from wearing religious dress while engaged in the performance of duties as a teacher.

Annual Labor and Employment Law Briefing– October 14, 2009:
On October 14 we will be presenting our Annual Labor and Employment Law Briefing at the Oregon Convention Center. This continues our tradition of providing you with an annual update on current labor and employment law issues facing owners, executives, managers, in house counsel and human resources professionals, including review of recent case decisions, monitoring employee use of the internet and email, and employee wellness. Our guest speaker this year will be Brad Barton, a 1992 US Olympic Trials qualifier, master magician, and successful business person. MCLE and PHR credit is pending.

Registration: You may obtain more information about and register to attend the Annual Briefing by clicking on http://www.bullardlaw.com/Resources/SeminarsWorkshops.html or by contacting Coni Crone (503.248.1134 or ccrone@bullardlaw.com). We look forward to seeing you there.

At Your Service:
Please feel free to contact us with questions or for more information about the Oregon Military Family Leave Act, the Oregon Workplace Religious Freedom Act, or other developments affecting employment, labor relations and employee benefits. You may reach us anytime at 503/248-1134 or on the web at www.bullardlaw.com. Thank you.

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December 2007

New York Enacts the Military Spouse Leave Act

New York has become the first state to require employers[1] to grant unpaid leave to employees[2] that are spouses of service members, including members of the United States armed forces, national guard or reserves who have been deployed during a period of military conflict[3] to a combat zone. Section 202-i of the Labor Law (the "Act") mandates that employers must grant the spouse ten (10) days unpaid leave when the spouse serving in the military is on leave. An employer may not retaliate against an employee for requesting a leave of absence under the Act.

Where the Act can be found: NY Labor § 202-i.

When the Act became effective: The amendment is effective retroactive to August 16, 2006, the date Labor Law § 202-i was originally enacted.

Practice Guidelines: Employers must grant an employee's request for unpaid leave of absence if he or she: (i) works an average of twenty or more hours per week, regardless of length of employment; and (ii) has a spouse serving in the military who is on leave. An employer may not refuse a leave of absence due to potential adverse effects resulting from the leave. Employees are not required to give advance notice of their intention to take leave under the Act. An employee's vacation days will be unaffected by the decision to take unpaid leave.

The Act only applies to spouses, rather than family members or significant others of military personnel. However, employers offering domestic partner benefits to their employees should consider whether to allow domestic partners of service members to also receive unpaid leave under the Act. Additionally, employers should consider including information regarding the Act in their personnel handbook and/or policy manuals.

This alert is meant to provide general information only, not legal advice. Please contact Angela Cheng at Lawyers Alliance for New York at (212) 219-1800 x 278 or visit our website www.lawyersalliance.org for further information.

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[1] Employer means a person or entity that employs twenty or more employees in at least one location and includes an individual, corporation, the state, county, town, city, school district, public authority or other governmental subdivision of any kind.

[2] Employee means a person who performs service for hire for an employer for an average of twenty or more hours per week but does not include an independent contractor.

[3] Period of Military Conflict means a period of war declared by the United States Congress or in which a member of a reserve component of the armed forces is ordered to active duty.

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Employment Law Alert

Legal developments affecting human resource management

A publication of Nixon Peabody LLP

JULY 31, 2008

Rhode Island Military Family Relief Act Imposes New Leave Requirements on Large and Small Employers

By Neal J. McNamara and Jillian S. Folger-Hartwell

On June 23, 2008, Governor Carcieri signed into law the Rhode Island Military Family Relief Act, H.B. 7774, 2008 Leg. Sess. (R.I. 2008), S.B. 2760, 2008 Leg. Sess. (R.I. 2008) (to be codified at R.I. Gen. Laws §§ 30-33-1 et seq.)("Act"), which took effect immediately. This new leave law has important implications for Rhode Island employers, both small and large.

Under the Act, spouses or parents of individuals who are called to military service lasting longer than thirty (30) days may request family military leave. Businesses that employ between fifteen (15) and fifty (50) employees must provide up to fifteen (15) total days of leave to such an employee during the time the federal or state military orders are in effect. Employers who have more than fifty (50) employees must provide up to thirty (30) total days of family military leave.

This leave may be unpaid and may only be taken if the employee has exhausted all accrued vacation leave, personal leave, compensatory leave, or any other leave that may be granted to the employee, with the exception of sick or disability leave. In addition, if the leave will consist of five (5) consecutive workdays or more, at least fourteen (14) days' notice must be given to an employer. If the leave consists of less than five (5) consecutive days, the employee need only give as much advance notice as is "practicable." Employers may, however, require certification from the proper military authority to verify the employee's eligibility to take the requested family military leave.

During any family military leave, the employee must be permitted to continue their benefits at their own expense. The employer and employee, however, may negotiate for the employer to maintain benefits at the employer's expense for the duration of the leave. Upon return from leave, employees must be reinstated to the same position or a position with "equivalent seniority status, employee benefits, pay and other terms and conditions of employment."

The Act imposes several new requirements on employers. First, although businesses that employ fewer than fifty (50) employees are not required to provide leave under the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. (2008), or the Rhode Island Parental and Family Medical Leave Act ("RIPFMLA"), R.I. Gen. Laws §§ 28-48-1 et seq. (2008), businesses with as few as fifteen (15) employees are subject to the new Act's provisions. In addition, unlike the leave provisions of the FMLA and the RIPFMLA, an employee need not provide any reason for leave under the Act, but

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ATTORNEYS AT LAW

need only show that his or her spouse or child has been called to military service lasting longer than thirty (30) days. Moreover, unlike leave provided under the FMLA and/or RIPFMLA, an employee's eligibility for leave is not measured based on the number of days the employee has taken in a calendar year; rather, the employee is entitled to this leave "during the time the federal or state orders are in effect." Thus, an employee may be eligible for family military leave under the Act, even if he or she has exhausted his or her allotted FMLA or RIPFMLA leave time.

Like the FMLA and the RIPFMLA, the Act provides that an employee must be reinstated to the same or a similar position upon his or her return from leave. Thus, employers may need to fill some positions temporarily for up to thirty (30) days. In addition, the Act appears to contemplate, and certainly does not prohibit, that this leave may be taken intermittently. Thus, an employer could be faced with numerous absences of varying lengths during the time the employee's family member has active orders. Moreover, the Act's provision that benefits may be continued at the employee's expense has little practical value for an employer because the amount of leave time permitted under the Act amounts to no more than a total of thirty (30) days. It would likely be administratively cumbersome for an employer to attempt to have an employee pay for his or her benefits during such short periods of leave time.

Ultimately, employers who previously believed they were not required to comply with federal and state family leave laws because they have fewer than fifty (50) employees, may need to update or develop leave policies based on the Act's provisions. In addition, larger employers will need to review and update their leave policies to ensure their existing policies comply with the Act.

For more information on this or any other labor or employment law matter, please contact your regular Nixon Peabody attorney or:

- Neal J. McNamara at 401-454-1019 or nmcnamara@nixonpeabody.com
- Jillian S. Folger-Hartwell at 401-454-1046 or jfolgerhartwell@nixonpeabody.com

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Family Military Leave Act

LB 497 was passed by the Legislature, signed by the Governor and went into effect on April 5, 2007. Family Military Leave is leave requested by an employee who is the spouse or parent of a person called to military service lasting 179 days or longer, with the State or United States pursuant to the orders of the Governor or President of the United States.

Covered employers: If the employer employs between 15 and 50 employees, the employer shall provide up to 15 work days of unpaid leave. If the employer employs more than 50 employees, the employer shall provide up to 30 work days of unpaid leave. The State employs more than 50 employees, so employees may request up to 30 work days of leave. The number of days granted are at the discretion of the employer.

Eligible Employee: An eligible employee has been employed by the same covered employer for at least 12 months and has been employed for at least 1250 hours during that 12 month period immediately preceding the commencement of leave. Employee is the spouse or parent of a person called to military service lasting 179 calendar days or longer.

Notice: The employee shall give at least 14 calendar days of notice of taking leave if the leave will consist of five or more consecutive work days.

Employee Rights: When the leave ends, the employee must be restored to the position previously held or to a position with equivalent seniority status, benefits, pay, etc., except when the employer proves the employee is not restored due to reasons unrelated to taking leave.

The employee may continue benefits, during leave, at the employee's expense. The employee's service date will be adjusted after 14 calendar days of unpaid leave.

The Act provides that the employee may negotiate with the employer, for the employer to maintain benefits at the employer's expense during the leave period. As the State had concluded collective bargaining when this Act was passed, for the purpose of benefits, employees taking Family Military Leave will be treated the same as other employees taking non-Family Medical Leave Act unpaid leave. The State contribution to health insurance will continue for the first nine work days of the leave. Taking Family Military Leave shall not result in the loss of benefits accrued before the leave started (treated similar to a leave of absence).

For Additional Information Contact the DAS Employee Relations Division (William J. Wood 402-471-4106; Jeannie O'Meara 402-471-8292; or Gail Brolliar 402-471-4104.)

Public Act 094-0589

Public Act 094-0589

SB1627 Enrolled LRB094 10133 RXD 40395 b

AN ACT concerning employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Family Military Leave Act.

Section 5. Definitions. In this Act:

"Employee" means any person who may be permitted, required, or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment. "Employee" does include an independent contractor. "Employee" includes an employee of a covered employer who has been employed by the same employer for at least 12 months, and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

"Employee benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance and pensions, regardless of whether benefits are provided by a policy or practice of an employer.

"Employer" means (1) any person, partnership, corporation, association, or other business entity; and (2) the State of Illinois, municipalities and other units of local government.

"Family military leave" means leave requested by an employee who is the spouse or parent of a person called to military service lasting longer than 30 days with the State or United States pursuant to the orders of the Governor or the President of the United States.

Section 10. Family Military Leave Requirement.

(a) Any employer, as defined in Section 5 of this Act, that employs between 15 and 50 employees shall provide up to 15 days of unpaid family military leave to an employee during the time federal or State deployment orders are in effect, subject to the conditions set forth in this Section. Family military leave granted under this Act may consist of unpaid leave.

(b) An employer, as defined in Section 5 of this Act, that employs more than 50 employees shall provide up to 30 days of unpaid family military leave to an employee during the time

federal or State deployment orders are in effect, subject to the conditions set forth in this Section. Family military leave granted under this Act may consist of unpaid leave.

(c) The employee shall give at least 14 days notice of the intended date upon which the family military leave will commence if leave will consist of 5 or more consecutive work days. Where able, the employee shall consult with the employer to schedule the leave so as to not unduly disrupt the operations of the employer. Employees taking military family leave for less than 5 consecutive days shall give the employer advanced notice as is practicable. The employer may require certification from the proper military authority to verify the employee's eligibility for the family military leave requested.

(d) An employee shall not take leave as provided under this Act unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the employee, except sick leave and disability leave.

Section 15. Employee benefits protection.

(a) Any employee who exercises the right to family military leave under this Act, upon expiration of the leave, shall be entitled to be restored by the employer to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. This Section does not apply if the employer proves that the employee was not restored as provided in this Section because of conditions unrelated to the employee's exercise of rights under this Act.

(b) During any family military leave taken under this Act, the employer shall make it possible for employees to continue their benefits at the employee's expense. The employer and employee may negotiate for the employer to maintain benefits at the employer's expense for the duration of the leave.

Section 20. Effect on existing employee benefits.

(a) Taking family military leave under this Act shall not result in the loss of any employee benefit accrued before the date on which the leave commenced.

(b) Nothing in this Act shall be construed to affect an employer's obligation to comply with any collective bargaining agreement or employee benefit plan that provides greater leave rights to employees than the rights provided under this Act.

(c) The family military leave rights provided under this Act shall not be diminished by any collective bargaining agreement or employee benefit plan.

(d) Nothing in this Act shall be construed to affect or diminish the contract rights or seniority status of any other employee of any employer covered under this Act.

Section 25. Prohibited acts.

(a) An employer shall not interfere with, restrain, or deny the exercise or the attempt to exercise any right provided under this Act.

(b) An employer shall not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee that exercises any right provided under this Act.

(c) An employer shall not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for opposing any practice made unlawful by this Act.

Section 30. Enforcement. A civil action may be brought in the circuit court having jurisdiction by an employee to enforce this Act. The circuit court may enjoin any act or practice that violates or may violate this Act and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Effective Date: 8/15/2005

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217-782-3944 217-782-2050 (TTY)

America's Newspapers

Various military leave laws

Monterey County Herald, The (CA) - Friday, December 4, 2009

Author: *Jacqueline McManus Workplace Law*

QI have a fairly large company in Salinas, and I am revising the leave policies in our employee handbook. I am confused about the array of military-related leave laws.

I fully support our troops and want to provide time off as required by law, but I am having a hard time keeping track of the various military-related leaves.

A: It is prudent to review your handbook every few years to update it with new laws, and this year is no exception.

Leave laws are complicated, and the expansion of military-related leaves in the past few years present some challenges for employers.

The military leave laws to be aware of include:

California's new Military Leave Law. On Jan. 1, a new leave law will go into effect in California. The law is Assembly Bill 485, which creates the "Civil Air Patrol: California Wing: Employment Leave."

Under this law, employers are required to provide at least 10 days of unpaid leave per year to employees who are volunteer members of the California Wing of the Civil Air Patrol (the civilian auxiliary of the Air Force).

Employees are eligible if they have been employed 90 days or more at the time they are called to respond to "an emergency operational mission."

This law applies to companies with more than 15 employees. Eligible employees may take this leave in addition to any other leave benefits available.

Upon expiration of the Civil Air Patrol leave, employers are required to restore the employee to the position held when the leave began or to an equivalent position.

California Leave for Spouse or Registered Domestic Partner of Qualified Service member: This leave permits eligible employees to take up to 10 days unpaid leave during the time the employee's spouse or registered domestic partner is on leave from deployment during a period of military conflict.

To be eligible, the employee must be the spouse or registered domestic partner of a member of the U.S. Armed Forces who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the president; or a member of the National Guard or Reserves who has been deployed during a period of military conflict.

Employees who work an average of 20 or more hours per week are eligible for this leave.

Federal Family Medical Leave Act (FMLA): The FMLA applies to employers with 50 or more employees.

To qualify for FMLA leave, the employee must have worked for the employer at least one full year (52 weeks). The employee must also have worked at least 1,250 hours during the 12-month period immediately before the leave would begin.

The FMLA provides two types of military leaves:

* Military caregiver leave: Eligible employees may take up to 26 weeks unpaid leave in a single 12-month period to care for a covered service member.

A covered service member is the employee's spouse, child, parent or next of kin (nearest blood relative) who is a member of the U.S. Armed Forces (including the National Guard or Reserve), who is undergoing medical treatment for a serious injury or illness that occurred any time during the five years preceding the date of treatment, or who is temporarily disabled because of a serious injury or illness incurred in the line of active duty.

This leave is measured from the first day an employee takes leave. Employee health insurance and other benefits must continue for the entire leave period, up to 26 weeks.

* Qualifying exigency leave: An employee may take up to 12 weeks unpaid leave for one of eight defined nonmedical "qualifying exigencies" arising out of the fact that the employee's parent, child (including an adult child) or spouse is on active duty or is called to active duty in the U.S. Armed Forces, National Guard or Reserves.

Federal and state military leave. Employees who serve in U.S. military organizations or state militia groups may take unpaid leave to fulfill their service obligations. Upon completion of their service, eligible employees are entitled to reinstatement to their position, or to an equivalent position.

When an employee requests leave, it is important to determine if the employee is eligible for leave, and then determine how many leave days the employee is qualified to take.

Jacqueline McManus is a lawyer with the Fenton & Keller law firm in Monterey. This column is intended to answer questions of general interest and should not be construed as legal advice. Mail queries to "Workplace Law," c/o The Monterey County Herald, P.O. Box 271, Monterey 93942.

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Section: *z_Jacqueline_McManus*
Page: *D5*
Record Number: *17657234*
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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/12/10

FURTHER: Labor and Commerce

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/11/10

State Affairs Committee considered SENATE BILL NO. 278

SB 278 LEAVE FOR MILITARY SPOUSES

"An Act allowing certain teachers, public employees, and private sector employees to take leave without pay when their spouses are on leave from deployment in a combat zone."

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SB 278 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[✓] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	02/23/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
Joe Paskvan	Paskvan				X
Albert Kookesh	Kookesh				X
CHAIR: Linda Menard	MENARD	✓			

NFIB

The Voice of Small Business®

ALASKA

February 17, 2010

The Honorable Bill Wielechowski
State Capitol Building
Juneau, Alaska 99801-1182

RE: Senate Bill 278

Dear Senator Wielechowski:

On behalf of the National Federation of Independent Business/Alaska, I wish to express our opposition to Senate Bill 278. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

Senate Bill 278 mandates a new employee benefit on employers without consideration for the economic or logistic costs to the employer. It interjects the state into an area of employee benefits that should be left to the employment arrangements between employers and employees. By mandating this policy on employers, you limit the ability of an employer to structure the benefit package to fit the unique needs of its employees.

While we appreciate the concern for spouses of those serving as a member of the armed forces of the United States, legislation allowing an employee to take leave without notice to the employer presents a special difficulty to Alaskan employers. Such requirements cause others to work extra time with no prior notice. Depending on the position of the individual, it could disrupt the entire business operation.

Along with our general opposition to unfunded government mandates on employers, we would strongly suggest that this is not the time to add cost and disruption to businesses in Alaska. This is a time to assure that employers are able to stay in business and employ Alaskans.

Sincerely yours,

Dennis L. DeWitt
Alaska State Director

Cc: NFIB/AK Leadership Council
Senate State Affairs Committee

National Federation of Independent Business – ALASKA
P. O. Box 34761•Juneau, AK 99803-4761•907 723 6667•www.NFIB.com

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division
(Revised February 2010)

Fact Sheet #28A: The Family and Medical Leave Act Military Family Leave Entitlements

Notice: On October 28, 2009, the President signed the National Defense Authorization Act for Fiscal Year 2010 (2010 NDAA), Public Law 111-84. Section 565 of the 2010 NDAA amends the military family leave entitlements of the Family and Medical Leave Act (FMLA). These amendments expand coverage for "qualifying exigency" leave to eligible employees with covered family members in the Regular Armed Forces and coverage for "military caregiver leave" to eligible employees who are the spouse, son, daughter, parent, or next of kin of certain veterans with a "serious injury or illness". On December 21, 2009, the President signed the Airline Flight Crew Technical Corrections Act, Public Law 111-119, which modifies the FMLA eligibility requirements for flight crew members. This Fact Sheet does not incorporate these amendments to the FMLA.

The National Defense Authorization Act for Fiscal Year 2008 (2008 NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 workweeks of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The 2008 NDAA also amended the FMLA to allow eligible employees to take up to 26 workweeks of job-protected leave in a "single 12-month period" to care for a covered servicemember with a serious injury or illness. These two types of FMLA leave are known as the military family leave entitlements.

EMPLOYER COVERAGE

The FMLA applies to all public agencies, including state, local and federal employers, local education agencies (schools), **and** private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including joint employers and successors of covered employers.

EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits, an employee **must**:

- work for a covered employer;
- have worked for the employer for a total of 12 months;
- have worked at least 1,250 hours over the previous 12 months; and
- work at a location where at least 50 employees are employed by the employer within 75 miles.

MILITARY FAMILY LEAVE ENTITLEMENTS

Military Caregiver Leave: A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness up to a total of **26 workweeks** of **unpaid** leave during a "single 12-month period" to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember

medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.)

Qualifying Exigency Leave: A covered employer must grant an eligible employee up to a total of **12 workweeks** of **unpaid** leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issue arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of **seven** days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to **five** days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a **combined** total of 26 workweeks in a "single 12-month period" if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever **medically necessary** to care for a covered servicemember with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Under certain conditions, employees **or** employers may choose to "substitute" (run concurrently) accrued **paid** leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

NOTICE REQUIREMENTS

Employee Notice

Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements.

An employee does not need to specifically assert his or her rights under the FMLA, or even mention the FMLA, when providing notice. The employee must provide "sufficient information" to make the employer aware of the need for FMLA leave and the anticipated timing and duration of the leave. Depending on the situation, such information may include, as applicable:

- that the requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered military member and the anticipated duration of the leave;
- that the leave is for a qualifying family member who is a covered servicemember with a serious injury or illness and the anticipated duration of the leave.

When an employee seeks leave due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under the FMLA. Additionally, employers must either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring. Employers may use the notice prepared by U.S. Department of Labor to meet this requirement.

When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA purpose, the employer must notify the employee of his or her eligibility to take leave, including a reason for non-eligibility if the employee is determined not to be eligible. Such eligibility notice may be oral or written and should, generally, be given within five business days of the request for FMLA leave. Subsequent eligibility notice in the same 12-month leave period may be required when an employee's eligibility status changes. Employers also must inform employees of their rights and responsibilities under the FMLA, including giving specific written information on what is required of the employee.

When the employer has enough information to determine that leave is being taken for an FMLA-qualifying reason, the employer must notify the employee that the leave is designated and will be counted as FMLA leave. The employer must designate leave that qualifies as **both** leave to care for a covered servicemember with a serious injury or illness **and** leave to care for a qualifying family member with a serious health condition as leave to care for a covered servicemember in the first instance. The designation notice must be in writing and,

generally, must be given within five business days of the determination. An employer also must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA entitlement. Employers may use the optional forms WH-381 and WH-382 prepared by the U.S. Department of Labor to meet these notification requirements.

CERTIFICATION REQUIREMENTS

Employers may require that an employee's request for military family leave be supported by an appropriate certification. An employer may require that:

- leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;
- leave to care for a covered servicemember with a serious injury or illness be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember's family.

Second and third opinions and recertification are not permitted for certification of a covered servicemember's serious injury or illness or of a qualifying exigency. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, an employer may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting. Employers may use the optional forms WH-384 and WH-385 prepared by the U.S. Department of Labor for obtaining certifications for qualifying exigencies and military caregiver leave, respectively.

UNLAWFUL ACTS

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA.

ENFORCEMENT

The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also be able to bring a private civil action against an employer for violations.

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us

SB 282

ALASKA STATE LEGISLATURE

Session
State Capitol, Rm. 115
Juneau, AK 99801
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Fax: (907) 465-6615

Interim
716 W. 4th Ave, Ste. 540
Anchorage, AK 99501
(907) 269-0120
Fax: (907) 269-0122

Senator_Bill_Wielechowski@legis.state.ak.us

Co-chair
Joint Armed Services Committee
Resources Committee

Member
Energy Committee
Judiciary Committee
World Trade Committee

SENATOR BILL WIELECHOWSKI

TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Senator Bill Wielechowski

DATE: March 18, 2010

RE: Hearing Request for SB 282

Dear Senator Menard,

I respectfully ask that you schedule a hearing for **SB 282 – 2010 Permanent Fund Earnings Reserve Account**, in the Senate State Affairs Committee.

I intend to request that representatives from the appropriate state agencies and from legislative legal services be present to respond to any questions that may arise. Further, I would like to allow public testimony to be taken statewide by electronic means.

Please feel free to contact my aide Shelly Morgan at 465-3723 with any questions or concerns.

Thank you for your consideration of this request.

ALASKA STATE LEGISLATURE

Session
State Capitol, Rm. 115
Juneau, AK 99801
(907) 465-2435
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Co-chair
Joint Armed Services Committee
Resources Committee

Member
Energy Committee
Judiciary Committee
World Trade Committee

SENATOR BILL WIELECHOWSKI

Sponsor Statement: SB 282
2010 Permanent Fund Earnings Reserve Account

The intent of SB 282 is to ensure that Alaskans receive a full dividend from the Permanent Fund in 2010.

The Permanent Fund Dividend is calculated according to a complicated formula that takes into account the average amount the fund's investments have earned over the past five years. Current statute prevents the Permanent Fund Division from paying out more than 50 percent of the fund's earning reserve in any given year.

Because of the downturn in the markets over the past few years, there is a possibility that this year, the statutory limit of 50 percent could be invoked for the first time ever, reducing the dividend by as much as several hundred dollars for each eligible Alaskan. This would mean that the full amount of the calculation could not legally be appropriated from the earnings reserve even though sufficient funds exist.

SB 282 will ensure that Alaskans receive a full dividend this year, in the event that earnings fall below the threshold required for a full payout.

Please join me in supporting SB 282 to ensure Alaskans get the full amount of benefit of our state's oil revenue during these tough economic times.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB 282
() Publish Date:

Identifier (file name): SB282-REV-APFC-03-19-10
Dept. Affected: Revenue
Title: Permanent Fund Dividend Amount for 2010
RDU: AK Permanent Fund Corporation
Component: APFC Operations
Sponsor: Senator Wielechowski
Requester: Senate State Affairs Committee
Component Number: 109

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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							
1105 APFC Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

SB 282 would override the direction in AS 37.13.140-145 that limits dividend payouts to no more than 50 percent of the balance of the Permanent Fund earnings reserve for the FY10 dividend payment. This bill would not not impact the operations of the Permanent Fund.

Prepared by: Laura Achee — Phone 796-1522
Division: Alaska Permanent Fund Corporation — Date/Time 03-19-10; 2:50pm
Approved by: Ginger Blaisdell, Director — Date 03-20-10; 10.55am
Adminsitrative Services Division

(Revised 11/6/2009 OMB)

Politics

Politics, economy fuel Permanent Fund debate

Rena Delbridge
Jan 19, 2010



The Permanent Fund, that $35 billion piggy bank that pays Alaskans an annual dividend, could undergo two historical firsts this year.

For the first time ever the balance of the fund's earnings account might not cover this year's full dividend, currently estimated by the fund corporation's projections at $950. That could change with an upswing in financial markets over the next five months, but the prospect still has fund managers concerned. And second, 2010 will mark the first time in the fund's 34-year history that it won't require inflation-proofing.

The recent shakiness of financial markets, coupled with the chance that the earnings reserve may fall short of fully covering the 2010 dividend, might rejuvenate discussion in Juneau about shifting to a percent-of-market-value plan for limiting the fund's annual payouts. At the same time, the merits of the Permanent Fund dividend -- a controversial concept for some Alaskans to accept -- are playing out in an election year.

Voters created the Alaska Permanent Fund in 1976 to preserve a chunk of the state's new wealth from development of the North Slope's oil fields. A portion of the state's take on oil and gas leases and royalties goes into the principal, and the fund is invested in stocks, bonds and real estate worldwide. In October 2007, the fund hit a record value of $40 billion, with every eligible Alaskan receiving a dividend of $1,654 in 2007 and $2,069 in 2008. The downturn in the markets in 2008-09 sent the fund plummeting to $26 billion, which corrected during 2009, leveling out today at about $35.1 billion.

After those rough hits, the Permanent Fund's value is rebounding and investment markets are experiencing upward momentum. A saving grace for the dividend is that 2009's drop in the national cost of living will keep lawmakers this year from having to shift money from the earnings reserve to the main account to protect the fund from inflation. And that could help rescue the 2010 dividend.

The dividend - seen by some as a trade-off for hacking out a living in the 49th state, by others as their due share of the oil wealth, and by low-income Alaskans as essential to making ends meet -- isn't guaranteed by anything other than tradition and the certain knowledge that to suggest an alternative use for the money is considered political death. If denying Alaskans the dividend could end a political career, then protecting the dividend could be seen as political savvy.

Enter Anchorage Democrats Sen. Hollis French and Rep. Harry Crawford. They recently proposed resolutions that would let Alaskans vote on whether to secure the dividend payout in the state's constitution, protecting that money from lawmakers tapping it for other uses, such as to plug future budget gaps. A constitutional amendment, as proposed by French and Crawford, would need the approval of two-thirds of each legislative body. Alaskans would then vote on it in the 2010 election. Crawford is running for Alaska's U.S. House seat this year and French is hoping to oust Gov. Sean Parnell.

Dividend payouts are currently calculated by a formula set in state statue. The dividend is based on a five-year average of fund earnings to even out severe ups and downs. (This actually ensured a dividend in 2009 when the fund suffered a major loss.) Second, the state can't pay out more than half the money in the earnings reserve account in any year, said Michael Burns, chief executive of the Permanent Fund Corp., who was talking with lawmakers in Juneau earlier this week.

That brings us back to why Alaskans could see their dividend come up short this year. "If the dividend was calculated today, the 50 percent limit would play into the amount," Burns said. "Whether it would by June (the end of the fiscal year) is a very open-ended issue."

As of Nov. 30, the earnings reserve account totaled $779 million, a figure fund managers estimate is now about $800 million today. Still, for Alaskans to receive this year's estimated $950 dividend, for example, would require a $600 million draw, so the earnings reserve would have to hold around $1.2 billion at the end of the fiscal year.
Last year, as the fund's investments took a beating, legislators reignited talk about shifting to a percent-of-market-value management style. This tactic would meld the earnings reserve into the principal and cap withdrawals to no more than five percent of the fund's total market value, averaged over five years, under current proposals. That withdrawal would cover dividends, inflation and other spending by lawmakers. The move is seen by some as a way to boost the fund's stability, especially after Alaskans watched its value plummet in 2008-09.

Opponents say such a shift is akin to opening the sacrosanct fund to potential raids by big-spending politicians. But a key advocate for the shift -- Sen. Bert Stedman, R-Sitka and co-chairman of the Senate Finance Committee -- said it would actually protect the fund; lawmakers currently have the power to appropriate the earnings reserve for purposes other than dividends. By shifting the reserve to the principal and capping annual withdrawals at five percent, the state's oil endowment might be safer from future lawmakers, Stedman said.

"At some point we're going to run out of resource revenue - it's just a matter of when. The public is very concerned and watches that Permanent Fund," Stedman said. "Clearly, when you look at the amount of resource pumped out of Prudhoe Bay in the last two generations, we owe something to the generation that's coming in the future."

Contact Rena Delbridge at rena(at)alaskadispatch.com

Related Articles

- Why an over-the-top gas pipeline is off the table
- Economic recovery, Hawaiian style
- Slide show: 2010 Yukon Quest
- The Fortress on Fifth
- Colony Christmas

AS 37.13.140. Income.

Net income of the fund includes income of the earnings reserve account established under AS 37.13.145 . Net income of the fund shall be computed annually as of the last day of the fiscal year in accordance with generally accepted accounting principles, excluding any unrealized gains or losses. Income available for distribution equals 21 percent of the net income of the fund for the last five fiscal years, including the fiscal year just ended, but may not exceed net income of the fund for the fiscal year just ended plus the balance in the earnings reserve account described in AS 37.13.145 .

AS 37.13.145. Disposition of Income.

(a) The earnings reserve account is established as a separate account in the fund. Income from the fund shall be deposited by the corporation into the account as soon as it is received. Money in the account shall be invested in investments authorized under AS 37.13.120 .

(b) At the end of each fiscal year, the corporation shall transfer from the earnings reserve account to the dividend fund established under AS 43.23.045 , 50 percent of the income available for distribution under AS 37.13.140 .

(c) After the transfer under (b) of this section, the corporation shall transfer from the earnings reserve account to the principal of the fund an amount sufficient to offset the effect of inflation on principal of the fund during that fiscal year. However, none of the amount transferred shall be applied to increase the value of that portion of the principal attributed to the settlement of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial District) on July 1, 2004. The corporation shall calculate the amount to transfer to the principal under this subsection by
(1) computing the average of the monthly United States Consumer Price Index for all urban consumers for each of the two previous calendar years;
(2) computing the percentage change between the first and second calendar year average; and
(3) applying that rate to the value of the principal of the fund on the last day of the fiscal year just ended, including that portion of the principal attributed to the settlement of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial District).

(d) Notwithstanding (b) of this section, income earned on money awarded in or received as a result of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial District), including settlement, summary judgment, or adjustment to a royalty-in-kind contract that is tied to the outcome of this case, or interest earned on the money, or on the earnings of the money shall be treated in the same manner as other income of the Alaska permanent fund, except that it is not available for distribution to the dividend fund or for transfers to the principal under (c) of this section, and shall be annually deposited into the Alaska capital income fund (AS 37.05.565).

Alaska Statutes.
Title 43. Revenue and Taxation
Chapter 23. Permanent Fund Dividends
Section 45. Dividend Fund.
previous: Section 40. Penalties and Enforcement. [Repealed, Sec. 22 Ch 102 SLA 1982].
next: Section 50. Dividend Fund Established. [Repealed, Sec. 22 Ch 102 SLA 1982].

AS 43.23.045. Dividend Fund.

(a) The dividend fund is established as a separate fund in the state treasury. The dividend fund shall be administered by the commissioner and shall be invested by the commissioner in the same manner as provided in AS 37.10.070 .
(b) [Repealed, Sec. 29 ch 134 SLA 1992].
(c) [Repealed, Sec. 24 ch 99 SLA 1985].
(d) Unless specified otherwise in an appropriation act, the unexpended and unobligated balance of an appropriation to implement this chapter lapses into the dividend fund on June 30 of the fiscal year for which the appropriation was made and shall be used in determining the amount of and paying the subsequent year's dividend as provided in AS 43.23.025(a)(1)(B).
(e) [Repealed, Sec. 29 ch 134 SLA 1992].

AS 43.23.025. Amount of Dividend.

(a) By October 1 of each year, the commissioner shall determine the value of each permanent fund dividend for that year by
(1) determining the total amount available for dividend payments, which equals
(A) the amount of income of the Alaska permanent fund transferred to the dividend fund under AS 37.13.145 (b) during the current year;
(B) plus the unexpended and unobligated balances of prior fiscal year appropriations that lapse into the dividend fund under AS 43.23.045(d);
(C) less the amount necessary to pay prior year dividends from the dividend fund in the current year under AS 43.23.005 (h) and under AS 43.23.055(3) and (7);
(D) less the amount necessary to pay dividends from the dividend fund due to eligible applicants who, as determined by the department, filed for a previous year's dividend by the filing deadline but who were not included in a previous year's dividend computation;
(E) less appropriations from the dividend fund during the current year, including amounts to pay costs of administering the dividend program and the hold harmless provisions of AS 43.23.075 ;
(2) determining the number of individuals eligible to receive a dividend payment for the current year and the number of estates and successors eligible to receive a dividend payment for the current year under AS 43.23.005 (h); and
(3) dividing the amount determined under (1) of this subsection by the amount determined under (2) of this subsection.
(b) [Repealed, Sec. 5 ch 68 SLA 1991].

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/17/10

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 03/23/10

State Affairs Committee considered SENATE BILL NO. 282

SB 282 PERMANENT FUND DIVIDEND AMOUNT FOR 2010

"An Act relating to the amount of the transfer from the earnings reserve account of the Alaska permanent fund for 2010 permanent fund dividends; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Rev	03/19/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer			✓	
	Kookesh	✓			
	PASKVAN	X			
CHAIR:	MENARD	X			

SB 284

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595

Committee Members:
Senator Bill Wielechowski
Senator Dennis Egan
Senator Lesil McGuire
Senator John Coghill

Senate Judiciary Committee

MEMORANDUM

received
02/23/10 2:30pm

Date: February 23, 2010

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Hollis French HSF

RE: Request for Hearing - Senate Bill 284 Campaign Expenditures

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This is a request that you schedule a hearing on SB 284 Campaign Expenditures at the earliest possible date.

I have attached a sponsor statement, a copy of the bill, a sectional, several pertinent legal opinions and a few related press articles. Witnesses will include attorneys from Legislative Legal Services, the Alaska Department of Law, a representative of the Alaska Public Offices Commission and others. A list will be forwarded to your staff shortly.

If you have any questions about the legislation, please contact Cindy Smith in my office at 465-6641.

I appreciate your consideration.

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595

Committee Members:
Senator Bill Wielechowski
Senator Dennis Egan
Senator Lesil McGuire
Senator John Coghill

Senate Judiciary Committee

Sponsor Statement: Senate Bill 284 Campaign Expenditures

In the wake of the recent U.S. Supreme Court ruling, *Citizens United v. Federal Election Commission*, the Senate Judiciary Committee has worked to determine the changes to Alaska's elections laws that will be needed. Corporations have been banned from participating in Alaska's elections prior to this ruling. This means many of Alaska's laws regarding disclosure and disclaimers simply do not apply to corporations making independent expenditures to support or oppose specific candidates in elections.

Testimony from Legislative Legal Services attorneys and from the Alaska Department of Law indicated that changes would be needed to Alaska's campaign laws, and this bill was subsequently drafted to address the concerns raised by the attorneys and by committee members.

Senate Bill 284 amends state election laws to clarify that corporations are covered by all applicable reporting requirements. It expands communication identification requirements to ensure accurate reporting of top contributors, to require the approval of the content by the principal officer of the corporation, and to require statements in each communication that its content has not been authorized or approved by the candidate. It also speeds reporting requirements for communications expenditures in the last nine days of the election so that expenditures over $250 must be reported within 24 hours.

Recent opinion surveys show broad disapproval by Americans across party lines for the decision reached by the U.S. Supreme Court. In order to retain Alaskans' trust in our system it is vital that legislation be passed this year to ensure that corporations spending money to influence elections are at least required to disclose it in a timely fashion. I urge you to support Senate Bill 284.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 22, 2010

SUBJECT: Sectional summary of Senate Bill No. 284
(Work Order No. 26-LS1448\A)

TO: Senator Hollis French
Chair of the Senate Judiciary Committee
Attn: Cindy Smith

FROM: Alpheus Bullard
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Amends language relating to the applicability of AS 15.13 (state election campaigns) to clarify that the chapter applies to all contributions, expenditures, and communications made for the purpose of influencing the outcome of an election covered by the chapter.

Section 2. Amends language relating to the duties of the Alaska Public Offices Commission (APOC) to clarify that the commission will assist all persons to comply with the requirements of AS 15.13.

Section 3. Amends AS 15.13.040(d) to clarify that every person making an expenditure must report to the commission unless the person is exempted from reporting by another provision of the chapter.

Section 4. Adds new requirements to the expenditure report required under AS 15.13.040(d) and specifies that the report must be filed in accordance with AS 15.13.110(g).

Section 5. Amends language in AS 15.13.040(h) to clarify that the reporting requirements of AS 15.13.040(d) do not apply to an expenditure made by certain individuals acting independently of any other person.

Section 6. Amends AS 15.13.040(p) to clarify that a person who is required to disclose contributions received by that person in an expenditure report under AS 15.13.040(d) must report the true source of the contributions as the "contributor."

Section 7. Amends AS 15.13.067 to allow any person who has registered under AS 15.13.050 to make an expenditure in a state election for public office.

Section 8. Provides that no person, other an individual exempt from reporting under AS 15.13.040(h), may make an expenditure unless the source of the expenditure has been disclosed.

Section 9. Amends language in AS 15.13.084 to clarify that a person may not make an expenditure anonymously unless it is made (1) for certain communications, (2) in connection with a ballot proposition as that term is defined by AS 15.13.065(c), and (3) by an individual acting independently of any other person.

Section 10. Amends language in AS 15.13.086 to conform with changes made by sec. 7 of the bill.

Section 11. Expands the communication identification requirements of AS 15.13.090 to apply to communications made by all persons, and additionally requires a person other than a candidate, individual, or a political party to (1) identify the person's principal officer, (2) include a statement from that officer approving the communication, (3) provide the address of the person's principal place of business, (4) identify the person's five largest contributors, and (5) in an election for elective office, state that the communication is not authorized or approved by a candidate.

Section 12. Requires expenditure reports filed under AS 15.13.040(e) to be filed within 10 days of the expenditure being made, except for an expenditure that exceeds $250 and that is made within nine days of an election must be reported to APOC within 24 hours of the expenditure being made.

Section 13. Amends the language of AS 15.13. 111(a) to oblige all persons who are required to report under AS 15.13 to preserve certain records for a period of six years.

Section 14. Removes language from AS 15.13.135 that permitted only individuals, groups, or nongroup entities to make independent expenditures in support or in opposition to a candidate for public office. Adds language requiring all persons making certain independent expenditures to comply with AS 15.13.090.

Section 15. Repeals AS 15.13.140(a), a provision that provided that AS 15.13 should not be interpreted to prohibit a person from making independent expenditures in support or in opposition to a ballot proposition or question. As the chapter now reads, there is no ambiguity as to whether the chapter prohibits persons from making independent expenditures relating to a ballot proposition or question.

Section 16. Gives the Act an immediate effective date.

TLAB:ljw
10-121.ljw

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 284**
() Publish Date:

Identifier (file name) SB284-DOA-APOC-02-24-10
Title "An Act relating to state election campaigns ..."
Sponsor (S) JUD
Requester (S) STA

Dept. Affected: Administration
RDU AK Public Offices Commission
Component AK Public Offices Commission
Component Number 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	78.7		78.7	78.7	78.7	78.7	78.7
Travel							
Contractual	50.0						
Supplies							
Equipment	2.5						
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**131.2**	**0.0**	**78.7**	**78.7**	**78.7**	**78.7**	**78.7**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	131.2		78.7	78.7	78.7	78.7	78.7
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**131.2**	**0.0**	**78.7**	**78.7**	**78.7**	**78.7**	**78.7**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time	1		1	1	1	1	1
Part-time							
Temporary							

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

This bill would impact the Alaska Public Offices Commission (APOC) through changes to regulations and changes to the electronic filing program, currently in development. As the bill requires more reporting, it will require additional staff time in assisting the filers; preparing manuals, performing training; and tracking and auditing reports. Changes to regulations will require an amendment to an existing contract estimated at $25.0 and $25.0 is included to analyze programming changes and capital funds necessary or the electronic filing program to accomodate the new reports. This increment includes 1 FT employee (range 16, Paralegal II) with computer and furniture.

Prepared by: Holly Hill, Director — Phone (907) 334-1726
Division Alaska Public Office Commission — Date/Time 02/24/10 12:00pm
Approved by: Rachael Petro, Deputy Commissioner — Date 2/24/2010
Department of Administration

(Revised 11/6/2009 OMB)

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB284**
() Publish Date:

Identifier (file name): SB284-OOG-DOE-2-26-10
Dept. Affected: OOG
Title "An Act relating to state election campaigns, the duties of the Alaska Public Offices Commission, the reporting...."
RDU Elections
Component Elections
Sponsor Senate Judiciary Committee
Requester Senate State Affairs Committee
Component Number 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual		0.0					
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**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		0.0					
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
This legislation has no fiscal impact on the division.

Prepared by: Gail Fenumiai, Director — Phone 465-4611
Division: Division of Elections — Date/Time 2/26/10, 10:39am
Approved by: Linda Perez, Director — Date 2/26/2010
Division of Administrative Services

(Revised 10/13/2009 OMB)

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM January 25, 2010

SUBJECT: Citizens United v. Federal Election Commission
(Work Order No. 26-LS1367)

TO: Representative Jay Ramras
Attn: Jane Pierson

FROM: Alpheus Bullard
Legislative Counsel

You requested a legal analysis of the United States Supreme Court's ruling in Citizens United v. Federal Election Commission, No. 08-205, 558 U.S. ___ (January 21, 2010), and its effect on Alaska law.

WHAT IS MOST SIGNIFICANT

The Court held that the government cannot suppress political speech on the basis of the speaker's corporate identity.

WHAT THE DECISION DOES NOT DO

This is a case about independent election campaign expenditures made by corporations. Because one of the statutes involved in this case and considered by the Court concerned labor unions, it also, arguably, is a case about independent election campaign expenditures made by labor unions, though that is not made explicit in the opinion. Laws regulating corporate and union contributions to candidates, party committees, and political action committees, whether direct or in-kind, are not directly affected by the ruling. Disclosure and disclaimer requirements for communications relating to elections for public office and laws requiring corporations and unions to identify the sources of money for their political activities are also unaffected.

FACTS AND PROCEDURAL POSTURE

The case involved a documentary critical of the then potential presidential candidacy of Hillary Clinton. The documentary, "Hillary: The Movie," was produced by Citizens United, a nonprofit corporation. Anticipating that it would make the documentary available within a time period prohibited under the Bipartisan Campaign Reform Act of 2002 (BCRA),[1] Citizens United sought declaratory and injunctive relief in the United

[1] 2 U.S.C. § 431 *et seq.* (also known as the McCain-Feingold Act (Pub. L. No. 107-155, 116 Stat. 81)).

States District Court for the District of Columbia seeking to prevent the Federal Election Commission (FEC) from enforcing provisions of the BCRA.[2] Citizens United argued that § 203 of the BCRA[3] violated the First Amendment on its face and as applied to the documentary and its related advertisements, and that §§ 201[4] and 311[5] of the Act, relating to disclosure, disclaimer, and reporting requirements were, as applied to the documentary, also unconstitutional.

The United States District Court denied the injunction, holding that under § 203 of the BCRA the documentary could not be shown on television in the 30 day period preceding the 2008 Democratic primaries. The court held that the BCRA prohibitions against corporate independent expenditures were constitutional, reasoning that the question had been answered by the Supreme Court in McConnell v. Federal Election Commission, 540 U.S. 93 (2003).[6] The United States District Court held that the documentary had no other purpose than to discredit Hillary Clinton and inform viewers that she was unfit for public office, and thus the provision of the BCRA relating to electioneering communications

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[2] Citizens United v. Fed. Election Commission, 530 F. Supp. 2d 274 (D.D.C. 2008).

[3] Section 203 of the BCRA regulates "electioneering communications." Generally, these are broadcast, cable, or satellite communications made within 60 days of a general election or 30 days of a primary election. 2 U.S.C. § 434(f)(3)(A)(i). Section 203 restricts corporations (other than media corporations) and labor organizations from funding electioneering communications from their general funds except under certain specific circumstances, e.g., get-out-the-vote campaigns. 2 U.S.C. § 441b(b)(2).

[4] Under § 201 of the BCRA, persons who disburse an aggregate of $10,000 or more a year for the production and airing of electioneering communications are required to file a statement with the Federal Election Commission (FEC) that includes the names and addresses of persons who have contributed in excess of $1,000 to accounts funding the communication. See 2 U.S.C. § 434(f)(1) and (2).

[5] Under the BCRA's § 311, the entity paying for a communication that is not authorized by a candidate or the candidate's political committee, must include in the communication a statement that the organization "is responsible for the content of this advertising." See 2 U.S.C. § 441d.

[6] In McConnell, the United States Supreme Court upheld § 203 as facially constitutional, reasoning that the justifications for regulating independent corporate expenditures constituting express advocacy "apply equally" to ads that are "the functional equivalent of express advocacy." Id. at 206. The Court held that the regulation of such independent expenditures was acceptable because the government has a compelling interest in countering the kind of "corrosive and distorting effect" identified in Austin. Id. at 205.

was not unconstitutionally applied. Lastly, the court ruled that the Act's disclosure, disclaimer, and reporting requirements were not unconstitutional as applied to the documentary or its advertisements.

Citizens United appealed the decision and the Supreme Court docketed the case on August 18, 2008,[7] hearing oral arguments on March 24, 2009. However, on June 29, 2009, the Supreme Court ordered the parties to reargue the case on September 9 after submitting briefs on the larger questions of whether the Court should overrule Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990)[8], that portion of McConnell 540 U.S. 93 (2003) that found § 203 of the BCRA to be facially valid, or both.

ANALYSIS

In Citizens United, 558 U.S. ___ (January 21, 2010), the Supreme Court considered (1) the validity of § 203 of the BCRA, which prohibits corporations and unions from using their general treasury funds to make independent expenditures for speech that is an "electioneering communication"; (2) the Court's prior holding in Austin that political speech may be banned based on the speaker's corporate identity; and (3) whether §§ 201 and 311 of the BCRA, which mandate disclaimer and disclosure requirements for Citizens United's ads, were constitutionally invalid.

Prohibitions on Independent Expenditures

The Court held that § 203 of the BCRA, which prohibits certain corporations and unions from using funds from their general treasuries[9] for certain independent expenditures made to influence the outcomes of elections for federal public office, was unconstitutional.[10] It

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[7] Under § 403(a)(3) of the BCRA, the final decision of the district court in this case is "reviewable only by appeal directly to the Supreme Court of the United States."

[8] In Austin, the Court upheld a Michigan law that barred corporations from using their general treasury funds to support or oppose any state candidate, even though the spending occurred independently of that candidate's campaign operation.

[9] Prior to the ruling, to spend money on "electioneering communications" under federal law, corporations and unions were required to establish political action committees (PACS) that had a separate legal identity from the corporation or union. PACS could receive limited donations from employees, shareholders, or organization members. Now, after the Citizens United decision, corporations and unions may spend money directly from their treasuries on independent expenditures to influence elections for public office.

[10] While § 203 of the BCRA applied equally to corporations and unions, independent expenditures made by unions were not an issue before the Court, and it is not explicit in the ruling that the BCRA's independent expenditure prohibition is lifted for unions.

determined that prohibitions on corporate independent expenditures are an impermissible "ban on speech," id. at 22, and that political speech does not lose First Amendment protection "simply because its source is a corporation," id. at 26.[11]

The Court held that the case could not be decided in an examination of the relevant provisions of the BCRA alone, because the fundamental legal rationale underlying the challenged provisions of the Act was itself unjustified by a sufficient governmental interest.[12] The Court held that this rationale, identified in Austin, the prevention of "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form that have little or no correlation to the public's support for the corporation's political ideas," id. at 660, is inconsistent with the protections offered speech and speakers by the First Amendment.[13]

Precedent Overturned

The Court overruled Austin, and those portions of McConnell that upheld the BCRA's restrictions on independent expenditures made by corporations and labor organizations. It did so holding that "no sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations[,]" and "[g]overnment may not suppress political speech on the basis of the speaker's corporate identity." Citizens United, 558 U.S. at 50.[14]

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[11] Of less immediate consequence, in the absence of acknowledgement by the Court of any permissible First Amendment distinctions between corporate and natural persons, the case raises questions relating to whether corporations' newly realized equality under the First Amendment will affect (1) the constitutionality of existing prohibitions against corporate contributions to candidates in elections for public office and (2) other corporate related constitutional jurisprudence. These remain for future litigation.

[12] "When constitutional questions are 'indispensably necessary' to resolving the case at hand, 'the court must meet and decide them.'" Citizens United v. Federal Election Commission, 558 U.S. at 4 of Roberts, C.J. (concurring opinion), quoting Ex parte Randolph, 20 F. Cas. 242, 254 (No. 11, 558) (CC Va. 1833) (Marshall, C.J.).

[13] The First Amendment to the United States Constitution provides that "Congress shall make no law . . . abridging the freedom of speech . . . ."

Given the Court's interpretation of the requirements of the First Amendment, existing distinctions between "express advocacy" versus "issue advocacy" and "independent expenditures" versus contributions to candidates are less clear. Citizens United does not address these distinctions, but the logic underlying the decision suggests that they may soon be revisited.

[14] In addition to overturning Austin, the Court dismissed arguments that independent corporate expenditures in elections for federal office give rise to corruption or its appearance (Citizens United at 41 - 45) and that the government has a compelling interest

Disclosure and Disclaimer Requirements
The Court upheld the BCRA's disclosure and disclaimer requirements which were applied to the documentary (§§ 201 and 311 of the Act), holding that such requirements "may burden the ability to speak, but they 'impose no ceiling on campaign-related activities,' [Buckley v. Valeo, 424 U.S. 1, 64 (1976)] and 'do not prevent anyone from speaking,' McConnell, [540 U.S.] at 201." Citizens United, 558 U.S. at 51. Citing Buckley and McConnell, the Court held that these requirements bear a substantial relation to the government's interest in ensuring that the electorate is able to evaluate the arguments to which it is being subjected, and that Citizens United did not demonstrate that the requirements imposed a chill on the organization's (or the organization's members') speech or expression. Id. at 51 - 56.

EFFECT ON ALASKA LAW
1. Under existing AS 15.13.067 (who may make expenditures in an election for candidates for elective office) and AS 15.13.135 (independent expenditures for or against candidates), only individuals, groups, and nongroup entities, as these terms are defined under AS 15.13.400, are permitted to make independent expenditures supporting or opposing candidates in elections under AS 15.13.[15] The terms "individual," "group," and "nongroup entity" are defined at AS 15.13.400. Together, these provisions effectively prohibit independent expenditures by for-profit corporations, and are likely to be interpreted by a court as unconstitutional in light of this decision.[16]

2. For-profit corporations are currently prohibited from making independent expenditures for or against candidates in elections under AS 15.13. Because of that, existing state statutes relating to (1) disclosure of expenditures, (2) limitations on expenditures, (3) identification of communications, and (4) filing of reports[17] under AS 15.13 do not currently account for independent expenditures and communications by for-profit corporations. Given the silence of our state statutes, and the likelihood that our existing

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in regulating corporations' independent expenditures to protect dissenting shareholders from being compelled to fund corporate political speech. (Citizens United at 46 - 47).

[15] Under AS 15.13.010(a), AS 15.13 applies to elections for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, and a judge seeking judicial retention, and to elections for municipal office in municipalities with a population of more than 1,000 inhabitants unless the municipality has exempted itself from the provisions of the chapter.

[16] These statutes remain the law for the State of Alaska. If left unchanged, will they be enforced? The state could attempt to enforce them; however, enforcement would likely be quickly curtailed once the aggrieved party petitioned the state's courts.

[17] See AS 15.13.040, AS 15.13.082, AS 15.13.090, and AS 15.13.110.

statutes will not be enforced following the Court's holding in Citizens United, there are now no limits on independent expenditures made by for-profit corporations and no statutory disclosure, identification, or reporting requirements for these expenditures.

If I may be of further assistance, please advise.

TLAB:plm
10-035.plm

MEMORANDUM

STATE OF ALASKA

DEPARTMENT OF LAW

TO: Mike Nizich
Chief of Staff
Office of the Governor

DATE: February 19, 2010

FROM: Daniel S. Sullivan
Attorney General

SUBJECT: Analysis of *Citizens United v. Federal Election Commission* and its Impact on Alaska Campaign Finance Laws

The following is our response to your request for an analysis of the United States Supreme Court's decision in *Citizens United v. Federal Election Commission* 558 U.S. ___, --- S.Ct. ---- (2010) and how that decision impacts Alaska's campaign finance laws. The ruling affects the balance between a government's interest in ensuring transparent and fair elections and the First Amendment rights of organizations, such as corporations and labor unions, to engage in political speech. In this memorandum we will describe the holding of the case as well as its direct and indirect effects on Alaska law.

I. Summary

Our analysis addresses two main points. First, under *Citizens United*, Alaska may not prohibit political speech by corporations and labor unions altogether.[1] As a result, our laws prohibiting independent expenditures by corporations and labor unions in a candidate election are likely unconstitutional.

Second, Alaska's laws regarding contributions to candidates, coordinated expenditures, disclaimers, and disclosures are not directly affected by *Citizens United.* Alaska's laws continue to regulate corporate and labor union political speech through disclaimer and disclosure requirements. However, some disclaimer and disclosure laws that provide specific standards for reporting and identification of expenditures do not currently apply to corporations and labor unions.

II. *Citizens United v. Federal Election Commission*

On January 21, 2010, the United States Supreme Court issued its opinion in *Citizens United v. Federal Election Commission.*[2] The Court's main holding was that

[1] *See* 558 U.S. ___, at 2, --- S.Ct. ---- (2010).

[2] 558 U.S. ___, --- S.Ct. ---- (2010).

"the Government may regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether."[3] The particular federal law reviewed by the Court, part of the Bipartisan Campaign Reform Act of 2002,[4] prohibited corporations and unions from using their general treasury funds to make independent expenditures for speech that is an electioneering communication or for speech that expressly advocates the election or defeat of a candidate.[5] The Court held that this prohibition on corporate and labor union speech violated the First Amendment to the United States Constitution. Because the First Amendment applies to states as well as the federal government, the ruling not only strikes down the federal requirement, it also calls into question similar provisions enacted by the State of Alaska.[6]

The Court further ruled that the disclosure and disclaimer laws under the Bipartisan Campaign Reform Act are justified to provide the electorate with information about the sources of election-related spending and that disclosure assists citizens in making informed choices in the marketplace of political ideas.[7]

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[3] *Id.* at 1-2.

[4] 2 U.S.C. § 441b (2000).

[5] 2 U.S.C. § 441b(b)(2) prohibited corporations and labor unions from using general treasury funds to make expenditures on electioneering communications, which include broadcast, cable, or satellite communications that refer to a clearly identified candidate for federal office and are made within 30 days of a primary or 60 days of a general election. 2 U.S.C. § 434(f)(3)(A); 11 CFR § 100.29(a)(2)(2009).

[6] *See Gitlow v. New York*, 268 U.S. 652, 666, 45 S.Ct. 625, 630 (1925) (freedom of speech protected by the First Amendment from abridgment by Congress is among the fundamental personal rights protected by the due process clause of the Fourteenth Amendment from impairment by the States); *see also Near v. Minnesota*, 283 U.S. 697, 51 S.Ct. 625 (1931); *DeJonge v. Oregon,* 299 U.S. 353, 57 S.Ct. 255 (1937).

[7] 558 U.S. ___ , at 51-2 (citing *Buckley v. Valeo*, 424 U.S. 1, 66, 96 S.Ct. 612, 657 (1976) (*per curiam*)). Under federal law, televised electioneering communications funded by anyone other than a candidate must include a disclaimer describing the entity responsible for the content of the ad. The required statement must be made in a clearly spoken manner and displayed on the screen in a clearly readable manner for at least four seconds. It must state that the communication is not authorized by any candidate or candidate's committee and it must display the name and address of the person or group that funded the advertisement. *Id.* (citing 2 U.S.C. § 441d(a)(2)).

III. The Direct and Indirect Impacts of *Citizens United* on Alaska Laws

A. Overview

Alaska campaign finance laws regulate a majority of state elections, the ballot proposition process, lobbying, and the judicial retention process.[8] These laws regulate the conduct of candidates, political parties, individuals, lobbyists, corporations, labor unions, groups, and other entities. Both state and federal campaign finance laws make several important distinctions with respect to the application of such laws. For instance, Alaska campaign finance laws distinguish "contributions" from "expenditures." A contribution is basically a purchase, payment, or deposit rendered directly to a candidate or political party.[9] An expenditure is defined broadly to include several activities which are not direct contributions to candidates. Expenditures include direct payments for services but also include various communications.[10] An "independent expenditure" is a type of expenditure but is more limited in that it is made without any coordination with a candidate.[11]

Another important distinction is between disclosures and disclaimers. Certain campaign finance laws mandate public reporting of expenditures made. In campaign finance jurisprudence, these laws are referred to as disclosure laws. When a campaign finance law requires an identification to be placed on a communication, courts and campaign finance law commentators broadly refer to this as a disclaimer law. The Alaska Public Offices Commission enforces the legality of contributions and expenditures and also ensures that individuals and entities are properly disclosing and disclaiming their conduct as it relates to an election.[12]

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[8] *See* AS 15.13.010(a)(1)-(2)(describing scope of AS 15.13, entitled State Election Campaigns).

[9] *See* AS 15.13.400(4)(A).

[10] An expenditure is defined, in relevant part, as "a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of...influencing...[the outcome of an election]." Expenditures also include "express communications" and "electioneering communications." AS 15.13.400(6).

[11] An independent expenditure "means an expenditure that is made without the direct or indirect consultation or cooperation with, or at the suggestion or the request of, or with the prior consent of, a candidate, a candidate's campaign treasurer or deputy campaign treasurer, or another person acting as a principal or agent of the candidate." AS 15.13.400(10).

[12] *See generally* AS 15.13.010(b); AS 15.13.400(1); AS 15.13.400(8), (11), (13)-(15); AS 15.13.030.

Citizens United directly implicates one key aspect of Alaska's campaign finance laws: Alaska's prohibition on independent expenditures by corporations or labor unions in candidate elections.[13] The decision does not directly call into question the constitutionality of any other contribution, expenditure, disclaimer or disclosure law. For example, Alaska's prohibition on direct contributions to candidates by corporations and labor unions is unaffected.[14] Candidates and their agents are still prohibited from accepting contributions from corporations and labor unions.[15] A corporation or labor union still may not directly or indirectly consult or cooperate with candidates or their agents when making an expenditure.[16] Individuals are still limited to contributing $500 per year to a candidate, and $5,000 per year to a political party,[17] and corporations and labor unions must continue to follow disclosure laws whenever applicable.[18] The current statutes and regulations that require that an independent expenditure in a candidate election be reported within 10 days will be applicable to a corporation or labor union that makes such an expenditure.[19] There must be some identification of corporations or labor

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[13] *See* AS 15.13.067; AS 15.13.135(a).

[14] *See* AS 15.13.065(a); AS 15.13.074(a).

[15] AS 15.13.072(a)(1).

[16] AS 15.13.400(10). 2 AAC 50.270 provides guidance as to what constitutes an independent expenditure. Where an expenditure is based on information provided by the candidate or an agent of a group or nongroup entity, it is not an independent expenditure. An expenditure is not an independent expenditure if it is made based on data from a candidate's, group's, or nongroup entity's pollster or campaign consultant or any other person who receives compensation or reimbursement from the campaign. Solicitations to a candidate, group, or nongroup entity, or an expenditure made to finance distribution of campaign material provided by the candidate or his agents are not independent expenditures.

[17] AS 15.13.070(b)(1)-(2).

[18] *See* AS 15.13.400(14); AS 01.10.060. Because the relevant statutes define "person" to include a corporation or labor union, statutes and regulations that cover a "person" apply to any corporation or union making an independent expenditure in a candidate election.

[19] AS 15.13.040(d) states that "every individual, person, nongroup entity, or group making an expenditure shall make a full report of expenditures, upon a form prescribed by the commission, unless exempt from reporting." AS 15.13.040(e) states that "the report required under (d) must contain the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission no later than 10 days after the expenditure is made." The reporting requirement of AS 15.13.040(d) and (e) applies to all "persons"

unions making an independent expenditure as they are subject to the requirement that such independent expenditures may not be made anonymously.[20]

B. Alaska's Prohibition on Expenditures – AS 15.13.067 and AS 15.13.135(a)

Citizens United likely invalidates AS 15.13.067 and AS 15.13.135(a) in their current form. Under AS 15.13.067, expenditures in candidate elections may only be made by candidates, individuals, groups, and nongroup entities. Under AS 15.13.135(a), "independent expenditures" in candidate elections may only be made by individuals, groups and nongroup entities. Because labor unions and corporations do not fall within the definitions of individual, group, or non-group entity,[21] AS 15.13.067 and AS 15.13.135(a) prohibit corporations and labor unions from making any expenditures in candidate elections. Alaska law defines expenditure broadly to include activities which are political speech.[22] After *Citizens United*, these specific prohibitions will not likely pass constitutional muster.

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who make an expenditure. A person is defined to include corporations and unions. AS 15.13.400(14); AS 01.10.060.

Alaska regulations likewise require reporting of all independent expenditures. 2 AAC 50.270(c) provides that "a person making an independent expenditure must disclose the following on an independent expenditure report under AS 15.13.040 (d) and (e): (1) the date of the expenditure; (2) the amount of the expenditure; (3) the check number, if the expenditure is paid by check; (4) the name and address of the payee; (5) a description of items or services purchased; (6) identification of the candidate or ballot proposition the expenditure was intended to influence; (7) a statement as to whether the expenditure was intended to support or oppose the candidate or ballot proposition."

[20] AS 15.13.084 states that "a person may not make an expenditure anonymously," unless the expenditure is made by an individual acting independently and the expenditure is made for a billboard or sign, or printed material other than an advertisement in a newspaper or other periodical.

[21] AS 15.13.400(8), (11), (13).

[22] Specifically, Alaska law prohibits corporations and labor unions from making express communications, electioneering communications, and any payment made to influence the outcome of a candidate election. AS 15.13.400(6)(A)(i);(C); *see also* AS 15.13.400(5), (7). Other parts of the expenditure definition do not implicate political speech. For example, expenditures include purchases made for the purpose of a political party or direct payment of personal services rendered to a candidate or political party. *See, e.g.*, AS 15.13.400(6)(A)(ii)-(iii).

Accordingly, we recommend that these two statutes be amended to conform to the holding of *Citizens United* in order to clarify the extent to which corporations and labor unions may make independent expenditures.

C. Disclosure of Expenditures – AS 15.13.040(d) and (e)

The Supreme Court in *Citizens United* specifically upheld laws requiring the disclosure of independent expenditures. The Court found that the disclosure laws assisted the electorate in making informed choices in the marketplace of political ideas.[23] Accordingly, *Citizens United* does not suggest that Alaska's disclosure laws are in any way unconstitutional. Alaska Statute 15.13.040(d) and (e) is a disclosure law that broadly applies to corporations and labor unions making independent expenditures in a candidate election. It provides that any person making any expenditure must report the expenditure within 10 days. Because corporations and unions are deemed to be "persons" under Alaska law, this requirement applies to them as well.[24] Thus, the requirement to disclose is written broadly enough to require disclosure of expenditures made by corporations and labor unions.

D. Disclaimers For Communications – AS 15.13.084; AS 15.13.090; and AS 15.13.135(b)(2)

Citizens United upheld federal disclaimer laws.[25] Thus, the decision does not suggest that Alaska's disclaimer laws suffer from any constitutional infirmity. Alaska Statute 15.13.090 is a disclaimer law requiring certain communications to be identified by the words "paid for by" followed by the name of the candidate, group or nongroup entity paying for the communication. Alaska Statute 15.13.135(b)(2) is a disclaimer law which requires that certain independent expenditures contain a disclaimer that they are not authorized or paid for by a candidate. However, because corporations and labor unions were not permitted to make any expenditures in a candidate election, these specific statutes were not written to apply to them, and only refer to individuals, groups, and nongroup entities.

Corporations and labor unions are nevertheless subject to AS 15.13.084 which prohibits independent expenditures in a candidate election from being made

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[23] 558 U.S. at 51-2 (citing *Buckley*, 424 U.S. at 66, 96 S.Ct. at 657).

[24] *See supra* note 18. *Cf* 2 AAC 50.270(c) (reporting of independent expenditures applies to "persons," and thus to corporations and labor unions). Additionally, "persons," including corporations and labor unions, are required to preserve their expenditure records for up to 6 years after the expenditure is made. AS 15.13.111.

[25] 558 U.S. at 51-2 (citing *Buckley v. Valeo*, 424 U.S. at 66, 96 S.Ct. at 657).

anonymously; thus some identification is required.[26] This prohibition is very general and it is unclear how a corporation or labor union must identify itself when making the expenditure. This may create uncertainty among corporations and labor unions about how to proceed with speech protected under *Citizens United*. Therefore, consideration should be given to amending AS 15.13.084 to clarify how corporations or labor unions must identify themselves when exercising their right to make independent expenditures in an election. As discussed above, it would be constitutional to extend the requirements of AS 15.13.090 and AS 15.13.135(b)(2) to corporations and labor unions.

E. Other Reporting and Disclosure Issues – AS 15.13.110 and AS 15.13.086(2)

As stated above, *Citizens United* did not invalidate disclosure or disclaimer laws,[27] and Alaska statutes currently require all persons making independent expenditures to report those expenditures to The Alaska Public Offices Commission within 10 days.[28] However, policy makers should consider whether other forms of disclosure for corporations and labor unions making independent expenditures in candidate elections are appropriate. For example, under AS 15.13.110, groups, nongroup entities, and candidates must file reports for election-related activity 30 days before an election, seven days before an election, and at year's end. The reporting requirements under AS 15.13.110 do not apply to "persons" and thus corporations and labor unions, like individuals, are exempt. Because corporations and labor unions were not allowed to make independent expenditures when this statutory scheme was created, we do not believe the drafters had corporations and unions in mind when this requirement was imposed only on candidates, groups and nongroup entities.

In addition to reporting expenditures, AS 15.13.110 requires groups,[29] nongroup entities,[30] and candidates[31] to include information regarding the source of all contributions in these reports. Under current Alaska law, corporations and labor unions would be required to report only their expenditures.[32] But as there is currently no Alaska

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[26] AS 15.13.084, prohibits all "persons" from making anonymous expenditures and expenditures using a fictitious name or the name of another. As explained above, corporations and labor unions are persons under the law.

[27] 558 U.S. at 51-2.

[28] AS 15.13.040(d)-(e).

[29] AS 15.13.400(8).

[30] AS 15.13.400(13).

[31] AS 15.13.400(1).

[32] AS 15.13.040(d)-(e).

law that requires a corporation or labor union to report the source of funds used to make expenditures, corporations and labor unions could receive funds for the purpose of making an independent expenditure in a candidate election. This situation was not contemplated at the time these reporting statutes were enacted due to the prohibition on expenditures by corporations or labor unions in candidate elections.

Additionally, while candidate contributions exceeding $250 made within nine days of the election must be reported to The Alaska Public Offices Commission within 24 hours of receipt by the candidate,[33] under current law, an independent expenditure made within 10 days of a candidate election does not have to be reported until after the election.[34] The latter timeline now likely applies to corporations and labor unions making independent expenditures in candidate elections after *Citizens United.*

F. Independent Expenditures by Foreign Corporations

Federal law currently prohibits expenditures made by foreign nationals and foreign corporations in state elections.[35] *Citizens United* did not invalidate this law, nor did it decide whether the federal government has a compelling interest in preventing foreign individuals or associations from influencing our nation's political process.[36] Alaska law does not have a corresponding prohibition on expenditures made by foreign nationals or foreign corporations in our elections.[37]

IV. Conclusion

Citizens United has had both direct and indirect impacts on Alaska campaign financing laws. We recommend that those laws directly impacted by the ruling, the prohibition on expenditures by corporations and labor unions, be amended to provide more clarity to Alaskans. We also identify, for your consideration, other areas of law regulating expenditures that were indirectly impacted by this decision.

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[33] AS 15.13.110(b).

[34] *See* AS 15.13.040(d)-(e).

[35] 2 U.S.C. § 441e prohibits any foreign national, including any foreign associations such as foreign corporations, from spending funds in connection with any state or local election in the United States.

[36] 558 U.S. ___ , at 47 *citing* 2 U.S.C. § 441(e).

[37] Because Alaska law currently restricts all expenditures, Alaska statutes do not differentiate between foreign and domestic corporations. AS 15.13.400(14); AS 01.10.060.

Sec. ⏭15.13.010⏮. Applicability.

(a) This chapter applies

(1) in every election for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, or judge seeking judicial retention;

(2) to every candidate for election to a municipal office in a municipality with a population of more than 1,000 inhabitants according to the latest United States census figures or estimates of population certified as correct for administrative purposes by the Department of Commerce, Community, and Economic Development unless the municipality has exempted itself from the provisions of this chapter; a municipality may exempt its elected municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a regular election, as defined by AS 29.71.800 (20), or a special municipality-wide election called for that purpose, votes to exempt its elected municipal officers from the requirements of this chapter; the question of exemption from the requirements of this chapter may be submitted by the governing body by ordinance or by initiative election.

(b) Except as otherwise provided, this chapter applies to contributions, expenditures and communications made by a candidate, group, nongroup entity, municipality or individual for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate.

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

(d) This chapter does not limit the authority of a person to make contributions to influence the outcome of a voter proposition submitted to the public for a vote at a municipal election. In this subsection, in addition to its meaning under AS 15.13.065 (c), "proposition" means a municipal reclassification, proposal to adopt or amend a home rule charter, a unification proposal, a boundary change proposal, or the approval of an ordinance when approval by public vote is a requirement for the ordinance.

Sec. 15.13.030. Duties of the commission.

The commission shall

(1) develop and provide all forms for the reports and statements required to be made under this chapter, AS 24.45, and AS 39.50;

(2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter;

(3) receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons;

(4) compile and maintain a current list of all filed reports and statements;

(5) prepare a summary of each report filed under AS 15.13.110 and make copies of this summary available to interested persons at their actual cost;

(6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter;

(7) examine, investigate, and compare all reports, statements, and actions required by this chapter, AS 24.45, and AS 39.50;

(8) prepare and publish a biennial report concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change; the commission shall notify the legislature that the report is available;

(9) adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62 (Administrative Procedure Act); and

(10) consider a written request for an advisory opinion concerning the application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.

Sec. 15.13.040. Contributions, expenditures, and supplying of services to be reported.

(a) Except as provided in (g) and (l) of this section, each candidate shall make a full report, upon a form prescribed by the commission,

(1) listing

(A) the date and amount of all expenditures made by the candidate;

(B) the total amount of all contributions, including all funds contributed by the candidate;

(C) the name, address, date, and amount contributed by each contributor; and

(D) for contributions in excess of $50 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(2) filed in accordance with AS 15.13.110 and certified correct by the candidate or campaign treasurer.

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

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

(2) the aggregate amount of all contributions made to it; and, for all contributions in excess of $100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; for purposes of this paragraph, "contributor" means the true source of the funds, property, or services being contributed; and

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

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

(d) Every individual, person, nongroup entity, or group making an expenditure shall make a full report of expenditures, upon a form prescribed by the commission, unless exempt from reporting.

(e) The report required under (d) of this section must contain the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission no later than 10 days after the expenditure is made.

(f) During each year in which an election occurs, all businesses, persons, or groups that furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. Records of provision of services, facilities, or supplies shall be available for inspection by the commission.

(g) The provisions of (a) and (l) of this section do not apply to a delegate to a constitutional convention, a judge seeking judicial retention, or a candidate for election to a municipal office under AS ⏩15.13.010⏪, if that delegate, judge, or candidate

(1) indicates, on a form prescribed by the commission, an intent not to raise and not to expend more than $5,000 in seeking election to office, including both the primary and general elections;

(2) accepts contributions totaling not more than $5,000 in seeking election to office, including both the primary and general elections; and

(3) makes expenditures totaling not more than $5,000 in seeking election to office, including both the primary and general elections.

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

(1) cumulatively do not exceed $500 during a calendar year; and

(2) are made only for billboards, signs, or printed material concerning a ballot proposition as that term is defined by AS 15.13.065(c).

(i) The permission of the owner of real or personal property to post political signs, including bumper stickers, or to use space for an event or to store campaign-related materials is not considered to be a contribution to a candidate under this chapter unless the owner customarily charges a fee or receives payment for that activity. The fact that the owner customarily charges a fee or receives payment for posting signs that are not political signs is not determinative of whether the owner customarily does so for political signs.

(j) Except as provided in (l) of this section, each nongroup entity shall make a full report in accordance with AS 15.13.110 upon a form prescribed by the commission and certified by the nongroup entity's treasurer, listing

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

(2) the aggregate amount of all contributions made to the nongroup entity for the purpose of influencing the outcome of an election;

(3) for all contributions described in (2) of this subsection, the name, address, date, and amount contributed by each contributor and, for all contributions described in (2) of this subsection in excess of $250 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(4) the date and amount of all contributions made by the nongroup entity, and, except as provided for certain independent expenditures in AS 15.13.135 (a), all expenditures made, incurred, or authorized by the nongroup entity, for the purpose of influencing the outcome of an election; a nongroup entity shall report contributions made to a different nongroup entity for the purpose of influencing the outcome of an election and expenditures made on behalf of a different nongroup entity for the purpose of influencing the outcome of an election as soon as the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of an election reach $500 in a year and for all subsequent contributions and expenditures to that nongroup entity in a year whenever the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of an election that have not been reported under this paragraph reach $500.

(k) Every individual, person, nongroup entity, or group contributing a total of $500 or more to a group organized for the principal purpose of influencing the outcome of a proposition shall report the contribution or contributions on a form prescribed by the commission not later than 30 days after the contribution that requires the contributor to report under this subsection is made. The report must include the name, address, principal occupation, and employer of the individual filing the report and the amount of the contribution, as well as the total amount of contributions made to that group by that individual, person, nongroup entity, or group during the calendar year.

(l) Notwithstanding (a), (b), and (j) of this section, for any fund-raising activity in which contributions are in amounts or values that do not exceed $50 a person, the candidate, group, or nongroup entity shall report contributions and expenditures and supplying of services under this subsection as follows:

(1) a report under this subsection must

(A) describe the fund-raising activity;

(B) include the number of persons making contributions and the total proceeds from the activity;

(C) report all contributions made for the fund-raising activity that do not exceed $50 a person in amount or value; if a contribution for the fund-raising activity exceeds $50, the contribution shall be reported under (a), (b), and (j) of this section;

(2) for purposes of this subsection,

(A) "contribution" means a cash donation, a purchase such as the purchase of a ticket, the purchase of goods or services offered for sale at a fund-raising activity, or a donation of goods or services for the fund-raising activity;

(B) "fund-raising activity" means an activity, event, or sale of goods undertaken by a candidate, group, or nongroup entity in which contributions are $50 a person or less in amount or value.

(m) Information required under this chapter shall be submitted to the commission electronically, except that the following information may be submitted in clear and legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission:

(1) information submitted by

(A) a candidate for election to a borough or city office of mayor, membership on a borough assembly, city council, or school board, or any state office, who meets the requirements of (g)(1) - (3) of this section; or

(B) a candidate for municipal office for a municipality with a population of less than 15,000; in this subparagraph, "municipal office" means the office of an elected borough or city

(i) mayor; or

(ii) assembly, council, or school board member;

(2) any information if the commission determines that circumstances warrant an exception to the electronic submission requirement.

(n) The commission shall print the forms to be provided under this chapter so that the front and back of each page have the same orientation when the page is rotated on the vertical axis of the page.

(o) Information required by this chapter that is submitted to the commission on paper and not electronically shall be electronically scanned and published on the Internet by the commission, in a format accessible to the general public, within two working days after the commission receives the information.

(p) For purposes of (b) and (j) of this section, "contributor" means the true source of the funds, property, or services being contributed.

Sec. 15.13.067. Who may make expenditures.

Only the following may make an expenditure in an election for candidates for elective office:

(1) the candidate;

(2) an individual;

(3) a group that has registered under AS 15.13.050 ; and

(4) a nongroup entity that has registered under AS 15.13.050 .

Sec. 15.13.082. Limitations on expenditures.

(a) A candidate or group may not make an expenditure in cash that exceeds $100 unless the candidate, or the campaign treasurer or deputy campaign treasurer, obtains a written receipt from the person to whom the expenditure is made.

(b) A candidate, group, or nongroup entity may not make an expenditure unless the source of the expenditure has been disclosed as required by this chapter.

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

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

(2) the date and amount of the contribution.

Sec. 15.13.084. Prohibited expenditures.

A person may not make an expenditure

(1) anonymously, unless the expenditure is

(A) paid for by an individual acting independently of any group or nongroup entity and independently of any other individual;

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

(C) made for

(i) a billboard or sign; or

(ii) printed material, other than an advertisement made in a newspaper or other periodical;

(2) using a fictitious name or using the name of another.

Sec. 15.13.086. Authorized makers of expenditures.

An expenditure

(1) authorized by or in behalf of a candidate may be made only by

(A) the candidate; or

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

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

Sec. 15.13.090. Identification of communication.

(a) All communications shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group, nongroup entity, or individual paying for the communication. In addition, candidates and groups may identify the name of their campaign chairperson.

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

(1) is paid for by an individual acting independently of any group or nongroup entity 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.

Sec. 15.13.110. Filing of reports.

(a) Each candidate, group, and nongroup entity 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 covered by the most recent previous report. If the report is a first report, it must cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it must cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on February 1 of that year. The report shall be filed

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

(2) one week before the election;

(3) 105 days after a special election; and

(4) February 15 for expenditures made and contributions received that were not reported previously, including, if applicable, all amounts expended from a public office expense term account established under AS 15.13.116(a)(8) and all amounts expended from a municipal office account under AS 15.13.116 (a)(9), or when expenditures were not made or contributions were not received during the previous year.

(b) Each contribution that exceeds $250 and that is made within nine days of the election shall be reported to the commission by date, amount, and contributor within 24 hours of receipt by the candidate, group, campaign treasurer, or deputy campaign treasurer. Each contribution to a nongroup entity for the purpose of influencing the outcome of an election that exceeds $250 and that is made within nine days of the election shall be reported to the commission by date, amount, and contributor within 24 hours of receipt by the nongroup entity.

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

(d) *[Repealed, Sec. 35 ch 126 SLA 1994].*

(e) A group formed to sponsor an initiative, a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section.

(f) During the year in which the election is scheduled, each of the following shall file the campaign disclosure reports in the manner and at the times required by this section:

(1) a person who, under the regulations adopted by the commission to implement AS 15.13.100, indicates an intention to become a candidate for elective state executive or legislative office;

(2) a person who has filed a nominating petition under AS 15.25.140 - 15.25.200 to become a candidate at the general election for elective state executive or legislative office;

(3) a person who campaigns as a write-in candidate for elective state executive or legislative office at the general election; and

(4) a group or nongroup entity that receives contributions or makes expenditures on behalf of or in opposition to a person described in (1) - (3) of this subsection, except as provided for certain independent expenditures by nongroup entities in AS 15.13.135 (a).

Sec. 15.13.111. Preservation of records.

(a) Each candidate, group, nongroup entity, or person required to report under this chapter shall preserve all records necessary to substantiate information required to be reported under this chapter for a period of six years from the date of the election for which the information was required to be reported, unless the records have been submitted to the commission under (c) of this section.

(b) Information preserved under (a) of this section must be made available for inspection by the commission.

(c) A candidate for state elected office who was not elected or a person who has left state elected office may submit the records required to be preserved under (a) of this section to the commission electronically. Records submitted under this subsection shall be preserved by the commission for a period of six years from the date of the election for which the information was required to be reported.

Sec. 15.13.135. Independent expenditures for or against candidates.

(a) Only an individual, group, or nongroup entity may make an independent expenditure supporting or opposing a candidate for election to public office. An independent expenditure supporting or opposing a candidate for election to public office, except an independent expenditure made by a nongroup entity with an annual operating budget of $250 or less, shall be reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110 and other requirements of this chapter.

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

(1) shall comply with AS 15.13.090 ; and

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

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

Sec. 15.13.140. Independent expenditures for or against ballot proposition or question.

(a) This chapter does not prohibit a person from making independent expenditures in support of or in opposition to a ballot proposition or question.

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

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

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

Sec.15.13.400. Definitions

In this chapter,

(1) "candidate"

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

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

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

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

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

(iv) the candidate's campaign committee; and

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

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

(3) "communication" means an announcement or advertisement disseminated through print or broadcast media, including radio, television, cable, and satellite, the Internet, or through a mass mailing, excluding those placed by an individual or nongroup entity and costing $500 or less and those that do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c);

(4) "contribution"

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

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party;

(5) "electioneering communication" means a communication that

(A) directly or indirectly identifies a candidate;

(B) addresses an issue of national, state, or local political importance and attributes a position on that issue to the candidate identified; and

(C) occurs within the 30 days preceding a general or municipal election;

(6) "expenditure"

(A) means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party; or

(iv) influencing the outcome of a ballot proposition or question;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(C) includes an express communication and an electioneering communication, but does not include an issues communication;

(7) "express communication" means a communication that, when read as a whole and with limited reference to outside events, is susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate;

(8) "group" means

(A) every state and regional executive committee of a political party; and

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate;

(9) "immediate family" means the spouse, parents, children, including a stepchild and an adoptive child, and siblings of an individual;

(10) "independent expenditure" means an expenditure that is made without the direct or indirect consultation or cooperation with, or at the suggestion or the request of, or with the prior consent of, a candidate, a candidate's campaign treasurer or deputy campaign treasurer, or another person acting as a principal or agent of the candidate;

(11) "individual" means a natural person;

(12) "issues communication" means a communication that

(A) directly or indirectly identifies a candidate; and

(B) addresses an issue of national, state, or local political importance and does not support or oppose a candidate for election to public office.

(13) "nongroup entity" means a person, other than an individual, that takes action the major purpose of which is to influence the outcome of an election, and that

(A) cannot participate in business activities;

(B) does not have shareholders who have a claim on corporate earnings; and

(C) is independent from the influence of business corporations.

(14) "person" has the meaning given in AS 01.10.060 , and includes a labor union, nongroup entity, and a group;

(15) "political party" means any group that is a political party under AS 15.60.010 and any subordinate unit of that group if, consistent with the rules or bylaws of the political party, the unit conducts or supports campaign operations in a municipality, neighborhood, house district, or precinct;

(16) "publicly funded entity" means a person, other than an individual, that receives half or more of the money on which it operates during a calendar year from government, including a public corporation.

Chapter 15.15. ELECTIONS AND BALLOTS

JUNEAU EMPIRE

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Outside editorials

Freedom of speech: Who's paying for it?

The following editorial appeared in the Philadelphia Inquirer:

A proposal that would make it easier to find out who is paying for political ads in federal elections is needed after the damage caused by a recent Supreme Court ruling.

The measure from Democrats would require corporations, unions, and advocacy groups, now freed from restrictions against spending on individual races, to stand up for their ads by clearly identifying who paid for them.

Groups running ads for or against a candidate would be required to report their donors to the Federal Election Commission. They'd also need to identify the top five donors in the advertising. And, in some cases, a corporate CEO would have to appear on camera to say that he or she approves "this message," just as candidates do.

These proposed rules could be, and should be, in place in time for the general election this year.

This action is a necessary response to the Supreme Court's 5-4 ruling last month that allows corporations to spend money directly on political campaigns to advocate for or against specific candidates. Election-law loopholes that existed before the ruling would enable corporations now to fund campaign ads without disclosing who paid for them.

The impact of the court's decision isn't hard to imagine. The future could look a lot more like the current mysterious TV ad urging Sens. Bob Casey, D-Pa., and Arlen Specter, D-Pa., to vote against a bill that would regulate financial institutions.

This scare tactic calls the legislation a "new $4 trillion bailout for banks," although the bill is actually an attempt to reform Wall Street and create a new agency to protect consumers of financial products.

The ad was funded by something called the "Committee for Truth in Politics," a shadowy group that refuses to disclose any details of its spending to the FEC. It was created by a Republican operative in North Carolina. But it's impossible to tell from the ad itself who is paying for it, let alone for viewers to evaluate its substance.

The Supreme Court has allowed third parties to virtually take over individual elections with unlimited spending. The unfortunate fact is that there's very little Congress can do to control the new flood of money that corporations and unions can pour into campaigns.

But lawmakers can at least require these players to disclose their activities fully. That will help audiences judge for themselves the motivations behind such advertising.

Legislation sponsored by Sen. Charles Schumer, D-N.Y., and Rep. Chris Van Hollen, D-Md., would require corporations to disclose political expenditures on their Web sites within 24 hours, and to inform shareholders quarterly.

There should be bipartisan support for their proposal. A new Washington Post-ABC News poll found that 85 percent of Democrats and 76 percent of Republicans oppose the Supreme Court's decision, and 72 percent of those polled favor new campaign-finance limits.

The court undermined decades of sensible election law, and the damage can't be easily undone. Greater transparency is the minimum required to start picking up the pieces of this harmful ruling.

The Washington Post

Poll: Large majority opposes Supreme Court's decision on campaign financing

Washington Post Staff Writer
By Dan Eggen
Wednesday, February 17, 2010; 4:38 PM

Americans of both parties overwhelmingly oppose a Supreme Court ruling that allows corporations and unions to spend as much as they want on political campaigns, and most favor new limits on such spending, according to a new Washington Post-ABC News poll.

Eight in 10 poll respondents say they oppose the high court's Jan. 21 decision to allow unfettered corporate political spending, with 65 percent "strongly" opposed. Nearly as many backed congressional action to curb the ruling, with 72 percent in favor of reinstating limits.

The poll reveals relatively little difference of opinion on the issue among Democrats (85 percent opposed to the ruling), Republicans (76 percent) and independents (81 percent).

The results suggest a strong reservoir of bipartisan support on the issue for President Obama and congressional Democrats, who are in the midst of crafting legislation aimed at limiting the impact of the high court's decision.

"If there's one thing that Americans from the left, right and center can all agree on, it's that they don't want more special interests in our politics," Sen. Charles Schumer (D-N.Y.), who is spearheading the legislative effort, said in a statement after the poll was released Wednesday.

"We hope we can get strong and quick bipartisan support for our legislation, which passes constitutional muster but will still effectively limit the influence of special interests."

Under legislation being drafted by Schumer and Rep. Chris Van Hollen (D-Md.), companies with foreign ownership or federal contracting ties would be limited in their ability to spend corporate money on elections.

The lawmakers also want to require companies to inform shareholders about political spending; to mandate special

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Our view: Full disclosure

Lawmakers offer swift response to Supreme Court ruling

(02/20/10 18:21:43)

On Thursday, Jan. 21, the United States Supreme Court ruled that corporations and unions can spend freely to support or oppose a candidate for federal office right up to Election Day. On Friday, Feb. 19, lawmakers in the Alaska Legislature proposed bills that would require strict disclosure and disclaimer statements on such advertising.

Well done.

Sen. Hollis French, Rep. Les Gara and Rep. Scott Kawasaki led the way with this rapid response to the court's decision in Citizens United v. Federal Elections Commission. They're also backing a long-term response aimed at overturning the court's decision. That legislation would deny the status of personhood to corporations for the purpose of influencing elections. First, the rapid response.

STAND UP AND BE COUNTED

Identical bills in the House and Senate would require all "persons," the legal standing of corporations affirmed by the court's decision, to disclose in detail to the Alaska Public Offices Commission all contributions and expenditures on behalf of or against a candidate, a full list of the corporate officers and directors if applicable and the name of the ballot measure or candidate addressed.

In addition, any campaign advertising would have to include the "person's" principal officer and title, the address of the business and the names of the "person's" top five contributors to the campaign.

The disclaimer would have to make clear to anyone reading, hearing or viewing a campaign ad that the candidate in question does not authorize or endorse the ad.

These laws would become effective in Alaska immediately upon passage -- if they're passed this session, we'd keep any corporate and union spending right out in the light for the 2010 primary and general elections.

Disclosure must be an absolute in Alaska politics. We've had experience of bogus front groups masking large amounts of money aimed to help or hurt candidates and ballot initiatives. While the court's ruling left federal disclosure rules intact, it

left Alaska open to nondisclosure because we didn't allow corporations to directly support or oppose candidates; hence we had no disclosure rules in place when the justices opened the door to corporate giving.

The message and the law needs to be strong and clear: If you want to participate in Alaska campaign politics, stand up and be counted -- by name, by number, by affiliation and by amount. We want to know who you are, how many you are, who you're with and how much you're contributing.

That way we can figure out where your interests lie -- and where the candidate you're backing may stand.

If you want anonymity, stay out of the game. Alaska politics should be secret in one place -- the voting booth.

These disclosure and disclaimer bills, Senate Bill 284 and House Bill 358, deserve expedited committee hearings and swift passage. They'll keep Alaska politics open and the political players out front where they belong.

TAKING ON THE COURT

The same lawmakers are backing short bills (Senate Bill 285, House Bill 359) that say simply that corporations are not persons when it comes to election spending. The aim here is to restore the authority of the federal government and the states to place limits on corporate power over elections and candidates.

The reason is simple. The largest corporations have enormous resources. And the plain truth -- the "common sense" referred to by Justice John Paul Stevens in his dissent from the January ruling -- is that effective free speech in a modern election is not free.

Thus, the organizations with the most money buy the most speech. With the court's ruling, that's more likely than ever before. Corporate interests could dominate radio, television and print advertising and have the power to drown out dissenting voices. Candidates -- despite any disclaimers -- could find themselves ever more beholden to corporate interests that outspend their own campaigns and claim credit for their victories.

A healthy representative democracy limits such power.

Given the Supreme Court's decision, such a law likely would be challenged. That's the idea. The sponsors want the court to rethink the Citizens United case.

Sen. French said these bills will take more time and are part of a national chorus of opposition to the court's ruling. Alaska's voice should be clear in that chorus. The court's January ruling is the law of the land for now. That's all the more reason to get tough disclosure laws on the books.

BOTTOM LINE: The Legislature should waste no time approving tough disclosure laws -- and provide the means to enforce them.

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Citizens United: Questions and Answers
Public Policy and Law Alert

by Tim L. Peckinpaugh, Stephen P. Roberts . February 12, 2010

The Supreme Court's holding in *Citizens United v. FEC* released on January 21, 2010 resolved the narrow issue of whether a corporation may make previously prohibited independent expenditures directly advocating for or against a federal candidate. The opinion, however, generated many questions as to its broader implications and new requirements for compliance. Basic answers to those most-often asked questions are provided below, and we are available to answer questions related to specific situations.

1) Will foreign corporations based outside the U.S. or those with a foreign connection now be able to make independent expenditures?

No. The Supreme Court neither considered nor overruled the still-valid portion of existing law that prohibits a "foreign national" from making a direct or indirect contribution to a campaign for federal, state or local election. A foreign national is defined, in part, as "*a partnership, association, **corporation**, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country*." 2 U.S.C. § 441e; 22 U.S.C. § 611(b); 11 C.F.R. § 110.20(a)(3) (emphasis added). Foreign nationals are further prohibited from making any "expenditure, independent expenditure, or disbursement" in connection with a federal, state or local election. 11 C.F.R. § 110.20(f).

2) Will U.S. subsidiaries of foreign corporations be exempt?

Yes. The definition of "foreign national" exempts any person that is "not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States." 22 U.S.C. § 611(b)(2). The Federal Election Commission ("FEC") has determined that this exemption includes a U.S. corporation that is a subsidiary of a foreign corporation, so long as the foreign parent does not finance U.S. political

activities and no foreign national participates in any decision to make expenditures. Many of the legislative proposals that "respond" to *Citizens United* seek to tighten or close this exemption.

3) Will the application of the law apply equally to labor unions?

Yes. The Court's decision discusses the ban on independent expenditures by corporations and labor unions interchangeably, although it stops short of explicitly invalidating the ban for labor unions (as the facts of the case applied only to corporations). In his concurrence, Chief Justice Roberts stated that "Congress may not prohibit political speech, even if the speaker is a corporation or union." The FEC has announced that it will no longer enforce statutory prohibitions against independent expenditures by either corporations or labor unions.

4) What information must be disclosed by corporations making independent expenditures?

Existing disclosure and disclaimer requirements remain intact after *Citizens United.*

Currently, any entity, including a corporation that spends more than $10,000 per year on electioneering communications, must file a disclosure statement with the FEC, sometimes within 24 hours of the date of a communication's first public dissemination. That disclosure must state who makes the expenditure, the amount, the election to which the communication was directed, and the names of those entities donating $1,000 or more to the entity making the disbursements for that communication. Furthermore, a corporation (or any non-candidate funding an electioneering communication) must state at the end of a television or radio advertisement that "*ABC Corporation* is responsible for the content of this advertising" and must do so in a clear, direct way pursuant to certain technical requirements.

Disclosure requirements differ based on the type of independent expenditure; however, most independent expenditures must ultimately be reported to the FEC. The FEC has made clear that corporations and labor unions must continue to report their independent expenditures as before.

Practically speaking, corporations will be required to answer for the content of any independent expenditures. In deciding whether to make this type of independent expenditure, a corporation's board must consider whether it is good business to stand by its political independent expenditures.

5) How is "coordination" defined for the purpose of proving whether an expenditure is truly independent?

Problematically, *Citizens United* places considerable weight on a shaky, unsettled portion of FEC regulations. At the time of the decision, the definition of "coordination" was still under development for determining whether a particular communication is independent, and thus permissible for a corporation to make, or is coordinated, and thus prohibited. On October 8, 2009, the FEC had begun its third round of rulemaking to resolve this precise problem. After the decision, the FEC issued a supplemental notice of rulemaking and sought additional public comment.

As the law now stands, the FEC determines "coordination" for a communication through a multi-prong test determining the source of the payment for the communication, content of the communication and conduct of those entities behind the communication. The existing definition of "coordination" is a communication "made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee or their agents, or a political party committee or its agents."

6) Will corporations be able to deduct political independent expenditures as business expenses?

No. Political expenditures are not currently deductible under the "ordinary and necessary" business expenses, and the Court's decision in *Citizens United* has done nothing to change that longstanding rule.

7) What are possible legislative responses?

In just the short time since the decision, the legislative response to this ruling has been considerable. For instance, one Member of Congress has already introduced a constitutional amendment that would restrict all corporations and labor organizations from making independent expenditures. Another proposal would require a corporation's CEO to appear on an advertisement "approving" its content and declaring the percentage of a corporation's total treasury spent on that independent expenditure.

Members have also discussed a number of less drastic new prohibitions on corporate speech. For instance, some have argued that the traditional ban on independent expenditures be maintained for corporations which employ or retain Washington lobbyists, have a government contract, or receive

government subsidy or bailout funds. Also proposed are corporate governance reforms that would require a corporation to first obtain majority shareholder approval before funding independent political speech.

The most likely proposal to gain bipartisan support is a collection of tougher restrictions on "foreign national" political participation through their U.S. subsidiaries.

8) Should corporations with PACs now alter their PAC budgets to plan for expenditures in line with this decision?

No. While this decision clears the way for a corporation to make an *independent* expenditure, such as television or radio advertising, that directly supports or advocates for or against a candidate, a corporation still may not use its general treasury funds to make a *direct contribution* to a candidate or party. The PAC remains the only method by which a corporation, or rather its donor employees and shareholders, may make a contribution to a candidate. Moreover, the corporate connected PAC could become even more relevant as a candidate could be pressured to raise even more "hard money" than ever before to defend themselves against independent expenditure advertising campaigns.

9) When will FEC issue guidance, and why does it matter?

In the wake of the decision, the FEC has already issued public guidance on which parts of existing law it will no longer enforce, begun new rulemakings and extended others, and instructed corporations and labor unions to continue to report independent expenditures as before. Until the FEC issues guidance or rules outlining additional specifics of compliance with the Supreme Court's ruling, as well as clarifies whether any additional restrictions on disclosure may be considered with regards to how an independent expenditure must be reported, a corporation making such expenditures may be at risk of enforcement action by the FEC.

The FEC may consider such regulations for a lengthy period of time. The FEC is engaged in multiple rulemakings related to a separate court ruling, and it recently reopened public comment on its proposed definition of "coordinated." As such, it may be several months before the FEC completes any rulemakings required by *Citizens United*. However, increased pressure to have rules in place in advance of the 2010 general election may encourage the FEC to act quickly in resolving uncertainty around its enforcement of *Citizens United*. For instance, on the day of the decision the FEC announced

that it would issue guidance in accordance with the decision "as soon as possible." The FEC Chairman reiterated his intent to issue expedited guidance at a recent Commission meeting.

10) How will corporations likely take advantage of their opportunity to make independent political expenditures?

Just because a corporation may make an independent direct advocacy expenditure doesn't mean that it should. Since the entity or entities financing independent expenditures must be disclosed, a corporation leading the way against a particular candidate risks alienating a significant block of its potential customer or shareholder base. Moreover, upon the first major corporate-funded public communications airing, media coverage is likely to focus on the corporation's involvement in the campaign rather than the content of any advocacy.

Therefore, most corporations will probably proceed cautiously. If such independent expenditures are made, groups of corporations within an industry may form coalitions or use existing trade associations to support candidates favorable to policy positions that affect the group as a whole. While corporations that contribute to these expenditures might still be disclosed, this indirect approach can provide sufficient cover such that no single contributing entity receives the bulk of public scrutiny.

Corporations could further lower their profile in such cases by not making contributions specific to a particular expenditure by that third-party corporation. Such independent expenditures can also take the form of advertisements in "under-the radar" sources, such as ideologically-based talk radio, web-based ads or phone banks. Since state and local laws preventing corporate political expenditures will also likely be repealed as a result of *Citizens United*, small corporations may also become involved in state and local races through regional media.

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Life After *Citizens United*

Updated March 1, 2010

The U.S. Supreme Court's January 21, 2010, ruling in Citizens United v. FEC is certain to have a profound effect on the laws governing corporate political activity in nearly half the states. The court ruled that the federal government may not prohibit direct corporate and union spending in advertising for candidate elections. While the ruling does not directly affect state laws, there are at least 23 states that currently prohibit or restrict corporate and union spending on candidate elections. It is very likely that these states will act to either repeal or re-write these laws, or face legal challenge under the new standard set by *Citizens United*. Furthermore, it is likely that states will elect not to enforce these laws from this point forward, which will radically change the political landscape as we head into the 2010 elections. It is important to note that the *Citizens United* decision does not strike down bans on corporate and union contributions to candidates, which currently exist in 23 states. Only the ban on direct corporate and union spending on campaign advertising is addressed by this decision.

States Respond to Citizens United

Connecticut, North Dakota, Ohio, Pennsylvania -- legislators and state officials are reviewing the case and have not yet decided how to proceed.

Alaska -- The Attorney General issued an opinion on February 22, stating that Alaska's ban on corporate and union independent expenditures are likely unconstitutional in view of *Citizens United.* These bills include HB 358, HB 401, HB 409, and SB 284. All would include independent expenditures by corporations and unions in the current disclosure requirements, and clarify attirbution requirements for advertisements.

Arizona - SB 1444, introduced on February 16, 2010, would require corporations and labor unions that make independent expenditures in candidate campaigns to register and file disclosure reports. HB 2788 is a companion bill.

Colorado governor Bill Ritter has asked the state's supreme court to evaluate the constitutionality of two provisions of the state's constitution that appear to be directly affected by Citizens United. Also, the state Republican Party has announced its intention to file suit against Colorado's law. It is possible that the suit could challenge a broader scope of the law than the two sections that are affected by Citizens United.

Iowa -- the director of the Ethics and Campaign Disclosure Board has sent an e-mail to legislators telling them that Citizens United effectively overturns Iowa law. SF 2354, introduced on February 15, 2010, requires corporations to obtain permission from a majority of their shareholders prior to making an independent expenditure, requires corporations to report their independent expenditures to the Ethics and Campaign Finance Disclosure Board, prohibits coordination between candidates and corporations, and requires certain attributions on corporate-funded advertisements.

Maryland -- HB 616, introduced on February 3, 2010, would require stockholder approval and public disclosure of corporate independent expenditures in excess of $10,000. HB 690 and SB 691 would prohibit government contractors from making independent expenditures. HB 986 and SB 570 would require board of director and stockholder approval for corporate independent expenditures, and would prohibit the distribution of material that is not true. HB 1029 and SB 543 would establish disclosure requirements for corporate independent expenditures. SB 601 would prohibit corporate contributions to candidates and corporate-funded independent expenditures. HB 1225 would require that corporate-sponsored ads include an attribution statement.

Michigan -- the secretary of state has posted SF a detailed description of how Citizens United affects the state, including an FAQ section.

Minnesota -- SF 2353, introduced on February 4, 2010, would repeal the ban on independent expenditures by corporations.

Montana -- the attorney general has said the state's ban on corporate expenditures will stay in place until it is challenged.

North Carolina -- the executive director of the State Board of elections has said that the law appears to be unenforceable, but they are still working to understand the full meaning of the decision.

Oklahoma -- the Ethics Commission is working on amendments to change and remove the relevant portions of state rules.

South Dakota - SB 165, which was deferred to the 41st legislative day (effectively killing the bill) on February 10, 2010, would have prohibited corporations from making political expenditures without shareholder approval.

Tennessee -- HB 3587 and SB 3118, introduced on January 27, 2010, and HB 3626 and SB 3303, introduced on January 28, would establish disclosure and attribution requirements for corporate-funded independent expenditures. HB 3182 and SB 3198 (introduced on January 27, 2010), HB 3714 and SB 3664 (iintroduced on January 28), HB 3715 and SB 3633 (introduced on January 28), and SB 3797 (introduced on January 28) would prohibit foreign corporations from using funds to aid either in the election or defeat of any candidate for office. Companion bills HB 3713 and SB 3672, and SB 3798, all introduced January 28, would create a Class B misdemeanor for the use of corporate funds to aid in the election or defeat of a judicial candidate.

West Virginia - HB 4647, introduced on February 22, 2010, repeals the ban on corporate express advocacy and applies detailed disclosure requirements for money spent by corporations on political advertising.

Wisconsin -- the Senate passed SB 43 just two days before the release of the Citizens United decision. This bill would ban corporate and union funding of electioneering bans and require greater disclosure. The bill's sponsors say they are hoping to salvage the disclosure portions of the bill. Also, the Government Accountability Board is considering rules that would require greater disclosure. SB 540, introduced February 17, 2010, repeals Wisconsin's ban on corporate independent expenditures. It also requires a corporation to file documentation of a vote of shareholders taken within the past two years approving campaign expenditures before making such an expenditure.

Wyoming -- HB 68, which would repeal the ban on independent expenditures by corporations, is pending in the Legislature.

State Bans on the Use of Corporate and Union Treasury Funds for Campaign Advertising

State	Summary of Ban & Cite
Alabama	Corporations cannot fund ads directly under their own name, but must pay for them thru a PAC; corporations cannot contribute to a PAC (NOTE: this opinion applied specifically to spending on ads for/against referenda; not entirely clear that it applies to ads for/against candidates too) (AG Opinion 82-088; conversation with SOS staff on 1/25/10) (§10-2A-70 and 10-2A-70.1)
Alaska	Only an individual, group, or nongroup entity may make an independent expenditure supporting or opposing a candidate (the definitions of these terms exclude corporations and unions) (§15.13.067, 15.13.135)
Arizona	It shall be unlawful for any corporation, organized or doing business in this state, to make any contribution of money or anything of value for the purpose of influencing any election or official action. (Const. Art. 14, §18) It is unlawful for a corporation, a limited liability company, or a labor organization to make any contribution of money or anything of value for the purpose of influencing an election (§16-919) State law has a specific list of corporate expenditures that are not considered to be political contributions prohibited by law, and advertising for/against candidates is not included in this list (§16-920)
Colorado	It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members. (Const. Art. XXVIII, §3(4)) Notwithstanding any section to the contrary, it shall be unlawful for a corporation or labor organization to provide funding for an electioneering communication; except that any political committee or small donor committee established by such corporation or labor organization may provide funding for an electioneering communication. (Const. Art. XXVII, §6(2))

Connecticut	No business entity shall make any contributions or expenditures to, or for the benefit of, any candidate's campaign for election to any public office or position subject to this chapter or for nomination at a primary for any such office or position, or to promote the defeat of any candidate for any such office or position. (§9-613)
Iowa	It is unlawful for an insurance company, savings and loan association, bank, credit union, or corporation to contribute any money, property, labor, or thing of value, directly or indirectly, to a committee, or to expressly advocate that the vote of an elector be used to nominate, elect, or defeat a candidate for public office (§68A.503)
Kentucky	No corporation organized or authorized to do business in this state or in another state shall, by itself or by or through an officer, agent, attorney, or employee, subscribe, give, procure or furnish, or afterwards reimburse or compensate in any way any person who has subscribed, given, procured, or furnished, any money, privilege, favor, or other thing of value to any political or quasi-political organization, or any officer or member thereof, to be used by such organization for the purpose of aiding, assisting, or advancing any candidate for public office in this state in any way whatever. (§121.035)
Massachusetts	No corporation carrying on the business of a bank, trust, surety indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, no company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town, no trustee or trustees owning or holding the majority of the stock of such a corporation, no business corporation incorporated under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any corporation mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding or promoting or antagonizing the interest of any political party. (Ch. 55 §8)
Michigan	A corporation, joint stock company, domestic dependent sovereign, or labor organization shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution pursuant to section 4(3)(a). (§169.254)
Minnesota	A corporation may not make an independent expenditure or offer or agree to make an independent expenditure to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "independent expenditure" means an expenditure that is not made with the authorization or expressed or implied consent of, or in cooperation or concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate. (§221B.15(3))
Montana	A corporation may not make a contribution or an expenditure in connection with a candidate or a political committee that supports or opposes a candidate or a political party. (§13-35-227)
North Carolina	No prohibited source may make any disbursement for the costs of producing or airing any electioneering

	communication. No individual, committee, association, or any other organization or group of individuals, including but not limited to, a political organization (as defined in section 527(e)(1) of the Internal Revenue Code of 1986), which has received any funds or anything of value whatsoever from a prohibited source may make any disbursement for the costs of producing or airing any electioneering communication, unless that individual, committee, association, or other organization or group of individuals maintains a segregated bank account that consists of funds provided solely by entities other than prohibited sources. (§163-278.82) The term "prohibited source" means any corporation, insurance company, labor union, or professional association. (§163-278.80(4)) ...it shall be unlawful for any corporation, business entity, labor union, professional association or insurance company directly or indirectly: (1) To make any contribution to a candidate or political committee or to make any expenditure to support or oppose the nomination or election of a clearly identified candidate (§163-278.19(a)(1))
North Dakota	A corporation, cooperative corporation, limited liability company, or association may not make a direct contribution to aid any candidate for public office or for nomination to public office. (§16.1-08.1-03.3)
Ohio	No corporation, no nonprofit corporation, and no labor organization, directly or indirectly, shall pay or use, or offer, advise, consent, or agree to pay or use, the organization's money or property for or in aid of or opposition to a political party, a candidate for election or nomination to public office, a political action committee including a political action committee of the corporation or labor organization, a legislative campaign fund, or any organization that supports or opposes any such candidate, or for any partisan political purpose.. (§3599.03) No person shall make, during the thirty days preceding a primary election or during the thirty days preceding a general election, any broadcast, cable, or satellite communication that refers to a clearly identified candidate using any contributions received from a corporation or labor organization. (§3517.1011(H))
Oklahoma	A corporation or labor organization shall not make a contribution or an expenditure or an independent expenditure to, or for the benefit of, a candidate or committee in connection with an election or for any electioneering communication. (Tit. 74, Ch. 62, §257:10-1 -2(d)(2))
Pennsylvania	It is unlawful for any National or State bank, or any corporation, incorporated under the laws of this or any other state or any foreign country or any unincorporated association, except those corporations formed primarily for political purposes or as a political committee, to make a contribution or expenditure in connection with the election of any candidate or for any political purpose whatever except in connection with any question to be voted on by the electors of this Commonwealth. (Section 1633 25 P.S. §3253)
Rhode Island	It shall be unlawful for any corporation, whether profit or non-profit, domestic corporation or foreign corporation or other business entity to make any campaign contribution or expenditure to or for any candidate, political action committee, or political party committee, or for any candidate, political action committee, or political party

	committee to accept any campaign contribution or expenditure from a corporation or other business entity. (§17-25-10.1(h))
South Dakota	No organization may make a contribution to a candidate committee, political action committee, or political party or make an independent expenditure expressly advocating the election or defeat of a candidate. (§12-27-18) "Organization," any business corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust, business trust, association, club, labor union, collective bargaining organization, local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership, trade or professional association that receives its funds from membership dues or service fees, whether organized inside or outside the state, any entity organized in a corporate form under federal law or the laws of this state, or any group of persons acting in concert which is not defined as a political committee or political party in this chapter (§12-27-1(16))
Tennessee	It is unlawful for the executive officers or other representatives of any corporation doing business within this state, to use any of the funds, moneys, or credits of the corporation for the purpose of aiding either in the election or defeat in any primary or final election, of any candidate for office, national, state, county, or municipal, or in any way contributing to the campaign fund of any political party, for any purpose whatever. (§2-19-132(a))
Texas	A corporation or labor organization may not make a political contribution or political expenditure that is not authorized by this subchapter. (Elec. Code §253.094)
West Virginia	Notwithstanding any provision of section two-b of this article, no officer, agent or person acting on behalf of any corporation, whether incorporated under the laws of this or any other state or of a foreign country, may pay, give, lend or authorize to be paid, given or lent any money or other thing of value belonging to the corporation for the purpose of expressly advocating the election or defeat of a clearly identified candidate for state, district, county or municipal office, to any candidate, financial agent, political committee or other person. No person may solicit or receive any payment, contribution or other thing from any corporation or from any officer, agent or other person acting on behalf of the corporation. (§3-8-8)
Wisconsin	No foreign or domestic corporation, or association may make any contribution or disbursement, directly or indirectly, either independently or through any political party, committee, group, candidate or individual for any purpose other than to promote or defeat a referendum. (§11.38)
Wyoming	Except as otherwise provided in this section, no organization of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity except a political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101, directly or indirectly through any officer, member, director or employee, shall contribute funds, other items of value or election assistance to aid, promote or prevent the nomination or election of any candidate or group of

	candidates or to aid or promote the interests, success or defeat of any political party. (§22-25-102)

Source: National Conference of State Legislatures, January 2010

For More Information

For more information on campaign finance laws in the states, visit NCSL's Campaign Finance page or contact Jennie Drage Bowser in NCSL's Denver office at 303-364-7700.

Denver Office
Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230

Washington Office
Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

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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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 1, 2010

SUBJECT: Senate Bill 284 and Attorney General's analysis of Citizens United and its effect on Alaska law (Work Order No. 26-LS1448\A)

TO: Senator Hollis French
Chair of the Senate Judiciary Committee
Attn: Cindy Smith

FROM: Alpheus Bullard TLAB
Legislative Counsel

You asked whether Senate Bill 284 (SB 284) addresses the effects on AS 15.13 (state elections) of the United States Supreme Court's decision in Citizens United v. Federal Elections Commission, No. 08-205, 558 U.S. ___ (January 21, 2010), identified in the Attorney General's opinion of February 19, 2010.[1]

Citizens United implicates the state's existing statutory prohibition against labor unions and certain corporations making independent expenditures for the purpose of influencing state elections. The Attorney General's opinion identifies AS 15.13.067 and AS 15.13.135(a)[2] as statutes that are likely invalidated by the ruling and recommends that certain state campaign finance laws relating to the identification of communications[3] and the disclosure of expenditures[4] be amended "to provide more clarity for Alaskans."

While the Attorney General's opinion does not prescribe how AS 15.13 should be amended to conform with Citizens United, SB 284 amends AS 15.13.067 and AS 15.13.135(a) to no longer prohibit labor unions and corporations from making independent expenditures in state election campaigns and additionally amends, and adds to, the body of state law governing the reporting of expenditures and the identification of communications in state elections.

If you have further questions, please do not hesitate to contact me.

TLAB:ljw
10-132.ljw

---

[1] Available on February 26th at http://www.law.state.ak.us/pdf/civil/021910-citizen.pdf.

[2] See the Attorney General's opinion of February 19, 2010, at pages 5 - 6.

[3] Id. at 6 - 7.

[4] Id. at 6 - 8.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/19/10

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/2/10

State Affairs Committee considered SENATE BILL NO. 284

SB 284 CAMPAIGN EXPENDITURES

"An Act relating to state election campaigns, the duties of the Alaska Public Offices Commission, the reporting and disclosure of expenditures and independent expenditures, the filing of reports, and the identification of certain communications in state election campaigns; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Elections	02/26/10			X	
APOC	02/24/10	X			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	Paskvan	X			
	Kookesh	X			
CHAIR:	MEMBER	✓			

SB 288

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us

State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins
Senator



March 9, 2010

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Charlie Huggins

Subject: Request to Schedule SB 288, Disposition of Human Remains, for Hearing

---

I respectfully request the scheduling of SB 288, "An Act relating to the disposition of human remains," for a hearing before the Senate State Affairs Committee, at your earliest convenience.

Please contact my staff member, Edra Morledge, with any questions on the details of this bill. Her phone number is 465-6419.

Please find attached pertinent information for the committee.

Thank you.

Attachments

ALASKA STATE LEGISLATURE

Senate District H
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Charlie Huggins
Senator

Sponsor Statement
SB 288 – Disposition of Human Remains

"An Act relating to the disposition of human remains."

SB 288 provides rules for the disposition of a person's remains. Currently in Alaska, there is no law giving citizens the right to expect their funeral wishes to be honored or the right to appoint someone to act as their agent. Naturally, this can cause uncertainty in this area and this legislation aims to provide clarity. Alaska is one of only two states in the nation that do not have any such law.

The legislation enables a person to provide binding instructions regarding the disposition of his or her remains. SB 288 also provides rules for determining who has authority to dispose of a person's remains if the deceased failed to make a designation. Additionally, the bill empowers a person to insure compliance with those preferences.

Costly litigation among the person's survivors will be less likely with the passage of this legislation.

Contact:
Edra Morledge
465-6419
SB 289/26-LS1383\R
March 9, 2010

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 23, 2010

SUBJECT: SB 288, relating to the disposition of human remains
(Work Order No. 26-LS1488\A)

TO: Senator Charlie Huggins
Attn: Edra Morledge

FROM: Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Adds a new chapter relating to the disposition of human remains.

Sec. 13.75.010. Allows a person to give directions for the disposition of the person's remains by using a disposition document. Allows these directions to include, or be limited to, naming an agent to control the disposition.

Requires the document to be signed and acknowledged and to contain the form and contents required by sec. 13.75.030. Allows the document to be a separate document or in another document, including a will. Requires any change or revocation to be in a disposition document that complies with this section.

Sec. 13.75.020. Sets out a prioritized list of the persons who may control the disposition of a decedent's remains. Makes a person who takes control under this section liable for the reasonable costs of the disposition. Defines "adult" and "competent" for the section.

Sec. 13.75.030. Sets out the form for a disposition document. Requires a disposition document to be in substantially this form. In Part 1 of the form, allows for naming an agent and for the agent's acceptance. In Part 2 of the form, allows for disposition directions, including whether cremation is an option. In Part 3 of the form, provides general provisions and a place for the maker's signature.

Sec. 13.75.040. Allows the agent designated in a disposition document to sign the document at any time, but requires the agent's signature in order for the agent's authority to become effective.

Sec. 13.75.050. Sets up a time frame for requiring persons to exercise their authority to control disposition. Provides for a person with the next listed priority to take control when the person prioritized ahead of the person does not exercise the authority within the specified time frame.

Sec. 13.75.060. Prohibits a person from exercising control if (1) the person is charged with a felonious killing connected with the decedent's death and (2) if the funeral director or the cemetery knows about the charge. Provides for the authority to pass to the person next in priority.

Sec. 13.75.070. Prohibits a person from authorizing cremation if a decedent has said in a disposition document that the decedent doesn't want cremation.

Sec. 13.75.080. Directs the person authorized to control disposition to carry out the decedent's directions as far as the person or the decedent's estate can financially carry out the directions.

If a disposition document is in a will, requires that the directions be carried out immediately without the need for probate. If the will is not probated or is invalidated, validates disposition acts that have been carried out in good faith.

Sec. 13.75.090. States that a person guarantees the identity of a decedent and is liable for any damages resulting from that guarantee, if the person represents to know the decedent and, with intent to procure disposition of the remains, signs a statement (other than a death certificate) identifying the decedent.

Sec. 13.75.100. States that a disposition organization (see definition in sec. 13.75.190) is not liable for carrying out a decedent's directions or the directions of a person entitled to control the disposition. Prohibits interpreting this section to reduce or eliminate the liability of the disposition organization for its negligence or reckless acts.

Sec. 13.75.110. Provides that a person on the priority list who is involved in a dispute about authority with another person on the priority list may bring a court action to resolve the dispute. States that a cemetery organization or funeral establishment is not liable for refusing to take action to dispose of the decedent's remains until the dispute is resolved.

Sec. 13.75.190. Defines the terms for the new chapter.

Sec. 13.75.195. Calls the new chapter the Disposition of Human Remains Act.

If I may be of further assistance, please advise.

TLB:ljw
10-126.ljw

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB288**
() Publish Date:

Identifier (file name): SB288-DHSS-SMEO-03-15-10
Dept. Affected: Health & Social Services

Title: Disposition of Human Remains
RDU: Public Health
Component: State Medical Examiner

Sponsor: Huggins

Requester: Senate STA
Component Number: 293

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill provides for a statutory disposition document and a process by which a person may provide directions for the disposition of his or her remains following death. This bill has no direct programmatic or fiscal impact on the State Medical Examiner's Office (SMEO) as written. Therefore, this is a "zero" fiscal note.

Prepared by: Ward B. Hurlburt, MD, MPD, Chief Medical Officer / Director
Phone 907-269-8126
Division: Public Health
Date/Time 3/12/10 6:00 PM

Approved by: Alison Elgee, Assistant Commissioner
Date 3/15/2010
DHSS Finance & Management Services

(Revised 11/6/2009 OMB)

SCR

14

SENATOR DENNIS EGAN

received
03/09/10 10:45

MEMORANDUM

TO: Senator Linda Menard
FROM: Senator Dennis Egan
SUBJECT: SCR14 Hearing Request
DATE: 3/9/2010

I respectfully request a hearing on Senate Concurrent Resolution, "Recognizing October 2010 as Filipino American History Month."

Senate Concurrent Resolution 14 commemorates the contributions of Filipino-Americans to the history and heritage of our state and nation by celebrating October 2010 as Filipino American History Month.

Thank you for considering a hearing on SCR14. Please feel free to contact me if you have any questions.

Sincerely,

Sen. Dennis Egan

Enclosed please find:

- Sponsor statement
- Most current version of the bill
- Letters of Support (forthcoming)
- Teleconference services needed for testimony (forthcoming)

ALASKA SENATE
STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108
SENATOR_KIM_ELTON@LEGIS.STATE.AK.US

SENATOR DENNIS EGAN

Senate Concurrent Resolution 14: "Filipino American History Month

Senate Concurrent Resolution 14 is meant to dedicate October as Filipino American History Month in Alaska, commemorating the contributions of Filipino-Americans to the history and heritage of our state and nation.

Filipinos have a rich history and culture in Alaska. The first recorded Filipino in Alaska came aboard a ship from the Philippines in 1788. In early Alaska history, Filipinos worked on whaling ships, in the Alaska-Juneau and Treadwell mines, and in the canneries. The Filipino-American community now is the largest Asian-American group in Alaska, with 18,000 people.

Filipinos enrich our history and heritage. I've introduced Senate Resolution 14 to celebrate October 2010 as Filipino American History Month in Alaska. I urge your support of this legislation.

ALASKA SENATE
STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108
SENATOR.DENNIS.EGAN@LEGIS.STATE.AK.US

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SCR14
() Publish Date:

Identifier (file name): SCR14-LEG-COU-3-16-10
Dept. Affected: Legislature
Title: Recognizing October 2010 as Filipino American History Month
RDU: Legislative Council
Component: Council and Subcommittees
Sponsor: Senators Egan, Davis, Stevens, French, Olson,...*
Requester: Senate State Affairs
Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director — Phone 465-6626
Division: Legislative Affairs Agency — Date/Time 3/16/10 8:47 AM
Approved by: Pamela Varni, Executive Director — Date 3/16/2010
Legislative Affairs Agency

(Revised 11/6/2009 OMB)

FILIPINO COMMUNITY, INC.

251 South Franklin Street, Juneau, Alaska 99801 · (907) 586-4116

Mach 9, 2010

Senator Dennis Egan
Alaska State Senate
State Capitol, Room 510
Juneau, Alaska 99801-1182

Dear Senator Egan,

On behalf of the Filipino Community, Inc. in Juneau, Alaska I would like to extend our gratitude for your introduction of Senate Concurrent Resolution No. 14, recognizing October 2010 as Filipino American History Month.

It is indeed an honor for Filipinos to be recognized for their contributions to the State of Alaska, especially here in Juneau; and likewise across the nation by the U.S. Congress in recently proclaiming October as Filipino American History Month.

The Articles of Incorporation of the Filipino Community, Inc. identifies our purpose as to *"foster better and harmonious relationships, understanding and brotherhood among ourselves and with other ethnic groups, and to keep alive our Filipino heritage, culture, customs and traditions...".*

SCR 14 adds significant emphasis to our purpose and we gratefully and wholeheartedly extend our support for its passage. We respectfully request all of the Alaska State Legislature to grant favorable consideration of its passage.

Sincerely,

//s//

Jenny Gomez Strickler
President

Senator Linda Menard
Alaska State Capitol
Juneau, AK 99801

March 15, 2010

Dear Senator Menard and Members of the Senate State Affairs Committee:

This is a letter of support for SCR 14 Recognizing October 2010 as Filipino American History Month.

In 1988, the Filipino American National Historical Society (FANHS) established October as Filipino American History Month. This was in recognition of the fact that the earliest recorded presence of Filipinos in the United States was on October 18, 1587 in Morro Bay, California.

The state of Washington passed a resolution recognizing Filipino American History Month two weeks ago. California passed their resolution last year. Oregon is currently deliberating their resolution. The State of Florida has made a proclamation. The 111th U.S. Congress introduced a resolution in 2009 recognizing Filipino American History Month.

Alaska has a growing population of Filipino descent. The earliest recorded presence in Alaska was 1788. The first Filipino to be elected to a state legislature in the United States was Thelma Buchholdt, who served in the Alaska State House as a Representative from 1974-1982. She was the founder of the Alaska Chapter of FANHS and served as President of the national organization until she passed away in November of 2007.

My fellow FANHS members had their national meeting in Anchorage in 2008. A topic of discussion amongst all 26 chapters was this effort for statewide and hopefully national recognition. I would like to see the people of our great state and I know my fellow colleagues at FANHS would like to see the United States observe Filipino American History Month with appropriate efforts to educate and celebrate the long history of peoples of Filipino descent in the United States.

Sincerely,

Christine R. Marasigan

Christine R. Marasigan, Trustee
Filipino American National Historical Society

Sarah Munson

From: Alida Bus
Sent: Friday, March 12, 2010 1:12 PM
To: Sarah Munson
Subject: SCR 14 Testimony

Sarah!

Happy snowy Friday to you!

The following individuals will be present in Juneau at Tuesday's hearing on SCR 14 to provide testimony -

Dante Reyes, Finance Manager and former President of the Filipino Community, Inc. (FCI)
Ellery Lumbab, Artistic Director of the Alitaptap Philippine Folkloric Group of the FCI
Arlene Lumbab, Director on the Board of Directors of the FCI

There may be a few more, but I haven't heard from them yet. How much testimony do you want? I hope this is ok.

Thanks,

Alida Bus
Legislative Aide
Senator Dennis Egan
907-465-4947
www.aksenate.org/egan

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/24/10

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/16/10

State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 14

SCR 14 FILIPINO AMERICAN HISTORY MONTH

Recognizing October 2010 as Filipino American History Month.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Leg	03/10/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
Joe Pasken	PASKVAN	X			
CHAIR: Linda P. Menard	MENARD	✓			

SJR

6

SENATOR
GENE THERRIAULT
Mailing Address:
1292 Sadler Way, Suite 308
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271

Alaska State Legislature

Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

February 9, 2009

The Honorable Linda Menard, Chairman
Senate State Affairs Committee
State Capitol
Juneau, Alaska 99811

Dear Senator Menard:

As you are aware, SJR 6 has been introduced and referred to the State Affairs committee. By this letter, I am requesting a hearing for SJR 6 as soon as your calendar will allow.

SJR 6 asks our congressional delegation to oppose and defeat HR 45, a bill that has been introduced in Congress that would significantly diminish Alaskans' right to keep and bear arms. Among other things, HR 45 would require anyone who possesses a firearm to obtain a federal license to do so; it would make it a felony to transfer a firearm to someone who does not have a license; it would also make it a felony to fail to timely report such a transfer or to fail to report the loss or theft of a firearm within 72 hours to the US Attorney General; it requires the Attorney General to establish and maintain a data base of firearm transfers.

It is very important that our congressional delegation hear from us on this issue. In terms of an appropriate date for a hearing on SJR 6, it is my understanding that members of the Alaska Outdoor Council will be in Juneau on February 19-21, so a hearing on Thursday, Feb. 20 would be ideal.

If you have any questions or needs in regard to this request for hearing, please contact me or my staff, Dave Stancliff, at 465-4861. Thank you for your timely consideration of this request.

Sincerely,

Sen. Gene Therriault

Email: Senator_Gene_Therriault@legis.state.ak.us

SENATOR
GENE THERRIAULT
Mailing Address:
1292 Sadler Way, Suite 308
Fairbanks, Alaska 99701
(907) 488-0857
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SENATE DISTRICT F

Sponsor Statement

SJR 6

SJR 6 asks our congressional delegation to oppose and defeat HR 45, a bill that has been introduced in Congress that would significantly diminish Alaskans' right to keep and bear arms. Among other things, HR 45 would require anyone who possesses a firearm to obtain a federal license to do so; it would make it a felony to transfer a firearm to someone who does not have a license; it would also make it a felony to fail to timely report such a transfer or to fail to report the loss or theft of a firearm within 72 hours to the US Attorney General; it requires the Attorney General to establish and maintain a data base of firearm transfers.

With those who favor gun control becoming more active in our nation's Capital, I feel it is very important that our congressional delegation hear from the Alaska Legislature as soon as possible on this issue.

Email: Senator_Gene_Therriault@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SJR6**
() Publish Date:

Identifier (file name): SJR6-LEG-COU-2-20-09
Dept. Affected: Legislature
Title "Urging the United States Congress to reject H.R. 45, the Blair Holt's Firearm Licensing and Record of Sale Act of..."
RDU Legislative Council
Component Council and Subcommittees
Sponsor Senators Therriault, Huggins, Menard, Dyson
Requester Senate State Affairs
Component Number 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS							
Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*
This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
Phone 465-6626
Division Legislative Affairs Agency
Date/Time 2/20/09 3:28 PM
Approved by: Pamela Varni, Executive Director
Date 2/20/2009
Legislative Affairs Agency

(Revised 9/10/2008 OMB)

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H.R.45

Blair Holt's Firearm Licensing and Record of Sale Act of 2009 (Introduced in House)

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

TITLE I--LICENSING

Sec. 101. Licensing requirement.

Sec. 102. Application requirements.

Sec. 103. Issuance of license.

Sec. 104. Renewal of license.

Sec. 105. Revocation of license.

TITLE II--RECORD OF SALE OR TRANSFER

Sec. 201. Sale or transfer requirements for qualifying firearms.

Sec. 202. Firearm records.

TITLE III--ADDITIONAL PROHIBITIONS

Sec. 301. Universal background check requirement.

Sec. 302. Failure to maintain or permit inspection of records.

Sec. 303. Failure to report loss or theft of firearm.

Sec. 304. Failure to provide notice of change of address.

Sec. 305. Child access prevention.

TITLE IV--ENFORCEMENT

Sec. 401. Criminal penalties.

Sec. 402. Regulations.

Sec. 403. Inspections.

Sec. 404. Orders.

Sec. 405. Injunctive enforcement.

TITLE V--FIREARM INJURY INFORMATION AND RESEARCH

Sec. 501. Duties of the Attorney General.

TITLE VI--EFFECT ON STATE LAW

PLEASE CLICK HERE TO GIVE US FEEDBACK

Sec. 601. Effect on State law.

Sec. 602. Certification of State firearm licensing systems and State firearm record of sale systems.

TITLE VII--RELATIONSHIP TO OTHER LAW

Sec. 701. Subordination to Arms Export Control Act.

TITLE VIII--INAPPLICABILITY

Sec. 801. Inapplicability to governmental authorities.

TITLE IX--EFFECTIVE DATE

Sec. 901. Effective date of amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings- Congress finds that--

(1) the manufacture, distribution, and importation of firearms is inherently commercial in nature;

(2) firearms regularly move in interstate commerce;

(3) to the extent that firearms trafficking is intrastate in nature, it arises out of and is substantially connected with a commercial transaction, which, when viewed in the aggregate, substantially affects interstate commerce;

(4) because the intrastate and interstate trafficking of firearms are so commingled, full regulation of interstate commerce requires the incidental regulation of intrastate commerce;

(5) gun violence in the United States is associated with the majority of homicides, over half the suicides, and two-thirds of non-fatal violent injuries; and

(6) on the afternoon of May 10, 2007, Blair Holt, a junior at Julian High School in Chicago, was killed on a public bus riding home from school when he used his body to shield a girl who was in the line of fire after a young man boarded the bus and started shooting.

(b) Sense of the Congress- It is the sense of the Congress that--

(1) firearms trafficking is prevalent and widespread in and among the States, and it is usually impossible to distinguish between intrastate trafficking and interstate trafficking; and

(2) it is in the national interest and within the role of the Federal Government to ensure that the regulation of firearms is uniform among the States, that law enforcement can quickly and effectively trace firearms used in crime, and that firearms owners know how to use and safely store their firearms.

(c) Purposes- The purposes of this Act and the amendments made by this Act are--

(1) to protect the public against the unreasonable risk of injury and death associated with the unrecorded sale or transfer of qualifying firearms to criminals and youth;

(2) to ensure that owners of qualifying firearms are knowledgeable in the safe use, handling, and storage of those firearms;

(3) to restrict the availability of qualifying firearms to criminals, youth, and other persons prohibited by Federal law from receiving firearms; and

(4) to facilitate the tracing of qualifying firearms used in crime by Federal and State law enforcement agencies.

SEC. 3. DEFINITIONS.

(a) In General- In this Act:

(1) FIREARM; LICENSED DEALER; LICENSED MANUFACTURER; STATE- The terms `firearm', `licensed dealer', `licensed manufacturer', and `State' have the meanings given those terms in section 921(a) of title 18, United States Code.

(2) QUALIFYING FIREARM- The term `qualifying firearm' has the meaning given the term in section 921(a) of title 18, United States Code, as amended by subsection (b) of this section.

(b) Amendment to Title 18, United States Code- Section 921(a) of title 18, United States Code, is amended by adding at the

(A) a current, passport-sized photograph of the applicant that provides a clear, accurate likeness of the applicant;

(B) current proof of identity of the licensed individual; and

(C) the address of the licensed individual.

(3) REGULATIONS GOVERNING SUBMISSION- The Attorney General shall promulgate regulations specifying procedures for the submission of applications under this subsection.

(b) Issuance of Renewed License- Upon approval of an application submitted under subsection (a) of this section, the Attorney General shall issue a renewed license, which shall meet the requirements of section 103(c), except that the license shall include the current photograph and address of the licensed individual, as provided in the application submitted under this section, and the expiration date of the renewed license, as provided in section 103(c)(5).

SEC. 105. REVOCATION OF LICENSE.

(a) In General- If an individual to whom a license has been issued under this title subsequently becomes a person who is prohibited by subsection (g) or (n) of section 922 of title 18, United States Code, from receiving a firearm--

(1) the license is revoked; and

(2) the individual shall promptly return the license to the Attorney General.

(b) Administrative Action- Upon receipt by the Attorney General of notice that an individual to whom a license has been issued under this title has become a person described in subsection (a), the Attorney General shall ensure that the individual promptly returns the license to the Attorney General.

TITLE II--RECORD OF SALE OR TRANSFER

SEC. 201. SALE OR TRANSFER REQUIREMENTS FOR QUALIFYING FIREARMS.

Section 922 of title 18, United States Code, as amended by section 101 of this Act, is amended by adding at the end the following:

`(bb) Unauthorized Sale or Transfer of a Qualifying Firearm- It shall be unlawful for any person to sell, deliver, or otherwise transfer a qualifying firearm to, or for, any person who is not a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, or to receive a qualifying firearm from a person who is not a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, unless, at the time and place of the transfer or receipt--

`(1) the transferee presents to a licensed dealer a valid firearm license issued to the transferee--

`(A) under title I of Blair Holt's Firearm Licensing and Record of Sale Act of 2009; or

`(B) pursuant to a State firearm licensing and record of sale system certified under section 602 of Blair Holt's Firearm Licensing and Record of Sale Act of 2009 established by the State in which the transfer or receipt occurs;

`(2) the licensed dealer contacts the Attorney General or the head of the State agency that administers the certified system described in paragraph (1)(B), as applicable, and receives notice that the transferee has been issued a firearm license described in paragraph (1) and that the license remains valid; and

`(3) the licensed dealer records on a document (which, in the case of a sale, shall be the sales receipt) a tracking authorization number provided by the Attorney General or the head of the State agency, as applicable, as evidence that the licensed dealer has verified the validity of the license.'.

SEC. 202. FIREARM RECORDS.

(a) Submission of Sale or Transfer Reports- Not later than 14 days after the date on which the transfer of qualifying firearm is processed by a licensed dealer under section 922(bb) of title 18, United States Code (as added by section 201 of this Act), the licensed dealer shall submit to the Attorney General (or, in the case of a licensed dealer located in a State that has a State firearm licensing and record of sale system certified under section 602 of this Act, to the head of the State agency that administers that system) a report of that transfer, which shall include information relating to--

(1) the manufacturer of the firearm;

(2) the model name or number of the firearm;

(3) the serial number of the firearm;

(4) the date on which the firearm was received by the transferee;

(5) the number of a valid firearm license issued to the transferee under title I of this Act; and

(6) the name and address of the individual who transferred the firearm to the transferee.

(b) Federal Record of Sale System- Not later than 9 months after the date of the enactment of this Act, the Attorney General shall establish and maintain a Federal record of sale system, which shall include the information included in each report submitted to the Attorney General under subsection (a).

(c) Elimination of Prohibition on Establishment of System of Registration- Section 926(a) of title 18, United States Code, is amended by striking the second sentence.

TITLE III--ADDITIONAL PROHIBITIONS

SEC. 301. UNIVERSAL BACKGROUND CHECK REQUIREMENT.

Section 922 of title 18, United States Code, as amended by sections 101 and 201 of this Act, is amended by adding at the end the following:

`(cc) Universal Background Check Requirement-

`(1) REQUIREMENT- Except as provided in paragraph (2), it shall be unlawful for any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell, deliver, or otherwise transfer a firearm to any person other than such a licensee, unless the transfer is processed through a licensed dealer in accordance with subsection (t).

`(2) EXCEPTION- Paragraph (1) shall not apply to the infrequent transfer of a firearm by gift, bequest, intestate succession or other means by an individual to a parent, child, grandparent, or grandchild of the individual, or to any loan of a firearm for any lawful purpose for not more than 30 days between persons who are personally known to each other.'.

SEC.

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History

H.R. 45, The Blair Holt's Firearm Licensing and Record of Sale Act of 2009 (181 comments ↓)

H.R. 45 would provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms.

(read more ↓)

What People Think



2% For, 98% Against

(put this on your site)

Take Action

Vote on this Bill

For

Against

Speak Out

Comment on this Bill

Alert Your Friends and Colleagues

Write Your Representative in Congress

Save & Share

Add to Favorites

del.icio.us

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Facebook

Google

Reddit

Yahoo!

Visitor Comments

Samuel C. Work January 12, 2009, 10:00pm

All law abiding gun owners MUST take a stand against this bill. This is a clear obstruction of our 2nd Amendment rights, and is a blatant effort to belabour further our citizenry with bureaucratic restrictions and requirements further increasing the size, cost and,

worse, power of government.

DH Pence
January 12, 2009, 10:17pm

This will take hundreds of millions of dollars to impelemnt. What is Rep Rush thinking? He needs to get his mind on the economy!

---

rickl
January 12, 2009, 10:25pm

This is not acceptable. Period.

Mike
January 12, 2009, 11:11pm

I'm glad to know that our men and women in congress are concentrating on whats important...

:(

God, sh*t like this makes me lose more and more confidence in the Federal Govt every time I see it.

I might as well move to Canada if this passes, things would be the same then...

Matt
January 12, 2009, 11:33pm

Anti-gun legislation does nothing to achieve it's "intended" purpose of reducing crime, it simply disarms law abiding citizens.

Oppressed by Government
January 13, 2009, 12:04am

I will NOT be disarmed!! This is exactly what England faced!...First comes registration and soon to follow is confiscation..

Time for another Tea Party!

We are governed by TYRANTS!!!

Tom
January 13, 2009, 2:08am

Waste of money plain and simple. its unenforceable.

Winter Plimsoll
January 13, 2009, 2:55am

It's named for a victim of gang bangers in Chicago who got a gun illegally despite the total ban, who used it illegally, thus proving that the laws do not work. It was introduced by a former Black Panther violent radical. The irony is rather painful, isn't it.

This would also trample states' rights, as many states have no registration at all for firearms purchase. It would invalidate the Constitution of several.

Nice to see the Democrats are, on the first day, being the same as they always have been. Cement their fiefdoms, disarm the peasants. Nothing has changed.

2nd Amendment
January 13, 2009, 5:42am

Hi I am the personification of the Right to Bear Arms and I do not approve of this bill.

Wyoming
January 13, 2009, 7:25am

Over my dead body!

RKBA
January 13, 2009, 7:36am

Does this stop the gangs, drug dealers, robbers, or murderers? No!

Thousands of banned guns enter this country from South America via gangs. Does this stop them? No!

We can't stop gangs like The MS-13 gang, one of the most violently dangerous gangs in the United States from getting guns.

The FBI says MS-13 is the fastest growing and most violent of the nation's street gangs.

The DOJ estimates: 30,000 gangs, 800,000 members, across the U.S. That would be 800,000 unregistered, banned guns!

Does this stop them? No!

The communities face daily exposure to violence, drug/weapons trafficking and gang fighting amongst themselves.

Do they register their banned guns? NO!

"A well regulated militia being necessary to the security of a free State, the right of the People to keep

and bear arms shall not be infringed."

As long as criminals are allowed get out of jail cards and gangs allowed to rule communities, the murders will continue!

Son of Liberty
January 13, 2009, 11:26am

What part of "SHALL NOT BE INFRINGED" don't you understand?

I guess history does repeat itself, starting to look like 1775 all over again in this country.

Jack
January 13, 2009, 11:45am

This bill is a clear violation of our 2nd amendment rights and a slap in the face to the U.S. Constitution.

I would expect a bill like this to come from Soviet Russia or Nazi Germany. Not from a U.S. Congressman.

Americans will tolerate absolutely no infringements on our rights!

---

zug
January 13, 2009, 12:04pm

Keep it up Democrats, the tree of liberty is getting thirsty.

David
January 13, 2009, 12:09pm

As a 22 year Veteran police officer I am totally against this ridiculous first step towards confiscating the firearms of law abiding citizens. There are already enough gun laws on the books. Let BATF enforce those

---

Freedom First
January 13, 2009, 12:13pm

This is ridiculous, I don't even know where to begin.

zug ~ ditto

For The People!
January 13, 2009, 12:51pm

Gangs, criminals, sure they are scary. But these days with crap like this I am more scared of our federal government than anybody else. When they try to take your guns is when you need them the most!

MTinWD
January 13, 2009, 1:15pm

This happens because the citizens let it, plain and simple. We have all stood by and watched things be gradually taken over more and more for decades. Now all of the sudden people are scared?! Wake up people, this isn't a condition that came to pass overnight. We must take a stand against bills like this and many others that our elected "representatives" would have us believe are for our own well being. We get treated as if we aren't capable of making choices that directly affect us every day. This bill is a great example. Who really wants this? Am I really to believe that the public as a whole is in favor of this? I highly doubt it, Yet we have to sit and worry that a measure like this could somehow pass. WHAT GIVES!

Leonidas1
January 13, 2009, 1:16pm

This is appalling.

I am shocked that someone who claims to represent me could see this as Constitutional.

Really!!?3
January 13, 2009, 1:17pm

This will only serve to increase crime which is the opposite of its stated purpose. Time after time history proves that taking guns away from good citizens results in their victimization by criminals and government.

2Far
January 13, 2009, 1:27pm

Better think this one through 'elected representatives'

If you continue down this path it may be your final term in office.

Taxation? Registration? Unannounced inspections? Exemptions for government 'authorities'?

You weren't paying attention in history class...

Tar and Feathers
January 13, 2009, 2:10pm

Coming to you from the anti gun utopia of Chicago, where police carry M4 carbines and citizens are disarmed, from Bobby Rush.
Isn't there a baseball team to be investigated? Money to steal? Lobbyists in waiting? A golf game?

Try concentrating on our Constitution, our highest law instead of the circumvention of that document. Shall not be infringed, pretty simple except to some window licking booger eating politician like Bobby Rush.

Taxes, fees, more taxes for rights over which our so called representatives have no say. People are tired of them. One day these mouth breathers will have a party and everyone will ignore them, as they should.

Shall not be infringed.
Read it again.

Jim in PA
January 13, 2009, 3:37pm

This is outrageous. This absolutely needs to be shot down before it becomes law. Our rights have been being whittled away in the name of public safety and national security for far too long. I will not be disarmed.

Son of the American Revolution
January 13, 2009, 3:53pm

My ancestor stood against the best trained and equipped army in the world on a sunny April day in Concord Mass.

Why? In two words - gun control.

I have carried the colors for responsible gun ownership through education and editorial contributions, and felt like I was continuing his efforts in a spiritual sense. Now I worry that I may have to follow his footsteps in a more "hands-on" fashion.

As worried as I am about risks to my livelihood and life, I will take such a stand for my freedom, and the freedom of my children, grandchildren and my country. Which is probably the same reason he stood at the North Bridge.

---

ukjohn
January 13, 2009, 4:11pm

slippery slope , do not go down it.

to all the yanks i know ,
good luck.
"All that is necessary for the triumph of evil is for

good men to do nothing."

Mad as hell
January 13, 2009, 4:14pm

I am sick and tired of this disfunctional government.they take an oath to protect the consitution and bill of rights then when in office ignore it.what part of shall not be infringed do they understand.to the gov, leave me the hell alone.

Tax Payer
January 13, 2009, 4:32pm

This bill is foolish. It will NOT stop or lesson crime. Criminals will still continue to get ILLEGAL firearms. This will only punish lawful owners of firearms.

Dexter Alarius
January 13, 2009, 5:03pm

Hey, I've got an idea. Let's treat 2nd Amendment rights the same way they want to treat a 'right' that they wafted from penumbra of emanations.

If you want a firearm and can't afford one, the Federal Government will provide one at taxpayer expense.

You can get one every 10 months or so.

Minors can get one without parental consent or notification.

Isn't that fair?

Elm Creek Smith
January 13, 2009, 5:15pm

The resistance is here. The resistance is now.

The "Shot Heard 'Round the World" was a result of the government attempting to seize law-abiding citizens' guns. The same thing may happen again. No, I'm not agitating for armed insurrection against a government of laws. I will resist a government that violates the Constitution of the United States since the Supreme Court has ruled that the Second Amendment protects, not grants, an individual right to keep and bear arms.

I will not be disarmed.

ECS

Concerned for USA
January 13, 2009, 6:35pm

Elm Creek Smith said:
"Supreme Court has ruled that the Second Amendment protects, not grants, an individual right to keep and bear arms."
posted above

The problem with the recent Heller case is too many holes were left in it for interpretation and firearm regulation.
All the Gov has to say is, "a citizen has the right to own a single shot .22 rifle, so his right has not been infringed".
Many of us know how wrong this is, but look at how many people voted to bring anti-gun government upon us. Just give them a cold beer and let them watch American Idol and they will be happy. Our country in in very bad times when people will willingly give away liberty for a false sense of security!

Me
January 13, 2009, 7:38pm

Is it tea party time yet?

Tracy S
January 13, 2009, 8:07pm

You can stick this YOU know where.

Enough
January 13, 2009, 10:00pm

Enough already, Americans want Freedom and Liberty, not tyranny in the form of a faux security blanket. This Nation was born out of dissent, keep pushing and you will find that the Tree of Liberty will be refreshed...

Old Paratrooper
January 13, 2009, 10:03pm

"Against All Enemies Foreign AND Domestic"Come get some.How about we license corrupt government officials and federal judges who will not demand proof of citizenship for Barrack Hussein Obama.

Kevin
January 13, 2009, 10:10pm

The Constitution is my license to own firearms.

I shall be writing my congressional delegation in the morning.

Elm Creek Smith
January 14, 2009, 12:02am

Concerned for USA said:
"The problem with the recent Heller case is too many holes were left in it for interpretation and firearm regulation.
All the Gov has to say is, 'a citizen has the right to own a single shot .22 rifle, so his right has not been infringed.'" Posted above.

You need to reread Heller. Justice Scalia tore apart the D.C. claim that because citizens could have rifles and shotguns that their "right to keep and bear arms" wasn't "infringed." He pointed out that handguns, especially semiautomatic handguns, are the citizens' weapon of choice for home and self-defense. That's what blew the D.C. handgun ban out of the water.

I am concerned about the possibility of a later court stacked with leftists by Obama or someone else revisiting Heller.

ECS

Chuck Heston
January 14, 2009, 1:43am

"They can have my gun when they pry it from my cold, dead fingers."

Chuck is cold and dead now and they can have his gun. But his sentiment lives on...come and get it--I dare you!!!

Herb Robin
January 14, 2009, 8:15am

Is this still the USA? What happened to our 2nd Amendment? Wake up people; where will this stop? We need to become more active and kill this bill!!!

---

sonofdy
January 14, 2009, 9:44am

This would be a call to arms, just like in 1776.

Tex
January 14, 2009, 1:55pm

Concerned Ex Naval Petty Officer First Class

If we allow this kind of thing to continue we will be allowing all kinds of terrorism, crime, and this kind of

Bullsh*t in our Country. Do we remember what happened to England? Wake - the – hell – up - America. And shame on you, who wrote this atrocity. You should go to the blockades for writing such things! Period. A**holes!

Our government officials should be more concerned with the issues at hand. Um let's see... the economy, housing, our troops, our homeland, and our future. If, you want crime to go away, then let's make real punishment for the criminals. Not parole programs to educate thugs! Not more rights for criminals than law abiding citizens! Think! Think! Think!

Ed
January 14, 2009, 4:39pm

I have the blood of the founders in my viens. And it is starting to boil. This is repugnant to liberty.

Hunter
January 14, 2009, 7:53pm

Obama does not want the gun toting red-necks being able to fight against his people- The Muslims.

As the saying goes," They will pry my gun from my cold dead fingers."

---

deezer
January 14, 2009, 11:53pm

Rep. Rush doesn't think. Do you know his history? Chicago? Black Panthers? Need any more?

Dave
January 15, 2009, 1:19am

This bill is nothing more than another attempt by Bobby Rush to make headlines and watch himself blubber on TV if he is ever interviewed about it.

After his last episode..... calling the U.S. Senate the "last bastion of white plantation slavery", he must think he can regain favor with the new administration by introducing this garbage.

Am I the only one that notices the irony of a former Black Panther introducing anti-gun legislation ?

Bruce
January 15, 2009, 11:40am

I have a license to carry concealed.

It's relatively expensive to obtain such a license. Requiring it for all firearm owners means that the Second amendment only applies for those rich enough to afford the time and money required to jump through the hoops. Like many other rights, the average poor man needs this right just as much (or more) than I do.

Michael
January 15, 2009, 12:41pm

For those of you that voted for Change I hate to say it but I told you so.

These guys are the personification of Marxist.

---

josh
January 15, 2009, 2:22pm

so with a swipe of a politicians pen, thousands of law abiding gun owers will become multiple felons. Gee thanks

Good luck with that Washington D.C.

A Human Right
January 15, 2009, 2:39pm

This is not about guns, it's a freedom.

It's about one natural right to protect one's self.

The right to life, liberty and the pursuit of happiness comes from what we can do for ourselves, self protection being key to it, not what this or any other government can give us.

We rid ourselves of 1 Tyrant 3000 miles away 200 years ago, it seems time to rid ourselves of the 3000 Tyrants 3 miles away.

I fear it is soon time to head to the barracades.

Gunner
January 15, 2009, 5:48pm

I think i will go buy another GUN

ES
January 15, 2009, 7:23pm

Unconstitutional ans UnAmerican.

I think I'll buy another handgun tomorrow after work.

Wade
January 15, 2009, 7:54pm

I am 17 and know the problems this bill will create.Taking away the ability for people to keep and bear arms is not only unconstitutional it is idiocy.If law abiding citzens lose their constitutional rights it will leave only criminals and law enforcement with weapons, with the average police response time being 6 minutes this means you will be dead and the criminals will have gotten away.Moreover I would rather be judged by 12 than carried by 6.

Jeremy
January 16, 2009, 7:47am

Doesn't shock me one bit. Obama has been hidding his dislike for firearms since he started his run for the presidency. This is a clear infringment on our 2nd amendment right that like most have already said, does nothing but try to disarm the law abiding citizens and give the thugs and gang bangers another law to disreguard. This makes me sick and what's worse is that we now have a president that will push crap like this down our throats for at least the next four years.

Immad
January 16, 2009, 9:39am

I will never be limited by gun control zealots. I have 6 weapons now, and my next one will be a AK47. I will die before I give up my guns.

ROK
January 16, 2009, 12:09pm

This is crazy and must be stopped. We must start writting letters sending email and what ever it taked to stop this NAZI type goverment movement.

Lori
January 16, 2009, 7:24pm

The government can't keep guns out of the hands of criminals so to appease the uneducated, whining, 'no-guns' crowd there are legislators out there (not all thank goodness!) who are willing to try to take them from the lawful, legal taxpaying citizens instead. And they're not going to let a little something like the Constitution or the Bill of Rights get in their way. Time to send more money to the NRA I guess....

Robert
January 16, 2009, 11:19pm

Mr. Rush, who is a former black panther, is introducing this bill to disarm the productive class (Middle America, Korean-American store owners, etc.) in order to make it vulnerable to Mr. Rush's gangbanger friends. To bad for Rush, this law is unenforcable and can be easily defied and ignored. Unfortunatly for people like Rush, his intentions are already known by his would be victims. Also, technological trends such as garage fablabs and future desktop fabricators will effectively make gun control completely obsolete.

Tom
January 17, 2009, 9:49am

We can only blame ourselves for voting these morons into office!

Kathy
January 17, 2009, 3:13pm

OMG!! we need to commit to talking to people who are clueless about these issues. It is not helping"preaching to the choir"
There are so many people that just don't have a clue that any of this kind of stuff is going on right before their eyes!
GET INVOLVED LOCALLY!!

GMAN
January 17, 2009, 3:15pm

KEEP VIGILANT GUN OWNERS! THIS IS HOW IT STARTS---SOME RADICAL CONGRESSMAN INTRODUCES A WACKO BILL THAT GETS A LITTLE PRESS AND GET SHELVED--UNTIL THE NEXT MASSACRE BY SOME IDIOT HAPPENS--WHETHER HIS GUNS WERE LEGAL OR NOT--IT GIVES THE ANTI-GUNNERS A SPRINGBOARD TO RELAUNCH THE FORMERLY "OVER THE TOP" BILL PROPOSED, AND GIVEN THE EMOTION OF THE MOMENT COULD VERY WELL BE PASSED IN SOME FORM BY CONGRESS TO SHOW THAT THEY'RE "DOING SOMETHING" ABOUT THE PROBLEM--WHAT CRAP TO THINK THAT TAKING AWAY A PERSON'S RIGHT TO DEFENSE MAKES THEM SAFER?!?!?!--WATCH 'EM CLOSE, BOYS! THE WORST IS YET TO COME!

The Angry American
January 17, 2009, 3:38pm

This is Bullsh!t. Our near communist gov't is getting out of control. Wake up America, these are our RIGHTS as Americans. Don't let the sleezy politicians and OBAMA take them away under the cover of crime reduction and public safety. Every bill is an attempt to

disarm the public so eventually we will not be able to stand up to the gov't. The 2nd ammendment is there to protect us as American citizens from the Gov't should they get out of control. Americans, stock up on arms and ammo, the second Civil War/American Revolution is looming.

Brolin_1911a1
January 17, 2009, 6:40pm

This bill echoes many historical laws but all were part of totalitarian nations. Precedents include the Nazi Weapons Act of 1938 , the USSR in 1929, Turkey in 1911, Communist China in 1948, Uganda 1970, Cambodia 1975, and other oppressive dictatorships. A freely elected government responsible to a free, unoppressed citizenship does not fear guns in the hands of those citizens. It is only when the "leaders" become "rulers" that they establish gun laws such as this.

An American
January 17, 2009, 8:41pm

This bill is ridiculous! How would people feel if "free speech" was substituted for "firearms" in the law?

Why is stepping on the 2nd Amendment OK, but all others in the Bill of Rights are untouchable?

Enforce existing laws, stop wasting time on disarming law abiding Americans!

Vassily Haakon
January 18, 2009, 6:02am

This bill is an outrage! Congress needs to legalize all weapons used for self defense and hold the used blameless for injury or death of the attacker,burglar,intruder,etc. A person may use deadly force as first choice when attacked and is under no obligation,whatsoever,to warn said attacker or thief,vandal,or other engaged in property and /or physical assault. Nor shall any infringement by local,state,or federal upon the individual to obtain the best weapon (state of the art)that they can obtain.

---

colorblind justice
January 18, 2009, 1:26pm

Will the Congress EVER do what they swore to do: preserve, protect, and defend the Constitution of the United States??? How DARE they undermine the inalienable rights of their electors!

CC in New Jersey
January 18, 2009, 1:59pm

When are people going to realize that criminals do not care how many bills are passed about firearms? Criminals get guns illegally. Far too many guns enter this country illegally, which no one is addressing. Instead they keep trying to stop law-abiding citizens from owning guns for their own protection. They did this in the UK and the crime rate increased because the criminals knew they would not be confronted by any legally owned weapons. The Constitution allows US citizens to bear arms and if we are not very careful a handful of stupid politicians will take that away. Contact your legislators to let them know you are not in favor of such legislation that would further restrict gun ownership for law-abiding citizens. And then tell them to get a better of what is being shipped into our country via the docks and airports and vehicles from Mexico. And tell them to stop trying to rewrite the Constitution.

---

concerned American
January 18, 2009, 4:55pm

Sounds like something Hitler did before he invaded Poland!!!
When will some people learn????

CaptCBleu
January 19, 2009, 1:39am

Years ago when I joined the US Army I swore an oath to protect the US Constitution From ALL Enemies Foreign and Domestic. What happens when the federal government usurps it's authority and infringes o the rights of it's citizens? I WILL NOT be disarmed, I WILL NOT yield my rights, I WILL NOT give up my means of securing my freedom, I WILL NOT give my information to the government. I WILL fight for my rights, I WILL protect myself from those intend me harm (especially from a tyranical government), I WILL FIGHT to defend and preserve the US Constitution by all means necessary including force if need be.

Wow
January 19, 2009, 7:13am

Were the "findings" in HR45 written by a middle school student for thier social studies assignment?

Or maybe this is just a joke?

In what way can this POSSIBLY help reduce violence?

Just another law for the sake of another law. Of course this one trashes state's rights through an amazing flight of fanciful justification.

Mike-Mike
January 19, 2009, 8:32am

What part of " Shall not be infringed " Do you not understand?

Dave
January 19, 2009, 8:35am

So, will the criminals suddenly pay attention to THIS law, and register their weapons before committing crimes?

All this will do is further disarm law-abiding Americans and INFRINGE on their right to defend themselves.

Ever heard the phrase, "The pen is mightier than the sword"? What would you think if the government did as much to infringe on our rights to free speech as they do to our right to keep and bear arms?

What part of SHALL NOT BE INFRINGED do they not understand?

This government is OUT OF CONTROL.

Jim
January 19, 2009, 9:23am

Why not focus on fixing our country's problems, rather than eroding the rights of lawful citizens. Why are people so naive as to believe one more gun law is going to have any effect on criminals?

---

fran
January 19, 2009, 11:31am

This is ridiculous! This infringes on my right to bear arms!!!

American Boy
January 19, 2009, 2:49pm

when did the communists take over?
unacceptable on any level at any time.
why doesn't anyone have enough sack to publicly state the "gun issue" is in the minority community we all know it...
Other than that there is no issue!!
Unless they are trying to disarm us? hmmm I think they are-
how foolish can they be?

Don't tread on me
January 19, 2009, 4:03pm

I say that if they pass this bill we converge on DC in a million gun owner march and exercise our rights on July 4th.
No shots need be fired. The message will be loud and clear.

Ron A
January 19, 2009, 4:32pm

Unbelievable! I'm writing my Congressman as we speak.

Mike
January 20, 2009, 3:50pm

Unacceptable. Prove to me Buicks hurt more people then Fords then suggest a "Buick License" too. This is a RIGHT not to be infringed on. Hoever like Obama said last week "Just because there is a "right of the people does not mean government can not curtail those rights"

Those Comments and OBAMA in Office today, A new war begins...Do these people not have some real business to start with?

DoubleActionCHL
January 21, 2009, 12:10pm

As we know from history, registration is the precursor to confiscation. Gun Control legislation does not reduce crime. Look it up! Every state or municipality that gets high grades from the Brady Bunch for restrictive gun laws ALSO have the highest crime rates!!! Coincidence?

Go back to Obama-land, Mr. Rush, and take your South-Side Chicago politics with you!

Wolverine
January 21, 2009, 1:15pm

...From my cold, dead, hands.

Jeff Daiell
January 21, 2009, 11:36pm

The first line of defense
For the Second Amendment
Is America's third party.
Vote Libertarian.

www.JeffDaiell.com

Steve
January 22, 2009, 9:45pm

Mr Rush you are an idiot, worry about turning our economy around that's what the people of this country want

---

Jim
January 23, 2009, 5:51pm

Are you kidding me!!! This country is enough trouble buying out banks that we shouldn't be, now they want to spend more to take mt GUNS!!! I say NO!!!

Steve
January 24, 2009, 2:40pm

This is the beginning of the onslaught to take away our citizenship and turn us into "subjects" of the powers that be! I will not only do the 2 to 5 , but I will fight to the death before I let them STEAL anymore of my right!

Steve
January 24, 2009, 2:43pm

This is the begining of the onslaught to kill our 2A. I will not only do the 2to5 years, but I will die fighting them before I obey this sh*t!
Come on America, wake up!

YankeeSpirit76
January 24, 2009, 2:53pm

Let's roll America! Right your Rep. in the house and DEMAND that they kill this Bill. Don't ask. DEMAND! It is our Constitution they are ****ing with!
Do something before these idiots start another revolution!

---

smeg
January 24, 2009, 10:56pm

Full text and more details can be found here:

http://www.govtrack.us/congress/bill.xpd?bill=h111-45

Harold
January 25, 2009, 3:53pm

Someone needs to knock some sense into Holts head! If this bill passes, it will be just one more step in taking law abiding citizens guns. Take a look at what happened in the UK. If you don't write your congressmen and tell everyone to get on the band wagon, it won't be long until the government has our weapons. I have already written my Congressman.

Brent
January 25, 2009, 10:06pm

Another in many new steps coming to shackle the free. WE THE PEOPLE HAVE THE RIGHT TO KEEP AND BEAR ARMS. This right shall not be infringed!! Why do you suppose it was the 2nd ammendment. Take heed as we are headed for a civil war. God Bless

---

Karla Black
January 26, 2009, 11:36am

This bill is expensive, impracticle and won't work to decrease gun violence - the people who use guns to kill others are the ones who will not liscence their guns at all. This bill will cause nothing but increased cost for taxpayers and should be stopped immediately.

Michael Allee
January 27, 2009, 11:04am

First trial balloon of many. My trump card is "If gun control stops gun ownership, then out law crack and pot etc." Obviously it does not work. if guns are hard to get or outlawed, you can buy them from the local crack dealer.

Michael
January 27, 2009, 1:37pm

Free the terrorists, round up the law abiding gun owners! Hail to Obama!

Mike
January 27, 2009, 7:50pm

I have mixed feelings about this one. I'm under the impression that the people who use guns to commit crimes usually don't own the gun legally. I'm all for licensing and background checks as a form of gun control, but let's be reasonable here: crack down on illegal gun ownership, not all gun ownership.

Bob

January 28, 2009, 3:30am

Outrageous enough to fire up the entire gun community.
What we need is a counter bill that will eliminate all restrictive state laws on CCW.

Sallie
January 28, 2009, 12:14pm

If all of the details in this purposed bill are true, we in fact in trouble, but heck, if England can start blooding each other with knives, I guess we can too...PEOPLE COMMUNICATE WITH YOUR ELECTED OFFICIALS...even if you didn't vote for them...MAKE YOUR VOICE HEARD...sitting here in this comment section is not going to stop this miscarriage of justice...I am writing my congressman and senator and anyone else who will listen...and I don't even own a gosh darned gun...

Uncle Buck
January 28, 2009, 1:14pm

"We the people" need to stand up for our 2nd Ammendment Rights--When will the people rebel--?? When our comfort zone is exceeded--By then it may be to late--Remember--Hitler--1st control education--2nd dissarm the public--We still have the power of the vote so vote those politicians out that do not represent the "Will of the People"--Before we lose that right too--

---

Albert
January 28, 2009, 5:54pm

Don't blame this on Obama because that's just a lazy mans cop out. These tards have been trying to take our guns for years and will continue without end. We just have to keep fighting them. Be sure to write your state senators. How many people complaining here don't have their NRA membership card. It's like the lottery, you can't win if you don't play.

---

washington
January 28, 2009, 8:59pm

The right to bear arms is our right granted by the constitution. Stand up and tell your state reps to kiss your a**. Cold day in hell when they take my guns.

Amendment 223
January 29, 2009, 3:10pm

Rep. Rush has violated his oath of office. "To protect and defend" the Constitution of the United States of America. It is interesting that the Military take the oath to "protect and defend against enemies foreign and DOMESTIC," but congress just says they will protect the Constitution. Says something to their focus.

PoPoGoHome
January 29, 2009, 9:04pm

The NRA is just a puppet gun control agency join a real agency like GOA.

Phil
January 30, 2009, 8:07am

The 2nd Amendment was intended to protect the citizenry FROM an overreaching and oppressive Government. The people should never allow infringements of ANY of our rights. Contact your Representatives and let them know that they are there to do your work, not to searve their self-intre$t$ or special intere$t$.

Former Cop
January 30, 2009, 8:57am

Law abiding citizens must be able to protect their family and themselves because the police cannot help deter crime because they simply can't be everywhere all the time.

Pittsburgh Ed
January 30, 2009, 10:37am

The problem with this is if they try and get away with licensing fire arms, it will be the beginning of the end for other freedoms that we have,. I suppose the local "gang banger" is going to get his firearm licensed? Fat freakin' chance

---

NC-W C
January 30, 2009, 12:44pm

Retired military; screw with the 2nd Ammendment; don't expect being elected for 2nd term or even completeng your first !!! Impechment probable.

Va. Ed
January 30, 2009, 1:43pm

I strongly oppose this HR45 Blair Holt bill. Register

today, tomorrow Demorcrats disarm the entire US poulation. In the 1930, when assuming power and creating a facist state, Hitler was a proponent of strong gun control laws, because a disarmed populance is much easier to control than an armed one. Even Kings of old outlawed weapons of any kind in the region that was conquered to quell the ability of citizens to up rise against them. That is the reason the founders put in the 2nd Amemdent, to guard against such a disarming. I am sorry that this young man was killed, so why don't congressman Rush take the indivual who committed this crime, the one who has killing in his heart to task.

Martin
January 30, 2009, 6:10pm

Rep Rush have you heard of the US Constitution-- you know that thing you swore to defend when you took office. People it is time to get these people out of office, recall them - go to their public meeting and confront them. Whenever a politician violates his oath he needs to feel the heat! We - ie the guy in the mirror you see in the morning needs to protect the Constitution, it should be blatantly obvious that the corts and the politicians are not going to! Get active get involved! The founders fought and died for us, the least we can do is go to a couple of meetings.

---

smeg
January 30, 2009, 11:16pm

Part of the problem is that many lawmakers and courts treat the language of the second amendment as if it is flexible/open to interpretation, or they try to find loopholes around the language. For example, some states (CA, MA, MD, and a few others if I recall correctly) tried to tax ammunition so that it would be ridiculously expensive to exercise the right to keep and bear arms- if you can't afford bullets it's the same as disarming you, but since they weren't going to confiscate any guns they supposedly weren't infringing on the second amendment. Fortunately, last I had heard, these blatant attempts to back-door the constitution had failed.
To all the police/ex-police and military/ex-military people reading or commenting here, thank you for all you do/have done to protect us and our freedoms.

South Carolina Girl
January 30, 2009, 11:54pm

They're poking the hornets nest, trying to see just how many pokes it takes to get it stirred up. They want to USE the chaos they are creating, people, it's part of the grand scheme. Don't do anything rash until you know what it leads to and how to stop THAT.

Know what you're up against. I never thought I'd live to see the time the world turns upside down but we've got a huge mess right now...the Founders must be angrily and sadly shaking their heads at us and their fists at the monster we've created. These fools have bunkers underground for themselves and FEMA camps and foreign military on our doorstep for us. The sad thing is, there's no outside force to come help us as we've always done for everyone else. They know that of course, and the media has made us look TERRIBLE to other countries anyway. "When guns are outlawed, only outlaws will have guns." No Constitution=a nation full of us outlaws! Thanks to you guys for making me feel less alone and utterly hopeless.

Richard A. Orr
January 31, 2009, 7:18pm

The Bill is not intended to provide any additional safety to the public but is a method of locating all guns and gun owners in the country. It is in opposition to several State Laws that allow (under Aduly Supervision) for youth under 18 to hunt.

---

smeg
January 31, 2009, 10:44pm

Some very good info here, though some is a little dated, much of it could be used as a reference/resource when writing your public officials to support the second amendment.

http://www.gunfacts.info/

Also, much of this is specific to Michigan,but there are some very useful links (including the one above):

http://www.mcrgo.org/mcrgo/d_links.asp

E.L.
February 1, 2009, 10:46am

Mr.Rush, are you really that nieve to think that the two who shot and killed young Blair Holt, will submitt to the Washington data base their drivers license, social security numbers, along with their finger prints, address, and register their firearm serial #, to the data base. Kain killed his brother Able with a club. Kain had hatered and killing in his heart. Your licenseing bill would not have prevented Kain and the two who took the life of young Blair Holt.

Jesse
February 1, 2009, 12:53pm

I have long stated that this government was becoming

the "Fourth Reich". If this passes, the next step will be the imprisonment, and possible execution, of those unwilling to give up their arms or their right to bear arms.

Seems to me that people misunderstood Pres. Obama-bin-Laden when he mentioned change.
He didn't say "change", he said "Chains". The kind of chains used to hold and restrain an American populace that still believe in the founding principles of this nation.

Jim Wainwright
February 1, 2009, 4:14pm

I especially like the comments referring to the Tree of Liberty being refreshed. I have given serious thought and consideration to what my actions would be should agents of the US Government came to my house to disarm me. My sincere condolences go out to their families.
It's scary for sure, but I have no doubt where I'll stand.

Danny
February 1, 2009, 4:16pm

I'm a small business owner as well as gun advocate. When an employee steals from the company or consistently doesn't do the job they were hired, I fire them. As a tax payer, I'm ready to ban with other small business owners and taxpayers and stop paying taxes to the federal government. All three of the federal branches would get the message that they are consistently NOT doing their job.

Phinias
February 1, 2009, 6:10pm

This spells the end of America. They are deliberatly trying to criminalize millions.

The bigger concern is how this ever made it to congress to begin with. these idiots are supposed to be able to read the Constitution and the bill of RIGHTS.

can anyone say infringed?

Maine
February 1, 2009, 9:32pm

We all have alot to say and our feelings are simuler but in the end the GOV. will do what they want and only a few of us will make a stand wile losing our lives blood would be on there hands not ours

---

Todd
February 2, 2009, 9:42am

75% of violent crimes involve no gun at all. 90% of all the guns in the U.S. will never be involved in a crime. Assault weapons are involved in only 1.7% of all gun crimes. Politicians never let a little thing like statistical facts get in the way of their ideology or agenda.

Al Magazzine
February 2, 2009, 10:48am

Another freedom down the tubes. Lenin may be right. We'll do it to ourselves.

David
February 2, 2009, 1:15pm

Politicians prefer unarmed peasants. Bear true faith an alligience to the Constitution, not a political party. Our forefathers did it before, I guess it is our turn now.

---

ward
February 2, 2009, 3:02pm

What an infringment of my rights. This bill is one more waist of tax payer money and a major infringment. Reminds me of Hitler's regester of guns before WW2. History is destined to repeat itself if lessons are unlearned.

Chuckie
February 2, 2009, 3:47pm

I don't think so!

Terry
February 2, 2009, 3:53pm

OVER MY DEAD BODY!

ED
February 2, 2009, 4:04pm

Geez...do I get this right on Page 19 line 6:

"It shall be unlawful for any person to keep a loaded firearm or an unloaded firearm and ammunition for the firearm if:

(Line 23)
Knows or reasonably should know that possession of

the firearm by a child is unlawful under Federal or State Law

hmmm...that appears to say that if you have a child in your home, that you cannot keep a loaded firearm or ammunition anywhere in your house unless it is in a gun safe at ANY Time. I can hear my Wife now..."Honey I hear something downstairs, can you make it to the gun safe, enter the combination, unlock the gun lock, find the ammunition clip, fill it with ammo,and take care of this situation".

I'm sure the armed person who has just entered my house has no idea what HR-45 is or even cares.... what a farce!

Steve in Iowa
February 2, 2009, 5:02pm

If they outlaw guns - only outlaws will have guns.

This is ridiculous and it should be stopped now or it will just get worse.

George In Georgia
February 2, 2009, 5:30pm

Well, President Pelosi and VP Reid have the puppet on a string for this item too, God help and save this country because our federal government isn't going to.

EDGE
February 2, 2009, 5:38pm

Humm Guns are used to secure the nation. So why would gun control be a sense of security.

Janice
February 2, 2009, 7:51pm

Guns are what have kept people from the violent invasion of the United States(even though American jobs have been invaded from with mexican citizens).

Who in their right mind would invade the United States, knowing that American citizens have firearms and have a right to defend themselves.....or at least for the time being. People need to get away from the Television and start paying attention to the "WOOL" that is slowly being pulled over the american citizens eyes. What makes anyone think that a criminal wont commit a crime to get guns. THEY ARE CRIMINALS for the love of PETE! THOSE ARE THE PEOPLE WE HAVE TO WORRY ABOUT. I am in the process of getting a concealed weapons permit, and if I have to use the

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/9/09

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/24/09

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 6

SJR 6 OPPOSE H.R. 45 IN CONGRESS

Urging the United States Congress to reject H.R. 45, the Blair Holt's Firearm Licensing and Record of Sale Act of 2009.

and recommends:

[✓] be **replaced** with [ ] **SCS** or [~~✓~~] **CS** SJR 6 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[✓] further referral to Judiciary Committee

SENATE BILL:
[✓] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
Legislature	2/20/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French				X
	Meyer	X			
	PASKVAN				X
	KOOKESH			X	
CHAIR:	MENARD	X			

SJR

17

ALASKA STATE LEGISLATURE

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www.akrepublicans.org/huggins/

Charlie Huggins
Senator

March 27, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Charlie Huggins

Subject: Request to Schedule SJR 17 for a Hearing

I respectfully request the scheduling of SJR 17, "Designating 2009 as the Year of the Noncommissioned Officer Corps of the United States Army." for a hearing before the Senate State Affairs Committee at your earliest convenience.

Please contact Josh Tempel, staff person for the Joint Alaska State Legislative Veterans' Caucus, with any questions on the details of this bill.

Please find attached pertinent information for the committee.

Thank you.

Attachments

ALASKA STATE LEGISLATURE

SJR17

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Charlie Huggins
Senator

Sponsor Statement SJR 17
"Designating 2009 as the Year of the Noncommissioned Officer Corps of the United States Army."

The Non-Commissioned Officers are the backbone of the Army, an invaluable wealth of information, knowledge and experience. They are the main cog in the wheel that allows the Army to operate at a time when limits are stretched, while fighting wars on two separate fronts. They are one of the most effective tools that a commander has at his or her disposal, to ensure that their Soldiers are mission ready. They often have more time in the Army than the commanders in charge of them and don't hesitate to take a new commander under their wing, to guide them and help them learn the idiosyncrasies of the unit that they command. They are the first-line supervisors in the Army, the ones who know each of the soldiers in their unit, their strengths and weaknesses. They are sometimes a teacher, ensuring that the soldiers underneath them receive the appropriate training and that they are mission ready. They don't seek accolades and often don't get credit for the important work that they do

Over the next year, the Army will develop new programs that will help to enhance the training opportunities, educational opportunities and the capability of the NCO Corps. This is a great step forward for the Army, as they recognize the importance of the NCO's and the wealth of experience that they bring to the table. The NCO is often the person, who takes a brand new company commander, under their wing and teaches them the ropes, so that they can operate effectively in their role as commander. The NCOs know their jobs as well as the jobs of others. They know the equipment they use and they know the soldiers they lead. They're able to recognize developing problems and take action to ensure that little problems don't escalate into something much worse.

NCOs operate mostly in the background, to ensure that the day to day operations of their company run smoothly. They work side by side with their soldiers, setting a good example and ensuring that those soldiers are the best that they can be. Like a supervisor in the civilian world, they may be tasked to deal with things outside the scope of their expertise. They are adept at locating the resources they need to address these difficulties. They're able to adapt and overcome barriers and teach those skills to the soldiers they lead. They wear many hats during the course of their duties. To the soldiers they lead, they serve as mentor, father or mother figure, teacher, disciplinarian and friend. To their leaders they're the expert, the advisor, the sounding board, the teacher and mentor.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SJR 17
() Publish Date:

Identifier (file name):
Title SJR 17 DESIGNATING 2009 AS THE YEAR OF ARMY NCO
Dept. Affected:
RDU
Component

Sponsor Senators HUGGINS, Stevens
Requester (S) State Affairs Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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	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 Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: SENATE STATE AFFAIRS COMMITTEE
Division
Phone 465-6600
Date/Time 4/7/09 12:00 AM

Approved by: /s/ Senator Menard, Chair
Date 4/7/2009

(Revised 9/10/2008 OMB)

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/27/09

FURTHER: Rules

Date of 5-Day Notice: 4/2/09
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/7/09

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 17

SJR 17 DESIGNATING 2009 AS THE YEAR OF ARMY NCO

Designating 2009 as the Year of the Noncommissioned Officer Corps of the United States Army.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
	FN Forthcoming				

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	Kookogh	X			
	Paskvan	X			
CHAIR:	MENARD	X			

SJR

18

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 – Fax
Senator_Charlie_Huggins@legis.state.ak.us

State Capitol, Room 417
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878
www.akrepublicans.org/huggins/

Charlie Huggins
Senator

April 1, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Charlie Huggins

Subject: Request to Schedule SJR 18 for a Hearing

I respectfully request the scheduling of SJR 18, "Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act," for a hearing before the Senate State Affairs Committee at your earliest convenience.

Please contact Josh Tempel, staff person for the Joint Alaska State Legislative Veterans' Caucus, with any questions on the details of this bill.

Please find attached pertinent information for the committee.

Thank you.

Attachments

ALASKA STATE LEGISLATURE

SJR18

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 – Fax
Senator_Charlie_Huggins@legis.state.ak.us

State Capitol, Room 417
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
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Charlie Huggins
Senator

Sponsor Statement SJR 18
"Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act."

SJR 18 expresses the Alaska's support for H.R. 1633; a congressional bill entitled ***Honor the WISH Act***. This bill would allow our troops to designate people other than their immediate family members to oversee their disposition if they are killed in the line of duty. Current law prohibits the members of our armed forces from authorizing non-relatives to make their funeral arrangements.

Members of the Armed Services fill out a DD93 Form to designate who will direct disposition of the member's remains if they die in active duty. However, current law only allows them to designate a spouse, blood relatives, or adoptive parents. Some of our service members need someone who does not fall into these categories to bear that responsibility, but are prohibited by federal law to do so. The Honor the Wish Act would allow servicemen and women to designate whomever they want to direct disposition.

An example of the need for this legislation is as follows:
Specialist Christopher T. Fox, of Tennessee served in Bravo Company, 1st of the 68th Combined Arms Battalion, 3rd Brigade Combat Team, 4th Infantry Division. He served with them in combat in Iraq from 2005 – 2006, and again in 2007. On 29 September 2008 Specialist Fox was killed in action in Baghdad; his DD93 specified Amy Frost, his mother figure, as the person to handle the disposition of his remains. JAG concluded that Amy Frost wasn't legally eligible under the current law to be the designee, and overturned Specialist Christopher Fox's last wishes. Christopher Fox had been born to other parents, his mother had since passed, and his step father and step brother kicked him out of their home at 17. Amy Frost, one of Christopher's high school teachers saw potential in the young man and took him into her home; she was there for him when he enlisted and supported him through his military career. On September 29, 2008 she lost a young man who thought of her as a mother. A few days later, she lost him again when JAG awarded his less than desirable step father and brother custody over his remains. Amy Frost wanted Specialist Fox buried in a Veterans cemetery in Knoxville, near her home, where even strangers could know he was an American Hero, and his grave would never go unobserved; instead he was laid to rest in a public cemetery in Memphis.

H.R. 1633 supports our troops and their dying wishes. Passing SJR 18 will be a very meaningful way for Alaska to continue supporting our military while they are in combat.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: CSSJR 18(STA)
() Publish Date:

Identifier (file name):
Title SJR 18 SUPPORT SOLDIERS' BURIAL DESIGNATIONS
Sponsor Senator HUGGINS
Requester (S) State Affairs Committee

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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	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 Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost:

POSITIONS							
Full-time							
Part-time							
Temporary							

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

Prepared by: SENATE STATE AFFAIRS COMMITTEE
Division
Approved by: /s/ Senator Menard, Chair

Phone 465-6600
Date/Time 4/7/09 12:00 AM
Date 4/7/2009

(Revised 9/10/2008 OMB)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

I

111TH CONGRESS
1ST SESSION

H. R. 1633

To amend title 10, United States Code, to authorize a member of the Armed Forces to designate anyone as the person authorized to direct disposition of the remains of the member if the member dies while on active duty.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mr. COHEN (for himself, Mr. DUNCAN, Mr. ROHRABACHER, Ms. WATSON, and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on Armed Services

---

A BILL

To amend title 10, United States Code, to authorize a member of the Armed Forces to designate anyone as the person authorized to direct disposition of the remains of the member if the member dies while on active duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honor the Written Intent of our Soldier Heroes Act" or "Honor the WISH Act".

SEC. 2. DESIGNATION OF PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.

Section 1482(c) of title 10, United States Code, is amended—

(1) by striking "Only the" in the matter preceding paragraph (1) and inserting "The";

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) in paragraph (5), as so redesignated, by striking "clauses (1)–(3)" and inserting "paragraphs (1) through (4)"; and

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent.".

○

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U.S. Code collection

TITLE 10 > Subtitle A > PART II > CHAPTER 75 > SUBCHAPTER II > § 1482

§ 1482. Expenses incident to death

(a) Incident to the recovery, care, and disposition of the remains of any decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses of the following:

(1) Recovery and identification of the remains.

(2) Notification to the next of kin or other appropriate person.

(3) Preparation of the remains for burial, including cremation if requested by the person designated to direct disposition of the remains.

(4) Furnishing of a uniform or other clothing.

(5) Furnishing of a casket or urn, or both, with outside box.

(6) Hearse service.

(7) Funeral director's services.

(8) Transportation of the remains, and roundtrip transportation and prescribed allowances for an escort of one person, to the place selected by the person designated to direct disposition of the remains or, if such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized.

(9) Interment of the remains.

(10) Presentation of a flag of the United States to the person designated to direct disposition of the remains, except in the case of a military prisoner who dies while in the custody of the Secretary and while under a sentence that includes a discharge.

(11) Presentation of a flag of equal size to the flag presented under paragraph (10) to the parents or parent, if the person to be presented a flag under paragraph (10) is other than the parent of the decedent. For the purpose of this paragraph, the term "parent" includes a natural parent, a stepparent, a parent by adoption or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to him, and preference under this paragraph shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.

(b) If an individual pays any expense payable by the United States under this section, the Secretary concerned shall reimburse him or his representative in an amount not larger than that normally incurred by the Secretary in furnishing the supply or service

concerned. If reimbursement by the United States is also authorized under another provision of law or regulation, the individual may elect under which provision to be reimbursed.

(c) Only the following persons may be designated to direct disposition of the remains of a decedent covered by this chapter:

(1) The surviving spouse of the decedent.

(2) Blood relatives of the decedent.

(3) Adoptive relatives of the decedent.

(4) If no person covered by clauses (1)-(3) can be found, a person standing in loco parentis to the decedent.

(d) When the remains of a decedent covered by section 1481 of this title, whose death occurs after January 1, 1961, are determined to be nonrecoverable, the person who would have been designated under subsection (c) to direct disposition of the remains if they had been recovered may be—

(1) presented with a flag of the United States; however, if the person designated by subsection (c) is other than a parent of the deceased member, a flag of equal size may also be presented to the parents, and

(2) reimbursed by the Secretary concerned for the necessary expenses of a memorial service.

However, the amount of the reimbursement shall be determined in the manner prescribed in subsection (b) for an interment, but may not be larger than that authorized when the United States provides the grave site. A claim for reimbursement under this subsection may be allowed only if it is presented within two years after the date of death or the date the person who would have been designated under subsection (c) to direct disposition of the remains, if they had been recovered, receives notification that the member has been reported or determined to be dead under authority of chapter 10 of title 37, whichever is later.

(e) The Secretary concerned may pay the necessary expenses for the presentation of a flag to the person designated to direct the disposition of the remains of a member of the Reserve of an armed force under his jurisdiction who dies under honorable circumstances as determined by the Secretary and who is not covered by section 1481 of this title if, at the time of such member's death, he—

(1) was a member of the Ready Reserve; or

(2) had performed at least twenty years of service as computed under section 12732 of this title and was not entitled to retired pay under section 12731 of this title.

(f) The payment of expenses incident to the recovery, care, and disposition of a decedent covered by section 1481 (a)(9) of this title is limited to the payment of expenses described in paragraphs (1) through (5) of subsection (a) and air transportation of the remains from a location outside the United States to a point of entry in the United States. Such air transportation may be provided without reimbursement on a space-available basis in military or military-chartered aircraft. The Secretary concerned shall pay all other expenses authorized to be paid under this subsection only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available, at the

time of reimbursement, for the payment of such expenses.

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RECORD OF EMERGENCY DATA

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 552, 10 USC 655, 1475 to 1480 and 2771, 38 USC 1970, 44 USC 3101, and EO 9397 (SSN).
PRINCIPAL PURPOSES: This form is used by military personnel and Department of Defense civilian and contractor personnel, collectively referred to as civilians, when applicable. **For military personnel**, it is used to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of that member's pay and allowances if captured, missing or interned. It also shows names and addresses of the person(s) the Service member desires to be notified in case of emergency or death. **For civilian personnel**, it is used to expedite the notification process in the event of an emergency and/or the death of the member. The purpose of soliciting the SSN is to provide positive identification. All items may not be applicable.
ROUTINE USES: None.
DISCLOSURE: Voluntary; however, failure to provide accurate personal identifier information and other solicited information will delay notification and the processing of benefits to designated beneficiaries if applicable.

INSTRUCTIONS TO SERVICE MEMBER

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty (other family members or fiance), and, to designate beneficiaries for certain benefits if you die. IT IS YOUR RESPONSIBILITY to keep your Record of Emergency Data up to date to show your desires as to beneficiaries to receive certain death payments, and to show changes in your family or other personnel listed, for example, as a result of marriage, civil court action, death, or address change.

INSTRUCTIONS TO CIVILIANS

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty. Not every item on this form is applicable to you. **This form is used by the Department of Defense (DoD) to expedite notification in the case of emergencies or death.** It does not have a legal impact on other forms you may have completed with the DoD or your employer.

IMPORTANT: This form is divided into two sections: Section 1 - Emergency Contact Information and Section 2 - Benefits Related Information. READ THE INSTRUCTIONS ON PAGES 3 AND 4 BEFORE COMPLETING THIS FORM.

SECTION 1 - EMERGENCY CONTACT INFORMATION

1. NAME *(Last, First, Middle Initial)*	2. SSN

3a. SERVICE/CIVILIAN CATEGORY	b. REPORTING UNIT CODE/DUTY STATION
☐ ARMY ☐ NAVY ☐ MARINE CORPS ☐ AIR FORCE ☐ DoD ☐ CIVILIAN ☐ CONTRACTOR	

4a. SPOUSE NAME *(If applicable) (Last, First, Middle Initial)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER
☐ SINGLE ☐ DIVORCED ☐ WIDOWED	

5. CHILDREN a. NAME *(Last, First, Middle Initial)*	b. RELATIONSHIP	c. DATE OF BIRTH *(YYYYMMDD)*	d. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

6a. FATHER NAME *(Last, First, Middle Initial)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

7a. MOTHER NAME *(Last, First, Middle Initial)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

8a. DO NOT NOTIFY DUE TO ILL HEALTH	b. NOTIFY INSTEAD

9a. DESIGNATED PERSON(S) *(Military only)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

10. CONTRACTING AGENCY AND TELEPHONE NUMBER *(Contractors only)*

SECTION 2 - BENEFITS RELATED INFORMATION			
11a. BENEFICIARY(IES) FOR DEATH GRATUITY *(Military only)*	**b. RELATIONSHIP**	**c. ADDRESS** *(Include ZIP Code)* **AND TELEPHONE NUMBER**	**d. PERCENTAGE**
12a. BENEFICIARY(IES) FOR UNPAID PAY/ALLOWANCES *(Military only)* **NAME AND RELATIONSHIP**		**b. ADDRESS** *(Include ZIP Code)* **AND TELEPHONE NUMBER**	**c. PERCENTAGE**
13a. PERSON AUTHORIZED TO DIRECT DISPOSITION (PADD) *(Military only)* **NAME AND RELATIONSHIP**		**b. ADDRESS** *(Include ZIP Code)* **AND TELEPHONE NUMBER**	
14. CONTINUATION/REMARKS			
15. SIGNATURE OF SERVICE MEMBER/CIVILIAN *(Include rank, rate, or grade if applicable)*		**16. SIGNATURE OF WITNESS** *(Include rank, rate, or grade as appropriate)*	**17. DATE SIGNED** *(YYYYMMDD)*

DD FORM 93 (BACK), JAN 2008

INSTRUCTIONS FOR PREPARING DD FORM 93

(See appropriate Service Directives for supplemental instructions for completion of this form at other than MEPS)

All entries explained below are for electronic or typewriter completion, except those specifically noted. If a computer or typewriter is not available, print in black or blue-black ink insuring a legible image on all copies. Include "Jr.," "Sr.," "III" or similar designation for each name, if applicable. When an address is entered, include the appropriate ZIP Code. If the member cannot provide a current address, indicate "unknown" in the appropriate item. Addresses shown as P.O. Box Numbers or RFD numbers should indicate in Item 14, "Continuations/Remarks", a street address or general guidance to reach the place of residence. In addition, the notation "See Item 14" should be included in the item pertaining to the particular next of kin or when the space for a particular item is insufficient. If the address for the person in the item has been shown in a preceding item, it is unnecessary to repeat the address; however, the name must be entered. Those items that are considered not applicable to civilians will be left blank.

ITEM 1. Enter full last name, first name, and middle initial.

ITEM 2. Enter social security number (SSN).

ITEM 3a. Service. **Military:** Mark X in appropriate block. **Civilian:** Mark two blocks as appropriate. Examples: an Army civilian would mark Army and either Civilian or Contractor; a DoD civilian, without affiliation to one of the Military Services, would mark DoD and then either Civilian or Contractor as appropriate.

ITEM 3b. Reporting Unit Code/Duty Station. See Service Directives.

ITEM 4a. Spouse Name. Enter last name (if different from Item 1), first name and middle initial on the line provided. If single, divorced, or widowed, mark appropriate block.

ITEM 4b. Address and Telephone Number. Enter the "actual" address and telephone number, not the mailing address. Include civilian title or military rank and service if applicable. If one of the blocks in 4a is marked, leave blank.

ITEM 5a-d. Children. Enter last name (only if different from Item 1) first name and middle initial, relationship, and date of birth of all children. If none, so state. Include illegitimate children if acknowledged by member or paternity/maternity has been judicially decreed. Relationship examples: son, daughter, stepson or daughter, adopted son or daughter or ward. Date of birth example: 19950704. For children not living with the member's current spouse, include address and name and relationship of person with whom residing in item 5d.

ITEM 6a. Father Name. Last name, first name and middle initial.

ITEM 6b. Address and Telephone Number of Father. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural father is listed, indicate relationship.

ITEM 7a. Mother Name. Last name, first name and middle initial.

ITEM 7b. Address and Telephone Number of Mother. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural mother is listed, indicate relationship.

ITEM 8. Persons Not to be Notified Due to Ill Health.
a. List relationship, e.g., "Mother," of person(s) listed in Items 4, 5, 6, or 7 who are not to be notified of a casualty due to ill health. If more than one child, specify, e.g., "daughter Susan." Otherwise, enter "None".
b. List relationship, e.g., "Father" or name and address of person(s) to be notified in lieu of person(s) listed in item 8a. If "None" is entered in Item 8a, leave blank.

ITEM 9a. This item will be used to record the name of the person or persons, if any, other than the member's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if the member is placed in a missing status. Reference 10 USC, Section 655. **NOT APPLICABLE to civilians.**

ITEM 9b. Address and telephone number of Designated Person(s). **NOT APPLICABLE to civilians.**

ITEM 10. Contracting Agency and Telephone Number **(Contractors only). NOT APPLICABLE to military personnel.** Civilian contractors will provide the name of their contracting agency and its telephone number. Example: XYZ Electric, (703) 555-5689. The telephone number should be to the company or corporation's personnel or human resources office.

ITEM 11a. Beneficiary(ies) for Death Gratuity **(Military only)**. Enter first name(s), middle initial, and last name(s) of the person(s) to receive death gratuity pay. A member may designate one or more persons to receive all or a portion of the death gratuity pay. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the person may receive. If the member does not wish to designate a beneficiary for the payment of death gratuity, enter "None," or if the full amount is not designated, the payment or balance will be paid as follows:

(1) To the surviving spouse of the person, if any;
(2) To any surviving children of the person and the descendants of any deceased children by representation;
(3) To the surviving parents or the survivor of them;
(4) To the duly appointed executor or administrator of the estate of the person;
(5) If there are none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.

The member should make specific designations, as it expedites payment.

INSTRUCTIONS FOR PREPARING DD FORM 93

(Continued)

ITEM 11a. *(Continued)* Seek legal advice if naming a minor child as a beneficiary. If a member has a spouse but designates a person other than the spouse to receive all or a portion of the death gratuity pay, the Service concerned is required to provide notice of the designation to the spouse. **NOT APPLICABLE to civilians.**

Item 11b. Relationship. **NOT APPLICABLE to civilians.**

ITEM 11c. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 11d. Show the percentage to be paid to each person. Enter 10%, 20%, 30%, up to 100% as appropriate. The sum shares must equal 100 percent. If no percent is indicated and more than one person is named, the money is paid in equal shares to the persons named. **NOT APPLICABLE to civilians.**

ITEM 12a. Beneficiary(ies) for Unpaid Pay/Allowance **(Military only)**. Enter first name(s), middle initial, last name(s) and relationship of person to receive unpaid pay and allowances at the time of death. The member may indicate anyone to receive this payment. If the member designated two or more beneficiaries, state the percentage to be paid each in item 10c. If the member does not wish to designate a beneficiary, enter "By Law." The member is urged to designate a beneficiary for unpaid pay and allowances as payment will be made to the person in order of precedence by law (10 USC 2771) in the absence of a designation. Seek legal advice if naming a minor child as beneficiary. **NOT APPLICABLE to civilians.**

ITEM 12b. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 12c. If the member designated two or more beneficiaries, state the percentage to be paid each in this section. The sum shares must equal 100 percent. **NOT APPLICABLE to civilians.**

ITEM 13a. Enter the name and relationship of the Person Authorized to Direct Disposition (PADD) of your remains should you become a casualty. Only the following persons may be named as a PADD: surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these three can be found, a person standing in loco parentis may be named. **NOT APPLICABLE to civilians.**

ITEM 13b. Address and telephone number of PADD. **NOT APPLICABLE to civilians.**

ITEM 14. Continuations/Remarks. Use this item for remarks or continuation of other items, if necessary. Prefix entry with the number of the item being continued; for example, 5/John J./son/ 19851220/321 Pecan Drive, Schertz TX 78151. Also use this item to list name, address, and relationship of other persons the member desires to be notified. Other dependents may also be listed. This block offers the greatest amount of flexibility for the member to record other important information not otherwise requested but considered extremely useful in the casualty notification and assistance process. Besides continuing information from other blocks on this form, the member may desire to include additional information such as: NOK language barriers, location or existence of a Will, additional private insurance information, other family member contact numbers, etc. If additional space is required, attach a supplemental sheet of standard bond paper with the information.

ITEM 15. Signature of Service Member/Civilian. Check and verify all entries and sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade if applicable. May be electronically signed (see DoD Instruction 1300.18 for guidelines).

ITEM 16. Signature of Witness. Have a witness (disinterested person) sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade as appropriate. A witness signature is not required for electronic versions of the DD Form 93 (see DoD Instruction 1300.18).

ITEM 17. Date the member or civilian signs the form. This item is an ink entry and must be completed on all copies.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/1/09

FURTHER: Rules

Date of 5-Day Notice: 4/2/09
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/7/09

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 18

SJR 18 SUPPORT SOLDIERS' BURIAL DESIGNATIONS

Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act.

and recommends:

[✓] be **replaced** with [ ] **SCS** or [✓] **CS** SJR 18 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** CS (Forthcoming)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
FN Forthcoming					

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	Kookan	X			
CHAIR:	MENARD	X			

SJR

21

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON

ALASKA STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-3707
FAX: (907) 465-4821

MEMORANDUM

Date: January 26, 2010

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Donald Olson

Subject: Hearing Request for SJR 21, Constitutional Amendment to Increase the Number of Legislators

Senator Menard,

I respectfully request a hearing for SJR 21 at your earliest convenience.

If you have any questions regarding the bill, please contact me or my staff Jim Colver at 465-3877. Thank you for your consideration of this bill.

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON, CHAIR

SENATOR ALBERT KOOKESH
SENATOR JOE THOMAS
SENATOR HOLLIS FRENCH
SENATOR LINDA MENARD

ALASKA STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182
907) 465-3877
FAX: (907) 465-4821

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

SPONSOR STATEMENT
SJR 21 Const. Am: increase Number of Legislators

> " ....Each house district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area...."
> Alaska Constitution Article VI, Section 6, titled Legislative Apportionment.

SJR 21 will put a constitutional amendment before the voters in the 2010 general election that would increase the size of the legislature to 48 representatives and 24 senators. Upon voter approval, the measure would apply to the 2012 determination of election district boundaries.

In the first 50 years of statehood, Alaska has not changed the 20 senator, 40 representative size of its legislative body, the smallest bicameral legislature in the nation. In this time span, the population of the state has more than tripled. Most significantly, the population increase is disproportionate, strongly favoring large urban areas over rural and small community areas. The task then of applying the proscriptions of Article VI, above, has correspondingly become more difficult and contentious. Except for the 1960 reapportionment, all subsequent reapportionments have faced successful legal challenges, requiring boundary adjustments and on several occasions, a court constructed plan.

Federal protections of the U.S. Voter Rights Act of 1965 for large minority concentrations further complicate Alaska's reapportionment process. Indeed, they can act to counter the Section 6 requirements. Rural election district distortions are evident in the current plan. There is a probability that the new population distribution of the 2010 census cannot reconcile Section 6 and the Voter Rights Act without increasing the size of the legislature.

Between 1960 and 2006, twenty nine states have changed the size of their legislative body. For the nine states with small populations similar to Alaska (509,000 to 1,429,000), the average size of their legislative bodies is 134 members.

Another measure of the effect of the state's growth and complexity on the work of the legislature is its budget responsibilities. Legislative expenditures for government programs and projects has risen from a figure of $104 million in FY 61 to somewhere in the neighborhood of $7 billion currently. This is an increase from $2700 per capita in 1961 nominal dollars to $10,000 per capita today.

For these reasons, I believe putting a proposal to increase the size of the legislature before the voters has merit and is timely.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SJR 21
() Publish Date:

Identifier (file name): SJR21-LEG-COU-1-29-10
Dept. Affected: Legislature
Title "Proposing amendments to the Constitution of the State of Alaska relating to and increasing the number of members..."
RDU All
Component Various
Sponsor Senate Community and Regional Affairs
Requester Senate State Affairs
Component Number Various

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services				3,600.0	3,600.0	3,600.0	3,600.0
Travel				350.0	350.0	350.0	350.0
Contractual				520.0	520.0	520.0	520.0
Supplies				170.0	0.0	0.0	0.0
Equipment				1,500.0			
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**6,140.0**	**4,470.0**	**4,470.0**	**4,470.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF				6,140.0	4,470.0	4,470.0	4,470.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**6,140.0**	**4,470.0**	**4,470.0**	**4,470.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time				35	35	35	35
Part-time				16	16	16	16
Temporary							

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

SJR 21 proposes amending the Constitution of the State of Alaska by ballot proposition in the next general election which would increase the membership of the Alaska Senate by four Senators and the Alaska House of Representatives by eight Representatives. If this resolution passes, the ballot proposition would be voted on in the November 2010 general election. If the ballot proposition passes, the Redistricting Board would create their redistricting plan using the new number of districts. For purposes of this fiscal note, it is assumed that the number of Legislators elected to office for the 28th Legislature would total 72. Please note the figure included for capital outlay is for the remodeling cost to accommodate the increased number of Legislators in the Capitol. If a decision were made to create an addition to the Capitol or to construct a new building the figure would be much higher and would likely be included in a capital appropriation.

Prepared by: Karla Schofield, Deputy Director
Phone 465-6626
Division Legislative Affairs Agency
Date/Time 1/29/10 12:43 PM
Approved by: Pamela Varni, Executive Director
Date 1/29/2010
Legislative Affairs Agency

(Revised 11/6/2009 OMB)

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

BILL NO. SJR 21

ANALYSIS CONTINUATION

Personal Services - 12 Additional Legislators - 963.0
Assume for staff allocation 1/2 Legislators are in the majority and 1/2 are in minority
34 staff to Legislators - $2,637.0 Support staff include full time - 1 attorney; session only - 2 LIO Officers, 1 Enroller or Help Desk Technician, 1 custodian. Total increase in Personal Service - 3,600.00.

Travel - Assume 1 Legislator from Juneau - Cost to move 11 Legislators and families - 60.0
Cost to relocate an additional 34 staff - 30.0; Cost of increased session per diem - 200.0;
Increase in Legislature's travel budget related to 12 new Legislators - 60.0; Total increase in Travel - 350.0.

Contractual - Allowance Accounts for 4 Senators at 10.0 and 8 Representatives at 8.0 = $104.0;
Connectivity for computers, phones, faxes, and printers - 66.0. Increase in office space for either expanding existing Legislative Information Offices or establishing new offices - 350.0. Total increase in contractual - 520.0.

Supplies - Cost to equip two offices per Legislator and their staff, one office in the district and one office in the Capitol. Items include desktop computers, one laptop per office, printers , hardware, software, which will be shipped to and from the Capital City each year, and one set of furniture for a district office and one set for the Capitol. Furniture items include desks, chairs, phones, file cabinets, fax machines - Total cost to equip offices - 170.0.

Capital Outlay - Cost to remodel the existing chambers in the Capitol and reconfigure space in the Capitol Complex to accommodate 12 new offices would likely, at a minimum, be at least 1,500.0. The cost could be much higher if the Legislature decided to build an addition to the Capitol or construct a new building.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SJR21**
() Publish Date:

Identifier (file name): SJR021-OOG-DOE-1-29-10
Dept. Affected: OOG
Title: Constitutional amendment relating to and increasing the number of members of the house of representatives to....
RDU: Elections
Component: Elections
Sponsor: Senate Community and Regional Affairs Committee
Requester: Senate State Affairs
Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual		1.5					
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**1.5**	**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		1.5					
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**1.5**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The passage of this resolution would require the constitutional amendment to appear on the 2010 general election ballot. The cost of providing information about the constitutional amendment in the Official Election Pamphlet, as required by AS 15.58 is $1.5. Should the addition of this question require printing an 8-1/2 by 18 inch ballot, the cost will increase to $22.0.

Prepared by: Gail Fenumiai, Director — Phone 465-4611
Division: Division of Elections — Date/Time 1/29/10, 3:49pm
Approved by: Linda Perez, Director — Date
Division of Administrative Services

(Revised 10/13/2009 OMB)

TABLE 1 SJR 21

Table 3.4 Alaska Population by House and Senate District 2000, 2008

Area Name	Representative	Senator	July 1, 2008 Population by Age Group: House District Total	% of Total	Under 5 5-17	18+	% of Total	18-64	65+	April 1, 2000: Total	% of Total	18+	% of Total
Total			679,720	100.00	56,242	140,642	482,836	100.00	433,384	49,452	626,932	100.00	436,215	100.00
Average Population			16,993		1,406	3,516	12,071		10,835	1,236	15,673		10,905	
HD 1 SD A	Kyle Johansen (R)	Bert Stedman (R)	13,832	2.03	967	2,561	10,304	2.13	8,899	1,405	15,031	2.40	10,817	2.48
HD 2 SD A	Peggy Wilson (R)		14,104	2.07	880	2,559	10,665	2.21	8,974	1,691	14,991	2.39	10,809	2.48
HD 3 SD B	Beth Kerttula (D)	Dennis Eagan (D)/2	15,207	2.24	936	2,424	11,847	2.45	10,206	1,641	15,203	2.42	11,459	2.63
HD 4 SD B	Cathy Engstrom Munoz (R)		15,220	2.24	1,143	3,051	11,026	2.28	10,174	852	15,508	2.47	10,835	2.48
HD 5 SD C	Bill Thomas (R)	Albert Kookesh (D)	13,368	1.97	819	2,516	10,033	2.08	8,584	1,449	15,048	2.40	10,669	2.45
HD 6 SD C	Woodie Salmon (D)		14,564	2.14	1,236	3,364	9,964	2.06	8,621	1,343	14,905	2.38	9,774	2.24
HD 7 SD D	Mike Kelly (R)	Joe Thomas (D)	16,725	2.46	1,143	3,542	12,040	2.49	11,059	981	15,494	2.47	10,899	2.50
HD 8 SD D	David Guttenberg (D)		16,597	2.44	1,055	2,974	12,568	2.60	11,773	795	15,552	2.48	11,572	2.65
HD 9 SD E	Scott Kawasaki (D)	Joe Paskvan (D)	17,323	2.55	1,554	3,086	12,683	2.63	10,687	1,996	15,723	2.51	11,261	2.58
HD 10 SD E	Jay Ramras (R)		17,017	2.50	2,100	2,935	11,982	2.48	11,010	972	15,599	2.49	10,847	2.49
HD 11 SD F	John Coghill (R)	Gene Therriault (R)	17,129	2.52	1,449	3,769	11,911	2.47	11,134	777	15,904	2.54	10,826	2.48
HD 12 SD F	John Harris (R)		17,792	2.62	1,700	3,883	12,209	2.53	11,314	895	16,303	2.60	10,861	2.49
HD 13 SD G	Carl Gatto (R)	Linda Menard (R)	22,559	3.32	1,843	5,101	15,615	3.23	13,859	1,756	16,231	2.59	10,835	2.48
HD 14 SD G	Wes Keller (R)		22,384	3.29	2,123	5,081	15,180	3.14	13,745	1,435	16,119	2.57	10,567	2.42
HD 15 SD H	Mark Neuman (R)	Charlie Huggins (R)	22,477	3.31	1,632	4,668	16,177	3.35	14,455	1,722	16,137	2.57	11,235	2.58
HD 16 SD H	Bill Stoltze (R)		20,015	2.94	1,493	4,416	14,106	2.92	12,743	1,363	16,104	2.57	11,082	2.54
HD 17 SD I	Anna Fairclough (R)	Fred Dyson (R)	17,171	2.53	1,242	4,239	11,690	2.42	11,035	655	15,819	2.52	10,642	2.44
HD 18 SD I	Nancy Dahlstrom (R)		17,032	2.51	2,376	3,428	11,228	2.33	10,858	370	15,639	2.49	10,266	2.35
HD 19 SD J	Pete Petersen (D)	Bill Wielechowski (D)	17,394	2.56	1,455	3,682	12,257	2.54	10,796	1,461	15,841	2.53	11,020	2.53
HD 20 SD J	Max Gruenberg (D)		17,330	2.55	1,971	3,860	11,499	2.38	10,454	1,045	15,837	2.53	10,397	2.38
HD 21 SD K	Harry Crawford (D)	Bettye Davis (D)	17,321	2.55	1,330	3,735	12,256	2.54	11,179	1,077	15,850	2.53	11,086	2.54
HD 22 SD K	Sharon Cissna (D)		17,353	2.55	1,393	3,324	12,636	2.62	11,419	1,217	15,831	2.53	11,413	2.62
HD 23 SD L	Les Gara (D)	Johnny Ellis (D)	17,671	2.60	1,075	2,289	14,307	2.96	11,700	2,607	15,847	2.53	12,703	2.91
HD 24 SD L	Berta Gardner (D)		17,415	2.56	1,375	3,028	13,012	2.69	11,447	1,565	15,812	2.52	11,696	2.68
HD 25 SD M	Mike Doogan (D)	Hollis French (D)	17,464	2.57	1,317	2,656	13,491	2.79	11,874	1,617	15,836	2.53	12,129	2.78
HD 26 SD M	Lindsey Holmes (D)		17,443	2.57	1,178	3,028	13,237	2.74	11,521	1,716	15,823	2.52	11,877	2.72
HD 27 SD N	Robert L."Bob" Buch (D)	Lesil McGuire (R)	17,261	2.54	1,395	3,682	12,184	2.52	11,286	898	15,820	2.52	11,053	2.53
HD 28 SD N	Craig Johnson (R)		17,279	2.54	1,349	3,907	12,023	2.49	11,053	970	15,839	2.53	10,893	2.50
HD 29 SD O	Chris Tuck (D)	Kevin Meyer (R)	17,322	2.55	1,588	3,311	12,423	2.57	11,506	917	15,846	2.53	11,271	2.58
HD 30 SD O	Charisse Millett (R)		17,229	2.53	1,484	4,014	11,731	2.43	11,033	698	15,839	2.53	10,673	2.45
HD 31 SD P	Bob Lynn (R)	Con Bunde (R)	17,216	2.53	1,135	4,078	12,003	2.49	11,115	888	15,811	2.52	10,886	2.50
HD 32 SD P	Mike Hawker (R)		16,717	2.46	966	3,435	12,316	2.55	11,262	1,054	15,329	2.45	11,161	2.56
HD 33 SD Q	Kurt Olson (R)	Thomas Wagoner (R)	17,488	2.57	1,275	3,588	12,625	2.61	10,913	1,712	16,466	2.63	11,220	2.57
HD 34 SD Q	Mike Chenault (R)		17,477	2.57	1,048	3,458	12,971	2.69	11,209	1,762	16,409	2.62	11,524	2.64
HD 35 SD R	Paul Seaton (R)	Gary Stevens (R)	17,613	2.59	1,145	3,141	13,327	2.76	11,423	1,904	16,436	2.62	11,815	2.71
HD 36 SD R	Alan Austerman (R)		14,240	2.09	1,252	3,264	9,724	2.01	8,784	940	14,928	2.38	10,019	2.30
HD 37 SD S	Bryce Edgmon (D)	Lyman Hoffman (D)	13,623	2.00	854	2,365	10,404	2.15	9,733	671	15,150	2.42	11,192	2.57
HD 38 SD S	Bob Herron (D)		15,793	2.32	2,018	4,517	9,258	1.92	8,356	902	14,921	2.38	8,970	2.06
HD 39 SD T	Richard Foster (D)	Donald Olson (D)	15,862	2.33	2,079	4,666	9,117	1.89	8,192	925	14,996	2.39	8,845	2.03
HD 40 SD T	Reggie Joule (D)		14,693	2.16	1,869	4,017	8,807	1.82	7,999	808	15,155	2.42	9,116	2.09

Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section, Demographics Unit, August 5, 2009
/1Official Returns, November 2008 General Election,State of Alaska Division of Elections
/2 Dennis Eagan appointed to fill the unexpired term of Kim Elton.

Population trend for Election Districts in 2010

Election District	Pop. 2000	DOL 2008 Est.	2010 Extrapolation	Diff. From Average
1 Ket.	15,031	13,832	13,532	-3,777
2 Sit-Wran-Pet	14,991	14,104	13,882	-3,427
3-Jun	15,203	15,207	15,208	-2,101
4-Jun	15,508	15,220	15,148	-2,161
5 SE islands	15,048	13,368	12,948	-4,361
6 Interior Bush	14,906	14,564	14,479	-2,830
7 Fbks	15,494	16,725	17,033	-276
8 Fbks	15,552	16,597	16,858	-451
9 Fbks	15,723	17,323	17,723	414
10 Fbks	15,599	17,017	17,372	63
11.N. Pole	15,904	17,129	17,435	126
12 Valdez-Hwys	16,303	17,465	17,756	447
13 Mat-Su	16,231	22,529	24,104	6,795
14 Mat-Su	16,119	22,384	23,950	6,641
15 Mat-Su	16,137	22,477	24,062	6,753
16 Mat-Su	16,104	20,015	20,993	3,684
17 Anch	15,819	17,171	17,509	200
18 Anch	15,639	17,032	17,380	71
19 Anch	15,841	17,394	17,782	473
20 Anch	15,837	17,330	17,703	394
21 Anch	15,850	17,321	17,689	380
22 Anch	15,831	17,353	17,734	425
23 Anch	15,847	17,671	18,127	818
24 Anch	15,812	17,415	17,816	507
25 Anch	15,836	17,464	17,871	562
26 Anch	15,823	17,443	17,848	539
27 Anch	15,820	17,261	17,621	312
28 Anch	15,839	17,279	17,639	330
29 Anch	15,846	17,322	17,691	382
30 Anch	15,839	17,229	17,577	268
31 Anch	15,811	17,216	17,567	258
32 Anch	15,839	16,717	16,937	-372
33 Kenai	16,466	17,488	17,744	435
34 Kenai	16,409	17,477	17,744	435
35 Kenai	16,436	17,613	17,907	598
36 Kodiak	14,928	14,240	14,068	-3,241
37 Bristol B- Chain	15,150	13,623	13,241	-4,068
38 Bethel-YK	14,921	15,793	16,011	-1,298
39 Nome	14,966	15,862	16,086	-1,223
40 Kotz-Barrow	15,155	14,693	14,578	-2,731
TOTAL	627,413	679,363	692,351	
Average Population	15,673	16,993	17,309	

Alaska Population by House and Senate District 2000, 2008.

Area Name	Representative	Senator	July 1, 2008 Population Estimates by Age Group								April 1, 2000 Census Population			
			Total	% of Total	Under 5	5-17	18+	% of Total	18-64	65+	Total	% of Total	18+	% of Total
Total			679,720	100.00	56,242	140,642	482,836	100.00	433,384	49,452	626,932	100.00	436,215	100.00
Average Population			16,993		1,406	3,516	12,071		10,835	1,236	15,673		10,905	
HD 1 SD A	Kyle Johansen (R)	Bert Stedman (R)	13,832	2.03	967	2,561	10,304	2.13	8,899	1,405	15,031	2.40	10,817	2.48
HD 2 SD A	Peggy Wilson (R)		14,104	2.07	880	2,559	10,665	2.21	8,974	1,691	14,991	2.39	10,809	2.48
HD 3 SD B	Beth Kerttula (D)	Vacant (D)	15,207	2.24	936	2,424	11,847	2.45	10,206	1,641	15,203	2.42	11,459	2.63
HD 4 SD B	Cathy Engstrom Munoz (R)		15,220	2.24	1,143	3,051	11,026	2.28	10,174	852	15,508	2.47	10,835	2.48
HD 5 SD C	Bill Thomas (R)	Albert Kookesh (D)	13,368	1.97	819	2,516	10,033	2.08	8,584	1,449	15,048	2.40	10,669	2.45
HD 6 SD C	Woodie Salmon (D)		14,564	2.14	1,236	3,364	9,964	2.06	8,621	1,343	14,905	2.38	9,774	2.24
HD 7 SD D	Mike Kelly (R)	Joe Thomas (D)	16,725	2.46	1,143	3,542	12,040	2.49	11,059	981	15,494	2.47	10,899	2.50
HD 8 SD D	David Guttenberg (D)		16,597	2.44	1,055	2,974	12,568	2.60	11,773	795	15,552	2.48	11,572	2.65
HD 9 SD E	Scott Kawasaki (D)	Joe Paskvan (D)	17,323	2.55	1,554	3,086	12,683	2.63	10,687	1,996	15,723	2.51	11,261	2.58
HD 10 SD E	Jay Ramras (R)		17,017	2.50	2,100	2,935	11,982	2.48	11,010	972	15,599	2.49	10,847	2.49
HD 11 SD F	John Coghill (R)	Gene Therriault (R)	17,129	2.52	1,449	3,769	11,911	2.47	11,134	777	15,904	2.54	10,826	2.48
HD 12 SD F	John Harris (R)		17,792	2.62	1,700	3,883	12,209	2.53	11,314	895	16,303	2.60	10,861	2.49
HD 13 SD G	Carl Gatto (R)	Linda Menard (R)	22,559	3.32	1,843	5,101	15,615	3.23	13,859	1,756	16,231	2.59	10,835	2.48
HD 14 SD G	Wes Keller (R)		22,384	3.29	2,123	5,081	15,180	3.14	13,745	1,435	16,119	2.57	10,567	2.42
HD 15 SD H	Mark Neuman (R)	Charlie Huggins (R)	22,477	3.31	1,632	4,668	16,177	3.35	14,455	1,722	16,137	2.57	11,235	2.58
HD 16 SD H	Bill Stoltze (R)		20,015	2.94	1,493	4,416	14,106	2.92	12,743	1,363	16,104	2.57	11,082	2.54
HD 17 SD I	Anna Fairclough (R)	Fred Dyson (R)	17,171	2.53	1,242	4,239	11,690	2.42	11,035	655	15,819	2.52	10,642	2.44
HD 18 SD I	Nancy Dahlstrom (R)		17,032	2.51	2,376	3,428	11,228	2.33	10,858	370	15,639	2.49	10,266	2.35
HD 19 SD J	Pete Petersen (D)	Bill Wielechowski (D)	17,394	2.56	1,455	3,682	12,257	2.54	10,796	1,461	15,841	2.53	11,020	2.53
HD 20 SD J	Max Gruenberg (D)		17,330	2.55	1,971	3,860	11,499	2.38	10,454	1,045	15,837	2.53	10,397	2.38
HD 21 SD K	Harry Crawford (D)	Bettye Davis (D)	17,321	2.55	1,330	3,735	12,256	2.54	11,179	1,077	15,850	2.53	11,086	2.54
HD 22 SD K	Sharon Cissna (D)		17,353	2.55	1,393	3,324	12,636	2.62	11,419	1,217	15,831	2.53	11,413	2.62
HD 23 SD L	Les Gara (D)	Johnny Ellis (D)	17,671	2.60	1,075	2,289	14,307	2.96	11,700	2,607	15,847	2.53	12,703	2.91
HD 24 SD L	Berta Gardner (D)		17,415	2.56	1,375	3,028	13,012	2.69	11,447	1,565	15,812	2.52	11,696	2.68
HD 25 SD M	Mike Doogan (D)	Hollis French (D)	17,464	2.57	1,317	2,656	13,491	2.79	11,874	1,617	15,836	2.53	12,129	2.78
HD 26 SD M	Lindsey Holmes (D)		17,443	2.57	1,178	3,028	13,237	2.74	11,521	1,716	15,823	2.52	11,877	2.72
HD 27 SD N	Robert L."Bob" Buch (D)	Lesil McGuire (R)	17,261	2.54	1,395	3,682	12,184	2.52	11,286	898	15,820	2.52	11,053	2.53
HD 28 SD N	Craig Johnson (R)		17,279	2.54	1,349	3,907	12,023	2.49	11,053	970	15,839	2.53	10,893	2.50
HD 29 SD O	Chris Tuck (D)	Kevin Meyer (R)	17,322	2.55	1,588	3,311	12,423	2.57	11,506	917	15,846	2.53	11,271	2.58
HD 30 SD O	Charisse Millett (R)		17,229	2.53	1,484	4,014	11,731	2.43	11,033	698	15,839	2.53	10,673	2.45
HD 31 SD P	Bob Lynn (R)	Con Bunde (R)	17,216	2.53	1,135	4,078	12,003	2.49	11,115	888	15,811	2.52	10,886	2.50
HD 32 SD P	Mike Hawker (R)		16,717	2.46	966	3,435	12,316	2.55	11,262	1,054	15,329	2.45	11,161	2.56
HD 33 SD Q	Kurt Olson (R)	Thomas Wagoner (R)	17,488	2.57	1,275	3,588	12,625	2.61	10,913	1,712	16,466	2.63	11,220	2.57
HD 34 SD Q	Mike Chenault (R)		17,477	2.57	1,048	3,458	12,971	2.69	11,209	1,762	16,409	2.62	11,524	2.64
HD 35 SD R	Paul Seaton (R)	Gary Stevens (R)	17,613	2.59	1,145	3,141	13,327	2.76	11,423	1,904	16,436	2.62	11,815	2.71
HD 36 SD R	Alan Austerman (R)		14,240	2.09	1,252	3,264	9,724	2.01	8,784	940	14,928	2.38	10,019	2.30
HD 37 SD S	Bryce Edgmon (D)	Lyman Hoffman (D)	13,623	2.00	854	2,365	10,404	2.15	9,733	671	15,150	2.42	11,192	2.57
HD 38 SD S	Bob Herron (D)		15,793	2.32	2,018	4,517	9,258	1.92	8,356	902	14,921	2.38	8,970	2.06
HD 39 SD T	Richard Foster (D)	Donald Olson (D)	15,862	2.33	2,079	4,666	9,117	1.89	8,192	925	14,996	2.39	8,845	2.03
HD 40 SD T	Reggie Joule (D)		14,693	2.16	1,869	4,017	8,807	1.82	7,999	808	15,155	2.42	9,116	2.09

Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section, Demographics Unit, April 15, 2009

TABLE 3 SJR 21	Population trend for Election Districts in 2010			SJR 21 By Sen. Olson Office	
					SJR 21 w/ Eds
Election District	**Pop. 2000**	**DOL 2008 Est.**	**2010 Extrapolation**	**Diff. From Average**	**Diff. From Average**
1 Ket.	15,031	13,832	13,532	-3,777	-892
2 Sit-Wran-Pet	14,991	14,104	13,882	-3,427	-542
3-Jun	15,203	15,207	15,208	-2,101	784
4-Jun	15,508	15,220	15,148	-2,161	724
5 SE islands	15,048	13,368	12,948	-4,361	-1,476
6 Interior Bush	14,906	14,564	14,479	-2,830	55
7 Fbks	15,494	16,725	17,033	-276	2,609
8 Fbks	15,552	16,597	16,858	-451	2,434
9 Fbks	15,723	17,323	17,723	414	3,299
10 Fbks	15,599	17,017	17,372	63	2,948
11.N. Pole	15,904	17,129	17,435	126	3,011
12 Valdez-Hwys	16,303	17,465	17,756	447	3,332
13 Mat-Su	16,231	22,529	24,104	6,795	9,680
14 Mat-Su	16,119	22,384	23,950	6,641	9,526
15 Mat-Su	16,137	22,477	24,062	6,753	9,638
16 Mat-Su	16,104	20,015	20,993	3,684	6,569
17 Anch	15,819	17,171	17,509	200	3,085
18 Anch	15,639	17,032	17,380	71	2,956
19 Anch	15,841	17,394	17,782	473	3,358
20 Anch	15,837	17,330	17,703	394	3,279
21 Anch	15,850	17,321	17,689	380	3,265
22 Anch	15,831	17,353	17,734	425	3,310
23 Anch	15,847	17,671	18,127	818	3,703
24 Anch	15,812	17,415	17,816	507	3,392
25 Anch	15,836	17,464	17,871	562	3,447
26 Anch	15,823	17,443	17,848	539	3,424
27 Anch	15,820	17,261	17,621	312	3,197
28 Anch	15,839	17,279	17,639	330	3,215
29 Anch	15,846	17,322	17,691	382	3,267
30 Anch	15,839	17,229	17,577	268	3,153
31 Anch	15,811	17,216	17,567	258	3,143
32 Anch	15,839	16,717	16,937	-372	2,513
33 Kenai	16,466	17,488	17,744	435	3,320
34 Kenai	16,409	17,477	17,744	435	3,320
35 Kenai	16,436	17,613	17,907	598	3,483
36 Kodiak	14,928	14,240	14,068	-3,241	-356
37 Bristol B- Chain	15,150	13,623	13,241	-4,068	-1,183
38 Bethel-YK	14,921	15,793	16,011	-1,298	1,587
39 Nome	14,966	15,862	16,086	-1,223	1,662
40 Kotz-Barrow	15,155	14,693	14,578	-2,731	154
TOTAL	**627,413**	**679,363**	**692,351**		
Average Population	**15,673**	**16,993**	**17,309**		**14,424**

TABLE 3 SJR 21

Two legislative redistrictings - one in 2012 and perhaps another in 2014

Alaska could go through two legislative reapportionments after the 2010 census. The first would be the result of our own state districting process. Inclusive within this process will be contentious litigation that always results. And in Alaska, it has not been infrequent that the Court has taken control and redrawn the plan by appointed court masters.

Now comes the test! Any Alaska plan, or even election laws must be pre-cleared by the U.S. Justice Department civil rights division to ensure it complies with the requirements of the federal U.S. Voters Rights Act of 1965, and subsequent revisions. Alaska is in a special category with nine others states (*all in the Old South*). There were a number of reasons why we earned inclusion, but one was an "English language" test for voting in our state constitution. This was never implemented, and subsequently repealed. **Note:** In fact, Alaska did not even implement voter registration until the election of 1968.

Nevertheless, getting tangled up with U.S. Justice preclearance on the state 2012 plan could cause delay preventing resolution and implementation prior to the 2012 elections. The result of delay would be some kind of interim plan for 2012, i.e. use of the existing plan, the state proposed plan, or temporary court imposed plan.

The problem been with us since before statehood, and is built into the small size of our House and Senate

Alaska's increasingly skewered districting map is a natural result of a very small but fixed number of our 20 member Senate and 40 member House (*smallest in the nation*). The size of the House and Senate is fixed. However, the state's population has grown much faster in the urban areas, along the railbelt, and in coastal cities like Juneau, than in the smaller communities scattered along the extensive Alaska coastline and in the vast rural Interior of the state. This means districts in urban centers become more numerous and compact, but rural districts become fewer and must become huge and ungainly to gather sufficient population for a district, taking in regions completely unrelated and separated from each other.

For example, Sen. Johnny Ellis, D-Anchorage, can walk his downtown Anchorage district North and South, East and West, in just a few hours. Sen. Al Kookesh, D-Angoon, must catch a plane to Juneau (or ferry), catch Alaska Airlines to Anchorage, and then fly to Aniak of the Lower Kuskokwim or Holy Cross on the Lower Yukon. This district is half the size of Alaska.

- *Continued on next page*

We started with an enlarged hour of 40 districts that fit the Alaska socio-economic map perfectly

- Continued from previous page

At statehood our first district plan for the House fit the "constitutional socio-economics criteria" almost perfectly. We wonder whether constitutional crafters of this first plan (*done at the 1955 Constitutional Convention*) knew that an increase in the House from 24 members to 40 members would fit the existing socio-political map so well, making most happy. Nevertheless, it did just that "political job. It kept everyone happy, and that may have been especially important during the time of Congressional review and creation of the Statehood Act (*as well as our own Alaska local vote on statehood*).

> **Note:** *The constitutional committee charged with drafting the scheme was not without its bit of controversy and regional politics, i.e. Anchorage against everyone else, the latter reportedly wanting a plan, at least partially, radiating out from turban centers.*
>
> *So, to avoid the "others," meaning Anchorage delegates, reportedly Fairbanks Delegate George Cooper and Nenana/Yukon Delegate Jack Coghill, put together a little mid-night caucus in Delegate George Cooper's basement. Meanwhile, one of their faith kept the Anchorage delegation busy at the Fairbanks Second Avenue Mecca Bar.*
>
> **Note: As most states did at this time Alaska had a Senate based on regional geography.**

This 1955 plan by "population count' was out-of-date by statehood, but another census was just around the corner. Further, everyone probably understood this, because the 1960 reapportionment plan had to do some serious revising, and yet produced little acrimony. *It was the only plan that has escaped court review and litigation.*

The point is that the first statehood districts fit the socio-economic map perfectly. However, from that day on every decennial redistricting forced the outlying and coastal districts into contortions, struggling to fit constitutional criteria and then the mandates of the ethnic criteria imposed by the 1965 U.S. Voters Right Act and subsequent revisions. Further, almost simultaneously the U.S. Supreme Court Tennessee case brought down the traditional regional Senates across the country. This was a political shock in itself

With a 20 member Senate and 40-member House, and a landmass that imposes huge barriers, we are now about out-of-gas in being able to meet the mandates of the U.S. Voters Rights Act. The issue is! Might the U.S. Justice Department question the size of our legislative bodies, and due to their small fixed size, our ability to provide ethnic representation required under the U.S. Voters Rights Act.

- Ongoing series of back grounders

NCSL **Changes in the Sizes of Legislatures 1960-2006**

State	Size in 1960	Size in 2006	Year(s) of Change(s)*
Alabama	141	140	1974
Alaska	60	60	No change
Arizona	108	90	1966
Arkansas	135	135	No change
California	120	120	No change
Colorado	100	100	No change
Connecticut	330	187	1966, 1972
Delaware	52	62	1964, 1968, 1972
Florida	133	160	1962, 1964, 1966, 1972
Georgia	259	236	1968, 1972
Hawaii	76	76	No change
Idaho	103	105	1962, 1964, 1966, 1984, 1992
Illinois	235	177	1972, 1982
Indiana	150	150	No change
Iowa	158	150	1964, 1966, 1970
Kansas	165	165	No change
Kentucky	138	138	No change
Louisiana	144	144	No change
Maine	184	186	1962, 1968, 1972, 1984
Maryland	152	188	1962, 1966, 1974
Massachusetts	280	200	1978
Michigan	144	148	1964
Minnesota	202	201	1972
Mississippi	189	174	1962
Missouri	191	197	1962
Montana	150	150	1966, 1972
Nebraska	43	49	1964
Nevada	64	63	1962, 1966, 1982
New Hampshire	424	424	No change
New Jersey	81	120	1966, 1968
New Mexico	98	112	1964, 1966
New York	208	212	1964, 1966, 1972, 1982, 2004
North Carolina	170	170	No change
North Dakota	164	141	1962, 1964, 1966, 1972, 1976, 1982, 1992, 2004
Ohio	177	132	1962, 1964, 1966
Oklahoma	165	149	1964, 1972
Oregon	90	90	No change
Pennsylvania	260	253	1964, 1966
Rhode Island	144	113	1962, 1966, 2004
South Carolina	170	170	No change
South Dakota	110	105	1972
Tennessee	132	132	No change
Texas	181	181	No change
Utah	89	104	1964, 1966, 1972
Vermont	276	180	1966
Virginia	140	140	No change
Washington	148	147	1972
West Virginia	132	134	1964
Wisconsin	133	132	1972
Wyoming	83	90	1964, 1966, 1972, 1982, 1992

* The year is the election year in which a change took effect, not necessarily the year that the change was adopted.

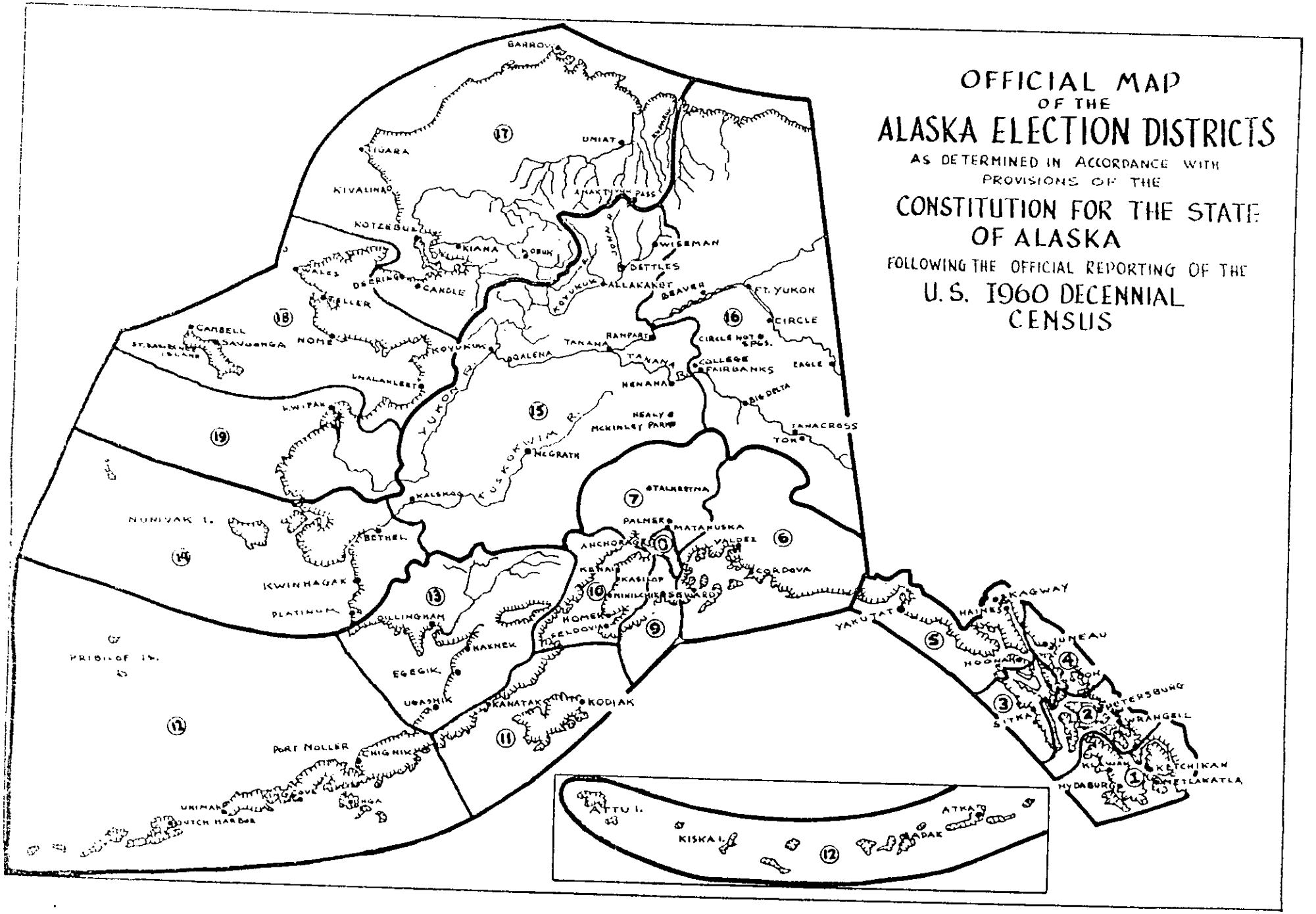
TABLE 5 SJR 21
Source: NCSL

State	2005 Population	Rank	Total Legislators	State Rank	Senate Size	State Rank	Approximate Senate District Size	Rank	House Size	State Rank	Approximate House District Size	State Rank
Alabama	4,557,808	23	140	24	35	16	130,223	19	105	16	43,408	21
Alaska	663,661	47	60	39	20	25	33,183	44	40	30	16,592	41
Arizona	5,939,292	17	90	35	30	20	197,976	10	60	26	98,988	8
Arkansas	2,779,154	32	135	26	35	16	79,404	30	100	18	27,792	32
California	36,132,147	1	120	29	40	12	903,304	1	80	22	451,652	1
Colorado	4,665,177	22	100	34	35	16	133,291	18	65	25	71,772	12
Connecticut	3,510,297	29	187	9	36	15	97,508	27	151	6	23,247	36
Delaware	843,524	45	62	38	21	24	40,168	41	41	29	20,574	38
Florida	17,789,864	4	160	17	40	12	444,747	3	120	13	148,249	3
Georgia	9,072,576	9	236	3	56	4	162,010	16	180	3	50,403	20
Hawaii	1,275,194	42	76	36	25	22	51,008	38	51	27	25,004	34
Idaho	1,429,096	39	105	32	35	16	40,831	40	70	24	20,416	39
Illinois	12,763,371	5	177	13	59	3	216,328	9	118	14	108,164	7
Indiana	6,271,973	15	150	18	50	6	125,439	21	100	18	62,720	14
Iowa	2,966,334	30	150	18	50	6	59,327	34	100	18	29,663	31
Kansas	2,744,687	33	165	16	40	12	68,617	33	125	10	21,957	37
Kentucky	4,173,405	26	138	25	38	14	109,826	26	100	18	41,734	23
Louisiana	4,523,628	24	144	22	39	13	115,990	24	105	16	43,082	22
Maine	1,321,505	40	186	10	35	16	37,757	42	151	6	8,752	45
Maryland	5,600,388	19	188	8	47	9	119,157	23	141	8	39,719	25
Massachusetts	6,398,743	13	200	6	40	12	159,969	17	160	5	39,992	24
Michigan	10,120,860	8	148	20	38	14	266,338	6	110	15	92,008	9
Minnesota	5,132,799	21	201	5	67	1	76,609	31	134	9	38,304	26
Mississippi	2,921,088	31	174	14	52	5	56,175	35	122	12	23,943	35
Missouri	5,800,310	18	197	7	34	17	170,597	14	163	4	35,585	27
Montana	935,670	44	150	18	50	6	18,713	48	100	18	9,357	44
Nebraska	1,758,787	38	49	40	49	7	35,894	43	Unicameral		NA	NA
Nevada	2,414,807	35	63	37	21	24	114,991	25	42	28	57,495	18
New Hampshire	1,309,940	41	424	1	24	23	54,581	36	400	1	3,275	49
New Jersey	8,717,925	10	120	29	40	12	217,948	8	80	22	108,974	6
New Mexico	1,928,384	36	112	31	42	11	45,914	39	70	24	27,548	33
New York	19,254,630	3	212	4	62	2	310,559	5	150	7	128,364	4
North Carolina	8,683,242	11	170	15	50	6	173,665	13	120	13	72,360	11
North Dakota	636,677	48	141	23	47	9	13,546	50	94	21	6,773	47
Ohio	11,464,042	7	132	28	33	18	347,395	4	99	19	115,798	5
Oklahoma	3,547,884	28	149	19	48	8	73,914	32	101	17	35,128	28

State	2005 Population	Rank	Total Legislators	State Rank	Senate Size	State Rank	Approximate Senate District Size	Rank	House Size	State Rank	Approximate House District Size	State Rank
Oregon	3,641,056	27	90	35	30	20	121,369	22	60	26	60,684	16
Pennsylvania	12,429,616	6	253	2	50	6	248,592	7	203	2	61,230	15
Rhode Island	1,076,189	43	113	30	38	14	28,321	45	75	23	14,349	42
South Carolina	4,255,083	25	170	15	46	10	92,502	28	124	11	34,315	29
South Dakota	775,933	46	105	32	35	16	22,170	46	70	24	11,085	43
Tennessee	5,962,959	16	132	28	33	18	180,696	12	99	19	60,232	17
Texas	22,859,968	2	181	11	31	19	737,418	2	150	7	152,400	2
Utah	2,469,585	34	104	33	29	21	85,158	29	75	23	32,928	30
Vermont	623,050	49	180	12	30	20	20,768	47	150	7	4,154	48
Virginia	7,567,465	12	140	24	40	12	189,187	11	100	18	75,675	10
Washington	6,287,759	14	147	21	49	7	128,322	20	98	20	64,161	13
West Virginia	1,816,856	37	134	27	34	17	53,437	37	100	18	18,169	40
Wisconsin	5,536,201	20	132	28	33	18	167,764	15	99	19	55,921	19
Wyoming	509,294	50	90	35	30	20	16,976	49	60	26	8,488	46
TOTAL	296,410,404		7,382		1,971				5,411			

Source: National Conference of State Legislatures, population figures based on the U.S. Bureau of the Census state and county quick facts for FY 2005. Compiled April 2007.

* Due to equal sizes, rankings may not range from 1 to 50.


OFFICIAL MAP
OF THE
ALASKA ELECTION DISTRICTS
AS DETERMINED IN ACCORDANCE WITH
PROVISIONS OF THE
CONSTITUTION FOR THE STATE
OF ALASKA
FOLLOWING THE OFFICIAL REPORTING OF THE
U.S. 1960 DECENNIAL
CENSUS
BARROW
UMIAT
KIVALINA
KOTZEBUE
KIANA
NOME
BETHEL
NUNIVAK I.
KWIGNAGAK
PLATINUM
PRIBILOF IS.
DUTCH HARBOR
UNIMAK
PORT MOLLER
CHIGNIK
EGEGIK
UGASHIK
KODIAK
KANATAK
DILLINGHAM
NAKNEK
HOMER
SEWARD
ANCHORAGE
PALMER
MATANUSKA
VALDEZ
CORDOVA
KENAI
SKILAK
KASILOF
TALKEETNA
KALSKAG
MCGRATH
KUSKOKWIM R.
YUKON R.
HEALY &
MCKINLEY PARK
TANANA
RAMPART
GALENA
KOYUKUK
ALLAKAKET
BETTLES
WISEMAN
ANAKTUVUK PASS
KOYUKUK
DOBUK
DERING
CANDLE
WALES
TELLER
CAMBELL
SAVOONGA
ST. MICHAEL
UNALAKLEET
KWIPAK
BEAVER
FT. YUKON
CIRCLE
CIRCLE HOT SPGS.
COLLEGE
FAIRBANKS
EAGLE
NENANA
BIG DELTA
TANACROSS
TOK
YAKUTAT
HAINES
SKAGWAY
JUNEAU
HOONAH
SITKA
PETERSBURG
WRANGELL
KETCHIKAN
METLAKATLA
HYDABURG
ATTU I.
KISKA I.
ATKA
ADAK

District Number	Name of Election District	No. of Representatives
1	Ketchikan-Prince of Wales	2
2	Wrangell-Petersburg	1
3	Sitka	1
4	Juneau	2
5	Lynn Canal-Icy Straits	1
6	Cordova-Valdez	1
7	Palmer-Wasilla-Talkeetna	1
8	Anchorage	14
9	Seward	1
10	Kenai-Cook Inlet	1
11	Kodiak	1
12	Aleutian Islands	1
13	Bristol Bay	1
14	Bethel	1
15	Yukon-Kuskokwim	1
16	Fairbanks-Fort Yukon	7
17	Barrow-Kobuk	1
18	Nome	1
19	Wade Hampton	1

Revisor's note (1973).-- In Egan v. [illegible], Alaska Sup. Ct. Ops. Nos. [illegible] (File No. 1711), 502 P.2d [illegible], the court held the governor's December 30, 1971 Proclamation of Reapportionment and Redistricting unconstitutional, and it adopted an "interim reapportionment plan for the 1972 legislative elections." Therefore, on May 10, 1973, the governor appointed a new reapportionment board. The court's 1972 plan established the following for the House of Representatives:

Election District No.	Election District Name	Number of Representatives
1	Ketchikan	2
2.	Prince of Wales-Petersburg-Wrangell	1
3	Sitka	1
4.	Juneau-Lynn Canal	2
5	Prince William Sound	1
6.	Matanuska-Susitna	1
7-10.	Anchorage	16
11	Cook Inlet	2
12	Kodiak (Urban)	1
13	Western Gulf of Alaska-Aleutian Islands	1
14	Bristol Bay	1
15	Bethel	1
16	Yukon-Koyukuk-Kuskokwim	1
17.	Fairbanks	6
18	Nenana-McKinley	1
19.	North Slope	1
20.	Bering Straits	1
	Total	40

Cases in Starr v. Hagglund, Sup. Ct. Op. No. 346 (File No. 731), 414 [illegible] No. 95 (File No. 246), 374 P.2d 689 (1966). [illegible] (1962); Wade v. Nolan, Sup.

Section 2. Senate Districts. Members of the senate shall be elected from the senate districts and in the number shown below:

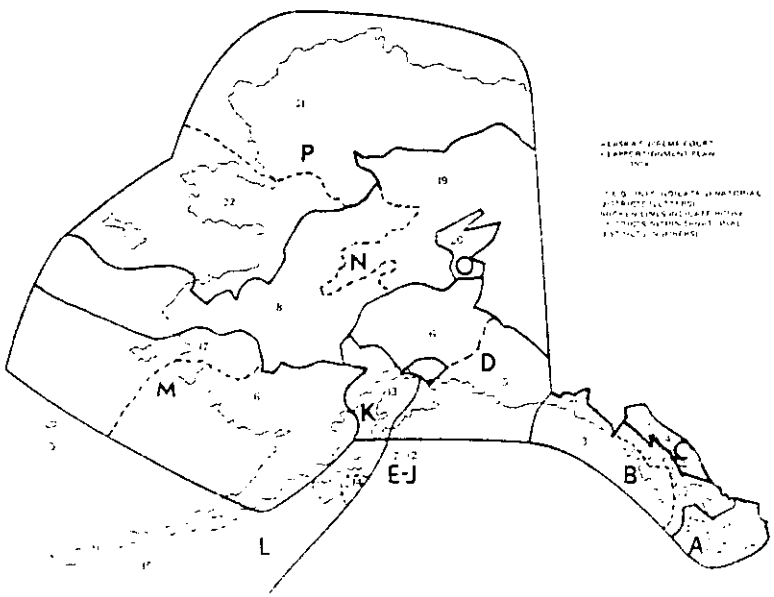
Name of District	*Composed of Election Districts*	*Number of Senators*
A. Southeastern	1, 2, 3, 4, 5, and 6	2
B. Ketchikan-Prince of Wales	1 and 2	1
C. Wrangell-Petersburg-Sitka	3 and 4	1
D. Juneau-Yakutat	5 and 6	1
E. Southcentral	7, 8, 9, 10, 11, 12, 13, and 14	2
F. Cordova-Valdez	7 and 8	1
G. Anchorage-Palmer	9 and 10	1
H. Seward-Kenai	11 and 12	1
I. Kodiak-Aleutians	13 and 14	1
J. Central	15, 16, 17, 18, 19, and 20	2
K. Bristol Bay-Bethel	15 and 16	1
L. Yukon-Kuskokwim	17 and 18	1
M. Fairbanks-Fort Yukon	19 and 20	1
N. Northwestern	21, 22, 23, and 24	2
O. Barrow-Kobuk	21 and 22	1
P. Nome-Wade Hampton	23 and 24	1

Reapportionment and redistricting. -- A proclamation of the governor dated December 7, 1961, provides as follows:

The senate districts shall be composed of election districts as follows:

ALASKA SUPREME COURT REAPPORTIONMENT PLAN 1974

House of Representatives Election District, and number of representatives from each:		Senate Districts, composition, and number of senators from each:	
1. Ketchikan-Prince of Wales	2	A. Ketchikan-Prince of Wales	1
2. Wrangell-Petersburg	1	B. Wrangell-Petersburg-Sitka	1
3. Sitka	1	C. Juneau-Lynn Canal	1
4. Juneau-Lynn Canal	2	D. Cordova-Valdez-Seward-Palmer	1
5. Cordova-Valdez-Seward	1	E. Anchorage Northeast	2
6. Palmer	1	F. Anchorage Northeast	2
7. Anchorage Northwest	4	G. Anchorage Spenard	1
8. Anchorage Northeast	4	H. Anchorage East	1
9. Anchorage Spenard	2	I. Anchorage South	1
10. Anchorage East	2	J. Anchorage West	1
11. Anchorage South	2	K. Kenai-Cook Inlet	1
12. Anchorage West	2	L. Kodiak-Aleutian Chain	1
13. Kenai-Cook Inlet	2	M. Bristol Bay-Bethel	1
14. Kodiak	1	N. Wade Hampton-Yukon-Tanana	1
15. Aleutian Chain	1	O. Fairbanks	3
16. Bristol Bay	1	P. Barrow-Kobuk-Nome	1
17. Bethel	1		
18. Wade Hampton	1		
19. Yukon-Tanana	1		
20. Fairbanks	6		
21. Barrow-Kobuk	1		
22. Nome	1		



Explanation

Major withdrawals prior t
(Dec. 18, 1971)—Lands se
purposes such as parks, mi

State selections-patented-
Alaska.

State selections-tentatively
which have been approvec
the State.

State selections-pending—L
not been acted upon by th

Utility corridor—Lands wi
tion and utility purposes.

Withdrawals for Native vi
from which village selectio

Village deficiency withdra
meet their selection entitle

Regional deficiency with
corporations which cann
withdrawals in their region

Native allotments—Homest
granted to Eskimos and In

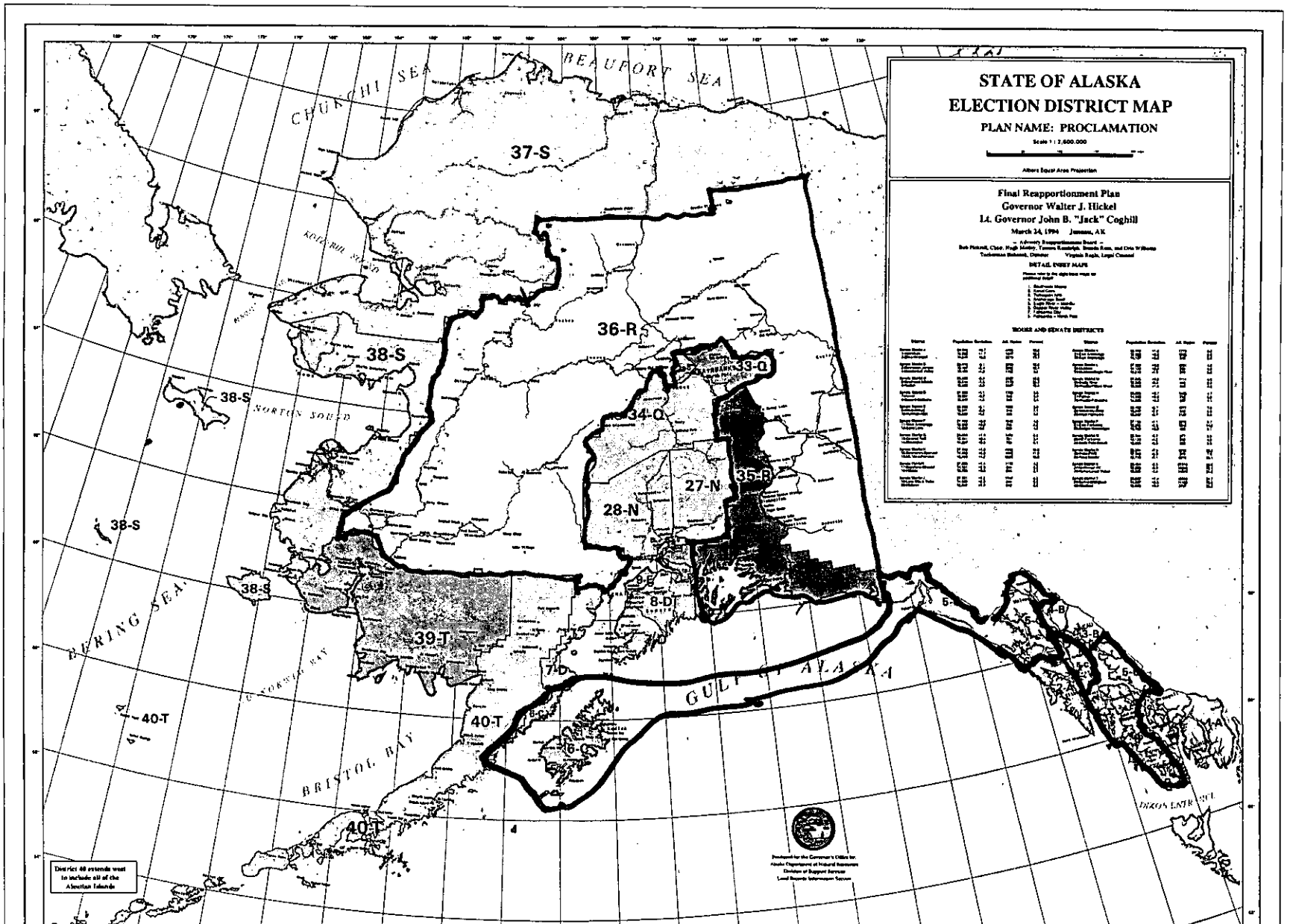
Former Indian Reserves (
—Lands set aside before A
reserves were revoked by
option to acquire title
Settlement Act.

Withdrawals for classificat
for classification by the D
of ANCSA.

Withdrawals for possible
Lands withdrawn under S
mendation as possible add
or wild and scenic rivers sy

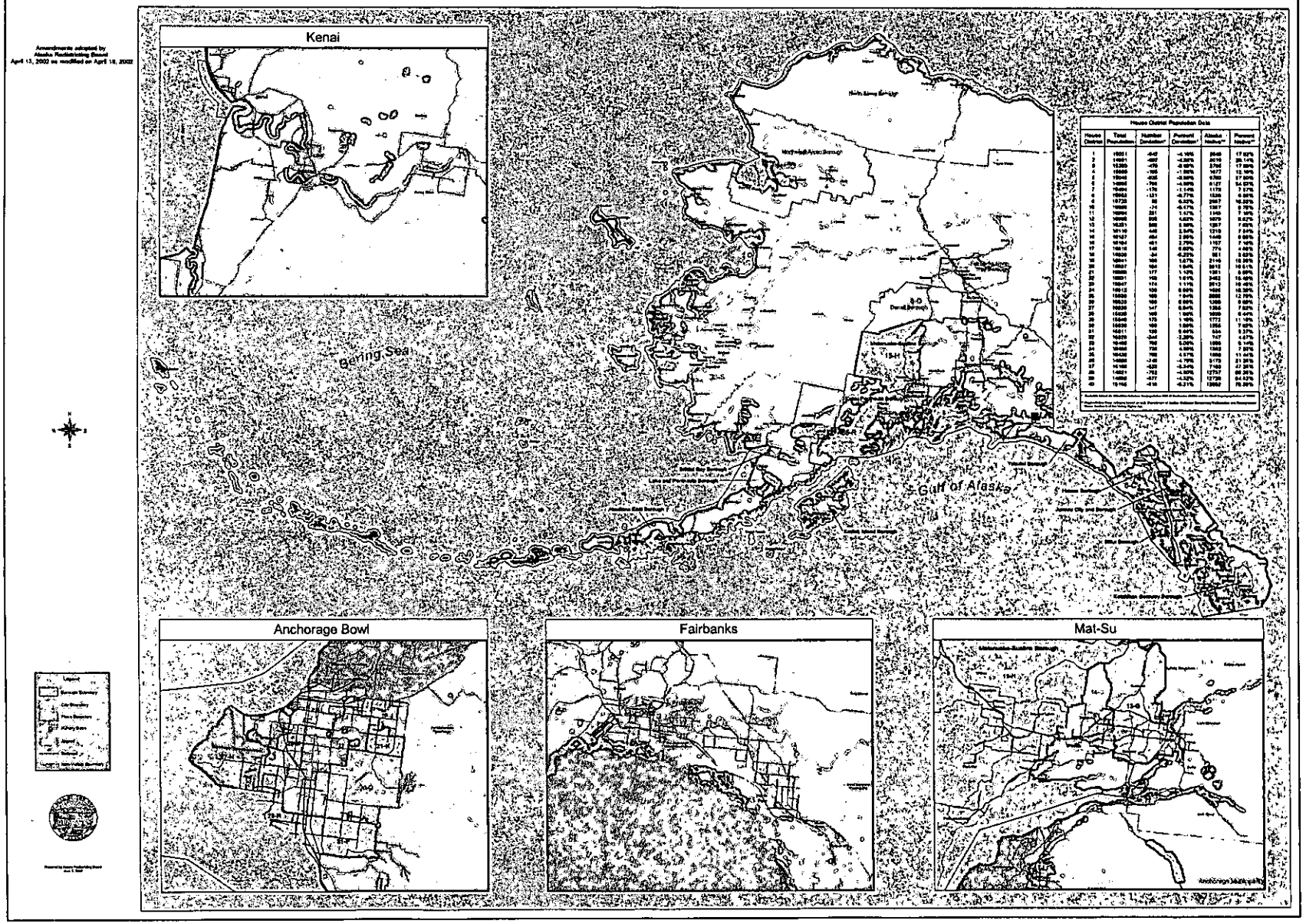
Dual withdrawals for
17(d)(2)(E), ANCSA)—La
if not selected will remain

Withdrawals for possible a


STATE OF ALASKA
ELECTION DISTRICT MAP
PLAN NAME: PROCLAMATION
Albers Equal Area Projection
Final Reapportionment Plan
Governor Walter J. Hickel
Lt. Governor John B. "Jack" Coghill
March 24, 1994 Juneau, AK
DETAIL INSET MAPS
HOUSE AND SENATE DISTRICTS
CHUKCHI SEA
BEAUFORT SEA
KOTZEBUE SOUND
NORTON SOUND
BERING SEA
GULF OF ALASKA
BRISTOL BAY
DIXON ENTRANCE
37-S
36-R
38-S
38-S
38-S
38-S
34-Q
33-Q
35-P
27-N
28-N
8-D
39-T
7-D
40-T
40-T
40-T
5-B
5-C
5-E
District 40 extends west to include all of the Aleutian Islands

State of Alaska - Amended Final Redistricting Plan

2002



SJR 21, Increasing Size of Legislature

Senate Community and Regional Affairs Committee

PACKET CONTENTS

1. Sponsor Statement
2. SJR 21
3. Fiscal Notes: Legislature and Elections
4. Election District Population Estimates for 2010
5. NCSL: Changes in the Sizes of Legislatures 1960 -2006
6. NCSL: Population and Size of State Legislatures
7. Legislative Digest Article
8. Maps

SJR 21, Increasing the Size of the Legislature

Senate State Affairs Committee Witness List

Feb. 2, 2010

1. Pam Varney, Director LAA
   Fiscal Note
2. Gordon Harrison, past member of Reapportionment Board
3. Tam Cook, LAA attorney, available for questions
4. Margret Paton-Walsh, Dept. of Law Attorney

Available for question from Anch. LIO

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/9/09

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 21

SJR 21 CONST. AM: INCREASE NUMBER OF LEGISLATORS

Proposing amendments to the Constitution of the State of Alaska relating to and increasing the number of members of the house of representatives to forty-eight and the number of members of the senate to twenty-four.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Legislature	01/29/10	X			
Elections	01/29/10	X			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	Paskvan	X			
	Kookesh	X			
CHAIR:	MENARD	✓			

SJR

24

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

received
02/03/10 12:30

Date: February 3, 2010

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Hollis French HSF

RE: SJR 24 Hearing Request

I respectfully request a hearing on SJR 24, "Constitutional Amendment: Guarantee Permanent Fund" at your earliest convenience.

I have attached a sponsor statement, a copy of the bill, a sectional analysis, and some backup material. I will get any letters of support and a list of potential testifiers to you by the end of the week (per Sarah's request).

If you have any questions about this legislation, please contact Kristen Peterson in my office at 465-3892.

I appreciate your consideration.

Alaska State Legislature

Senator Hollis French

SJR 24 – CONSTITUTIONAL AMENDMENT: GUARANTEE PERMANENT FUND

Sponsor Statement

The Permanent Fund Dividend should be permanent. The dividend represents the people's direct share of our commonly owned natural resource wealth. Protecting the dividend from encroachment fulfills the constitution's mandate that our natural resources be managed for the maximum benefit of all Alaskans. SJR 24 is intended to keep that constitutional promise.

Looking back at the debate that took place as our constitution was written helps place the policy goals of SJR 24 in a historical context. E.L. "Bob" Bartlett, Alaska's delegate to Congress at the time of the constitutional convention, believed that our mineral wealth, which he called "the people's wealth", should be used for two distinct purposes: "the support of Alaska governmental services" and "the use of all the people in Alaska." His vision, which predated the Prudhoe Bay oil discovery by thirteen years, and the creation of the Permanent Fund by twenty-one years, captures the current usage of our state's oil wealth to support state government and to pay an individual dividend to each Alaskan. Protecting the dividend preserves the fundamental idea that some portion of our natural resource wealth should spread equally across the state to each citizen.

Every year in Juneau, the budget consumes the vast majority of our oil wealth. Since 1977, the state has taken in approximately $102 billion in oil revenue. Since 1982, when the first dividends were issued, the state has paid out approximately $17 billion in dividends. Therefore, less than 17% of our commonly owned wealth is distributed equally. The political system directs the vast majority of the state's oil wealth to the various needs of state government as fairly as it can, but inevitably the budget tug-of-war produces winners and losers. Budget battles can be fierce, and there are almost always regional and departmental imbalances in how the state budget is allocated. The dividend stands in stark contrast to this political process. The dividend goes equally to all, regardless of which political party is in power. What could be more fair?

Protecting the dividend in the constitution is not a new idea. Over the years a variety of public figures have advocated for this idea. In 2004, the delegates to the Conference of Alaskans, called by then-Governor Murkowski to develop a consensus on the role of the Permanent Fund in the state's future, adopted this idea as one of their four policy initiatives to put the state on firmer financial footing.

SJR 24 is intended to make certain that the dividend, a unique feature of a unique state, continues into the future. Please join me in supporting SJR 24.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM January 22, 2010

SUBJECT: Alaska permanent fund dividend; sectional summary (SJR 24)
(Work Order No. 26-LS0163\R)

TO: Senator Hollis French
Chair of the Senate Judiciary Committee
Attn: Kristen Peterson

FROM: Tamara Brandt Cook
Director TBC

Sec. 1. This resolution shall be known as an amendment to guarantee the permanent fund dividend.

Sec. 2. Proposes an amendment to art. IX, sec. 15 of the state constitution to create the earnings reserve account as a separate account in the Alaska permanent fund and direct that income from the fund be deposited in the account.

Sec. 3. Adds a new subsection to art. IX, sec. 15 setting out the way in which net income of the fund and the amount available for distribution is annually computed, and directing that fifty percent of the amount available for distribution be used for a program of dividend payments to state residents. This is based on the current statute, AS 37.13.140. After the annual transfer from the earnings reserve account for dividends, money remaining in the account may be used for any public purpose.

Sec. 4. Adds two new sections to the state constitution. The first moves money from the statutory earnings reserve account to the earnings reserve account created by these proposed constitutional amendmenst on the effective date of the amendments. The second suspends these proposed amendments on the date of an initial determination by the IRS that the permanent fund is subject to federal taxation. The suspension is terminated on the date the amendments are repealed or one hundred eighty days after a final judgment that no portion of the fund would be subject to federal taxation as a result of the amendments. The amendments are repealed one hundred eighty days after a final judgement that all or some of the fund is subject to federal taxation. If these proposed amendments are repealed, the permanent fund provision will read as it did on Jaunuary 1. 2010, prior to adoption of the amendments.

Sec. 5. The proposed amendments are to be placed before the voters at the next general election.

TBC:plm
10-029.plm

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SJR24
() Publish Date: /

Identifier (file name): SJR024-OOG-DOE-2-9-10
Dept. Affected: OOG
Title: Constitutional amendment relating to the Alaska permanent fund, establishing the earnings reserve account.....
RDU: Elections
Component: Elections
Sponsor: Senator French
Requester: Senate State Affairs
Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual		1.5					
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**1.5**	**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		1.5					
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**1.5**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The passage of this resolution would require the constitutional amendment to appear on the 2010 general election ballot. The cost of providing information about the constitutional amendment in the Official Election Pamphlet, as required by AS 15.58 is $1.5. Should the addition of this question require printing an 8-1/2 by 18 inch ballot, the cost will increase to $22.0.

Prepared by: Gail Fenumiai, Director — Phone 465-4611
Division: Division of Elections — Date/Time 2/9/10, 8:46am
Approved by: Linda Perez, Director — Date 2/9/2010
Division of Administrative Services

(Revised 10/13/2009 OMB)

adn.com
Anchorage Daily News

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PFD needs to be put into constitution

John Havelock
comment
(01/16/10 02:24:57)

Actually, putting the Permanent Fund dividend (PFD) in the state constitution is a good idea.

After all, the Permanent Fund itself is in the constitution as is a "Budget Reserve Fund." Nobody seems to be complaining about proposals that a hefty percentage of the PF should go to K-12 education or higher education -- even though such dedications would back out regularly appropriated funds. Nor are there outraged complaints to proposals that would reinvest part of the fund against inflation, through the constitution.

So it's OK to fiddle with the fund for some purposes but not others.

One hears on the street that outsiders are flocking to the state to take advantage of the PFD (though there is no data to support this notion).

But this could be a problem if the fund grows and grows and the dividend with it.

A constitutional PFD could include a cap, probably with an inflation adjustment. Shouldn't all the people get a chance to vote on what that cap might be?

Why do we have things in the constitution? One reason is that we don't trust the Legislature, particularly when its self-interest is involved.

Many legislators would surely love to get their hands on PFD money so they could appropriate it according to the directions of their favorite lobbyists.

Yes, there might come a time when funds dedicated to the PFD should be available for legislative allocation. The fund was set up originally because of general recognition that too much money was coming in at once. At the same time, based on the fiscal ups and downs of state history, there was general acknowledgment that the fund could be a "rainy day" fund. The later-established and much smaller Budget Reserve Fund is a rainy day fund with criteria. But no rainy day criteria were set for the Permanent Fund. This is another item that the people should have a direct say on. When is it raining so hard that the dividend should be cut?

Former Gov. Wally Hickel has been right in regularly reminding us that Alaska is an "owner state." Who owns the resources of Alaska? Why, the people do. In general, people with money are not friends of the PFD because the sum is trivial to them personally, and without a PFD, there would be more money, serious money, for tax relief which is a special burden (but deserved for those on whom fortune has shined) of the wealthy. That's why the U.S. Constitution was amended to provide for a graduated income tax.

Most Alaska oil wealth already goes to tax relief. The Permanent Fund gets only 25 percent of royalties. Seventy-five percent of royalties and all oil tax revenues go to the Treasury. Cut or

abolish the dividend, and the money would then go only to taxpayers. And the most would go to the biggest taxpayers. This sets up a transfer of wealth from the poorest 90 percent to the richest 10 percent. The PFD needs constitutional protection.

It seems unlikely that the Legislature will propose to the people constitutional protection for the Permanent Fund dividend. But with a proposal for a constitutional convention on the ballot in 2012, there are sound reasons why the Permanent Fund and its dividend program should receive attention as the people decide whether parts of Alaska's constitution deserve a fresh look.

There are pros and cons to a constitutional convention. Conservatives are afraid that liberals will turn it into a socialist document and liberals are afraid that conservatives will turn it into a fascist document. But maybe the people can be trusted. When we are closer to the vote that the delegates in 1955-56 mandated -- "shall there be a constitutional convention?" -- the PFD question will have more urgency as it relates to how to answer that question.

In the meantime, since quite a fuss has been made over sticking the PFD in the constitution, this and other amendment proposals are ripe for discussion.

John Havelock is a former Alaska attorney general.

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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/19/10

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/9/10

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 24

SJR 24 CONST AM: GUARANTEE PERM FUND DIVIDEND

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings reserve account, and relating to the permanent fund dividend.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Elections	02/09/10	X			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	PASKVAN			X	
	Kookesh			X	
CHAIR:	MENARD	+			

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SJR24
() Publish Date:

Identifier (file name): SJR024-OOG-DOE-2-9-10
Dept. Affected: OOG
Title: Constitutional amendment relating to the Alaska permanent fund, establishing the earnings reserve account.....
RDU: Elections
Component: Elections
Sponsor: Senator French
Requester: Senate State Affairs
Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual		1.5					
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	1.5	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		1.5					
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The passage of this resolution would require the constitutional amendment to appear on the 2010 general election ballot. The cost of providing information about the constitutional amendment in the Official Election Pamphlet, as required by AS 15.58 is $1.5. Should the addition of this question require printing an 8-1/2 by 18 inch ballot, the cost will increase to $22.0.

Prepared by: Gail Fenumiai, Director
Division: Division of Elections
Phone: 465-4611
Date/Time: 2/9/10, 8:46am

Approved by: Linda Perez, Director
Division of Administrative Services
Date: 2/9/2010

(Revised 10/13/2009 OMB)

HB

6

SENATE COMMITTEE REPORT

DATE: 4/18/09

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 1/26/10

State Affairs Committee considered CS FOR HOUSE BILL NO. 6(JUD) am

HB 6 CRUELTY TO ANIMALS

"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Law	01/25/10			X	
DOC	01/24/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	PASKVAN	X			
	KOOKESH	X			
CHAIR:	MENARD	X			

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety





A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

Session:
Alaska State Capitol, #104
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

January 19, 2010

To: Senator Linda Menard
Senate State Affairs Committee

Fr: Representative Bob Lynn

Re: HB 6
"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."

Please schedule a hearing for House Bill 6 in the Senate State Affairs Committee at your earliest convenience. The bill expands the animal cruelty law in Alaska to include "sexual conduct."

Attached is a copy of the latest version HB 6 and supporting documents.

Thank you for considering my request for a hearing on HB 6, which I believe not only protects animals from sexual assault but also protects children and other vulnerable humans from sexual predators.

Contact: Mike Sica, 465-4965

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

Session:
Alaska State Capitol, #104
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

Sponsor Statement for HB 6

"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."

HB 6 expands the current Alaska law on cruelty to animals to include "sexual conduct." The purpose of this bill is not just to protect animals from sexual assault but to protect children and other vulnerable humans from potential predators.

A compelling body of research confirms a link between animal cruelty and human violence. Studies also point to a connection between sexual abuse of animals and sexual abuse and other violent behavior toward humans. For example:

> High rates of sexual abuse of animals exist in the backgrounds of serial sexual homicide perpetrators, according to the FBI.
>
> Thirty-seven percent of sexually violent juvenile offenders have a history of animal sexual assault, according to a Utah State University study.
>
> Sexual relations with animals parallel sexual assault against women and children because in both instances there are issues of coercion, pain, and lack of consent, according to a University of Southern Maine study.

Thirty five other states outlaw acts of bestiality, with some classifying it as a felony, according to the Humane Society of the United States. Many states have language similar to HB 6.

This proposed "sexual conduct" offense would be a Class A misdemeanor, added to AS 11.61.140, Cruelty to Animals. This statute includes commonsense exemptions for conduct ranging from scientific research governed by accepted standards, to accepted veterinary and animal husbandry practices.

Contact: Mike Sica, 465-4965 **Revised: April 13, 2009**

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

Session:
Alaska State Capitol, #104
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
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Sectional Analysis for HB 6

"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."

Sec. 1. Amends AS 11.61.140, Cruelty to Animals, to add the offense of **knowingly engaging** in sexual conduct or other sexual activities with an animal, ranging from photographing or filming the sexual conduct to causing or encouraging another person to engage in the sexual conduct (not covered under AS 11.41.455, Unlawful exploitation of a minor); or **intentionally permitting** the sexual conduct to be conducted on any premises under the person's control.

Sec. 2. Amends AS 11.61.140 to add a new subsection to include **a definition of "sexual conduct."**

###

Contact: Mike Sica, 465-4965 **Revised: Jan. 19, 2010**

Alaska State Legislature

Chairman
State Affairs Committee

Member
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Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

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HB 6: Changes from Original Bill

"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."

Three changes from the original Version A of House Bill 6.

Version A to Version R

Version R, which was heard by the House Judiciary Committee on Fri, March 20, 2009, narrowed the title by:

-- deleting in Version A, line 1: **"An Act relating to cruelty to animals."**
-- replacing it in Version R, with lines 1 and 2, **"An Act relating to proscribing certain sexual conduct or activities as cruelty to animals."**

Version R to Version E

Version E, which was adopted without objection by the House Judiciary Committee on Fri, March 20, 2009, added just one word to title by:

-- inserting in Version E, on line 1: the word **sexual** between the words **or** and **activities**

Version E to Version E.A

Version E was amended before passing unanimously 40-0 on the House Floor on April 17, 2009. Version E.A restructures and rewords Section 1 on page 2, to change the criminal standard from **"knowingly"** to **"intentionally"** (page 2, line 12-13) **"permits sexual conduct with an animal to be conducted on any premises under the person's control."**

Contact: Mike Sica, 465-4965

Revised: Jan. 19, 2010

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB006
() Publish Date:

Identifier (file name): HB006-LAW-CRIM-3-11-09
Dept. Affected: LAW
Title: An Act relating to cruelty to animals
RDU: CRIMINAL
Component: Criminal Justice Litigation
Sponsor: REPRESENTATIVE(s) LYNN
Requester: Judiciary
Component Number: 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS							
Full-time							
Part-time							
Temporary							

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

HB 6 amends the crime of cruelty to animals by adding prohibitions on a person from engaging in sexual conduct with an animal; photographing or filming, for sexual gratification, a person engaging in sexual conduct with an animal; and permitting sexual conduct with an animal to be conducted on a person's premises. Sexual conduct is defined to include touching, contact, or penetration. Cruelty to animals is a class A misdemeanor. It is believed that passage of this bill would have a zero fiscal impact on the Department of Law.

Prepared by: Robert Meiners, Deputy Director
Phone 907-465-5427
Division: Administrative Services Division
Date/Time 3/11/09 4:00 PM
Approved by: Richard Svobodny, Acting Attorney General
Date 3/11/2009
Department of Law

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: HB6-DOC-OC-03-17-09
Bill Version:
() Publish Date:

Identifier (file name): HB6-DOC-OC-03-17-09
Dept. Affected: DOC
Title "An Act relating to cruelty to animals"
RDU Administration & Support
Component Office of the Commissioner
Sponsor Representative Lynn
Requester Governor
Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS							
Full-time							
Part-time							
Temporary							

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

Passage of this legislation should not have a significant fiscal impact on the Department of Corrections.

Prepared by: Leslie Houston, Director
Phone 465-3339
Division Administrative Services
Date/Time 3/17/09 10:30 AM
Approved by: Dwayne Peeples
Date 3/17/2009
Deputy Commissioner

(Revised 9/10/2008 OMB)

FAQ for HB 6

"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."

What prompted the filing of House Bill 6?

The Anchorage Daily News reported in the spring of 2008 that a child sex offender in Klawock allegedly taped the muzzle of a dog, tied it to a tree, and sexually assaulted it. Alaskans were shocked to learn there was no Alaska law prohibiting sex with animals. Ketchikan District Attorney James Scott was quoted in the news account as saying the state's "very real concern" was that, if a small child had been available and unattended at the time and place where this dog was taken, "that the small child would have been found taped (and) tied in the woods."

Is this really a problem in Alaska and the United States?

Chava Lee, the Executive Director of Gastineau Humane Society in Juneau, receives at least a handful of reports of humans having sex with animals every year. As the agency that enforces Alaska's animal cruelty law in the local community, Lee must tell complainants that, unless the animal is severely injured or killed, the mistreatment is *not* a crime. The population of Juneau is only about 30,000. Extrapolate the number of human-animal sex reports in Juneau across Alaska, where the population is more than 650,000, and there may be at least 100 incidents a year. If this mistreatment of animals was recognized as a crime, there would likely be even more reports in Alaska.

Nationally, examples of sexual molestation of animals connected to sexual crimes against humans can be found in news accounts across the country. An Animal Abuse Database found under the internet site, Pet-Abuse.Com, turns up an alarming number of horrific cases of sexual abuse and violence against humans co-occurring with acts of bestiality.

(more)

The evidence of humans engaging in sex with animals is overwhelming. Almost any internet search engine will lead you to page after page of graphic and disturbing material describing and promoting human sexual abuse of animals. Detailed how-to-do-it guides for the sexual abuse of animals involving a variety of species can be found on the internet, along with information on laws, animal-transmitted diseases, personal advertisements, and "pro-zoophile" resources.

What exactly is animal sexual abuse?

Often referred to as "bestiality" or "zoophilia," animal sexual abuse is the sexual molestation of an animal by a human. This kind of animal abuse includes a wide range of behaviors such as vaginal, anal, or oral penetration; fondling; oral-genital contact; penetration using an object; and killing or injuring an animal for sexual gratification. Animal sexual abuse may or may not include physical violence other than sexual violation; and may or may not result in physical injury to the animal. Animal sexual abuse, like rape, is the eroticization of violence, control and exploitation.

Is it really animal abuse if there is no physical injury?

Yes. Many animals are physically restrained during the abuse. Not all cases of animal sexual abuse will involve physical injury to the animal, but all sexual molestation of an animal by a human should be considered abuse.

In his 1993 article, Dr. Frank Ascione, Professor of Sociology at Utah State University, stated "bestiality may be considered cruel even in cases when physical harm to an animal does not occur (this is similar to the case of adult sexual activity with a child where consent is presumed to be impossible)."

In a 1997 article, Piers Beirne, Professor of Criminology at the University of Southern Maine, points out, "for genuine consent to sexual relations to be present ... both participants must be conscious, fully informed and positive in their desires. Bestiality is by nature sexual coercion because animals are incapable of genuinely saying "yes" or "no" to humans in forms we can readily understand."

(more)

In human-animal relationships, the human has power and control over the animal, often in all aspects of the animal's care and well-being. Thus, a sexual "relationship" between human and animal cannot be considered consensual.

Is all this attention on animal abuse an intrusion on an individual's private sexual choices?

No. Unlike sexual interactions between consenting adult humans, animal sexual abuse is not simply about an individual's private sexual choice. As in the case of child sexual abuse and adult rape, animal sexual abuse is an activity in which one party has no choice and cannot consent or refuse. When he/she initiates a sexual activity in which the other partner has no choices and must participate, the sexual abuser leaves the realm of private action.

Is there a connection between animal sexual abuse and domestic violence, child abuse and other violent crimes?

Yes. The sexual abuse of animals is often linked to the sexual abuse of women and children (Kowal, 1998). According to Lenore Walker's (1984) interviews with battered women, bestiality was mentioned as one of the "unusual sex acts" desired by their partners. Child sexual abusers may also sexually abuse animals to enhance, expand or extend the abuse of the genuinely powerless and unsuspecting victim (Adams, 1994).

Research also indicates a connection between animal sexual abuse and other types of violent crimes. According to a 1986 study, 40 percent of the perpetrators of sexually motivated homicides, who had been sexually abused as children, also reported they have sexually abused animals (Ressler, et al. 1986).

Our interviews with Alaska officials who work in the areas of animal cruelty, law enforcement, corrections, domestic violence and sexual assault, confirm the compelling body of research that shows a connection between animal sexual abuse and human sexual abuse and violence.

(more)

Can animal sexual abuse be prosecuted under the existing Alaska animal cruelty law?

Only if the person knowingly inflicts severe and prolonged physical pain or suffering on an animal, or knowingly injures or kills an animal to intimidate, threaten, or terrorize another person.

Are there other Alaska laws that could be used to prosecute animal sexual abuse?

Only if the sexual abuse of an animal also involves a crime against a person (Unlawful Exploitation of a Minor), or involves the damage or loss of property (Criminal Mischief).

Is animal sexual abuse illegal in most states?

Yes. At least 32 states outlaw acts of bestiality, with several classifying bestiality as a felony, according to a Sept. 1, 2008 report by Alaska Legislative Research Services. Recent news reports indicate other states are also looking at criminalizing sexual abuse of animals.

In many of the states that currently outlaw animal molestation, the language of their sexual abuse laws is almost identical to the wording in HB 6.

Why must the wording of this bill be so graphic?

Language must be precise so everyone understands exactly what constitutes the "sexual conduct" part of the crime being proposed under this bill. Although such language may be embarrassing and uncomfortable to read, words must be clear and concise when specifying a criminal offense.

What would be the penalty in Alaska under this bill?

Like most of the other offenses listed under the existing Cruelty to Animals statute, the crime of "sexual conduct" with an animal would be a Class A misdemeanor. Cruelty to Animals is a class C felony if the person is convicted three times under the statute within 10 years.

(more)

Will there be exemptions for accepted professional practices involving "sexual conduct" with animals?

Absolutely. The same defense to a prosecution under the current Cruelty to Animals law would apply to the offense proposed in HB 6. Such defensible conduct includes legitimate scientific research governed by accepted standards, the humane destruction of an animal, accepted veterinary and animal husbandry practices, and other behaviors listed under AS 11.61.140 (c).

(This FAQ was compiled by the office of Rep. Bob Lynn based on studies, research and interviews involving Alaska Legal Services, Alaska Legislative Research Services, Alaska departments of Corrections, Law, Public Health, Public Safety and Environmental Conservation, municipal police departments and law enforcement agencies involved in animal cruelty and domestic violence/sexual assaults, Alaska Farm Bureau, Gastineau Humane Society veterinary clinic in Juneau, Pet-Abuse.Com, Humane Society of the United States, American Humane, and various news accounts in Alaska and around the country, and other sources.)

HB 6 Cruelty to Animals by Rep. Bob Lynn
Contact: Mike Sica, 465-4965
Revised: Jan. 19, 2010

STATE OF ALASKA

SARAH PALIN,
GOVERNOR

DEPARTMENT OF CORRECTIONS
OFFICE OF THE COMMISSIONER

P.O. Box 112000
Juneau, AK 99811-2000
PHONE: (907) 465-4652
FAX: (907) 465-3390

March 3, 2009

The Honorable Bob Lynn
Alaska House of Representatives
State Capitol Room 104
Juneau, Alaska 99811

Dear Representative Lynn:

Thank you for the opportunity to provide input on House Bill 6, "An Act Relating to the Cruelty of Animals." The connection between animal cruelty, including animal sexual abuse, and violence against people is well documented in the research and findings on domestic violence, sexual assault, child molestation and serial homicide. Although the Department of Corrections (DOC) does not yet have quantitative data on the sexual abuse of animals by sex offenders being managed in Alaska communities, there does appear to be information that is consistent with the research in this area.

Since the DOC began using the polygraph with sex offenders on probation and parole in March 2006, approximately 350 individuals have submitted to polygraph examination; however, we are still in the developmental stages of routine polygraph use. The bulk of our examinations to date (80%) have been for purposes of monitoring the offenders' current behaviors. This focus is for good reason, as these offenders are in the community and it is critical that we know everything we can about their current behaviors. Information about prior abuse of animals tends to come out during sex history polygraph examinations (sex history polygraph examinations are used to examine the offenders past sexual behavior). A routine question during these exams is whether the offender has had sexual contact with animals. Passing the sexual history polygraph examinations is directly tied to progress in treatment. As would be expected, comprehensive information about one's lifetime sexual behavior is not something that is provided without some motivation. The motivation to "come clean" on these issues usually comes as a function of making progress in treatment and sanctions applied for not passing the polygraph. Making progress in treatment tends to take a long time, particularly when treatment occurs only in the community and is less intense.

While DOC does not have a large quantity of data on this topic, we do have some information that is pertinent. The treatment providers and the polygraph examiners that currently provide services to sex offenders on supervision were queried. Three treatment providers were able to give percentages of offenders they had seen in their practices who had engaged in sexual behavior with animals. The range was from 4% to 18%. It should be noted that this information was gathered in the course of assessment and treatment sessions and did not include direct examination of the issue with polygraph. It's likely that more offenders would be identified as having animal victims if they were polygraphed on this issue. In a study of 180 sex offenders in community treatment, English, et al (2003) noted that 4.4% admitted to engaging in bestiality during the course of their lifetime pre-treatment and polygraph and 36.1% admitted post-treatment and polygraph. The sexual history polygraph exams resulted in 8.2 times more offenders admitting to bestiality. The authors have concluded that bestiality is far more prevalent than previously thought.

As noted, not very many sex history polygraphs have been completed. To date, there have been three cases in which the offender specifically admitted to sexually abusing animals (about 6% of the total sex history polygraphs done). Most likely, there are more cases that we have not yet identified. What was interesting to note, however, is that in all three cases the offenders not only had crossover behaviors involving animals, they had crossover behaviors into more than one age and/or gender group of humans. Specifically, one had both male and female child victims as well as adult male victims; a second had child and adult male and female victims; and a third had male and female child victims and also attacked incapacitated adult women. We know from the literature that some offender characteristics are associated with higher re-offense rates, including abuse of both genders and abuse of males. (Abel et al, 1988; Quinsey, et al, 1995).

It is important that sexual abuse of animals be given credence as a potential precursor to various forms of violence against humans. Our initial data would tend to suggest that offenders with a broader range of victim types have likely sexually abused animals at some point in their history. Generally speaking, the further away sexual offending behavior is from normative sexual behavior the higher the likelihood of recidivism. Once an offender crosses the line into bestiality there is little he won't do. Animals are vulnerable because they can't defend themselves and can't report an assault. Children and incapacitated or handicapped adults are also vulnerable and are likely targets for these offenders. Identifying men who sexually abuse animals will likely help DOC identify high risk sex offenders who target the most vulnerable in our communities.

If you require additional information or if we can be of further assistance, please feel free to contact my office.

Sincerely,

Joseph D. Schmidt
Commissioner

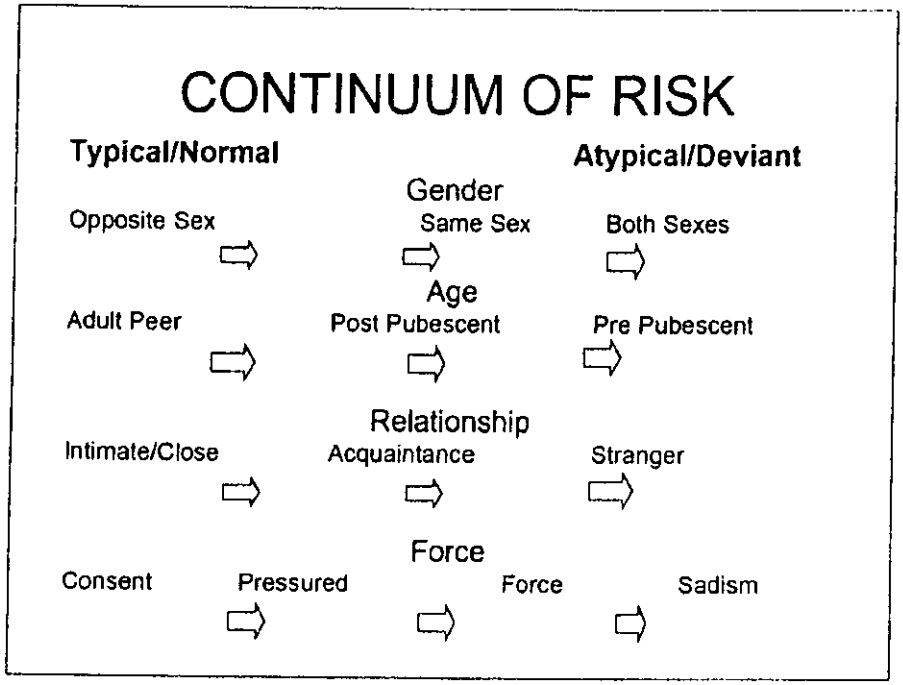
Enclosure: Continuum of Risk

References:

Abel, G., Becker, J., Cunningham-Rathner, J. Mittleman, M. & Rouleau, J. (1988). Multiple paraphilia diagnoses among sex offenders. *Bulletin of the American Academy of Psychiatry and the Law*, 16, 153-168.

English, K., Jones, L., Patrick, D., & Pasini-Hill, D. (2003). Sexual Offender Containment: Use of the Postconviction Polygraph. *Annals of the New York Academy of Sciences, 989, 411-427.*

Quinsey, V.L., Lalumiere, M.L., Rice, M.E., & Harris, G.T. (1995). Predicting sexual offenses. In J.C. Campbell (Ed.), *Assessing dangerousness: Violence by sexual offenders, batterers, and child abusers* (pp. 114-137). Thousand Oaks, CA: Sage.



The further away the offender is from what is typical the higher the risk of recidivism in general. Other non-typical items with higher rates of recidivism include bestiality and sexual acting out in prison.

A.M. Mander, PhD 2007

ALASKA FARM BUREAU, INC.

Bryce Wrigley, President
bjwrigley@wildak.net

Jane Hamilton, Executive Director
janehamilton99737@yahoo.com

February 24, 2009

Representative Bob Lynn
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99807-1182

Dear Representative Lynn,

The Alaska Farm Bureau is committed to providing a safe and wholesome product to our consumers. Our farmers and ranchers raise their animals using good animal husbandry practices that provide a safe growing environment, free from cruel treatment.

We feel that all animals should be treated humanely and with respect. We, therefore, wholeheartedly support and endorse HB 6, protecting animals from sexual activity by humans.

We appreciate the specific references to accepted veterinary and animal husbandry practices being acknowledged as specific examples of normal treatment/conduct between humans and animals and not to be construed as sexual activity or cruelty to animals.

Thank you for keeping us involved with this legislation and giving our members a chance to speak to you abut this bill.

Please feel free to contact us at any time with questions and concerns regarding farming and ranching in Alaska.

Sincerely,

Bryce Wrigley,
President

PO Box 760 Delta Junction, Alaska 99737 Telephone: (907) 895-4752

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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

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Matt Betzen, Member
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Pres. Aleutian Islands Chapter

Thecla LaLonde, Member
Wrangell
Pres. Wrangell Chapter

February 17, 2009

Representative Bob Lynn
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Lynn:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 6, an act relating cruelty to animals.

The APOA State Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long
State President

Gastineau Humane Society

7705 GLACIER HWY. JUNEAU, ALASKA 99801 (907) 789-0260 FAX (907) 789-1795
WEBSITE: www.ghspets.org E-MAIL: customerservice-ghs@gci.net

March 20, 2009

Dear Representative Lynn and members of the Alaska State Legislature

Thank you for this opportunity to publicly extend my support of HB 6 "An act relating to proscribing certain sexual conduct or activities as cruelty to animals". This is a well crafted piece of legislation that speaks specifically to the crime of sexual misconduct and does not inhibit or criminalize veterinary practices or standard animal husbandry practices. I also wish thank Representative Lynn for introducing HB 6.

As the head of an animal control agency I can tell you that sexual deviancy against animals does exist. Alaska is unfortunately not unique in this behavior. In each case that has come to my attention, coercion, abuse, threat of physical harm or terrorizing a human during the practice of a sexual assault on an animal was present. The people who reported the crimes were afraid for their own safety or the safety of their children. The sexual abuse of the animal had been used to intimidate, threaten or terrorize them into submission.

The animal victims in each of these cases as well as those that happen throughout our state, had no choice and there was little that could be done to protect or defend them. Unfortunately because a crime in the legal sense was not committed, the human victims were also left with no voice, no advocate, and no recourse. There was no justice for either the abused animal or the humans who were threatened by the abuser.

Statistics gathered by the FBI, American Humane Association and other agencies who work with offenders show the high correlation between sexual abuse and torture of animals and sexual abuse and violence towards human beings. In fact, the statistics provided by Representative Lynn in the information packet are staggering.

While it is true that I work for an animal organization, and this piece of legislation is one that deals specifically with animals, there is no escaping the fact that this is a human issue as well. First and foremost, humans are the abusers. Further, statistics show that human abusers (who are often victims of abuse themselves), often began their own cycle of violence by abusing animals. Anything we can do to criminalize that act of abuse helps to break the cycle.

This piece of legislation will unfortunately not stop sexual abuse or sexual torture of animals simply by its passage. It will give the victims recourse under the law. Passing this piece of legislation is the right thing to do.

Submitted by Chava Lee
Executive Director
Gastineau Humane Society
7705 Glacier Highway
Juneau, AK 99801

THE HUMANE SOCIETY
OF THE UNITED STATES

OFFICERS

STAFF VICE PRESIDENTS

DIRECTORS

February 25, 2009

Dear Legislator:

The Humane Society of the United States, on behalf of our more than 18,000 members and supporters in Alaska, strongly supports passage of HB 6 (Rep. Lynn, R-31), to criminalize the sexual assault of animals. In addition to protecting the animals themselves from cruel treatment, this bill is needed to give law enforcement additional tools to protect human victims from sexually deviant crime.

Several studies have highlighted the link between the sexual abuse of animals and sex crimes against human victims. For example:

- 96% of juveniles who had engaged in sex with nonhuman animals also admitted to sex offenses against humans and reported more offenses against humans than other sex offenders their same age and race. (Fleming, William M., Jory, Brian and Burton, David L. *Characteristics of Juvenile Offenders Admitting to Sexual Activity with Nonhuman Animals*. Society and Animals. Vol 10., No.1, pp.31-45. 2002)

- The FBI researched the backgrounds of serial sexual homicide perpetrators and found high rates of sexual assault of animals. (Ressler, R. K. et al *Sexual homicide: patterns and motives*. Lexington, Mass.: Lexington Books. 1988)

- Up to 37% of sexually violent juvenile offenders had a history of animal sexual assault. (Monique R. Frazier, *Physically and Sexually Violent Juvenile Offenders: A Comparative Study of Victimization History Variables 99* (unpublished dissertation, Utah St. U. 1998) (on file with Utah St. U.).

Thirty-five states currently have criminal penalties for the sexual abuse of animals – twenty punish the crime as a felony.

HB 6 would make sexual conduct with an animal a Class A misdemeanor. Importantly, the bill would also provide penalties for inducing another person to engage in sexual conduct with an animal. Forcing another person to engage in sexual activity with an animal is one of the most abhorrent sex crimes imaginable, and such conduct fits the pattern of behavior common to sexually deviant criminals.

We strongly urge you to support passage of HB 6.

Sincerely,

Dave Pauli

Dave Pauli
Western Region Director



AMERICAN HUMANE

Protecting Children & Animals Since 1877

February 25, 2009

To the Alaska Legislature:

On behalf of the American Humane Association, the nation's oldest non-profit organization dedicated to protecting animals and children from maltreatment, we thank Representative Bob Lynn for introducing House Bill 6, a critical initiative to make the crime of sexual conduct with an animal a Class A misdemeanor.

The Link® between violence to people and violence to animals, and the concept that children who harm animals can become desensitized to violence and go on to commit antisocial acts against people, formed the very basis of our organization more than 130 years ago. To this day, American Humane continues to directly address the Link® between animal abuse and other forms of societal violence. Our strong support for House Bill 6 reflects our commitment to this issue.

HB 6 was drafted to address the horror many Alaskans experienced upon hearing last April's Anchorage Daily News report of a registered child sex offender who allegedly taped the muzzle of a black Lab, tied it to a tree, and sexually assaulted it in the woods of Ketchikan. Because Alaska lacks a law that prohibits sexual molestation of an animal by a human, the alleged offender was merely charged with the low-level property tampering offense of criminal mischief

For the welfare of both humans and animals, the law must treat all acts of violence against animals seriously. Because HB 6 addresses the dynamic of violence, control, and exploitation prevalent in animal sexual abuse, it would be a grave mistake to view HB 6 as a bill that just protects animals. Deliberate abuse of companion animals rarely occurs in isolated instances. Instead, animal abuse is often part of a vicious cycle of violence that escalates to human abuse.

Studies illustrate a strong connection between sexual abuse and conduct with animals. The studies are so compelling that it hardly comes as a surprise that the American Psychiatric Association has labeled "abuse of animals" among the symptoms of conduct disorder[1] and the FBI has found high rates of animal sex assaults in the backgrounds of serial sex homicide offenders.[2]

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[1] American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (DSM–IV)* (Vol, 4, 1994). Among the symptoms listed for conduct disorder are those categorized under "aggression to people and animals" (which includes cruelty to people or to animals, stealing with confrontation of the victim, and forced sexual activity). *See also* Juvenile Justice Bulletin, *Animal Abuse and Youth Violence*, September, 2001, at http://www.ncjrs.gov/html/ojjdp/2001_9_2/page1.html

[2] Ressler, R.K., Burgess, A.W., Hartmen, C.R., Douglas, J.E., & McCormack, A., *Murderers Who Rape and Mutilate* (Journal of Interpersonal Violence, v. 1, 1986 p. 273-287).

A 2002 study of juvenile offenders reveals that 96% who admitted to engaging in sex with animals also admitted to committing sex offenses against humans.[3] Another study regarding the perpetrators of sexually motivated homicides reveals the perpetrators had not only been sexually abused as children, but also had sexually abused animals in the past.[4]

A 1998 study found that sexual abuse of animals is often linked to sexual abuse of women and children.[5] That same year, another study reported that bestiality was often forced upon several children who were also forced to participate in pornographic activities.[6] Additionally, a study of several interviews with battered women revealed that bestiality was the sex act of preference for 41% of the abusive partners seeking to further dominate and terrorize their victims.[7]

Sexual molestation of an animal by a human is not a matter of personal privacy. Not only is bestiality severely inhumane, it can cause extensive physical harm and even death to the animal. It is important to note that even in cases where such harm does not occur, bestiality is still a cruel activity because animals lack the ability to clearly consent or refuse. Dr. Frank Ascione, Professor of Psychology at the University of Utah, likens this dynamic to adult sexual activity with a child: "consent is presumed to be impossible."[8] Bestiality is no more a personal sexual activity than is sexual abuse of children or rape of adults.

It is time Alaska joined the thirty-three other states that currently prohibit and penalize bestiality as a form of cruelty toward animals.[9] To help ensure a more humane Alaska for future generations, please pass House Bill 6.

Sincerely,

Allie Phillips, J.D.
Director of Public Policy

Tracy Coppola, J.D., M.S.E.L.
Legislative Analyst

Office of Public Policy
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[3] Fleming, W.M., Jory, B.; Burton, D.L.., *Characteristics of Juvenile Offenders Admitting to Sexual Activity with Nonhuman Animals* (*Society and Animals*. 10 (1), 31-45), (2002).
[4] Ressler, et. al.
[5] Kowal, L.W.., *Recognizing Animal Abuse: What Veterinarians Can Learn from the Field of Child Abuse and Neglect,* Chapter 6: *Recognizing and Reporting Animal Abuse: A Veterinarian's Guide* (American Humane Association, p. 40-49) (1998).
[6] Itzin, C. *Pornography and the Organization o f Intra-and Extra-Familial Child Sexual Abuse*, G.K. Kantor and J.L. Jasinski, Ed., Sage Publications,1998, pp. 58-79).
[7] Walker, L.E., *The Battered Woman Syndrome* (Springer Publishing, 1984).
[8] Ascione, Frank R., *Children Who are Cruel to Animal: A Review of Research and Implications for Developmental Psychology* (Anthrozoos, vol. 6, p. 226).
[9] The following felony statutes address bestiality: AZ ST 13-1411; DE ST T. 11 § 777; GA ST 16-6-6; ID ST 18-6605; 720 ILCS 5/12-35; IN ST 35-46-3-14; KS ST 21-3505; MASS GEN LAW CH 272 § 34; MCLA 750.158; MS ST 92-29-59; Okla. Stat. Tit. 21 § 886; RI GEN LAWS 11-10-1; SC ST 16-15-120; SD ST 22-22-42; VA ST 18.2-361; WA ST 16.52.205. The following misdemeanor statutes address bestiality: ACA 5-14-122; Cal. Penal Code 286.5; CRS 18-9-201-202 (subsequent offenses are felonies); IA ST 717C.1; LSA-RS 14:89; MD CRIM LAW CODE ANN 3-322; 17 MSRA 1031 (1); MN ST 609.294; MO ST 566.11; NE ST 28-1010; ND ST 12.1-20-12; NY PENAL LAW 130.20; GSNC 14-177; OR ST 167.333; 18 PCSA 3129; UT ST 76-9-301.8; WI ST 944.17.

Fact Sheet

Bestiality and Other Violent Crime

The FBI researched the backgrounds of serial sexual homicide perpetrators and found high rates of sexual assault of animals.
Ressler, R. K. et al *Sexual homicide: patterns and motives.* Lexington, Mass.: Lexington Books. (1988)

Up to 37% of sexually violent juvenile offenders had a history of animal sexual assault.
Monique R. Frazier, *Physically and Sexually Violent Juvenile Offenders: A Comparative Study of Victimization History Variables 99* (unpublished dissertation, Utah St. U. 1998) (on file with Utah St. U.).

96% of juveniles who had engaged in sex with nonhuman animals also admitted to sex offenses against humans and reported more offenses against humans than other sex offenders their same age and race.
Fleming, William M., Jory, Brian and Burton, David L. *Characteristics of Juvenile Offenders Admitting to Sexual Activity with Nonhuman Animals.* Society and Animals. Vol 10., No.1, pp.31-45 (2002)

In an Australian study, 100% of people who committed sexual homicide had abused animals, and 61.5% of animal abusers had also assaulted a human.
Clarke, J. P. *New South Wales police animal cruelty research project.* Sydney, Australia: Unpublished report, New South Wales Police Service (2002)

Respondents who had been convicted of committing crimes against people were more likely to have had sex with animals during their childhood or adolescence than other respondents. These findings support the sexually polymorphous theory that among these perpetrators sex and aggression have become mutually inclusive, and bestiality as a form of animal cruelty may be linked with interpersonal human violence.
Hensley, Christopher, Tallichet, Suzanne E., and Singer, Stephen D. *Exploring the Possible Link Between Childhood and Adolescent Bestiality and Interpersonal Violence.* Journal of Interpersonal Violence, Vol. 21, No. 7, 910-923 (2006)

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LEGISLATIVE RESEARCH REPORT

SEPTEMBER 1, 2008

REPORT NUMBER 09.004

STATE LAWS: BESTIALITY CRIMES AND PUNISHMENTS

PREPARED FOR REPRESENTATIVE BOB LYNN

BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about bestiality laws among the states. Specifically, you wanted to know which states have laws against bestiality and the penalties for violating those laws.

Our research located laws in thirty-two states that outlaw acts of bestiality.[1] Table 1 lists those states, their relevant statutory citations, and the criminal classification and maximum punishments for each violation. We include copies of the statutes listed in Table 1 as an attachment.

As you can see, the criminal classifications and punishments for bestiality vary substantially among the states. For instance, "indecency with an animal," a class A misdemeanor in Nebraska, is punishable by a maximum fine of $500 and three months in jail. By contrast, an "abominable and detestable crime against nature" with an animal in Rhode Island—materially similar to the Nebraska offense—is an unclassified felony punishable by seven to twenty years imprisonment. Not surprisingly, a number of states—Arizona, Illinois, Indiana, and Kansas, for example—impose dramatically increased penalties for crimes of bestiality where a minor is forced to take part in or otherwise witness the act. Similarly, some states increase penalties for repeat violators, for filming or photographing acts of bestiality, or for committing the act in public or in the presence of others.

I hope you find this information useful. Please do not hesitate to contact us if you have questions or need additional information.

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[1] "Bestiality," more technically known as "zoophilia," is variously identified in states' laws as "buggery," "sodomy," "sexual assault of an animal," and as a "crime against nature," among other terms. For the purposes of this report "bestiality" refers to any sexual contact between a human and an animal. Although we believe our research to be thorough, there may be other state laws prohibiting bestiality that were not located by our efforts due to variability in wording and construction.

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Alaska Legislature
Legislative Research Services
w3.legis.state.ak.us/laa/research/research.php

State Capitol
Juneau, AK 99801

State Laws: Bestiality Crimes and Punishments

State	Citation	Crime	Criminal Classification	Punishment
Arizona	ARS 13-1403	Public sexual indecency involving bestiality when others are present	Class 1 Misdemeanor; Class 5 Felony if a child under age 15 is present	Class 1 Misdemeanor--maximum fine of $2,500 and/or 6 months in jail Class 5 Felony--maximum fine of $150,000 and/or 1.5 years in jail for first offense
	ARS 13-1411	Bestiality	Class 6 Felony; Class 3 Felony if the defendant causes a child under age 15 to sexually assault an animal	For first offense: Class 6 Felony--maximum fine of $150,000 and/or one year in jail Class 3 Felony--maximum fine of $150,000 and/or 3.5 years in jail In addition, the court may order psychological assessment and counseling and the costs for care of injured animals
Arkansas	ACA 5-14-122	Bestiality	Class A Misdemeanor	Maximum fine of $1,00 and/or one year in jail
California	Cal Penal Code 286.5	Sexually Assault of an Animal	Misdemeanor	Maximum fine of $1,00 and/or six months in jail
Colorado	CRS 18-9-201 to 202	Cruelty to Animals	Class 1 Misdemeanor; a subsequent offense is a Class 6 Felony; additional offenses are Class 5 Felonies	First offense: psychological evaluation and treatment, $500 to $5,000 fine and/or six months to 18 months in jail Second offense: $1,000 to $100,000 fine and/or 1 year to 1.5 years in jail Subsequent offenses: $1,000 to $100,000 fine and/or 1 year to 3 years in jail Court may assign offender psychological treatment plus costs of incarceration and treatment
Delaware	DCA 11-777	Bestiality	Class D Felony	Maximum eight years in jail
Georgia	OCGA 16-6-6	Bestiality	Unclassified	One to five years in jail
Idaho	IC 18-6605	Crime Against Nature	Unclassified	Minimum five years in jail

State Laws: Bestiality Crimes and Punishments (contd.)

State	Citation	Crime	Criminal Classification	Punishment
Illinois	720 ILCS 5/12-35	Sexual Conduct or Sexual Contact with an Animal	Class 4 Felony; Class 3 Felony if a person under age 18 is present or the animal is seriously injured or killed	Class 4 Felony: maximum $25,000 fine and one to three years in jail Class 3 Felony: maximum $25,000 fine and two to five years in jail In addition to the above penalties, court may impose upon offender prohibition from owning or residing with animals; psychological evaluation; and costs of care for animal(s) involved
Indiana	ISA 35-42-4-5	Vicarious Sexual Gratification; Fondling in the Presence of a Minor [directing, aiding, or inducing a minor under age 16 to engage in sexual contact with an animal]	Class C Felony; Class B Felony if child is under 14; Class A Felony if threat of deadly force is used or the minor victim is threatened or drugged	All felonies carry maximum fines of $10,000 and the following jail terms: Class C Felony: two to eight years with an advisory sentence of four years Class B Felony: six to twenty years with an advisory sentence of ten years. Class A Felony: twenty to fifty years with and advisory sentence of thirty years.
	ISA 35-46-3-14	Bestiality	Class D Felony	Maximum $10,00 fine and six months to three years in jail with an advisory sentence of 1.5 years
Iowa	IC 717C.1	Bestiality	Aggravated Misdemeanor	Aggravated Misdemeanor: fine of $626 to $6,250 and maximum two years in jail In addition, the court may order psychological evaluation and treatment at offender's expense
	IC 728.4	Rental or Sale of Hard-Core Pornography [bestiality on film]	Aggravated Misdemeanor; Class D Felony for second and subsequent violations	Aggravated Misdemeanor: fine of $626 to $6,250 and maximum two years in jail Class D Felony: fine of $725 to $7,500 and maximum five years in jail
Kansas	KSA 21-3505	Criminal Sodomy	Class B Nonperson Misdemeanor; Severity Level 3 Person Felony if a child aged 14-15 is caused to engage in the sex act	Class B Nonperson Misdemeanor: maximum fine of $1,000 and/or six months in jail Level 3 Person Felony: maximum $300,000 fine and/or 89 to 100 months in jail with a presumptive sentence of 94 months for first offense

State Laws: Bestiality Crimes and Punishments (contd.)

State	Citation	Crime	Criminal Classification	Punishment
Louisiana	LSA-RS 14:89	Crime Against Nature	Unclassified	Maximum $2,000 fine and/or five years in jail with or without hard labor
Maine	MRSA 17-1031(I)	Cruelty to Animals-Bestiality	Class D Crime; Class C Crime for the third and subsequent convictions	Class D Crime: maximum fine of $2,000 and/or one year in jail Class C Crime: maximum fine of $5,000 and/or five years in jail
Maryland	ACM Crime Law 3-322	Unnatural or Perverted Sexual Practice	Misdemeanor	Maximum fine of $1,000 and/or ten years in jail
Massachusetts	MGLA 272-34	Crime Against Nature	Unclassified	Maximum twenty years in jail
Michigan	MCLA 750-158	Crime Against Nature or Sodomy	Felony	Maximum 15 years in jail, or life in jail if the offender is a "sexual delinquent" at the time of the crime
Minnesota	MS 609.294	Bestiality	Misdemeanor; Gross Misdemeanor if committed in the presence of another person	Misdemeanor--maximum fine of $1,000 and/or ninety days in jail Gross Misdemeanor--maximum fine of $3,000 and/or one year in jail
Montana	MCA 45-5-505	Deviate Sexual Conduct	Unclassified	Maximum fine of $50,000 and/or 10 years in jail
Nebraska	RSN 28-1010	Indecency with an Animal	Class III Misdemeanor	Maximum fine of $500 and/or three months in jail
New York	NY Penal Law 130.20	Sexual Misconduct	Class A Misdemeanor	Maximum fine of $1,000 and/or one year in jail
North Carolina	GSNC 14-177	Crime Against Nature	Class I Felony	Three to eight months in jail with a presumptive sentence of four to six months
North Dakota	NDCC 12.1-20-02 and 12.1-20-12	Deviate Sexual Act	Class A Misdemeanor	Maximum fine of $2,000 and/or one year in jail
Oklahoma	OSA 21-866	Crime Against Nature	Unclassified	Maximum of ten years in jail
Oregon	ORS 167.333	Sexual Assault of an Animal	Class A Misdemeanor	Maximum fine of $6,250 and/or one year in jail
Pennsylvania	PCSA 3129	Sexual Intercourse with Animal	Misdemeanor of the Second Degree	Maximum fine of $5,000 and/or two years in jail

State Laws: Bestiality Crimes and Punishments (contd.)

State	Citation	Crime	Criminal Classification	Punishment
Rhode Island	GLRI 11-10-1	Abominable and Detestable Crime Against Nature	Unclassified	Seven to twenty years in jail
South Carolina	CLSC 16-15-120	Buggery	Felony	Maximum of five years in jail and/or $500 fine
South Dakota	SDCL 22-22-42	Bestiality	Class 6 Felony; Class 5 Felony if offender has previously been convicted of a sex crime	Class 5 Felony: maximum fine of $10,000 and/or five years in jail Class 6 Felony: maximum fine of $4,000 and/or two years in jail
Utah	UCA 76-9-301.8	Bestiality	Class B Misdemeanor	Maximum fine of $1,000 and/or six months in jail
Virginia	CV 18.2-361	Crimes Against Nature	Class 6 Felony	Maximum fine of $2,500 and/or one to five years in jail
Washington	RCWA 15.52.205	Animal Cruelty in the First Degree	Class C Felony	Maximum fine of $10,000 and/or five years in jail. Offender may not own or reside with animals, court may order counseling and reimbursement for animal's care
Wisconsin	WS 944.17	Sexual Gratification	Class A Misdemeanor	Maximum fine of $10,000 and/or nine months in jail

Notes: Although we believe our research to be thorough, there may be other state laws prohibiting bestiality that were not located by our efforts due to variability in wording and construction.
Sources: Animal Legal Defense Fund, "Animal Protection Laws of the United States of America and Canada," Stephen K. Otto ed., 3rd Edition, 2007; available online at *http://www.aldf.org/article.php?id=259*; and the *Lexus* database of state laws.

THE HUMANE SOCIETY OF THE UNITED STATES

ANIMAL SEXUAL ABUSE

35 states have laws prohibiting sexual abuse of animals (AZ, AR, CA, CO, CT, DE, GA, IA, ID, IL, IN, KS, LA, MD, MA, ME, MI, MN, MO, MS, MT, NE, NY, NC, ND, OK, PA, RI, SC, SD, TN, UT, VA, WA and WI).
In many states bestiality may not be illegal, however, it is a crime to have a child perform or simulate bestiality.

ARIZONA	13-1411	A. A person commits bestiality by knowingly doing either of the following: 1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal. 2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal. B. In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following: 1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense. 2. Reimburse an animal shelter as defined in section 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section. C. This section does not apply to: 1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.

		2. Insemination of animals by the same species, bred for commercial purposes. 3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes. D. Bestiality is a class 6 felony, except that bestiality pursuant to Subsection A, paragraph 2 of this section is a class 3 felony punishable pursuant to section 13-604.01 if the other person is a minor under fifteen years of age. E. For the purposes of this section, "animal" means a nonhuman mammal, bird, reptile or amphibian, either dead or alive
ARKANSAS	5-14-122	(a) A person commits sodomy if such person performs any act of sexual gratification involving: (1) The penetration, however slight, of the anus or mouth of an animal or a person by the penis of a person of the same sex or an animal; or (2) The penetration, however slight, of the vagina or anus of an animal or a person by any body member of a person of the same sex or an animal. (b) Sodomy is a **Class A misdemeanor**.
CALIFORNIA	§ 286.5.	Any person who sexually assaults any animal protected by Section 597f for the purpose of arousing or gratifying the sexual desire of the person is guilty of a **misdemeanor**.
COLORADO		
CONNECTICUT	§ 53a-73a (2001)	A person is guilty of sexual assault in the fourth degree when: (3) such person engages in sexual contact with an animal or dead body; (b) Sexual assault in the fourth degree is a **Class A misdemeanor.**
DELAWARE	s 777	A person is guilty of bestiality when the person intentionally engages in any sexual act involving sexual contact, penetration or intercourse with the genitalia of an animal or intentionally causes another person to engage in any such sexual act with an animal for purposes of sexual gratification. Bestiality is a **Class D felony.**
GEORGIA	16-6-6	A person commits the offense of bestiality when he performs or submits to any sexual act with an animal involving the sex organs of the one and the mouth, anus, penis, or vagina of the other. Penalty: **Imprisonment for not less than one nor more than five years.**
IDAHO	18-6605	Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the state prison **not less than five (5) years**.
ILLINOIS	720 ILCS 5/12-35 (new 2002)	A person may not knowingly engage in any sexual contact or cause, aid or another person to engage in any sexual contact with an animal. (c) A person may not knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control. (d) A

		person may not knowingly engage in, promote, aid, or abet any activity involving any sexual contact with an animal for a commercial or recreational purpose. (e) A person who violates this Section is guilty of a **Class 4 felony**. A person who violates this Section in the presence of a person under 18 years of age or causes the animal serious physical injury or death is guilty of a **Class 3 felony**. (f) The court must order that the defendant **not harbor animals or reside in any household where animals are present** for a reasonable period of time or permanently, if necessary; and relinquish and permanently forfeit all animals residing in the household to a recognized or duly organized animal shelter or humane society. (3) **Undergo a psychological evaluation and counseling at defendant's expense.** (4) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of the animal involved in the sexual conduct or sexual contact in addition to any animals relinquished to the animal shelter or humane society.
INDIANA	IC 35-46-3-14	A person who knowingly or intentionally performs an act involving: (1) a sex organ of a person and the mouth or anus of an animal; (2) a sex organ of an animal and the mouth or anus of a person; (3) any penetration of the human female sex organ by an animal's sex organ; or (4) any penetration of an animal's sex organ by the human male sex organ; commits bestiality, a **Class D felony**.
IOWA	717C.1	A person who performs a sex act with an animal, is guilty of an **aggravated misdemeanor.** 3. Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a **psychological evaluation and treatment at the person's expense**. The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child **is considered child abuse**.
KANSAS	21-3505	Criminal sodomy is: (1) Sodomy between persons who are 16 or more years of age and members of the same sex or between a person and an animal; (3) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal. (c) Criminal sodomy as provided in subsection (a)(1) is a class B nonperson misdemeanor. Criminal sodomy as provided in subsections (a)(2) and (a)(3) is a **severity level 3, person felony.**
		(1) The unnatural carnal copulation by a human being with another of the same

LOUISIANA	§ 89.	sex or opposite sex or with an animal....Penalty: **fined up to two thousand dollars, or imprisoned, with or without hard labor, for not more than five years, or both.**
MAINE	1031 (2001)	Commits bestiality on an animal means that a person: 1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification; 2) Coerces anyone to engage in a sexual act with an animal; 3) Engages in a sexual act with an animal in the presence of a minor; 4) Uses any part of the person's body or an object to sexually stimulate an animal; 5) Videotapes a person engaging in a sexual act with an animal; or 6) For the purpose of that person's sexual gratification, kills or physically abuses an animal. **Violation of this paragraph is a Class D crime;**
MARYLAND	s 554	Every person who is convicted of taking into his or her mouth the sexual organ of any other person or animal, or who shall be convicted of placing his or her sexual organ in the mouth of any other person or animal, or who shall be convicted of committing any other unnatural or perverted sexual practice with any other person or animal, shall be fined not more than **one thousand dollars or be imprisoned in jail or in the house of correction or in the penitentiary for a period not exceeding ten years, or shall be both fined and imprisoned within the limits above prescribed in the discretion of the court.**
MASSACHUSETTS	Ch.272 Sec. 34	Whoever commits the abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison for **not more than twenty years.**
MICHIGAN	750.158	Any person who shall commit the abominable and detestable crime against nature either with mankind or with any animal shall be guilty of a **felony,** punishable by imprisonment in the state prison not more than **15 years**, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be **1 day and the maximum of which shall be life.**
MINNESOTA	609.294	Whoever carnally knows a dead body or an animal or bird is guilty of bestiality, which is a **misdemeanor.** If knowingly done in the presence of another the person may be sentenced to **Imprisonment for not more than one year or to payment of a fine of not more than $3,000 or both.**
		No person shall engage in any sexual conduct with an animal, or cause, aid or

MISSOURI	566.111	abet another person to engage in any sexual conduct with an animal. No person shall permit any sexual conduct with an animal on any premises under such person's charge or control. No person shall engage in, promote, aid or abet any activity involving any sexual conduct with an animal for commercial or recreational purposes. 3. Any person who violates this section shall be guilty of a **Class D felony**. Any person who violates this section in the presence of a minor or causes any animal serious physical injury or death while violating or attempting to violate this section shall be guilty of a **Class C felony**. 4. In addition to the penalty imposed, the court may: (1) prohibit the defendant permanently or for a reasonable time from harboring animals or residing in any household where animals are present; (2) order the defendant to relinquish and permanently forfeit all animals residing in the defendant's household to a recognized or duly incorporated animal shelter or humane society, and order the defendant to reimburse such shelter or humane society for all reasonable costs incurred for the care and maintenance of the animals involved in the violation of this section; and (3) order psychological evaluation and counseling of the defendant, at the defendant's expense.
MISSISSIPPI	§97-29-59	Every person who shall be convicted of the detestable and abominable crime against nature committed with mankind or with a beast, shall be punished by imprisonment in the penitentiary for a term of **not more than ten years.**
MONTANA	45-5-505	Deviate sexual conduct. (1) A person who knowingly engages in deviate sexual relations or who causes another to engage in deviate sexual relations commits the offense of deviate sexual conduct. (2) A person convicted of the offense of deviate sexual conduct shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to **exceed $50,000, or both**. **45-2-101(20) "Deviate sexual relations" means sexual contact or sexual intercourse between two persons of the same sex or any form of sexual intercourse with an animal.**
NEBRASKA	§ 28-1010	A person commits indecency with an animal when such person subjects an animal to sexual penetration. Sexual penetration shall not require emission of semen indecency with an animal is a **Class III misdemeanor.**
NEW YORK	§ 130.20	A person is guilty of sexual misconduct when: He engages in sexual conduct with an animal or a dead human body. Sexual misconduct is a **class A misdemeanor**
NORTH CAROLINA	§ 14-177	If any person shall commit the crime against nature, with mankind or beast, he shall be punished as a **Class I felony**.
NORTH DAKOTA	12.1-20-1	A person who performs a deviate sexual act with the intent to arouse or gratify his sexual desire is guilty of a **class A misdemeanor.**

	2	"Deviate sexual act" means any form of sexual contact with an animal, bird, or dead person.
OKLAHOMA	§ 886 (1999)	Every person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, is punishable by imprisonment in the penitentiary **not exceeding ten (10) years**.
PENNSYLVANIA	Title 18, Sec. 3129	A person who engages in any form or sexual intercourse with an animal commits a **misdemeanor of the second degree.**
RHODE ISLAND	11-10-1	Every person who shall be convicted of the abominable and detestable crime against nature, either with mankind or with any beast, shall be imprisoned not exceeding **twenty (20) years nor less than seven (7) years.**
SOUTH CAROLINA	§16-15-120	Whoever shall commit the abominable crime of buggery, whether with mankind or with beast, shall, on conviction, be **guilty of felony** and shall be imprisoned in the penitentiary for five years or shall pay a fine of not less than five hundred dollars, or both, at the discretion of the court.
SOUTH DAKOTA	§22-22-42 (2003)	No person, for the purpose of that person's sexual gratification, may: (1) Engage in a sexual act with an animal; or (2) Coerce any other person to engage in a sexual act with an animal; or (3) Use any part of the person's body or an object to sexually stimulate an animal; or (4) Videotape a person engaging in a sexual act with an animal; or (5) Kill or physically abuse an animal. Any person who violates any provision of this section is guilty of the crime of bestiality. Bestiality is a **Class 6 felony.** However, if any person has been previously convicted of a sex crime pursuant, any subsequent violation of this section is a **Class 5 felony**.
TENNESSEE		
UTAH	76-9-301. 8	A person commits the crime of bestiality if the actor engages in any sexual activity with an animal with the intent of sexual gratification of the actor. A crime of bestiality is a **class B misdemeanor.**
VIRGINIA	s 18.2-36 1	If any person carnally knows in any manner any brute animal, or carnally knows any male or female person by the anus or by or with the mouth, or voluntarily submits to such carnal knowledge, he or she shall be guilty of a **Class 6 felony.**
WASHINGTON	RCW 16.52.205	A person is guilty of animal cruelty in the first degree (**class c felony**) when he or she:(a) Knowingly engages in any sexual conduct or sexual contact with an animal; (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;(c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; (d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an

		observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal. In addition to the penalty imposed, the court may order that the convicted person do any of the following: (a) Not harbor or own animals or reside in any household where animals are present; (b) Participate in appropriate counseling at the defendant's expense; (c) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.
WISCONSIN	944.17	In this section, "in public" means in a place where or in a manner such that the person knows or has reason to know that his or her conduct is observable by or in the presence of persons other than the person with whom he or she is having sexual gratification. (2) Whoever does any of the following is guilty of a **Class A misdemeanor:** (c) Commits an act of sexual gratification involving his or her sex organ and the sex organ, mouth or anus of an animal. (d) Commits an act of sexual gratification involving his or her sex organ, mouth or anus and the sex organ of an animal.

ANIMAL ABUSE SEARCH RESULTS

There are 39 cases currently listed in the **United States** where a person of interest involved have a **history of interpersonal violence or the abuse occurred within the context of a domestic dispute or argument** with the abuse type(s) **Bestiality**. Results are displayed 25 per page.

Login or create an account for additional advocacy tools, including e-mail notifications when updates are posted to selected cases.

Pages: 1 2 Next»

Location / Date	Title	Name(s)
CA-Fresno Nov 7, 2008	**Dog sexually assaulted, sex offender charged** Bestiality	ALLEGED **Joe Luis Gloria**
IN-Bloomington Sep 6, 2008	**Sexual assault on woman, dog, videotaped** Bestiality	ALLEGED **Thomas L. Meador**
WA-Longview Jul 23, 2008	**Dog and foster child sexually assaulted** Bestiality	NOT CHARGED **Donald Joe Zeller**
LA-Baton Rouge Jun 18, 2008	**Dog sexually assulted by convicted sex offender** Bestiality	ALLEGED **Alex Chaney**
AK-Klawock Apr 9, 2008	**Dog tied to tree, sexually assaulted** Bestiality	ALLEGED **Harold Simpson**
CO-Delta Dec 11, 2007	**Dogs sexually assaulted, shelter volunteer charged** Bestiality	ALLEGED **Jay Baker**
OH-North Ridgeville Oct 31, 2007	**Dogs, sheep sexually assaulted** Bestiality	ALLEGED **Jonel Berlovan**
GA-Warner Robins Feb 2007	**Dog sexually assaulted, children molested** Bestiality	CONVICTED **John Charles Huff**
IL-Elwood Dec 7, 2006	**Dog repeatedly sexually assaulted** Bestiality	DISMISSED **Dwayne D. Page**
NJ-Moorestown Dec 6, 2006	**Cows and children sexually assaulted** Bestiality	ALLEGED **Robert Mella Jr.**
FL-Rockledge Dec 1, 2006	**Children, animal sexually assaulted** Bestiality	ALLEGED **Ivory Dickerson**
PA-South Beaver Township Nov 16, 2006	**Children sexually abused, bestiality porn** Bestiality	NOT CHARGED **Robert F. Harn**
CO-Glenwood Springs Nov 2006	**Possession of bestiality pornography** Bestiality	NOT CHARGED **Frank Alameno**
MI-Freeland Oct 20, 2006	**Sex with dead dog, assaulting an ACO** Bestiality	CONVICTED **Ronald Kuch**
WI-Superior Oct 11, 2006	**Sex with dead deer** Bestiality	CONVICTED **Bryan James Hathaway**
OR-Lebanon May 18, 2006	**Dogs and children sexually abused** Bestiality	ALLEGED **Denise Ann Roberts** **Jesse Dale Roberts**
PA-Hermitage Apr 2006	**Possession of child, animal pornography** Bestiality	CONVICTED **Roger Ellsworth Henry**
AZ-Tucson Mar 28, 2006	**Dog found burned, maimed, sexually assaulted** Mutilation/Torture, Bestiality, Burning - Fire or Fireworks	CONVICTED **Wayne Allen Dean**

OR-Sherwood Feb 1, 2006	**Dog sexually assaulted by convicted sex offender** Bestiality	ALLEGED **Jason Dane Tapken**
TX-Brownsville Jan 23, 2006	**Child and dog sexually assaulted, videotaped** Bestiality	NOT CHARGED **Jesus De Leon**
CA-Ontario Oct 18, 2005	**Dog sexually assaulted** Bestiality	CONVICTED **Ubaldo Vasquez Huizar**
OH-Lafferty Sep 24, 2005	**Dog sexually assaulted** Bestiality	CONVICTED **John Paskel**
SC-Campobello May 22, 2005	**Puppy sexually assaulted** Bestiality	CONVICTED **Cory Michael Williamson**
LA-Hammond May 17, 2005	**Church cult cited in child rape and animal sex** Bestiality	NOT CHARGED Austin Aaron Bernard III Nicole Bernard Paul Fontenot *more...*
MI-Harrison Feb 17, 2005	**Bestiality and child pornography** Bestiality	ALLEGED **Rebekah J. Oakley-Pyle** **Malvin D. Pyle**

Pages: 1 2 Next»

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ANIMAL ABUSE SEARCH RESULTS

There are 39 cases currently listed in the **United States** where a person of interest involved have a **history of interpersonal violence or the abuse occurred within the context of a domestic dispute or argument** with the abuse type(s) **Bestiality**. Results are displayed 25 per page.

Login or create an account for additional advocacy tools, including e-mail notifications when updates are posted to selected cases.

Pages: «Prev 1 2

Location / Date	Title	Name(s)
FL-Flagler Feb 2, 2005	**Dog, girl sexually assaulted, photos taken** Bestiality	NOT CHARGED Carla Maldonado **David Maldonado**
TX-Kerrville Feb 2005	**Possession of bestiality porn, soliciting a minor** Bestiality	NOT CHARGED **Jonathan Ward Brooke**
MI-Battle Creek Jan 26, 2005	**Sheep sexually assaulted** Bestiality	CONVICTED **Jeffrey Scott Haynes**
FL-Tampa Dec 22, 2004	**Dog stabbed, sodomized with stick** Bestiality, Stabbing	ALLEGED Lubuns Paul Dubeus
VT-Lyndonville Oct 16, 2004	**Dog sodomized and strangled** Bestiality, Choking / Strangulation / Suffocation	CONVICTED **Jeffrey Plourde**
FL-West Palm Beach Jan 8, 2004	**Dog sexually assaulted** Bestiality	ALLEGED **William McPhillips**
IN-Indianapolis Feb 20, 2002	**Distribution and display of beastiality pornography** Bestiality	ALLEGED **Loran Jay Adams**
VT-Richford Jan 15, 2002	**Dog sexually assaulted, videotaped** Bestiality	CONVICTED **Paul Corey** Tammy Paquin
OK-Oklahoma City Feb 14, 2001	**Bestiality** Bestiality	CONVICTED **Robert Malcomb Jr**
FL-East Lake Feb 11, 2001	**Llamas beaten, one sodomized** Beating, Bestiality	CONVICTED **Brandon R. Eldred** **Robert B. Pettyjohn**
CA-Fresno Jul 8, 1997	**Puppy beaten and tortured** Beating, Bestiality	CONVICTED **Reynaldo Chavez**
MI-Ypsilanti May 29, 1997	**Bestiality/Pedophilia** Bestiality	ALLEGED **Bernice Santure** **Carl Santure** **Harvey Santure** *more...*
WI-Janesville Apr 9, 1997	**Sexually abused, tortured and killed cats and dogs** Mutilation/Torture, Bestiality	CONVICTED **Barry Herbeck**
VA-Montgomery County Apr 1951	**Killing animals, having sex with their corpses** Bestiality	NOT CHARGED **Henry Lee Lucas**

Pages: «Prev 1 2

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"Alaska lawmakers consider outlawing bestiality
Anne Sutton/The Associated Press
Updated Friday, March 20, 2009 at 6:45 p.m.

JUNEAU, Alaska - State lawmaker Bob Lynn said he was compelled to introduce a bill outlawing sex with an animal after he read a news story last April about a 26-year-old Klawock man.

The man was spotted by a local woman coaxing a Labrador retriever, a local family's pet, into the woods near a ball field. There he allegedly tied it to a tree, taped its muzzle shut with duct tape and had sex with it, witnesses told police at the time.

It's a subject that makes many people uncomfortable and elicits a lot of nervous jokes, but for the people in this Southeast Alaska community of 800 people, it was no laughing matter, said Klawock Mayor Don Marvin at a Friday hearing on the bill.

"When this incident happened, we had a community that was scared," Marvin said.

The man was a registered sex offender who had been twice convicted of raping a young boy. More recently he had served probation for assault after lunging at a child.

And while the incident with the dog was reported to the police, Marvin said nothing happened for two days while fearful parents escorted their children home from school.

The state has no law against such an attack, and Ketchikan District Attorney James Scott eventually charged the man with two counts of criminal mischief, which was later changed to a theft charge.

In requesting a $10,000 bail, Scott told the court that the state was concerned that if a small child had been available and unattended that day, "the small child would have been found taped (and) tied in the woods."

Lynn, an Anchorage Republican, wants to make Alaska the 36th state to ban bestiality by expanding the state's animal cruelty law to include sexual conduct. His bill would make the offense a class A misdemeanor that's punishable by up to a year in jail and a $10,000 fine.

The measure is backed by the Department of Corrections, the Alaska Farm Bureau, the Humane Society of the United States and the Alaska Peace Officers Association.

Rachel Dzuiba, a veterinarian at the Gastineau Humane Society in Juneau, said it would not only protect animals but also protect the public against a cycle of abuse and violence.

"The act of forcing a living creature to engage in a sexual activity without the ability of consent cannot simply be viewed as a personal choice - no more than forcing a child or an impaired adult would be," Dzuiba told the House Judiciary Committee.

The society's executive director, Chava Lee, said she has received several complaints at the Juneau animal shelter about sexual deviancy against animals.

"In each case that has come to my attention, coercion, abuse, threat of physical harm or terrorizing a human during the practice of a sexual assault on an animal was present," Lee said.

According to the national Humane Society, several studies highlight the link between the sexual assault of animals and sex crimes against humans, including:

- FBI research on the backgrounds of serial sexual homicide perpetrators that uncovered high rates of sexual assault of animals,

- A report in the Journal of Forensic Psychiatry that said twenty percent of children who sexually abuse other children also have histories of sexually abusing animals,

- A Utah State University study showing 37 percent of sexually violent juvenile offenders have a history of animal sexual assault.

The committee also heard testimony from Klawock Chief of Police Cullen Fowler who said the dog that had been allegedly assaulted did not require veterinary care but appeared to have suffered.

Fowler said the pressure of the taped muzzle cause blood vessels to burst in its eyes and the dog was sensitive to the touch, jumpy and afraid for a long time after the incident.

Lynn's aide, Mike Sica, said the bill is modeled on a law in Washington state. Criminal classifications and punishments vary widely among the states that outlaw bestiality. In Nebraska, "indecency with an animal" is a class A misdemeanor punishable by a maximum fine of $500 and three months in jail. But Rhode Island punishes what it terms an "abominable and detestable crime against nature" with seven to 20 years in jail.

Though no one testified against the bill, several committee members had concerns. Rep. Lindsay Holmes, D-Anchorage, said she was worried that someone could be charged with encouraging the crime when they were merely joking and no one was hurt. She asked the Department of Law to study the matter.

The bill goes next to the House Finance Committee, though the Department of Law said it would not result in an additional cost to the state. The bill is House Bill 6."

Distributed by Rep. Bob Lynn with permission by the Associated Press

HB 6 Relevant Statute

Sec. 11.61.140. Cruelty to animals.

(a) A person commits cruelty to animals if the person

(1) knowingly inflicts severe and prolonged physical pain or suffering on an animal;

(2) with criminal negligence, fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;

(3) kills or injures an animal by the use of a decompression chamber;

(4) intentionally kills or injures a pet or livestock by the use of poison; or

(5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person.

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

(1) was part of scientific research governed by accepted standards;

(2) constituted the humane destruction of an animal;

(3) conformed to accepted veterinary or animal husbandry practices;

(4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) Except as provided in (g) of this section, cruelty to animals is a class A misdemeanor. The court may also

(1) require forfeiture of any animal affected to the state or to a custodian that supplies shelter, care, or medical treatment for the animal;

(2) require the defendant to reimburse the state or a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

(3) prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.

(g) Cruelty to animals is a class C felony if the person has been previously convicted on two or more separate occasions within 10 years of the date of the present offense of a crime under this section, AS 11.61.145 (a)(1) or (2), or a law or ordinance of another jurisdiction having elements similar to those offenses. The court may also

(1) require forfeiture of any animal affected to the state or to a custodian that supplies shelter, care, or medical treatment for the animal;

(2) require the defendant to reimburse the state or a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

(3) prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.

HB 6 Animal Cruelty by Rep. Bob Lynn
Senate State Affairs Committee

List of expected witnesses to testify:

Off-net request from Klawock

Mayor Donald Marvin, City of Klawock
755-2261 (Office)

City Manager Leslie Issacs, City of Klawock
755-2261 (Office)

Off-net request from Anchorage

Rose Munafo, sex offender programs, Alaska Dept. of Corrections
269-7416 (Office)

At the Senate State Affairs Committee, Room 105

Chava Lee, executive director of Gastineau Humane Society in Juneau
789-0260 (office)

Dr. Rachel Dzuiba, veterinarian at Gastineau Humane Society in Juneau
463-5022 (office)

Contact: Mike Sica, 465-4965 **Revised:** Jan. 21, 2010

HB 14

ALASKA STATE LEGISLATURE

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State Capitol Bldg. Rm 422
Juneau, AK 99801-1182
Phone (907) 465-4930
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1-800-331-4930

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716 W. 4th Avenue
Anchorage, AK 99501
Phone (907) 269-0174
Fax (907) 269-0177

Representative Berta Gardner

House District 24

Memorandom

Date: April 9, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Representative Berta Gardner

Re: Hearing request for HB 14

I am requesting that House Bill 14, "An Act designating the Alaskan malamute as the Alaska State Dog" be scheduled for a hearing in Senate State Affairs.

The Alaskan malamute has played a crucial role in Alaska's history for at least four thousand years. Considered to be one of the twelve ancient breeds, it's believed that the malamute originated with the ancient Mahlemut people, now known as the Inuits, with whom they lived and worked side by side. They played crucial roles in the Alaska gold rush and beyond as a valuable freight dog, and they played a role during the 1925 Serum Run to Nome. The Alaskan malamute assisted with Admiral Richard Byrd's expeditions to the South Pole in 1928 and 1934, and contributed to America's efforts during WWII. With its long and distinguished history, the Alaskan malamute has always been an intelligent, hardworking and loyal partner and deserves to be recognized as the Alaska's official state dog.

Included in this packet:

- A Current Version of HB 14
- Sponsor Statement
- Backup Information
- Letters of Support

If necessary, other backup will be forthcoming. Please contact my staffer Noah Hanson at 465-4068 or Noah_Hanson@legis.state.ak.us with any questions.

Thank you,

Representative Berta Gardner

ALASKA STATE LEGISLATURE

Juneau
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Phone (907) 465-4930
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Representative Berta Gardner

House District 24

SPONSOR STATEMENT
HB 14

"An Act designating the Alaskan malamute as the Alaska State Dog"

The Alaskan malamute has played an important role in Alaska's history for at least four thousand years. Considered to be one of the twelve ancient breeds, the Alaskan malamute evolved from the ancient dogs that accompanied prehistoric man in his migrations from Asia, reaching back to the earliest days of prehistory Alaska with the Mahlemut people, now known as the Inuits, in Northwestern Alaska. They lived and worked closely with their dogs, depending on them as partners in hunting large game, hauling heavy loads, and even helping to watch children.

Eighteenth and nineteenth century European explorers to Alaska were impressed with the breed and by the time of the gold rush, Alaskan malamutes, with their ability to haul equipment and people, were in high demand. They were so highly valued that a prospector would pay $500 dollars for one good dog and $1500 for a small team! Long after the Gold Rush, Alaskan malamutes continued to be valuable freight dogs. They were easy to care for and could pull heavy loads to areas that were otherwise inaccessible.

During the 1925 Serum Run to Nome, about 150 sled dogs relayed diphtheria antitoxin 674 miles by dog sled in a record-breaking five and a half days, saving the small city of Nome and the surrounding communities from an incipient epidemic. The Alaskan malamute played a role in this important event.

The Alaskan malamute assisted with Admiral Richard Byrd's expeditions to the South Pole in 1828 and 1934. The successful exploration of this vast continent could not have been accomplished without these dogs.

Additionally, the Alaskan malamute contributed to America's efforts during WWII, pulling sleds in snow-covered areas that were inaccessible to other, more mechanical means of transportation. They were also used as pack animals to carry weaponry and ammunition across the frozen ground, and they served as search-and-rescue dogs.

With its long and distinguished history, the Alaskan malamute has always been an intelligent, hardworking, and loyal partner. This amazing breed helped to make Alaska what it is today and deserves to be recognized.

Please join us in supporting the appointment of the Alaskan malamute as the official Alaska state dog.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 14(STA)
(H) Publish Date: 2/27/09

Identifier (file name): HB014-GOV-OMB-2-20-09
Dept. Affected: All
Title: Designating the Alaskan malamute as the official state dog
RDU
Component
Sponsor: Rep. Gardner
Requester: House State Affairs Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation will not have any doggone fiscal impact on any State agency.

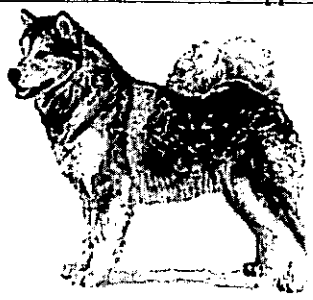
Prepared by: Jack Kreinheder, Senior Analyst — Phone 465-4676
Division: Office of Management and Budget — Date/Time 2/20/09 1:00 PM
Approved by: Karen Rehfeld, Director — Date 2/20/2009
Office of Management and Budget

(Revised 9/10/2008 OMB)

AMERICAN KENNEL CLUB™

Information on AKC Alaskan Malamute Puppies

Alaskan Malamute Breed Standard



Working Group

General Appearance
The Alaskan Malamute, one of the oldest Arctic sled dogs, is a powerful and substantially built dog with a deep chest and strong, well-muscled body. The Malamute stands well over the pads, and this stance gives the appearance of much activity and a proud carriage, with head erect and eyes alert showing interest and curiosity. The head is broad. Ears are triangular and erect when alerted. The muzzle is bulky, only slight diminishing in width from root to nose. The muzzle is not pointed or long, yet not stubby. The coat is thick with a coarse guard coat of sufficient length to protect a woolly undercoat. Malamutes are of various colors. Face markings are a distinguishing feature. These consist of a cap over the head, the face either all white or marked with a bar and/or mask. The tail is well furred, carried over the back, and has the appearance of a waving plume.

The Malamute must be a heavy boned dog with sound legs, good feet, deep chest and powerful shoulders, and have all of the other physical attributes necessary for the efficient performance of his job. The gait must be steady, balanced, tireless and totally efficient. He is not intended as a racing sled dog designed to compete in speed trials. The Malamute is structured for strength and endurance, and any characteristic of the individual specimen, including temperament, which interferes with the accomplishment of this purpose, is to be considered the most serious of faults.

Size, Proportion, Substance
There is a natural range in size in the breed. The desirable freighting sizes are males, 25 inches at the shoulders, 85 pounds; females, 23 inches at the shoulders, 75 pounds. However, size consideration should not outweigh that of type, proportion, movement and other functional attributes. When dogs are judged equal in type, proportion, movement, the dog nearest the desirable freighting size is to be preferred. The depth of chest is approximately one half the height of the dog at the shoulders, the deepest point being just behind the forelegs. The length of the body from point of shoulder to the rear point of pelvis is longer than the height of the body from ground to top of the withers. The body carries no excess weight, and bone is in proportion to size.

Head
The head is broad and deep, not coarse or clumsy, but in proportion to the size of the dog. The expression is soft and indicates an affectionate disposition. The eyes are obliquely placed in the skull. Eyes are brown, almond shaped and of medium size. Dark eyes are preferred. *Blue Eyes are a Disqualifying Fault.* The *ears* are of medium size, but small in proportion to the head. The ears are triangular in shape and slightly rounded at the tips. They are set wide apart on the outside back edges of the skull on line with the upper corner of the eye, giving ears the appearance, when erect, of standing off from the skull. Erect ears point slightly forward, but when the dog is at work, the ears are sometimes folded against the skull. High set ears are a fault.

The *skull* is broad and moderately rounded between the ears, gradually narrowing and flattening on top as it approaches the eyes, rounding off to cheeks that are moderately flat. There is a slight furrow between the eyes. The topline of the skull and the topline of the muzzle show a slight break downward from a straight line as they join. The *muzzle* is large and bulky in proportion to the size of the skull, diminishing slightly in width and depth from junction with the skull to the nose. In all coat colors, except reds, the *nose, lips,* and *eye rims' pigmentation* is black. Brown is permitted in red dogs. The lighter streaked "snow nose" is acceptable. The lips are close fitting. The upper and lower jaws are broad with large teeth. The incisors meet with a scissors grip. Overshot or undershot is a fault.

Neck, Topline, Body
The neck is strong and moderately arched. The chest is well developed. The body is compactly built but not short coupled. The back is straight and gently sloping to the hips. The loins are hard and well muscled. A long loin that may weaken the back is a fault. The *tail* is moderately set and follows the line of the spine at the base. The tail is carried over the back when not working. It is not a snap tail or curled tight against the back, nor is it short furred like a fox brush. The Malamute tail is well furred and has the appearance of a waving plume.

Forequarters
The shoulders are moderately sloping; forelegs heavily boned and muscled, straight to the pasterns when viewed from the front. Pasterns are short and strong and slightly sloping when viewed from the side. The feet are of the snowshoe type, tight and deep, with well-cushioned pads, giving a firm, compact appearance. The feet are large, toes tight fitting and well arched. There is a protective growth of hair between the toes. The pads are thick and tough; toenails short and strong.

Hindquarters
The rear legs are broad and heavily muscled through the thighs; stifles moderately bent; hock joints are moderately bent and well let down. When viewed from the rear, the legs stand and move true in line with the movement of the front legs, not too close or too wide. Dewclaws on the rear legs are undesirable and should be removed shortly after puppies are whelped.

Coat
The Malamute has a thick, coarse guard coat, never long and soft. The undercoat is dense, from one to two inches in depth, oily and woolly. The coarse guard coat varies in length as does the undercoat. The coat is relatively short to medium along the sides of the body, with the length of the coat increasing around the shoulders and neck, down the back, over the rump, and in the breeching and plume. Malamutes usually have a shorter and less dense coat during the summer months. The Malamute is shown naturally. Trimming is not acceptable except to provide a clean cut appearance of feet.

Color
The usual colors range from light gray through intermediate shadings to black, sable, and shadings of sable to red. Color combinations are acceptable in undercoats, points, and trimmings. The only solid color allowable is all white. White is always the predominant color on underbody, parts of legs, feet, and part of face markings. A white blaze on the forehead and/or collar or a spot on the nape is attractive and acceptable. The Malamute is mantled, and broken colors extending over the body or uneven splashing are undesirable.

Gait
The gait of the Malamute is steady, balanced, and powerful. He is agile for his size and build. When viewed from the side, the hindquarters exhibit strong rear drive that is transmitted through a well-muscled loin to the forequarters. The forequarters receive the drive from the rear with a smooth reaching stride. When viewed from the front or from the rear, the legs move true in line, not too close or too wide. At a fast trot, the feet will converge toward the centerline of the body. A stilted gait, or any gait that is not completely efficient and tireless, is to be penalized.

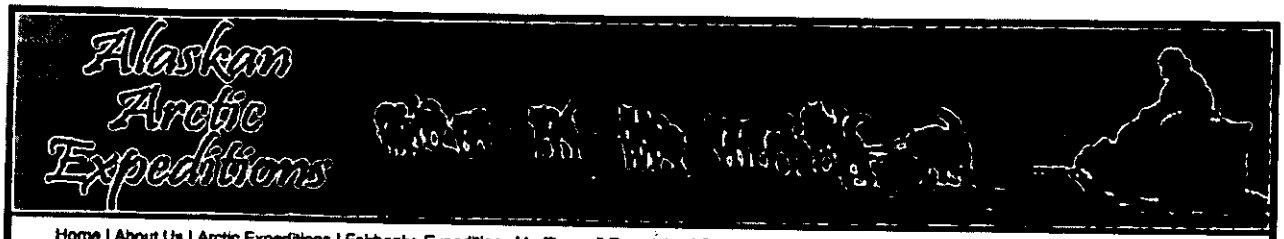
Temperament
The Alaskan Malamute is an affectionate, friendly dog, not a "one man" dog. He is a loyal, devoted companion, playful in invitation, but generally impressive by his dignity after maturity.

Summary
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Disqualifications
Blue Eyes

Approved April 12, 1994
Effective May 31, 1994

Alaskan Malamute Links
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Malamute History

The Alaskan Malamute originated at least four-thousand years ago with a group of Eskimos called Mahlemuit Inuits. Malamutes were probably among the first breeds to be domesticated. Their reputation for great strength, courage, endurance, and loyalty made them great family pets and fantastic freighting dogs. They were capable of pulling a tremendous amount of weight over long distances at a steady pace, even in extreme conditions.



Alaskan Malamutes have played a critical role in the endeavors of humankind for centuries. Just a few examples of their contributions to society include:

The Klondike Gold Rush



With the onset of the Klondike Gold Rush in 1896, prospectors began to realize the need for hardy dog teams that could pull heavy freight. The Alaskan Malamute became the most prized dog. Not only could malamutes pull heavy loads, but they required very small quantities of food for their size compared to other breeds of sled dogs. Even at that time, a good malamute would cost a prospector about $500.

Dog teams became the primary method of hauling freight. The teams even proved themselves useful for freighting in the summer months when they were hitched to small trams [illegible] teams.

U.S. Postal Service

From the 1890's to 1963, Alaskan Malamutes were important to the mail service in Alaska and remote regions of Canada as the only reliable transportation. They were so important that a federal law required all other sled dog drivers to yield right-of-way to any mail-carrying team encountered.

The peak of mail service dog teams was from around 1910 into the late 1930's. As the postal service began replacing dog teams with airlines, sled dog carriers were phased out. In 1963, the last U.S. Postal Service mail driver retired with his dog team.



Military Service

During WWII, malamutes were used to pull sleds in snow covered areas that were inaccessible to other means of transportation. They freighted weapons and ammunition and were also used as search and rescue dogs.

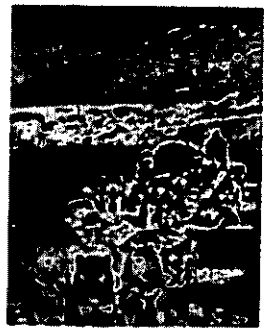


Expeditions



Alaskan Malamutes have played a key role in countless expeditions. For example, a century ago Ernest de Koven Leffingwell harnessed the power of the Alaskan Malamute to map and explore Alaska's Arctic coast and what is known today as the Arctic National Wildlife Refuge. Hudson Stuck used malamutes to explore the remote areas of western Alaska in the 1920's. But the malamute certainly wasn't limited to Alaska! Admiral Richard Byrd had malamutes in his dog team when he explored Antarctica on various expeditions from the 1930's through the 1950's.

In the 1960's, Roger Burggraf used malamute teams to haul freight to climbers and explorers in Mount McKinley National Park in interior Alaska. He also used his malamutes to patrol the park during the winter months.

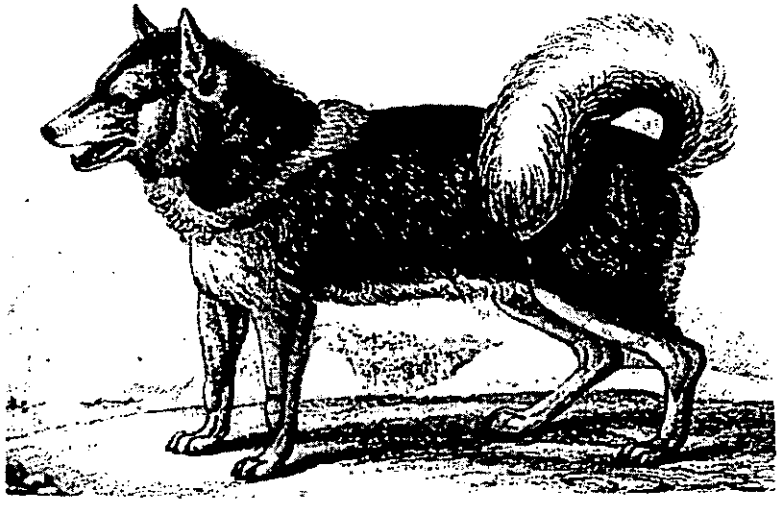


Today, Joe Henderson (Alaskan Arctic Expeditions) uses malamutes to their full potential on remote expeditions in the Arctic and interior Alaska. He may very well have one of the largest working Alaskan Malamute kennels in the world. He strives to maintain an outstanding working breed of malamutes that truly exemplifies their inherent strength, courage, and loyalty.

Alaskan Arctic Expeditions Joe Henderson , P.O. Box 80944, Fairbanks, AK 99708 Phone: (907) 590-4980 Email

ALASKAN MALAMUTE HISTORY

Alaska and Siberia, separated only by 55 miles of Bering Sea, with some of the smaller islands in the straits as close to each other as only 2 miles, have all through the ages shared their ancestry, a way of living and their life preserving dogs.



A Northern dog quite different from our Northern breeds of today

Some 35,000 years ago the people of Central Asia migrated farther and farther north to the extreme most regions of Siberia and the Arctic, and brought with them their jackal-type dogs (Canis aureus). Cross-bred with the Arctic wolves (Canis lupus), these animals developed over the centuries into what later came to be referred to as the Northern breeds, including the Malamute, Samoyeds, the Spitz, Keeshonds, Elkhounds, the Nootka dogs of Iceland and the Russian Laikas.

By the Neolithic age, 3500 to 2000 B.C., the Northern dogs had become established with their own type and characteristics which, with periodic breedings to the wolf, managed to endure down through the ages. All of these were referred to as "huskies". The term husky is a corruption of "esky", a slang word for Eskimo; it covered all the sled-pulling breeds that had rough, shaggy coats, pointed faces and plumey tails. Their coats were thick and woolly to protect them from the elements, and they came in almost every color; solids, brindles, white with spots, black with white, white with black patches, reds, yellow, yellow spotted, red spotted, etc. Today the term husky applies only to the Siberian Husky breed.



An Arctic expedition prepares for its sledge journey over the ice. (Courtesy Virginia Devaney)

From the first days of the Eskimos' existence on earth the dogs had been there at their sides, living with them and hunting with them, thousands of years before sleds were thought of or necessary to their existence. As far back as Mesolithic times men traveled on skis, and there are also evidences that they used the travois for ages before they got around to building sleds.

As the wilderness opened up before them, and as their numbers grew, they began to develop a dog bred to meet the requirements of their specific needs, a dog with the necessary conformation to provide endurance over great distances with the least expenditure of energy.

And so the Mahlemut Indians in the vast Alaskan territory, with their settlement along the Kotzebue Sound in upper Western Alaska, took the husky dog and began by process of elimination to develop what we have come to know as the Alaskan Malamute breed. It was almost a case of the survival of the fittest, since only the strongest of the litters came to survive the elements and the work schedule given to them by their owners. Through this continuous culling program we now have the distinctive, strong, powerful working dog that is hailed as the king of the working dogs.



Malemut Men and Women with Lip Labrets - 1881

In the twentieth century the Malamutes came of age:

1909 brought about the Commander Robert Peary -Dr. Frederick Cook controversy on who reached the North Pole first. This remarkable exploration was made possible by the sled dogs, and nobody argues this point. Regardless of which man got to the North Pole first, history bears out the fact that the sled dogs were truly the first ones there.

The great serum run in 1925 when a group of drivers and their stalwart dogs fought their way through fifty below zero weather and an 80 mile an hour blizzard to get serum to the inhabitants of Nome to halt the march of diphtheria.

Later brought the two Admiral Richard Byrd expeditions on the Antarctic continent. To this day there stands a plaque in Little America, Antarctic dedicated to all the dogs whose lives were lost during these two expeditions to Little America, 1928-1930 & 1933-1935.

Milton and Eve Seeley, the pinnacles in the breed, received their first Malamute from Arthur Walden in 1924. Walden was a well respected Malamute owner and trainer. Walden was responsible for the training and preparation of the Antarctic expeditions for Admiral Byrd. The Seeley's were responsible for the Alaskan Malamute receiving AKC recognition in 1935. On April 17, 1935 the Alaskan Malamute Club was organized, it later became the Alaskan Malamute Club of America, as we know it today.



Eva "Short" Seeley

There are 2 original strains of Malamutes, the M'Loots and the Kotzebues. The M'Loots tend to be larger sized than the Kotzebue, but some were rangy, some considerably lacking in substance. Their fronts were generally better than the Kotzebues, who tented to be somewhat wide in the chest and sometimes out at the elbows. The M'Loots were lacking in rear angulation, and this led to stilted gait. The Kotzebues had a broader head, more compact body and more rear angulation. The M'Loots also tended to have long ears and long muzzles.

The Kotzebues were gray dogs with white trim. The M'Loots had a wider range from gray to black and white. Dispositions differed somewhat. The Kotzebues were less aggressive and easier to control. The M'Loots were often aggressive with other dogs, prone to fighting, and sometimes difficult to handle.

It was the Kotzebue size which became a proven factor in all of the Byrd expeditions that this was the size most desired to endure the pace and elements. This is where the size in the breed standard came from. It was the Kotzebue line which was first recognized by AKC as a breed, and later the M'Loots were allowed to be included. Both strains are named for the Eskimos (Mahlemiut), of their region, the M'Loot, and the Kotzebue tribes.



A team of AKC registered Alaskan Malamutes

Today, Malamutes are seen in most areas of the world. They are tremendous companions, they are shown in every state, and many foreign countries. They still work performing weight pulls, back packing, and sledding. They perform in the obedience rings, provide care to elderly folks as service dogs and on occasion they have been known to sit on your lap.

Malamutes are very smart, loving, devious and still the most powerful working dog in the world. All they ask for in return is love, a safe environment, and maybe, a pat on the head.

THE AKC APPROVED BREED STANDARD



General Appearance

The Alaskan Malamute, one of the oldest Arctic sled dogs, is a powerful and substantially built dog with a deep chest and strong, well-muscled body. The Malamute stands well over the pads, and this stance gives the appearance of much activity and a proud carriage, with head erect and eyes alert showing interest and curiosity. The head is broad. Ears are triangular and erect when alerted. The muzzle is bulky, only slight diminishing in width from root to nose. The muzzle is not pointed or long, yet not stubby. The coat is thick with a coarse guard coat of sufficient length to protect a woolly undercoat. Malamutes are of various colors. Face markings are a distinguishing feature. These consist of a cap over the head, the face either all white or marked with a bar and/or mask. The tail is well furred, carried over the back, and has the appearance of a waving plume. The Malamute must be a heavy boned dog with sound legs, good feet, deep chest and powerful shoulders, and have all of the other physical attributes necessary for the efficient performance of his job. The gait must be steady, balanced, tireless and totally efficient. He is not intended as a racing sled dog designed to compete in speed trials. The Malamute is structured for strength and endurance, and any characteristic of the individual specimen, including temperament, which interferes with the accomplishment of this purpose, is to be considered the most serious of faults.

Size, Proportion, Substance

There is a natural range in size in the breed. The desirable freighting sizes are males, 25 inches at the shoulders, 85 pounds; females, 23 inches at the shoulders, 75 pounds. However, size consideration should not outweigh that of type, proportion, movement and other functional attributes. When dogs are judged equal in type, proportion, movement, the dog nearest the desirable freighting size is to be preferred. The depth of chest is approximately one half the height of the dog at the shoulders, the deepest point being just behind the forelegs. The length of the body from point of shoulder to the rear point of pelvis is longer than the height of the body from ground to top of the withers. The body carries no excess weight, and bone is in proportion to size.

Head

The head is broad and deep, not coarse or clumsy, but in proportion to the size of the dog. The expression is soft and indicates an affectionate disposition. The eyes are obliquely placed in the skull. Eyes are brown, almond shaped and of medium size. Dark eyes are preferred. Blue Eyes are a Disqualifying Fault.- The ears -are of medium size, but small in proportion to the head. The ears are triangular in shape and slightly rounded at the tips. They are set wide apart on the outside back edges of the skull on line with the upper corner of the eye, giving ears the appearance, when erect, of standing off from the skull. Erect ears point slightly forward, but when the dog is at work, the ears are sometimes folded against the skull. High set ears are a fault. The skull- is broad and moderately rounded between the ears, gradually narrowing and flattening on top as it approaches the eyes, rounding off to cheeks that are moderately flat. There is a slight furrow between the eyes. The topline of the skull and the topline of the muzzle show a slight break downward from a straight line as they join. The muzzle- is large and bulky in proportion to the size of the skull, diminishing slightly in width and depth from junction with the skull to the nose. In all coat colors, except reds, the nose, lips,- and eye rims' pigmentation -is black. Brown is permitted in red dogs. The lighter streaked "snow nose" is acceptable. The lips are close fitting. The upper and lower jaws are broad with large teeth. The incisors meet with a scissors grip. Overshot or undershot is a fault.

Neck, Topline, Body

The neck is strong and moderately arched. The chest is well developed. The body is compactly built but not short coupled. The back is straight and gently sloping to the hips. The loins are hard and well muscled. A long loin that may weaken the back is a fault. The tail -is moderately set and follows the line of the spine at the base. The tail is carried over the back when not working. It is not a snap tail or curled tight against the back, nor is it short furred like a fox brush. The Malamute tail is well furred and has the appearance of a waving plume.

Forequarters

The shoulders are moderately sloping; forelegs heavily boned and muscled, straight to the pasterns when viewed from the front. Pasterns are short and strong and slightly sloping when viewed from the side. The feet are of the snowshoe type, tight and deep, with well-cushioned pads, giving a firm, compact appearance. The feet are large, toes tight fitting and well arched. There is a protective growth of hair between the toes. The pads are thick and tough; toenails short and strong.

Hindquarters

The rear legs are broad and heavily muscled through the thighs; stifles moderately bent; hock joints are moderately bent and well let down. When viewed from the rear, the legs stand and move true in line with the movement of the front legs, not too close or too wide. Dewclaws on the rear legs are undesirable and should be removed shortly after puppies are whelped.

Coat

The Malamute has a thick, coarse guard coat, never long and soft. The undercoat is dense, from one to two inches in depth, oily and woolly. The coarse guard coat varies in length as does the undercoat. The coat is relatively short to medium along the sides of the body, with the length of

the coat increasing around the shoulders and neck, down the back, over the rump, and in the breeching and plume. Malamutes usually have a shorter and less dense coat during the summer months. The Malamute is shown naturally. Trimming is not acceptable except to provide a clean cut appearance of feet.

Color

The usual colors range from light gray through intermediate shadings to black, sable, and shadings of sable to red. Color combinations are acceptable in undercoats, points, and trimmings. The only solid color allowable is all white. White is always the predominant color on underbody, parts of legs, feet, and part of face markings. A white blaze on the forehead and/or collar or a spot on the nape is attractive and acceptable. The Malamute is mantled, and broken colors extending over the body or uneven splashing are undesirable.

Gait

The gait of the Malamute is steady, balanced, and powerful. He is agile for his size and build. When viewed from the side, the hindquarters exhibit strong rear drive that is transmitted through a well-muscled loin to the forequarters. The forequarters receive the drive from the rear with a smooth reaching stride. When viewed from the front or from the rear, the legs move true in line, not too close or too wide. At a fast trot, the feet will converge toward the centerline of the body. A stilted gait, or any gait that is not completely efficient and tireless, is to be penalized.

Temperament

The Alaskan Malamute is an affectionate, friendly dog, not a "one man" dog. He is a loyal, devoted companion, playful in invitation, but generally impressive by his dignity after maturity.

Summary

IMPORTANT: In judging Malamutes, their function as a sledge dog for heavy freighting in the Arctic must be given consideration above all else. The degree to which a dog is penalized should depend upon the extent to which the dog deviates from the description of the ideal Malamute and the extent to which the particular fault would actually affect the working ability of the dog. The legs of the Malamute must indicate unusual strength and tremendous propelling power. Any indication of unsoundness in legs and feet, front or rear, standing or moving, is to be considered a serious fault. Faults under this provision would be splay-footedness, cowhocks, bad pasterns, straight shoulders, lack of angulation, stilted gait (or any gait that isn't balanced, strong and steady), ranginess, shallowness, ponderousness, lightness of bone, and poor overall proportion.

DISQUALIFICATION

Blue Eyes

Approved April 12, 1994

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Siberian Husky History

As the name would suggest, Siberian Huskies are native to Siberia, where they have been trained for hundreds of years by the Chukchi people to pull sleds. The Chukchi are semi-nomadic people, and the Siberian Husky's ability to pull sleds with light loads for long distances made it a useful companion. Recent DNA analysis has shown the Siberian Husky to be one of the oldest breeds of dog.

A team of Siberian Huskies was brought to Alaska in 1909 to compete in the All Alaska Sweepstakes Race. Following their debut a large number were imported to Alaska, and a team of Siberian Huskies won the same race the following year. In subsequent years, Siberian Huskies went on to win many different races and gain fame for their speed and endurance.

Siberian Huskies were made even more famous in 1925, when the city of Nome, Alaska was struck by a diphtheria outbreak. Several different teams of sled dogs, most of them Siberian Huskies, relayed the necessary serum back to Nome. After this story became national news, Leonhard Seppala, a famous breeder of Siberian Huskies and a key figure in the Nome rescue, toured New England with his team. These events helped to popularize the breed, and in 1930 the Siberian Husky was recognized as a breed by the American Kennel Club. They are still used in various sledding, carting, and racing events, and are largely responsible for the popularization of these activities. In recent years, however, the Alaskan Husky, which is specially bred for speed, has largely replaced the Siberian in many races; in response, a movement has started to create races specifically for Siberian Huskies. Recently, the breed has found success as a hiking companion, therapy dog, and as a loving pet.

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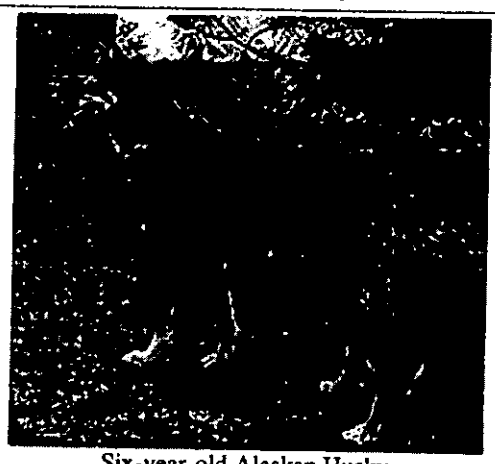
Affection: ★★★★★★★★☆

Alaskan Husky

From Wikipedia, the free encyclopedia

The **Alaskan Husky** is not so much a breed of dog as it is a type or a category. It falls short of being a breed in that there is no preferred type and no restriction as to ancestry; it is defined only by its purpose, which is that of a highly efficient sled dog. That said, dog drivers usually distinguish between the Alaskan Husky and "hound crosses", so perhaps there is informal recognition that the Alaskan Husky is expected to display a degree of northern dog type. Specializations in type exist within the breed, such as freighting dogs (Mackenzie River Husky), sprint Alaskans, and distance Alaskans. Most Alaskan Huskies have pointy ears, meaning they are in fact classified as a spitz-type dog.

Alaskan Husky



Six-year-old Alaskan Husky

Country of origin	United States (Alaska)
Traits	[hide]
Classification & standards	[show]

The Alaskan is the sled dog of choice for world-class dog sled racing sprint competition. None of the purebred northern breeds can match it for sheer racing speed. Demanding speed-racing events such as the Fairbanks, Alaska Open North American Championship and the Anchorage Fur Rendezvous are invariably won by teams of Alaskan huskies, or of Alaskans crossed with hounds or gun dogs. Hounds are valued for their toughness and endurance. Winning speeds often average more than 19 miles per hour (31 km/h) over three days' racing at 20 to 30 miles (32 to 48 km) each day.

Alaskan huskies that fulfill the demanding performance standards of world-class dogsled racing are extremely valuable. A top-level racing lead dog can be worth $10-15,000. Alaskans that fail to meet the performance standards of the musher who bred them often go on to be sold to less competitive mushers, allowing them to continue to run.

Contents

- 1 Description
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Description

Appearance

The Alaskan Husky is a heavily diluted wolfdog breed which has northern or husky-type ancestry, much like the Siberian Husky.

Alaskan Huskies (at least those used for speed racing) are moderate in size, averaging perhaps 46 to 60 pounds (21 to 25 kg) for males and 38 to 42 pounds (17 to 19 kg) for females. Some of them superficially resemble racing strains of the Siberian Husky breed (which is undeniably part of the Alaskan Husky genetic mix), but are usually taller and larger with more pronounced tuck-up.



Two Alaskan Huskies in the harness.

Color and markings are a matter of total indifference to racing drivers; Alaskans may be of any possible canine color and any pattern of markings. Eyes may be of any color and are often light blue. Coats are almost always short to medium in length, never long, and usually less dense than those of northern purebreds; the shorter coat length is governed by the need for effective heat dissipation while racing.

In very cold conditions, Alaskans often race in "dog coats" or belly protectors. Particularly in long distance races, these dogs often require "dog booties" to protect their feet from abrasion and cracking. Thus the considerations of hardiness and climate resistance prevalent in breeds such as the Siberian Husky and Canadian Inuit Dog are subordinated in the Alaskan Husky to the overriding consideration of speed. On long distance races they require considerable care and attention on the trail at rest stops.

Temperament

Racing sled dogs are bred for stamina, strength, speed, and endurance. A positive working attitude is essential. Sled dogs that come in contact with the public at races or in excursion businesses must not be aggressive toward humans.

Alaskan huskies are popular as pets in Alaska; older dogs that have outlived their usefulness as racing dogs make excellent pets for people willing to exercise them regularly. Older ex-racers tend to be very alert and well behaved, as well as somewhat less energetic than their younger counterparts.

Young huskies make good pets if given plenty of space to run and play, but their high demand for exercise and activity makes them a poor choice for urban residents.

Huskies are often healthier in drier climates such as that of interior Alaska. In the more humid regions, they are prone to develop ear and related infections.

If multiple huskies are kept in the same lot they tend to be vocal, howling and barking at each other and any other dogs in the vicinity unless they are trained to be quiet. In crowded neighborhoods this can be a very irritating nuisance to neighbors. They can be trained for silence, albeit with some effort. They are accomplished diggers and will tunnel underneath fences and houses to hunt burrowing animals or to escape their enclosures.

Huskies make relatively poor household dogs. They shed heavily during the Spring and Fall and may be considered hyperactive by sedate humans, running in circles inside a house when bored or cramped. If left alone in a dwelling for long periods they may engage in destructive behavior out of boredom, mischief or malice. They enjoy hunting small and large animals due to a deeply wired instinct known as SMAR or small mammal attack response. When they are hooked up to a sled, and will have to stay there for a while, they may get crazy and excited and start to chew the gang line.

In Alaska and other extreme northern regions they are occasionally killed by moose in the winter. Infrequently, moose in search of non-existent winter browse of willows and mountain ash during desperate times of long cold snaps and deep snow will enter human areas attracted by the scent of fresh straw used as bedding for the dogs. True to their wolf ancestors, huskies tend not to back down from such encounters and an angry moose can easily stomp and kick several dogs causing severe injuries. Most moose/husky encounters occur during runs when a musher accidentally startles a moose on a trail. Most of the time moose avoid fights, but in cases of deep snow when escape is difficult a moose may confuse a sled team for a wolf pack and cause some serious trouble.

Normally, moose are aware that huskies are domesticated, tethered and not a threat and will frequently bed down adjacent to sled dog kennels in order to use the huskies as sentries who will alert the sleeping moose of approaching wolves. Sled dogs tethered in far northern forests may be attacked and killed on their stakeouts by wolves when other prey is unavailable. However this is rare. Professional dog sled racers often surround their lots with high fences to prevent wildlife attacks. More important is a low fence to keep out diseased rodents which can infect dogs by carrying parasites.

Health

The Alaskan Husky is generally a healthy dog. Some strains are prone to genetic health problems similar to those found in purebred dog breeds. These may include PRA, hypothyroidism, etc. Dogs with an esophagus disorder, termed "wheezers" sometimes occur. This disorder makes the dog unable to bark, but have the ability to produce a low-pitched howling noise. The defect is genetically linked and appeares rarely. Theories of common exterior traits among "wheezers" abound, but are conflicting and undocumented. The life span of the Alaskan Husky is usually between 10 to 15 years.

History

The Alaskan Husky is derived from a mix of northern types, most notably the Siberian Husky. The history of the Alaskan Husky really began with the Gold Rushes of the late nineteenth century; sled and draft dogs used by miners of that era were typically heavy draft dogs with obvious Saint Bernard ancestry. The importation into Alaska of dogs from across the Bering Strait in Siberia in 1908 and subsequent years changed Alaskan sled dogs radically and permanently towards a smaller dog with lighter weight and much greater speed. With the increasing prevalence of motorized winter transport in the mid twentieth century, working sled dogs became less common in the northern villages. The Alaskan sled dog experienced a revival in the 1970s. George Attla, a Native Alaskan from the village of Huslia, was largely responsible for this. Many successful racing dogs today trace their lineage back to Attla dogs.

Recent history

Various attempts have been made in the past to organize breeders of Alaskan Huskies and to establish a registry for these dogs; such attempts have never received widespread support. Although racing sled dog kennels can be large, sometimes harboring well over a hundred dogs, and the breed population arguably in excess of one hundred thousand, this canine variety remains an informal and unregistered category of dog.

The Alaskan Husky, like its cousin the Border Collie, is a working large dog and defined by its ability to work. Serious aficionados of the breed are hesitant to cede the breed definition to "looks" (external appearance) in fear of losing the dog's defining working qualities and character by placing form over function, as has happened to many other breeds such as the Poodle (which was once regarded as an outstanding hunting dog rather than fashion accessory). This preference for form over function can be seen in other northern breeds such as the AKC Alaskan Malamute which is bred for a curly tail: the curly tail is a purely decorative standard, and results in a shorter back that is not beneficial to running.

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Bill seeks to name Alaskan Malamute as Alaska state dog

Mary Pemberton/The Associated Press
Published Friday, January 23, 2009



ANCHORAGE, Alaska -- It's time to stop dissing the dog.

That's the message that an inquisitive kindergartner brought to her teacher more than two years ago when she wanted to know why Alaska - the state that has a fondness for most things canine - didn't have an official state dog.

She even offered up her personal choice: the Alaskan Malamute.

The youngster's idea, and the hard work of other students, inspired a bill that if passed would make the Alaskan Malamute the official state dog. The large, rugged dogs with super thick coats suited for Arctic climes would join the list of other official state symbols, including the state insect (four spot skimmer dragonfly), the state fish (the Chinook salmon), the state flower (Forget-Me-Not), state gem (jade), and the state fossil (Wooly Mammoth.)

Rep. Berta Gardner, D-Anchorage, is sponsoring the bill in the House. It got its first reading on the opening day of the Legislature on Tuesday and was referred to the State Affairs Committee.

Gardner is asking for a quick hearing so that the children can see the rewards of their hard work soon, she said.

"To tell you the truth, I don't have a great passion for why the Malamute or why we should have the state dog," Gardner said. "This is their project and I am simply their tool."

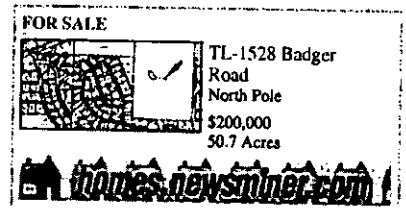
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Carol Bartholomew, a teacher at the Polaris K-12 School in Anchorage, said the school decided last year to forge ahead with the project, which was broken down into several segments. The youngest students researched what the dogs look like. The next older group looked into the connection between the dogs and the Mahlemut tribe. The oldest students put the dog in a historical context.

"I found out that the Alaskan Malamute originated in Alaska and the Mahlemut tribe





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used to use them to haul game, take care of children, and um, helped in World War II to haul stuff where people couldn't. They also helped in Arctic explorations," said 10-year-old Atticus Madland, a Polaris student.

"They are known to usually be nice to people and kind of take care of them. Sometimes, they are mean to other dogs but generally are really nice to people," he said.

The students came up with a PowerPoint presentation. They got letters from community and city leaders. They collected signatures of support. They got the American Kennel Club and the Student Government Association of Alaska to support the idea.

The students submitted a legislative packet before the Dec. 15 deadline.

Madland hopes lawmakers pass the bill.

"After all the hard work, I think we deserve it," he said.

The Alaskan Malamute would be a good choice for the state dog, said Ione Zeller, former president of the Alaskan Malamute Club of America whose has lived with and loved Malamutes for 35 years.

"I believe most Alaskans think for themselves. They seem to be rather independent. They are not the kind that fawns over people and things, and neither are these dogs," she said.

According to the AKC, the Alaskan Malamute is one of the oldest Arctic sled dogs. They were named after a native tribe, the Mahlemuts, that settled along the shores of Kotzebue Sound in northwestern Alaska. The dogs were used primarily to haul game, belongings and supplies. The breed was recognized by the AKC in 1935.

Nancy Russell, in charge of judges education for the Alaskan Malamute Club of America, said the Alaskan Malamute is the only AKC registered breed that is native to the United States. While other breeds were developed here, the dogs used to develop those breeds came from outside the United States.

The Alaskan Malamute was already here, Russell said.

"The Alaskan Malamute is basically the native dog of the United States," she said.

Russell had a team of her Malamutes in the 1994 Iditarod Trail Sled Dog Race to see if the dogs, better at hauling freight than running marathons, could do it. Most of the dogs used in the 1,100-mile race are Alaskan huskies, a mixed-breed dog bred for speed.

The Malamute team made it 600 miles before scratching.

"They did just fine," she said. "They got to Ruby. That is not too bad for a Malamute team."

Community Discussion

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mackie1

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FAIRBANKS
Daily News - Miner

Anchorage students look to elevate malamute as Alaska's official top dog

By Dermot Cole

Published Saturday, January 10, 2009

We have an official state sport, which is dog mushing, as well as an official fish, land mammal, marine mammal, tree, flower, gem, mineral, bird, insect and fossil.

Somehow, with all of that, we have failed to crown an official canine.

Students at the Polaris K-12 school in Anchorage want to recognize the malamute as top dog.

The students put it this way: "The Alaskan malamute is an important part of Alaska history. They helped the Inuit hunt, carry food and watch over their children. They hauled supplies during the Gold Rush and World War II. They were part of the teams that brought medicine to Nome during the serum run."

"Their endurance, strength, loyalty and intelligence make the Alaskan malamute a great dog to represent Alaska."

Anchorage Rep. Berta Gardner has heard their call from the wild and prefiled a short bill that states, "The Alaskan malamute is the official state dog."

She said the students plan to present a case to the Legislature and answer questions about why the malamute should be elevated to official status.

"I think this is really going to be a very fun project. The kids and their teachers have done a fantastic job and have boundless enthusiasm," Gardner said.

The malamute breed won recognition from the American Kennel Club in 1935, "largely as a result of selective breeding programs by New England sled dog fanciers using original stock from Alaska," Russell Tabbert writes in the "Dictionary of Alaskan English."

The word has been spelled in different ways, he said, though the most common choices today are whether to us an "a" or an "e" in the second syllable, the latter option followed by the Lathrop Malemutes, for example.

•••

GROCERY ROUTE: The shutdown of major highway routes into Seattle this week because of flooding will have some impact on Alaska grocery shipments.

But a spokeswoman for Safeway said the resumption of traffic on Interstate 5 on Friday means that it will "not be as great as it could have been."

Safeway usually ships to Alaska twice a week. The Tuesday shipment didn't happen, and the Thursday deliveries totaled about 35 containers, instead of the normal 50 to 60.

"The impact will hit in the middle of next week, yet we will have more than enough going up next week on regular containers," said Cherie Myers of Safeway's Seattle office.

•••

WARMING TREND: The National Weather Service said Friday that a "dramatic" warming trend is expected by Tuesday or Wednesday.

The temperatures were 30 below to 50 below Friday, but there is some discussion that the hills might see readings near freezing or warmer by late next week.

During the past two weeks, the coldest weather has been on the Yukon Flats and between Tok and Eagle, with readings from 45 below to 65 below. The coldest spot was Chicken at 68 below Thursday.

For this weekend, the forecast is for warming of a "few degrees," with a more sizable increase in the hills.

•••

NO FIREWORKS: The fireworks display to celebrate the 50th anniversary of Alaska statehood will not be held this weekend.

Michelle Roberts of Festival Fairbanks says the aerial display awaits warmer weather. She

December 10, 2008

To whom it may concern,

My name is Paige Hill and when I was a kindergartner, my grandma Shirley came to Alaska to spend Easter with my family. Since I was a kindergartner she came and spent the day with my class at Polaris K-12 School.

You see, my grandma Shirley teaches second grade in North Carolina and she wanted to teach us about things from where she came from. One of the first things she taught us about was her state's symbols. We learned that their state dog is a plott hound. She wanted to know what Alaska's state dog was and we all looked at each other. Nobody knew for sure what it was! Later, we found out we didn't even have a state dog and this is where it all began.

My teacher, Terry Powers, decided to help us do some investigating. We wanted to figure out how our state could get a state dog. We found out that two other symbols, the willow ptarmigan in 1955 and the four-spotted dragon fly in 1995 both became state symbols because of the efforts of school children just like us.

After lots of discussion, we narrowed our choice down to two types of dogs, the husky and the Alaskan malamute. We finally voted for the Alaskan Malamute. One of the reasons we picked the Alaskan malamute is because it's big like Alaska and because it's a hard working dog like the people of Alaska.

The next school year our class asked two older classes, Jamie Rodriguez's 4/5 and Carol Bartholomew's 2/3, to join us and help research more about the Alaska malamute's history to show that it's the very best choice to be Alaska's official state dog.

Sincerely.
Paige Hill, 2nd grader
Polaris K-12 School

POLARIS K-12 SCHOOL

6200 Ashwood Street, Anchorage, AK 99507-1911
Denise Greene-Wilkinson, Principal
(907) 742-8700 fax: (907) 742-8777

April 30, 2008

Representative Berta Gardner
AK State Capitol, Room # 422
Juneau, AK 99801

Dear Representative Gardner,

My name is Florence Boots and I am in the fifth grade in Jamie's class at Polaris K-12 School. My class along with two others is working together to make the Alaskan Malamute the Alaska state dog.

The Alaskan Malamute has a deep connection with Alaskan history. Their origins reach back to the early days of Alaska with the Mahlemut people. The Mahlemut People, now known as the Inuits, lived in Northwestern Alaska. They lived and worked closely with their dogs, using them to haul loads and even to help watch children. Also, the Alaskan Malamutes were a very popular breed during the Klondike Gold Rush when they were used to help haul supplies. The Alaskan Malamute dogs were so valued back then that one person would pay $500 dollars for one good dog and $1500 for a small team! The Alaskan Malamute also assisted with Admiral Richard Byrd's expedition to the South Pole. The Alaskan Malamute also proved useful in World War II, as a helping and hauling dog. So the Alaskan Malamute would be a very good choice as the official Alaska state dog.

Please add your voice to ours by writing a letter to support making the Alaskan Malamute our official state dog. We will add it to our legislative packet along with our bill and informational presentation. We would greatly value the opportunity to add your voice to our growing number of supporters. Thank you very much.

Sincerely,

Florence S. Boots

ALASKA KENNEL CLUB, INC.
P.O. BOX 232151
ANCHORAGE, ALASKA
99523

May 24, 2008

Ryan M. Terry
Polaris K-12 School
6200 Ashwood Street
Anchorage, AK 99507-1911

Dear Mr. Terry:

Reference is made to your letter of April 30, 2008, regarding a bill to make the Alaskan Malamute the official state dog.

Your letter arrived after our May meeting so it had to wait for the Board Meeting for action. The Board of the Alaska Kennel Club has voted to support your effort to make the Alaskan Malamute the official state dog of Alaska. Please feel free to include this letter in your legislative packet.

Good luck in your efforts.

Sincerely,

ALASKA KENNEL CLUB

Donna Coker

By: Corresponding Secretary

Organized in the Interest of Pure-Bred Dogs



May 15, 2008

Polaris Elementary School
6200 Ashwood Street
Anchorage, Alaska 99507

To: Christopher Gray;

This is a letter to support your class campaign to make the Alaskan Malamute the State Dog of Alaska. The Alaskan Malamute has played an important role in the history of our state and nation. It is an icon of Alaska in the legends and visual imagery of our state. In addition, it continues to be a highly valued companion and working dog in our modern society. Granting this honor to the breed would be an appropriate recognition of one of Alaska's native treasures.

Sincerely;

Kathleen Stephenson

Kathleen Stephenson
President
Alyeska Canine Trainers

AMERICAN KENNEL CLUB℠

Daisy L. Okas
Assistant Vice President,
Communications

April 15, 2007

Jessica Husa
Carols Family Group
Polaris K-12 School
6200 Ashwood Street
Anchorage, AK 99507-1911

Dear Jessica:

Thank you for contacting the American Kennel Club. The Alaskan Malamute is a wonderful breed and we support your efforts to make it the state dog of Alaska.

There are currently nine state dogs in the United States. We have included a magazine article that appeared in the *AKC Gazette* in July 2006 that explains how these dogs became state symbols. In Wisconsin, a group of students wanted to make the American Water Spaniel their state dog. They contacted their representative and a bill was created and eventually passed!

Your class should contact your local state representative with your proposal. They will have to write and introduce legislation. For information on how a bill goes through the legislative process, visit http://www.lrc.ky.gov/kidspages/how_a_bill_becomes_law_.htm
This is an example from the state of Kentucky. It is in coloring book format and titled "How the Beagle Could Become Kentucky's State Dog."

If you need more information about the Alaskan Malamute, you can visit our web site at http://www.akc.org/breeds/alaskan_malamute/

You can also contact local dog clubs in your area (http://www.akc.org/clubs/search/index.cfm) or the Alaskan Malamute Club of America for more information and for support of your proposal:

Alaskan Malamute Club of America, Inc.
Corresponding Secretary: Leneia Rogowski
Address: 640 E 50 N, Hyrum, UT 84319-1454
Website: www.alaskanmalamute.org
Email: leneia.rogowski@ihc.com

Good luck!

Sincerely,

Daisy Okas
AVP of Communications

260 Madison Avenue New York, NY 10016 Tel 212 696-8342 Fax 212 696-8345 E-Mail dlo@akc.org

Central Middle School of Science
1405 E Street
Anchorage, Alaska 99501
Ph. 907/742-5100 Fax 907/742-5125

April 3, 2008

Carol Bartholomew's Classroom
Polaris K-12 School
6200 Ashwood Street
Anchorage, Alaska 99507-1911

Dear Carol's Class:

It has been brought to my attention by a well-written letter from Khaner Smith that your classroom is trying to pass a law to make the Alaska Malamute our official state dog. I understand how much research you have been doing and the reasons you are trying to make a difference on a state-wide issue such as an official state dog. Some of your research has me intrigued such as:

They were bred in Alaska.
They sniffed bombs during WWII.
They carried airplane parts.

Although Central Middle School of Science's mascot is the Husky, I can support your efforts in making the official state dog the Malemute. Please let me know how I can be of assistance to your classroom and thank you for inviting my support! Your classroom is filled with a beautiful group of motivated, intelligent, civic-minded students who are responsible for their learning - how could I not support your cause?

Sincerely,

Lisa Zelenkov,
Principal of Central Middle School of Science

COFFEY CONSULTING, LLC

3606 RHONE CIRCLE
SUITE 100
ANCHORAGE, ALASKA 99508

Telephone: (907) 646-7855 *Facsimile: (907) 274-4258*

E mail: dancoffey@gci.net

Carol's Family Group
6200 Ashwood Street
Anchorage, Alaska 99507

Dear Katie:

I received your letter concerning your efforts to have the Alaska Malamute named the official state dog.

From reading your letter it is clear that you have done your homework. You have learned a lot about Malamutes and how they have served the First People and those who came after them. Well done! I applaud your efforts to have this fine animal and friend to man named the state dog.

If this letter can help you achieve your goal, then please feel free to send copies to the legislature and the governor.

Good luck on your project.

Regards,

Dan K. Coffey

Carol's Family Group 4-3-08

I'd Like To Thank you For The LeTTer I recieved, From your group, and my granddaughTer, DesiRee, reguarding [redacted] ALasha's oFFicial sTaTe dog. IT was very ThoughTFuL and imFormiTive. I LearneD many Things From your LeTTer, buT Two ThaT sTand ouT are, ThaT we didn'T have a oFFiciaL sTaTe dog, and The Long and imporTanT hisTory The maLamuTe has had in ALaska. I agree wiTh you, ThaT The maLamuTe would be The besT pick For our sTaTe dog, and supporT your moTion. I also Think iT's really nice ThaT your group is doing Things To heLp The communiTy. Keep up The good worK.

ThankyOU

Jim WhiTaker

DOG TIRED
DOGGIE DAYCARE
...because a tired dog is a happy dog

April 8, 2008

Miss Jessica Husa
Carol's Family Group
Polaris K-12 School
6200 Ashwood Street
Anchorage, AK 99507-1911

Dear Miss Husa:

We are pleased to send this letter of support for your class's proposal to make the Alaska Malamute the official dog of the State of Alaska. We were very interested to learn about all the ways that these dogs have helped throughout the history of our great state. They are a unique breed and we agree that they should be recognized for their contributions. Our official education dogs Lucy and Maverick are pleased to add their support!

We wish you well in your efforts!

Sincerely,

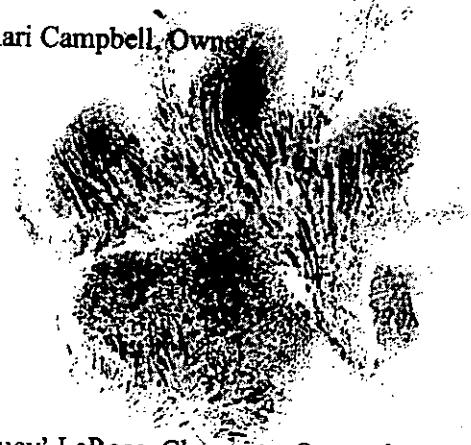
DOG TIRED DOGGIE DAYCARE

Kari Campbell

Kari Campbell, Owner

Peg Banks

Peg Banks, Daycare Manager



'Lucy' LaRose, Classroom Outreach



'Maverick' Bandle, Classroom Outreach

UAA UNIVERSITY of ALASKA ANCHORAGE

Office of the Chancellor

May 16, 2008

Taylor J. Seitz
c/o Polaris K-12 School
6200 Ashwood Street
Anchorage, AK 99507-1911

Dear Taylor,

Until I received your letter I did not know the origin of the Alaskan Malamute and its rich historical connection to the Inuit people and to Alaska. I also did not know that it is one of the 12 ancient breeds. Thank you for providing such a wealth of information about the Alaskan Malamute – including that this breed of dog was vital to miners during the Gold Rush; that Alaskan Malamutes helped during Admiral Byrd's expedition to the South Pole; and that Alaskan Malamutes were part of the dog team that made the historical Serum Run to Nome. The Alaskan Malamute truly is a wonderful dog that is hard working and loyal. I agree that these are the kind of attributes that Alaskans would consider important in naming an Alaska state dog.

I wish you and your class much success in your efforts to have the Alaska Malamute named Alaska state dog.

Sincerely,

Fran Ulmer

Fran Ulmer
Chancellor

3211 Providence Drive ▪ Anchorage, Alaska 99508-4614 ▪ T 907.786.1437 ▪ F 907.786.6123 ▪ chancellor@uaa.alaska.edu

Gary Drew
3760 Amber Bay Loop
Anchorage, AK 99515
8 April 2008

To whom it may concern,

I am writing this letter in support of the proposal to make the Alaskan Malamute the official State dog of Alaska. I have been impressed with the job that the students at Polaris k-12 in Anchorage have done in making the case for the Malamute. I for one was educated by the class and felt they had done an exceptional job researching the topic. Given the importance of dogs in the history and culture of Alaska, I can think of no better way to honor this contribution than to select a true working dog, the Alaskan Malamute, as the official State dog

Sincerely,

Gary Drew

Gary Dew

3/31/08

DEAR JACOB,

THANK YOU FOR THE INTERESTING LETTER. I WOULD BE GLAD TO SUPPORT YOUR IDEA FOR PROMOTING THE ALASKAN MALEMUTE TO BE THE ALASKAN STATE DOG.

YOU HAVE DONE A LOT OF RESEARCH ON THE HISTORY OF THE DOG AND HAVE FOUND OUT HOW PEOPLE WANTED THEM TO BE PART OF THEIR FAMILY.

GOOD LUCK WITH YOUR RESEARCH, I AM SURE YOU WILL FIND MORE INTERESTING FACTS THAT WILL CONVINCE YOU, EVEN MORE, THAT THE MALEMUTE WOULD BE AN EXCELLENT CHOICE TO REPRESENT ALASKA.

THANK YOU FOR YOUR LETTER AND I WILL TELL MY FRIENDS ABOUT YOUR PROJECT.

LOVE YOU,

GRANDMA ELAINE.

March 28, 2008

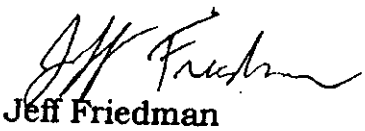
Gwyneth Meek
Polaris K-12 School
6200 Ashwood Street
Anchorage, AK 99507

Dear Gwyneth,

Thank you for your letter asking for support to make the Malamute the Alaska State Dog. I learned several things about Malamutes that I did not know before.

I think your project to have the Malamute named as the state dog is a wonderful idea, and I fully support this effort. I encourage the Alaska Legislature to learn more about the Alaska Malamute and make it our official state dog.

I wish you success with your project,



Jeff Friedman
Anchorage School Board Member
1534 D Street
Anchorage, AK 99501

Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4431 • Fax: (907) 343-4499 http://www.muni.org

Mayor Mark Begich

Office of the Mayor

May 13, 2008

Polaris K-12 School
6200 Ashwood Street
Anchorage, AK 99507-1911
Attn: Sarah Bartholomew

Dear Ms. Bartholomew:

Thank you for your letter regarding the Malamutes and how helpful they have been to people in the Arctic region. Your letter was very insightful and had alot of information that I was unaware of pertaining to this breed of dog. I agree this is one of the oldest and toughest dogs to come out of this region, probably even one of the first dogs to be domesticated here in Alaska being able to withstand the Northern Arctic's harsh climate.

Passage of a bill would be special recognition for an animal that has done so much for the people living in Alaska and other Arctic regions. I would love to support you and your school on this bill, and I believe the community would agree the Malamute should be our state dog. Having this breed originate from our own state should be more than a good enough reason to consider it as our state dog.

Good Luck with your school project to get this bill passed.

Sincerely,

Mark Begich
Mayor

Community, Security, Prosperity

Senate Labor and Commerce Committee, Chair
•
Legislative Budget and Audit Committee
•
Senate Rules Committee
•
Committee on Committees

ALASKA STATE LEGISLATURE

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Fax: (907) 465-2529

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716 W. 4th Ave, Ste. 440
Anchorage, AK 99501
(907) 269-0169
Fax: (907) 269-0172

SENATOR JOHNNY ELLIS
SENATE MAJORITY LEADER

March 31, 2008

Carol's Family Group
6200 Ashwood Street
Anchorage, Alaska 99508

Dear Kaya,

Thank you very much for your delightful letter about making the Alaska Malamute the official State dog for Alaska. I am very impressed with the research you and your class did to learn more about the Malamute and its historical contribution to Alaska and its people.

I am very supportive of your efforts to work toward achieving this very important goal and you have very clearly justified why the Alaska Malamute is an excellent choice for our State. This process will be an excellent learning opportunity for you, and I am most appreciative of your class for selecting this very worthwhile project.

Please feel free to call on me for any further assistance I may provide on behalf of your mission. The Alaska Malamute has proven its value to the State and, now, should be honored for its contributions.

Best wishes,

Johnny Ellis

cc: Representative Berta Gardner

April 1, 2008

To Whom It May Concern:

This letter is to support officially declaring the Alaska Malamute as the State Dog.

As the result of the wonderful work of a second grade class at Polaris K-12 in Anchorage I was made aware of the tremendous role the Alaska Malamute has played in Alaska history.
At the top of the list:

- They helped gold miners dig for gold.
- They are strong workers and are used to pull heavy burdens.
- Their role in the Iditarod is obvious.

Please accept these brief words as my support. Feel free to contact me with any questions.

Sincerely,

Troy J. Bowler
tbowler@tanainachildren.org
786-1339



TANANA VALLEY KENNEL CLUB, INC.

P.O. Box 72019
Fairbanks, Alaska 99707-2019

May 18, 2008

Polaris K-12 School
6200 Ashwood Street
Anchorage, AK 99507

To Whom It May Concern,

We at the Tanana Valley Kennel Club wish to add our support in the effort to make the Alaskan Malamute Alaska's official state dog. The Alaskan Malamute has played a very important role in Alaska's history. It would be a well deserved honor for this breed to be recognized as Alaska's state dog.

Sincerely,

Becky Fuller
Correspondence Secretary
Tanana Valley Kennel Club

April 7, 2008

Dear Robby,

I received your letter requesting support for the Alaska Malamute to be the official dog for the state of Alaska. You made a very strong case for the Alaska Malamute. You presented many facts to support your position. I did not know Alaska Malamutes had such important jobs in World War II. From the reasons you presented, I understand why you think the Alaska Malamute should be the state dog.

Please know you have my support. Good luck!

Very truly yours,

Teresa Patka

Teresa A. Patka

UNIVERSITY OF ALASKA ANCHORAGE
INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH
College of Business and Public Policy
3211 Providence Drive • Anchorage, Alaska 99508-8180

April 29, 2008

Dear Members of the Alaska State Legislature:

I am writing in support of making the Alaska malamute the official state dog of Alaska. The arguments supporting this proposal, as articulated by the students of Polaris, have convinced me that the Alaska malamute is an appropriate symbol for our state. The breed represents the best of our unique state, as a strong, beautiful animal that has contributed greatly to the survival of peoples in this tough region for thousands of years.

I also think it is exciting to see young people get engaged in thinking about, and making public policy and history.

I urge you to support this effort.

Thank you.

Diane Hirshberg
Assistant Professor of Education Policy
Hirshberg@uaa.alaska.edu
907/786-5413

Telephone (907) 786-7710 • Fax (907) 786-7739 • E-mail: ayiser@uaa.alaska.edu

SENATE COMMITTEE REPORT

DATE: 4/8/09

FURTHER: Resources

DATE TURNED IN TO OFFICE: 4/14/09

State Affairs Committee considered CS FOR HOUSE BILL NO. 14(STA)

HB 14 ALASKAN MALAMUTE AS STATE DOG

"An Act designating the Alaskan Malamute as the official state dog."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
GOV	2/20			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
Joe Paskvan	PASKVAN			X	
Kelly Kookesh	Kookesh			X	
CHAIR: Linda Menard	MENARD			X	

HB 19

Alaska State Legislature

Representative Anna Fairclough – House District 17

House Bill 19

"An Act exempting the state and its political subdivisions from daylight saving time."

In direct response to a number of concerns raised by my constituents and various groups, such as K-12 educators, the elderly, northwestern rural communities, and others, we have been researching the possible repeal of Daylight Saving Time (DST) in Alaska.

It is clear, from two statewide polls done in 2004 and '05, that a strong majority of Alaskan's statewide favor the repeal of DST for a variety of reasons. As most of you know, in 1983, with congressional approval, Alaska consolidated its five time zones into two. This was done to better consolidate our communities and to enable better public services.

Alaska Standard Time (AST) now covers most of our state, with only a few Aleutian Islands in the other time zone. AST is one hour earlier then Pacific Standard Time and four hours earlier then Eastern Standard Time.

Daylight Saving Time was actually an idea that originated as an American domestic policy during World War I to save energy.

I urge your support on this piece of Legislation

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945
Representative_Anna_Fairclough@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 19
(H) Publish Date: 3/13/09

Identifier (file name): HB019-GOV-OMB-3-02-09
Dept. Affected: All
Title: Exempting state from daylight savings time
RDU
Component
Sponsor: Rep. Fairclough
Requester: House Community and Regional Affairs Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation will not have a significant fiscal impact on any State agency.

Prepared by: Jack Kreinheder, Senior Analyst
Phone 465-4676
Division: Office of Management and Budget
Date/Time 3/2/09 11:45 AM
Approved by: Karen Rehfeld, Director
Date 3/2/2009
Office of Management and Budget

(Revised 9/10/2008 OMB)

TESTIMONY TO SENATE STATE AFFAIRS COMMITTEE REGARDING HOUSE BILL 19 – REPEAL OF DAYLIGHT SAVING TIME IN ALASKA

Date: April 8, 2009

To: Senate State Affairs Committee

From: Lynn Willis, 10140 Hillcrest Lane, Eagle River, Alaska 99577

Phone: 907-726-0834

Representing: Self

Dear Committee Members,

For the sixth time since 1999 a bill to end the use of Daylight Saving Time (DST) is before the Legislature. I urge you to support this bill, HB 19, before the Senate State Affairs Committee and to further to support an open debate and resolution of this issue before the entire Senate.

A compelling reason to use DST in Alaska may once have existed when business communications technology was primitive compared to that available today; when Alaska had five time zones and the State Capital was permanently two hours ahead of the populace residing in the South Central region and three hours from the Bering Sea region; when every part of Alaska except the Western Aleutians had not been combined into a common time zone that is permanently one hour behind the Pacific Time Zone; and when Alaska did not do business with nations of the Pacific rim such as Japan and China where DST is not used.

The Federal Government recognizes energy saving as compelling reason to use Daylight Saving. Recent testimony could not illicit any information that shows a benefit to Alaskans in reduced energy costs by observing DST in Alaska.

I have certainly felt the frustration over the past decade as this legislation was repeatedly stymied by individual legislators for motives that were never explained except in the case of SB 120 which was held for two sessions of the 24th Legislature without a single hearing allowed before the State Labor and Commerce Committee.

TESTIMONY TO SENATE STATE AFFAIRS COMMITTEE REGARDING HOUSE BILL 19 – REPEAL OF DAYLIGHT SAVING TIME IN ALASKA

Anchorage Television Station KTUU reported on August 29, 2006: "Sen. Con Bunde, who let the bill languish in his labor and commerce committee says that eliminating daylight- saving time is a dumb idea. He says managers of the Alaska Permanent Fund go into work at 4 a.m. as it is in order to keep abreast of developments on the East Coast, and eliminating daylight saving time would create an extra hour of discrepancy during part of the year. While some statewide polls have shown a majority in favor of doing away with it, Bunde says that's not the case in his district".

From Sen. Bunde's explanation I challenge you to cite ***a compelling reason*** to keep using DST in Alaska and force every man woman and child in Alaska to be impacted. Currently I work a swing shift and am off work at 2:30a.m. Perhaps I should be asking you to force every Alaskan to support my work schedule and that of the company I work for by making all Alaskans adopt to a new time of day twice each year.

Despite its innocuous appearance Daylight Saving is actually a very invasive law. It is not just about "changing clocks". I have to change clocks every time the power goes out. However, when the power goes out, the time of sunset and sunrise does not change. Every Alaskan, regardless of age or location who resides in the Alaskan Time Zone, is directly impacted by this government fiat twice each year. No person can simply ignore a change of local time or have the time of sunrise and sunset instantly change and not be impacted to some degree. Now after some 40 years of use in Alaska, time has come for you to search for a ***clear and compelling reason*** to keep this law. Do not let the opponents of HB 19 force you to give them a reason to get rid of this law – make them give you a compelling reason to keep it. Please don't entertain their plea to keep using DST pending more information. They have used legislative maneuvering since 1999 to keep DST in Alaska and now it is time for them to make their point. I contend that personal convenience is not a compelling reason for me to be subjected to any law. I have no financial interest in this law. I simply ask to be left alone and would remind you that my right to privacy is recognized in the Alaska Constitution.

TESTIMONY TO SENATE STATE AFFAIRS COMMITTEE REGARDING HOUSE BILL 19 – REPEAL OF DAYLIGHT SAVING TIME IN ALASKA

I have created a web site to present the case for repeal of Daylight Saving Time in Alaska: www.endalaskadst.com . In that website I cite a number of reasons we can now stop using DST in Alaska:

18 REASONS WE CAN NOW QUIT USING DST IN ALASKA

1. Alaskan's live in " The land of the Midnight Sun".
2. Instant time change disturbs sleep patterns which creates a state sponsored "jet lag" twice each year.
3. There is no longer a compelling need to impact every Alaskan twice each year with this law.
4. With creation of the single Alaskan Time Zone in 1983 most of Alaska went on permanent DST.
5. The 1983 time zone change advanced clocks permanently in two of the three Alaskan time zones affected. Now when we advance clocks each year, we create" double" and even "triple" DST in most of Alaska which causes a two hour difference between "sun time" and "clock time" in the rail belt region including Fairbanks and Anchorage and three hours in Western Alaska communities and villages.
6. What savings of daylight? For every hour you gain in evening daylight, you lose an hour of morning light.
7. We gain daylight rapidly in springtime Alaska without DST. According to the (Naval Observatory), rounding to the nearest half hour, both Anchorage and Fairbanks have gained one hour of natural daylight within 8 days of the onset of DST.
8. Advances in communication technology now allow business and personal contact 24/7 to anywhere in the nation or world.
9. Alaska will be in a different time zone with or without DST.
10. Alaska now does business with the Pacific Far East where DST is not used.
11. No Alaskan Utility claims a savings of energy by use of DST. Saving Energy is why the Federal Government allows DST in those states that choose to use DST.
12. (Scientific American March 2009) A portion of Indiana recently went on DST. That portion experienced 1% increase in residential electrical use due to air conditioning increase use when time of sunset delayed.
13. (New England Journal of Medicine 2008) Sweden, a northern latitude populace, experienced 5% increase in myocardial infarction (heart attack) rate in days following onset of DST. This is attributed to disturbance in sleep patterns.
14. Daylight Saving Time is not practiced in every State or Canadian Province. Hawaii and Arizona don't use DST. Saskatchewan has adopted Central Standard Time for year round use.
15. Changing every time keeping device in homes and businesses, including indoor mechanical heating/cooling/security systems, is expensive and time consuming. Link to story about the cost of this. Chrysler scraps clock changing
16. The Legislature cannot control the ocean tides for fishermen, nor the weather that will impact outdoor activity.
17. DST doesn't affect the many devices now using photoelectric sensors that respond to ambient light, not the time of day.
18. Thousands of Alaskans signed a petition asking to vote on this issue and polling data from Dittman Research and Hellenthal & Associates shows majority of Alaskans would support ending DST use in Alaska.

Thank you for your time and interest. Lynn Willis

April 07, 2009

Senator Linda Menard, Chair
Senate State Affairs Committee
State Capitol Room 09
Juneau, AK 99801

Chair Menard and Members of the Senate State Affairs Committee

The Alaska State Chamber of Commerce believes there will be unforeseen economic difficulties associated with passage of HB 19. The State Chamber supports any proposal to eliminate Daylight Savings Time (DST) at the Federal level, as a federal change would uniformly maintain the current differentiation in time zones across the United States.

Passage of HB 19 should be delayed until thorough exploration of the economic effects on Alaska's businesses can be provided. Many of the state's businesses and industries conduct business with contiguous US companies. Eliminating DST in Alaska will likely disadvantage Alaskan businesses by reducing the number of hours to interface with business partners, advisors, customers and suppliers for a substantial portion of the calendar year. Private sector finance communities, the Alaska Permanent Fund, along with state and local financial entities are obviously affected. Many private companies with east coast and mid-west operations would be negatively affected by increasing the difference in time zone through elimination of DST.

Digital technology, which already incorporates DST time changes, would need additional programming for Alaskan residents. Current technology would not be synchronized with other states. This is particularly evident with software such as Windows and other calendaring programs that uniformly distribute across the US. It is important that Alaskans be assured that vendors will be willing to provide program patches in a timely manner to all equipment and devices—be it cell phones, PDAs, medical equipment or computer operating systems—that have been programmed to adjust automatically their internal clocks to match the time changes to DST.

For the aforementioned reasons, the Alaska State Chamber of commerce does not support HB 19. We would support a federal elimination of DST thus leveling all states equally and allowing Alaska to take advantage of any health benefit through elimination of DST.

Respectfully,

Wayne A. Stevens
President/CEO

ALASKA STATE CHAMBER OF COMMERCE

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HB

24

Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM



Date: March 12, 2010

To: Senator Linda Menard, Chair

From: Representative Anna Fairclough

Re: CSHB 24 (MLV) "An Act relating to a public procurement preference for Alaska veterans"

I am requesting a hearing for CSHB 24 (MLV) "An Act relating to a public procurement preference for Alaska veterans" at your earliest convenience. I have attached relevant materials for your committee.

Thank you in advance for your consideration.

Anna

Attachments:

I. Sponsor Statement
II. Section Analysis
III. Explanation of Changes
IV. CSHB 24
V. HB 24
VI. Zero Fiscal Note
VII. Back up Documentation

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Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – House District 17

CS for House Bill 24

"An Act relating to a public procurement preference for Alaska veterans"

Alaska law, Sec. 36.30.180, states that "The purpose of bidder preference for resident firms when the state acts as a market participant is to encourage local industry, strengthen and stabilize the economy, decrease unemployment, and strengthen the tax and revenue base of the state." House Bill 24 will expand this preference to include Alaska Veteran Owned Businesses.

The National Conference of State Legislatures (NCSL) identified 132 state bills (either introduced, in process, or passed into law in the past two years) that address, to some degree, the veteran business communities concerns at the state level. House Bill 24 brings Alaska into the national effort to encourage veterans to start businesses in Alaska and help them succeed.

With everything that our veterans do for us, I feel that it's only right to give back as much as we can to them. That is why House Bill 24 is an important piece of legislation.

Thank you for your consideration on this issue, and I urge your support on this piece of legislation.

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Alaska State Legislature

Representative Anna Fairclough – House District 17

CS House Bill 24 (MLV)

"An Act relating to a public procurement preference for Alaska veterans."

Sectional Analysis

Section 1. Amends AS 36.30.170(a)

Clean up language for referencing a new section that defines Alaska veterans' preference

Section 2. Amends AS 36.30 by adding a new section

Adds in a preference for Alaska veterans and defines what a qualified entity is.

Section 3. Amends AS 36.30.250(b)

Clean up language for referencing a new section that defines Alaska veterans' preference

Section 4. Amends AS 36.30.335

Clean up language for referencing a new section that defines Alaska veterans' preference

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Alaska State Legislature

Representative Anna Fairclough – House District 17

CS House Bill 24 (MLV)

"An Act relating to a public procurement preference for Alaska veterans."

Explanation of Changes

Page 1, Lines 12 through line 16, until "In"

Removed language that stated if an Alaska bidder, is a qualifying entity, is on the register established under (d) of this section, and is the lowest responsible and responsive bidder with a bid that is not more than 10 percent higher than the lowest bid, the procurement officer shall award the contract to that bidder.

Inserted:

"and is a qualifying entity, a 5 percent cost preference shall be applied to the bid price. The preference shall not exceed five thousand dollars."

Page 2, Lines 14 & 15

Removed language that required the department to maintain a register of individuals who qualify under this section as Alaska veterans.

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FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **CSHB 24**
() Publish Date:

Identifier (file name): HB024CS-DOA-DGS-03-19-10
Dept. Affected: DOA
Title "An Act relating to a public procurement preference for Alaska veterans."
RDU Centralized Administrative Services
Component Purchasing
Sponsor Reps. Fairclough, Gatto, Lynn, Dahlstrom
Requester (H) STA
Component Number 60

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill establishes a state procurement preference for Alaska veteran-owned businesses of 5 percent (up to a maximum of $5,000 per award). The division does not anticipate additional expenses in implementing this preference. While the preference may result in awards to higher-priced offers as a result of application of the preference, we are unable to determine those costs.

Prepared by: Vern Jones, Chief Procurement Officer — Phone 465-3435
Division: Division of General Services — Date/Time 3/19/10 12:00 PM
Approved by: Kevin Brooks, Deputy Commissioner — Date 3/19/2010
Department of Administration

(Revised 11/6/2009 OMB)

At-a-Glance
Preferences for State of Alaska Contracts

Except when restricted by Federal regulations, certain preferences apply to all State of Alaska contracts for professional services, regardless of their dollar value. **The Alaskan Bidder/Offeror preferences** are the two most common preferences involved in the State of Alaska procurement process.

ALASKAN BIDDER'S PREFERENCE AS 36.30.170(B)

A contract award is made to the lowest responsive and responsible bidder after applying the 5% bidders preference.

An "Alaska bidder" means a bidder/offeror who:

- holds a current Alaska business license;
- submits a bid for supplies, services, or construction under the name appearing on the person's current Alaska business license;
- has maintained a place of business within the state staffed by the bidder or an employee of the bidder for a period of six months immediately preceding the bid date;
- is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under AS 32.05 or AS 32.11 and all partners are residents of the state; and
- if a joint venture, is composed entirely of ventures that qualify under (1) -- (4) of this subsection.

ALASKA OFFEROR'S PREFERENCE (2 AAC 12.260E)

In some circumstances, supplies and services are obtained through the use of a Request for Proposals (RFP). Responses to those RFPs are evaluated using a numerical rating system that considers factors in addition to cost. When a numerical rating system is used, vendors that qualify for the Alaska bidder preference will receive a 10% evaluation point preference (10% of the total available points).

NOTE: The application of all preferences are for evaluation purposes only. The vendor is still paid the full price identified in their bid/offer for the goods or services rendered.

Additional preferences are listed on the back of this page, with excerpts from the relevant statutes and codes.

For additional information, contact the department that manages the particular preference program, or the Department of Administration, Division of General Services, PO Box 110210, Juneau, AK 99811-0210 Phone: (907) 465-2250, Fax: 465-2189 TDD: (907) 465-2205. Or download the booklet: *How to do Business with the State of Alaska at* http://www.state.ak.us/local/akpages/ADMIN/dgs/pdf/htdbws.pdf

PREFERENCE	HOW PREFERENCE IS APPLIED	TERMS
USE OF LOCAL FOREST PRODUCTS AS 36.15.010	In a project financed by State money…	…only timber, lumber, and manufactured lumber products originating in this state shall be used, unless impractical.
LOCAL AGRICULTURAL AND FISHERIES PRODUCTS PREFERENCE AS 36.15.050	When agricultural products are purchased using State money…	…only those products harvested or processed within the jurisdiction of Alaska, will be purchased, provided they are available, of comparable quality, and priced no more than seven percent (7%) higher than products harvested outside the state, or in the case of fisheries products harvested or processed of the state, in accordance with AS 36.15.050. **NOTE:** "Agricultural products" includes dairy products, timber and lumber, and products manufactured in the state from timber and lumber.
ALASKA PRODUCT PREFERENCE AS 36.30.332 3 AAC 92.010	A bidder with materials and supplies: **Class I**, 25% – 50% produced/manufactured in state, receives 3% bid preference; **Class II**, 50% - 75% produced/manufactured in state, receives 5% bid preference; **Class III**, 75% plus, produced/manufactured in state, receives 7% bid preference.	The company and the product must be on the Alaska Product Preference list published by the Department of Commerce, Community and Economic Development at least 30 days prior the issuing date of the solicitation. http://www.commerce.state.ak.us/oed/prodpref/pppcompany.cfm To apply for certification to get on the list: Department of Commerce, Community and Economic Development 550 West 7th Street, Suite 1770, Anchorage, AK 99503 Phone: (907) 269-8110, Fax: (907) 269-8125
RECYCLED PRODUCTS PREFERENCE (AS 36.30.337)	Bids or offers that include the use of recycled products that meet specs in solicitation and minimum recycled content set by the State, receive a 5% cost evaluation preference.	Recycled products must meet the eligibility criteria set by the State for the product at the time of the bid opening or proposal deadline.
EMPLOYMENT PROGRAM PREFERENCE AS 36.30.170(c) 2 AAC 12.050. AS 36.30.990(10)	Preferred Alaskan Bidder offers goods/services through employment program, and is lowest responsive and responsible bidder with a bid no higher than 15% above lowest bid	The Department of Labor & Workforce Development, Division of Vocational Rehabilitation maintains a listing of vendors who qualify for the three disability related preferences. For disability preference certification, please contact: Department of Labor & Workforce Development Division of Vocational Rehabilitation 801 West 10th Street, Suite A, Juneau, Alaska 99801-1894 Phone: (907) 465-2814, Fax: (907) 465-2856 http://www.labor.state.ak.us/dvr/home.htm In order to qualify for one of the three disability related preferences, a bidder/offeror must add value by actually performing, controlling, managing, and supervising the services provided, or they must have sold supplies of the general nature solicited to other State agencies, governments, or the general public. **NOTE: A bidder/offer cannot claim more than one of the three disability related preferences for the same bid/offer.**
ALASKANS WITH DISABILITIES PREFERENCE AS 36.30.170(e)(j)	Preferred Alaskan Bidder is a qualifying entity under AS 36.30.170(e) and (j); is lowest responsive and responsible bidder with bid no higher than 10% of lowest bid	
EMPLOYERS OF PEOPLE WITH DISABILITIES PREFERENCE AS 36.30.170(f)(j)	Preferred Alaskan Bidder, responsible and responsive bidder/offeror, is employing 50% plus disabled persons at time of bid/offer submission, and bid price or offer is not higher than 10% than the lowest bid/offer received.	

PREFERENCE QUALIFICATION LETTER: The Department of Labor Division of Vocational Rehabilitation will issue a certification letter. A bidder/offeror must be on this Division's list at the time the bid is opened, and must provide a copy of the certification letter to procurement officer, ***and*** attach a copy of it to their bid. If the certification letter is NOT attached to their bid, the State will disallow the preference.

The Division also maintains lists of Alaskan; [1] employment programs that qualify for preference, [2] individuals who qualify for preference as Alaskan's with disabilities, and, [3] employers who qualify for preference as employers of people with disabilities. In order to qualify for one of these preferences, a bidder must add value by actually performing, controlling, managing, and supervising services provided, or for supplies, a bidder must have sold supplies of general nature solicited to other state agencies, government, or the general public.

SENATE COMMITTEE REPORT

DATE: 4/17/09

FURTHER:

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered CS FOR HOUSE BILL NO. 24(MLV)

HB 24 PROCUREMENT PREFERENCE FOR VETERANS

"An Act relating to a public procurement preference for Alaska veterans."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	03/19/10			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	Paskvan	X			
	Kookesh	X			
CHAIR:	MENARD	✓			

HB

63

Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

Date: March 4, 2009

To: Senator Menard
Chair

From: Representative Anna Fairclough /Crystal Koreman

Re: CSHB 63 – "An Act relating to the Council on Domestic Violence and Sexual Assault."

I am requesting a hearing for CSHB 63, "An Act relating to the Council on Domestic Violence and Sexual Assault."

I have attached relevant materials and back-up for your committee.

Thank you in advance for your consideration.

Attachments:
I. CSHB 63
II. Sponsor Statement
III. Sectional Analysis
IV. Explanation of Changes
V. Fiscal Notes
VI. Letters of Support
VII. Backup Documentation

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Representative_Anna_Fairclough@legis.state.ak.us

26-LS0138\T.2
Bullard
3/18/09

AMENDMENT

OFFERED IN THE SENATE

TO: CSHB 63(FIN)

Page 1, line 1, following "**Assault**":

Insert "**; and providing for an effective date**"

Page 4, following line 23:

Insert new bill sections to read:

"*** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: ASSIGNMENT OF EXISTING STAFF MEMBERS OF THE COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. Employees employed as staff members of the Council on Domestic Violence and Sexual Assault as of the effective date of this Act are assigned to the classified service in accordance with AS 18.66.050, as amended by sec. 4 of this Act. Notwithstanding any other provision of law, staff members of the Council on Domestic Violence and Sexual Assault employed as of the effective date of this Act

(1) shall immediately be appointed to the classified service;

(2) may not have a reduction in pay

(A) solely because of the assignment described in this section; or

(B) if the employee is assigned to a position in the classified service that is classified at a lower rate of pay than that received when the position was assigned to the exempt service.

*** Sec. 8.** This Act takes effect July 1, 2009."

994

Alaska State Legislature

Representative Anna Fairclough – House District 17

Committee Substitute for House Bill 63

"An Act relating to the Council on Domestic Violence and Sexual Assault."

The Legislative Task Force, created by House Bill 215 in 2007, was directed to consider the Council's relationship and consultation with other state agencies; the statutory responsibilities and priorities of the Council; the appointment process for members of the Council; the location of the Council within the state administrative structure; the Council's compliance with grant management requirements; and the Council's mission and the focus of the Council's mission on prevention, intervention, crisis response, and perpetrator accountability.

CS for House Bill 63 provides corrections in law in direct response to the work assigned the Task Force by the Legislature. It is one of a number of actions that are now underway in response to the findings and recommendations of the Legislative Task Force.

It also expands the Council to include representation from the Department of Corrections and Alaska's rural communities. The Department of Corrections plays a large role in dealing with the perpetrators of domestic violence and sexual assault, but they currently are not a member of the Council. Alaska Natives are disproportionally represented compared to population in reported cases of Domestic Violence and Sexual Assault, but the area isn't always well represented on the Council.

CS for House Bill 63 also makes staff positions in the Council non-exempt, other than the Executive Director. The Executive Director remains exempt or partially exempt. This change is being recommended by the Task Force because we concur with the Executive Director that the current exempt status creates challenges in the recruitment and retention of quality employees.

The Task Force agreed that it is critical that "public" members not be state employees to ensure that there remain voices on the Council who are independent of state agencies and their influences. HB 63 ensures that "public" positions on the council are not employees of the state.

CS for House Bill 63 changes language in the statute from "shall" to "may" in regards to the Governor consulting the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) regarding the appointment of public members to the Council. In 2001, the auditor reported that the Council allowed changes in reporting requirements for the grantees of the Network in violation of federal grant guidelines.

Currently, Council members serve two-year terms, only allowing them to serve through one grant cycle. This limits their ability to understand the issues and process that the council goes through in its grant cycle. By extending the term to three years this allows members of the Council to be far more effective.

Implementation of these legislative changes, along with the Council's new Strategic Plan and other reforms will significantly improve the Council as it attempts to wrestle with the ongoing issues of domestic violence and sexual assault across Alaska.

I urge your support on this important piece of legislation.

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Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – House District 17

CS for House Bill 63

"An Act relating to the Council on Domestic Violence and Sexual Assault."

Sectional Analysis

Section 1. Amends AS 18.66.020(1)

Changes the number of members on the council from three public members to four public members

Adds language that states that one of the public members must be from a rural area

Adds a new subsection adding in the commissioner of corrections or a designee of the commissioner of corrections as a member of the council

Amends AS 18.66.020(b)

Changes the term of office of a public member from two years to three years

Changes language from "shall" to "may" in regards to the Governor consulting the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) regarding the appointment of public members to the Council.

Amends AS 18.66.020(c)

Adds language that deals with members appointed to the council that states they may not be an employee of the State of Alaska

Section 2. Amends AS 18.66.020(d)

Adds new subsection that defines the term "rural area"

Section 3. Amends AS 18.66.040

Changes the quorum requirement from four members to five members

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945
Representative_Anna_Fairclough@legis.state.ak.us

Section 4. Amends AS 18.66.050

Changes language making staff positions in the Council non-exempt, other than the Executive Director

Adds language for the Department of Corrections in regards to coordinating services

Section 5. Amends AS 39.25.110(38)

Changes the staff of the executive director from the exempt service to the classified service

Section 6. Amends Uncodified law of the State of Alaska

Adds new subsection that deals with the appointing of a new member to the council within 30 days after this Act takes effect

Extends the term of the public members from two years to three years

Alaska State Legislature

Representative Anna Fairclough – House District 17

CS for House Bill 63 (HFin)
"An Act relating to the Council on Domestic Violence and Sexual Assault."

Explanation of Changes

Page 1, line 8, 10
Page 2, line 11

Inserted the word **ALASKA** in front of Network on Domestic Violence and Sexual Assault

Page 2, line 17

Changes the definition of Rural from 5,500 to **7,500 or less that is not connected by road or rail to Anchorage or Fairbanks** and from 1,500 to **3,500 or less that is connected by road or rail to Anchorage or Fairbanks.**

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FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 63(STA)
(H) Publish Date: 2/13/09

Identifier (file name): HB63-DOC-OC-02-09-09
Dept. Affected: DOC
Title: An Act relating to the Council on Domestic Violence and Sexual
RDU: Administration & Support
Component: Office of the Commissioner
Sponsor: Fairclough, Holmes, Coghill, Wilson, Herron
Requester: Governor
Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS							
Full-time							
Part-time							
Temporary							

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

Passage of this legislation should not have a fiscal impact on the Department of Corrections.

Prepared by: Leslie Houston, Director — Phone 465-3339
Division: Administrative Services Division — Date/Time 02/09/2009 1630
Approved by: Dwayne Peeples, Deputy Commissioner — Date 2/9/2009
Office of the Commissioner

(Revised 9/10/2008 OMB)

999

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 63(STA)
(H) Publish Date: 2/13/09

HB063-DPS-CDVSA-02-10-09
Dept. Affected: Public Safety

Title: "An Act relating to the Council on Domestic Violence and Sexual Assault."
RDU: CDVSA
Component: CDVSA

Sponsor: Representative Fairclough
Requester: House State Affairs Committee
Component Number: 521

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
Personal Services							
Travel	7.9		7.9	7.9	7.9	7.9	7.9
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**7.9**	**0.0**	**7.9**	**7.9**	**7.9**	**7.9**	**7.9**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	7.9		7.9	7.9	7.9	7.9	7.9
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**7.9**	**0.0**	**7.9**	**7.9**	**7.9**	**7.9**	**7.9**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill adds two members to the Council on Domestic Violence and Sexual Assault: a public member from rural Alaska and the commissioner of the Department of Corrections or his or her designee. The increased travel costs for the new members to attend four meetings per year is estimated at $7.9.

Prepared by: Chris Ashenbrenner, Executive Director — Phone (907) 465-5504
Division: Council on Domestic Violence and Sexual Assault — Date/Time 2/10/09 9:01 AM
Approved by: Commissioner Joseph Masters — Date
Department of Public Safety

(Revised 9/10/2008 OMB)

1000

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 63(FIN)
(H) Publish Date: 2/27/09

Identifier (file name): HB063-DHSS-BHA-02-23-09
Dept. Affected: Health & Social Services
Title: Council Domestic Violence: Members, Staff
RDU: Behavioral Health
Component: Behavioral Health Administration
Sponsor: Fairclough, Holmes, Coghill, Wilson
Requester: House FIN
Component Number: 2665

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The proposed changes to the Council on Domestic Violence and Sexual Assault will not have a fiscal impact on DHSS.

Prepared by: Melissa Stone
Phone 269-3410
Division: Behavioral Health
Date/Time 2/20/09 5:12PM

Approved by: Alison Elgee, Assistant Commissioner
Date 2/23/2009
DHSS Finance & Management Services

(Revised 9/10/2008 OMB)

Issues with CDVSA personnel transfer from exempt to classified:

Classification will determine what job classification they belong in by reviewing a current position description. There is no guarantee that it will remain the same – could remain the same, could go up or down.

Once the appropriate job classification is determined, CDVSA must recruit on Workplace Alaska for the job. DOP says it can be a DPS departmental recruitment.

The current employee must apply, be interviewed and in order to hire, CDVSA must determine that they meet the minimum requirements and are the best applicant for the job.

If hired, the employee enters a probationary period (6 or 12 months, depending on the range) and their merit anniversary date changes in accordance with the "new" hire.

The **change of health insurance** coverage brings quite a few questions/issues:

- It is unknown whether or not employees will have a waiting period in between policy coverage.
- They will need to satisfy a new deductible.
- What about pre-existing conditions?

If hired, the employee's range and step are determined by "credible state service" which is basically the amount of time they've been a state employee.

If the employee is brought in to the **classified service at the same rate and step, their pay will decrease because of the difference between the GGU and Exempt pay schedules**. We estimate that this will be between $100 to $200 a month.

Benefits to employees are:

- Legal services benefit through the union
- Lay off protection (after they've been in the job awhile – this may not be a benefit if layoffs are eminent as they will be at the top of the list)
- "Just cause" protection – support of an employee association

Possible actions to mitigate loss to current employees:

- Waive the requirement to apply for their jobs.
- Once their job classification is determined, bring them in without having to apply (all employees at CDVSA are currently high acceptable to outstanding in their job performance).
- If the pay in the GGU is less than current salary, allow a one step increase. Or, if that is impossible, freeze their pay until they "catch up through the merit system".
- Make an agreement with ASEA that the Health Trust plan will cover pre-existing conditions and there will be no waiting period.

State of Alaska
Department of Public Safety
Council on Domestic Violence & Sexual Assault

Sarah Palin, Governor
Joseph A. Masters, Commissioner

February 8, 2009

Representative Anna Fairclough
Alaska State Capitol
Juneau, Alaska 99801

Subject: HB63 "An Act relating to the Council on Domestic Violence and Sexual Assault"

Dear Representative Fairclough:

The Council on Domestic Violence and Sexual Assault supports HB63, which proposes statutory changes based on the 2008 CDVSA Legislative Task Force recommendations. We have thoroughly reviewed these recommendations and agree that the proposed changes will strengthen the Council's ability to meet its statutory purpose: "to provide for planning and coordination of services to victims..." (AS16.66.101)

Adding the Commissioner of Corrections or his/her designee and including an additional seat for a rural designated public member will give the Council broader insights into policy decisions and funding recommendations. It will also further strengthen our board for public members to have three year terms. Many members have pointed out the limitations of two-year terms, saying they are leaving their service just as they have learned the work. Longer terms will allow members time to apply what they have learned in making decisions and setting direction. We also agree, in the interests of keeping balance, that public members should not be state employees.

Council members are supportive of the change making it optional for the Governor to consult the Alaska Network on Domestic Violence and Sexual Assault about public member appointments. However, in our discussions, we agreed that it is a good idea for the governor's office to ask for such recommendations, and we encourage making that connection in order to secure a pool of well qualified applicants.

The Council also agrees with the CDVSA Task Force that classifying the staff positions (other than the Executive Director) is an important tool for recruiting and retaining staff. It will also help to ensure continuity in the agency during periods of administration changes.

We appreciate the work you are doing to strengthen the state's response to the crimes of domestic violence, sexual assault, stalking and dating violence. Thank you.

Sincerely,

Ann House
Chair

Council on Domestic Violence & Sexual Assault
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627

Juneau Office
130 Seward St #209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org

ANDVSA
Alaska Network on Domestic Violence & Sexual Assault

Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907)747-7547

January 19, 2009

Representative Anna Fairclough
State Capitol, Room 421
Juneau, AK 99801-1182

Dear Representative Fairclough:

On behalf of the nineteen member domestic violence and sexual assault programs throughout the state that comprise the Alaska Network on Domestic Violence and Sexual Assault (the Network), thank you for introducing HB 63. ANDVSA works closely with the Council on Domestic Violence and Sexual Assault (the Council) on numerous issues.

I had the honor of serving on the CDVSA Task Force that you helped create with HB 215 in 2007. The CDVSA Task Force reviewed the Council's relationship to other state agencies; their statutory responsibilities and priorities; the appointment process for public members; the location of the Council within the administrative structure; compliance with grant management requirements; and their mission and focus.

We fully support the recommended changes in HB 63. Expanding the Council to include representation from the Department of Corrections (DOC) ensures that DOC has a much needed seat at the table for domestic and sexual violence issues, particularly as they relate to batterer and perpetrator programs. The bill also ensures that public members are indeed public and not governed by any state influences. We also wish to extend our service to the Governor whenever she/he would like our consultation and recommendation for public members. We have consistently put forth qualified individuals who do not have a history of perpetration of domestic or sexual violence; qualified individuals regardless of political party affiliation that balance both Alaska's geography and its urban and rural counterparts. Our services remain there for the asking as the experts in the domestic and sexual violence field for over 30 years.

Thank you for your time and commitment to improving the Council and sponsoring this progressive bill.

Regards,

Peggy Brown
Executive Director

cc: Lisa Mariotti, Policy Research Associate

SENATE COMMITTEE REPORT

DATE: 3/9/09

FURTHER: (Finance)

DATE TURNED IN TO OFFICE: 3/19/09

State Affairs Committee considered CS FOR HOUSE BILL NO. 63(FIN)

HB 63 COUNCIL DOMESTIC VIOLENCE: MEMBERS, STAFF

"An Act relating to the Council on Domestic Violence and Sexual Assault."

and recommends:

[✓] be **replaced** with [✓] **SCS** or [ ] **CS** CSHB63 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[X] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DHS	2/23/09			✓	3
Pub. Safety	2/10/09	✓			2
DOC	2/9/09			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do Pass	Do Not Pass	No Rec	Amend
	French	X			
	Meyer	X			
	Askvan	X			
CHAIR: Linda Menard	MENARD	X			

HB

73

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

Session:
Alaska State Capitol, #104
Juneau, AK 99801-1182

Phone: (907) 465-4931
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Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

March 23, 2010

To: Senator Linda Menard, Chair
Senate State Affairs Committee

Fr: Representative Bob Lynn BL

Re: HB 73 Firefighter/EMT License Plates

Please schedule HB 73 to be heard in the Senate State Affairs Committee at your earliest convenience.

Dave Miller, President of the Alaska State Firefighter's Association believes HB 73 is a great way in which to recognize firefighters and EMS volunteers. He said "recognition like this really help in recruitment and retention of volunteers for the future."

Attached Documents

Memo/Hearing Request
Bill History/Action
CSHB 73 (FIN) (26-LS0303\C)
Explanation of Changes to HB 73
Sponsor Statement
2010 Zero Fiscal Note (Administration - DMV)
Backup – Petitions and Letters of Support
Anticipated Witness List

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
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CS for HB 73 (26-LS0303\C)
Sponsor Statement

Special license plates for firefighters and emergency service providers are a way to say "thank you" to those who give of their time and risk their lives, to serve the people and communities of Alaska.

The purpose of these plates is two-fold. One is to recognize and thank firefighters and emergency service providers (EMS, Rescue), both volunteer and paid, active and former, who we know give much and ask so little.

The second is to encourage volunteerism.

By providing these license plates the hope is that residents of Alaska will recognize and acknowledge the importance of volunteerism, and possibly plant a seed in the hearts of some that will grow into action, resulting in more individuals volunteering not only in fire departments, but in their communities.

The firefighters and EMS community strongly support this legislation as evidenced by the many letters of support and petitions signed by these people.

Contact: Nancy Manly 465-2794
Last revised 3/23/10

Alaska State Legislature

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State Affairs Committee

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A Communication From
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How HB 73 Changed from Version A to Version S in House STA

In the House State Affairs Committee:

Firefighter and Emergency Service Providers License Plates were added to the bill at the request of Representative Harris. Later, all references to Honorary Consul License Plates were removed retaining just the Firefighter and Emergency Service Providers License Plates.

How CSHB 73 Changed from Version S to Version C in House FIN

Page 1 line 5 - per Legal Services: there was another subsection added last year to statute so the subsection number changes from "(y)" to "(z)".

Page 2 Line 30 changes the effective date from 2009 to 2010.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 73(FIN)
(H) Publish Date: 3/15/10

Identifier (file name): HB073CS-DOA-DMV-02-01-10
Dept. Affected: Administration
Title "An Act relating to firefighter and emergency medical service license plates..."
RDU Division of Motor Vehicles
Component Motor Vehicles
Sponsor Rep. LYNN, Harris, Wilson
Requester H (FIN)
Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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	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							
1156 Receipt Supported Services							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill does not fiscally impact the Division of Motor Vehicles. Revenue derived from the sale of the fire fighter and emergency medical service provider plates is expected to be minimal. The agency therefore, submits a zero fiscal note.

Prepared by: Whitney H. Brewster, Director
Phone 907-269-5574
Division Motor Vehicles
Date/Time 02/01/2010 10:00AM
Approved by: Kevin Brooks, Deputy Commissioner
Date 2/1/2010
Department of Administration

(Revised 11/6/2009 OMB)

1010

1011

TO THE LEGISLATURE OF THE STATE OF ALASKA:

We, the undersigned electors of the State of Alaska, request that special license plates for firefighters and emergency medical service providers (HB 73) be issued by the Division of Motor Vehicles in the State of Alaska. And further, by our signatures below, indicate intent to purchase same when they are made available.

SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Shaun Oliveira	1801 Cottonwood Creek Dr Wasilla, AK 99654	Same	Yes
	Jeffrey Pritchett	3041 E. Tambert Dr. Wasilla, AK 99654	Same	yes
	Matt Eakes	6350 N. Tasker View Dr Wasilla AK 99654	Same	yes
	Jaime Rodriguez	2000 Palomino Ln Palmer, AK 99645	P.O. Box 9335 Palmer AK 99645	Yes
	Timothy J. Gonyea	401 S. Wasilla St #28 Wasilla, AK 99654	1880 E. Parks Hwy Ste #113 PMB 670 Wasilla, AK 99654	YES
	Mark A. Easter	6255 N. Nelton Way Palmer, AK, 99645	P.O. box 4618 Palmer, AK 99645	Yes
	Michael Warzewski	7320 E Shorewood Wasilla, AK. 99654	SAme	YES
	Ashley Woolley	189 E. Nelson #190 WASILLA, AK. 99654	Same	Yes
	Casey Cook	5235 E. Iroquois Ct Wasilla AK 99654	SAME	Yes
	Danny Clemons	619 W Nelson Ave Wasilla, AK. 99654	Same	Yes
	Kenneth Hutchings	401 E. SNOHOMISH WASILLA AK 99654	SAME	YES
	H Joseph Sylvia	5831 Wolverine Ave Wasilla AK 99654	POB 876281 Wasilla AK 99687	yes
	Heather French	189 E. Nelson Ste. #190 Wasilla, AK 99654	Same	yes
	Jennifer Luce	2961 Jasper Drive Wasilla, AK 99659	P.O. Box 873298 Wasilla, AK 99687	Yes
	CHAD STAATS	2750 W. Japonjiwood Wasilla AK 99654	" "	no
	NATHAN DURBIN	6310 N. Talaach Cir. Wasilla AK 99654	Same	Yes
	Laurel Keel	2092 S. Birch Lk Dr Big Lake AK 99652	P.O. Box 5219-11 Big Lake AK 99652	YES
	SHANNON REYNOLDS	1575 W SHIRLEY RD WASILLA AK 99654	SAME	YES
	Cassandra Connelly	8430 W Parks Hwy Wasilla AK 99654	P.O. Box 298493 Wasilla AK 99629	Yes

TO THE LEGISLATURE OF THE STATE OF ALASKA:

We, the undersigned electors of the State of Alaska, request that special license plates for firefighters and emergency medical service providers (HB 73) be issued by the Division of Motor Vehicles in the State of Alaska. And further, by our signatures below, indicate intent to purchase same when they are made available.

SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Gary Simmons	7121 W Island Lake Cir	Wasilla, AK 99654	YES
	Nick Brocheit	5837 Saqunek St Big Lake	PO Box 520521 Big Lake, AK 996	YES
	Jacob Jenf	740 North Wilhelm	Po Box 298717 Wasilla AK 99629	Yes
	James Rogers	6049 S. Pearl Ln	P.O. box 520477 Big Lake AK 9652	Yes
	Jeremiah Moore	HC 38 Box	HC 38 Box 27379-B Wasilla AK 99654	yes
	Ryan Benedict	3230 Lakeview Dr.	PO Box 298656 Wasilla AK 99629	Yes
	Darren M. Stewart	9624 W. Hollywood Rd.	Same	YES
	Joanne Jones	3231 Meadow Lakes Dr.	P.O. Box 298739 Wasilla AK 99629	YES
	Donald Cuthbert	25642 Bonnyhill Rd.	Eagle River, AK 9952?	Yes
	Steve Katkus	1681 N. Ashford Blvd, Unit A	Wasilla, AK 99654	Yes
	Suzanne Gaines		PO Box 876342 Wasilla AK 9968 7	yes
	Douglas D. Fray	765 McAbee Way	Wasilla AK 99654	Yes
	Dorte Mobley	575 Jerome Dr Wasilla AK 99654	Same	No
	Kirk Gibbs	1250 W Glenn Kenny Ct	Same	Yes
	Benny Gottle	3401-B Gottle Loop	Same	Yes
	John Beeby	253 Tiffany Dr	P.O. box 875300 Wasilla 99687	yes
	Richard Boothby	790 N. Hickory	Palmer, AK 99654	Yes
	Richard Harrop	355 N Robin Cir	Box 876256 Wasilla AK 99687	yes
	Chris Oliver	1801 Cottonwood Creek Dr	Same	Yes

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	DATE 11/05/09
Loretta D. Roll	Loretta D. Roll	P.O. Box 143 Unalaska 510 Dutton Rd.	P.O. Box 143 Unalaska	yes
Steve Tompkins	Steve Tompkins	PO Box 530 Unalaska, AK ↔	53 Hawley LN Unalaska, AK	11-12-09

TO THE LEGISLATURE OF THE STATE OF ALASKA:

We, the undersigned electors of the State of Alaska, request that special license plates for firefighters and emergency medical service providers (HB 73) be issued by the Division of Motor Vehicles in the State of Alaska. And further, by our signatures below, indicate intent to purchase same when they are made available.

SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	ROBERT L. O'MARA	6297 W FULL CURL AVE	WASILLA AK 99654	yes
	Larry Fetchenhier	29812 S Wasilla	AK 99655	Yes
	Kurtis Carnahan	690 Day Rd.	Wasilla AK 99687	yes
	Riley Breger	701 N. Lucille St #C	701 N. Lucille St #C	yes
	David Kelly	9751 W. Parks Hwy	Box 298218 Wasilla, 99687	Yes
	Thomas P. Murray	5715 S. Gatty Cir. Wasilla	AK 99654	Yes
	Scott Marx	3513 N. Fortune Cir.	Wasilla AK 99654	Yes
	Philip Cook	2151 N Merina CT	1850 E Parks Hwy Ste A115 PMB 660 Wasilla AK 99654	yes
	Pete Pevan	PO 4730 Soldotna	PO Box 871256 Wasilla AK	Yes
	JOSH STANSFIELD	825 ARNICA PALMER	PO BOX 871475 WASILLA AK	yes
	Jodie M Hettrick	860 Lawark Wasilla	AK 99654 - Same	Yes
	Tara Mellon	601 N. Arganette Palmer OR Box #	AK 99645	yes
	Shawn Bailey	1428 N. Willamina Way	Wasilla AK 99654	yes
	LISA JAEGER	6171 W. LOCKSLEY	PO BOX 870311 WASILLA AK 99687	Yes
	Scott Karnes	7985 South Settlers Bay Drive	PO Box 877888 Wasilla, AK 99687	yes
	JEFF SHAFFER		P.O. Box 879461 WASILLA, AK. 99687	Yes
	Robin C. Ace	6349 Aurora St	3000 N. 1st 248 Ct. Ste #2 PMB 229 WASILLA AK 99654	Yes!
	Norman R Wagner	2850 S. Saindon St.	same Wasilla AK 99654	Y
	craig T Nohr-wisner	4801 W Clarion Ave.	same Wasilla AK 99654	yes

ALASKA STATE FIREFIGHTERS ASSOCIATION

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

TO THE LEGISLATURE OF THE STATE OF ALASKA

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	Jeremy DeTemple	4764 HPR.	Sitka, Ak, 99835	Yes	12/16/09
	DAVID SUBRANNI	1104 HPR	BOX 1666 Sitka	YES	12-16-09
	David E. Miller	809 Lincoln St.	Sitka AK 99835	Yes	12-16-09
	Steve McCann	3313 Falcon #7	VDZ. AK 99686 Box 2769	YES	12-29-09
	Jennifer Stubblefield	PO Box 826 Cottonwood	VALDEZ AK 99686	Yes	12-29-09

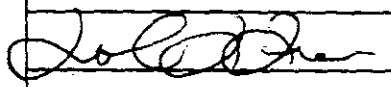
ALASKA STATE FIREFIGHTERS ASSOCIATION

SEPTEMBER 2009

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Lola L. Foss	8849 Gail Ave Juneau, AK 99801	same	Yes

ALASKA STATE FIREFIGHTERS ASSOCIATION

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
Aubrey M. Raby	Aubrey M. Raby	6611 E. 11th Ave, ANC	Same	✓	9-26-09
Alecia Wood	Alecia Wood	4740 Denali Anch	—	✓	9/26/09
David S. Kelly	David S. Kelly	PO Box 298218 Wasilla, 99629	Same	✓	9/26/09
Andrew Foth	Andrew Foth	3320 Valkyrie Cr	Anch. AK 99508	✓	9/26/09
Matthew Hunter	Matthew Hunter	102 Remington Way	— same —	Yes	12/16/2009

ALASKA STATE FIREFIGHTERS ASSOCIATION

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	Travis Miller	839 Lincoln st	Box 6551	✓	12-16-09
	Sara Hartney	309 Wachusett St	Same	✓	12/16/09
	Greg Raschick	204 Peterson Ave Sitka, AK 99835	P.O. Box 2893	yes	12/16/2009
	ELIZABETH DAHL	104 Lincoln #11	P.O. Box 96	yes ✓	12/16/09
	BRADY Fink	330 Cascade St.	SAME	yes	12-16-09
	Troy Tydingco	219 Lance Drive	Same	yes	12/16/09
	M. Odette Tydingco	219 Lance Dr	"	yes	12/16/09
	Danielle Snyder	304 Nicole Dr Sitka	"	✓	12/16/09
	Kathryn Jones	709 Sawmill creek	same	yes	12/16/09
	CHRISTI WURKER	709 SAWMILL CREEK	SAME	YES	12.16.09
	GALE KEHRES	103 VIKING WAY	SITKA	✓	12/16/09

ALASKA STATE FIREFIGHTERS ASSOCIATION

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	Ryan McCormick	12200 W. Skyline Dr	Eagle River AK	Yes	9-26-09
	Dan Stephens	18927 Second St	Eagle River	Yes	9/24/09
JACK TIEFELMAN	Jack Tiefelman	749 W 75TH AVE APT 1	ANCHORAGE, AK	YES	9/26/09
	Jeremy Manley	P.O 521735 Big Lake	Big Lake 99652	Yes	9/26/09
Amber Wright	Amber Wright	3667 Mink Rd	Big Lake 99652	Yes	9/26/09
	David Raby	651 E 11th Ave	Anch, AK 99501	Yes	9/26/09
	CHRISTOPHER MACRAE	42321 DONNA CIRCLE	PO Box 1004 99669	YES	9/26/09
	LANDON FORD	3320 WELLS ct	AK 99508	YES	9/26/09
	Adam Eley	7041 E 10th Ave #2	Anch, AK 99504	Yes	9/26/09
	Kellan Ford	2211 Barbara drive	Anchorage AK 99504	Yes	9/26/09
	SUSAN DARNELL	7345 E Riley Alexander Dr	Palmer AK 99645	NO	9/26/09

ALASKA STATE FIREFIGHTERS ASSOCIATION

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	David A. Lawson	3414 Eagle St Valdez	PO Box 1763 Valdez	Yes	9-19-09
	Suzanne Kocklich	106 Hanagita St Valdez	Box 573 Valdez	Yes	9-19-09
	Ronda Robison	Box 221655 Anch 99522	Same	yes	9-23-09
	Tamara Holman	3382 Kendall Cir Anch Ak 99507	Same	yes	9-23-09
	Warren Turner	8140 Seaview St. Anch, AK 99502	Same	Yes	9-26-09
	Greg Mathews	11210 Juniper Dr 1020 ER. AK 99577	Same	Yes	9/26/09
	Flor Luna	[redacted]	POB 1864 Unalaska	YES	9/26/09
	Gary A Gray	18 Pumaigan #6 Unalaska Ak 99685	PO B 920712 D.H. Ak 99692	Yes	9/26/09
	Brian D Rankin	113 Eagle Dr Unalaska AK 99685	POB 401 Unalaska 99685	YES	26SEP09
	Sarah Rankin	113 Eagle Dr. Unalaska AK 99685	P.O. Box 401 Unalaska AK 99685	yes	Sept. 26-09
	Salvador Alvarado	1000 Captains Bay Rd Dutch Harbor AK 99692	PO Box 920608 Dutch Harbor AK 99692	YES	Sept 26-09

ALASKA STATE FIREFIGHTERS ASSOCIATION

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	Stephen Robertson	2120 Bonanza Ave Fairbanks AK 99504	GAME	YES	9-26-09
	Jack D. Anderson	41585 Grove Ave Soldotna AK 99669	Box 4115 Soldotna, AK 99669	yes	9-26-09
	Gary R. Stoop	P.O. Box 1955 720 Pacific Av	PO Box 1955 Valdez, AK 99686	YES	9-26-09
	Mike Wade	~~PO Box 551~~ 411 E Pioneer #101	PO Box 581 Valdez, AK 99686	Yes	9-26-09
	Young Suenram	3510 Hooper Way Anch AK 99515	same	YES	9/26/09
	Anna Suenram	3510 Hooper Way Anch AK 99515	Same	YES	9/26/09
	Brian Long	PO 921372 Dutch Harbor, AK 99692	Same	Yes	9/26/09
	Robin Ridgeley	4509 Rosehaven St Anchorage 99501		Yes	9/26/09
	Mark S. Hall	2407 Raymond Anch AK 99	Same	Yes	9/26/09
	Gale K Hall	2407 Raymond Anch AK 99503	Same	Yes	9/26 09
	Matthew Johnson	Nome, AK. 301 Force and AK Drive	Same	Yes	9-26-09

ALASKA STATE FIREFIGHTERS ASSOCIATION

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	Daniel Carter	9943 Herkimer Dr	PO Box 298653 Wasilla AK 99629	yes	9/26/09
	Billie Jo Gyhring	PO Box 2226 1662 2nd St	Unalaska/Douglas AK 99824	yes	9/26/09
	Loren C. Rotroff	PO Box 56763	North Pole AK 99705	YES	9/26/09
	[illegible]	FBKS AK 99714 5924 3292 Jefferson Dr	same	yes	9/26/09
	Ben Simonds	392 Soldotna Bank Lane	same	yes	9/26/09
	Perron Robert	8724 Alite Dr	" "	Yes	9/26/09
	Chris Grooms	4924 E 43rd Ct	PO Box 212463 Anchorage AK	AK-yes	9/26/09
	Dorothy Grooms	4924 E 43rd Ct	Box 212463 Anchorage	AK yes	9/26/09
	Jimmie F. Hart	PO Box [illegible]	PO Box [illegible] Wainwright	AK Yes	9/27/09
	Oscar Del Pino	PO Box 1604	Cordova AK 99574	AK Yes	9/27/09
	Craig Rivas	4261 E. Greenwood Cir	Wasilla, AK 99654 same	Yes	9/27/09

ALASKA STATE FIREFIGHTERS ASSOCIATION

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	Bridget Burton	4401 Northwood	SAME	✓	9-26-09
	Jen Collins	244 E 23rd	Same	✓	9/26/09
	Wade Collins	244 E 23rd	"	✓	9/26/09
	WADE STRAHAN	4206 CHARING CROSS	"	✓	9/26/09
	Jodie Hettrick	860 LANARK drive	4	✓	9/26/09
	Robert Dennard	209 Fack St Sitka AK	Same	✓	9.26.09
	Nick Carroll	201 Hanson St	Same	✓	9 26 09
	Stephanie Villarreal	370 W Pioneer Pkwy	Palmer AK 99645	✓	9-26-09
	William Villarreal	370 W Pioneer Pkwy	Palmer 99645	✓	9-26-09
	Brandon Strahan	PO Box 76	Kenai AK	✓	9-26-09
	Nate Nelson	54545 N Miller LP	Kenai, AK 99611	✓	9-26-09

ALASKA STATE FIREFIGHTERS ASSOCIATION

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Signature	Printed Name	Street Address	Mailing Address	Reg. AK Voter	Date
	John DARNELL	734 S E Riley Alexander Cir Palmer AK		Yes	9 26 09
	Jake Crockett	6533 West Diamond Blvd	Same	NO	9/26/09
	Tim Gara	19434 Lanma E.R. Lee	Same	Yes	9/26/09
	RICHARD HARKNESS	POBOX 231 SEDDUA 99663	SAME	YESS	09/26/09
	SUSAN Royce	1919 CASCADE CIR Sitka, AK 99835	Same	yes	12/16/09
	Cathy Watson	106 Ross	PO Box 1703		12/16/09
	Louise Olmstead Louise Olmstead	211 PARK STREET	211 PARK STREET SITKA. AK 99835	yes	12/16/09
	CALVIN GRANT	610 AIRPORT RD Rm #3 SITKA AK 99835	SAME	NO	12/16/09
	BUZZ BROWN	2501 S.M.C. Rd	Same	yes	12-16-09
	PENELOPE MEAD	.5 mi. Glen's Ditch Rd	PO Box 34 Gustavus, AK 99826	YES	12/16/09
	SCOTT seaton	111 Cedar Beach	Sitka Box 6225	Yes	12/16/09

ALASKA STATE FIREFIGHTERS ASSOCIATION

SEPTEMBER 2009

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Tia J. Horton	Anchorage AK 11730 #A Birch Telcom	SAme	Yes
	Robert M. Iler	8731 Elkiva Way Palmer Alc	Same	yes
	Kirstin Boyd	3211 Amber Bayle Anch 99515	Same	yes
	Gina Treesh-McClain	21516 Rock Ptarmigan St, Chugiak AK 99567	PO Box 671745 Chugiak, AK 99567	Yes
	Cynthia J. Hill	8630 E 17th Ave	same	No
	Andrew Goos	14867 E Doc McKinley	Palmer, AK 99645	yes
	AL Tamagni	6940 Burlwood	Anchorage, AK 99507	yes
	Jeremy Jones	10601 Washington Cir Anchorage, AK 99515		yes
	LORI ZALIMSEK	9015 DEWBERRY ST ANCHORAGE, AK 99502	SAME	YES

ALASKA STATE FIREFIGHTERS ASSOCIATION

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS Valdez	REGISTERED ALASKA VOTER
Brandy Smelcer	Brandy Smelcer	1216 Mineral	Creek Box 3207	yes
Rhonda R Williams	RHONDA Williams	3218 FALCON	Box 3024 VALDEZ, AK 99686	yes
George R Keeney	George R Keeney	145 Chena St.	Po Box 3708 Valdez AK 99686	yes
Michael Weber	Michael Weber	5145 Wilderness Ct.	P.O. Box 7536 Valdez, AK 99686	Yes
K White	Ken White	404 W. Mendeltna	Po Box 3551 Valdez, AK 99686	Yes
Deborah J White	Deborah J White	404 W Mendeltna	POB 3551 Valdez AK 99686	Yes
[illegible]	STEVEN J BROCKWAY	118 DADINA ST	P.O. BOX 3040 VALDEZ, AK 99686	yes
[illegible]	Sam Sanders	862 Cottonwood Dr.	PO Box 1462 Valdez AK 99686	Yes
[illegible]	KYLE KIRKENDALL	862 Cottonwood Dr.	PO Box 1202 Valdez AK, 99686	Yes

ALASKA STATE FIREFIGHTERS ASSOCIATION

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Gary A Gray	~~PO Box~~ 18 Ptarmigan #6	PO Box 920712 Dutch Harbor 99692	YES
	Brian A. Ley	144 Aerie Dr.	PO Box 921372 Dutch Harbor, AK 99692	Yes
	BRIAN D RANKIN	118 EAGLE DR.	PO BOX 401 UNALASKA, AK 99685	YES
	N.S. CEKANOFF	68 ALEUTIAN AVE	BOX 74 UNALASKA, AK,	YES
	Carol Burnes	72 Loop Rd	P.O.Box 920887 Dutch Harbor Alaska	yes
	Trudie Rose	137 Loop Rd.	P.O.Box 1332 Unalaska AK	Yes
	Kevin Anderson	79 Choate Ln	PO Box 1044 Unalaska, AK 99685	Yes
	Erin Enlow	85 Captains Lane	Box 920541; Dutch Harbor AK 99692	Yes
	Manuel Paredes	Barnes #6	Po Box 75	Yes

ALASKA STATE FIREFIGHTERS ASSOCIATION

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
Marcia Seibert	Marcia Seibert	233 Steward Rd	PO Box 920333	Yes
Helen Hammond	HELEN HAMMOND	405 " "	" " "	"
Dan Winters	Dan Winters	572 Steward Rd	P.O. Box 921583	yes
Clinton Huling	Clinton Huling	122 Steward Rd	PO Box 920403	yes
Nancy Peterson	Nancy Peterson	107 Loop Rd	box 392, 99685	yes
Lori Gregory	LORI GREGORY	356 Bayview St	Box 177 99685	yes
Jim Shaishnikoff	Jim Shaishnikoff	PO box 313	Unalaska, AK	yes
Steve Engman	Steve Engman	45 Makushin Dr. box 921474	box 921474 99692	Yes
Matthew Lightner	Matthew Lightner	38 Choat Lane	P.O. Box 62 Unak 99685	yes

ALASKA STATE FIREFIGHTERS ASSOCIATION

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Zachery Schasteen	186 Delta Wy. Unalaska, AK	P.O. Box 92092 Dutch Harbor, AK	Yes
	GARY W SANDNESS	31 SOUTH 4TH UNALASKA AK	PO BOX 331 UNALASKA AK 99685	YES
	Maribeth Buechel	PO Box 933 Unalaska 99685	142 Overland Unalaska	Yes
	cs. Maria Bauer	88 Salmon Way	Po Box 921084	Yes
	Todd A. Soosse	P.O. Box 226 / 184 Steward Rd.	Dutch Harbor, AK 99692 / Unalaska 99685	Yes
	Rosalyn Glorso	PO Box 921242	149 Eagle Drive same	yes
	Martin Diaz	PO. Box 920351 Dutch Harbor AK 99692	452 Bierka Dr. Dutch Harbor AK 99692	Yes
	Kris-Ann O. Wilcox	84 Bayview Unalaska, AK 99685	PO Box 121 Unalaska, AK 99685	Yes
	Flor Luna	AC # 8 Dutton Rd, Unalaska 99685	PO Box 1064 Unalaska, AK 99685	Yes

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ALASKA STATE FIREFIGHTERS ASSOCIATION

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a Barbara Rankin	A BARBARA RANKIN	UNALASKA AK 99685 945 W. BROADWAY	PO BOX 148 UNALASKA AK 99685	YES since 1975
Randy White	RANDY White	Unalaska AK 99685 426 Bayview	PO Box 135 Unalaska AK 99685	yes
Denise Rankin	Denise Rankin	426 Bayview Ave Unalaska AK 99685	Box 135 Unalaska AK 99685	yes
BRFraser	BRINA FRASER	44 Loop Rd #4 Unalaska, AK 99692	Box 921192 Dutch Harbor AK 99692	Yes
Heather Venard	Heather Venard	257 Steward Unalaska, AK 99685	PO Box 920173 Dutch Harbor, AK 99692	yes
Rowena Gutanes	Rowena Gutanes	PO Box 921222 Dutch Harbor, AK 99692	PO Box 921222 Dutch Harbor, AK 99692	Yes
Lyndsee Wilson	Lyndsee Wilson	PO. Box 921484 Dutch Harbor AK	116 Dutton RD. Unalaska, AK	yes
Aran Riffle	Aran Riffle	[illegible]	PO Box 921497 Dutch Harbor, AK 99692	yes
Jeff Hawley	Jeff P Hawley	107 Loop Rd Box 392 Unalaska 99685	← SAME	yes

ALASKA STATE FIREFIGHTERS ASSOCIATION

SEPTEMBER 2009

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Pipa Escalante	159 Chernofski Dr	PO Box 921249 Dutch Harbor AK 99692	yes
	Susan D Honan	90 East Broadway	PO Box 29 Unalaska AK	yes
	John P. Cornwell	129 Eagle Drive	P.O. Box 283 Unalaska, AK	yes
	Holly Holman	176 Lear Rd	PO Box 920945 Dutch Harbor AK	yes
	Sonia Streitmatter	1084 E. Broadway	POB 1052, Unalaska	yes
	Jessica Earnshaw	12 Eagle Drive	P.O Box 106 Unalaska	yes
	[illegible]	[illegible]	[illegible]	yes
	Lisa A. Sanford	Mile 2 Captains Bay Rd	P.O. Box 920741 Dutch Harbor, AK 99692	yes
	Catherine Hazen	660 Steward Rd	Unalaska, AK 99685	yes

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
[signature]	CHRISTY BERIKOFF	180 BYHON ROAD	PO BOX 89 UNALASKA 99685	AK YES
[signature]	MARY ALSEGUEZ	173 LOOP RD.	921533, 99692	YES
[signature]	Amber Guitard	Delta Way 186 #84	POB 920101	YES
[signature]	Loran Days	86 Trapper Dr.	POB 920111	Yes
[signature]	GRACE MAGPANTAY	114 LEAR RD.	PO BOX 872, UNALASKA	YES
[signature]	Jacob Whitaker	18 Ptarmigan Rd	Dutch Harbor PO Box 921584	yes
[signature]	ELIZABETH MASONI	12 Eagle Crest Court	PO BOX 665 Unalaska, AK 99685	YES
[signature]	Kelly Stiles	17 Driftwood Loop A3	PO BOX 921597 Dutch Harbor, AK 99692	YES
[signature]	Frank Kelty	[redacted] 40 S 44th St	Box 162 Unalaska AK 99685	Yes

ALASKA STATE FIREFIGHTERS ASSOCIATION

SEPTEMBER 2009

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SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Jessalyn Oropeza	P.O. Box [illegible], Unalaska	99685	Yes
	John Fulton	Box 920941	Dutch Harbor AK	YES
	Michael D. Whitmore	6 Driftwood Dr.	PO Box 920112 Dutch Harbor	yes
	Steve Reid	all Tenger	POPOV 902242 Queen	Yes
	Mark Chrisom	East Point LP.	P.O.B 920232 Dutch	Yes
	Emil W BERIKOFF	486 Broadway	P.O. Box 1302 UNALASKA 99685	YES
	Tominbang Basho	17 Chernofski RD	Box 921596 Dutch	Yes
	Thomas Webb	123 Stewart Rd	Box 381 Unalaska AK.	Yes
	NOLIE MAGPANTAY	114 COAR RD	BOX 872 UNALASKA	YES

T034

ALASKA STATE FIREFIGHTERS ASSOCIATION

SEPTEMBER 2009

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

TO THE LEGISLATURE OF THE STATE OF ALASKA:

We, the undersigned electors of the State of Alaska, request that special license plates for firefighters and emergency medical service providers (HB 73) be issued by the Division of Motor Vehicles in the State of Alaska. And further, by our signatures below, indicate intent to purchase same when they are made available.

SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
	Gerald Swihart	233 Steward RD	PO Box 920333 Dutch Harbor	YES
	Mike Trostadoff		PO Box 51	Yes
	Mike Daniels	169 Steward	PO Box 467 Unalaska	YES
	Jennifer Shoeberniff	23 Dora Circle	P.O. Box 282 - Unalaska	NO

ALASKA STATE FIREFIGHTERS ASSOCIATION

SEPTEMBER 2009

PETITION FOR FIREFIGHTER AND EMERGENCY MEDICAL SERVICE PROVIDERS LICENSE PLATES

TO THE LEGISLATURE OF THE STATE OF ALASKA:

We, the undersigned electors of the State of Alaska, request that special license plates for firefighters and emergency medical service providers (HB 73) be issued by the Division of Motor Vehicles in the State of Alaska. And further, by our signatures below, indicate intent to purchase same when they are made available.

SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
Andrea Clark	ANDREA CLARK	13651 Veery Dr. Anch	AK 99516 (Same)	YES
[signature]	Daniel E. Tallman	12305 Crested Bulk	Eagle River, AK.	YES
[signature]	Doug Schrage	3101 Rosalind Ln. Anch	99507	yes

TO THE LEGISLATURE OF THE STATE OF ALASKA:

We, the undersigned electors of the State of Alaska, request that special license plates for firefighters and emergency medical service providers (HB 73) be issued by the Division of Motor Vehicles in the State of Alaska. And further, by our signatures below, indicate intent to purchase same when they are made available.

SIGNATURE	PRINTED NAME	STREET ADDRESS	MAILING ADDRESS	REGISTERED ALASKA VOTER
David J Angaiak	DAVID J. ANGAIAK	6561 W. COMMADORE LANE	WASILLA, ALASKA 99654	YES
James J Carnahan	James J. CARNAHAN	690 Day Road	Wasilla Alaska 99687	YES
Jessie Young	Jess Young	3105 N Talbot Cir	Wasilla, AK 99654	Yes

Nancy Manly

From: Robert Dennard [robertd@cityofsitka.com]
Sent: Friday, March 20, 2009 10:08 AM
To: Nancy Manly
Cc: Suzie Hill Koklich
Subject: Firefighter commemorative Plates

I am in favor of the house bill supporting commemorative license plates for firefighters. I have been thru the board meetings with the Alaska State Firefighters for many years and have seen and heard a lot of talk from other firefighters who would also be in favor of this. Thank you for your time.
Robert Dennard
Sitka Fire Department
Fire Captain
Alaska State Firefighters

Nancy Manly

From: Brian Long [ffredrhino@hotmail.com]
Sent: Friday, March 20, 2009 10:38 AM
To: Nancy Manly
Subject: HB 73 support

I support HB 73 that would provide special license plates for firefighters and ems providers.
Thanks for your time and effort in seeking this simple yet great thing for us.
Brian Long

Nancy Manly

From: Gary [ggray1@arctic.net]
Sent: Friday, March 20, 2009 10:46 AM
To: Nancy Manly
Subject: HB 73

I am in support of HB 73.I feel that this is an important piece of legislation to support the emergency services of Alaska.

Sincerely

Gary A Gray
Firefighter/EMT
Unalaska, AK.

Nancy Manly

From: Schwan, Martin K. [SchwanMK@ci.anchorage.ak.us]
Sent: Friday, March 20, 2009 10:47 AM
To: Nancy Manly
Subject: FW: HB 73 - Help Sending Emails -Needs to be done today - PLEASE
Attachments: HB 73 copy FF Plates.pdf

I support HB 73 that would provide special license plates for firefighters and EMS providers.

Martin Schwan, Acting Fire Marshal
Division of Fire Prevention
Anchorage Fire Department
4700 Elmore Road
Anchorage AK 99504

"Ability can take you to the top, but it takes character to keep you there."

Office: 267-4968
Fax: 249-7596
Email: schwanmk@muni.org

Helping You Everyday

This correspondence may contain confidential information intended for the use of the individual or entity to which it is addressed. If the reader of this electronic message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying is strictly prohibited.

Nancy Manly

From: Gary Carlson [Gary.Carlson@north-slope.org]
Sent: Friday, March 20, 2009 10:49 AM
To: Nancy Manly
Subject: HB 73

I support HB 73 that would provide special license plates for firefighters and ems providers.

Thank you,

Gary Carlson Captain, Prevention Officer
North Slope Borough Fire Department
P.O. Box 069
Barrow, Ak 99723
phone 907.852.0234 ext 236
email gary.carlson@north-slope.org

Nancy Manly

From: Ronald Currit [rvcurrit@yahoo.com]
Sent: Friday, March 20, 2009 10:54 AM
To: Nancy Manly
Subject: HB 73

I support HB 73 that would provide special license plates for firefighters and ems providers.
Fire Chief
Ronald C Currit
Thorne Bay Volunteer fire dept

Nancy Manly

From: Rifley, Rick F (DOT) [rick.rifley@alaska.gov]
Sent: Friday, March 20, 2009 11:02 AM
To: Nancy Manly
Subject: Support HB 73

I support HB 73 and would like to see a license plate honoring firefighters and public safety employees. Thank you for supporting this bill.

Sergeant Rick Rifley
Airport Police & Fire Department
Fairbanks International Airport
(907) 474-2535 Office
(907) 474-2544 Fax
6450 Airport Way Ste 1
Fairbanks Ak 99709
rick.rifley@alaska.gov

Nancy Manly

From: Wes Perkins [njuswes@yahoo.com]
Sent: Friday, March 20, 2009 11:05 AM
To: Nancy Manly
Subject: HB 73 Special Plates

We are in support of HB 73, special lisence plates for EMS, Firefighters, in the State of Alaska. We have talked about this with Foster and Olson from our region before. Thanks Wes Perkins Safety Officer, Nome Volunteer Fire Dept. and EMT 1, Nome Volunteer Ambulance Dept. We support this bill.

Nancy Manly

From: Sean M. Huntley [seanh@searhc.org]
Sent: Friday, March 20, 2009 11:34 AM
To: Nancy Manly
Subject: HB 73

I support HB 73 that would provide special license plates for firefighters and ems providers. This would be a way for the Alaska State Firefighters' Association to provide help to the families of firefighters who have given the ultimate sacrifice to our state. It would also hopefully increase firefighter recruitment & retention by providing pride in the field.

Lt. Sean M. Huntley, Firefighter/EMT II
Capital City Fire/Rescue
President, Capital City Chapter of ASFA

Nancy Manly

From: arlen skaflestad [askaflestad@yahoo.com]
Sent: Friday, March 20, 2009 12:12 PM
To: Nancy Manly
Subject: License plates

I support HB 73 that would provide special license plates for firefighters and ems providers. It would give special recognition to a thankless job!!
Arlen Skaflestad
Captain
Hoonah VFD

Nancy Manly

From: CCFR.DC@gmail.com
Sent: Friday, March 20, 2009 1:18 PM
To: Nancy Manly
Subject: HB 73

I would like to express my support for HB 73 in developing a license plate for volunteer firefighters and EMS providers. Alaska relies heavly on these volunteers to provide emergency services. Recruitment is harder and harder. Retaining volunters is more and more dificult. This is one way to show our appriciation to them for the hundreds of hours they donate.

Rich Etheridge
Juneau, Alaska

Nancy Manly

From: Clime, Richard D (DOC) [richard.clime@alaska.gov]
Sent: Friday, March 20, 2009 2:19 PM
To: Nancy Manly
Subject: HB 73

Ms/Mrs. Manly,

I support HB 73 that would provide special license plates for firefighters and EMS providers. As being a 17 year active volunteer firefighter/Engineer/past-EMT here in Juneau for the Capital City Fire Rescue, I am support of the needs of a license plate representing the folks within the fire/EMS services, carreer/volunteer/combination, that represent our great state. Without the hard dedication and commitment it takes to do what they/we do, we'd be a hurting state of panic when the fire alarm/page goes out. Please consider this one vote/support of this house bill being presented next week to The House.

Mission Statement

"Readiness, Dedication, Service"

My personal motto in the fire services:
"All firefighters are pyromaniacs, we just keep it in control"
"If it wasn't for fire, we'd be out of a job"



Rych Clime
Volunteer FF/Engineer – Capital City Fire Rescue, Juneau – Douglas Volunteer Fire District
President – Douglas Volunteer Firefighters Association Fireclub (past vice president, past secretary/treasurer)
Vice President – Capital City Chapter of the Alaska State Firefighters Association, Juneau Alaska (past president, past secretary/treasurer)
Delegate Member of the Board of Directors, Alaska State Firefighters Association (past secretary/treasurer)
Delegate Member of the National Benefits Summit of National State Firefighters Association (2007/2008)

State of Alaska, United States of America
HAPPY 50TH ANNIVERSARY ALASKA!!
1/3/1959 - 1/3/2009

Nancy Manly

From: Scott Novak [novak@gci.net]
Sent: Friday, March 20, 2009 2:21 PM
To: Nancy Manly
Subject: HB 73

Please support HB 73, license plates for volunteer firefighters.

Scott Novak
volunteer firefighter
Capital City Fire & Rescue
Juneau, Alaska

Nancy Manly

From: Dan Tucker [tucker@mtaonline.net]
Sent: Friday, March 20, 2009 2:35 PM
To: Nancy Manly
Subject: Support for HB 73

Rep. Manly,

Please hear this plea in support of HB 73 – Special License Plates for firefighters and emergency service providers. I strongly support this measure.

As a 35+ year veteran of the fire service, including a 29 year career with the Anchorage Fire Department and some Volunteer service, I recognize that we are the unheralded heroes of a safe everyday life. We are usually proclaimed heroes just after a major event but most often simply overlooked most of the rest of the time.

We recognize Armed Service Veterans, appropriately, with vanity plates acknowledging their contribution to world and national security and peace. It is not inappropriate to recognize firefighters and other emergency responders for their contribution toward the common man's tranquility knowing that they can dial 911 and be taken care of.

It is said that "Only two defining forces have ever offered to die for you, Jesus Christ and the American G.I. One died for your soul, the other for your freedom. Thank them both today." (quote variously attributed) I often add the following when using this quote: "Firefighters and Police are the present-day, local representatives of this ethic. They willingly stand between you and your greatest fears."

Thank you for your effort on this bill.

Sincerely,
Dan
--
Daniel J. Tucker
Battalion Chief (Retired) Battalion One 'C'
Anchorage, Alaska, Fire Department 1973-2002
c/o 4330 Wickersham Way
Wasilla, AK 99654-7638
907/863-1313 cell
907/376-2630

Nancy Manly

From: Scott Johnson [scott.a.johnson@gmail.com]
Sent: Friday, March 20, 2009 2:44 PM
To: Nancy Manly
Cc: Sen. Donny Olson; Rep. Richard Foster
Subject: HB 73
Attachments: HB 73 copy FF Plates.pdf

Dear Ms. Manly,

I live in Nome and volunteer with the Nome Ambulance Department as an EMT. I have also served as an EMT with Copper River EMS out of Glennallen. I understand Representative Lynn has sponsored legislation in conjunction with Speaker Harris known as House Bill 73, an act providing for special license plates for firefighter and EMS personnel. I support this bill/amendment that I understand will be read into consideration some time next week. I have attached a copy of this bill which I have reviewed.

As I'm sure you are aware, in many areas of our state firefighting and EMS service is done by skilled volunteers, not paid professionals. These volunteers typically volunteer many long hours not only in the performance of their duties, but also in training time. This is a huge commitment of the individuals as well as their families. This is of course in addition to the many paid professionals who dedicate their careers to serving the residents of our great and wonderful state.

I believe these special commemorative license plates are a simple yet significant and appropriate way to recognize these individuals and their contribution to our communities and society in general.

Your assistance in passage of this legislation to the Senate would be very much appreciated.

Respectfully,

Scott A. Johnson

--
Scott Johnson
scott.a.johnson@gmail.com
mobile: +1.907.240.2483

PO Box 22092, Juneau, Alaska 99802

March 20, 2009

Representative Bob Lynn
Representative John Harris

On behalf of the Alaska State Firefighters Association, I would like to voice our unified support via this letter to HB 73, "An Act relating to special firefighter and emergency medical service provider license plates; and providing for an effective date."

As we have stated before, not only is this bill to recognize and thank both volunteer and paid personnel statewide, we feel it would be an effective tool in the recruitment and retention of volunteers.

Nationwide, as in Alaska, departments struggle with the recruitment of volunteers. Firefighters and emergency medical responders are called upon to do more than "show up" at an event. For volunteers their jobs require extensive training, taking valuable time from their families and home life. This is time given freely, without compensation and many times, without thanks from those they serve. People have just come to expect them to "show up" – paid or volunteer when there is an incident – and they do.

Our Mission:

To serve our members through professionalism and leadership there by

enhancing the Fire/Rescue services of Alaska.

PO Box 22092, Juneau, Alaska 99802

Both paid and volunteer personnel in the fire service, give more than is required by their jobs, they more times than naught volunteer in their off time within their communities to support various causes – helping their communities raise monies and put on programs that improve and add to the quality of life in communities all across the state.

The Alaska State Firefighters Association has applied for and been awarded more than $600,000 dollars in SAFER (Staffing for Adequate Fire and Emergency Response) Grants through FEMA. With these monies our organization is working with departments statewide to promote volunteerism and fund training for personnel. The Alaska State Firefighters Association is made up of both paid and volunteer firefighters and emergency service personnel – striving to enhance the fire and rescue service of the State of Alaska.

This bill would be a small token of appreciation and hopefully a "seed" of encouragement towards volunteerism.

Sincerely,

Dave Miller
President

Our Mission:

To serve our members through professionalism and leadership there by

enhancing the Fire/Rescue services of Alaska.

Nancy Manly

From: akvoyager@att.net
Sent: Friday, March 20, 2009 3:19 PM
To: Nancy Manly
Subject: Firefighter/EMS provider license plates

Ms. Manly,

I am wrtting you in support of HB 73 which provides for special license plate for firefighters and emergency services providers. I support this legislation for two basic reasons. First, I am a volunteer firefighter in my local community as well as an EMS responder. Secondly, and most importantly, if it were not for the acts of a group of EMS providers that came to my aid a year and a half ago I would not be here to send this email. I would have died of a major MI but with their assistance was able to pull through.

I have been to many incidents where similar fire/EMS has given their all and then some to protect property, save lives and provide a safe environment for us all to live in. They do this with very little, if any, recognition. I feel that a license plate would be a fitting was to recognize these dedicated individuals.

One last thing, in those communities utilizing volunteer fire/EMS personnel to protect their communities, having a special license plate would be a way for non-responders to recognize responding individuals when there was an emergency response in progress.

Thanks you for your time and I hope your support in recognizing these very important and dedicated individuals.

Richard Abbott
Juneau, Alaska

Nancy Manly

From: Paul Jennings [jennings_p@hotmail.com]
Sent: Friday, March 20, 2009 3:22 PM
To: Nancy Manly
Subject: HB 73

To whom it may concern,

I am the Vice President of the Petersburg Chapter of Alaska State Firefighters Association and a volunteer of that fire department. I have spoken with most of our department and some of the retired past members about this subject. So as the A representative of both active members and retired members of our department we support HB 73 that would provide special license plates for firefighters and ems providers.

Our department currently had about 60 members and about that many retired members that would fit the qualifications to get a license plate.

Thank you for taking the time to read this letter, Sincerely Paul Jennings and the Petersburg Volunteer Fire Department.

Express your personality in color! Preview and select themes for Hotmail®. See how.

Nancy Manly

From: jana harshey [janatorial@acsalaska.net]
Sent: Friday, March 20, 2009 3:27 PM
To: Nancy Manly
Subject: fire

I totally support the fire/ems plates. Thank-you Jana harshey sitka fire dept.
JANA HARSHEY

Nancy Manly

From: David Seng [dgseng@gmail.com]
Sent: Friday, March 20, 2009 3:41 PM
To: Nancy Manly
Subject: HB 73 Support

Hi Nancy,

I'm writing to voice my support for HB73 - the Special License Plates for firefighters and EMS providers. This would give recognition to the individuals that give so much of their hearts, souls and even lives to serve the public.

Dave Seng
Juneau, AK

Nancy Manly

From: Suzie Hill Koklich [arkalaska@yahoo.com]
Sent: Friday, March 20, 2009 5:35 PM
To: Nancy Manly
Subject: Re: FW: Firefighter/EMS provider license plates

Sorry I was out for a couple hours - what he is saying is not everyone responding has a blue light - no one in my community does any more - but if someone driving by sees a group of vanity plates w/firefighter or ems designation they will know there must be something going on - but these plates are NOT intended to give special privileges.

thanks - me

Suzie Hill Koklich
Alaska Director
National Volunteer Fire Council
P.O. Box 876
Valdez, Alaska 99686
(907) 835-4246 Email: arkalaska@yahoo.com

--- On **Fri, 3/20/09, Nancy Manly** <*Nancy_Manly@legis.state.ak.us*> wrote:

> From: Nancy Manly <Nancy_Manly@legis.state.ak.us>
> Subject: FW: Firefighter/EMS provider license plates
> To: "arkalaska@yahoo.com" <arkalaska@yahoo.com>
> Date: Friday, March 20, 2009, 3:27 PM
>
> Suzie: I was just reading Richard Abbot's letter. He mentions that having a special license plate would be a way for non-responders to recognize individuals when there is an emergency in progress. I hope that isn't the intent of getting these plates. These plates are vanity plates only. There will be no special privileges that will go with these plates. The way to recognize individuals when there is an emergency in progress will be the blue light on their car blinking to get out of the way. Am I misunderstanding? Please advise.
>
> Nancy Manly, Chief of Staff and
> House State Affairs Committee Aide *for*
> **Representative Bob Lynn**
> **House District 31**
> 907-465-2794 Fax: 907-465-4316
>
> **From:** akvoyager@att.net [mailto:akvoyager@att.net]

Sent: Friday, March 20, 2009 3:19 PM
To: Nancy Manly
Subject: Firefighter/EMS provider license plates

Ms. Manly,

I am wrtting you in support of HB 73 which provides for special license plate for firefighters and emergency services providers. I support this legislation for two basic reasons. First, I am a volunteer firefighter in my local community as well as an EMS responder. Secondly, and most importantly, if it were not for the acts of a group of EMS providers that came to my aid a year and a half ago I would not be here to send this email. I would have died of a major MI but with their assistance was able to pull through.

I have been to many incidents where similar fire/EMS has given their all and then some to protect property, save lives and provide a safe environment for us all to live in. They do this with very little, if any, recognition. I feel that a license plate would be a fitting was to recognize these dedicated individuals.

One last thing, in those communities utilizing volunteer fire/EMS personnel to protect their communities, having a special license plate would be a way for non-responders to recognize responding individuals when there was an emergency response in progress.

Thanks you for your time and I hope your support in recognizing these very important and dedicated individuals.

Richard Abbott
Juneau , Alaska

Nancy Manly

From: Steeves, Chris [Chris.Steeves@alyeska-pipeline.com]
Sent: Friday, March 20, 2009 7:14 PM
To: Nancy Manly
Subject: HB 73
Importance: High

Nancy-
I support HB 73 that would provide special license plates for firefighters and EMS providers.
Thank you for your support in this matter

Chris Steeves
Alyeska Fire and Rescue
Valdez Marine Terminal
Chris.Steeves@alyeska-pipeline.com
(907)250-6360

Nancy Manly

From: christinawuerker@uwalumni.com
Sent: Friday, March 20, 2009 8:24 PM
To: Nancy Manly
Subject: special license plates

I support HB 73 that would provide special license plates for firefighters and ems providers. This an absolutely amazing idea! So many states are already doing this.

Nancy Manly

From: Ken Lawrenson [kmlawrenson@yahoo.com]
Sent: Friday, March 20, 2009 9:57 PM
To: Nancy Manly
Subject: Support for HB73

As a Juneau volunteer firefighter, I urge the support of HB73, which authorizes the issue of specialized license plates to active and retired firefighters and EMS responders, and those who support them. This is a great idea to rally enthusiasm and support for those of us who are on the front line for our communities. It also provides an incentive for the recruitment of new firefighters, and retention of those in our ranks.

Thank you,

Ken
K. M. Lawrenson
pls reply to kmlawrenson@yahoo.com
503-334-6606 cell

Nancy Manly

From: saparilla@att.net
Sent: Friday, March 20, 2009 10:27 PM
To: Nancy Manly
Subject: HB 73

I support HB 73 that would provide special license plates for firefighters and ems providers.

Thank you,
Keturah Sadler

Nancy Manly

From: Carpenter, Pete [Pete.Carpenter@alyeska-pipeline.com]
Sent: Saturday, March 21, 2009 2:39 AM
To: Nancy Manly
Subject: HB 73 license plates!!!

I would most definitely support HB 73 to provide firefighters and EMS personnel with personalized license plates for our vehicles. This sounds like an amazing benefit for all emergency personnel.
Thanks for the support!

-Pete Carpenter-

Nancy Manly

From: jack.smith@gci.net
Sent: Saturday, March 21, 2009 7:54 AM
To: Nancy Manly
Subject: HB 73

This letter encourages the legislature to pass HB73 to provide license plates that recognize emergency service personnel that deliver critical life saving care to Alaska residents and visitors. Many of these personnel are volunteers that provide care with little compensation or recognition. As the number of emergency services volunteers decline around the country it is important that efforts are taken to provide recognition to this vital service.

Consideration and passage of this resolution is appreciated.

Jack M. Smith, Fire Chief
North Slope Borough Fire Department
P.O. Box 69
Barrow, Alaska 99723

Nancy Manly

From: Sean Wisner [akwisner@gmail.com]
Sent: Saturday, March 21, 2009 9:49 AM
To: Nancy Manly
Subject: HB 73

To whom it may concern,
I support of HB 73 - Special License Plates for firefighters and emergency service providers.
Thank You for your consideration regarding these matters.

--
Sean D. Wisner, Captain
Alyeska Fire and Rescue
Valdez Marine Terminal

Nancy Manly

From: Kathleen Miller [kmillerrn.juneau@gmail.com]
Sent: Saturday, March 21, 2009 1:56 PM
To: Nancy Manly
Subject: HB 73

Greetings from Skagway where I am stranded (weather) in the middle of an EMT 2 class. I had hoped to get back to Juneau for the Firefighter 1 class Saturday but we had to turn back due to snow squalls. I think that this email may be late but I do so heartily support HB 73 providing special license plates for fire fighting and EMS providers. I am currently a Public Health Nurse, in training to be an effective fire/EMS volunteer. I do know that when the 'all call' sounds for a fire or motor vehicle accident that we need to have a consistent, efficient way for law enforcement or other providers to recognize our vehicles for effective scene access. Not everyone will have a 'blue light' in their vehicle...in addition to which I suspect that lights can be purchased by 'anyone'. A special plate would be more official as well as a recognized identifier.

Thank you for working on HB 73, Kathy Miller RN, MPH, EMT 1 and Lynn Canal Station volunteer for CCF/R-Juneau

Nancy Manly

From: stefanie bromagen [stefaniebromagen@yahoo.com]
Sent: Saturday, March 21, 2009 7:37 PM
To: Nancy Manly
Subject: HB73

I support the HB73 for the Firefighter /EMS Liscense Plates.

Stefanie Bromagen
Firefighter/EMS
Ketchikan Gateway Chapter ASFA President

Nancy Manly

From: Gregory Brown [stormcloudff@hotmail.com]
Sent: Saturday, March 21, 2009 8:30 PM
To: Nancy Manly
Subject: Support of bill 73

I support house bill 73 as a member of Gateway Chapter.
Greg

Windows Live™ SkyDrive: Get 25 GB of free online storage. Check it out.

Nancy Manly

From: skillingsg@gmail.com
Sent: Saturday, March 21, 2009 9:52 PM
To: Nancy Manly
Subject: HB 73

I am a Sr. Fire Medic for the Ketchikan Fire Department and a volunteer with the North Tongass Volunteer Fire Dept. I support HB 73 that would provide special license plates for firefighters and ems providers.

Thank you,
Gretchen Skillings
Ketchikan

Nancy Manly

From: ken Montero [monteroken@gmail.com]
Sent: Sunday, March 22, 2009 6:19 AM
To: Nancy Manly
Subject: please support this bill

please support this bill.

Nancy Manly

From: Glen Hofmann [glenh15@hotmail.com]
Sent: Sunday, March 22, 2009 5:23 PM
To: Nancy Manly
Subject: HB 73

Nancy,
My name is Glen, I am a Paramedic/Firefighter for the City of Ketchikan.
I support HB 73.
Thank you.

Glen A. Hofmann

Windows Live™ SkyDrive: Get 25 GB of free online storage. Check it out.

Nancy Manly

From: Hill, Gail J (DOT) [gail.hill@alaska.gov]
Sent: Monday, March 23, 2009 7:26 AM
To: Nancy Manly
Subject: FF Plates

Good Morning Nancy,

I would like to let you know that I support HB 73 that would provide special license plates for firefighters and EMS providers. I am a volunteer EMT with the City of Ketchikan.

Thank you for your efforts in putting this forward.

Gail J. Hill
Administrative Officer II
Alaska Marine Highway System
(907)228-6868
gail.hill@alaska.gov

Nancy Manly

From: Hoff, Bradley S MIL USA USARPAC [bradley.s.hoff@us.army.mil]
Sent: Monday, March 23, 2009 7:20 AM
To: Nancy Manly
Subject: Public Safety license plates (UNCLASSIFIED)
Signed By: There are problems with the signature. Click the signature button for details.

Classification: UNCLASSIFIED

Caveats: NONE

I support HB 73 that would provide special license plates for firefighters and EMS providers. This is a potential recruiting tool to get more people involved into the drastically under manned public services with much needed staffing.

I am honored to be a veteran as well to know that our state has special license plates to honor them but our public also needs to be aware of then thousands of men and women who devote their lives to public safety.

V/R

Bradley Hoff

Fire Inspector & Public Education Coordinator
Fire & Emergency Services
FT. Wainwright, Alaska 99703
(907) 353- 9141/Desk; 353-9166/office; Fax: (907) 353-9100 FWA Fire Prevention

SMOKE ALARMS...DON'T STAY HOME WITHOUT ONE!

"Everyone Goes Home"

Firefighter Life Safety Initiatives

Leiutenant, North Star VFD, North Pole Alaska

Classification: UNCLASSIFIED

Caveats: NONE

Nancy Manly

From: fmonrean@kpunet.net
Sent: Monday, March 23, 2009 6:59 AM
To: Nancy Manly
Subject: Firefighter/Ems License plates

nancy:
I just wanted to let you know that I support the license plates for volunteer firefighter/EMS responders. It is about the worst job in the world cutting some poor person out of a car and tring to get them out alive. The risks are extreme. A little show of recognition would be nice.
Fred

---

mail2web.com - Microsoft® Exchange solutions from a leading provider -
http://link.mail2web.com/Business/Exchange

Nancy Manly

From: Jeff Jones [jeffj533@hotmail.com]
Sent: Monday, March 23, 2009 1:08 AM
To: Nancy Manly
Subject: HB 73

To Whom It May Concern:
I support HB 73 that would provide special license plates to firefighters and EMS providers. Thank you for your time.

Jeff Jones
Ketchikan Fire Department

Internet Explorer 8 - Now Available. Faster, safer, easier. Download FREE now!

Nancy Manly

From: Victoria Godkin [Victoria_Godkin@ci.juneau.ak.us]
Sent: Friday, March 20, 2009 4:56 PM
To: Nancy Manly
Attachments: Victoria Godkin.vcf

I support house bill HB 73

Victoria Godkin
Administrative Assistant III
Capital City Fire/Rescue
820 Glacier Avenue
Juneau, Alaska 99801
(907)586-0262 PHONE
(907)586-8323 FAX

Nancy Manly

From: Valerie Allen [pwsec1@ci.petersburg.ak.us]
Sent: Friday, March 20, 2009 4:42 PM
To: Nancy Manly
Subject: Special License Plates

Good afternoon,

I support HB 73 that would provide special license plates for firefighters and ems providers. I am a current EMS lieutenant with the Petersburg Volunteer Fire Department and think this is a great way for the State to show our volunteers that we appreciate what they do for their communities.

Thank you,

Valerie Allen
P.O. Box 1863
Petersburg, AK 99833

Nancy Manly

From: Sam Dalin [revsamd@yahoo.com]
Sent: Friday, March 20, 2009 4:30 PM
To: Nancy Manly
Subject: Firefighter/EMS

As Chaplain of Capital City Fire/Rescue and Juneau Police Department Chaplain I am in favor of these plates. Chaplain Sam Dalin

Nancy Manly

From: Clime, Richard D (DOC) [richard.clime@alaska.gov]
Sent: Monday, March 23, 2009 8:34 AM
To: Nancy Manly
Subject: FW: Firefighter Support

From: reifen@gci.net [mailto:reifen@gci.net]
Sent: Saturday, March 21, 2009 10:36 PM
To: Clime, Richard D (DOC)
Subject: Firefighter Support

Rych, can you send this along? I can't seem to get the email address for Ms. Manly to work. Thanks. - G

This note is written in support of HB 73. I have been a firefighter/EMS provider in Juneau since 1974, am the retired District Chief for the Lynn Canal/Auke Bay District and currently serve in the capacity of Captain, Special Rescue Teams for Capitol City Fire/Rescue. In the 35 years that I have been a volunteer in the fire service I have been blessed to serve with numerous dedicated individuals, received great training opportunities and to had the satisfaction of serving my community. The rewards of saving property, protecting the environment and in several instances actually saving lives has enriched my life in ways that words can scarcely describe. As I near the end of this important and defining part of my life I realize that HB 73 makes the transition a little easier; we don't retire our pagers and helmets without profound regret or an acceptance that we'll not miss the calls and opportunity to serve.

Thanks,

George Reifenstein Jr., Captain, Special Teams, CCF/R
4202 Auke Lane,
Juneau, AK 99801

Nancy Manly

From: Sven Pearson [svenpearson@gmail.com]
Sent: Monday, March 23, 2009 9:56 AM
To: Nancy Manly
Subject: HB 73

I totally support HB 73 that would provide special license plates for firefighters! Many states have a similar program honoring firefighters that risk their lives for others.

Sven Pearson
Juneau, Alaska

Nancy Manly

From: jason groves [wjgroves@hotmail.com]
Sent: Monday, March 23, 2009 3:33 PM
To: Nancy Manly
Subject: HB73

I support HB 73 that would provide special license plates for firefighters and ems providers, we support the military already and these people put just as much on the line everyday.
Thank
Jason Groves
Cordova

Nancy Manly

From: david@vikingtrvl.net
Sent: Monday, March 23, 2009 3:32 PM
To: Nancy Manly
Subject: HB 73 - Special License Plates for firefighters and emergency service providers.

Hi

I support HB 73 that would provide special license plates for firefighters and ems providers.

As a volunteer chief with the PSG VFD, I rely on volunteers to help fill our ranks..
Anything we can offer our department is most appreciated, and somthing a little special.

Thanks
Dave Berg

David Berg
Viking Travel, Inc.
www.AlaskaFerry.com
907.772.3818 - Phone
907.772.3940 - Fax
101 N. Nordic, Box 787
Petersburg AK 99833

State of Alaska
Department of Public Safety
Division of
Fire and Life Safety

Sarah Palin, Governor
Joseph A. Masters, Commissioner

March 23, 2009

Representative Bob Lynn
Alaska State Capital, Room 104
Juneau, Alaska 99801-1182

Honorable, Representative Lynn,

The Alaska Division of Fire and Life Safety is pleased to support House Bill 73, "An Act relating to special fire fighter and emergency medical service provider license plates; and providing for an effective date".

The establishment of special license plates is an excellent way to recognize firefighters and EMT's for their efforts and sacrifices as they work to improve the safety of their communities. These emergency responders are a proud dedicated group of professionals who spend hundreds of hours training and preparing to respond to those in need. The majority of emergency responders in Alaska work for little or no pay and spend a large amount of time away from their families to provide this service. These commendable efforts are rarely recognized. HB 73 will provide a method for that daily recognition and also allow the firefighters and EMT's an opportunity to show their pride in belonging to the emergency services family.

My office whole heartedly supports this bill as an effective incentive to recognize the emergency responders within the community and encourage others to get involved.

Respectfully,

David L. Tyler
State Fire Marshal

Office of the State Fire Marshal
5700 E. Tudor Road – Anchorage, AK 99507 – Voice (907) 269-5491– Fax (907) 338-4375

ALASKA FIRE CHIEF'S ASSOCIATION
2358 Bradway Road, North Pole, Alaska 99705
Phone: (907) 488-3400 FAX: (907) 488-6118 EIN #92-0098649



March 23, 2009

Dear Alaska House Representatives:

The Alaska Fire Chief's Association fully endorses and supports the addition of Firefighter and Emergency Service Provider License Plates to House Bill 73.

The majority of Alaskan communities are served by volunteer firefighters and emergency medical technicians that routinely leave their family and jobs day and night to provide service to their local communities. These volunteers need recognition for the work they do and the service they provide in their neighbors times of need.

Establishing firefighter and emergency medical service provider license plates will give statewide recognition of the service and sacrifice these men and women make to their community and hopefully foster a spirit of volunteerism in Alaska.

Thank you for considering this addition to HB 73.

Cordially,

Michelle Weston
Government Relations
Alaska Fire Chief's Association

Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • http://www.muni.org
100 East Fourth Ave. • Anchorage, Alaska 99501 • Telephone: (907) 267-4986 • Fax: (907) 267-4977

Matt Claman,
Acting Mayor

Fire Department

March 23, 2009

Dear Alaska House Representatives:

On behalf myself and the Anchorage Fire Department, I would like to offer my support of House Bill 73 which provides for Firefighter and Emergency Service Provider License Plates.

Having such a license plate would allow for immediate recognition on the scene of an accident or any other emergency situation which would ultimately save valuable time getting through to the site.

Also, a large portion of Alaskan communities are served by volunteer firefighters and emergency medical technicians that routinely leave their family and jobs day or night to provide service to their local communities and assist their neighbors in their time of need. Having a specialized license plate would provide them recognition for the sacrifice they make – much like those recognizing our Veterans.

This is an excellent idea and I would like to thank you for considering this addition to House Bill 73.

Sincerely,

Michelle Weston, Acting for

Craig P. Goodrich
Fire Chief

Community, Security, Prosperity

Nancy Manly

From: Jose Diorec [jkdiorec@yahoo.com]
Sent: Monday, March 23, 2009 7:24 PM
To: Nancy Manly
Subject: HB 73

From 2005 to 2007 I lived in Washington State where I saw numerous vehicles with the Maltese Cross firefighter emblem on their license plates. I worked for a private ambulance service which works directly with the surrounding fire departments. After talking with these firefighters I discovered these vehicles with the "fire department" license plates were all members of the IAFF(International Association of Fire Fighters) union.
As we all know, emergency apparatus have warning lights to identify themselves and to alert the public. There are many different stores where anyone is able to purchase these warning lights and to use them for unlawful purposes. A second identifier, such as a license plate, would help to eliminate this type of misuse.
I began my fire service career as a volunteer firefighter/EMT in 1994 here in Alaska. As stated above, I worked for two years in Washington State as an EMT. I now work as a full-time firefighter/EMT here in southeast Alaska and intend to complete my years of service here in the state.
Whether you are a career firefighter or a volunteer firefighter we all have a duty and the commitment to represent and serve our communities.
I would be proud to display my commitment and service!
I support HB 73 that would provide special license plates for firefighters and ems providers.

Jose Diorec
Firefighter/EMT
Ketchikan Fire Department
Ketchikan, Alaska

SENATE COMMITTEE REPORT

DATE: 3/22/10

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered CS FOR HOUSE BILL NO. 73(FIN)

HB 73 FIREFIGHTER/EMT LICENSE PLATES

"An Act relating to special fire fighter and emergency medical service provider license plates; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADMIN	02/01/10			X	2

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	Paskvan	X			
	Kookesh	✓			
CHAIR:	MENARD	✓			

HB

106

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4833
Fax (907) 465-4586
1-800-782-4833
Representative_Reggie_Joule@legis.state.ak.us

During Interim:
P.O. Box 673
Kotzebue, Alaska 99752
(907) 442-3880
Fax (907) 442-3022

Alaska State Legislature

REPRESENTATIVE REGGIE JOULE

To: Senator Menard, Chair, Senate State Affairs Committee

From: Representative Joule

Re: Request for hearing

Date: April 15, 2009

I would like to formally request a hearing on CS HB 106, "An act relating to grants to nonprofit regional corporations, and, in certain situations, to municipalities with populations of less than 10,000, for village public safety officers in rural areas; defining 'rural area' for the purpose of the village public safety officer program; and authorizing municipalities to accept grants under, and contract with respect to, the village public safety officer program." I have attached my sponsor statement, sectional analysis, bill, and other pertinent information. I would appreciate a hearing as soon as possible. If you have any questions or comments, please do not hesitate to contact me or Elizabeth Hensley in my office at 465-4924. I appreciate your consideration of this request.

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4833
Fax (907) 465-4586
1-800-782-4833
Representative_Reggie_Joule@legis.state.ak.us



During Interim:
P.O. Box 673
Kotzebue, Alaska 99752
(907) 442-3880
Fax (907) 442-3022

Alaska State Legislature
REPRESENTATIVE REGGIE JOULE

Sponsor Statement

CS HB 106

"An act relating to village public safety officers and regional public safety officers."

The purpose of CS HB 106 is to provide flexibility in the implementation of the Village Public Safety Officer Program (VPSO). Under the current law, regional nonprofit corporations receive grants to administer the Program; however, not all regional nonprofit corporations wish to do so. CS HB 106 would amend the law to provide the option for boroughs with fewer than 10,000 residents to administer the Program. This would not interfere with existing nonprofit implementation of the Program where the sentiment from effected communities is that the Program should be housed in the nonprofit. All Alaskans deserve to be safe and secure in their hometowns. This bill aims to make that possible in yet more villages.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 106**
() Publish Date:

Identifier (file name): **HB106-DPS-DET-02-23-09**
Title "An act relating to village public safety officers."
Sponsor Representative Joule
Requester House Community and Regional Affairs

RDU Public Safety
Component Alaska State Troopers
Component AST Detachments
Component Number 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill amends AS 18.65.670 to include boroughs as an authorized entity allowed to administer the village public safety program.

Passage of this legislation will have no fiscal impact on the department.

Prepared by: Lt. Rodney Dial
Division Alaska State Troopers
Approved by: Joseph Masters, Commissioner
Department of Public Safety

Phone 907-247-4480
Date/Time 2/23/09 12:09 PM
Date

(Revised 11/19/2007 OMB)

NORTHWEST ARCTIC BOROUGH
RESOLUTION 09-05

A RESOLUTION OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY SUPPORTING STATE LEGISLATION TO ENABLE THE BOROUGH TO PROVIDE PUBLIC SAFETY SERVICES WITHIN THE BORUGH THROUGH THE VILLAGE PUBLIC SAFETY OFFICER PROGRAM AND FOR RELATED PURPOSES

WHEREAS: the State of Alaska is constitutionally mandated to provide public safety services for all state residents, and

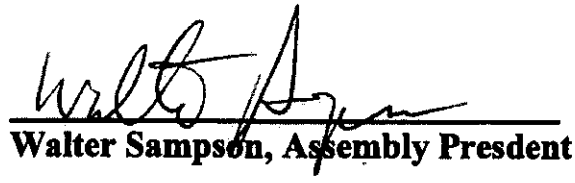
WHEREAS: the Northwest Arctic Borough, an Alaskan home rule municipality, has made it one of its highest priorities to enhance and promote the well being and public safety of all its residents by managing and implementing borough law enforcement powers, and

WHERAS: the Maniilaq Association, a regional non-profit for the Northwest area of Alaska, receives funding for and manages the state sponsored Village Public Safety Officer (VPSO) program, and

WHERAS: Representative Reggie Joule has introduced House Bill 106, which would allow boroughs to contract for, manage and implement the VPSO program.

NOW THEREFORE BE IT RESPOLVED that the Northwest Arctic Borough Assembly supports House Bill 106, which would allow the borough to contract for, manage and implement the VPSO program.

PASSED AND ADOPTED THIS 24th DAY OF FEBRUARY 2009.



Walter Sampson, Assembly Presdent

APPROVED THIS 24th DAY OF FEBRUARY 2009.

U.S. Census Bureau
American FactFinder

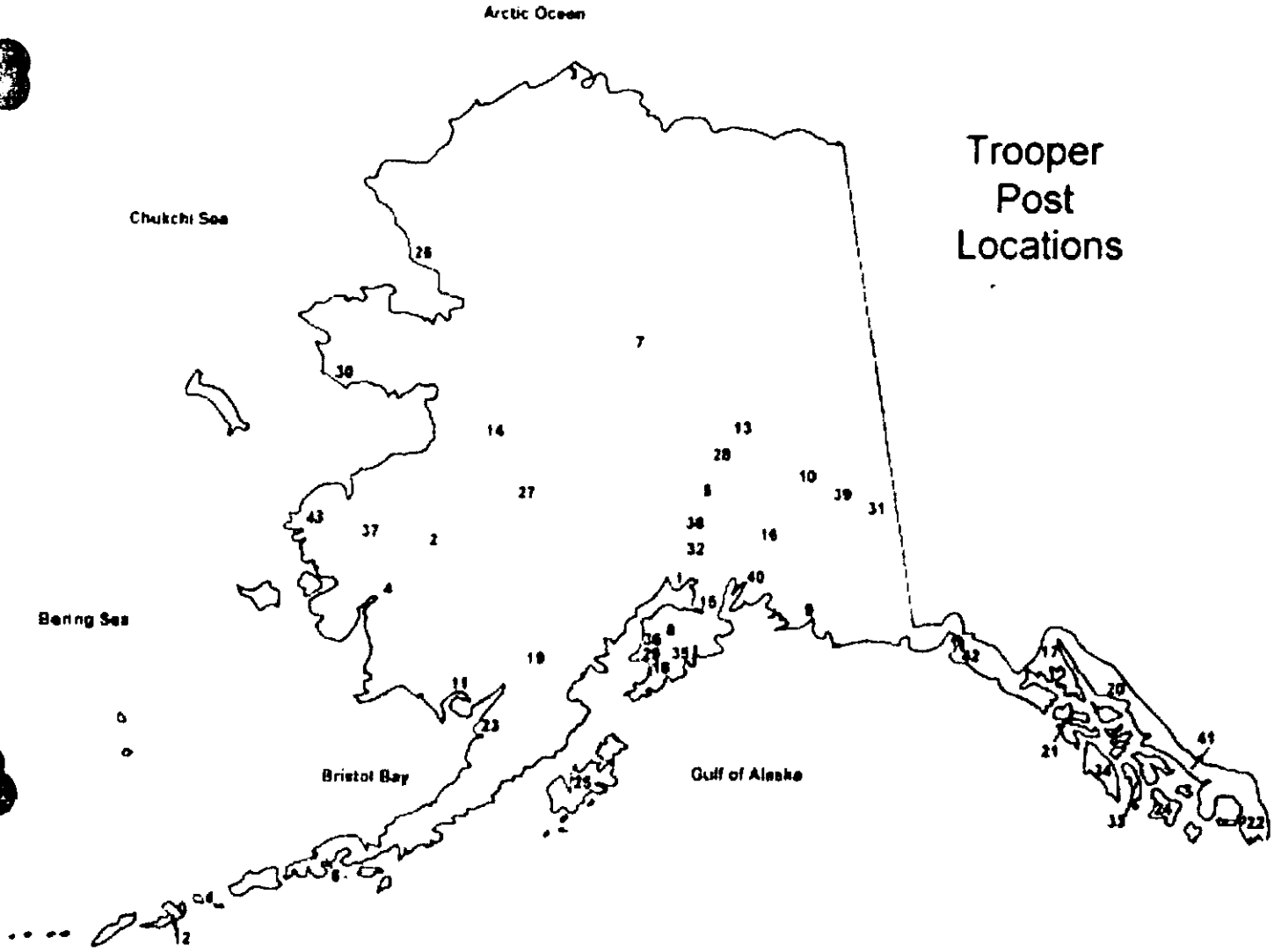


Alaska -- Borough or Census Area
GCT-T1-R. Population Estimates (geographies ranked by estimate)
Data Set: **2006 Population Estimates**

Note: For information on errors stemming from model error, sampling error, and nonsampling error, see: http://www.census.gov/popest/topics/methodology.

Rank	Geographic area	Population Estimates							Estimates Base	Census 2000
		July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003	July 1, 2002	July 1, 2001	July 1, 2000	April 1, 2000	April 1, 2000
	Alaska	670,053	663,253	656,834	647,747	640,544	632,241	627,533	626,931	626,932
	BOROUGH OR CENSUS AREA									
1	Anchorage Municipality	278,700	275,474	273,756	270,816	267,561	263,621	260,509	260,283	260,283
2	Fairbanks North Star Borough	86,754	87,555	86,769	85,172	84,722	83,795	82,727	82,840	82,840
3	Matanuska-Susitna Borough	80,480	76,112	72,187	68,292	65,079	62,204	59,907	59,322	59,322
4	Kenai Peninsula Borough	52,304	51,766	51,527	51,208	51,008	50,172	49,673	49,691	49,691
5	Juneau City and Borough	30,737	30,881	31,061	30,999	30,769	30,572	30,680	30,711	30,711
6	Bethel Census Area	17,147	17,118	16,979	16,844	16,627	16,291	16,092	16,046	16,006
7	Ketchikan Gateway Borough	13,384	13,263	13,199	13,343	13,573	13,810	13,985	14,059	14,070
8	Kodiak Island Borough	13,072	13,073	13,222	13,363	13,690	13,751	13,977	13,913	13,913
9	Valdez-Cordova Census Area	9,872	9,923	9,940	9,979	10,070	10,111	10,240	10,195	10,195
10	Nome Census Area	9,245	9,355	9,373	9,227	9,155	9,170	9,171	9,196	9,196
11	Sitka City and Borough	8,920	8,917	8,859	8,856	8,849	8,708	8,838	8,835	8,835
12	Wade Hampton Census Area	7,580	7,493	7,481	7,301	7,170	7,083	7,042	7,028	7,028
13	Northwest Arctic Borough	7,511	7,435	7,418	7,306	7,274	7,255	7,215	7,208	7,208
14	Southeast Fairbanks Census Area	6,773	6,488	6,034	5,738	5,625	5,696	6,167	6,174	6,174
15	North Slope Borough	6,608	6,790	6,951	7,145	7,152	7,240	7,373	7,385	7,385
16	Wrangell-Petersburg Census Area	6,096	6,230	6,294	6,286	6,447	6,622	6,689	6,684	6,684
17	Yukon-Koyukuk Census Area	5,844	6,104	6,293	6,306	6,325	6,326	6,489	6,510	6,551
18	Prince of Wales-Outer Ketchikan Census Area	5,688	5,657	5,758	5,766	5,745	5,910	6,138	6,157	6,146
19	Aleutians West Census Area	5,239	5,368	5,457	5,452	5,157	5,374	5,441	5,465	5,465
20	Dillingham Census Area	4,970	4,966	4,944	4,907	4,971	4,888	4,931	4,922	4,922
21	Skagway-Hoonah-Angoon Census Area	3,100	3,137	3,137	3,149	3,276	3,387	3,433	3,436	3,436
22	Aleutians East Borough	2,647	2,696	2,678	2,720	2,668	2,460	2,684	2,697	2,697
23	Haines Borough	2,257	2,243	2,241	2,298	2,299	2,310	2,399	2,392	2,392
24	Denali Borough	1,846	1,813	1,896	1,863	1,851	1,837	1,894	1,893	1,893
25	Lake and Peninsula Borough	1,548	1,578	1,593	1,591	1,595	1,686	1,809	1,823	1,823
26	Bristol Bay Borough	1,042	1,103	1,090	1,107	1,146	1,182	1,232	1,258	1,258
27	Yakutat City and Borough	689	715	697	713	740	780	798	808	808

Source: US Census Bureau, Population Estimates Program



Headquarters and Posts for the Detachments and Bureaus

Detachment	Headquarters	Posts
A	Ketchikan	Haines, Juneau, Klawock, Ketchikan, Petersburg
B	Palmer	Glennallen, Palmer/Mat-Su West, Talkeetna
C	Anchorage	Anchorage, Aniak, Bethel, Dillingham, Emmonak, Iliamna, King Salmon, Kodiak, Kotzebue, McGrath, Nome, Saint Mary's, Unalakleet
D	Fairbanks	Barrow, Cantwell, Delta Junction, Fairbanks, Galena, Healy, Nenana, Northway, Tok
E	Soldotna	Anchor Point, Cooper Landing, Girdwood, Ninilchik, Seward, Soldotna
ABADE	Anchorage	Anchorage, Bethel, Fairbanks, Juneau, Kodiak, Kotzebue, Nome, Palmer, Soldotna, Wasilla
ABI	Anchorage	Anchorage, Fairbanks, Palmer, Soldotna, Mat-Su West

Source: http://www.dps.state.ak.us/AST/detachments.aspx

SENATE COMMITTEE REPORT

DATE: 4/15/09

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4/16/09

State Affairs Committee considered CS FOR HOUSE BILL NO. 106(STA)(title am)

HB 106 VILLAGE PUBLIC SAFETY OFFICERS

"An Act relating to grants to nonprofit regional corporations, and, in certain situations, to municipalities with populations of less than 10,000, for village public safety officers in rural areas; defining 'rural area' for the purpose of the village public safety officer program; and authorizing municipalities to accept grants under, and contract with respect to, the village public safety officer program."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DPS	2/23			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
K. Meyer	Meyer	X			
Joe Paskvan	PASKVAN	X			
CHAIR: Linda Menard	MENARD	X			

HB

139

Alaska State Legislature

Interim:
600 E. Railroad Ave
Wasilla, AK 99654

Phone: (907) 376-3725
Fax: (907) 376-4768

Session:
Alaska State Capitol, Rm 108
Juneau, AK 99801-1182

Phone: (907) 465-3743
Fax: (907) 465-2381
Toll Free: (800) 565-3743
Rep_Carl_Gatto@legis.state.ak.us

Representative Carl Gatto

Chair, House Military and Veteran Affairs Committee
District 13 - Palmer

TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Representative Carl Gatto

DATE: April 7, 2009

RE: HB139: ALLOW SCREEN DEVICES IN UTILITY VEHICLES

****

Please consider this memorandum as a request for the Senate State Affairs Committee to schedule a hearing on HB139. Accompanying this memo are the following documents:

- HB139: 26-LS0573\A
- Sponsor Statement
- Fiscal Note: HB139-DPS-DET-03-02-09
- SCS CSHB 88(JUD), signed into law 6/9/08
- AS §42.05.990, pertaining to definition of "public utility"
- Background Information
  - Letter of support from Enstar Natural Gas Company
  - Letter of support from Chugach Electric Association
  - Legal memorandum by Jerry Luckhaupt dated March 4, 2009
- Expected Witness List

Thank you for considering my request for a hearing on HB139. Please contact Allison Laffen at 465-2840 with any questions.

Alaska State Legislature

Interim:
600 E. Railroad Ave
Wasilla, AK 99654
Phone: (907) 376-3725
Fax: (907) 376-4768

Session:
Alaska State Capitol, Rm 108
Juneau, AK 99801-1182
Phone: (907) 465-3743
Fax: (907) 465-2381
Toll Free: (800) 565-3743
Rep_Carl_Gatto@legis.state.ak.us

Representative Carl Gatto

Chair, House Military and Veteran Affairs Committee
District 13 - Palmer

SPONSOR STATEMENT
HB 139: ALLOW SCREEN DEVICES IN UTILITY VEHICLES

"An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers."

HB 139 is a fix-it bill to correct an oversight in HB 88 that passed in the 25th Legislature. HB 88 prohibits the driver of an automobile from having a screen device, such as a television, video monitor, portable computer, or similar device, operating within their view while the automobile is in motion. Exceptions were made in HB 88 for cell phone usage for verbal communication, navigation or global positioning, maps, etc. HB 88 also recognized that the Department of Transportation and Public Facilities may need to access a screen device in their automobiles while performing highway construction, maintenance or repair, and included an exception for those activities; however, HB 88 failed to include an additional exception for public utilities.

This legislation would provide public utilities with similar access for maintenance, repair, or data acquisition in order to perform their duties. As an example, meter readers for a gas company no longer physically exit their car to collect usage information; instead the information is collected by interrogating the meter as the meter reader drives past the location. The drivers need to verify as they drive by a home, for example, that the data is being collected. More importantly, if there is a gas leak, the driver will see on his screen device that there is a problem with the line as he drives by the point of leak. Finally, the drivers also receive messages from police and fire departments in the case of an emergency where a gas line would need to be shut off. Other public utilities, as defined in AS 42.05.990, have similar reasons for needing access to a screen device in performance of their duties.

HB 139 is intended to correct this oversight and provide public utilities an exception in order to allow them to fully perform their job functions.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB139
(H) Publish Date: 3/12/09

Identifier (file name): HB139-DPS-DET-03-02-09
Department: Public Safety
Title: "An Act providing for an exception to allow drivers of public... utility vehicles to operate the vehicle with screen devices".
RDU: Alaska State Troopers
Component: AST Detachments
Sponsor: Representative Gatto
Requester: House State Affairs
Component Number: 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill amends AS 28.35.161(c) by adding an exemption for those operating public utility vehicles to operate those vehicles with screen devices.

This bill will have no fiscal impact on the department.

Prepared by: Lt. Rodney Dial
Phone 907-247-4480
Division: Alaska State Troopers
Date/Time 3/5/09 12:44 PM
Approved by: Joseph Masters, Commissioner
Department of Public Safety
Date 3/5/2009

1100

LAWS OF ALASKA

2008

Source
SCS CSHB 88(JUD)

Chapter No.

AN ACT

Relating to televisions, monitors, portable computers, and similar devices in motor vehicles; relating to the definition of physical injury for the Alaska Uniform Vehicle Code; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

Relating to televisions, monitors, portable computers, and similar devices in motor vehicles; relating to the definition of physical injury for the Alaska Uniform Vehicle Code; and providing for an effective date.

*** Section 1.** AS 28.35 is amended by adding a new section to read:

Sec. 28.35.161. Driving a motor vehicle with a screen device operating; unlawful installation of television, monitor, or similar device. (a) A person commits the crime of driving with a screen device operating if

(1) the person is driving a motor vehicle;

(2) the vehicle has a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of a driver in a normal driving position while the vehicle is in motion; and

(3) the monitor or visual display is operating while the person is driving.

(b) A person may not install or alter equipment described in (a)(2) of this section that allows the images to be viewed by the driver in a normal driving position while the vehicle is in motion.

(c) Subsections (a) and (b) of this section do not apply to

(1) portable cellular telephones or personal data assistants being used for verbal communication or displaying caller identification information;

(2) equipment that is displaying only

(A) audio equipment information, functions, and controls;

(B) vehicle information or controls related to speed, fuel level, battery charge, and other vehicle safety or equipment information;

(C) navigation or global positioning;

(D) maps;

(E) visual information to

(i) enhance or supplement the driver's view forward, behind, or to the sides of the motor vehicle for the purpose of maneuvering the vehicle; or

(ii) allow the driver to monitor vehicle occupants seated behind the driver;

(F) vehicle dispatching and response information for motor vehicles providing emergency road service or roadside assistance;

(G) vehicle dispatching information for passenger transport or freight or package delivery; or

(H) information for use in performing highway construction, maintenance, or repair or data acquisition by the Department of Transportation and Public Facilities or a municipality.

(d) Subsections (a) and (b) of this section do not apply to devices and equipment installed in an emergency vehicle. In this subsection, "emergency vehicle" means a police, fire, or emergency medical service vehicle.

(e) It is an affirmative defense to a prosecution under (b) of this section that the equipment installed or altered includes a device that, when the motor vehicle is being driven, disables the equipment for all uses except those described in (c) of this

section.

(f) A person who violates (a) of this section is guilty of

(1) a class A misdemeanor, unless any of the circumstances described in (2) - (4) of this subsection apply;

(2) a class C felony if the person's driving causes physical injury to another person;

(3) a class B felony if the person's driving causes serious physical injury to another person;

(4) a class A felony if the person's driving causes the death of another person.

(g) A person who violates (b) of this section is guilty of a class A misdemeanor.

*** Sec. 2.** AS 28.90.990(a) is amended by adding a new paragraph to read:

(30) "physical injury" has the meaning given in AS 11.81.900.

*** Sec. 3.** This Act takes effect September 1, 2008.

C
West's Alaska Statutes Annotated Currentness
Title 42. Public Utilities and Carriers
Chapter 05. Alaska Public Utilities Regulatory Act
Article 10. General Provisions
→ § 42.05.990. Definitions

In this chapter

(1) "affiliated interest" includes:

(A) a person owning or holding directly or indirectly five percent or more of the voting securities of a public utility engaged in intrastate business in this state;

(B) a person, other than those specified in (A) of this paragraph, in a chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public utility;

(C) a corporation five percent or more of whose voting securities are owned by a person owning five percent or more of the voting securities of the public utility or by a person in such a chain of successive ownership of five percent or more of the voting securities;

(D) a corporation five percent or more of whose voting securities are owned or held by a public utility;

(E) a person with whom the public utility has a management or service contract;

(F) a person who is an officer or director of such a public utility or of a corporation in a chain of successive ownership of five percent or more of voting securities;

(G) a corporation which has one or more officers or directors in common with a public utility;

(H) a person or corporation who or which the commission determines as a matter of fact, after investigation and hearing, actually is exercising such substantial influence over the policies and actions of a utility in conjunction with one or more other corporations or persons with whom they are related by ownership or blood, or by action in concert, that together they are affiliated with the utility within the meaning of this section even though none of them alone is so affiliated; or

(I) a person or corporation who or which the commission determines as a matter of fact after investigation and hearing actually is exercising substantial influence over the policies and actions of a utility even though such influence is not based upon stockholdings, stockholders, officers or directors to the extent specified in this section;

(2) "commission" means the Regulatory Commission of Alaska;

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(3) "public" or "general public" means

(A) a group of 10 or more customers that purchase the service or commodity furnished by a public utility;

(B) one or more customers that purchase electrical service for use within an area that is certificated to and presently or formerly served by an electric utility if the total annual compensation that the electrical utility receives for sales of electricity exceeds $50,000; and

(C) a utility purchasing the product or service or paying for the transmission of electric energy, natural or manufactured gas, or petroleum products that are re-sold to a person or group included in (A) or (B) of this paragraph or that are used to produce the service or commodity sold to the public by the utility;

(4) "public utility" or "utility" includes every corporation whether public, cooperative, or otherwise, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant, pipeline, or system for

(A) furnishing, by generation, transmission, or distribution, electrical service to the public for compensation;

(B) furnishing telecommunications service to the public for compensation;

(C) furnishing water, steam, or sewer service to the public for compensation;

(D) furnishing by transmission or distribution of natural or manufactured gas to the public for compensation;

(E) furnishing for distribution or by distribution petroleum or petroleum products to the public for compensation when the consumer has no alternative in the choice of supplier of a comparable product and service at an equal or lesser price;

(F) furnishing collection and disposal service of garbage, refuse, trash, or other waste material to the public for compensation;

(5) "rate" includes each rate, toll, fare, rental, charge, or other form of compensation demanded, observed, charged, or collected by a public utility for its services;

(6) "service" means, unless the context indicates otherwise, every commodity, product, use, facility, convenience, or other form of service that is offered for and provided by a public utility for the convenience and necessity of the public;

(7) "tariff" means a rate, charge, toll, rule, or regulation of a utility relating to services furnished by the utility to the general public for compensation and every map, page, adoption notice, instrument, or other document filed with the commission setting out the terms and conditions under which utility services are offered to the public and instruments of concurrence and all other documents and data setting out the terms of a utility's business relations with another utility insofar as they affect the general public either directly or indirectly;

(8) "telecommunications" means the transmission and reception of messages, impressions, pictures, and signals by means of electricity, electromagnetic waves, and any other kind of energy, force variations, or impulses whether conveyed by cable, wire, radiated through space, or transmitted through other media within a specified area or between designated points.

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CREDIT(S)

SLA 1970, ch. 113, § 6; SLA 1971, ch. 36, § 2; SLA 1973, ch. 76, § 2; SLA 1990, ch. 140, § 4; SLA 1990, ch. 168, § 19; SLA 1999, ch. 25, § 12.

NOTES OF DECISIONS

Franchises 2
Service 1

1. Service

Electric utility was not exempt from requirement that it had to obtain an additional certificate of public convenience and necessity from the Regulatory Commission prior to selling power outside its assigned geographical area, even though it argued it was selling a "commodity" rather than providing a "service," as the statutory definition of service included commodities. AS 42.05.221(a), 42.05.990(6). Chugach Electric Ass'n, Inc. v. Regulatory Com'n of Alaska (2002) Alaska, 49 P.3d 246. Electricity 8.1(2.1)

In determining whether to issue certificate of public convenience and necessity for coal-fired electric generation plant, Alaska Public Utilities Commission (APUC) was not required to consider costs associated with environmental externalities or public subsidies not paid by consumers as part of rate charged for service; language of statute governing issuance of certificate was limited specifically to "services," rather than construction of particular facility, and statutory requirement that APUC find applicant "fit, willing and able to provide the utility services applied for" only required APUC to focus on applicant. AS 42.05.221(a), 42.05.241. Alaska Federation for Community Self-Reliance v. Alaska Public Utilities Com'n, 1994, 879 P.2d 1015. Electricity 8.1(1)

Borough engaged in "collection" and "disposal" within meaning of AS 29.48.033(b) requiring certificate of public convenience and necessity when it opened large public dumping floor and transported garbage from there to final disposal site. Drake v. Fairbanks North Star Borough, 1986, 715 P.2d 1167. Environmental Law 369

Contracts which were awarded by city and which covered all hauling of refuse to sanitary landfills and maintenance and operation of transfer sites pertained to "collection and disposal," within statute precluding political subdivision from providing for waste collection and disposal service in any area, to extent it lies within area granted to waste carrier by certificate issued by Public Utilities Commission, until subdivision has purchased certificate, equipment and facilities of carrier or that portion which would be affected at fair market value; thus city was liable for fair market value of certificate of public convenience and necessity issued by Commission or that portion of certificate that would be affected. AS 29.48.033(b), 42.05.221(f). McClellan v. Kenai Peninsula Borough, 1977, 565 P.2d 175. Environmental Law 368

2. Franchises

Franchise agreements which originated in the form of municipal ordinances were in fact contracts, in that a "franchise" is a contract binding upon both parties regardless of method by which it comes into being, and thus, franchises were not "enactments" within meaning of statute superseding certain municipal "enactments." AS 29.13.100. B-C Cable Co., Inc. v. City and Borough of Juneau, 1980, 613 P.2d 616. Franchises 1

AS § 42.05.990, AK ST § 42.05.990

Current through the 2008 Second Regular and Fourth Special Session of the 25th Legislature

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END OF DOCUMENT

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ENSTAR
Natural Gas Company

3000 Spenard Road
PO Box 190288
Anchorage, AK 99519-0288
www.enstarnaturalgas.com

February 27, 2009

Honorable Max Gruenberg
Alaska House of Represenatives
State Capitol
Juneau, Alaska 99801-1182

Dear Represenative Gruenberg,

I would like to thank you for sponsoring House Bill 139 "An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers". ENSTAR Natural Gas Company is a leader in using new technology to provide better customer service in an attempt to hold down operating costs, thereby saving the consumer money. We currently provide automated meter reading and will soon be introducing a "Field Order System" (FOS) to provide real time information on work orders between field personnel, dispatch and customer service, thereby providing an improved customer experience.

ENSTAR would like to include a reference to "vehicle dispatching and response information" under the new subsection (I). There currently are references in existing statues to vehicle dispatching information for passenger transport, freight or package delivery. ENSTAR currently dispatches our service technician and distribution crews as a normal course of business, which includes gas leaks, fires and other emergency situations. ENSTAR is proud that our dispatch and response rate is ranked one of the highest in the nation.

However, without a reference in the bill to utility dispatching, it could be interpreted we are not in compliance with state law. Anything you could do to clarify the language would be greatly appreciated.

We appreciate your time and efforts in this matter.

Sincerely,

Curtis W. Thayer
Director, Corporate and External Affairs

CHUGACH
POWERING ALASKA'S FUTURE

March 6, 2009

Representative Max Gruenberg
State Capitol, Room 110
Juneau, AK 99801-1182

Dear Rep. Gruenberg:

I am writing in support of your efforts to secure an appropriate utility amendment to the law addressing screen devices in vehicles. We believe House Bill 139 offers a reasonable exemption to allow Chugach to continue to safely conduct routine utility operations.

Thank you for seeking this amendment.

Sincerely,

Bradley Evans, Chief Executive Officer
Chugach Electric Association

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 4, 2009

SUBJECT: HB 139 - Public Utility Exception
(Work Order No. 26-LS0573\A)

TO: Representative Max Gruenberg
Attn: Allison Laffen

FROM: Gerald P. Luckhaupt
Legislative Counsel

You have asked if the exception provided by this bill for public "utility construction, maintenance, [or] repair" would include dispatching and response information for those purposes. In my opinion it would include dispatching and response information as well as other activities related to "utility construction, maintenance, [or] repair." Of course if the utility companies are more concerned with providing an exception for public utility motor vehicle dispatching and response, then I would recommend removing the reference to "construction, maintenance, and repair" and just refer to dispatching and response for public utility purposes. Something like the following would suffice:

> vehicle dispatching and response information for public utility motor vehicles or information for use in performing data acquisition by a public utility.

GPL:plm
09-138.plm

Alaska State Legislature

Interim:
600 E. Railroad Ave
Wasilla, AK 99654

Phone: (907) 376-3725
Fax: (907) 376-4768

Session:
Alaska State Capitol, Rm 108
Juneau, AK 99801-1182

Phone: (907) 465-3743
Fax: (907) 465-2381
Toll Free: (800) 565-3743
Rep.Carl.Gatto@legis.state.ak.us

Representative Carl Gatto

Chair, House Military and Veteran Affairs Committee
District 13 - Palmer

Expected Witness List for HB 139: Allow Screen Devices in Utility Vehicles

Representative Gruenberg
Bill co-sponsor - to introduce bill and answer questions

Curtis Thayer – off-net
Director, Corporate & External Affairs
ENSTAR Natural Gas Company
3000 Spenard Road, PO Box 190288
Anchorage, Alaska 99519
(907) 334-7687 Direct
(907) 223-8270 Cell

Bradley Evans – off-net
Chief Executive Officer
Chugach Electric Association
P.O. Box 196300
Anchorage, AK 99519-6300
(907) 762-4736

SENATE COMMITTEE REPORT

DATE: 4/6/09

FURTHER: Rules

DATE TURNED IN TO OFFICE: 4/9/09

State Affairs Committee considered HOUSE BILL NO. 139

HB 139 ALLOW SCREEN DEVICES IN UTILITY VEHICLES

"An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DPS	3/5/09			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Meyer			X	
	Knoll			X	
	Pasket			X	
CHAIR:	MENARD	X			

HB 156

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

Session:
Alaska State Capitol, #104
Juneau, AK 99801-1182

Phone: (907) 465-4931
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716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

April 9, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Representative Bob Lynn

RE: Hearing Request for HB 156 "ALLOWING CERTAIN LANDFILL FEE WAIVERS"

Please schedule HB 156, "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property" at your earliest convenience.

Thank you.

Bob Lynn

Rep. Bob Lynn

For more information please contact: Dirk Moffatt (907) 465-4931

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

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HOUSE BILL 156
SPONSOR STATEMENT

HB-156 grants municipalities the authority to waive disposal fees or "tipping fees" in municipal landfills for waste material resulting from renovations that take place on "deteriorated properties" as defined in Alaska Statute 29.45.050(o).

When run-down properties are allowed to go unattended and unrepaired, the negative impact on communities and their surrounding areas can be severe. Vacant deteriorated properties can become a haven for crime. The blighted conditions lower property values and the standard of living in the communities where they are located.

Currently Alaska statute does not provide for municipalities to waive or reduce tipping fees. HB-156 amends Alaska Statute 29.35.050 to allow municipalities the option, if they choose, to grant disposal fee waivers for properties classified as "deteriorated."

This measure will create an avenue, at no cost to the State, to allow cities to provide incentives to property owners to renovate and improve "deteriorated properties," and by doing so, encourage economic redevelopment in municipalities across the State of Alaska.

Contact: Dirk Moffatt, (907) 465-4931

Revised: April 2, 2009

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 5, 2009

SUBJECT: Municipal fees for waste disposal; sectional summary (HB 156, Work Order No. 26-LS0470\R)

TO: Representative Bob Lynn
Attn: Dirk Moffatt

FROM: Tamara Brandt Cook
Director TBC

Sec. 1. Technical change to limit home rule limitation list to the subsections of AS 29.35.050 that are currently home rule limitations. The subsection added in bill sec. 3 is optional rather than mandatory and, therefore, not appropriate to treat as a limitation.

Sec. 2. Technical change that conforms to bill sec. 1.

Sec. 3. Permits a municipality to exempt from a fee for the use of a landfill or dumping area the disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property. The exemption must be provided for in an ordinance and the ordinance may apply the exemption to some or all types of deteriorated property. Provides a definition of "deteriorated property."

TBC:plm
09-144.plm

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 156**
() Publish Date:

Identifier (file name):HB156-CED-RCA-03-16-09
Dept. Affected: DCCED
Title: Allowing Certain Landfill Fee Waivers
RDU: Regulatory Commission of Alaska
Component: Regulatory Commission of Alaska
Sponsor: Representative Lynn
Requester: House Community and Regional Affairs
Component Number: 2417

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation proposes to allow municipalities to partially or totally exempt landfill fees for the disposal of waste materials from work done to rehabilitate deteriorated properties. While the Regulatory Commission of Alaska issues certificates of convenience for landfills, the rates are not regulated. There would be no fiscal impact to the department due to passage of this bill.

Prepared by: Tyson Fick, Legislative Liaison
Phone 465-2503
Division: Department of Commerce, Community and Economic Development
Date/Time 3/16/09 - 2:00pm
Approved by:
Date

(Revised 9/10/2008 OMB)

IF ADOPTED, THIS ORDINANCE MAY BE REPEALED BY THE VOTERS THROUGH REFERENDUM.

By:	Bonnie Williams
Referred to the Economic Development Commission:	03/10/05
Introduced:	06/02/05
Postponed to the Call Of the Chair:	06/23/05
Substituted:	07/14/05
Amended:	07/14/05
Adopted:	07/14/05

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2005-26

AN ORDINANCE AMENDING THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES RELATING TO THE CRITERIA FOR TAX EXEMPTION AND/OR DEFERRALS FOR PURPOSES OF ECONOMIC DEVELOPMENT OR DETERIORATED PROPERTY AND PROVIDING FOR WAIVER OF TIPPING FEES FOR MATERIALS REMOVED FROM DETERIORATED PROPERTY

WHEREAS, at various times in the past the borough has granted tax exemptions in order to assist and encourage economic growth; and

WHEREAS, the assembly has established no eligibility requirements to guide it in granting tax exemptions and deferrals; and

WHEREAS, state law requires that municipalities establish specific eligibility requirements to grant economic development and deteriorated property tax exemptions or deferrals; and

WHEREAS, established eligibility requirements would allow for greater flexibility in accomplishing the borough's economic development goals; and

WHEREAS, tax exemptions and deferrals may encourage the improvement of certain deteriorated properties.

NOW THEREFORE BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough.

Section 1. Classification. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Section 3.08.020 of the Fairbanks North Star Borough Code of Ordinances is amended by adding the following:

O. As permitted by 29.45.050(m), AS 29.45.050(o), and Chapters 3.10 and 3.11, economic development and deteriorated property.

Section 3. Title 3 of the Fairbanks North Star Borough Code of Ordinances is hereby amended by adding the following:

CRITERIA FOR REAL PROPERTY TAX EXEMPTIONS AND DEFERRALS

3.11.010 General criteria

In order for property to be considered for an economic development or deteriorated property tax exemption or deferral, an applicant must complete the application process described in Chapter 3.10.

3.11.020 Categories

The two categories of tax exemptions provided under this chapter are "economic development property" and "deteriorated property."

3.11.030 Economic Development Property – Specific Criteria

The assembly may grant a partial or total exemption and/or deferral for economic development property only if there is a clear and convincing demonstration that such exemption and/or deferral will provide direct economic benefit to the borough, and:

A. the property will be used by a trade, industry, or business that is not already developed within the borough and such use will:

1.a. directly generate sales outside of the borough of goods and/or services produced in the borough; or b. materially reduce the importation of goods and/or services from outside of the borough; and

2. directly create significant new employment in the borough;

B. the exemption and/or deferral is necessary to:

1.a. the long-term viability of the trade, industry, or business operation; or b. the economic feasibility of initiating a trade, industry, or business with the reasonable likelihood of long-term economic viability; and

2. promote or improve the economic development of the borough;

C. the exemption and/or deferral will provide measurable public benefits commensurate with the level of incentive granted;

D. the property owner is in compliance with all Alaskan municipal and state of Alaska tax obligations; and

E. the location of the trade, industry, or business is compatible with land use and development plans of the borough.

3.11.040 Limitations on economic development property tax exemptions and deferrals

Real property that has previously been taxed by the borough shall not qualify for an economic development property tax exemption or deferral under this chapter.

3.11.050 Deteriorated Property – Specific Criteria

The assembly may grant a partial or total exemption and/or deferral for deteriorated property only if there is a clear and convincing demonstration that such exemption and/or deferral will provide direct economic benefit to the borough, and:

A. the exemption and/or deferral is necessary to

1. the economic feasibility of completing improvements on the property; and

2. promote or improve the economic development of the borough;

B. the property is commercial property not used for residential purposes, or is multi-unit residential property with at least eight residential units;

C. the property

1. within the last five years, has been the subject of an order by a government agency requiring environmental remediation of the property or requiring the property to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances, or regulations; or

a. is located in a deteriorating or deteriorated area with boundaries that have been determined by the assembly after a public hearing;

b. the exemption and/or deferral will provide measurable public benefits commensurate with the level of incentive granted;

D. the property owner is in compliance with all Alaskan municipal and state of Alaska tax obligations; and

E. the improvements planned for the property are compatible with land use and development plans of the borough.

3.11.060 Limitations on deteriorated property tax exemptions and deferrals

Any tax exemption or deferral for deteriorated property shall not take effect until January 1 of the year after:

A. the exemption or deferral has been approved by the Assembly; and

B. the planned improvements on the property have been substantially completed or the property is beneficially occupied.

3.11.070 Definitions

"Deteriorating or deteriorated area" as used in this chapter means an area that is characterized by:

1. unsafe, unsanitary, vacant, or overcrowded building(s);
2. overgrown or unsightly vacant lots;
3. a significant percentage of tax delinquent properties; and/or
4. economically or socially undesirable land uses.

Section 4. Subsection 8.12.055.C. of the Fairbanks North Star Borough Code of Ordinances is amended as follows:

The borough mayor may waive tipping fees for materials to the landfill for borough recycling or hazardous waste disposal programs and for community cleanup activities. The mayor may waive tipping fees for debris from private residences in the borough damaged by fire if there is no reimbursement for such waived fees from any other source. The mayor, when there is a direct and primary benefit to the public, may waive tipping fees for materials removed from deteriorated property, as defined in Section 3.11.070(D), during the course of rehabilitation, repair, construction, reconstruction, renovation, demolition, removal or replacement of any structure on such property.

Section 5. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

PASSED AND APPROVED THIS 14TH DAY OF JULY 2005.

Garry Hutchison
Presiding Officer

ATTEST:

Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Romans, Sattley, Rex, Hopkins, Aldridge, Frank, Hutchison
Noes: None
Excused: Williams, Bartos

Relevant Alaska Statute

Title 29 Municipal Government, Chapter 35. Municipal Power and Duties

Sec. 29.35.050. **Garbage and solid waste services.**

(a) Notwithstanding AS 29.35.200 - 29.35.220, a municipality may by ordinance

(1) provide for the establishment, maintenance, and operation of a system of garbage and solid waste collection and disposal for the entire municipality, or for districts or portions of it;

(2) require all persons in the municipality or district to use the system and to dispose of their garbage and solid waste as provided in the ordinance;

(3) award contracts for collection and disposal, or provide for the collection and disposal of garbage and solid waste by municipal officials and employees;

(4) pay for garbage and solid waste collection and disposal from available money;

(5) require property owners or occupants of premises to use the garbage and solid waste collection and disposal system provided by the municipality;

(6) fix charges against the property owners or occupants of premises for the collection and disposal; and

(7) provide penalties for violations of the ordinances.

(b) The governing body of a municipality may not prohibit a person holding a valid certificate from the former Alaska Public Utilities Commission or from the Regulatory Commission of Alaska from continuing to collect and dispose of garbage, refuse, trash, or other waste material, or provide other related services in an area in the municipality if the certificate authorizes the collection and disposal of garbage, refuse, trash, or other waste material and providing of other services in the area, and the certificate was originally issued before the municipality provided similar services. Except as provided in (c) of this section, a municipality may not provide for a garbage, refuse, trash, or other waste material collection and disposal service in an area to the extent it lies in an area granted to a garbage, refuse, trash, or other waste material carrier by a

certificate issued by the former Alaska Public Utilities Commission or by the Regulatory Commission of Alaska to the carrier until it has purchased the certificate, equipment, and facilities of the carrier, or that portion of the certificate that would be affected, at fair market value. A municipality may exercise the right of eminent domain to acquire the certificate, equipment, and facilities of the carrier, or that portion of the certificate that would be affected.

(c) A municipality may establish an intermediate transfer site for the collection and disposal of garbage, refuse, trash, or other waste material without purchasing the certificate, equipment, or facilities of a waste material carrier certificated by the former Alaska Public Utilities Commission or by the Regulatory Commission of Alaska. The municipality may, without compensating a certificated waste carrier operating in the area, provide for or contract with a certificated or noncertificated entity to provide for the collection and disposal of waste material left at the intermediate transfer site.

(d) This section applies to home rule and general law municipalities.

Relevant Alaska Statute

"Deteriorated Property" as defined in Statute Sec. 29.45.050. (o)

Title 29 Municipal Government, Chapter 45. Municipal Taxation

Sec. 29.45.050. **Optional exemptions and exclusions.**

(o) A municipality may by ordinance partially or totally exempt all or some types of deteriorated property from taxation for up to 10 years beginning on or any time after the day substantial rehabilitation, renovation, demolition, removal, or replacement of any structure on the property begins. A municipality may by ordinance permit deferral of payment of taxes on all or some types of deteriorated property for up to five years beginning on or any time after the day substantial rehabilitation, renovation, demolition, removal, or replacement of any structure on the property begins. However, if the entire ownership of property for which a deferral has been granted is transferred, all tax payments deferred under this subsection are immediately due, and the deferral ends. Otherwise, deferred tax payments become due as specified by the municipality at the time the deferral is granted. The amount deferred each year is a lien on that property for that year. Only one exemption and only one deferral may be granted to the same property under this subsection, and, if an exemption and a deferral are granted to the same property, both may not be in effect on the same portion of the

property during the same time. An ordinance adopted under this subsection must include specific eligibility requirements and require a written application for each exemption or deferral. An application for a deferral must specify when payment of taxes for each year of deferral will become due, together with an explanation of the reasons for each proposed date for consideration by the municipality. In this subsection, "deteriorated property" means real property that is commercial property not used for residential purposes or that is multi-unit residential property with at least eight residential units, and that meets one of the following requirements:

(1) within the last five years, has been the subject of an order by a government agency requiring environmental remediation of the property or requiring the property to be vacated, condemned, or demolished by reason of noncompliance with laws, ordinances, or regulations;

(2) has a structure on it not less than 15 years of age that has undergone substantial rehabilitation, renovation, demolition, removal, or replacement, subject to any conditions prescribed in the ordinance; or

(3) is located in a deteriorating or deteriorated area with boundaries that have been determined by the municipality.

(p) A municipality may by ordinance partially or totally exempt from taxation a private leasehold, contract, or other interest held by or through an applicant or proposed applicant in any property, assets, project, or development project owned by the Alaska Industrial Development and Export Authority under AS 44.88. Nothing in this subsection prohibits a municipality from entering into an agreement and receiving payments in lieu of taxes authorized under AS 44.88.140 (b).

(q) A municipality may by ordinance partially or totally exempt from taxation land from which timber is harvested that is infested by insects or at risk of being infested by insects due to an infestation in the area in which the land is located. A municipality may provide that an exemption for land under this subsection applies only to increases in assessed value that result from the timber harvest. A municipality may by ordinance partially or totally exempt from taxation improvements to real property, including personal property affixed to the improvements, if the improvements are

(1) located on land from which timber is harvested that is infested by insects or at risk of being infested by insects due to an infestation in the area in which the land is located; and

(2) used for or necessary to the harvest of the timber that is infested by insects or in danger of insect infestation.

(r) A municipality may by ordinance exempt from taxation an amount not to exceed $10,000 of the assessed value of real property owned and occupied as a permanent place of abode by a resident who provides in the municipality volunteer (1) fire fighting services and is certified as a fire fighter by the Department of Public Safety, or (2) emergency medical services and is certified under AS 18.08.082. If two or more individuals are eligible for an exemption for the same property, not more than two exemptions may be granted.

(s) A municipality may by ordinance partially or wholly exempt from taxation the real property owned and occupied as a permanent place of abode by a resident who is the widow or widower of a member of the armed forces of the United States injured serving on active duty while eligible for hostile fire or imminent danger pay who dies because of the injury or complications related to the injury or its treatment. The ordinance must include requirements for determining eligibility for the exemption and a procedure for applying for the exemption.

House Community and Regional Affairs Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

ANCHORAGE DOWNTOWN PARTNERSHIP
317 West 4th Avenue, Suite 317
Anchorage, AK 99507
Tel. 907-279-5650
Fax 907-279-5651

March 10, 2009

Re: Support for HB 156

To the House Community & Regional Affairs Committee:

On behalf of Anchorage Downtown Partnership, Ltd., I would like to ask for passage of House Bill 156 introduced by Representatives Bob Lynn, Jay Ramras and Harry Crawford.

We believe HB 156 ("An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property") will give municipalities the flexibility they need to assist developers who tackle difficult development or redevelopment projects in deteriorated zones throughout our state.

We respectfully ask that you approve this bill.

Warm regards,

Christopher M. Schutte
Executive Director

Fairbanks North Star Borough
Office of the Mayor
809 Pioneer Road • PO Box 71267 • Fairbanks, Alaska 99707-1267 •
907/459-1300
Fax 907/459-1102
Email mayor@co.fairbanks.ak.us

March 5, 2009

Statement of Support of HB 156

Fairbanks North Star Borough Mayor's Office

Good morning, my name is Kathryn Dodge. I work as Mayor Whitaker's Economic Development Specialist and I am also the Fairbanks North Star Borough's Alaska Regional Development Organization (ARDOR) director. I am here to speak on HB 156, a bill that would allow municipalities to waive tipping fees for substantial rehabilitation, renovation, demolition, removal or replacement of a deteriorated property.

I am certain that all of you can think of a deteriorated property in your community that you would love to see redeveloped. I am equally certain that as you think of that property, and you envision it being renovated or rehabilitated and returned to productive use, you intuitively recognize the value that action would have to your community's well-being and surrounding property values.

For these reasons, I have no objection to HB 156. In may be helpful in rehabilitating deteriorated properties in our municipalities. Further, given that adoption of this change requires Assembly approval and therefore, public comment on the public value of granting waivers to deteriorated properties, and presumably for each actual waiver considered, I encourage you to support this bill.

Alaska Commercial Properties, Inc.
1901 Airport Way, Suite 102
Fairbanks, AK 99701
Phone: (907) 456-6008
Fax: (907) 456-6474
realty@realtyalaska.com

March 3, 2009

Regarding: House Bill No. 156

Dear Senate Bunde,

I would like to express my opinion that I support House Bill No. 156. "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

We have many properties in several major cities here in Alaska that have been neglected and abandoned due to their age or construction methods that hinder our communities. Many of the reasons are the safety, health risks, and fire hazards. These properties also put blight on the neighborhoods and a heavy burden on our cities.

With the economy being in such disarray and municipalities facing short falls in their budgets, it makes sense to give developers a helping hand in trying to either restore such properties or simply remove them if it enhances the property and nearby properties. These actions can make our cities a safer place to live without taxing our cities financial resources, as when the fire or police departments are called out to spend countless hours looking for vandals.

I believe that this bill will help better the communities throughout the State of Alaska.

Sincerely,

Shawn Evans
REALTOR, GFBR, NAR

March 3, 2009

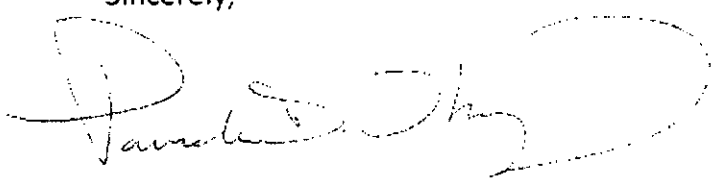
Regarding: House Bill No. 156

Dear Representative Ramras,

I am in support of House Bill No. 156 regarding "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

This bill will give investors incentive to purchase run down properties that hinder our communities and renovate or remodel them to bring up the property value. This bill will create renovation projects to the high number of buildings abandoned due to their poor construction and age in the State of Alaska. These abandoned buildings have created safety issues, health risk, and fire hazards.

Sincerely,



Pamela Throop
Owner, Broker
Alaska Commercial Properties, Inc.

March 3, 2009

Regarding: House Bill No. 156

Dear Representative Ramras,

I, Greg Eckert, am in support of House Bill No. 156 regarding "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

This bill will give investors incentive to purchase run down properties that hinder our communities and renovate or remodel them to bring up the property value. This bill will create renovation projects to the high number of building abandoned due to their poor construction and age in the State of Alaska. These abandoned buildings have created safety issues, health risk, and fire hazards.

Sincerely,

Greg Eckert

Greg Eckert
Equipment Operator
American Mechanical Inc.

March 3, 2009

Regarding: House Bill No. 156

Dear Representative Ramras,

I, Rebecca Norris, am in support of House Bill No. 156 regarding "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

This bill will give investors incentive to purchase run down properties that hinder our communities and renovate or remodel them to bring up the property value. This bill will create renovation projects to the high number of building abandoned due to their poor construction and age in the State of Alaska. These abandoned buildings have created safety issues, health risk, and fire hazards.

Sincerely,

Rebecca Norris

Rebecca Norris
Executive Assistant
Alaska Commercial Properties, Inc.

March 3, 2009

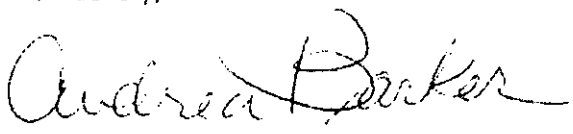
Regarding: House Bill No. 156

Dear Representative Ramras,

I, Andrea Barker, am in support of House Bill No. 156 regarding "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

This bill will give investors incentive to purchase run down properties that hinder our communities and renovate or remodel them to bring up the property value. This bill will create renovation projects to the high number of building abandoned due to their poor construction and age in the State of Alaska. These abandoned buildings have created safety issues, health risk, and fire hazards.

Sincerely,



Andrea Barker
REALTOR, GFBR, NAR
Alaska Land & Residential Properties

March 3, 2009

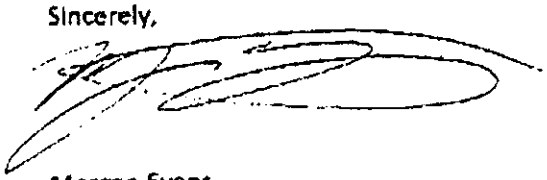
Regarding: House Bill No. 156

Dear Representative Ramras,

I, Morgan Evans, am in support of House Bill No. 156 regarding "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

This bill will give investors incentive to purchase run down properties that hinder our communities and renovate or remodel them to bring up the property value. This bill will create renovation projects to the high number of building abandoned due to their poor construction and age in the State of Alaska. These abandoned buildings have created safety issues, health risk, and fire hazards.

Sincerely,



Morgan Evans
Vice President
Alaska Commercial Construction

March 3, 2009

Regarding: House Bill No. 156

Dear Representative Ramras,

I, Dave Schroeder, am in support of House Bill No. 156 regarding "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

This bill will give investors incentive to purchase run down properties that hinder our communities and renovate or remodel them to bring up the property value. This bill will create renovation projects to the high number of building abandoned due to their poor construction and age in the State of Alaska. These abandoned buildings have created safety issues, health risk, and fire hazards.

Sincerely,

Dave Schroeder
Superintendent
Alaska Commercial Construction



March 3, 2009

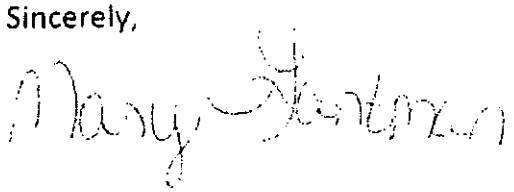
Regarding: House Bill No. 156

Dear Representative Ramras,

I am in support of House Bill No. 156 regarding "An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

This bill will give investors incentive to purchase run down properties that hinder our communities and renovate or remodel them to bring up the property value. This bill will create renovation projects to the high number of buildings abandoned due to their poor construction and age in the State of Alaska. These abandoned buildings have created safety issues, health risk, and fire hazards.

Sincerely,



Mary Gantman
Bookkeeper
Alaska Commercial Construction

House Bill 156
Testimony List

Names		Company	Phone # They Will Be Testifying From
Marc Marlow	Owner	Marlow Development Corporation	229-8176
Kathryn Dodge	Ph.D. Economic Development Specialist	Mayors Office Fairbanks North Star Borough	459-1309
Rebecca Norris	Executive Assistant	Alaska Commercial Properties, Inc.	456-6008
Shawn Evans	Commercial Realtor	Alaska Commercial Properties, Inc.	456-6008
Morgan Evans	Owner	Alaska Commercial Construction	456-6008
David Schroeder	Superintendent	Alaska Commercial Construction	456-6008
Mary Gantman		Alaska Commercial Construction	456-6008

SENATE COMMITTEE REPORT

DATE: 4/10/09

FURTHER: Rules

DATE TURNED IN TO OFFICE: 4/14/09

State Affairs Committee considered HOUSE BILL NO. 156

HB 156 ALLOWING CERTAIN LANDFILL FEE WAIVERS

"An Act relating to municipal fees charged for disposal of waste material from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DCED	3/16			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
K. Meyer	MEIER	X			
DC French	FRENCH	X			
Albert Kookesh	KOOKESH	X			
Joe Paskvan	PASKVAN	X			
CHAIR: Linda DeNard	MENARD	X			

HB 170

Alaska State Legislature

State Capitol, Room 208
Juneau, Alaska 99801-1182
Phone: 907-465-3779
Fax: 907-465-2833
Toll Free: 800-469-3779

145 Main St. Loop
Second Floor
Kenai, Alaska 99611
Phone: 907-283-7223
Fax: 907-283-7184

REPRESENTATIVE MIKE CHENAULT
SPEAKER OF THE HOUSE

MEMORANDUM

TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Representative Mike Chenault
Speaker of the House

DATE: April 3, 2009

RE: Request for Hearing-House Bill 170

Please consider this request to schedule House Bill 170: Repeal of Day Fines, before your committee at your earliest possible convenience.

Back up for the bill is attached.

Thank you for your consideration of my request.

Representative_Mike_Chenault@legis.state.ak.us

Alaska State Legislature

State Capitol, Room 208
Juneau, Alaska 99801-1182
Phone: 907-465-3779
Fax: 907-465-2833
Toll Free: 800-469-3779

145 Main St. Loop
Second Floor
Kenai, Alaska 99611
Phone: 907-283-7223
Fax: 907-283-7184

REPRESENTATIVE MIKE CHENAULT
SPEAKER OF THE HOUSE

SPONSOR STATEMENT
House Bill 170
"An Act repealing the authority for day fines."

House Bill 170 repeals the authority established for day fines. The legislation establishing day fines for certain misdemeanor offenses, House Bill 119, was passed into law in 1994 and became effective July 1, 1994.

One of the provisions in the legislation was for the Court System to adopt a day fine plan. As required by the bill, the Supreme Court created a committee to establish a fine schedule based on the guidelines of House Bill 119. The committee found several problems in adopting a day fine plan and requested the legislature to introduce a bill to solve those problems. Senate Bill 167 was introduced in 1995 but did not get out of the Senate. Without the changes requested by the Supreme Court, the court did not implement the provisions of House Bill 119.

According to the Court System, "some of the technical issues identified by the committee included concerns over which misdemeanors were included and excluded, significant time delays associated with judges making written findings, problems in determining defendant income, conflicts with ordering substance abuse treatment and concerns over the levels of fines imposed and the time allowed to pay them."

The committee also expressed concerns that the bill would not accomplish what the sponsor had intended. The sponsor statement stated the intent of the legislation was to improve fine collection and reduce the number of misdemeanor offenders who were sentenced to jail. The committee believed that because the misdemeanors that were excluded from the day fine provisions and because of the technical problems identified by the committee, the sponsor's goals would not be met.

Since these statutes are not in use and will not be used by the courts, I propose that we repeal the statutes that impose a day fine plan rather than keeping these statutes in the books.

Representative_Mike_Chenault@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: HB170-DOC-OC-3-24-09
Bill Version:
() Publish Date:

Identifier (file name): HB170-DOC-OC-3-24-09
Dept. Affected: DOC
Title "An Act Repealing the Authority for Day Fines"
RDU Administration & Support
Component Office of the Commissioner
Sponsor Speaker Chenault
Requester Governor
Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**0.0**
CAPITAL EXPENDITURES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

Passage of this legislation should not have a significant impact on the Department of Corrections.

Prepared by: Leslie Houston, Director
Phone 465-3339
Division Administrative Services Division
Date/Time 3/24/2009 1520
Approved by: Dwayne Peeples, Deputy Commissioner
Date 3/24/2009
Office of the Commissioner

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB170-ACS-3-24-09
() Publish Date:

Identifier (file name):
Dept. Affected:
Title: Repeal Authority for Day Fines
RDU: Alaska Court System
Component: Trial Courts
Sponsor: Representative Chenault
Requester:
Component Number:

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

House Bill 170 repeals the statutory provisions related to day fines and the court's authority to impose them. Because of problems with the original bill that authorized day fines, they have never been imposed. Because of this, passage of HB 170 will not have a fiscal impact on the court system.

Prepared by: Doug Wooliver, Administrative Attorney — Phone 463-4750
Division: Alaska Court System — Date/Time 3/24/09 @ 11:20 am
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director — Date 3/24/2009
Alaska Court System

(Revised 9/10/2008 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 170**
() Publish Date:

Identifier (file name): HB170-LAW-CRIM-04-09-09
Dept. Affected: LAW
Title: An Act repealing the authority for day fines
RDU: CRIMINAL
Component: CRIMINAL JUSTICE LITIGATION
Sponsor: STATE AFFAIRS
Requester: REPRESENATIVE CHENAULT
Component Number: 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill eliminates the authority for day fines. It is believed that passage of this bill would have no fiscal impact to the department.

Prepared by: Dave Blaisdell, Director — Phone 465-3673
Division: Administrative Services — Date/Time 4/9/09 12:00 AM
Approved by: Wayne Anthony Ross — Date 4/9/2009
Attorney General Designee

(Revised 9/10/2008 OMB)

Sec. 12.55.015. Authorized sentences; forfeiture.

(a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing sentence on a defendant convicted of an offense, may singly or in combination

(1) impose a

(A) fine when authorized by law and as provided in AS 12.55.035; or

(B) day fine when authorized by law and as provided in AS 12.55.036 if the court does not impose a term of periodic or continuous imprisonment or place the defendant on probation;

(2) order the defendant to be placed on probation under conditions specified by the court that may include provision for active supervision;

(3) impose a definite term of periodic imprisonment, but only if an employment obligation of the defendant preexisted sentencing and the defendant receives a composite sentence of not more than two years to serve;

(4) impose a definite term of continuous imprisonment;

(5) order the defendant to make restitution under AS 12.55.045;

(6) order the defendant to carry out a continuous or periodic program of community work under AS 12.55.055;

(7) suspend execution of all or a portion of the sentence imposed under AS 12.55.080;

(8) suspend imposition of sentence under AS 12.55.085;

(9) order the forfeiture to the commissioner of public safety or a municipal law enforcement agency of a deadly weapon that was in the actual possession of or used by the defendant during the commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

(10) order the defendant, while incarcerated, to participate in or comply with the treatment plan of a rehabilitation program that is related to the defendant's offense or to the defendant's rehabilitation if the program is made available to the defendant by the Department of Corrections;

(11) order the forfeiture to the state of a motor vehicle, weapon, electronic communication device, or money or other valuables, used in or obtained through an offense that was committed for the benefit of, at the direction of, or in association with a criminal street gang;

(12) order the defendant to have no contact, either directly or indirectly, with a victim or witness of the offense until the defendant is unconditionally discharged.

(b) The court, in exercising sentencing discretion as provided in this chapter, shall impose a sentence involving imprisonment when

(1) the defendant deserves to be imprisoned, considering the seriousness of the present offense and the defendant's prior criminal history, and imprisonment is equitable considering sentences imposed for other offenses and other defendants under similar circumstances;

(2) imprisonment is necessary to protect the public from further harm by the defendant; or

(3) sentences of lesser severity have been repeatedly imposed for substantially similar offenses in the past and have proven ineffective in deterring the defendant from further criminal conduct.

(c) In addition to the penalties authorized by this section, the court may invoke any authority conferred by law to order a forfeiture of property, suspend or revoke a license, remove a person from office, or impose any other civil penalty. When forfeiting property under this subsection, a court may award to a municipal law enforcement agency that participated in the arrest or conviction of the defendant, the seizure of property, or the identification of property for seizure, (1) the property if the property is worth $5,000 or less and is not money or some other thing that is divisible, or (2) up to 75 percent of the property or the value of the property if the property is worth more than $5,000 or is money or some other thing that is divisible. In determining the percentage a municipal law enforcement agency may receive under this subsection, the court shall consider the municipal law enforcement agency's total involvement in the case relative to the involvement of the state.

(d) [Repealed, Sec. 1 ch 188 SLA 1990].

(e) If the defendant is ordered to serve a definite term of imprisonment, the court may recommend that the defendant serve all or part of the term

(1) in a correctional restitution center;

(2) by electronic monitoring.

(f) Notwithstanding (a) of this section, the court shall order the forfeiture to the commissioner of public safety or a municipal law enforcement agency of a deadly weapon that was in the actual possession of or used by the defendant during the commission of a crime involving domestic violence.

(g) Unless a defendant is ineligible for a deduction under AS 33.20, when a defendant is sentenced to a term of imprisonment of two years or more, the sentence consists of two parts: (1) a minimum term of imprisonment that is equal to not less than two-thirds of the total term of imprisonment; and (2) a maximum term of supervised release on mandatory parole that is equal to not more than one-third of the total term of imprisonment; the amount of time that the inmate actually serves in imprisonment and on supervised release is subject to the provisions of AS 33.20.010 - 33.20.060.

(h) In addition to penalties authorized by this section, the court shall order a person convicted of an offense requiring the state to collect a blood sample, oral sample, or both, for the deoxyribonucleic acid identification registration system under AS 44.41.035 to submit to the collection of

(1) the sample or samples when requested by a health care professional acting on behalf of the state to provide the sample or samples; or

(2) an oral sample when requested by a juvenile or adult correctional, probation, or parole officer, or a peace officer.

(i) In this section "deadly weapon" has the meaning given in AS 11.81.900.

Sec. 12.55.035. Fines.

(a) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.

(b) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) $500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, promoting prostitution in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;

(2) $250,000 for a class A felony;

(3) $100,000 for a class B felony;

(4) $50,000 for a class C felony;

(5) $10,000 for a class A misdemeanor;

(6) $2,000 for a class B misdemeanor;

(7) $500 for a violation.

(c) Except as provided in AS 12.55.036, upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) an amount that is

(A) $1,000,000 for a felony offense or for a misdemeanor offense that results in death;

(B) $200,000 for a class A misdemeanor offense that does not result in death;

(C) $25,000 for a class B misdemeanor offense that does not result in death;

(D) $10,000 for a violation;

(2) three times the pecuniary gain realized by the defendant as a result of the offense; or

(3) three times the pecuniary damage or loss caused by the defendant to another, or to the property of another, as a result of the offense.

(d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments.

(e) In imposing a fine under (c) of this section, in addition to any other relevant factors, the court shall consider

(1) measures taken by the organization to discipline an officer, director, employee, or agent of the organization;

(2) measures taken by the organization to prevent a recurrence of the offense;

(3) the organization's obligation to make restitution to a victim of the offense, and the extent to which imposition of a fine will impair the ability of the organization to make restitution; and

(4) the extent to which the organization will pass on to consumers the expense of the fine.

(f) In imposing a fine, the court may not reduce the fine by the amount of a surcharge or otherwise consider the applicability of a surcharge to the offense.

Sec. 12.55.036. Day fines.

(a) Upon conviction of a misdemeanor, other than a violation of AS 11.41 and AS 11.56.740, a defendant may be sentenced to pay a day fine as authorized by this section. If a day fine is imposed under this section, the defendant may not be sentenced to pay a fine under AS 12.55.035, serve a term of imprisonment, or be placed on probation.

(b) The Alaska Supreme Court shall adopt a day fine plan that includes

(1) an assessment of the gravity of all misdemeanor offenses, which assessment must include the existence of prior offenses, and the assignment of presumptive penalties to them in day fine units within the following ranges:

(A) for class A and unclassified misdemeanors, not to exceed 365-day fine units;

(B) for class B misdemeanors, not to exceed 90-day fine units;

(2) a schedule of the presumptive day fine penalties;

(3) procedures for a court to increase or decrease the presumptive day fine penalties if the court finds the existence of an aggravating factor under AS 12.55.155(c) or a mitigating factor under AS 12.55.155(d);

(4) a table for the conversion of a defendant's actual, potential, or estimated gross income, less one-third for a defendant above the federal poverty guideline as determined by the United States Department of Health and Human Services, and less one-half for a defendant below the federal poverty guideline into net daily income amounts; the table must include adjustments for the number of dependents actually supported by the defendant;

(5) procedures for a court to gather information about the defendant's occupation, actual, estimated, and potential income, number of dependents, and other facts necessary or relevant to sentencing a person to a day fine; a court may order the production of the financial or other records of a person it determines to be relevant to a determination under this section; the procedures must include a requirement that the facts shall be received

(A) under oath so that the defendant is subject to prosecution under AS 11.56.200; or

(B) in a writing or recording that bears notice that false statements made in it are punishable under AS 11.56.210; and

(6) other information the court determines to be necessary for implementing the day fine plan.

(c) The amount of a day fine shall be the product of the net daily income of the defendant, adjusted for the number of dependents actually supported by the defendant, times the day fine penalty. When imposing a sentence of a day fine, the court shall

(1) state on the record the

(A) presumptive day fine penalty for the offense, and whether the court is adjusting the presumptive day fine penalty for the existence of aggravating or mitigating factors;

(B) net daily income of the income of the defendant, adjusted for the number of dependents actually supported by the defendant; and

(C) amount of the day fine;

(2) make written findings of the facts considered in

(A) finding the existence of aggravating or mitigating factors and in assigning a value to those factors; and

(B) determining the defendant's gross and daily net incomes.

(d) When imposing a sentence of a day fine, the court may permit the payment of the day fine in specified installments or within a certain period of time, provided the entire day fine is paid within 180 days of imposition.

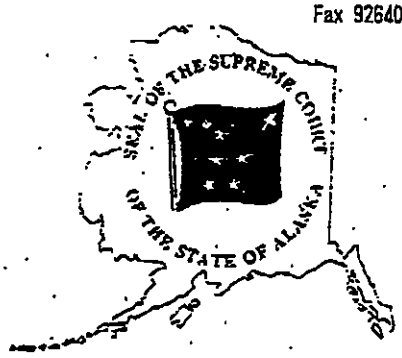
(e) A sentence imposing a day fine shall be considered a civil judgment for the day fine. The Department of Law shall enforce the judgment and may utilize any procedure available for the enforcement of civil judgments. If the Department of Law uses the civil process of the court to enforce or collect a day fine, the department shall be awarded costs and attorney fees.

(f) [Repealed, Sec. 7 ch 79 SLA 1994].

(g) Money collected under this section shall be deposited into the general fund and separately accounted for under AS 37.05.142. The annual estimated balance in the account maintained under AS 37.05.142 for day fines collected under this section may be appropriated by the legislature as follows: (1) 25 percent of the annual estimated balance for grants and claims paid by the Council on Domestic Violence and Sexual Assault; (2) 25 percent of the annual estimated balance for grants and claims paid by the Violent Crimes Compensation Board; and (3) the balance for any lawful purpose. Nothing in this subsection creates a dedicated fund.

History -

(Sec. 5 ch 79 SLA 1994; am Sec. 6 ch 21 SLA 1995)



Alaska Court System
State of Alaska

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99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 264-0547
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April 26, 1995

The Honorable Robin Taylor
Chairman, Senate Judiciary Committee
State Capitol - Room 30
Juneau, Alaska 99811

Dear Senator Taylor:

The 1994 Alaska Legislature passed a law that authorizes courts to impose day fines for certain misdemeanor offenses. The legislation went into effect July 1, 1994.

The day fine law directs the Alaska Supreme Court to adopt a "day fine plan." In June 1994, Chief Justice Daniel A. Moore appointed a committee of six judges and five representatives of other agencies to develop this plan. The committee met once a month from September through December and presented a plan to the supreme court on December 22.

In the course of developing the day fines plan, certain problems became apparent. Some of these problems could be rectified by simple amendments to the original day fines legislation. However, other problems are more fundamental. SB 167 addresses the more technical difficulties. This legislation does not address the fundamental problems, which are discussed in Part II below.

I. Technical Problems With Day Fines Law.

A. Classification of Misdemeanors.

AS 12.55.036(b)(1) requires the supreme court to adopt a day fines plan that includes "an assessment of the gravity of all misdemeanor offenses, which assessment must include the existence of prior offenses . . . ." It would take months to compile a comprehensive list of all the misdemeanor offenses in the Alaska Statutes and such a list would include many relatively obscure offenses that are never charged. The Day Fines Committee only ranked offenses that were charged ten or more times since January 1, 1990 and offenses for which a fine or imprisonment was imposed in FY 94. The committee also could not think of a simple way to make the ranking of offenses reflect the existence of prior offenses. Instead, the committee decided to treat prior offenses as an aggravating factor.

The committee has recommended that AS 12.55.036(b)(1) be amended to require that the day fines plan include an assessment of common misdemeanor offenses and to delete the requirement that the assessment reflect the existence of prior offenses. This proposal is contained in section 2 of SB 167.

B. Written Findings.

AS 12.55.036(c)(2) requires that the judge make written findings of the facts considered in determining the existence of aggravating and mitigating factors and in determining the defendant's income. Given the volume of misdemeanor sentencings in some court locations, it is not feasible for judges to make written findings in these cases. Therefore, the Day Fines Committee has recommended that the legislature eliminate AS 12.55.036(c)(2). This proposal is contained in section 3 of SB 167.

C. Felony Aggravators and Mitigators.

AS 12.55.036(b)(3) authorizes the court to increase or decrease the presumptive day fine penalty for an offense if the court finds the existence of an aggravating factor under AS 12.55.155(c) or a mitigating factor under AS 12.55.155(d). AS 12.55.155 lists the aggravating and mitigating factors that apply in felony cases. Because of the volume of misdemeanor cases, it is not feasible for judges to review the lists of felony aggravators and mitigators each time a defendant is sentenced. In addition, some of these factors are not applicable to the offenses for which a day fine may be imposed. In the proposed day fine plan, the Day Fines Committee recommended that a shorter, more general list be adopted that would be easier for judges to use. The committee

recommended that AS 12.55.036(b)(3) be amended to eliminate the references to AS 12.55.155. This proposal is contained in section 2 of SB 167.

D. Set Aside of Convictions.

Many first and second misdemeanor offenders currently receive SISs and suspended sentences which are significantly less severe than the sentences they would receive under the proposed day fines plan. In order to increase the attractiveness of day fines in such cases, the Day Fines Committee recommended that courts be allowed to set aside convictions in appropriate cases upon payment of a day fine. Another benefit of this change in the law is that the possibility of eliminating the conviction from the defendant's record might increase the likelihood of payment. This proposal is contained in section 6 of SB 167.

E. Net Income Versus Gross Income.

AS 12.55.036(b)(4) requires the court to use the defendant's gross income to calculate the defendant's net daily income for purposes of day fines. However, unless they are carrying their pay stubs, people generally know only the amount of their take home pay. The Day Fines Committee recommended that AS 12.55.036(b)(4) be revised so that the method of calculating net daily income is based on a defendant's net income after taxes instead of gross income. This proposal is contained in section 2 of SB 167.

F. Additional Time to Pay.

AS 12.55.036(d) states that the court may permit day fines to be paid in installments over time, provided the entire fine is paid within 180 days. The Day Fines Committee recommends that the legislature amend AS 12.55.036(d) to allow courts to give defendants up to one year to pay. The committee believes that additional time is needed to allow for seasonal variations in income. In addition, the projected fine amounts are high enough that some defendants will not have enough discretionary income to pay their fine in full within a six-month period. This proposal is contained in section 4 of SB 167.

G. Access to Employment Information.

The Day Fines Committee recommended that the legislature amend AS 23.20.110 to authorize the Department of Labor to give the Department of Law Collections Unit access to confidential employment information (to the extent permitted by federal

law). The purpose of this change is to improve collections by making it easier for the Department of Law to locate a defendant's places of employment. This proposal is contained in sections 7, 8, and 9 of SB 167.

H. Treatment.

The Day Fines Committee is concerned that day fines may not be used in cases involving alcohol or drugs because a day fine cannot be combined with an order for treatment. AS 12.55.015 lists the sentences judges can impose as direct court orders. This statute only authorizes the court to order treatment for defendants who are incarcerated. Therefore, the only way a judge can order treatment outside of prison is if a specific statute authorizes it (which very few do) or as a condition of probation. Since day fines cannot be combined with probation, judges will be unlikely to impose day fines when they believe treatment is necessary. The Day Fines Committee has recommended that the day fines law be amended to allow the court to enter a direct court order requiring a defendant who receives a day fine to participate in a treatment program related to the defendant's offense. This proposal is contained in section 1 of SB 167.

I. Biennial Reports.

AS 12.55.036(f) requires the court system to evaluate the use and effectiveness of day fines and report every two years to the legislature. This section specifies what the report must contain. The Day Fines Committee does not believe that certain information listed in this section can be collected given the current state of the various justice agencies' information systems. The committee has recommended that the Alaska Supreme Court invite the Alaska Judicial Council to work with the court system to develop appropriate evaluation criteria (given available information systems) and to design the information collection procedures necessary to make the reports to the legislature. To accommodate this, SB 167 amends AS 12.55.036(f) to reflect the fact that it is not yet possible to provide information on recidivism. This proposal is contained in section 5.

II. Fundamental Problems with Day Fines Law.

Now I would like to discuss the more fundamental problems that are not addressed in the attached bill.

The first problem relates to the legislature's intent in passing the law. In her March 10, 1993 memorandum transmitting the bill, Representative Fran Ulmer stated that the

intent of the legislation was to decrease the number of misdemeanor offenders who are sent to jail and to increase fine collection rates. The day fines legislation as enacted will not achieve either of these objectives.

In the course of its work, the Day Fines Committee determined that the day fines law excludes most of the misdemeanors for which people are currently sentenced to jail. Therefore, the law will not result in a meaningful decrease in the jail population as the legislature intended.

Increased fine collection is also unlikely. Under the new law, a day fine is only one of several sentencing options available to a judge. A judge will not select this option unless the judge believes the fine will be collected. In reviewing the State's collection practices, the Day Fines Committee discovered that current fine collection rates are low. The day fines program will not be widely used - or increase fine revenues - unless the Department of Law receives additional collection tools and resources. (The Department of Law's Collections Unit is funded solely through program receipts.) An example of a new tool would be to make payment of fines a condition for state licenses. The Day Fines Committee recommended that the legislature consider prohibiting the issuance or renewal of state licenses and permits to persons who have unpaid fines and other obligations to the state.

A second fundamental concern pertains to the fine amounts that result from the day fines formula. In order to avoid separation of powers questions, the legislature specified in the statute the unit scale and general formula for computing day fines. This scale would have resulted in inappropriately high fine amounts for the misdemeanors that the legislature included in the day fines program. Even though the Day Fines Committee reduced the scale as much as they thought possible - from a maximum of 365 units to a maximum of 45 units - the formula still results in very high fine amounts for all but the poorest offenders. The supreme court is reluctant to proceed without further legislative review of the fines that would result under the formula prescribed in the law.

A third fundamental concern pertains to one of the largest categories of misdemeanors - fish and game offenses. After much deliberation, the Day Fines Committee excluded these offenses from its day fines plan. Unlike criminal law, which has a relatively clear statutory framework as a result of the classification system that went into effect in 1980, fish and game has no clear sentencing structure. Title 5 includes numerous penalty provisions and it is not always obvious which ones apply to particular offenses. In addition, because offense definitions overlap, the same conduct can be charged under different statutes and regulations, with different consequences. The

committee was ultimately unwilling to impose another layer of complexity in this area until the underlying statutory and regulatory problems are resolved. Instead, the committee recommended that the legislature appoint a special legislative committee or an interagency group to assess and restructure fish and game penalty provisions and definitions of offenses.

III. Conclusion.

The attached bill addresses the problems described in Part I above. It does not address the Day Fines Committee's - and the supreme court's - more fundamental concerns discussed in Part II. Both the court and the committee question whether it is wise to proceed without addressing these concerns. It will require a significant commitment of resources in order to implement the day fines program. Without significant changes, the law is unlikely to result in the savings or the revenues that the legislature originally expected.

Sincerely,

Arthur H. Snowden, II
Administrative Director

SENATE CS FOR CS FOR HOUSE BILL NO. 119(FIN)
"An Act authorizing a sentencing court to impose a sentence of a day fine instead of a sentence of imprisonment on a defendant convicted of a misdemeanor; directing the Alaska Supreme Court to develop and implement a day fine plan; requiring the Alaska Court System to report to the legislature on the use of day fines; amending Alaska Rule of Criminal Procedure 32; and providing for an effective date."
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
* Section 1. AS 12.55.015(a) is amended to read:
(a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing sentence on a defendant convicted of an offense, may singly or in combination
(1) impose a
(A) fine when authorized by law and as provided in AS 12.55.035; or
(B) a day fine when authorized by law and as provided in AS 12.55.036, if the court does not impose a term of periodic or continuous imprisonment or place the defendant on probation;
(2) order the defendant to be placed on probation under conditions specified by the court that may include provision for active supervision;
(3) impose a definite term of periodic imprisonment;
(4) impose a definite term of continuous imprisonment;
(5) order the defendant to make restitution under AS 12.55.045;
(6) order the defendant to carry out a continuous or periodic program of community work under AS 12.55.055;
(7) suspend execution of all or a portion of the sentence imposed under AS 12.55.080;
(8) suspend imposition of sentence under AS 12.55.085;
(9) order the forfeiture to the commissioner of public safety of a deadly weapon that was in the actual possession of or used by the defendant during the commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;
(10) order the defendant, while incarcerated, to participate in or comply with the treatment plan of a rehabilitation program that is related to the defendant's offense or to the defendant's rehabilitation [,] if the program is made available to the defendant by the Department of Corrections.
* Sec. 2. AS 12.55.035(a) is amended to read:
(a) Except as provided in AS 12.55.036, upon [UPON] conviction of an

offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.

* Sec. 3. AS 12.55.035(b) is amended to read:

(b) Except as provided in AS 12.55.036, upon [UPON] conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) $75,000 for murder in the first or second degree, attempted murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree;

(2) $50,000 for a class A, B, or C felony;

(3) $5,000 for a class A misdemeanor;

(4) $1,000 for a class B misdemeanor;

(5) $300 for a violation.

* Sec. 4. AS 12.55.035(c) is amended to read:

(c) Except as provided in AS 12.55.036, upon [UPON] conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) an amount that is

(A) $500,000 for a felony offense or for a misdemeanor offense that results in death;

(B) $200,000 for a class A misdemeanor offense that does not result in death;

(C) $25,000 for a class B misdemeanor offense that does not result in death;

(D) $10,000 for a violation;

(2) two times the pecuniary gain realized by the defendant as a result of the offense; or

(3) two times the pecuniary damage or loss caused by the defendant to another, or to the property of another, as a result of the offense.

* Sec. 5. AS 12.55 is amended by adding a new section to read:

Sec. 12.55.036. DAY FINES. (a) Upon conviction of a misdemeanor, other than a violation of AS 11.41 and 11.56.740, a defendant may be sentenced to pay a day fine as authorized by this section. If a day fine is imposed under this section, the defendant may not be sentenced to pay a fine under AS 12.55.035, serve a term of imprisonment, or be placed on probation.

(b) The Alaska Supreme Court shall adopt a day fine plan that includes

(1) an assessment of the gravity of all misdemeanor offenses, which assessment must include the existence of prior offenses, and the assignment of presumptive penalties to them in day fine units within the following ranges:

(A) for class A and unclassified misdemeanors, not to exceed 365-day fine units;

(B) for class B misdemeanors, not to exceed 90-day fine units;

(2) a schedule of the presumptive day fine penalties;

(3) procedures for a court to increase or decrease the presumptive day fine penalties if the court finds the existence of an aggravating factor under AS 12.55.155(c) or a mitigating factor under AS 12.55.155(d);

(4) a table for the conversion of a defendant's actual, potential, or estimated gross income, less one-third for a defendant above the federal poverty guideline as determined by the United States Department of Health and Human Services, and less one-half for a defendant below the federal poverty guideline into net daily income amounts; the table must include adjustments for the number of dependents actually supported by the defendant;

(5) procedures for a court to gather information about the defendant's occupation, actual, estimated, and potential income, number of dependents, and other facts necessary or relevant to sentencing a person to a day fine; a court may order the production of the financial or other records of a person it determines to be relevant to a determination under this section; the procedures must include a requirement that the facts shall be received

(A) under oath so that the defendant is subject to prosecution under AS 11.56.200; or

(B) in a writing or recording that bears notice that false statements made in it are punishable under AS 11.56.210; and

(6) other information the court determines to be necessary for implementing the day fine plan.

(c) The amount of a day fine shall be the product of the net daily income of the defendant, adjusted for the number of dependents actually supported by the defendant, times the day fine penalty. When imposing a sentence of a day fine, the court shall

(1) state on the record the

(A) presumptive day fine penalty for the offense, and whether the court is adjusting the presumptive day fine penalty for the existence of aggravating or mitigating factors;

(B) net daily income of the income of the defendant, adjusted for the number of dependents actually supported by the defendant; and

(C) amount of the day fine;

(2) make written findings of the facts considered in

(A) finding the existence of aggravating or mitigating factors and in assigning a value to those factors; and

(B) determining the defendant's gross and daily net incomes.

(d) When imposing a sentence of a day fine, the court may permit the payment of the day fine in specified installments or within a certain period of time, provided the entire day fine is paid within 180 days of imposition.

(e) A sentence imposing a day fine shall be considered a civil judgment for the day fine. The Department of Law shall enforce the judgment and may utilize any procedure available for the enforcement of civil judgments. If the Department of Law uses the civil process of the court to enforce or collect a day fine, the department shall be awarded costs and attorney fees.

(f) The Alaska Court System shall evaluate and report every two years to the legislature not later than February 1 on the use of day fines and their effectiveness. The report must include

(1) a comparison of the number of defendants receiving a day fine as a sentence with the number of other defendants, eligible to receive a day fine, who receive another sentence;

(2) a comparison of the recidivism rates between defendants receiving a day fine with other defendants,

(A) eligible for a day fine, who receive another sentence; and

(B) not eligible for a day fine, who receive another sentence;

(3) the potential savings to the state from the number of defendants, who are eligible to receive a sentence of imprisonment, and who receive a day fine, assuming those defendants would have been sentenced to a term of imprisonment;

(4) the amount of day fines collected, the success rate of collections, and the number of cases requiring civil process to collect the day fine; and

(5) recommendations concerning expansion or restriction of the use of day fines, including proposals for legislation.

(g) Money collected under this section shall be deposited into the general fund and separately accounted for under AS 37.05.142. The annual estimated balance in the account maintained under AS 37.05.142 for day fines collected under this section may be appropriated by the legislature as follows: (1) 25 percent of the annual estimated balance for grants and claims paid by the Council on Domestic Violence and Sexual Assault; (2) 25 percent of the annual estimated balance for grants and claims paid by the Violent Crimes Compensation Board; and (3) the balance for any lawful purpose. Nothing in this subsection creates a dedicated fund.

* Sec. 6. CHANGE OF CRIMINAL RULE. AS 12.55.036, added by sec. 5 of this Act, has the effect of modifying the sentencing provisions of Alaska Rules of Criminal Procedure 32, by establishing procedures for imposition of sentences of day fines.

* Sec. 7. AS 12.55.036(f), as enacted by sec. 5 of this Act, is repealed February 2, 2004.

* Sec. 8. This Act takes effect July 1, 1994.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65(JUD)

Revision Date:
Title: An Act relating to licenses, certificates, and permits administered and fees charged..."
Sponsor: House Rules, at Governor's request
Requestor:

Dept. Affected: Health and Social Services
BRU: Medial Assitance
Component: Medicaid Non Facility

COMPONENT SERIAL NO. 0229

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: $0.0

ANALYSIS: (Attach a separate page if necessary)

The sections of the original bill that referenced Medicaid support for subsidized adoptions have been removed by the House ~~Rules~~ Committee substitute. The subsidized adoption provisions are now addressed in HB 178. (Jud)

Prepared by: Dave W. Williams
Division: Medical Assistance
Phone: 907-465-3355
Date: 4/16/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
Agency: Department of Health and Social Services
Date: 4-19-93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill No. HB 119

Revision Date:
Title: An Act authorizing a sentencing court to impose a sentence of a day fine...
Sponsor: Ulmer
Requestor:

Department Affected: Alaska Court System
BRU: Trial Courts
Components:
COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	52.5	35.0	35.0	35.0	35.0	35.0
TRAVEL	24.8					
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	2.8					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	80.1	35.0	35.0	35.0	35.0	35.0
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	80.1	35.0	35.0	35.0	35.0	35.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	80.1	35.0	35.0	35.0	35.0	35.0

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY	1.0					

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)
See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel
Division: Alaska Court System
Phone: 264-8228
Date: 03/10/93

Approved by: Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System
Date: 03/10/93

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

Rev 1/93

Alaska Court System
Fiscal Analysis
HB 119

Personal Services	Salary	Benefits	Total
Law Clerk I, 13D, Anchorage, NPP, 6 months *Provide legal research for day fine rule-making committee. One-time cost.*	15,912	1,575	17,487
Court Clerk II, 10A, Anchorage, PFT, 12 months *Assist judges statewide with income verification: review income tax returns and financial statements and perform credit checks. All judicial inquiries will be processed in Anchorage.*	24,012	10,998	35,010
Total personal services			52,497
Travel *(one-time cost)* *Committee, appointed by Supreme Court, to develop rule on day fines. Committee will be comprised of two trial judges from each judical district and two appellate judges. Committee will meet five times with meetings lasting approximately 3 days.*			24,825
Equipment *(one-time cost for permanent postion)* *Desk, chair, computer and facsimile machine*			2,800
			$80,122

Note: The court system is not able to accurately estimate potential revenues from this legislation at this time.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 119 (Jud)

Revision Date: 4/9/93
Title: An Act authorizing a sentencing court to impose a sentence of a day fine..."
Sponsor: Representative Ulmer
Requestor: House Judiciary

Dept. Affected: Corrections
BRU: Institutions
Component: Institutions
COMPONENT SERIAL NO.

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: $ -0-

ANALYSIS: (Attach a separate page if necessary)

The Judiciary Committee Substitute removes the Department's responsibility to prepare an annual report and, therefore, results in a zero fiscal note.

Prepared by: Dana LaTour, Special Assistant
Phone: 465-3376
Division: Office of the Commissioner
Date: 4-8-93

Approved by Commissioner: Lloyd G. Rupp, Commissioner
Date: 4-8-93
Agency: Department of Corrections

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date:
Title: "An Act authorizing a sentencing court to impose a sentence of a day fine on a defendant convicted of a misdemeanor . . ."
Sponsor: Representatives Ulmer, Davis, Davies, Brown
Requestor: (H) STA

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0
FUNDING:						
1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0
POSITIONS:						
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact:

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date:

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 3/8/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date: _____ Dept. Affected: Administration
Title: "An Act authorizing a sentencing court to impose a sentence of a d y fine on a defendant convicted of a misdemeanor . . . ." BRU: Office of Public Advocacy
Component: Office of Public Advocacy
Sponsor: Representatives Ulmer, Davis, Davies, Brown
Requestor: (H) Sta COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0
FUNDING:						
1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MH-TIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0
POSITIONS						
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: $ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684
Division: Office of Public Advocacy Date:

Approved by Commissioner: Nancy Bear Usera Date: 3/8/93
Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date: March 8, 1993
Title: "...authorizing a sentencing court to impose a sentence of a day fine instead of imprisonment..."
Sponsor: Representative Ulmer
Requestor: Representative Ulmer

Department Affected: Department of Law
BRU: Legal Services
Component: Operations

COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE FUND SOURCE:						
FUNDING:						
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services Division
Phone: 465-3672
Date: March 8, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law
Date: March 8, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

ANALYSIS (Continued):

This bill would amend the sentencing provisions in the state's Code of Criminal Procedure, AS 12.55, to establish a system of day fines as an intermediate punishment alternative to short-term incarceration and probation supervision. Under the bill, defendants convicted of non-violent misdemeanors could be sentenced to fines based upon the severity of the offense, a defendant's criminal history, and a defendant's daily income, as adjusted for a defendant's ability to pay the fine. The bill does not repeal existing misdemeanor sentencing provisions, but rather it provides an alternative to those provisions.

Section 5 of the bill would provide that a sentence imposing a day fine shall be considered a civil judgment for the day fine. And the section further provides that the Department of Law shall enforce the judgment and may utilize any procedure available for the enforcement of civil judgments. If the department uses the civil process of the court to enforce or collect a day fine, the department would be awarded costs and attorney fees.

The Department of Law's collections unit currently collects unpaid criminal fines and was recently assigned the responsibility for collecting unpaid legal fees for state-provided criminal defense. The costs for these collections has averaged about one-third of the amount collected. However, the cost ratio for collection is expected to diminish as collections increase, and as collections procedures become more efficient, including establishment of electronic interfaces between the courts and the Department of Law, and between the Department of Law and the Department of Revenue.

At this point we are unable to determine if the bill will have an impact for our department. It is not known whether day fine sentencing provisions will result in a change in the number of unpaid fines that we currently handle, nor is it clear whether the amount in arrears will change. The court must undertake a comprehensive effort to develop and implement a day fine program. Consequently, a fiscal impact, if any, will not be known until sometime after the new sentencing provisions have been in effect. It does appear that day fine sentences would help reduce the growing cost of incarceration and supervised probation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 119

Revision Date: _____ Dept Affected: Public Safety

Title: "An act authorizing a sentencing court to impose a sentence of a day fine." BRU: Alaska State Troopers

Component: Detachments

Sponsor: Representative Ulmer

Requestor: House Judiciary COMPONENT SERIAL NO. 799

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year (FY 93) impact. $ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691

Division: Alaska State Troopers Date: 4/02/93

Approved by Commissioner: [signature] Date: 4/02/93

Agency: Richard J. Burton, Dept. of Public Safety

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MEMORANDUM

Alaska Court System

TO: Arthur H. Snowden, II
Administrative Director

DATE: February 2, 1993

FROM: Cat..yn Jansson
Legal Administrative As:t.

SUBJ: Day Fines

Alaska, like many states, is struggling with prison overcrowding. During the last five years, the daily number of prisoners has fluctuated just above and below prison capacity.[1] Other jurisdictions, in an effort to relieve overcrowding, are considering alternative punishments for non-violent crimes; one of these alternatives is day fines. This memorandum discusses the history and use of day fines as an intermediate criminal sanction[2] and the feasibility of implementation in Alaska.

I. Definition.

Day fines (also called structured fines, means-based fines or unit fines) are an intermediate sanction which allows the court to fine

---

[1] Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature 1 (1991).

[2] An intermediate sanction is a sanction which is more stringent than traditional probation but less stringent (and usually less expensive) than imprisonment. Intermediate sanctions include house arrest, electronic monitoring, "shock" incarceration, community residential centers and work release centers.

an offender based on the gravity of the offense and the offender's ability to pay. Typically, under a day fine system each offense is assigned a number of "fine units" based on the severity of the offense compared to other crimes. When a defendant is convicted, the judge determines the number of fine units which have been assigned to the offense and the defendant's available daily income. The judge then multiplies these two figures to determine the fine amount. (The term "day fine" is used because the fine is linked to the defendant's daily income.)

II. Fines as an Alternative to Short-Term Incarceration

Proponents of fines make the following arguments in support of fines versus other criminal sanctions:

> (1) Unlike incarceration and probation, fines generate revenues to reimburse costs of the justice system. Well over a billion dollars in fines are collected in criminal courts each year.
>
> (2) Fines are inexpensive to administer compared to other to intermediate sanctions such as supervised probation and halfway houses.
>
> (3) Fines are already used in some form by virtually all American courts. Therefore, the mechanisms to impose and collect fines are already in place.[3]

Moreover, studies show that fines -- if set high enough -- have a punitive impact on offenders and value as a deterrent.[4]

---

[3] Sally Hillsman, Barry Mahoney, George F. Cole, & Bernard Auchter, Fines as Criminal Sanctions, Nat'l Inst. of Just. Research in Brief 2 (Sept. 1987) [hereinafter Hillsman, Mahoney, Cole, & Auchter].

[4] Sally Hillsman, *Fines and Day Fines*, in 12 Crime and Justice: A Review of Research, 49, 50 (Michael Tonry and Norval Morris eds., 1990) [hereinafter Hillsman].

Fines are already used as a sanction for a broad range of offenses; however, they are usually used in conjunction with probation or short-term incarceration and are rarely used as an alternative to these penalties.[5]

Researchers offer several explanations for the low use of fines as a sole penalty. According to a 1984-85 survey of judges, most judges set fines well below the statutory limit. Researchers believe that this is because most judges use the "tariff" or "fixed fine" system to determine fine amounts. Under this system, approximately the same fine amount is imposed on all defendants who are convicted of a particular offense. The "tariff" or "going rate" for an offense is generally based on what the poorest offenders can afford to pay. Thus, fine amounts "tend to cluster near the bottom of the statutorily permissible range. This limits the range of offenses for which judges consider the fine an appropriate sole penalty."[6]

In the 1984-85 survey, judges also expressed concern about the fairness of fines. Under a tariff system, defendants with higher incomes have an obvious advantage -- a $500 fine has a greater punitive impact on a defendant who earns $1500 per month than on a defendant who earns $4000 per month. Sixty-one percent of the judges who responded to the survey agreed with the statement that

---

[5] Hillsman, Mahoney, Cole, & Auchter, supra note 3, at 2.

[6] Hillsman, supra note 4, at 63.

fines allow affluent offenders to "buy" their way out.[7] Sixty percent also agreed that fines are not an effective sanction for indigent defendants because there is a significant risk that the fine will be uncollectible.[8]

Proponents of fines believe that day fines address many of the concerns that are raised about traditional fines. Because day fines are set in proportion to the seriousness of the offense and adjusted to a defendant's income, they result in an equivalent level of hardship for defendants convicted of the same offense.[9] In addition, under a day fines system, fines can be set high enough to effectively penalize affluent defendants and low enough to reflect what poorer defendants can realistically afford to pay.[10]

III. Use of Day Fines in Other Jurisdictions

A. Europe

The day fine system is an innovation of Western Europe. Day fines were implemented in Europe to reduce prison overcrowding by providing an alternative to short-term imprisonment.[11] The first day fine system was implemented in Finland in 1921, followed by

---

[7] Hillsman, Mahoney, Cole, & Auchter, supra note 3, at 4.

[8] Id.

[9] Hillsman, supra note 4, at 51.

[10] Id.

[11] Id. at 75.

Sweden in 1931, Denmark in 1939, West Germany and Austria in 1975.[12] In both West Germany and Sweden, day fines have been successful in reducing the number of short-term prison sentences. In 1968, West Germany imposed 113,273 prison sentences for six months or less; following the implementation of day fines in 1975, the number of prison sentences for six months or less dropped to 23,664. By 1979, the number was further reduced to 10,609.[13]

In both West Germany and Sweden, a fine is used as the sole penalty for most criminal offenses, including many serious offenses. In 1984, 75 percent of all non-traffic criminal offenses in West Germany were disposed of by a fine as the sole penalty; fines were used in one third of all sexual offenses and in 73 percent of all crimes of violence against the person.[14] In 1988, Sweden imposed day fines for 83 percent of all criminal offenses, including 40 percent of all offenses against persons.[15]

B. United States

Day fines are currently being used in eight locations in the United States: Phoenix, Arizona; Bridgeport, Connecticut; Des Moines,

---

[12] Sally Hillsman & Judith Greene, Tailoring Criminal Fines to the Financial Means of the Offender, 72 Judicature 38, 44 (1988).

[13] Gary M. Friedman, Comment, The West German Day-Fine System: A Possibility for the United States?, 50 U.Chi.L.Rev. 281, 291 (1983).

[14] Hillsman, supra note 4, at 61.

[15] Id.

Iowa; and four county courts in Oregon.[16] Chicago, Houston and Philadelphia are in the active planning stage. Staten Island, New York imposed day fines for twenty-three months during 1983-90, but discontinued the program because of budget cuts. Milwaukee, Wisconsin used a day fine system for 12 weeks during 1989, but discontinued the project because it resulted in lower fine revenues for the court.

The programs in Staten Island, Phoenix, and Milwaukee are discussed in more detail below. The programs in Connecticut, Iowa, and Oregon have only recently gotten underway.

1. Staten Island

Richmond County Criminal Court, a trial court of limited jurisdiction, was the first court in the United States to implement a day fines program.[17] Day fines were used for misdemeanors and violations for a period of 23 months during 1988 to 1990.[18] Between September 1988 and August 1990, day fines were imposed in

---

[16] Each of these jurisdictions is part of a pilot project funded by a Bureau of Justice Assistance federal grant.

[17] Douglas C. McDonald, Judith Greene & Charles Worzella, Day Fines in American Courts: The Staten Island and Milwaukee Experiments, Issues and Practices in Criminal Justice, Nat'l Inst. Just. 13 (Apr. 1992) [hereinafter McDonald, Greene, & Worzella].

[18] A list of violations and misdemeanors to which the program applied appears in Appendix A.

two-thirds of all disposed cases.[19] The average day fine amount was $440.83, twice the average pre-pilot fine amount, which was $205.66.[20]

As part of its day fines project, Staten Island also experimented with a new collections strategy. Responsibility for collection of day fines was centralized in a "day fines officer." This person was given authority to work out an individualized payment plan with each defendant. Defendants were generally allowed only a short period to pay the fine, i.e., usually no more than three months, and payment dates were scheduled to correspond to the defendant's income receipt patterns. A computer program originally designed for small business applications was adapted inexpensively to track payment. A defendant's non-payment prompted the computer to generate an immediate reminder and warning letter. If non-payment was due to a change in the defendant's financial circumstances, the day fines officer could modify the defendant's payment plan within certain parameters.[21]

To measure the success rate of the new collection practices, the court divided day fine cases into two groups. One group, labeled

---

[19] Laura Winterfield & Sally Hillsman, An Experiment to Introduce Means-Based Fining into an American Criminal Court: The Staten Island Day-Fines Project, Nat'l Inst. Just. 4 (Draft: Apr. 30, 1992) (hereinafter Winterfield & Hillsman).

[20] Id. at 5.

[21] McDonald, Greene, & Worzella, supra note 17, at 34.

"experimental," was subject to the new collection strategy. The other group, labeled "control," was subject to the court's existing collection practices. Researchers found 85 percent of the day fine experimental group paid in full, compared to 71 percent of the control cases and 76 percent of the pre-pilot fine cases. Six percent of the day fine experimental group resulted in no payment at all, compared to 26 percent of day fine control group and 22 percent of pre-pilot cases.[22]

Overall, the court found that "despite significantly higher average fine amounts and longer collection periods e.g. installment payments, day fines were collected in full at high rates - rates as high as the collection rates for the smaller fixed fines."[23] The total revenues generated by fines increased by 14 percent during the day fines project. Researchers estimate that total fine revenues from day fines would have been approximately 50 percent higher if day fines had not been constrained by statutory fine caps.[24]

The Staten Island program was discontinued because of budget cuts.[25]

---

[22] Winterfield & Hillsman, supra note 19, at 6.

[23] Id. at 7.

[24] Id. at 5.

[25] Per a 9/22/92 phone conversation with Arnold Berliner, Assistant District Attorney; Staten Island, New York.

2. Phoenix

In April 1991 the Superior Court of Maricopa County in Phoenix, Arizona initiated a day fine demonstration project, known as "F.A.R.E. Probation" (Financial Assessments Related to Employability). The program was the first in the United States to apply day fines to both misdemeanor and low level felony cases.[26]

In a phone conversation with Marilyn Windust, Day Fine Project Manager, Adult Probation Department, she stated that overall the program has been very successful. The court evaluates defendants prior to sentencing and targets defendants who have low treatment and supervision needs, are employable or have a source of income, and do not owe restitution exceeding the day fine. Prior to implementation of the program, these defendants would probably have been placed on full supervision probation or sentenced to a short-term jail sentence.

Between April 1991 and July 1992, 247 defendants were sentenced to FARE probation. One hundred nine defendants successfully completed the program. Only two defendants have committed subsequent offenses. The lowest fine assessment under the program was $60. The highest assessment was $12,325. The court collected a total of $120,889 and its collection rate was 98.2 percent. Forty-one

[26] A list of the misdemeanors and felonies to which the program applies appears in Appendix B. Felonies include low level assault, burglary, child abuse, attempted child molestation, robbery, theft, attempted kidnapping, fraudulent schemes, escape, arson, sexual abuse, and many drug offenses.

percent of victims received full restitution and restitution was paid at a faster rate. Of the total number of offenses in which day fines were imposed, 58 percent were theft related offenses, 28.3 percent were drug related offenses, 2 percent were white collar offenses, and 11.7 percent were miscellaneous offenses.[27]

Even though initial funding for the program under a Bureau of Justice grant has ended, the court system has elected to continue the program and 8 it through the Maricopa County budget.

3. Milwaukee

In 1989, the Milwaukee Municipal Court initiated a 12 week experiment to test the feasibility of substituting day fines for fixed fines for violations of municipal ordinances.[28] The experiment concentrated on first time offenders charged with offenses which are also crimes under state penal law. These offenses include: carrying a concealed weapon, disorderly conduct, theft from a retail store, vandalism, loitering, prowling, and low level assault and battery. Between October 1989 to January 1990, 192 violators received day fines.[29] The average day fine imposed was $72 compared to an average of $112 for fixed fine cases.[30]

---

[27] The FARE probation program statistics were provided by Marilyn Windust, Day Fine Project Manager.

[28] A list of violations to which the program applied appears as Appendix C.

[29] McDonald, Greene, & Worzella, supra note 17, at 70.

[30] Id. at 72.

Collection rates basically stayed the same. The court found that the percentage of defendants failing to pay their fines differed little between day fines and conventional fines (59 percent versus 61 percent, respectively). However, defendants given day fines were more likely to pay in full (37 percent versus 25 percent). Differences in likelihood to pay were even more pronounced among the poorest violators. Of those persons having monthly incomes less then $197, 33 percent of those given day fines paid in full, compared to 14 percent of those who received conventional fines.[31] Overall, the court found that the system imposed lower fines which led to reduced revenues to the county treasury. Since the Milwaukee court could not afford to subsidize the program, the program was discontinued.[32]

The Milwaukee experiment demonstrated that a day fines program can be operated in a fast-paced setting such as a municipal court. The collection rate data from Milwaukee and Staten Island indicates, however, that day fines are not inherently more collectible than traditional fines. In Milwaukee, the collection rates for day fines and traditional fines were approximately the same. In Staten Island, the collection rate for day fines in the control group (i.e, day fines which were not subject to the new collection

---

[31] Id.

[32] Per a 8/28/92 phone conversation with Judith Greene, Director of Court Programs, Vera Institute of Justice; New York, New York.

practices) was approximately the same as the collection rate for traditional fines.

IV. Day Fines as an Alternative Sanction in Alaska

It is difficult to predict whether a day fines program would make a positive impact on Alaska's judicial system and corrections program. There is a shortage of data available on current sentencing patterns.

In 1992 the Sentencing Commission conducted a state-wide survey of felony sentences imposed between 1986 and 1991. The commission found that fines were imposed in only 4.4% percent of the cases. Fines ranged from $250 to $15,000 and were always combined with sentences of incarceration ranging from 18 months to 8 years.[33] The sampling indicates fines are not used as an alternative to incarceration in felony cases, but rather as an additional sanction.

No data is readily available on the number of misdemeanor cases in which fines are imposed as a sole penalty or in conjunction with other sanctions. However, according to information collected by

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[33] The offenses included bootlegging, driving under the influence, assault, second degree rape, second degree sexual assault, and drug offenses. A copy of the Commission's data appears in Appendix D.

the Sentencing Commission, misdemeanants currently make up approximately ten percent of Alaska's prison population.[34]

It should be noted that there is public support in Alaska for alternatives to incarceration. A recent public opinion report prepared by the Sentencing Commission found that the majority of those polled supported intermediate sanctions for non-violent felons and even for some violent felons. Overall, the surveyed group "believed that incarceration does not give the public its money's worth."[35] The group felt these offenders should be in programs which control criminal behavior, but which allow them to work, be self-supporting, and pay supervision costs and restitution.[36]

V. Implementation Requirements for a Day Fines Program

The following section identifies the changes that would be required to implement a day fines program in Alaska. There are four subsections which discuss the following topics: (1) necessary statutory changes; (2) improvement of existing collection mechanisms; (3) adoption of benchmarks; and (4) evaluation of a defendant's financial resources.

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[34] Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature app. 1-2 (1991).

[35] Alaska Sentencing Commission, Opinions on Sentencing in Alaska: Results of Five Focus Groups 10 (Aug. 20, 1992).

[36] Id.

A. Statutory Changes

At least one statutory change must be made in order to implement a day fines program and two additional changes may be desirable. These three statutory changes are discussed in more detail below.

1. Financial Resources of the Defendant

AS 12.55.035 governs the imposition of fines. Prior to 1992, this statute required the court to consider the financial resources of the defendant when setting a fine. The statute provided:

> (a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law. In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden its payment will imposed. No defendant may be imprisoned solely because of inability to pay a fine.

The court was also required to consider the financial resources of the defendant when determining restitution. See AS 12.55.045.[37] Both AS 12.55.035 and AS 12.55.045 were amended last session to eliminate the income evaluation requirement.[38] In adopting this

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[37] Prior to being amended in 1992, AS 12.55.045 provided:

> (a) . . . In determining the amount and method of payment of restitution, the court shall take into account the
>
> . . .
>
> (3) financial resources of the defendant and the nature of the burden its payment will impose on dependents of the defendant.

[38] The amendment to AS 12.55.035 is shown below:

> (a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this

change, the legislature specifically intended to prohibit the court from considering the defendant's financial circumstances when setting the amount of a fine or restitution:

> Section 1. PURPOSE. It is the purpose of this Act to ensure full payment of fines imposed in criminal cases and to make full restitution available to all persons who have been injured as a result of criminal behavior, to the greatest extent possible, by
>
> (1) requiring courts to consider whether a defendant has the ability to pay fines and restitution at a hearing held after a defendant has failed to pay, rather than asking courts to predict at the time of sentencing whether a defendant will have the ability to pay a fine or restitution in the future;
>
> . . . .

Ch. 71 sec. 1 SLA 1992 (emphasis added).

Consideration of the defendant's financial resources is a critical sentencing component in a day fines system. When imposing a day fine, the judge multiplies the number of fine units which have been assigned to the offense and the defendant's available daily income to determine the fine amount. Under the current version of AS 12.55.035, a judge is precluded from considering the defendant's financial resources at the time the fine amount is set. Thus, in order to implement a day fines system, either the deleted language

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> section or as otherwise authorized by law. [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT OF A FINE, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF THE DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT WILL IMPOSE. NO DEFENDANT MAY BE IMPRISONED SOLELY BECAUSE OF INABILITY TO PAY A FINE.]

of the statute must be reinstated or a new provision must be added to AS 12.55 which specifically authorizes the imposition of day fines. The latter option is probably preferable because it would allow the court to impose either day fines or traditional "tariff" or "going rate" fines. Thus, the court system could initially implement day fines on a trial basis.[39]

2. Statutory caps on misdemeanors, violations, and infractions. AS 12.55.035 also sets maximum fine amounts for violations, misdemeanors and felonies. These statutory caps are shown below:

> (b) Upon conviction of an offenses, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than
>
> . . .
>
> (2) $50,000 for class A, B, or C felony;
>
> (3) $5,000 for a class A misdemeanor;
>
> (4) $1,000 for a class B misdemeanor;
>
> (5) $300 for a violation.

Because day fines are based on an offender's daily income, a fine for a defendant with a high income level may exceed the statutory cap. If a day fine is calculated above the cap amount, the

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[39] In Maricopa County, for example, day fines were implemented in four of the county's eight superior courts so that the two fine systems could be compared and evaluated. In a phone conversation with Marilyn Windust, Day Fine Project Manager, she stated that several private defense attorneys have suggested that the use of two fine systems raises equal protection problems. However, to date, this issue has not been litigated.

defendant would only be liable for the statutory amount, which diminishes the punitive impact of the fine.

Other jurisdictions have not necessarily eliminated their statutory fine limits when they initiated their day fine programs. Phoenix, Staten Island and Oregon elected to impose day fines within the statutory fine limits, at least initially. Phoenix and Oregon plan to evaluate the desirability of amending or repealing the statutory caps once they have determined the extent to which the caps prevent judges from imposing full day fines.

In Alaska, the present caps will limit the use of day fines, particularly for more serious offenses. A policy decision must be made whether to propose to the legislature a lifting of the existing caps or to operate the day fines program under existing statutory fine limits.

3. Statutory Felony Sentencing Structure

Alaska operates under a statutory felony sentencing structure which dictates minimum, maximum and presumptive prison terms for felony convictions.[40] There are no mandatory minimum or presumptive sentencing rules for first time Class B[41] or C[42] felony convictions,

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[40] See AS 12.55.125.

[41] Class B felonies include robbery not using a deadly weapon, theft over $25,000, selling cocaine or marijuana to minors, burglary in a dwelling, arson with no risk of injury, bribery or perjury, second-degree assault, sexual penetration with a person aged 13, 14 or 15, and sexual contact with anyone under 13, or a

unless the conduct was knowingly directed at a peace officer, firefighter or an emergency responder, e.g., emergency medical technician, paramedic, ambulance attendant.[43] However, for second and subsequent Class B felony convictions, there is a presumptive prison term of 4 and 6 six years, respectively and 2 and 3 years for Class C felonies. An offender will ordinarily receive these prison terms unless certain aggravating or mitigating factors are applicable.

Thus, under the current sentencing structure, judges can impose day fines for misdemeanors and first time low level felony convictions, but day fines cannot be used for repeat low level felonies. A policy decision must be made as to whether the state of Alaska wishes to include these repeat offenders in a day fines program and, if so, propose a statutory amendment to the legislature.

B. Improvement of existing collection mechanisms

Judges -- and the public -- are unlikely to consider day fines as an alternative to incarceration without assurance that such fines can be collected. According to researchers at the National Center for State Courts, "[p]art of the hesitancy that judges have in

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daughter or son under 18.

[42] Class C felonies include negligent homicide, burglary not in a dwelling, second-degree assault, theft over $500, check forgery, possessing heroin or cocaine, and bootlegging.

[43] See AS 12.55.125(d)(3) and AS 12.55.125(e)(3).

using the fine as a sole or primary sanction apparently stems from a sense that collecting the payment is difficult."[44]

In Alaska, fines, restitution and forfeited bonds under $250 are collected by the court system while fines over $250 are collected by the Department of Law.[45] Court system collection practices are limited to a single "notice of delinquency" letter and if no payment is received, issuance of a bench warrant. The Department of Law issues one demand letter and if no payment is received, an execution is made on the defendant's permanent fund dividend.[46] No information is readily available on the total number of cases in which a fine is imposed.[47] Therefore, the overall payment rate for fines cannot be calculated. Since April 1989, the court system has forwarded a total of 5,720 fine cases to the Department of Law

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[44] Barry Mahoney & Marlene Thornton, Means-Based Fining: Views of American Trial Court Judges, 13 Just. Sys. J. 51, 55 (1988).

[45] See ACS Administrative Bulletin No. 43 (eff. Jan. 8, 1991). The Anchorage Court Administration is looking into the possibility of transferring all unpaid fines (state-wide) to the Department of Law Collections Unit. The Collections Unit will assume this responsibility if necessary information can be electronically transferred between the courts, the Collections Unit, and the Department of Revenue. At present, manual transfer of paperwork between these entities and the Alaska State Troopers causes collections not to be cost-effective for any fine or bail forfeiture under $250.

[46] In 1992, 1155 permanent fund dividend executions were processed from approximately 3,000 open collection accounts.

[47] This information could be gathered. According to Technical Operations, it would take approximately two days of a programmer's time.

for collection. Thirty-six percent of these cases have been paid in full. Another 6 percent have almost been paid in full, i.e., less than $100 is still owing. The department has collected a total of $1,560,885 in fine revenues. The court system collected a total of $4,170,252 in fines, "mail-in bail," and bail forfeitures in FY92.

Prior to implementing a day fine system, current fine collection practices should be reviewed and possibly upgraded. The Staten Island day fine project demonstrated that, despite higher average fine amounts, day fines are not more difficult to collect than traditional fines.[48] Also, relatively simple collection techniques can significantly improve day fines collections.[49]

C. Adoption of benchmarks.

Under a day fine system, the amount of the fine is determined by multiplying the defendant's average daily income by the "benchmark" for the offense. The benchmark is usually measured in "fine units" and reflects the jurisdiction's view as to the seriousness of the offense compared to other crimes. One of the first steps in implementing a day fine system is the adoption of a benchmark scale by assigning fine units to each criminal offense.

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[48] Winterfield & Hillsman, supra note 19, at 7.

[49] See text accompanying note 21 supra.

Determining how many units to assign to each offense is similar to development of sentencing guidelines. The gravity of the offense is weighed against all other offenses and a determination made as to the appropriate level of punishment. The jurisdiction must also decide whether to adopt a fixed number of fine units for each offense or a range of fine units in order to allow some variation of the benchmark based on aggravating or mitigating factors. When Staten Island initiated its day fines project, a planning group determined the court's seventy most common misdemeanors and violations. The group then ranked these offenses by severity.[50] Using a scale of 120 day fine units, the planning group assigned fine units for each offense, e.g., prostitution = 5 units, harassment = 15 units, petit larceny = 5 to 60 units; sexual misconduct = 90 to 120 units. Where ranges were specified, judges were given guidance on how to establish the benchmark in a particular case. For example, a judge would determine the benchmark for a defendant convicted of petit larceny according to the value of property stolen.[51]

In Milwaukee, planners used the existing fine system to create the benchmark scale. Planners assigned each fine unit a value of twenty dollars and then determined the range of units for each offense by dividing the minimum and maximum fine for the offense

[50]The offenses ranged from breach of public decorum to victimizing offenses generally charged as felonies but disposed of as misdemeanors. The offenses are listed in Appendix A.

[51] McDonald, Greene, & Worzella, supra note 17, at 22.

by twenty dollars. Thus, an offense with a minimum fine of $100 and a maximum fine of $500 would be assigned a range of 5 to 25 fine units. Planners used the court's "deposit amount schedules" (comparable to Alaska's bail forfeiture schedules) to determine the median benchmark for each violation and infraction.[52] A judge could adopt a benchmark higher or lower than the median (but still within the permitted range for the offense) based on aggravating or mitigating circumstances or prior criminal history.[53]

The benchmark scales for Staten Island, Phoenix, and Milwaukee appear in Appendices A, B and C, respectively.

In 1991, the Alaska Sentencing Commission weighed the seriousness of 174 criminal offenses found in Title 11 and developed a ranking beginning with most serious (Murder I) to least serious (Unlawful Possession of Property valued under $50)[54] Because ranking of offenses is the starting point of a day fine benchmark scale, the court system could choose to adopt this ranking for the day fines program. The court would still need to assign a fixed number or a range of fine units to each offense. Traffic offenses in Title 28, which includes DWI and DWLS offenses, and fish and game

[52] A deposit amount schedule is similar to Alaska's bail forfeiture schedule in that a violator has the option of paying a "deposit" instead of appearing in court to contest the charge.

[53] McDonald, Greene, & Worzella, supra note 17, at 5.

[54] The purpose of the ranking was to determine if any offenses should be statutorily reclassified to reflect the seriousness of the crime, e.g., reclassify a misdemeanor offense to a felony.

offenses under Title 16 were not ranked. The Commission's ranking appears in Appendix E.

D. Evaluation of a defendant's financial resources

In addition to adopting a benchmark scale, the court system must decide how much of a defendant's income to assess. Staten Island, for example, chose to assess the defendant's daily net income, adjusted for family responsibilities and basic personal needs.[55] Daily net income was determined by dividing the defendant's pay check, welfare allotment or unemployment check by the number of days in the payment period. The figure was then adjusted based on the number of persons supported by the defendant's income. To reduce the harshness on low income defendants who do not have savings or access to credit, the valuation formula allowed an additional income adjustment for people living in poverty.[56] To assist the judge in determining the daily income assessment, planners devised a chart similar to a "tax table" showing average daily income on one axis and the number of persons supported by the defendant on the other axis. The chart appears in Appendix A.

Once the level of assessment is determined, the court system would need a procedure to obtain financial information from defendants. Courts in Alaska already collect detailed financial information

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[55] Milwaukee and Phoenix used or are using a similar system.

[56] McDonald, Greene, & Worzella, supra note 17, at 27.

from defendants who request appointed counsel.[57] The same basic mechanism could probably be used to collect financial information from defendants who are subject to a day fine.[58]

VI. Conclusion

Alaska faces the possibility of future budget shortfalls with the decline of oil-based revenues. As such, budget constraints may force proportionate cutbacks on prison and probation resources. Therefore, alternative intermediate criminal sanctions, such as day fines, may become a necessity. Other jurisdictions find day fines are effective as a sole penalty for misdemeanants and felons who have low treatment and supervision needs. By not imposing a short-term jail sentence on these offenders, prison space is made available for more violent, predatory offenders. As the Alaska Sentencing Commission has noted, "[e]very offender diverted into

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[57] This information is also gathered as part of the presentence investigation. Such investigations are conducted in most felony cases but few misdemeanor cases.

[58] As part of its day fines project, Staten Island employed people to interview defendants about their financial resources. Planners also developed tables showing the median biweekly salary for various occupations, e.g., construction workers, food and beverage preparers, sales personnel. If a defendant refused to disclose financial information to court personnel, the judge would calculate the day fine based upon information in these tables. The general income guidelines appear in Appendix A. Judges in the Staten Island project were also authorized to adjust defendants' daily income figures to reflect illegal or "under the table" income.

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9-LS1069\A

SENATE BILL NO. 167

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE BY REQUEST

Introduced: 4/25/95
Referred: JUD. FIN

A BILL

FOR AN ACT ENTITLED

"An Act relating to day fines in certain criminal cases and release of employment information for use in the collection of criminal judgments."

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

* **Section 1.** AS 12.55.036(a) is amended to read:

(a) Upon conviction of a misdemeanor, other than a violation of AS 11.41 and AS 11.56.740, a defendant may be sentenced to pay a day fine as authorized by this section. If a day fine is imposed under this section, the defendant may not be sentenced to pay a fine under AS 12.55.035, serve a term of imprisonment, or be placed on probation. However, the court may order a defendant to participate in or comply with a screening, evaluation, or treatment program related to the defendant's offense.

* Sec. 2. AS 12.55.036(b) is amended to read:

(b) The Alaska Supreme Court shall adopt a day fine plan that includes

(1) an assessment of the gravity of common [ALL] misdemeanor

offenses [, WHICH ASSESSMENT MUST INCLUDE THE EXISTENCE OF PRIOR OFFENSES,] and the assignment of presumptive penalties to them in day fine units within the following ranges:

(A) for class A and unclassified misdemeanors, not to exceed 365-day fine units;

(B) for class B misdemeanors, not to exceed 90-day fine units;

(2) a schedule of the presumptive day fine penalties;

(3) procedures for a court to increase or decrease the presumptive day fine penalties if the court finds the existence of an aggravating factor [UNDER AS 12.55.155(c)] or a mitigating factor [UNDER AS 12.55.155(d)];

(4) a table for the conversion of a defendant's actual, potential, or estimated net [GROSS] income after taxes, less one-third for a defendant above the federal poverty guideline as determined by the United States Department of Health and Human Services, and less one-half for a defendant below the federal poverty guideline into net daily income amounts; the table must include adjustments for the number of dependents actually supported by the defendant;

(5) procedures for a court to gather information about the defendant's occupation, actual, estimated, and potential income, number of dependents, and other facts necessary or relevant to sentencing a person to a day fine; a court may order the production of the financial or other records of a person it determines to be relevant to a determination under this section; the procedures must include a requirement that the facts shall be received

(A) under oath so that the defendant is subject to prosecution under AS 11.56.200; or

(B) in a writing or recording that bears notice that false statements made in it are punishable under AS 11.56.210; and

(6) other information the court determines to be necessary for implementing the day fine plan.

* Sec. 3. AS 12.55.036(c) is amended to read:

(c) The amount of a day fine shall be the product of the net daily income of the defendant, adjusted for the number of dependents actually supported by the

defendant, times the day fine penalty. When imposing a sentence of a day fine, the court shall

[(1)] state on the record the

(1) [(A)] presumptive day fine penalty for the offense, and whether the court is adjusting the presumptive day fine penalty for the existence of aggravating or mitigating factors;

(2) [(B)] net daily income of the income of the defendant, adjusted for the number of dependents actually supported by the defendant; and

(3) [(C)] amount of the day fine [;

(2) MAKE WRITTEN FINDINGS OF THE FACTS CONSIDERED IN

(A) FINDING THE EXISTENCE OF AGGRAVATING OR MITIGATING FACTORS AND IN ASSIGNING A VALUE TO THOSE FACTORS; AND

(B) DETERMINING THE DEFENDANT'S GROSS AND DAILY NET INCOMES].

* Sec. 4. AS 12.55.036(d) is amended to read:

(d) When imposing a sentence of a day fine, the court may permit the payment of the day fine in specified installments or within a certain period of time, provided the entire day fine is paid within one year [180 DAYS] of imposition.

* Sec. 5. AS 12.55.036(f) is amended to read:

(f) The Alaska Court System shall evaluate and report every two years to the legislature not later than February 1 on the use of day fines and their effectiveness. The report must include

(1) a comparison of the number of defendants receiving a day fine as a sentence with the number of other defendants, eligible to receive a day fine, who receive another sentence;

(2) to the extent that recidivism information is available, a comparison of the recidivism rates between defendants receiving a day fine with other defendants,

(A) eligible for a day fine, who receive another sentence; and

(B) not eligible for a day fine, who receive another sentence;

(3) the potential savings to the state from the number of defendants who are eligible to receive a sentence of imprisonment, and who receive a day fine, assuming those defendants would have been sentenced to a term of imprisonment;

(4) the amount of day fines collected, the success rate of collections, and the number of cases requiring civil process to collect the day fine; and

(5) recommendations concerning expansion or restriction of the use of day fines, including proposals for legislation.

* Sec. 6. AS 12.55.036 is amended by adding a new subsection to read:

(h) When there are mitigating circumstances, when the ends of justice will be served, and when the good conduct and reform of the defendant warrant it, the court may upon payment of the entire day fine within the time specified by the court set aside the conviction and issue to the defendant a certificate to that effect.

* Sec. 7. AS 23.20.110(a) is amended to read:

(a) Except as provided in (h), [AND] (i), and (l) of this section, the department shall hold information obtained from an employing unit or individual in the course of administering this chapter and determinations as to the benefit rights of an individual confidential and may not disclose them or open them to public inspection in a manner that [WHICH] reveals the identity of the individual or employing unit. A claimant or the legal representative of the claimant is entitled to information from the records of the department to the extent necessary for the proper presentation of the claim in a proceeding under this chapter. Subject to restrictions that [WHICH] the department prescribes by regulation, the information may be made available to an agency of this state or another state or federal agency charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices, or, for the purposes of the Federal Unemployment Tax Act, to the Internal Revenue Service of the United States, or, for tax purposes, to the Department of Revenue. Information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service.

* Sec. 8. AS 23.20.110(j) is amended to read:

(j) Notwithstanding (h), [OR] (i), or (l) of this section, the department may not release information to an administrator under (h) of this section, [OR] on an employer's hiring practices under (i) of this section, or to the Department of Law as provided under (l) of this section if the United States Secretary of Labor rules that release of the information would be grounds to find that the state is in substantial noncompliance with 42 U.S.C. 503(a).

* Sec. 9. AS 23.20.110 is amended by adding a new subsection to read:

(l) The department shall make information obtained from an employing unit or an individual available on request to the Department of Law to assist the Department of Law in the collection of criminal judgments.

SENATE COMMITTEE REPORT

DATE: 4/3/09

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 4/9/09

State Affairs Committee considered HOUSE BILL NO. 170

HB 170 REPEAL AUTHORITY FOR DAY FINES

"An Act repealing the authority for day fines."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DOC	3/24/09			✓	1
ACS	3/24/09			✓	2

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	Kookesh	X			
	PASKVAN	X			
CHAIR:	MENARD	X			

HB

225

Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

Date: March 23, 2010

To: Senator Menard Chair

From: Representative Anna Fairclough

Re: HB 225 "An Act relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; relating to procurement by the office of the ombudsman, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, and other state agencies and public corporations; and providing for an effective date."

I am requesting a hearing for HB 225 "An Act relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; relating to procurement by the office of the ombudsman, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, and other state agencies and public corporations; and providing for an effective date" at your earliest convenience. I have attached relevant materials for your committee.

Thank you in advance for your consideration.

Anna

Attachments:

I. Sponsor Statement
II. Section Analysis
III. CSHB 225(FIN) (Corrected)
IV. Backup Documentation

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945
Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – House District 17

House Bill 225
Sponsor Statement

"An Act relating to the State Procurement Code..."

House Bill 225 makes numerous changes to the state's procurement code. Collectively, these changes streamline the procurement code to ensure consistent application of the law, and results in a more understandable, efficient procurement process. These changes are needed to prevent failed procurements and provide modern procurement tools and techniques to the State's workforce.

Streamlining is accomplished in part by simplifying the application of our many preferences, which is currently complex and confusing for our employees and vendors. The bill makes application of the preferences uniform – currently, preferences do not contain the same language so they must be applied differently. The bill eliminates the Alaska Offeror's preference and Employers of people with disabilities preference. The Offeror's preference is only contained in regulations, has no basis in statute, and limits competition for our RFPs. The employers of people with disabilities preference is a seldom used preference that is very difficult for the Division of Vocational rehabilitation to administer. As of today there are only two vendors receiving this preference, both of which are in the business of leasing office space to the state. This bill also eliminates bidder preferences for our office lease procurements and contains an Alaska Veteran preference, which mirrors HB 24.

Another problem we have in state procurement is solved by clarifying the Alaska business license requirements. Under the current law, a high percentage of offers on high dollar, complex projects are rejected on a technicality. The bill also modifies protest procedures to reduce frivolous protests, and affords us greater flexibility to renegotiate contracts.

HB 225 modernizes our Procurement Code and provides tools and techniques to our employees that have proven cost effective in the private sector. For example, the bill allows for electronic receipt of bids, and for successive rounds of negotiations which has been a very successful technique in other states and the private sector. The bill also eliminates the requirement to maintain outdated vendor lists in a time when commerce is moving online.

The dollar threshold for informal or small procurements is also increased, which will simplify many purchases that are now procured via time consuming and more complex formal procurement rules.

It has been many years since our procurement code has been modernized. These changes will position us to become more efficient and cost effective in our purchasing and contracting.

I urge your support on this piece of legislation.

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
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Representative_Anna_Fairclough@legis.state.ak.us

26-LS0791\T
Bannister
4/12/10

SENATE CS FOR CS FOR HOUSE BILL NO. 225(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE FAIRCLOUGH

A BILL

FOR AN ACT ENTITLED

"An Act relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; relating to procurement by the office of the ombudsman, state agencies, and public corporations; and providing for an effective date."

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

*** Section 1.** AS 24.55.275 is amended to read:

Sec. 24.55.275. Contract procedures. The ombudsman shall adopt by regulation procedures consistent with AS 36.30 to be followed by the office of the ombudsman in contracting for services. However, the procedure for requests for proposals does not apply to contracts for investigations under AS 24.55.100, and the office of the ombudsman shall comply with **the seven percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

*** Sec. 2.** AS 36.15.050(a) is amended to read:

(a) When agricultural products are purchased by the state or by a school district that receives state money, **a seven percent preference shall be applied to the price of the products harvested in the state** [ONLY AGRICULTURAL PRODUCTS HARVESTED IN THE STATE SHALL BE PURCHASED WHENEVER PRICED NO MORE THAN SEVEN PERCENT ABOVE PRODUCTS HARVESTED OUTSIDE THE STATE, AVAILABLE, AND OF LIKE QUALITY COMPARED WITH AGRICULTURAL PRODUCTS HARVESTED OUTSIDE THE STATE].

*** Sec. 3.** AS 36.15.050(b) is amended to read:

(b) When fisheries products are purchased by the state or by a school district that receives state money, **a seven percent preference shall be applied to the price of the products harvested or processed within the jurisdiction of the state** [ONLY FISHERIES PRODUCTS HARVESTED OR PROCESSED WITHIN THE JURISDICTION OF THE STATE SHALL BE PURCHASED WHENEVER PRICED NO MORE THAN SEVEN PERCENT ABOVE PRODUCTS HARVESTED OR PROCESSED OUTSIDE THE JURISDICTION OF THE STATE, AVAILABLE, AND OF LIKE QUALITY COMPARED WITH FISHERIES PRODUCTS HARVESTED OR PROCESSED OUTSIDE THE JURISDICTION OF THE STATE].

*** Sec. 4.** AS 36.15.050 is amended by adding a new subsection to read:

(h) A bidder receiving a preference under this section may not receive a preference under AS 36.30.322.

*** Sec. 5.** AS 36.30.015(e) is amended to read:

(e) The board of directors of the Alaska Railroad Corporation and the board of directors of the Alaska Aerospace Corporation shall adopt procedures to govern the procurement of supplies, services, professional services, and construction. The procedures must be substantially equivalent to the procedures prescribed in this chapter and in regulations adopted under this chapter. Notwithstanding the other provisions of this subsection, the Alaska Railroad Corporation and the Alaska Aerospace Corporation shall **apply the seven percent preference for bidders under**

AS 36.30.321(a) [COMPLY WITH AS 36.30.170(b)], and, when the Department of Transportation and Public Facilities authorizes the Alaska Railroad Corporation to perform construction work instead of the Department of Transportation and Public Facilities, the Alaska Railroad Corporation shall use competitive sealed bidding or competitive sealed proposals under AS 36.30.100 - 36.30.270 to procure the supplies, services, professional services, and construction services necessary for the work and, to ensure the state obtains the lowest cost for the project, may submit a bid or proposal for the work.

*** Sec. 6.** AS 36.30.015(f) is amended to read:

(f) The board of directors of the Alaska Housing Finance Corporation, notwithstanding AS 18.56.088, and the board of directors of the Knik Arm Bridge and Toll Authority under AS 19.75.111 [,] shall adopt regulations under AS 44.62 (Administrative Procedure Act) and the board of trustees of the Alaska Retirement Management Board shall adopt regulations under AS 37.10.240 to govern the procurement of supplies, services, professional services, and construction for the respective public corporation and board. The regulations must reflect competitive bidding principles and provide vendors reasonable and equitable opportunities to participate in the procurement process and must include procurement methods to meet emergency and extraordinary circumstances. Notwithstanding the other provisions of this subsection, the Alaska Housing Finance Corporation, the Knik Arm Bridge and Toll Authority, and the Alaska Retirement Management Board shall comply with **the seven percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

*** Sec. 7.** AS 36.30.015(h) is amended to read:

(h) The board of directors of the Alaska Seafood Marketing Institute shall adopt procedures to govern the procurement of supplies, services, and professional services. The procedures must be similar to the procedures prescribed in this chapter and in regulations adopted under this chapter, except that the Alaska Seafood Marketing Institute shall comply with **the seven percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

*** Sec. 8.** AS 36.30.020 is amended to read:

Sec. 36.30.020. Legislature. The legislative council shall adopt and publish

procedures to govern the procurement of supplies, services, professional services, and construction by the legislative branch. The procedures must be based on the competitive principles consistent with this chapter and must be adapted to the special needs of the legislative branch as determined by the legislative council. The procedures must contain provisions for prohibiting procurement from a person that has headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures may contain provisions for restricting procurement from a person that conducts business in but does not have headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures must be consistent with the provisions of AS 36.30.080(c) - (e) and 36.30.085. Notwithstanding the other provisions of this section, the legislative agencies subject to the legislative council's regulations shall comply with **the seven percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

*** Sec. 9.** AS 36.30.030 is amended to read:

Sec. 36.30.030. Court system. The administrative director of courts shall adopt and publish procedures to govern the procurement of supplies, services, professional services, and construction by the judicial branch. The procedures must be based on the competitive principles consistent with this chapter and must be adapted to the special needs of the judicial branch as determined by the administrative director of courts. The procedures must contain provisions for prohibiting procurement from a person that has headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures may contain provisions for restricting procurement from a person that conducts business in but does not have headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures must be consistent with the provisions of AS 36.30.080(c) - (e) and 36.30.085. Notwithstanding the other provisions of this section, the judicial branch shall comply with **the seven percent preference for bidders under AS 36.30.321(a)**

[AS 36.30.170(b)].

*** Sec. 10.** AS 36.30.080(f) is amended to read:

(f) When the department is acquiring leased space of **7,000** [3,000] square feet or less, the department may procure the leased space using the procedures for small procurements under AS 36.30.320, providing public notice is given to prospective offerors in the market area.

*** Sec. 11.** AS 36.30.110(b) is amended to read:

(b) The bidder **shall** [MUST] have a valid Alaska business license at the time designated in the invitation to bid for bid opening **in order to qualify as an Alaska bidder and to receive a preference under AS 36.30.321. If a bidder does not have a valid Alaska business license at the time designated in the invitation to bid for bid opening, the bidder shall provide proof that the bidder has a valid Alaska business license before the contract may be awarded, but does not qualify for a preference under AS 36.30.321**. A bidder for a construction contract shall also submit **proof** [EVIDENCE] of the bidder's registration under AS 08.18 **before the contract may be awarded**.

*** Sec. 12.** AS 36.30.130(a) is amended to read:

(a) The procurement officer shall give adequate public notice of the invitation to bid at least 21 days before the date for the opening of bids. If the procurement officer determines in writing that a shorter notice period is advantageous for a particular bid and adequate competition is anticipated, the 21-day period may be shortened. Notice shall be posted on the Alaska Online Public Notice System (AS 44.62.175). The time and manner of notice must be in accordance with regulations adopted by the commissioner of administration. When practicable, notice may include

(1) publication in a newspaper calculated to reach prospective bidders; **and**

(2) notices posted in public places within the area where the work is to be performed or the material furnished [; AND

(3) NOTICES MAILED TO ALL ACTIVE PROSPECTIVE CONTRACTORS ON THE APPROPRIATE LIST MAINTAINED UNDER

AS 36.30.050].

*** Sec. 13.** AS 36.30.170 is repealed and reenacted to read:

Sec. 36.30.170. Contract award after bids. After applying any preferences that apply under AS 36.15.050 and AS 36.30.321 - 36.30.338, a procurement officer shall award a contract based on the solicited bids with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid.

*** Sec. 14.** AS 36.30 is amended by adding a new section to article 2 to read:

Sec. 36.30.195. Multi-step revised sealed bidding. (a) As provided in an invitation to bid and as conducted by a procurement officer under regulations adopted by the commissioner, a multi-step process that begins with an initial round of competitive sealed bidding may, when approved by the chief procurement officer, include successive steps of sealed bidding to obtain the best and final bid price from responsible bidders for the purpose of award.

(b) The provisions of (a) of this section do not apply to a procurement for a construction contract.

*** Sec. 15.** AS 36.30.200(b) is amended to read:

(b) The commissioner may provide by regulation that it is either not practicable or not advantageous to the state to procure [SPECIFIED TYPES OF] supplies, services, or construction by competitive sealed bidding that would otherwise be procured by that method. When the procurement officer determines in writing with particularity that the use of competitive sealed proposals is more advantageous to the state than competitive sealed bidding, a contract may be entered into by competitive sealed proposals.

*** Sec. 16.** AS 36.30.210(b) is amended to read:

(b) An offeror for a construction contract shall submit **proof** [EVIDENCE] of the offeror's registration as a contractor under AS 08.18 **before the contract may be awarded**. A request for sealed proposals for a construction contract, except a design-build construction contract, must require the offeror, no later than five working days after the proposal that is the most advantageous to the state is identified, to list subcontractors the offeror proposes to use in the performance of the construction

contract. The list must include the information required under AS 36.30.115(a). The provisions of AS 36.30.115(b) - (g) that apply to a construction contractor or an apparent low bidder apply to offerors submitting competitive sealed proposals for construction contracts, except design-build construction contracts.

*** Sec. 17.** AS 36.30.210(e) is amended to read:

(e) The offeror **shall** [MUST] have a valid Alaska business license at the time designated[,] in the request for proposals[,] for opening of the proposals **in order to qualify as an Alaska bidder and to receive a preference under AS 36.30.321. If an offeror does not have a valid Alaska business license at the time designated in the request for proposals for proposal opening, the offeror shall provide proof that the offeror has a valid Alaska business license before the contract may be awarded, but does not qualify for a preference under AS 36.30.321**.

*** Sec. 18.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.245. Multiple submissions and negotiations. (a) In a procurement that uses competitive sealed proposals, in order to obtain the best proposal for purposes of award, an agency may require more than one submission of proposals and may negotiate after each submission with the offerors whose proposals from that submission are reasonably susceptible of being selected for award. The negotiations conducted under this section may cover price, specifications, terms, or conditions or a combination of these items, and these items may be negotiated separately or in any combination. The submissions and negotiations allowed under this section are in addition to any discussions and revisions allowed under AS 36.30.240. The requirements for submissions and negotiations under this section shall be established by the department by regulation and in the request for proposals.

(b) The provisions of (a) of this section do not apply to a procurement for a construction contract.

*** Sec. 19.** AS 36.30.250(a) is amended to read:

(a) The procurement officer shall award a contract under competitive sealed proposals to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the state taking into consideration price and the evaluation factors set out in the request for proposals. **Except as provided by**

AS 36.30.255 and 36.30.336, other [OTHER] factors and criteria may not be used in the evaluation. The contract file must contain the basis on which the award is made.

*** Sec. 20.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.255. Preferences applied to competitive sealed proposals. When determining which proposal is most advantageous to the state under a competitive sealed proposal solicitation, the procurement officer shall apply the preferences provided in AS 36.15.050 and AS 36.30.321 - 36.30.338, but may not apply other preferences. The preferences shall be applied only to the price portion of a proposal.

*** Sec. 21.** AS 36.30 is amended by adding a new section to article 4 to read:

Sec. 36.30.290. Electronic bids. An agency may allow bids or proposals to be submitted in electronic form under AS 09.80.010 - 09.80.195 (Uniform Electronic Transactions Act).

*** Sec. 22.** AS 36.30.310 is amended to read:

Sec. 36.30.310. Emergency procurements. Procurements may be made under emergency conditions as defined in regulations adopted by the commissioner **of administration** when there exists a threat to public health, welfare, or safety, when a situation exists that makes a procurement through competitive sealed bidding or competitive sealed proposals impracticable or contrary to the public interest, or to protect public or private property. An emergency procurement need not be made through competitive sealed bidding or competitive sealed proposals but shall be made with competition that is practicable under the circumstances. A written determination by the chief procurement officer **or, for construction contracts or procurements of the state equipment fleet, the commissioner of transportation and public facilities** of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The written determination must include findings of fact that support the determination. Except when there is insufficient time for the chief procurement officer **or the commissioner of transportation and public facilities, as appropriate,** to make the written determination required by this section, the **authority to make the determination** [CHIEF PROCUREMENT OFFICER] may not **be delegated** [DELEGATE THE AUTHORITY TO MAKE THE DETERMINATION].

*** Sec. 23.** AS 36.30.320(a) is amended to read:

(a) A procurement for supplies, services, or professional services that does not exceed an aggregate dollar amount of **$100,000** [$50,000], construction that does not exceed an aggregate dollar amount of **$200,000** [$100,000], or lease of space that does not exceed **7,000** [3,000] square feet **shall** [MAY] be made **under** [IN ACCORDANCE WITH] regulations adopted by the commissioner for small procurements.

*** Sec. 24.** AS 36.30 is amended by adding a new section to article 5 to read:

Sec. 36.30.321. Alaska bidder and related preferences. (a) If the bidder or offeror is an Alaska bidder, a preference of seven percent shall be applied to the price in the bid or proposal.

(b) Except as otherwise provided under (d), (e), or (g) of this section, if a bidder or offeror qualifies as an Alaska bidder and is offering services through an employment program, a 15 percent preference shall be applied to the price in the bid or proposal.

(c) If a bidder or offeror qualifies as an Alaska bidder and is an Alaska domestic insurer, and if the procurement is for an insurance-related contract, a five percent preference shall be applied to the price in the bid or proposal.

(d) A 10 percent preference shall be applied to a price in a bid or proposal if the bidder or offeror qualifies as an Alaska bidder and is a

(1) sole proprietorship owned by a person with a disability;

(2) partnership under AS 32.06, or AS 32.11 if each of the partners is a person with a disability;

(3) limited liability company organized under AS 10.50 if each of the members is a person with a disability;

(4) corporation that is wholly owned by individuals and each of the individuals is a person with a disability; or

(5) a joint venture that is composed of ventures that qualify under (1) - (4) of this subsection.

(e) The division of vocational rehabilitation in the Department of Labor and Workforce Development shall add to its current list of qualified employment programs a list of individuals who qualify as persons with a disability under (d) of this section.

A person must be on this list at the time the bid or proposal is opened in order to qualify for a preference under (d) of this section.

(f) If a bidder or offeror qualifies as an Alaska bidder and is a qualifying entity, a five percent preference shall be applied to the price in the bid or proposal. The preference may not exceed $5,000. In this subsection,

(1) "Alaska veteran" means an individual who is both a resident of the state and a veteran;

(2) "qualifying entity" means a

(A) sole proprietorship owned by an Alaska veteran;

(B) partnership under AS 32.06 or AS 32.11 if a majority of the partners are Alaska veterans;

(C) limited liability company organized under AS 10.50 if a majority of the members are Alaska veterans; or

(D) corporation that is wholly owned by individuals and a majority of the individuals are Alaska veterans;

(3) "veteran" means an individual who

(A) served in the

(i) armed forces of the United States, including a reserve unit of the United States armed forces; or

(ii) Alaska Territorial Guard, the Alaska Army National Guard, the Alaska Air National Guard, or the Alaska Naval Militia; and

(B) was separated from service under a condition that was not dishonorable.

(g) A bidder or offeror may not receive a preference under both (b) and (d) of this section for the same contract.

(h) Except as provided by (j) of this section, this section applies to all insurance contracts involving state money. In this subsection, "state money" has the meaning given in AS 36.30.990, but also includes state grants and reimbursements to municipalities, school districts, and other entities.

(i) In order to qualify for a preference under (b), (d), or (f) of this section, a bidder or offeror must add value by actually performing, controlling, managing, and

supervising the services provided, or the bidder or offeror must have sold supplies of the general nature solicited to other state agencies, governments, or the general public.

(j) This section does not apply to solicitations or contracts for lease space under AS 36.30.080, to procurements under AS 36.30.305 - 36.30.310, or, except as provided otherwise by regulation under AS 36.30.320, to small procurements under AS 36.30.320.

(k) In this section, "person with a disability" means an individual who

(1) has been determined to be permanently disabled by the

(A) United States Social Security Administration under 42 U.S.C. 1381 - 1385 (Social Security Act) or 42 U.S.C. 423 (Social Security Act);

(B) the teachers' retirement system under AS 14.25, the judicial retirement system under AS 22.25, the public employees' retirement system under AS 39.35, or the elected public officers' retirement system under former AS 39.37;

(C) federal civil service retirement system under 5 U.S.C. 2107, 3323, and 8331 - 8351;

(D) federal employees' retirement system under 5 U.S.C. 8401 - 8479; or

(E) division of vocational rehabilitation in the Department of Labor and Workforce Development using disability standards under 42 U.S.C. 1381 - 1385 (Social Security Act) for eligibility for certain state disability program purposes;

(2) is receiving permanent total disability under AS 23.30 (Alaska Workers' Compensation Act);

(3) has been discharged from military service under honorable conditions and is certified by the United States Department of Veterans Affairs as having incurred a 50 percent or greater disability during military service; or

(4) has served in the Alaska Territorial Guard and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard.

*** Sec. 25.** AS 36.30.322(a) is amended to read:

(a) Only timber, lumber, and manufactured lumber products originating in this state from Alaska forests may be procured by an agency or used in construction projects of an agency unless the manufacturers and suppliers who have notified the commissioner of commerce, community, and economic development of their willingness to manufacture or supply Alaska forest products

(1) have been given reasonable notice of the forest product needs of the procurement or project; and

(2) **are not the low bidder after all applicable preferences have been applied to the price of the qualifying forest product under AS 36.30.336** [ARE UNABLE TO SUPPLY THE PRODUCTS AT A COST THAT IS WITHIN SEVEN PERCENT OF THE PRICE OFFERED BY A MANUFACTURER OR SUPPLIER OF NON-ALASKA FOREST PRODUCTS].

*** Sec. 26.** AS 36.30.336 is repealed and reenacted to read:

Sec. 36.30.336. Application of preferences. (a) Except as provided in AS 36.15.050(h) and AS 36.30.321(g), the preferences provided in AS 36.15.050 and AS 36.30.321 - 36.30.338 are cumulative. A bidder who would otherwise qualify for preferences under AS 36.30.321 may not be given a preference over another bidder who qualifies for the same preferences.

(b) Notwithstanding the other provisions of this chapter, AS 36.30.321 - 36.30.338 apply to all procurements subject to this chapter, except as provided in AS 36.15.050 and AS 36.30.322(b).

*** Sec. 27.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.364. Renegotiation. (a) The chief procurement officer may renegotiate the terms and conditions, including the contract period of performance and price, of a contract without using an additional competitive process, and may amend the contract if the procurement officer determines that

(1) the amendment is in the best interest of the state;

(2) the renegotiated contract is at least as favorable to the state as the original contract; and

(3) the additional period of performance of the renegotiated contract does not exceed five years, or, if an innovative procurement process under

AS 36.30.308 was used to procure the original contract, does not exceed the approval under AS 36.30.308(b).

(b) The chief procurement officer, under regulations adopted by the commissioner, may delegate the authority to make the determination under (a) of this section to a state procurement officer.

(c) This section does not apply to lease extensions under AS 36.30.083.

* **Sec. 28.** AS 36.30.560 is amended to read:

Sec. 36.30.560. Filing of a protest. An interested party may protest the award of a contract, the proposed award of a contract, or a solicitation for supplies, services, professional services, or construction by an agency. The protest shall be filed with the procurement officer of the contracting agency in writing **within the time period provided in AS 36.30.565,** and include the following information:

(1) the name, address, and telephone number of the protester;

(2) the signature of the protester or the protester's representative;

(3) identification of the contracting agency and the solicitation or contract at issue;

(4) a detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; [AND]

(5) the form of relief requested**; and**

(6) the protest filing fee required under AS 36.30.567.

* **Sec. 29.** AS 36.30.565(b) is amended to read:

(b) If the protester shows good cause **why the protestor did not file a protest by the deadline established under (a) of this section**, the procurement officer of the contracting agency may consider a filed protest that is not timely.

* **Sec. 30.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.567. Protest filing fee. To file a protest under AS 36.30.560, the protester shall pay a $250 filing fee to the agency that conducted the procurement. The filing fee shall be refunded if the protest is sustained by the procurement officer under AS 36.30.585 or if the protest is withdrawn by the protester before an appeal is filed under AS 36.30.590.

* **Sec. 31.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.572. Temporary delay of award. (a) If a protest of a proposed award of a contract is filed timely under AS 36.30.565, the procurement officer may temporarily delay the award of the contract in order to make a decision under AS 36.30.580, extend the time for making the decision under AS 36.30.580, or address other circumstances that warrant temporarily delaying the award.

(b) Notice of a temporary delay of a contract award under (a) of this section shall be provided in writing to the protester and all other interested parties. The written notice must indicate when the temporary delay of the award will expire.

(c) A temporary delay of a contract award under this section does not constitute a stay of award under AS 36.30.575.

*** Sec. 32.** AS 36.30.655 is amended to read:

Sec. 36.30.655. List of persons debarred or suspended; removal from contractor lists. The commissioner shall maintain a list of all persons debarred or suspended from consideration for **the** award of contracts. [THE COMMISSIONER SHALL REMOVE A PERSON DEBARRED OR SUSPENDED FROM THE LISTS OF CONTRACTORS UNDER AS 36.30.050 FOR THE PERIOD OF DEBARMENT OR SUSPENSION.]

*** Sec. 33.** AS 36.30.850(b) is amended by adding new paragraphs to read:

(48) contracts for lease space for an agency's offices that are located in other states, the District of Columbia, or foreign countries;

(49) contracts for investigative services entered into by the department for the state personnel board established under AS 39.25.030, the office of public advocacy created under AS 44.21.400, or the Alaska Public Offices Commission created under AS 15.13.020;

(50) purchases of commodities used in the manufacture of products sold through an employment program of prison inmates subject to AS 23.15.580;

(51) contracts for training services provided by a professional organization.

*** Sec. 34.** AS 36.30.990 is amended by adding new paragraphs to read:

(25) "Alaska bidder" means a person who

(A) holds a current Alaska business license;

(B) submits a bid or proposal for goods, services, or construction under the name as appearing on the person's current Alaska business license;

(C) has maintained a place of business within the state staffed by the bidder or offeror or an employee of the bidder or offeror for a period of six months immediately preceding the date of the bid or proposal;

(D) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under former AS 32.05, AS 32.06, or AS 32.11 and all partners are residents of the state; and

(E) if a joint venture, is composed entirely of ventures that qualify under (A) - (D) of this subsection;

(26) "in writing" has the meaning given to "written" in this section;

(27) "signature" means a manual identifier or electronic signature attached to or logically associated with a record that is intended by the person using it to have the same force and effect as a manual signature; in this paragraph, "electronic signature" has the meaning given in AS 09.80.190;

(28) "written" means the product of forming characters on paper, other materials, or viewable screens, that can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.

* **Sec. 35.** AS 36.90.049(a) is amended to read:

(a) A marine vessel owned by the state shall be maintained and repaired at a shipyard facility located in the state unless the commissioner of the department that operates the marine vessel determines in writing that there is no shipyard facility located in the state that is equipped or qualified to perform the particular maintenance or repair required, or, after taking into consideration the **seven percent** Alaska bidder preference **for bidders under AS 36.30.321(a)** [SET OUT IN AS 36.30.170] and the interport differential, that the proposed cost of the maintenance or repair work is unreasonable. A detailed list of the costs and factors considered in calculating the interport differential must be provided to each person who expresses an interest in

submitting a bid to perform maintenance or repair work on a marine vessel owned by the state.

*** Sec. 36.** AS 38.35.017(a) is amended to read:

(a) Consistent with and in furtherance of the statements of general state policy guiding resource development set out in art. VIII, sec. 1, Constitution of the State of Alaska, that the resources of the state be developed "by making them available for maximum use consistent with the public interest" and in art. VIII, sec. 2, Constitution of the State of Alaska, directing that provision shall be made by the legislature for "the utilization, development, and conservation of all natural resources belonging to the State . . . for the maximum benefit of its people," and consistent with and in furtherance of the general legislative declaration of policy for this chapter set out in AS 38.35.010, it is the policy of this state that the overall strategy for development, use, and control of a pipeline or pipelines to develop the state's substantial North Slope natural gas resources be directed

(1) to enhance the standard of living of state residents by

(A) ensuring that, in conjunction with out-of-state market driven commercial demand for North Slope natural gas, state residents and businesses will have access, directly or indirectly, to that portion of the gas that will meet the reasonably foreseeable in-state demands for it, including substitution of the North Slope natural gas for depleting gas reserves in Southcentral Alaska in order to maintain a vital domestic and industrial energy source, and ensuring that the pipeline or pipelines for the transportation of North Slope natural gas will be designed and located to be responsive to these requirements;

(B) making the maximum contribution to the development of job opportunities in this state by

(i) providing direct short-term construction and long-term operation- and maintenance-related employment on the pipeline or pipelines, to the end that the resources be developed with qualified contractors and firms in this state for work to be performed, including the fabrication and installation of required facilities, and that state

residents be employed, consistent with law; for purposes of this sub-subparagraph, a person is considered a resident if the person is physically present in the state with the intent to remain in the state indefinitely and has a home in the state, and a contractor or firm is considered as qualified if the contractor or firm qualifies as an Alaska bidder; **in this sub-subparagraph, "Alaska bidder" has the meaning given in AS 36.30.990** [UNDER AS 36.30.170(b)]; and

(ii) providing necessary support services; and

(C) adding significant long-term property value to the tax base of the state and local governments, thereby providing the means to support public education, public health, transportation, and other essential state and local government projects and services;

(2) to ensure that the design, location, and construction of a pipeline or pipelines for delivery of North Slope natural gas to North American markets through connection to the North American natural gas pipeline network enhance opportunities for implementing gas deliveries using alternative technologies and the construction of other pipelines to deliver North Slope natural gas to foreign and domestic markets; and

(3) to ensure construction of the pipeline or pipelines consistent with careful protection of the state's natural environment, with minimum environmental degradation, to the greatest extent possible, and with protection of fish, wildlife, and biotic resources for the use of persons who depend upon them by using available transportation infrastructure to initiate and complete project construction and maintenance and by avoiding duplication of facilities.

*** Sec. 37.** AS 44.62.310(d) is amended to read:

(d) This section does not apply to

(1) a governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff;

(5) meetings of the governmental body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges, or discipline;

(6) staff meetings or other gatherings of the employees of a public entity, including meetings of an employee group established by policy of the Board of Regents of the University of Alaska or held while acting in an advisory capacity to the Board of Regents;

(7) meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the public entity, governmental body, or member of the governmental body is a member, but only if no action is taken and no business of the governmental body is conducted at the meetings; [OR]

(8) meetings of municipal service area boards established under AS 29.35.450 - 29.35.490 when meeting solely to act on matters that are administrative or managerial in nature**; or**

(9) meetings with offerors in negotiations for state procurement under AS 36.30.245, or meetings to renegotiate a contract under AS 36.30.364.

*** Sec. 38.** AS 36.30.050, 36.30.250(b), 36.30.335, and 36.30.362 are repealed.

*** Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: PENDING SOLICITATIONS FOR PROCUREMENTS AND CONTRACTS. (a) This Act does not apply to

(1) solicitations for procurement and the resulting contracts, if the solicitations are pending on the effective date of this Act and if the invitation to bid or other solicitation was issued before the effective date of this Act; and

(2) procurement contracts entered into before the effective date of this Act, including extensions of those contracts.

(b) Notwithstanding (a) of this section, this Act applies to procurements or contracts described in (a)(1) of this section if all parties to the procurement or contract agree in writing that the applicable provisions of this Act apply to the solicitation or contract.

*** Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to

read:

TRANSITION: INFORMATION IN BIENNIAL REPORTS. In addition to the information that must be included in the biennial report under AS 36.30.540, the Department of Administration shall include in the two successive biennial reports that are prepared under AS 36.30.540 after the effective date of this Act information on the savings that have been achieved during the reporting period by using AS 36.30.195, enacted by sec. 14 of this Act, and AS 36.30.364, enacted by sec. 27 of this Act.

*** Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. The revisor of statutes shall change the catch line of AS 36.30.360 from "Determination of responsibility" to "Determination of nonresponsibility."

*** Sec. 42.** This Act takes effect immediately under AS 01.10.070(c).

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SENATE CS FOR CS FOR HOUSE BILL NO. 225(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE FAIRCLOUGH

A BILL

FOR AN ACT ENTITLED

"An Act relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; relating to procurement by the office of the ombudsman, state agencies, and public corporations; and providing for an effective date."

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

*** Section 1.** AS 24.55.275 is amended to read:

Sec. 24.55.275. Contract procedures. The ombudsman shall adopt by regulation procedures consistent with AS 36.30 to be followed by the office of the ombudsman in contracting for services. However, the procedure for requests for proposals does not apply to contracts for investigations under AS 24.55.100, and the office of the ombudsman shall comply with **the five percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

* **Sec. 2.** AS 36.15.050(a) is amended to read:

(a) When agricultural products are purchased by the state or by a school district that receives state money, **a seven percent preference shall be applied to the price of the products harvested in the state** [ONLY AGRICULTURAL PRODUCTS HARVESTED IN THE STATE SHALL BE PURCHASED WHENEVER PRICED NO MORE THAN SEVEN PERCENT ABOVE PRODUCTS HARVESTED OUTSIDE THE STATE, AVAILABLE, AND OF LIKE QUALITY COMPARED WITH AGRICULTURAL PRODUCTS HARVESTED OUTSIDE THE STATE].

* **Sec. 3.** AS 36.15.050(b) is amended to read:

(b) When fisheries products are purchased by the state or by a school district that receives state money, **a seven percent preference shall be applied to the price of the products harvested or processed within the jurisdiction of the state** [ONLY FISHERIES PRODUCTS HARVESTED OR PROCESSED WITHIN THE JURISDICTION OF THE STATE SHALL BE PURCHASED WHENEVER PRICED NO MORE THAN SEVEN PERCENT ABOVE PRODUCTS HARVESTED OR PROCESSED OUTSIDE THE JURISDICTION OF THE STATE, AVAILABLE, AND OF LIKE QUALITY COMPARED WITH FISHERIES PRODUCTS HARVESTED OR PROCESSED OUTSIDE THE JURISDICTION OF THE STATE].

* **Sec. 4.** AS 36.15.050 is amended by adding a new subsection to read:

(h) A bidder receiving a preference under this section may not receive a preference under AS 36.30.322.

* **Sec. 5.** AS 36.30.015(e) is amended to read:

(e) The board of directors of the Alaska Railroad Corporation and the board of directors of the Alaska Aerospace Corporation shall adopt procedures to govern the procurement of supplies, services, professional services, and construction. The procedures must be substantially equivalent to the procedures prescribed in this chapter and in regulations adopted under this chapter. Notwithstanding the other provisions of this subsection, the Alaska Railroad Corporation and the Alaska Aerospace Corporation shall **apply the five percent preference for bidders under**

AS 36.30.321(a) [COMPLY WITH AS 36.30.170(b)], and, when the Department of Transportation and Public Facilities authorizes the Alaska Railroad Corporation to perform construction work instead of the Department of Transportation and Public Facilities, the Alaska Railroad Corporation shall use competitive sealed bidding or competitive sealed proposals under AS 36.30.100 - 36.30.270 to procure the supplies, services, professional services, and construction services necessary for the work and, to ensure the state obtains the lowest cost for the project, may submit a bid or proposal for the work.

*** Sec. 6.** AS 36.30.015(f) is amended to read:

(f) The board of directors of the Alaska Housing Finance Corporation, notwithstanding AS 18.56.088, and the board of directors of the Knik Arm Bridge and Toll Authority under AS 19.75.111 [,] shall adopt regulations under AS 44.62 (Administrative Procedure Act) and the board of trustees of the Alaska Retirement Management Board shall adopt regulations under AS 37.10.240 to govern the procurement of supplies, services, professional services, and construction for the respective public corporation and board. The regulations must reflect competitive bidding principles and provide vendors reasonable and equitable opportunities to participate in the procurement process and must include procurement methods to meet emergency and extraordinary circumstances. Notwithstanding the other provisions of this subsection, the Alaska Housing Finance Corporation, the Knik Arm Bridge and Toll Authority, and the Alaska Retirement Management Board shall comply with **the five percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

*** Sec. 7.** AS 36.30.015(h) is amended to read:

(h) The board of directors of the Alaska Seafood Marketing Institute shall adopt procedures to govern the procurement of supplies, services, and professional services. The procedures must be similar to the procedures prescribed in this chapter and in regulations adopted under this chapter, except that the Alaska Seafood Marketing Institute shall comply with **the five percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

*** Sec. 8.** AS 36.30.020 is amended to read:

Sec. 36.30.020. Legislature. The legislative council shall adopt and publish

procedures to govern the procurement of supplies, services, professional services, and construction by the legislative branch. The procedures must be based on the competitive principles consistent with this chapter and must be adapted to the special needs of the legislative branch as determined by the legislative council. The procedures must contain provisions for prohibiting procurement from a person that has headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures may contain provisions for restricting procurement from a person that conducts business in but does not have headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures must be consistent with the provisions of AS 36.30.080(c) - (e) and 36.30.085. Notwithstanding the other provisions of this section, the legislative agencies subject to the legislative council's regulations shall comply with **the five percent preference for bidders under AS 36.30.321(a)** [AS 36.30.170(b)].

*** Sec. 9.** AS 36.30.030 is amended to read:

Sec. 36.30.030. Court system. The administrative director of courts shall adopt and publish procedures to govern the procurement of supplies, services, professional services, and construction by the judicial branch. The procedures must be based on the competitive principles consistent with this chapter and must be adapted to the special needs of the judicial branch as determined by the administrative director of courts. The procedures must contain provisions for prohibiting procurement from a person that has headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures may contain provisions for restricting procurement from a person that conducts business in but does not have headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C. 7107(b)(1)(C). The procedures must be consistent with the provisions of AS 36.30.080(c) - (e) and 36.30.085. Notwithstanding the other provisions of this section, the judicial branch shall comply with **the five percent preference for bidders under AS 36.30.321(a)**

[AS 36.30.170(b)].

*** Sec. 10.** AS 36.30.080(f) is amended to read:

(f) When the department is acquiring leased space of **7,000** [3,000] square feet or less, the department may procure the leased space using the procedures for small procurements under AS 36.30.320, providing public notice is given to prospective offerors in the market area.

*** Sec. 11.** AS 36.30.110(b) is amended to read:

(b) The bidder **shall** [MUST] have a valid Alaska business license at the time designated in the invitation to bid for bid opening **in order to qualify as an Alaska bidder and to receive a preference under AS 36.30.321. If a bidder does not have a valid Alaska business license at the time designated in the invitation to bid for bid opening, the bidder shall provide proof that the bidder has a valid Alaska business license before the contract may be awarded, but does not qualify for a preference under AS 36.30.321**. A bidder for a construction contract shall also submit **proof** [EVIDENCE] of the bidder's registration under AS 08.18 **before the contract may be awarded**.

*** Sec. 12.** AS 36.30.130(a) is amended to read:

(a) The procurement officer shall give adequate public notice of the invitation to bid at least 21 days before the date for the opening of bids. If the procurement officer determines in writing that a shorter notice period is advantageous for a particular bid and adequate competition is anticipated, the 21-day period may be shortened. Notice shall be posted on the Alaska Online Public Notice System (AS 44.62.175). The time and manner of notice must be in accordance with regulations adopted by the commissioner of administration. When practicable, notice may include

(1) publication in a newspaper calculated to reach prospective bidders; **and**

(2) notices posted in public places within the area where the work is to be performed or the material furnished [; AND

(3) NOTICES MAILED TO ALL ACTIVE PROSPECTIVE CONTRACTORS ON THE APPROPRIATE LIST MAINTAINED UNDER

AS 36.30.050].

* **Sec. 13.** AS 36.30.170 is repealed and reenacted to read:

Sec. 36.30.170. Contract award after bids. After applying any preferences that apply under AS 36.15.050 and AS 36.30.321 - 36.30.338, a procurement officer shall award a contract based on the solicited bids with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid.

* **Sec. 14.** AS 36.30 is amended by adding a new section to article 2 to read:

Sec. 36.30.195. Multi-step revised sealed bidding. (a) As provided in an invitation to bid and as conducted by a procurement officer under regulations adopted by the commissioner, a multi-step process that begins with an initial round of competitive sealed bidding may, when approved by the chief procurement officer, include successive steps of sealed bidding to obtain the best and final bid price from responsible bidders for the purpose of award.

(b) The provisions of (a) of this section do not apply to a procurement for a construction contract.

* **Sec. 15.** AS 36.30.200(b) is amended to read:

(b) The commissioner may provide by regulation that it is either not practicable or not advantageous to the state to procure [SPECIFIED TYPES OF] supplies, services, or construction by competitive sealed bidding that would otherwise be procured by that method. When the procurement officer determines in writing with particularity that the use of competitive sealed proposals is more advantageous to the state than competitive sealed bidding, a contract may be entered into by competitive sealed proposals.

* **Sec. 16.** AS 36.30.210(b) is amended to read:

(b) An offeror for a construction contract shall submit **proof** [EVIDENCE] of the offeror's registration as a contractor under AS 08.18 **before the contract may be awarded**. A request for sealed proposals for a construction contract, except a design-build construction contract, must require the offeror, no later than five working days after the proposal that is the most advantageous to the state is identified, to list subcontractors the offeror proposes to use in the performance of the construction

contract. The list must include the information required under AS 36.30.115(a). The provisions of AS 36.30.115(b) - (g) that apply to a construction contractor or an apparent low bidder apply to offerors submitting competitive sealed proposals for construction contracts, except design-build construction contracts.

*** Sec. 17.** AS 36.30.210(e) is amended to read:

(e) The offeror **shall** [MUST] have a valid Alaska business license at the time designated[,] in the request for proposals[,] for opening of the proposals **in order to qualify as an Alaska bidder and to receive a preference under AS 36.30.321. If an offeror does not have a valid Alaska business license at the time designated in the request for proposals for proposal opening, the offeror shall provide proof that the offeror has a valid Alaska business license before the contract may be awarded, but does not qualify for a preference under AS 36.30.321**.

*** Sec. 18.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.245. Multiple submissions and negotiations. (a) In a procurement that uses competitive sealed proposals, in order to obtain the best proposal for purposes of award, an agency may require more than one submission of proposals and may negotiate after each submission with the offerors whose proposals from that submission are reasonably susceptible of being selected for award. The negotiations conducted under this section may cover price, specifications, terms, or conditions or a combination of these items, and these items may be negotiated separately or in any combination. The submissions and negotiations allowed under this section are in addition to any discussions and revisions allowed under AS 36.30.240. The requirements for submissions and negotiations under this section shall be established by the department by regulation and in the request for proposals.

(b) The provisions of (a) of this section do not apply to a procurement for a construction contract.

*** Sec. 19.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.255. Preferences applied to competitive sealed proposals. When determining which proposal is most advantageous to the state under a competitive sealed proposal solicitation, the procurement officer shall apply the preferences provided in AS 36.15.050 and AS 36.30.321 - 36.30.338.

* **Sec. 20.** AS 36.30 is amended by adding a new section to article 4 to read:

Sec. 36.30.290. Electronic bids. An agency may allow bids or proposals to be submitted in electronic form under AS 09.80.010 - 09.80.195 (Uniform Electronic Transactions Act).

* **Sec. 21.** AS 36.30.310 is amended to read:

Sec. 36.30.310. Emergency procurements. Procurements may be made under emergency conditions as defined in regulations adopted by the commissioner **of administration** when there exists a threat to public health, welfare, or safety, when a situation exists that makes a procurement through competitive sealed bidding or competitive sealed proposals impracticable or contrary to the public interest, or to protect public or private property. An emergency procurement need not be made through competitive sealed bidding or competitive sealed proposals but shall be made with competition that is practicable under the circumstances. A written determination by the chief procurement officer **or, for construction contracts or procurements of the state equipment fleet, the commissioner of transportation and public facilities** of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The written determination must include findings of fact that support the determination. Except when there is insufficient time for the chief procurement officer **or the commissioner of transportation and public facilities, as appropriate,** to make the written determination required by this section, the **authority to make the determination** [CHIEF PROCUREMENT OFFICER] may not **be delegated** [DELEGATE THE AUTHORITY TO MAKE THE DETERMINATION].

* **Sec. 22.** AS 36.30.320(a) is amended to read:

(a) A procurement for supplies, services, or professional services that does not exceed an aggregate dollar amount of **$100,000** [$50,000], construction that does not exceed an aggregate dollar amount of **$200,000** [$100,000], or lease of space that does not exceed **7,000** [3,000] square feet **shall** [MAY] be made **under** [IN ACCORDANCE WITH] regulations adopted by the commissioner for small procurements.

* **Sec. 23.** AS 36.30 is amended by adding a new section to article 5 to read:

Sec. 36.30.321. Alaska bidder and related preferences. (a) If the bidder or

offeror is an Alaska bidder, a preference of five percent shall be applied to the price in the bid or proposal.

(b) Except as otherwise provided under (d), (e), or (g) of this section, if a bidder or offeror qualifies as an Alaska bidder and is offering services through an employment program, a 15 percent preference shall be applied to the price in the bid or proposal.

(c) If a bidder or offeror qualifies as an Alaska bidder and is an Alaska domestic insurer, and if the procurement is for an insurance-related contract, a five percent preference shall be applied to the price in the bid or proposal.

(d) A 10 percent preference shall be applied to a price in a bid or proposal if the bidder or offeror qualifies as an Alaska bidder and is a

(1) sole proprietorship owned by a person with a disability;

(2) partnership under AS 32.06, or AS 32.11 if each of the partners is a person with a disability;

(3) limited liability company organized under AS 10.50 if each of the members is a person with a disability;

(4) corporation that is wholly owned by individuals and each of the individuals is a person with a disability; or

(5) a joint venture that is composed of ventures that qualify under (1) - (4) of this subsection.

(e) The division of vocational rehabilitation in the Department of Labor and Workforce Development shall add to its current list of qualified employment programs a list of individuals who qualify as persons with a disability under (d) of this section. A person must be on this list at the time the bid or proposal is opened in order to qualify for a preference under (d) of this section.

(f) If a bidder or offeror qualifies as an Alaska bidder and is a qualifying entity, a five percent preference shall be applied to the price in the bid or proposal. The preference may not exceed $5,000. In this subsection,

(1) "Alaska veteran" means an individual who is both a resident of the state and a veteran;

(2) "qualifying entity" means a

(A) sole proprietorship owned by an Alaska veteran;

(B) partnership under AS 32.06 or AS 32.11 if a majority of the partners are Alaska veterans;

(C) limited liability company organized under AS 10.50 if a majority of the members are Alaska veterans; or

(D) corporation that is wholly owned by individuals and a majority of the individuals are Alaska veterans;

(3) "veteran" means an individual who

(A) served in the

(i) armed forces of the United States, including a reserve unit of the United States armed forces; or

(ii) Alaska Territorial Guard, the Alaska Army National Guard, the Alaska Air National Guard, or the Alaska Naval Militia; and

(B) was separated from service under a condition that was not dishonorable.

(g) A bidder or offeror may not receive a preference under both (b) and (d) of this section for the same contract.

(h) Except as provided by (j) of this section, this section applies to all insurance contracts involving state money. In this subsection, "state money" has the meaning given in AS 36.30.990, but also includes state grants and reimbursements to municipalities, school districts, and other entities.

(i) In order to qualify for a preference under (b), (d), or (f) of this section, a bidder or offeror must add value by actually performing, controlling, managing, and supervising the services provided, or the bidder or offeror must have sold supplies of the general nature solicited to other state agencies, governments, or the general public.

(j) This section does not apply to solicitations or contracts for lease space under AS 36.30.080, to procurements under AS 36.30.305 - 36.30.310, or, except as provided otherwise by regulation under AS 36.30.320, to small procurements under AS 36.30.320.

(k) In this section, "person with a disability" means an individual who

(1) has been determined to be permanently disabled by the

(A) United States Social Security Administration under 42 U.S.C. 1381 - 1385 (Social Security Act) or 42 U.S.C. 423 (Social Security Act);

(B) the teachers' retirement system under AS 14.25, the judicial retirement system under AS 22.25, the public employees' retirement system under AS 39.35, or the elected public officers' retirement system under former AS 39.37;

(C) federal civil service retirement system under 5 U.S.C. 2107, 3323, and 8331 - 8351;

(D) federal employees' retirement system under 5 U.S.C. 8401 - 8479; or

(E) division of vocational rehabilitation in the Department of Labor and Workforce Development using disability standards under 42 U.S.C. 1381 - 1385 (Social Security Act) for eligibility for certain state disability program purposes;

(2) is receiving permanent total disability under AS 23.30 (Alaska Workers' Compensation Act);

(3) has been discharged from military service under honorable conditions and is certified by the United States Department of Veterans Affairs as having incurred a 50 percent or greater disability during military service; or

(4) has served in the Alaska Territorial Guard and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard.

* **Sec. 24.** AS 36.30.322(a) is amended to read:

(a) Only timber, lumber, and manufactured lumber products originating in this state from Alaska forests may be procured by an agency or used in construction projects of an agency unless the manufacturers and suppliers who have notified the commissioner of commerce, community, and economic development of their willingness to manufacture or supply Alaska forest products

(1) have been given reasonable notice of the forest product needs of the procurement or project; and

(2) **are not the low bidder after all applicable preferences have**

been applied to the price of the qualifying forest product under AS 36.30.336 [ARE UNABLE TO SUPPLY THE PRODUCTS AT A COST THAT IS WITHIN SEVEN PERCENT OF THE PRICE OFFERED BY A MANUFACTURER OR SUPPLIER OF NON-ALASKA FOREST PRODUCTS].

* **Sec. 25.** AS 36.30.336 is repealed and reenacted to read:

Sec. 36.30.336. Application of preferences. (a) Except as provided in AS 36.15.050(h) and AS 36.30.321(g), the preferences provided in AS 36.15.050 and AS 36.30.321 - 36.30.338 are cumulative. A bidder who would otherwise qualify for preferences under AS 36.30.321 may not be given a preference over another bidder who qualifies for the same preferences.

(b) Notwithstanding the other provisions of this chapter, AS 36.30.321 - 36.30.338 apply to all procurements subject to this chapter, except as provided in AS 36.15.050 and AS 36.30.322(b).

* **Sec. 26.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.364. Renegotiation. (a) The chief procurement officer may renegotiate the terms and conditions, including the contract period of performance and price, of a contract without using an additional competitive process, and may amend the contract if the procurement officer determines that

(1) the amendment is in the best interest of the state;

(2) the renegotiated contract is at least as favorable to the state as the original contract; and

(3) the additional period of performance of the renegotiated contract does not exceed five years, or, if an innovative procurement process under AS 36.30.308 was used to procure the original contract, does not exceed the approval under AS 36.30.308(b).

(b) The chief procurement officer, under regulations adopted by the commissioner, may delegate the authority to make the determination under (a) of this section to a state procurement officer.

(c) This section does not apply to lease extensions under AS 36.30.083.

* **Sec. 27.** AS 36.30.560 is amended to read:

Sec. 36.30.560. Filing of a protest. An interested party may protest the award

of a contract, the proposed award of a contract, or a solicitation for supplies, services, professional services, or construction by an agency. The protest shall be filed with the procurement officer of the contracting agency in writing **within the time period provided in AS 36.30.565,** and include the following information:

(1) the name, address, and telephone number of the protester;

(2) the signature of the protester or the protester's representative;

(3) identification of the contracting agency and the solicitation or contract at issue;

(4) a detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; [AND]

(5) the form of relief requested**; and**

(6) the protest filing fee required under AS 36.30.567.

*** Sec. 28.** AS 36.30.565(b) is amended to read:

(b) If the protester shows good cause **why the protestor did not file a protest by the deadline established under (a) of this section**, the procurement officer of the contracting agency may consider a filed protest that is not timely.

*** Sec. 29.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.567. Protest filing fee. To file a protest under AS 36.30.560, the protester shall pay a $250 filing fee to the agency that conducted the procurement. The filing fee shall be refunded if the protest is sustained by the procurement officer under AS 36.30.585 or if the protest is withdrawn by the protester before an appeal is filed under AS 36.30.590.

*** Sec. 30.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.572. Temporary delay of award. (a) If a protest of a proposed award of a contract is filed timely under AS 36.30.565, the procurement officer may temporarily delay the award of the contract in order to make a decision under AS 36.30.580, extend the time for making the decision under AS 36.30.580, or address other circumstances that warrant temporarily delaying the award.

(b) Notice of a temporary delay of a contract award under (a) of this section shall be provided in writing to the protester and all other interested parties. The written notice must indicate when the temporary delay of the award will expire.

(c) A temporary delay of a contract award under this section does not constitute a stay of award under AS 36.30.575.

*** Sec. 31.** AS 36.30.655 is amended to read:

Sec. 36.30.655. List of persons debarred or suspended; removal from contractor lists. The commissioner shall maintain a list of all persons debarred or suspended from consideration for **the** award of contracts. [THE COMMISSIONER SHALL REMOVE A PERSON DEBARRED OR SUSPENDED FROM THE LISTS OF CONTRACTORS UNDER AS 36.30.050 FOR THE PERIOD OF DEBARMENT OR SUSPENSION.]

*** Sec. 32.** AS 36.30.700 is amended to read:

Sec. 36.30.700. Cooperative purchasing authorized. A public procurement unit may [EITHER] participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of supplies, services, professional services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Cooperative purchasing may include joint or multi-party contracts between public procurement units and open-ended state public procurement units contracts that are made available to local public procurement units. **A state public procurement unit may use or participate in a contract procured by another public procurement unit or external procurement activity without being named in the solicitation for the contract.**

*** Sec. 33.** AS 36.30.700 is amended by adding a new subsection to read:

(b) When, under AS 36.30.700 - 36.30.790, a state public procurement unit participates with a public procurement unit or external procurement activity in cooperative purchasing or participates in a contract procured by an external procurement activity, the state public procurement unit is considered to have complied with AS 36.30.005 - 36.30.540, and AS 36.15 and AS 36.30.321 - 36.30.338 do not apply.

*** Sec. 34.** AS 36.30.850(b) is amended by adding new paragraphs to read:

(48) contracts for lease space for an agency's offices that are located in other states, the District of Columbia, or foreign countries;

(49) contracts for investigative services entered into by the department for the state personnel board established under AS 39.25.030, the office of public advocacy created under AS 44.21.400, or the Alaska Public Offices Commission created under AS 15.13.020;

(50) purchases of commodities used in the manufacture of products sold through an employment program of prison inmates subject to AS 23.15.580;

(51) contracts for training services provided by a professional organization.

* **Sec. 35.** AS 36.30.990 is amended by adding new paragraphs to read:

(25) "Alaska bidder" means a person who

(A) holds a current Alaska business license;

(B) submits a bid or proposal for goods, services, or construction under the name as appearing on the person's current Alaska business license;

(C) has maintained a place of business within the state staffed by the bidder or offeror or an employee of the bidder or offeror for a period of six months immediately preceding the date of the bid or proposal;

(D) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under former AS 32.05, AS 32.06, or AS 32.11 and all partners are residents of the state; and

(E) if a joint venture, is composed entirely of ventures that qualify under (A) - (D) of this subsection;

(26) "in writing" has the meaning given to "written" in this section;

(27) "signature" means a manual identifier or electronic signature attached to or logically associated with a record that is intended by the person using it to have the same force and effect as a manual signature; in this paragraph, "electronic signature" has the meaning given in AS 09.80.190;

(28) "written" means the product of forming characters on paper, other materials, or viewable screens, that can be read, retrieved, and reproduced, including

information that is electronically transmitted and stored.

*** Sec. 36.** AS 36.90.049(a) is amended to read:

(a) A marine vessel owned by the state shall be maintained and repaired at a shipyard facility located in the state unless the commissioner of the department that operates the marine vessel determines in writing that there is no shipyard facility located in the state that is equipped or qualified to perform the particular maintenance or repair required, or, after taking into consideration the **five percent** Alaska bidder preference **for bidders under AS 36.30.321(a)** [SET OUT IN AS 36.30.170] and the interport differential, that the proposed cost of the maintenance or repair work is unreasonable. A detailed list of the costs and factors considered in calculating the interport differential must be provided to each person who expresses an interest in submitting a bid to perform maintenance or repair work on a marine vessel owned by the state.

*** Sec. 37.** AS 38.35.017(a) is amended to read:

(a) Consistent with and in furtherance of the statements of general state policy guiding resource development set out in art. VIII, sec. 1, Constitution of the State of Alaska, that the resources of the state be developed "by making them available for maximum use consistent with the public interest" and in art. VIII, sec. 2, Constitution of the State of Alaska, directing that provision shall be made by the legislature for "the utilization, development, and conservation of all natural resources belonging to the State . . . for the maximum benefit of its people," and consistent with and in furtherance of the general legislative declaration of policy for this chapter set out in AS 38.35.010, it is the policy of this state that the overall strategy for development, use, and control of a pipeline or pipelines to develop the state's substantial North Slope natural gas resources be directed

(1) to enhance the standard of living of state residents by

(A) ensuring that, in conjunction with out-of-state market driven commercial demand for North Slope natural gas, state residents and businesses will have access, directly or indirectly, to that portion of the gas that will meet the reasonably foreseeable in-state demands for it, including substitution of the North Slope natural gas for depleting gas reserves in

Southcentral Alaska in order to maintain a vital domestic and industrial energy source, and ensuring that the pipeline or pipelines for the transportation of North Slope natural gas will be designed and located to be responsive to these requirements;

(B) making the maximum contribution to the development of job opportunities in this state by

(i) providing direct short-term construction and long-term operation- and maintenance-related employment on the pipeline or pipelines, to the end that the resources be developed with qualified contractors and firms in this state for work to be performed, including the fabrication and installation of required facilities, and that state residents be employed, consistent with law; for purposes of this sub-subparagraph, a person is considered a resident if the person is physically present in the state with the intent to remain in the state indefinitely and has a home in the state, and a contractor or firm is considered as qualified if the contractor or firm qualifies as an Alaska bidder**; in this sub-subparagraph, "Alaska bidder" has the meaning given in AS 36.30.990** [UNDER AS 36.30.170(b)]; and

(ii) providing necessary support services; and

(C) adding significant long-term property value to the tax base of the state and local governments, thereby providing the means to support public education, public health, transportation, and other essential state and local government projects and services;

(2) to ensure that the design, location, and construction of a pipeline or pipelines for delivery of North Slope natural gas to North American markets through connection to the North American natural gas pipeline network enhance opportunities for implementing gas deliveries using alternative technologies and the construction of other pipelines to deliver North Slope natural gas to foreign and domestic markets; and

(3) to ensure construction of the pipeline or pipelines consistent with careful protection of the state's natural environment, with minimum environmental degradation, to the greatest extent possible, and with protection of fish, wildlife, and

biotic resources for the use of persons who depend upon them by using available transportation infrastructure to initiate and complete project construction and maintenance and by avoiding duplication of facilities.

*** Sec. 38.** AS 44.62.310(d) is amended to read:

(d) This section does not apply to

(1) a governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff;

(5) meetings of the governmental body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges, or discipline;

(6) staff meetings or other gatherings of the employees of a public entity, including meetings of an employee group established by policy of the Board of Regents of the University of Alaska or held while acting in an advisory capacity to the Board of Regents;

(7) meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the public entity, governmental body, or member of the governmental body is a member, but only if no action is taken and no business of the governmental body is conducted at the meetings; [OR]

(8) meetings of municipal service area boards established under AS 29.35.450 - 29.35.490 when meeting solely to act on matters that are administrative or managerial in nature**; or**

(9) meetings with offerors in negotiations for state procurement under AS 36.30.245, or meetings to renegotiate a contract under AS 36.30.364.

*** Sec. 39.** AS 36.30.050, 36.30.250(b), 36.30.335, and 36.30.362 are repealed.

*** Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: PENDING SOLICITATIONS FOR PROCUREMENTS AND CONTRACTS. (a) This Act does not apply to

(1) solicitations for procurement and the resulting contracts, if the solicitations are pending on the effective date of this Act and if the invitation to bid or other solicitation was issued before the effective date of this Act; and

(2) procurement contracts entered into before the effective date of this Act, including extensions of those contracts.

(b) Notwithstanding (a) of this section, this Act applies to procurements or contracts described in (a)(1) of this section if all parties to the procurement or contract agree in writing that the applicable provisions of this Act apply to the solicitation or contract.

*** Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: INFORMATION IN BIENNIAL REPORTS. In addition to the information that must be included in the biennial report under AS 36.30.540, the Department of Administration shall include in the two successive biennial reports that are prepared under AS 36.30.540 after the effective date of this Act information on the savings that have been achieved during the reporting period by using AS 36.30.195, enacted by sec. 14 of this Act, and AS 36.30.364, enacted by sec. 26 of this Act.

*** Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. The revisor of statutes shall change the catch line of AS 36.30.360 from "Determination of responsibility" to "Determination of nonresponsibility."

*** Sec. 43.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

Representative Anna Fairclough – House District 17

CSHB 225 (FIN)(Corrected)
Sectional Analysis

*** Section 1:** Amends AS 24.55.275

Updates a citation to reflect the renumbering of a preference.

*** Section 2:** Amends AS 36.15.050(a)

Amends the local agricultural preference to grant a seven percent cost preference to the qualifying bid rather than to the low bid, making this preference consistent with other procurement preferences.

*** Section 3:** Amends AS 36.15.050(b)

Amends the local fisheries preference to grant a seven percent cost preference to the qualifying bid rather than to the low bid, making this preference consistent with other procurement preferences.

*** Section 4:** Amends AS 36.15.050 by adding a new subsection (h)

Amends the local agricultural and fisheries preferences to disallow a bidder from being granted both a local agricultural/fisheries preference and an Alaska product preference under another statute.

*** Section 5:** Amends AS 36.30.015(e)

Updates a citation to reflect the renumbering of a preference.

*** Section 6:** Amends AS 36.30.015(f)

Adds the Alaska Industrial Development Authority and the Alaska Energy Authority to a list of agencies exempt from the procurement code and updates a citation to reflect the renumbering of a preference.

*** Section 7:** Amends AS 36.30.015(h)

Updates a citation to reflect the renumbering of a preference.

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Representative_Anna_Fairclough@legis.state.ak.us

*** Section 8:** Amends AS 36.30.020

Updates a citation to reflect the renumbering of a preference.

*** Section 9:** Amends AS 36.30.030

Updates a citation to reflect the renumbering of a preference.

*** Section 10:** Amends AS 36.30.080(f)

Increases the threshold limit for small procurements of leased space from 3,000 square feet to 7,000 square feet, consistent with section 24.

*** Section 11:** Amends AS 36.30.110(b)

Clarifies Alaska business license requirements for competitive sealed bids and qualification for the Alaska bidder preference. Change would require bidders to show proof of their Alaska Business License prior to award, but would require the license at the time of bid submission in order to qualify for the Alaska bidder preference.

*** Section 12:** Amends AS 36.30.130(a)

Eliminates reference to a procurement officer's use of vendor lists, reflecting the repeal of the statute establishing the vendor lists.

*** Section 13:** Amends AS 36.30.170

Updates a citation to reflect the renumbering of the Alaska bidder preference.

*** Section 14:** Amends AS 36.30 by adding a new section 36.30.195

Adds a new section to the procurement code that allows for multi-step revised sealed bidding, a new process that will allow a procurement officer to use successive steps of sealed bidding to obtain the best and final bid price for purposes of award. Excludes construction contracts from this provision

*** Section 15:** Amends AS 36.30.200(b)

Minor modification to language regarding construction procurements.

*** Section 16:** Amends AS 36.30.210(b)
Clarifies construction contractor registration requirements, now explicitly requiring registration before award of a contract.

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*** Section 17:** Amends AS 36.30.210(e)

Clarifies Alaska business license requirements for competitive sealed proposals and qualification for the Alaska bidder preference using language consistent with that used in Section 11.

*** Section 18:** Amends AS 36.30 by adding a new section 36.30.245

Adds a new section to the procurement code that allows for multi-step negotiations. This has essentially the same effect as Section 14, but it applies to the competitive sealed proposal process. A procurement officer will be able to gain the best and final proposal for purposes of award through successive steps of negotiation and proposal submission. Excludes construction contracts from this provision

*** Section 19:** Amends AS 36.30.250(a)

Updates a citation to reflect the renumbering of a preference.

*** Section 20:** Amends AS 36.30 by adding a new section 36.30.255

Directs procurement officers to consider only the preferences listed in statute when applying preferences under a competitive sealed proposal process, and instructs them to apply the preferences only to the price portion of a proposal. This effectively eliminates the Alaska offeror's preference contained in regulation at 2 AAC 12.260(e), and which has no basis in statute.

*** Section 21:** Amends AS 36.30 by adding a new section 36.30.290

Adds a new section allowing an agency to accept electronic bids and proposals.

*** Section 22:** Amends AS 36.30.310

Revises the statute relating to emergency procurements, clarifying that the commissioner of administration shall adopt regulations defining emergency conditions and who shall be responsible for written determinations of the basis for an emergency procurement.

*** Section 23:** Amends AS 36.30.320(a)

Increases the threshold under which a state agency may use informal procurement process to $100,000 for goods and professional services, to $200,000 for construction, and 7,000 square feet for lease of space.

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* **Section 24:** Amends AS 36.30 by adding a new section 36.30.321

Adds a new section consolidating the Alaska bidder and related preferences formerly at AS 36.30.170(b). This section also simplifies the qualification for the disability and employment program preferences, eliminates the seldom used employers of people with disabilities preference, and establishes the Alaska veteran preference and its qualifications.

* **Section 25:** Amends AS 36.30.322(a)

Modifies the use of local forest products statute to grant a seven percent cost preference to the qualifying bid rather than to the low bid, making this preference consistent with other preferences.

* **Section 26:** Amends AS 36.30.336 by repealing and reenacting

Clarifies which preferences are cumulative and which may not be combined. (example: bidders cannot claim both an employment program preference and disabled bidder preference)

* **Section 27:** Amends AS 36.30 by adding a new section 36.30.364

Adds a new section allowing the chief procurement officer to renegotiate a contract without an additional competitive process, subject to several conditions ensuring that the renegotiated contract is at least as favorable to the state as the original contract and that the additional period of performance does not exceed five years.

* **Section 28:** Amends AS 36.30.560

Clarifies the timeframe within with a protest must be filed.

* **Section 29:** Amends AS 36.30.565(b)

Clarifies the meaning of "good cause" requiring that a protestor show why they could not file a protest before the deadline, allowing a procurement officer to better determine whether to consider a filed protest that is not timely.

* **Section 30:** Amends AS 36.30 by adding a new section 36.30.567

Adds new sections relating to protests, requiring a protest filing to be accompanied by a refundable $250 filing fee.

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*** Section 31:** Amends AS 36.30 by adding a new section 36.30.572

Adds a new section to allow a procurement officer to temporarily delay award of a contract in order to address a protest, rather than issue a stay of award.

*** Section 32:** Amends AS 36.30.655

Eliminates reference to the removal of debarred or suspended persons from vendor lists, reflecting the repeal of a law establishing the vendor lists.

*** Section 33:** Amends AS 36.30.700

Adds language to the cooperative purchasing section that allows the state to more effectively use contracts established by other public procurement units.

*** Section 34:** Amends AS 36.30.700 by adding a new subsection (b)

Adds a new section explicitly authorizing the state to participate in cooperative procurements with other governments and waiving procurement preferences that otherwise prevent other public purchasing units from participating in cooperative purchase agreements sponsored or conducted by the state.

*** Section 35:** Amends AS 36.30.850(b) by adding new paragraphs

Adds new exemptions for; contracts for lease space located outside the state; for contracts for investigative services entered into by the department for the Alaska personnel board, the office of public advocacy, and the Alaska Public Offices Commission; for commodities used in the prisoner employment program; and for professional training.

*** Section 36:** Amends AS 36.30.900(1)

Adds the exemption for the Alaska Industrial Development and Export Authority and the Alaska Energy Authority.

*** Section 37:** Amends AS 36.30.900 by adding new paragraphs

Moves the definition for "Alaska bidder" (formerly contained in 36.30.170(b)), and adds new definitions for "electronic signature," "in writing," "signature," and "written."

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* **Section 38:** Amends AS 36.90.049(a)

Updates a citation to reflect the renumbering of a preference.

* **Section 39:** Amends AS 38.35.017(a)

Updates a citation to reflect the renumbering of a preference.

* **Section 40:** Amends AS 44.62.310(d)

Adds language to clarify that the Administrative Procedure Act does not apply to meetings with offerors under the multi-step negotiation process contained in section 18 or to renegotiation of contracts in section 28.

* **Section 41:** Amends AS 44.88.085(a)

Technical change regarding application of the Administrative Procedure Act to AIDEA.

* **Section 42:** Repeals statutes establishing the vendor list and relationships to other preferences.

* **Section 43:** Amends the uncodified law of the State of Alaska

Clarifies the application of the procurement act to pending solicitations during transition period.

* **Section 44:** Amends the uncodified law of the State of Alaska

Adds in transition language stating that the Dept. of Administration shall include in the two successive biennial reports after the effective date of this Act information on the savings that have been achieved by Sections 14 and 28 of this Act.

* **Section 45:** Amends the uncodified law of the State of Alaska

Changes the catch line of 36.30.360 from "Determination of responsibility" to Determination of nonresponsibility."

* **Section 46:** Effective Date

Language making the procurement act effective immediately.

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FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: HB225-DOC-OC-02-08-10
Bill Version:
() Publish Date:

Identifier (file name): HB225-DOC-OC-02-08-10
Dept. Affected: DOC
Title "Act relating to State Procurement Code; procurement of supplies services, professional services, construction services, and preferences ..."
RDU Administration & Support
Component Commissioner's Office
Sponsor Representative Fairclough
Requester Governor
Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation provides language revisions that offer clarification or flexibility in handling certain procurement situations.

Passage of this legislation should have no financial impact to the Department of Corrections.

Prepared by: Leslie Houston, Director
Phone (907) 465-3339
Division Administration and Support
Date/Time 02/08/2010 0950
Approved by: Dwayne Peeples, Deputy Commissioner
Department of Corrections
Date 02/08//2010

(Revised 11/6/2009 OMB)

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: CSHB225
() Publish Date:

Identifier (file name): HB225CS-DOA-DGS-03-09-10
Title "An Act relating to the State Procurement Code..."
Sponsor Representative Fairclough
Requester (H)FIN

Dept. Affected: DOA
RDU Centralized Administrative Services
Component Purchasing
Component Number 60

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**0.0**	**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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation makes numerous changes to the state's procurement code. Collectively, these changes streamline the procurement code to ensure consistent application of the law, and result in a more understandable, efficient process. It has been many years since our procurement code has been modernized. These changes will help reduce the number of failed procurements, simplify confusing and burdensome requirements, and allow for modern procurement techniques.

Prepared by: Vern Jones, Chief Procurement Officer — Phone 907-465-2250
Division: Division of General Services — Date/Time 3/9/10 10:30AM
Approved by: Kevin Brooks, Deputy Commissioner — Date 3/9/2010
Department of Administration

(Rev. 9/03 / Fin 2/04 CMB)

Crystal Koeneman

From: Jones, Vern O (DOA) [vern.jones@alaska.gov]
Sent: Friday, March 12, 2010 1:21 PM
To: Crystal Koeneman
Subject: Questions on HB 225

Several questions were posed in (or immediately after) the House Finance Committee hearing yesterday regarding HB225. Three of the questions that I could not immediately answer are addressed below:

Question: How many states have in-state preferences that require a "principal place of business" in the state to qualify?

Response: After the hearing, I emailed this question to my counterparts around the country via the National Association of State Procurement Officials (NASPO) listserv. So far, I have received ten responses. None of the states responding have such a preference. Keep in mind that only a few states have in-state preferences to begin with. I know of no states that have such a restrictive definition connected to their in-state preference, so these results seem to validate my assumption on this question – that no other states have a preference like this.

Question: How many of the state's office space leases fall in the range of 7,000 square feet?

Response: Of the 250 current office space leases, 160 are under 7,000 square feet, and 80 are over 7,000 square feet in size. However, the total square footage of all the leases under 7,000 square feet is 380,960 square feet, with lease payments of $7,958,331/year. The total square footage of all leases over 7,000 square feet is 2,261,190, with lease payments of $35,389,383/year. This illustrates my point about needing to focus or efforts more on the higher stakes leases we acquire with the more in depth, complicated and lengthy formal procurement process, and access the lower value leases via the simplified small procurement process. As I mentioned in the hearing, using the small procurement process for leases in no way implies a less transparent or competitive process.

Question: How many disabled people are supported by the "employers of the disabled" preference HB 225 would eliminate?

Response: The information we have indicates that a total of two disabled employees are supported by this preference.

Crystal Koeneman

Subject: FW: lease space question...

From: Jones, Vern O (DOA) [mailto:vern.jones@alaska.gov]
Sent: Tuesday, March 16, 2010 1:21 PM
To: Crystal Koeneman
Subject: RE: lease space question...

Crystal:

Of the 160 state leases of 7,000 square feet or less, 116 are located outside Juneau, Anchorage, or Fairbanks. This supports the need to increase this threshold, because doing so would put these leases in the "small" or "informal" category. We get complaints about our lease procurement documents being too large, complex and cumbersome, especially for our less sophisticated lessors. The lessors we deal with in rural areas are typically smaller businesses not accustomed to the more complex and time consuming formal procurement process. I've heard from several potential lessors that they do not compete for state leases because of all the paperwork involved in bidding. Moving these leases to the "informal" category simplifies the process for our lessors and would make it less expensive and time consuming for them to participate. As I mentioned earlier, changing this threshold in no way limits competition, because we provide the same form of public notice as we do for formal procurements.

I would also like to point out that the numbers of leases we manage in DGS has grown with the size of government, yet our staff of leasing Contracting Officers has shrunk by half since I've been involved in the process. Making this change will help us become more efficient in managing this increasing workload.

An example of the cost of the employers with disabilities preference:
RFP 2003-0800-4074, for an office building lease in Fairbanks. The Bachner Company won because of their employers of the disabled preference (one disabled employee). Had that preference not been counted, Thompson Investment would have won the award. Thompson Investment's cost was $55,321 less than Bachner's.

From: Crystal Koeneman [mailto:Crystal_Koeneman@legis.state.ak.us]
Sent: Tuesday, March 16, 2010 10:36 AM
To: Jones, Vern O (DOA)
Subject: lease space question...

Hi Vern...

So with your response about how many lease spaces are under 7000sqft can you provide us the number of leases outside of Anc, Fbx, Jnu or other large muni, of those that are under 7000.

Also can you give us an example of one purchase (if there has been one) that was qualified by the employers of persons with disabilities preference so we can see the impact to the state...

Crystal Koeneman
Office of Rep. Anna Fairclough
District 17, Eagle River, Alaska
Phone ~ 465-3777 Fax ~ 465-2819

the Blomfield co

COMMERCIAL DESIGN • CONSTRUCTION • LEASING • MANAGEMENT • RECREATIONAL FACILITIES

March 3, 2010

10200 Prospect Dr.
Anchorage, Alaska 99507

Representative Anna Fairclough
10928 Eagle River Rd. Suite 238
Eagle River AK, 99577

RE: HB 225

Representative Anna Fairclough:

Please consider disabled employees when revising the current structure of the State Procurement Code. As proposed the revised code will have grave consequences for our company and its present/future employee(s). As a young professional, a business owner, and an employer of persons with disabilities preference holder I can assure you that eliminating this program we depend on will lead to the dismissal of disabled persons that have become and are currently productive members of society. Not all disabled persons are capable of owning a business under the proposed structure of HB 225.

Please consider modifying the following:

- **Remove section, "(j) This section does not apply to solicitations or contracts for lease space 11 under AS 36.30.080, to procurements under AS 36.30.305 - 36.30.310, or, except as12 provided otherwise by regulation under AS 36.30.320, to small procurements under 13 AS 36.30.320"**
- **Do not delete the preference, "employers of people with disabilities"**

Thank you for understanding our dire need to revise these two items. Please feel free to contact me at anytime with questions or concerns.

Sincerely,

Adam Blomfield

Adam Blomfield, The Blomfield Company BE 2010-03

10200 Prospect Drive • Anchorage, AK 99507
(907) 562-2766 • Fax: (907) 346-3306 • blomfield@gci.net

Sean Parnell, Governor
801 W. 10th Street, Suite A
Juneau, AK 99801
V/TTY: (907) 465-2814
Fax: (907) 465-2856

Department of Labor and Workforce Development
DIVISION OF VOCATIONAL REHABILITATION

December 21, 2009

Mr. Adam Blomfield
The Blomfield Company
10200 Prospect Drive
Anchorage, AK 99507

Dear Mr. Blomfield:

The Division of Vocational Rehabilitation hereby certifies that *The Blomfield Company* qualifies for a procurement preference under AS 36.30.170(f).

The **2010** certification number is **BE 2010-03** and *The Blomfield Company* is eligible for a 10% procurement preference.

Please remember to renew your certification at the end of each year. A renewal form will be sent to you in December.

Sincerely,

Cheryl A. Walsh
Director

At-a-Glance
Preferences for State of Alaska Contracts

Except when restricted by Federal regulations, certain preferences apply to all State of Alaska contracts for professional services, regardless of their dollar value. **The Alaskan Bidder/Offeror preferences** are the two most common preferences involved in the State of Alaska procurement process.

ALASKAN BIDDER'S PREFERENCE AS 36.30.170(B)

A contract award is made to the lowest responsive and responsible bidder after applying the 5% bidders preference.

An "Alaska bidder" means a bidder/offeror who:

- holds a current Alaska business license;
- submits a bid for supplies, services, or construction under the name appearing on the person's current Alaska business license;
- has maintained a place of business within the state staffed by the bidder or an employee of the bidder for a period of six months immediately preceding the bid date;
- is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under AS 32.05 or AS 32.11 and all partners are residents of the state; and
- if a joint venture, is composed entirely of ventures that qualify under (1) -- (4) of this subsection.

ALASKA OFFEROR'S PREFERENCE (2 AAC 12.260E)

In some circumstances, supplies and services are obtained through the use of a Request for Proposals (RFP). Responses to those RFPs are evaluated using a numerical rating system that considers factors in addition to cost. When a numerical rating system is used, vendors that qualify for the Alaska bidder preference will receive a 10% evaluation point preference (10% of the total available points).

NOTE: The application of all preferences are for evaluation purposes only. The vendor is still paid the full price identified in their bid/offer for the goods or services rendered.

Additional preferences are listed on the back of this page, with excerpts from the relevant statutes and codes.

For additional information, contact the department that manages the particular preference program, or the Department of Administration, Division of General Services, PO Box 110210, Juneau, AK 99811-0210 Phone: (907) 465-2250, Fax: 465-2189 TDD: (907) 465-2205. Or download the booklet: *How to do Business with the State of Alaska at* http://www.state.ak.us/local/akpages/ADMIN/dgs/pdf/htdbws.pdf

PREFERENCE	HOW PREFERENCE IS APPLIED	TERMS
USE OF LOCAL FOREST PRODUCTS AS 36.15.010	In a project financed by State money...	...only timber, lumber, and manufactured lumber products originating in this state shall be used, unless impractical.
LOCAL AGRICULTURAL AND FISHERIES PRODUCTS PREFERENCE AS 36.15.050	When agricultural products are purchased using State money...	...only those products harvested or processed within the jurisdiction of Alaska, will be purchased, provided they are available, of comparable quality, and priced no more than seven percent (7%) higher than products harvested outside the state, or in the case of fisheries products harvested or processed of the state, in accordance with AS 36.15.050. **NOTE:** "Agricultural products" includes dairy products, timber and lumber, and products manufactured in the state from timber and lumber.
ALASKA PRODUCT PREFERENCE AS 36.30.332 3 AAC 92.010	A bidder with materials and supplies: **Class I**, 25% – 50% produced/manufactured in state, receives 3% bid preference; **Class II**, 50% - 75% produced/manufactured in state, receives 5% bid preference; **Class III**, 75% plus, produced/manufactured in state, receives 7% bid preference.	The company and the product must be on the Alaska Product Preference list published by the Department of Commerce, Community and Economic Development at least 30 days prior the issuing date of the solicitation. http://www.commerce.state.ak.us/oed/prodpref/pppcompany.cfm To apply for certification to get on the list: Department of Commerce, Community and Economic Development 550 West 7th Street, Suite 1770, Anchorage, AK 99503 Phone: (907) 269-8110, Fax: (907) 269-8125
RECYCLED PRODUCTS PREFERENCE (AS 36.30.337)	Bids or offers that include the use of recycled products that meet specs in solicitation and minimum recycled content set by the State, receive a 5% cost evaluation preference.	Recycled products must meet the eligibility criteria set by the State for the product at the time of the bid opening or proposal deadline.
EMPLOYMENT PROGRAM PREFERENCE AS 36.30.170(c) 2 AAC 12.050. AS 36.30.990(10)	Preferred Alaskan Bidder offers goods/services through employment program, and is lowest responsive and responsible bidder with a bid no higher than 15% above lowest bid	The Department of Labor & Workforce Development, Division of Vocational Rehabilitation maintains a listing of vendors who qualify for the three disability related preferences. For disability preference certification, please contact: Department of Labor & Workforce Development Division of Vocational Rehabilitation 801 West 10th Street, Suite A, Juneau, Alaska 99801-1894 Phone: (907) 465-2814, Fax: (907) 465-2856 http://www.labor.state.ak.us/dvr/home.htm In order to qualify for one of the three disability related preferences, a bidder/offeror must add value by actually performing, controlling, managing, and supervising the services provided, or they must have sold supplies of the general nature solicited to other State agencies, governments, or the general public. **NOTE: A bidder/offer cannot claim more than one of the three disability related preferences for the same bid/offer.**
ALASKANS WITH DISABILITIES PREFERENCE AS 36.30.170(e)(j)	Preferred Alaskan Bidder is a qualifying entity under AS 36.30.170(e) and (j); is lowest responsive and responsible bidder with bid no higher than 10% of lowest bid	
EMPLOYERS OF PEOPLE WITH DISABILITIES PREFERENCE AS 36.30.170(f)(j)	Preferred Alaskan Bidder, responsible and responsive bidder/offeror, is employing 50% plus disabled persons at time of bid/offer submission, and bid price or offer is not higher than 10% than the lowest bid/offer received.	

PREFERENCE QUALIFICATION LETTER: The Department of Labor Division of Vocational Rehabilitation will issue a certification letter. A bidder/offeror must be on this Division's list at the time the bid is opened, and must provide a copy of the certification letter to procurement officer, ***and*** attach a copy of it to their bid. If the certification letter is NOT attached to their bid, the State will disallow the preference.

The Division also maintains lists of Alaskan; [1] employment programs that qualify for preference, [2] individuals who qualify for preference as Alaskan's with disabilities, and, [3] employers who qualify for preference as employers of people with disabilities. In order to qualify for one of these preferences, a bidder must add value by actually performing, controlling, managing, and supervising services provided, or for supplies, a bidder must have sold supplies of general nature solicited to other state agencies, government, or the general public.

Stacking of Preferences

- A bidder or offeror may not receive both the Employment Program and Disability preferences.

- A bidder or offeror may not receive both a Forest, Agricultural, and/or Fisheries Product preference and a Alaska Products preference for the same product.

Preference Title	Cite (HB225)	Value
Alaska Bidder	AS 36.30.321(a)	5%
Employment Program*	AS 36.30.321(b)	15%
- OR -		
Disability*	AS 36.30.321(d)	10%
Veteran*	AS 36.30.321(f)	5%
Forest Products	AS 36.30.322(a)	7%
Agricultural Products	AS 36.15.050(a)	7%
Fisheries Products	AS 36.15.050(b)	7%
- OR -		
Alaska Products Class I	AS 36.30.330(a)(1)	4%
Alaska Products Class II	AS 36.30.330(a)(2)	6%
Alaska Products Class III	AS 36.30.330(a)(3)	8%

* Must qualify as an Alaska bidder under AS 36.30.990(25) to receive these preferences.

Several questions were posed in (or immediately after) the House Finance Committee hearing yesterday regarding HB225. Three of the questions that I could not immediately answer are addressed below:

Question: How many states have in-state preferences that require a "principal place of business" in the state to qualify?

Response: After the hearing, I emailed this question to my counterparts around the country via the National Association of State Procurement Officials (NASPO) listserv. So far, I have received ten responses. None of the states responding have such a preference. Keep in mind that only a few states have in-state preferences to begin with. I know of no states that have such a restrictive definition connected to their in-state preference, so these results seem to validate my assumption on this question – that no other states have a preference like this.

Question: How many of the state's office space leases fall in the range of 7,000 square feet?

Response: Of the 250 current office space leases, 160 are under 7,000 square feet, and 80 are over 7,000 square feet in size. However, the total square footage of all the leases under 7,000 square feet is 380,960 square feet, with lease payments of $7,958,331/year. The total square footage of all leases over 7,000 square feet is 2,261,190, with lease payments of $35,389,383/year. This illustrates my point about needing to focus or efforts more on the higher stakes leases we acquire with the more in depth, complicated and lengthy formal procurement process, and access the lower value leases via the simplified small procurement process. As I mentioned in the hearing, using the small procurement process for leases in no way implies a less transparent or competitive process.

Question: How many disabled people are supported by the "employers of the disabled" preference HB 225 would eliminate?

Response: The information we have indicates that a total of two disabled employees are supported by this preference.

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 15, 2010

SUBJECT: Questions regarding draft CSHB 225(FIN) relating to state procurement (Work Order No. 26-LS0791\P)

TO: Representative Anna Fairclough
Attn: Crystal Koeneman

FROM: Theresa Bannister
Legislative Counsel

You have asked several questions regarding the bill described above.

1. Why is the insurance provision at sec. 36.30.321(c) (page 9, ll. 20 - 22 of this bill) different from Department of Law's original draft? The bill version was a result of reorganization of the material and, with two exceptions, is basically the same as Law's draft. AS 36.30.170(d) reads:

> (d) The procurement officer shall award an insurance-related contract based on solicited bids to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent. In this subsection, "Alaska bidder" means a person who meets the criteria set out in (b)(1) - (5) of this section and who is an Alaska domestic insurer.

Law's draft was almost identical to AS 36.30.170(d), except that it added "is applied to cost" after "five percent." The bill version uses "price" instead of "cost," which, as I understand it, amounts to the same thing. The bill version also applies to proposals as well as bids.

In this bill, the direction to award the contract based on bids "to the lowest responsive and responsible bidder" after application of a preference is found in the general language at sec. 36.30.170 (p. 6, ll. 7 - 12) of the bill. Since the language at sec. 36.30.321(c) now covers proposals as well as bids, the corresponding general language for awarding a proposal found at sec. 36.30.255 (p. 8, ll. 8 - 13) would apply to proposals.

The bill requires the bidder or offeror to qualify as an Alaska bidder. In the bill, the meaning of "Alaska bidder" has been moved (from AS 36.30.170) to a general definition in AS 36.30.990 (sec. 37 of the bill). Since there is a general definition, the bill uses the term and does not refer to a person who "meets the criteria set out in (b)(1) - (5) of this section."

The meaning of "Alaska domestic insurer" is not defined in the current procurement statutes or in the bill. The term would be interpreted to mean an insurer who is organized under the laws of this state. The term, "domestic insurer," is defined at AS 21.90.900 for AS 21.90 to have this meaning. If you want to clarify the meaning for the bill, a definition could be added to refer to that meaning.

2. Exemptions from preferences. There has been a question whether the bill could exempt contracts for insurance, medical services, and legal services from the preference provisions. Contracts for medical doctors and dentists are exempted from the procurement code under AS 36.30.850(b)(4).

The exemptions could be added if they satisfy state and federal equal protection requirements. It is likely that the right to receive a preference for a state contract would be characterized as an economic right. Under federal law, the scrutiny is minimal and, unless the objective is economic protectionism, a legitimate state objective will suffice. Under state equal protection requirements, as an economic matter, minimum scrutiny requires showing that the state's objectives are legitimate and that the legislation bears a substantial relationship to its purpose.[1] Aside from these considerations, whether or not to adopt the exemptions will be a policy call.

3. Changes to "Alaska bidder" requirements. There has been a question whether the "Alaska bidder" preference could be changed to require that the business's principal place of business be located in Alaska or that the majority of the business be owned by state residents.

Since the state is buying services and products for itself directly, it would be considered a market participant, and the commerce clause has an exception when the state is acting as a market participant. So that clause does not appear to present a problem.[2]

The privileges and immunities clause probably is not an issue here because these contracts do not appear to be closely enough tied to employment to qualify as affecting a fundamental right. Even if they were determined to affect a fundamental right, the privileges and immunities clause has an exception for when the state is acting as a market participant. However, a variable standard is applied to determine what amount of deference is due to a state when acting as a market participant, so it is not clear how much deference would be given in this situation.[3]

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[1] See Glover v. State, Department of Transportation, Alaska Marine Highway Sys., 175 P.3d 1240, 1257 (Alaska 2008).

[2] See White v. Massachusetts Council of Construction Employers, Inc., 460 U.S. 204, 214 - 215 (1983).

[3] See Robison v. Francis, 713 P.2d 259, 264 - 265 (1986).

With regard to the federal equal protection clause,[4] which has a very lenient test in commercial matters, it must at least be shown that the provision does not have a rational relationship to the achievement of a legitimate state goal. This clause becomes an issue only if the reason for these changes is economic protectionism, which is not considered a legitimate state goal for state laws.[5] The state equal protection clause[6] does not appear to be an issue because art. I, sec. 23, allows the state to give preferences to state residents to the extent allowed by federal law. However, this provision has not been interpreted.

If I may be of further assistance, please advise.

TLB:ljw
10-178.ljw

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[4] Amendment XIV, section 1 of the Constitution of the United States.

[5] Protection of in-state industries from out-of-state competition is almost never a legitimate local purpose. State laws that amount to economic protectionism are virtually always invalid. Philadelphia v. New Jersey, 437 U.S. 617, 624, 57 L.Ed.2d 475, 481 (1978) (discussing the privileges and immunities clause).

[6] Art. I, sec. 1, Constitution of the State of Alaska.

Southeast Conference

RESOLUTION 10-13

A Resolution Supporting the Alaska Offeror's Preference, &
Opposing HB 225 if it eliminates the Alaska Offeror's Preference

WHEREAS, the State of Alaska currently has an ALASKA OFFEROR'S PREFERENCE (2 AAC 12.260E) providing Alaska's many small businesses and companies a "level playing field" advantage over non-Alaska companies wishing to bid on State of Alaska proposals;

WHEREAS, since the 1980's this law has helped hundreds of companies across Alaska successfully compete for Alaska procurement opportunities, created thousands of employment opportunities for Alaskans, and has allowed millions (if not billions) of state dollars to remain in Alaska;

WHEREAS, keeping Alaska jobs and state dollars in Alaska through the Alaska Offeror's Preference has been a key support mechanism for Alaska's private sector and for Alaska's economy;

WHEREAS, the multiplier effect of the dollars spent in Alaska thanks to the Alaska Offeror's Preference in Alaska has provided significant beneficial economic impacts in communities across Alaska during the last two decades;

WHEREAS, passage of HB 225 would eliminate the Alaska Offeror's Preference;

WHEREAS, HB 225 is entitled, ""An Act relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; relating to procurement by the office of the ombudsman, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, and other state agencies and public corporations; and providing for an effective date";

WHEREAS, the language of HB 225 is confusing as while it eliminates the highly significant Alaska Offeror's Preference, it does maintain the less advantageous Alaska Bidder's Preference (thereby reducing the overall Alaska advantage on a proposal from 12% to 2%);

WHEREAS, the removal of the Alaska Offeror's Preference would put Alaska companies at a huge disadvantage in competing against outside firms, and would result in the loss of a significant number of Alaska jobs by shipping those jobs outside Alaska.

THEREFORE, BE IT RESOLVED that Southeast Conference opposes passage of HB 225 if it eliminates the Alaska Offeror's Preference and changes the requirement for valid Alaska Business license at time of bid opening.

Passed and Approved by the Southeast Conference Board of Directors on April 3, 2010

Witness by:

Maxine L. Thompson

Maxine Thompson, President

Attest:

Shelly Wright

Shelly Wright, Executive Director

26-LS1665\A
Bannister
4/7/10

SENATE CONCURRENT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Introduced:
Referred:

A RESOLUTION

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 225, relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; and relating to procurement by the office of the ombudsman, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, and other state agencies and public corporations.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding changes to the title of a bill, are suspended in consideration of House Bill No. 225, relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; and relating to procurement by

the office of the ombudsman, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, and other state agencies and public corporations.

JAMES L. BALDWIN
ATTORNEY AT LAW

April 3, 2010

Sander Schijvens
Wostmann & Associates
226 Seward Street
Suite 210
Juneau, Alaska
99801

Re: CS HB 225(Fin)(Corr) as applied to state competitive sealed proposals

Dear Mr. Schijvens:

You requested that I review CS HB 225 (Fin)(Corrected) to determine whether it would materially change the evaluation method for state contracts awarded by competitive sealed proposal.

Under existing law, the Department of Administration is granted authority to adopt regulations that implement the Alaska Bidder provisions of AS 36.30.170 for competitive sealed proposals. This regulation authority is set out in AS 36.30.250(b). The regulation adopted by the department provides in pertinent part:

> (e) If a numerical rating system is used, an Alaska offeror's preference of at least 10 percent of the total possible value of the rating system must be assigned to a proposal of an offeror who qualifies as an Alaska bidder under AS 36.30.170(b).

2 AAC 12.260(e).

I interpret HB 225 to remove the authority for the foregoing regulation by repealing AS 36.30.250(b) in section 42 of the bill. In section 20, the bill would direct that the Alaska Bidder preference be applied only to the price portion of a proposal. The bill would reduce the effect of the Alaska bidder preference on competitive sealed proposals. This

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change might be greater in effect than would be experienced by similarly situated persons seeking to obtain sealed bid contracts.

As you know, competitive sealed proposals can be evaluated on a number of factors beside price. These other factors include whether the offeror is qualified and otherwise competent to provide the requested goods and services. For a competitive sealed bid procurement, the sole basis for award is whether the bidder has submitted the lowest responsive bid. For a competitive sealed proposal procurement, price is only a part of the evaluation which might be given a weight of 40 percent or less of the total evaluation points. Application of a preference solely to the contract price stated in a bid is fair and easily administered. However, that is not the case for evaluation of an offer submitted as a competitive sealed proposal which considers factors other than price.

If an Alaska resident offeror and a non resident offeror are otherwise equally qualified, the resident offeror may be at a competitive disadvantage if the bidder preference is applied only to price. Differentials between instate and out-of state overhead costs of operation may substantially devalue the effectiveness of a preference that is intended to level the playing field. A preference directed only to the price factor treats a competitive sealed proposal procurement materially different than sealed bid procurements. The value of a preference limited to price is much different for an offeror than it would be for a bidder. A preference of five percent becomes worth much less in real terms if price is not the sole factor influencing award. This difference in treatment would be a significant change in the procurement code if CS HB 225(FIN)(Cor.) were to become law.

At your request, I have prepared the attached amendment which would maintain the status quo while retaining the other laudable provisions of the bill to remain intact. In summary, the amendment would delete the repeal of AS 36.30.250(b), would make conforming amendments to that section consistent with other sections of the bill, and would remove any restriction on the application of preferences implemented by regulation to only the price factor of competitive sealed proposal procurements.

Let me know if I can be of further assistance.

James L. Baldwin
Attorney at Law

AMENDMENT

OFFERED IN THE STATE AFFAIRS COMMITTEE

TO: CS HB 225 (Fin)(Corrected)

Page 8, between lines 7 and 8:

insert the following new material to read:

"***Sec. 20.** AS 36.30.250(b) is amended to read:

(b) In determining whether a proposal is advantageous to the state, the procurement officer shall take into account, in accordance with regulations of the commissioner, whether the offeror qualifies as an Alaska bidder [UNDER AS 36.30.170(b)], is offering the service of an employment program **under AS 36.30 321.(b)**, or qualifies for a preference under **AS 36.321(d) or (f)** [AS 36.30.170 (e) or (f)]."

Renumber the following bill sections accordingly.

Page 8, line 12:

after " AS 36.15.050" insert ", AS 36.30.250(b),"

Page 8,line 13:

after "preferences" insert " provided in AS 36.15.050 and AS 36.30.321 – 36.30.338"

Page 20, line 12:

after "AS 36.30.050" delete "AS 36.30.250(b)"

Page 21, line 2:

delete "sec. 27" insert "sec. 28"

Southeast Conference

RESOLUTION 10-13

A Resolution Supporting the Alaska Offeror's Preference, &
Opposing HB 225 if it eliminates the Alaska Offeror's Preference

WHEREAS, the State of Alaska currently has an ALASKA OFFEROR'S PREFERENCE (2 AAC 12.260E) providing Alaska's many small businesses and companies a "level playing field" advantage over non-Alaska companies wishing to bid on State of Alaska proposals;

WHEREAS, since the 1980's this law has helped hundreds of companies across Alaska successfully compete for Alaska procurement opportunities, created thousands of employment opportunities for Alaskans, and has allowed millions (if not billions) of state dollars to remain in Alaska;

WHEREAS, keeping Alaska jobs and state dollars in Alaska through the Alaska Offeror's Preference has been a key support mechanism for Alaska's private sector and for Alaska's economy;

WHEREAS, the multiplier effect of the dollars spent in Alaska thanks to the Alaska Offeror's Preference in Alaska has provided significant beneficial economic impacts in communities across Alaska during the last two decades;

WHEREAS, passage of HB 225 would eliminate the Alaska Offeror's Preference;

WHEREAS, HB 225 is entitled, ""An Act relating to the State Procurement Code; relating to the procurement of supplies, services, professional services, construction services, state fisheries products, state agricultural products, state timber, and state lumber; relating to procurement preferences; relating to procurement by the office of the ombudsman, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, and other state agencies and public corporations; and providing for an effective date";

WHEREAS, the language of HB 225 is confusing as while it eliminates the highly significant Alaska Offeror's Preference, it does maintain the less advantageous Alaska Bidder's Preference (thereby reducing the overall Alaska advantage on a proposal from 12% to 2%);

WHEREAS, the removal of the Alaska Offeror's Preference would put Alaska companies at a huge disadvantage in competing against outside firms, and would result in the loss of a significant number of Alaska jobs by shipping those jobs outside Alaska.

THEREFORE, BE IT RESOLVED that Southeast Conference opposes passage of HB 225 if it eliminates the Alaska Offeror's Preference and changes the requirement for valid Alaska Business license at time of bid opening.

Passed and Approved by the Southeast Conference Board of Directors on April 3, 2010

Witness by:

Maxine L. Thompson

Maxine Thompson, President

Attest:

Shelly Wright

Shelly Wright, Executive Director

AIDEA Alaska Industrial Development and Export Authority

ALASKA ENERGY AUTHORITY

April 9, 2010

The Honorable Linda Menard
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol Room 9
Juneau AK, 99801

Re: Testimony on HB 225

Dear Senator Menard:

This letter is in response to the testimony that was provided in Senate State Affairs in opposition to the Alaska Energy Authority (AEA) seeking to be treated like AHFC, and several other public corporations in the state procurement code (AS 36.30) as provided in section 6 of HB 225. Several statements were incorrect and have led to misunderstandings regarding AEA's procurement practices and AEA's motives to seek the procurement provisions of section 6.

During public testimony it was mentioned that AEA was subject to a Legislative Audit 2008 audit. AEA concurred with the finding that AEA should update the Rural Energy Group procurement policies and procedures for the Rural Power System Upgrade (RPSU) program. HB 225 allows us to update the RPSU and other AEA programs procedures in the most appropriate manner. Because the RPSU program is a grant program using federal funds; therefore, the RPSU program and its procurements are currently exempt from AS 36.30. For this program, AEA has adopted procurement policies and procedures that are similar to Department of Transportation and Public Facilities (DOT&PF) and Department of Administration (DOA) established policies and procedures; however, we believe it is important to provide clarity in the process and codify comprehensive procurement procedures for all of AEA's programs through regulations. The language we are seeking in HB 225, similar to other state corporations, will be the statutory basis for AEA to adopt comprehensive AEA procurement regulations including the federally funded RPSU program.

Section 6 of HB 225 will:

- Require AEA to have its own procurement regulations in place that would parallel AS 36.30 and provide accountability and responsibility for procurement actions. (Allowing for public comment on these regulations.)
- Provide for contract claims and protests to be elevated to the Executive Director and Board of Directors, not DOT&PF or DOA Commissioners.
- Still require AEA to use competitive processes.
- Still require AEA to follow Davis Bacon and other related statutes regarding public works bonding and licensing.
- Still require AEA to use Alaska bidder preferences.

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- Still allow AEA to benefit from statewide procured contracts.

The testimony provided by Mr. Meiners warrants a response to correct his misstatements regarding AEA procurement practices:

Mr. Meiners stated that "3 or 4 people manage over $300 million over the past 8 years and very few are bid out." This is incorrect.

- All RPSU projects over $100,000 are competitively solicited and have been over the past 8 years. Small procurements over $5,000 and less than $100,000 for construction projects are informally solicited from multiple sources. These are the same processes followed by DOT&PF and DOA.

- Competitively solicited term contracts have been used for both Engineering services as well as Construction Management services in order to expedite the delivery of services and projects for grantees. The current contracts were issued in a manner similar to DOA and DOT&PF processes.

Mr. Meiners stated that "Information is not available to the public." Again this is incorrect.

- All formal bids and Request For Proposals are posted on the State of Alaska on-line public notice web site in the same manner as State Agency Bids. All bidding and contract documents are considered public documents. These are the same processes followed by DOT&PF and DOA.

Mr. Meiners stated that: "Bids are put together and direct projects to particular contractors." Again he is mistaken.

- Formal bids are publicly noticed and competitively solicited with a specific set of requirements. AEA encourages competition for the goods and services we need to procure. AEA's process provides that interested bidders may protest the specifications or requirements if they believe the agency is overly restrictive. These are the same processes followed by DOT&PF and DOA.

Mr. Meiners noted a single source contract with GB Services:

- AEA did award the contracts for System Control and Data Acquisition (SCADA) software to GB Services. These purchases were made on behalf of several rural Alaska communities which received the RPSU grants from the Denali Commission. The justifications were made by staff, reviewed by the procurement department, and approved by the Executive Director in a similar manner as DOA and DOT&PF procurements.

- AEA subsequently issued a formal competitive RFP following AS 36.30 for software and services in November 2009. AEA conducted a pre-solicitation meeting and re-issued the RFP based on comments received from the vendor community. Twelve different

vendors indicated an initial interest in the RFP, two responded, and the contract was awarded to GB services in February 2010. The price and rates charged by GB services were substantially lower, approximately $4,000 versus $50,000 per installation in each community.

In summary, it is AEA's goal to take the extra step to develop regulations and put transparent and reasonable procedures in place that are:

- Consistent with the requirements of AS 36.30,
- Clearly define the authority and responsibility of staff in making and documenting all procurement transactions,
- Provide efficiency in the operations,
- Guard the procurement integrity of AEA, and
- Can be easily maintained and understood by procurement staff and vendor community.

We would welcome any additional discussion you would want to have on this subject. Thank you for your consideration of this legislation.

Sincerely,

ALASKA ENERGY AUTHORITY

Steven Haagenson
Executive Director

cc: Senator Kevin Meyer
Senator Hollis French
Senator Joe Paskvan
Senator Albert Kookesh
Representative Anna Fairclough

AIDEA Alaska Industrial Development and Export Authority
ALASKA ENERGY AUTHORITY

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Steven H. Haagenson, P.E.
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STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-5903
PHONE: (907)269-5100
FAX: (907)276-3697

April 9, 2010

Mr. Steve Haagenson
Executive Director
Alaska Energy Authority
813 W. Northern Lights Blvd.
Anchorage, AK 99503

Re: HB 225 (An act relating to the state procurement code)
Response to testimony to Senate State Affairs Committee from plaintiff's attorney regarding litigation against AEA in *Powercorp Alaska, LLC v. AEA*, 171 P.3d 159 (Alaska 2007) and *Powercorp Alaska, LLC v. AEA et al.*, Case No. 3AN-07-06732 CI

Dear Mr. Haagenson:

You asked that I review and address testimony given to the Senate State Affairs Committee by Mr. Thomas Wickwire at the committee's April 8, 2010 hearing on HB 225, relating to the state procurement code. Mr. Wickwire is the attorney for Powercorp Alaska LLC (Powercorp) in litigation brought by Powercorp against the Alaska Energy Authority (AEA) and certain AEA personnel. I am the Assistant Attorney General representing AEA and its personnel in this litigation. In his testimony, Mr. Wickwire made certain representations about the litigation and AEA's procurement activities. As discussed below, he was incorrect and mischaracterized these matters.

By way of background, Powercorp has brought two separate legal actions challenging the procurement that Mr. Wickwire complains of. One case has been concluded, having been decided by the Alaska Supreme Court in favor of AEA, and the other is pending before the Alaska Supreme Court on appeal by Powercorp after a Superior Court ruling in favor of AEA. To date, all judges and hearing officers have ruled squarely against Powercorp and have upheld the procurement and AEA's actions. In the first case, Powercorp appealed the agency's decision rejecting Powercorp's procurement protest. An independent hearing officer ruled against Powercorp, the Superior Court affirmed, and the Alaska Supreme Court affirmed that no procurement

violations occurred. *Powercorp Alaska v. Alaska Energy Authority*, 171 P.3d 159 (Alaska 2007). In the second case, Powercorp directly sued AEA and two of its personnel alleging that they committed misconduct in the course of the same procurement. A different Superior Court judge again ruled against Powercorp, granting AEA's motion for summary judgment on all counts and dismissing Powercorp's lawsuit. Powercorp again has appealed to the Alaska Supreme Court, which has not yet heard the appeal.

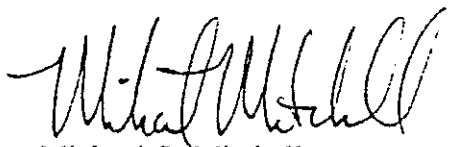
At the April 8 hearing, Mr. Wickwire incorrectly testified that "[i]n pending litigation, Powercorp has proven that Alaska Energy Authority, acting through [employee's name omitted], has succeeded in giving over $1 million worth of contract to an out-of-state corporation, and doing that only by using a sole source waiver to exclude all competition and then write up the bid specifications so that only this favored company of theirs [could bid]." Mr. Wickwire is incorrect. Powercorp, through Mr. Wickwire, made these arguments in the litigation that has been concluded, and the hearing officer, Superior Court, and Supreme Court all rejected these arguments. As the Supreme Court said in its opinion, "We affirm the agency's [independent hearing officer's] determination that no violation occurred." 171 P.3d at 161. In the current litigation, AEA argued that Powercorp is trying to re-litigate claims that already have been decided against it. The Superior Court agreed with AEA and dismissed all of Powercorp's claims.

Also at the April 8 hearing, Mr. Wickwire incorrectly testified that "[t]here is pending litigation where we have alleged and submitted proof to the attorney general that this certain employee has essentially violated the procurement code, which is a felony. We have reported that to the Attorney General. The current version of the procurement code, [AS] 36.30.940 says the Attorney General shall enforce this section and there has been no interest and no response that the Attorney General is doing that. So it looks like the Energy Authority has drafted this provision to get themselves out of a difficult box they're in in pending litigation. I don't think that's appropriate for an agency to do that through trying to amend the law while litigation is pending." Again Mr. Wickwire is incorrect. As discussed above, the courts have rejected Powercorp's claims that AEA personnel violated the procurement code. Apart from the litigation, in August and October 2009 Powercorp through Mr. Wickwire requested investigation by the Attorney General. An Assistant Attorney General who had no involvement in the litigation reviewed Powercorp's claims and responded to him. Finally, the Superior Court in the pending litigation rejected all of Powercorp's claims, so in no sense is AEA in a "difficult box." In any event, any statutory change would not affect the litigation.

Thus, in his testimony to the Senate State Affairs Committee on April 8, 2010, Mr. Wickwire was incorrect in his characterizations of the litigation, AEA's procurement activities, and the Attorney General's Office's response to Powercorp's claims.

Sincerely,

DANIEL S. SULLIVAN
ATTORNEY GENERAL

By: 
Michael G. Mitchell
Assistant Attorney General

MGM/awb

Ray Gillespie
Gillespie & Associates
Lobbying and Governmental Affairs

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130 Seward Street #201
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Telephone: 907.463.3375
Fax: 907.463.5522
Cell: 907.230.8843

INTERIM (June–December)
1231 W. 27th Ave. #819
Anchorage, Alaska 99503
Telephone: 907.243.3125
Fax: 907.243.3125

To: Senate State Affairs Committee
From: Ray Gillespie, ATT Lobbyist
Re: SCSHB 225(STA) work draft version C-4/7/10

ATT has a couple of concerns regarding the HB 225 as identified ~~above:~~ Below

1. Sec 26 (AS 36.30.364) would allow the chief procurement officer to renegotiate a contract without using a competitive bidding process.

   ATT recommends deletion of this section. Alaskans can most often get the best price and terms through a competitive bidding process.

2. ATT suggests that the following be added to Section 18 concerning "Multiple submissions and negotiations": "In conducting discussions, the procurement officer may not disclose information derived from proposals submitted by competing offerors."

   This is identical language to that which appears in existing statutes at AS 36.30.240 concerning "Discussions with responsible offerors and revisions to proposals" see attached memorandum.

   Thank you for your time and attention. Please let me know if you have questions.

Ray 907-230-8843 — Pls. call !!

Section 18: This adds a new section 36.30.245 and adds language to the procurement code that allows for multi-step negotiations in the competitive sealed proposal process. A similar statute, 36.30.240 will remain in effect, and negotiations allowed under the new section will be in addition to those already allowed by 36.30.240.

Language in 36.30.240 makes it clear that during the negotiating process the procurement officer must continue to keep all information from competing offerors confidential (see highlighted language) and the same protection should be added into 36.30.245 in order to protect the competitive process (see redlining).

New Language	**Closest Existing Language (which will remain in statutes)**
36.30.245. Multiple submissions and negotiations. In a procurement that uses competitive sealed proposals, in order to obtain the best proposal for purposes of award, an agency may require more than one submission of proposals and may negotiate after each submission with the offerors whose proposals from that submission are reasonably susceptible of being selected for award. The negotiations conducted under this section may cover price, specifications, terms, or conditions or a combination of these items, and these items may be negotiated separately or in any combination. The submissions and negotiations allowed under this section are in addition to any discussions and revisions allowed under AS 36.30.240. In conducting discussions, the procurement officer may not disclose information derived from proposals submitted by competing offerors. The requirements for submissions and negotiations under this section shall be established by the department by regulation and in the request for proposals.	*§ 36.30.240. Discussion with responsible offerors and revisions to proposals.* As provided in the request for proposals, and under regulations adopted by the commissioner, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors reasonably susceptible of being selected for award shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before the award of the contract for the purpose of obtaining best and final offers. In conducting discussions, the procurement officer may not disclose information derived from proposals submitted by competing offerors. AS 44.62.310 does not apply to meetings with offerors under this section.

Ray Gillespie
Gillespie & Associates
Lobbying and Governmental Affairs

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130 Seward Street #201
Juneau, Alaska 99801
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Fax: 907.463.5522
Cell: 907.230.8843

INTERIM (June–December)
1231 W. 27th Ave. #819
Anchorage, Alaska 99503
Telephone: 907.243.3125
Fax: 907.243.3125

To: Senate State Affairs Committee
From: Ray Gillespie, ATT Lobbyist
Re: SCSHB 225(STA) work draft version C-4/7/10

ATT has a couple of concerns regarding the HB 225 as identified ~~above:~~ Below

1. Sec 26 (AS 36.30.364) would allow the chief procurement officer to renegotiate a contract without using a competitive bidding process.

   ATT recommends deletion of this section. Alaskans can most often get the best price and terms through a competitive bidding process.

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   This is identical language to that which appears in existing statutes at AS 36.30.240 concerning "Discussions with responsible offerors and revisions to proposals" see attached memorandum.

   Thank you for your time and attention. Please let me know if you have questions.

Ray 907-230-8843 — Pls. Call !!

Section 18: This adds a new section 36.30.245 and adds language to the procurement code that allows for multi-step negotiations in the competitive sealed proposal process. A similar statute, 36.30.240 will remain in effect, and negotiations allowed under the new section will be in addition to those already allowed by 36.30.240.

Language in 36.30.240 makes it clear that during the negotiating process the procurement officer must continue to keep all information from competing offerors confidential (see highlighted language) and the same protection should be added into 36.30.245 in order to protect the competitive process (see redlining).

New Language	**Closest Existing Language (which will remain in statutes)**
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HB

251

Representative Jay Ramras
Chair, Judiciary
Chair, Economic Development, Trade & Tourism
Energy
Military & Veteran Affairs
Joint Armed Services
State Capitol, Room 118
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Alaska State Legislature

House of Representatives

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Toll Free: (877) 465-3004

House District 10

Memo



To: Senator Linda Menard, Chair Sen. State Affairs Committee

From: Rep. Jay Ramras

Date: April 2, 2010

Re: CSHB 251-VEHICLE LIENS/TOWING/STORAGE/TRANSPORT

Please accept this memo as a request for CSHB 251 to be heard before the Senate State Affairs Committee. Please find the attached documents for this purpose:

- Sponsor Statement
- CSHB 251 – 26-LS0786\S
- Fiscal Notes
- Bill History
- Testimony List
- Letter of Support

Thank you for your time and consideration, should you have any questions, please do not hesitate to contact Don Habeger at 465-3004.

Representative_Jay_Ramras@legis.state.ak.us

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Chair, Economic Development, Trade & Tourism
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House of Representatives

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Representative Jay Ramras
District 10

Sponsor Statement
CSHB 251 – VEHICLE LINES/TOWING/STORAGE/TRANSPORT

Towing companies provide necessary service to Alaskans through the removal of abandoned, junked, and wrecked vehicles from public thoroughfares and private property. Alaskan towing companies follow prescribed laws in providing these towing services and in most cases are acting under the authorization or direction of public safety officers. Alaskan towing companies should be paid for providing these services to the public. Providing a statutory mechanism so that these small towing businesses are first in line for payment for delivered services will reduce business risk to these companies. House Bill 251 changes the priority in which payments may be made to provide for a fairer business environment to towing companies.

House Bill 251 prioritizes a possessory lien for services lawfully provided in conformity with AS 28.10.502, and requires towing companies to provide timely notification. The prioritization of the possessory lien gives first position to towing companies for the purpose of recouping costs for contractual vehicular towing and storage. HB 251 also adds a layer of consumer protection by requiring a towing company to notify the registered owner and primary lienholder of towing and storage of a vehicle within 7 business days from the date of service.

House Bill 251 corrects a current situation whereby some owners and lienholders may receive services from towing companies without paying for all or part of the charges. Current law does not specifically state a possessory lien has precedence over other perfected liens on a vehicle. Nonpayment for service situations could shift these costs to other Alaskans, raising prices for all. In extreme cases nonpayment may induce business hardships and cause business failure. This is unfair to Alaska's towing companies. Reducing unfair business risk to small companies is in the best interest of the state.

Representative_Jay_Ramras@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 251
(H) Publish Date: 3/11/10

Identifier (file name):HB251-CED-COM-3-8-10
Dept. Affected: DCCED
Title: Priority of Towing Liens
RDU: Executive Admin and Dev
Component: Commissioner's Office
Sponsor: Rep. Ramras
Requester: House State Affairs Committee
Component Number: 1027

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill would change the priority of a lien for services of a towing company to make them subordinate only to a mortgage.

The department does not expect a fiscal impact as result of this legislation.

Prepared by: Tyson Fick, Legislative Liaison
Phone 465-2500
Division: Commissioner's Office
Date/Time 3/8/10 12:00 AM
Approved by: Emil Notti, Commissioner
Date 3/8/2010
Commerce, Community and Economic Development

(Revised 11/6/2009 OMB)

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 251
(H) Publish Date: 3/11/10

Identifier (file name): HB251-DOT-CO-3-08-10
Title: Priority of Towing Liens
Sponsor: Rep. Ramras
Requester: H STA

Dept. Affected: DOT&PF
RDU: Administration and Support
Component: Commissioner's Office
Component Number: 530

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

There is no fiscal impact to the department.

Prepared by: Mary Siroky, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/8/10 5:00pm
Approved by: Frank Richards, Deputy Commissioner — Date 3/8/2010
Department of Transportation and Public Facilities

(Revised 11/6/2009 OMB)

Alaska Towing Association

The Voice of Alaskan Towing

RE: Alaska Towing Association supports HB 251

Members of the towing industry in Alaska have begun to catch up with our counterparts in other states over the last decade, and many Alaskan towers are now on the leading edges of towing technology and practice. Towing in Alaska presents unique challenges, but our members meet those challenges, and towing entities both large and small provide daily professional support to our emergency services and law enforcement systems.

Unfortunately, the modernization of the towing industry across the state has increased costs for towing businesses almost exponentially in recent years as Alaskan towers have upgraded equipment to meet the demands of newer vehicles, improved response times, procedures and training to enhance public safety, and satisfied an ever-growing list of license and permit requirements from Federal, State and local municipalities.

These costs are of course passed on to consumers. Vehicle mishaps and subsequent towing frequently involves great financial liability for vehicle owners, their lenders, and/or their insurance companies. Alaska Statute AS 28.10.502 offers some measure of protection to towers, providing for a Towing and Storage Lien to be automatically placed on any vehicle lawfully towed and stored to ensure payment for the towers' services. This lien is most commonly applied to abandoned or wrecked vehicles removed from public or private property, or towed from public roadways at the request of law enforcement officials, and stored in secured lots at the expense of the towing company.

However, a court decision in the 3rd Judicial Court has determined that perfected liens supercede a tower's possessory lien based on AS 28.10.391, and this decision has effectively nullified the Towing & Storage Lien. Practically speaking, this means a tower may recover, tow, and store a vehicle at real cost to himself and his company, and then be denied payment, lose possession of the collateral, and have no real recourse for financial satisfaction for his loss. HB 251 will alleviate this discrepancy by prioritizing the Towing and Storage lien.

Most other states, if not all, have long resolved the issue between possessory liens and perfected liens on towed or stored vehicles in favor of prioritizing the tower's lien. The obvious fact of services rendered, and payment due for those services creates a reasonable and lawful expectation of payment. In no way does this financial obligation for services supercede the interest in collateral of a perfected lien, rather it merely prioritizes payment for services rendered.

Alaska's statutory disparity is unfortunate, and presumably unintended, but is a very real and expensive issue for Alaska Towing Association members. Towers respond to thousands of vehicle emergencies every year, and remove wrecked vehicles from Alaska's roadways every day. This kind of towing is an integral part of most small towing business models within Alaska. Each emergency tow can easily cost a tower several hundred dollars in labor, fuel, equipment, insurance and operating costs, depending on services rendered and length of time it must be secured and stored.

If the costs of these services cannot be reasonably recouped on even one vehicle simply because a perfected lien exists prior to the tow company's possessory lien, a financial hardship condition develops.

If towing companies continue to be effectively forced to provide their services for free, the current status quo for providing these services to law enforcement agencies at no cost to the agency may change, and State and local law enforcement jurisdictions may be placed into the position of hiring their own towing contractors or otherwise purchasing towing services.

Alaska has much work to do to improve and enhance the towing industry in our state. It has been largely unregulated and unmonitored for many years. Careful evaluation of the issues within the industry is necessary, and thoughtful legislation is required for the protection of both the public and the small businessmen and women within the industry.

The members of the Alaska Towing Association consider HB 251 one step in this direction. The small change to AS 28.10.502 presented in the bill will help protect industry providers from an effective theft of services. In turn, this will help ensure that the many small towing operators across the state remain in business, and ensure a competitive industry that continues to improve itself to meet the demands of the motoring public and Alaska's law enforcement agencies.

The Alaska Towing Association supports HB 251. If it is passed into law, towers can remain willing and available to respond to that next call from their local law enforcement dispatcher in the dead of night knowing they have the protection of the law to ensure they will be compensated for the service they provide.

Shawn Ross
President, Alaska Towing Association

Representative Jay Ramras
Chair, Judiciary
Chair, Economic Development, Trade & Tourism
Energy
Military & Veteran Affairs
Joint Armed Services
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Alaska State Legislature

House of Representatives

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House District 10

Senate State Affairs Committee Testimony List
House Bill 251 - Vehicle Liens/Towing/Storage/Transport

The Alaska Towing Association, *The Voice of Alaskan Towing Professionals,* will testify on this bill.

Shawn Ross, Association President, or Maggie Rabe, Association Secretary will speak on behalf of their membership, followed by a couple of their towing company owners/operators members. They typically call in from the Fairbanks LIO.

Representative_Jay_Ramras@legis.state.ak.us

SENATE COMMITTEE REPORT

DATE: 4/2/10

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered CS FOR HOUSE BILL NO. 251(JUD)

HB 251 VEHICLE LIENS/TOWING/STORAGE/TRANSPORT

"An Act relating to liens on vehicles and to towing, transporting, and storage of vehicles; and providing for an effective date."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
CED	03/08/10			X	1
DOT	03/08/10			X	2

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			✓	
	Meyer	✓			
	Olsen	X			
	Kookesh	K			
CHAIR:	MENARD	✓			

HB 274

ALASKA STATE LEGISLATURE

Representatives Nancy Dahlstrom, Berta Gardner, Bob Buch, Wes Keller, Pete Petersen, Bob Lynn, Carl Gatto, Chris Tuck, Mike Doogan, Bill Thomas, Mike Hawker, David Guttenberg, Jay Ramras, Anna Fairclough, Craig Johnson, Charisse Millet, Bob Herron



To: Senator Linda Menard
Senate State Affairs Committee, Chair

From: Representative Nancy Dahlstrom
Representative Berta Gardner

Date: February 10, 2010

Re: Hearing Request for HB 274

We are respectfully requesting that House Bill 274, "An Act establishing August 7 as Purple Heart Day " be scheduled for the Senate State Affairs Committee at your earliest convenience.

The Purple Heart is awarded to United States service men and women who have been either wounded or killed in battle. Approximately 1.7 million service men and women, including many Alaskans, have received the Purple Heart. Currently, there are about 500,000 Purple Heart recipients who are living. In designating each August 7 as Purple Heart Day, we honor those who have received our oldest military medal on the day of its inception.

Included in this packet:

- A Current Version of HB 274
- Sponsor Statement
- Backup Information
- Letters of Support

If necessary, other backup will be forthcoming. Please contact Representative Dahlstrom's staffer Laura Pierre at 465-3783 or Representative Gardner's staffer Ellie Sica at 465-4930.

ALASKA STATE LEGISLATURE

Representatives Nancy Dahlstrom, Berta Gardner, Bob Buch, Wes Keller, Pete Petersen, Bob Lynn, Carl Gatto, Chris Tuck, Mike Doogan, Bill Thomas, Mike Hawker, David Guttenberg, Jay Ramras, Anna Fairclough, Craig Johnson, Charisse Millet, Bob Herron

Sponsor Statement
HB 274

"An Act establishing August 7 as Purple Heart Day."

On August 7, 1782, General George Washington established the Badge of Military Merit to honor military enlisted men and noncommissioned officers. This badge was only awarded to three Revolutionary War soldiers before its use was discontinued after the war. In 1932, on Washington's 200th birthday, the United States reinstituted the Badge of Military Merit renaming it the "Purple Heart."

Throughout its history the Purple Heart has been awarded for meritorious service. With the introduction of the Legion of Merit in 1942, the award of the Purple Heart transitioned to honoring members of the United States armed forces who have been wounded or killed in battle.

Since this honor has been reinstituted in the United States, approximately 1.7 million service men and women, including many Alaskans, have received the Purple Heart. Currently, there are about 500,000 Purple Heart recipients who are living.

In the past, the State of Alaska and the Municipality of Anchorage has recognized August 7 as Purple Heart Day. It is, however, our nation's oldest military medal, and we wish to honor recipients on an annual basis on the day of the award's inception. We ask you for your support to establish August 7 as Purple Heart Day in perpetuity to honor those who have been wounded or killed in battle.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 274
(H) Publish Date: 2/3/10

Identifier (file name):
Title: An Act establishing August 7 as Purple Heart Day

Dept. Affected:
RDU
Component

Sponsor: Reps. Dahlstrom, Gardner, Buch, Petersen, Lynn, Gatto, Tuck, Doogan, Thomas, Hawker, Guttenburg, Ramras, Fairclough, Johnson, Millet, Herron
Requester:

Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

No fiscal impact.

Prepared by: Karen Sawyer, Committee Aide — Phone 465-5025
Division: House Military & Veterans Affairs Committee — Date/Time February 2, 2010 8AM
Approved by: Rep. Carl Gatto, Chair — Date 2/2/2010
House Military & Veterans Affairs Committee

(Revised 11/6/2009 OMB)

1290

COMMITTEE COPY

MEMORANDUM for the STATE OF ALASKA

To: Representative Berta Gardner **Date:** 22 Feb 2010

From: Verdie Bowen
Director, Office of Veterans Affairs **Phone:** 907-428-6016

Subject: House Bill No. 274 (Purple Heart Day)

I support House Bill 274 in its entirety. HB 274 will provide the state a venue to show all veterans of the state how friendly Alaska is. It wasn't long ago we had the dedication of the Purple Heart Trail. This was an outstanding idea. When a veteran or a newly assigned Alaskan military member arrives across the Canadian border, they see that distinct sign of a Purple Heart. This speaks volumes to those who drive this path and tells them we are a state who invites veterans to live here.

Not all our military/veterans arrive through Canada and a significant number arrives through Anchorage/Fairbanks airports. We need an addition to the Purple Heart Trail that all can enjoy. Just setting one day aside to reflect and honor those who have paid the high price of injury in combat is a wonderful way. Not only will the veterans/military who were awarded the medal celebrate this day, so will all Alaskans. The passage of this bill will tell all we are truly a military/veteran friendly state not only for today, but long after all of us are gone.

Thanks you for your support of SB 274.

v/r

Verdie A. Bowen

Verdie A. Bowen
Director, Office of Veterans Affairs
State of Alaska
Po Box 5800 B216
Ft Richardson, AK 99505-5800
907.428.6016 (Office)
907.354.752 (Cell)
907.428.6019 (Fax)
Verdie.bowen@alaska.gov

Ellie Sica

From:	ronakph@gci.net on behalf of Ron Siebels [ronakph@gci.net]
Sent:	Thursday, January 21, 2010 4:36 PM
To:	Rep. Berta Gardner; Rep. Nancy Dahlstrom; Sen. Johnny Ellis; Rep. Anna Fairclough; Rep. Carl Gatto; Rep. Cathy Munoz; Rep. Charisse Millett; Rep. Chris Tuck; Rep. Craig Johnson; Rep. David Guttenberg; Rep. Jay Ramras; Rep. Mike Chenault; Rep. Mike Doogan; Rep. Mike Hawker; Rep. Pete Petersen; Rep. Alan Austerman; Rep. Bill Thomas; Rep. Bob Buch; Rep. Bob Herron; Rep. Bob Lynn; Rep. John Coghill; Rep. Kurt Olson; Rep. Max Gruenberg; Rep. Wes Keller; Sen. Charlie Huggins; Sen. Con Bunde; Sen. Gary Stevens; Josh Tempel
Cc:	Noah Hanson; Ellie Sica; John Bircher; JimS; CJones; Bill Hutton; BMcKenty; Jack Leonard; Frank Van-Hoy
Subject:	Purple Heart Trail bill,---HB274

Dear members of the Alaska legislature,

I asked my local Representative (Berta Gardner) to help me get a bill passed that would establish August 7th as Purple Heart day in perpetuity. Represenative Gardner jumped right on this with her consistent support and we also have gained the immediate and dedicated support of Representative Nancy Dahlstrom.

Earlier today in reviewing the on-line status of HB274 I note that many of you have already signed on as sponsors/co-sponsors. "THANK YOU", and on behalf of our statewide MOPH members I sincerely express our appreciation for your devoted commitment towards all of Alaska's combat wounded veterans. I can assure you that our Alaska legislators from both houses in Juneau have placed Alaska firmly and admirably on the National Map in terms of taking care of its veterans. Alaska is well noticed and I proudly take your commitment with me on trips to other locations. I am proud to tell other veterans and a variety of Washington officials how well our elected officials support veteran causes in this state. I can also assure you that Alaska is frequently envied by the veterans of many other states. Your support has helped all of Alaska, veteran and non-veteran, in obtaining a favorable image all across this great nation.

Again, the bill I refer you to is HB274, the "Purple Heart Day" bill. This is intended to be an honorary action issue in perpetuity. Governor Palin signed a similar declaration last year prior to leaving office. I maintain that it could probably be done every year but that would only create more work and tie your hands from your other heavy workload of important tasks. A onetime permanent fix through the state legislature is the way to go in my opinion. It should not create hardly any cost for the state and it is not intended to be a paid holiday. Much history of August 7th as Purple Heart Day is widely available on internet sources.

To the point; I think there is sufficient support in Juneau to get this bill approved during this Legislative session and we thank each of you for your continued support to help get it accomplished. So, pending approval of HB274 our next desire is to have the bill signed during a public event that could take place during our annual MOPH Department convention that will occur on Saturday, June 12th in Anchorage. I have already contacted the Governor's office about a possible bill signing pending the legislative approval of HB274. Our MOPH National Commander and his wife have made plans to join us at our Convention on June 12th. If our Alaskan elected officials can get HB274 passed and a bill signing ceremony is set-up then I feel confident that I can get the event included in the Purple Heart magazine which is distributed across all reaches of America including off shore areas. I envision an event of about an hour duration that could occur around mid-day in conjunction with our MOPH convention.

I think there is plenty of time to work out any possible bill signing details with media involvement. I just wanted to give everyone a timely heads up on the possibility of having a public bill signing event on June 12th, (pending bill approval). The bill sponsors and the Governor will of course be invited to this anticipated free public event along with our members who are Purple Heart recipients.

I would also ask that you help spread the good word on this bill and enlist the support of other Alaska legislative members. Unanimous legislative consent would send yet another strong message to everyone that Alaska consistently and historically stands firmly behind "ALL" of its veterans.

I thank each of you for your time and consideration, and wish the best that life can offer to each of you and your loved ones.

Please feel free to contact me with any questions or concerns.

I remain "Yours In Patriotism"

Ron Siebels
Ron Siebels
MOPH, National Americanism Officer
MOPH, National Purple Heart Trail coordinator
MOPH, Department Commander, Alaska

Noah Hanson

From:	ronakph@gci.net on behalf of Ron Siebels [ronakph@gci.net]
Sent:	Tuesday, January 19, 2010 11:06 AM
To:	Noah Hanson
Cc:	Rep. Berta Gardner; Rep. Nancy Dahlstrom
Subject:	Support for Purple Heart Day legislation.
Attachments:	PURPLE HEART DAY.pdf

Noah, I hope the following is the support information you need. Please contact me for anything else I can help you with. Please remember that I will be in DC during the first part of February. I should be available here in Alaska the rest of January.

Dear Honorable Legislators serving Alaska,
The purpose of this message is to enlist your support to declare August 7th of each year as Purple Heart Day in Alaska on a forever/perpetual basis. Governor Palin declared August 7th as Purple Heart day last year and I am sure that Governor Parnell would do so again this year. But I believe that doing it once on a permanent basis and in the right manner through the legislative process will save everyone time and paperwork in the future.

It was on August 7th 1782 that General George Washington first created the Badge of Military Merit to honor the bravery of his soldiers. In 1932 General Douglas McArthur put new life into this award and it was recreated as the Purple Heart.

The following is from archives: quote>>
On February 22, 1932 (the 200th anniversary of George Washington's birth), the War Department issued the following General Order: "By order of the President of the United States, the Purple Heart established by General George Washington at Newburgh, August 7, 1782, during the War of the Revolution, hereby revived out of respect to his memory and military achievements. " unquote<<

I would also like to direct your attention to the attached information because it offers even more details.

There is a precedence for this action in other states. Wisconsin has excellent legislation that has established August 7th as Purple Heart Day in perpetuity. This date is also recognized as Purple Heart Day at the National level. Here is the legislative action from Wisconsin;

Wisconsin's Purple Heart Day

Purple Heart Day in Wisconsin is designated in state law. Wisconsin State Statutes s. 14.16 (11) states:

"*The governor shall annually proclaim* **August 7** *as* **Purple Heart Day** *and urge the people and organizations of the state to display the American flag on that day as a public expression of the recognition of those individuals who have been wounded or killed in action preserving the freedoms that all United States citizens cherish.*"

Other states are increasingly taking similar action. I see Alaska as sort of a trend setter on legislation that honors and supports veterans. It is my intent to get this Alaska Legislative Accomplishment included in the Purple Heart magazine when the bill passes in Juneau.

I see little if any cost in this legislation. I do not ask for this to be another paid holiday for anyone, I only ask for the honorary declaration. I therefore kindly ask for the full support of both the House and the Senate to establish August 7th as Purple Heart Day in Alaska on a permanent basis. Thank you!

Ron Siebels

Ron Siebels
MOPH, National Americanism Officer
MOPH, National Purple Heart Trail coordinator
MOPH, Department Commander, Alaska

All Members of the 26th Legislature,

19 Jan 2010

This letter is to proclaim on behalf of the Commander Tom Schanrock and all members of Department of Alaska Disabled American Veterans of Alaska support HB274, making Aug 7, Purple Heart Day annually in Alaska.

We also suggest verbiage be added to the legislation to have the Governor issue a proclamation annually for our fellow veterans and Purple Heart recipients recognition

Respectfully,

Pamela F. Beale, Adjutant,
State Disabled American Veterans
Commander, DAV Metro Chapter 7

STATE OF ALASKA

Executive Proclamation
by
Sarah Palin, Governor

WHEREAS, on August 7, 1782, General George Washington created the Badge of Military Merit, later to become the Purple Heart, which was awarded to singularly meritorious and loyal soldiers. The badge was honorably worn on the left breast of a uniform coat; and

WHEREAS, today, the Purple Heart is awarded to a member of the Armed Forces by the President of the United States to recognize those who have been wounded or killed during a time of conflict; and

WHEREAS, serving as a symbol of love, loyalty, and sacrifice for our country, the Purple Heart is one of the most recognized and respected of all military medals; and

WHEREAS, Alaska has a rich military history, and citizens across the state are dedicated to recognizing the presence of our military men and women serving in our communities; and

WHEREAS, we extend our appreciation and recognition of the important contributions of the Armed Services to the state of Alaska and communities throughout our state;

NOW, THEREFORE, I, Sarah Palin, Governor of the state of Alaska, do hereby proclaim August 7, 2009 as:

Purple Heart Day

in Alaska, and encourage all citizens to recognize the importance of our United States servicemen and women Purple Heart recipients, especially those living in our communities, and observe this day in honor of their selflessness and devotion to our state and nation.

Dated: July 23, 2009

PURPLE HEART DAY-Political News

Political News

August 7th is Purple Heart Day - a Day to Honor America's Combat Wounded and Fallen Heroes

Washington DC 8/01/2009 12:54 AM GMT (TransWorldNews)

Washington, DC - Each year on August 7th, Americans should pause to remember and honor the brave men and women who were either wounded on the battlefield or paid the ultimate sacrifice with their lives. The Purple Heart is awarded to any member of the U.S. Armed Forces that has been wounded or died as a result of a wound in battle. This now includes those persons who died in captivity while a prisoner of war (POW). We now celebrate Purple Heart Day on the anniversary of its inception, August 7th. On this day it is our patriotic duty to remember and recognize those people willing to serve our country, no matter the price.

The Medal now known as the Purple Heart actually began as the "Badge of Military Merit." On August 7th, 1782 in Newburgh, New York, General George Washington ordered the creation of a badge of distinction for enlisted men and noncommissioned officers. The badge took the form of a heart in purple cloth or silk, edged with narrow lace or binding, and was pinned to a uniform coat above the left breast. The Badge of Military Merit was only awarded to three Revolutionary War soldiers and fell into disuse following the War of Independence. Although never abolished, the award was not proposed again officially until after World War I.

On October 10, 1927, then Army Chief of Staff General Charles Pelot Summerall directed that a draft bill be sent to Congress "to revive the Badge of Military Merit," but the bill was later withdrawn. On January 7, 1931, Summerall's successor, General Douglas MacArthur, confidentially reopened work on a new design, involving the Washington Commission of Fine Arts. Elizabeth Will, an Army heraldic specialist in the Office of the Quartermaster General, was named to redesign the newly revived medal, which became known as the Purple Heart. Using general specifications provided to her, Will created the design sketch for the present medal of the Purple Heart. This new design was issued on the bicentennial of George Washington's birth and MacArthur was the first recipient of the Purple Heart.

During the early period of American involvement in World War II, the Purple Heart was awarded both for wounds received in action against the enemy and for meritorious performance of duty. With the establishment of the Legion of Merit, by an Act of Congress, the practice of awarding the Purple Heart for meritorious service was discontinued. By Executive Order 9277, dated December 3, 1942, the decoration was extended to be applicable to all services and required that regulations of the Services be uniform in application as far as practicable. This executive order also authorized the award only for wounds received.

The organization now known as the "Military Order of the Purple Heart (MOPH) of the U.S.A. Inc.," was formed in 1932 for the protection and mutual interest of all who have received the decoration. Chartered by the Congress, The MOPH is unique among Veteran Service Organizations in that all its members were wounded in combat. For this sacrifice, they were awarded the Purple Heart Medal. With grants from the MOPH Service Foundation, the MOPH and its Ladies Auxiliary promote Patriotism, Fraternalism, and the Preservation of America's military history. Most importantly, they provide comfort and assistance to all Veterans and their families, especially those requiring claims assistance with the VA, those who are homeless, and those requiring employment assistance. MOPH volunteers through the VAVS program, provide assistance to hospitalized veterans at VA sites and State Veterans Homes.
For further information contact:
National Public Relations Director, John Bircher, 352-753-5535
Email: PublicRelations@Purpleheart.org
Web: www.purpleheart.org

MOPH, Alaska; Our top 5 Legislative priorities for the 2010 legislative session.

1. Purple Heart Day established in perpetuity on August 7th. It was on August 7th, 1782 that General George Washington created the Badge of Military Merit. This award later became the Purple Heart Medal through action taken by General Macarthur. Currently other states have passed legislation that establishes August 7th as Purple Heart day in perpetuity. We do not ask for any special favors beyond the Purple Heart Day permanent recognition and we do not think it should be viewed as another paid holiday. We simply seek a day of honorary recognition as other states have already done. "***UPDATE***", action has been initiated on this bill in the 2010 legislature and the bill has been pre-filed. Several co-sponsors have already signed on in support of this. We kindly ask for unanimous support from the legislature members in this endeavor.
2. Adequate Funding for a Fairbanks Veterans Cemetery. The northern regions of our State are witnessing an ever increasing number of Alaska residents many of whom are military veterans. Currently many of these deceased northern region veterans are transferred and buried at the FT Richardson National cemetery near Anchorage. This lengthy distance creates an almost impossibility for the elderly spouse living in the Fairbanks area to even visit their loved ones grave site. We ask the legislature to appropriate sufficient funds to get a Veterans Cemetery established in the Fairbanks region.
3. Give full honor to Master Sergeant James Bondsteel by renaming the Sergeant Jim Bondsteel bridge across the Matanuska River. During the 22nd Alaska State Legislative session SB269 was passed naming bridge 1121 the "James Bondsteel Bridge of Honor". The original intent of this legislation was highly honorable but in reality it created a vague impression on those who travel over the bridge. It does not indicate that Sergeant James Bondsteel was in the military. It gives an incorrect rank, while he was a Staff Sergeant when the MOH was awarded his actual rank at discharge was MSG (Master Sergeant). MSG is three ranks higher than Sergeant. The term *BRIDGE OF HONOR* is misunderstood even to the frequent Alaska traveler. It should openly indicate "*MEDAL OF HONOR*" We contend that the legislation was well intended but in reality it disrespects the prestige of the Medal of Honor, his true service rank, and the fact that he was a military member of the US Army. We suggest that SB269 (22nd session) be amended as follows>>
"1ST line "MEDAL OF HONOR BRIDGE", 2nd line "IN HONOR OF", 3rd line "MASTER SERGEANT (MSG) JAMES BONDSTEEL" , bottom line "US ARMY-VIETNAM-1968". We would also request that Alaska DOT create and install appropriate signs that would be placed at both ends of the bridge.
4. Increase the funding level for the work that Veterans Organization Service Officers do for all Alaska Veterans. This state funding should be distributed fairly but only go to those Service Officers who are fully accredited at the VA level to care for the needs of Alaska veterans.
5. Provide additional state assistance that would provide for the placement of accredited Veteran Service Officers in major communities where no such Service Officer currently exists. This would cover such major cities as Juneau, Valdez, Bethel, Ketchikan, Sitka, Nome, Barrow, Dillingham, Kodiak, etc. We fully realize that placing Service Officers in every Alaska community is totally unrealistic. We maintain that VA accredited Service Officers located in strategic Alaska vicinities can absorb the needs of veterans living in and near those locations.
We would also like to take this opportunity to again thank our elected officials for your past and continuing support in caring for the needs of all veterans. Your efforts are proof that Alaska truly cares about its military veterans.

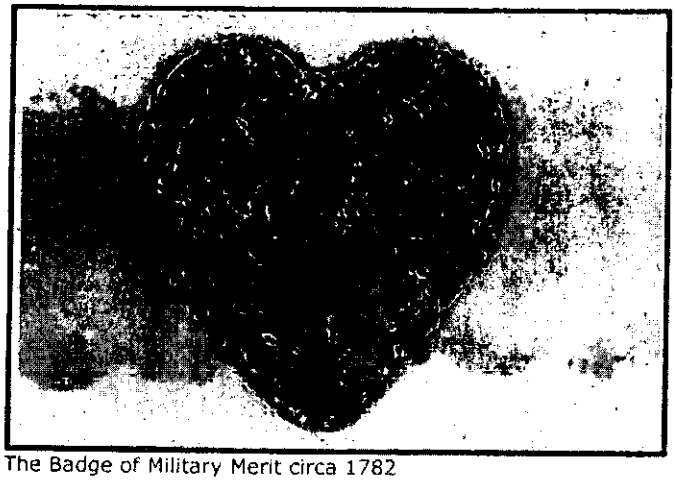
Ron Siebels

Ron Siebels
MOPH, National Americanism Officer
MOPH, National Purple Heart Trail coordinator
MOPH, Department Commander, Alaska

THE NATIONAL PURPLE HEART HALL OF HONOR

NATIONAL PURPLE HEART HALL OF HO

History



The Badge of Military Merit circa 1782

The award known as the Purple Heart has a history that reaches back to the waning days of the American Revolution. The Continental Congress had forbidden General George Washington from granting commissions and promotions in rank to recognize merit. Yet Washington wanted to honor merit, particularly among the enlisted soldiers. On August 7, 1782, his general orders established the Badge of Military Merit:

> "... The General ever desirous to cherish virtuous ambition in his soldiers, as well as to foster and encourage every species of Military merit directs whenever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings, over his left breast, the figure of a heart in purple cloth or silk edged with narrow lace or binding."

This award was open only to enlisted men and granted them the distinction of being permitted to pass all guards and sentinels as could commissioned-officers. The names of the recipients were to have been kept in a "Book of Merit" (which has never been recovered). At the present time there are three known recipients of the Badge of Military Merit: Sergeant Elijah Churchill, 2nd Continental Dragoons; Sergeant William Brown, 5th and Sergeant Daniel Bissel, 2nd Connecticut Continental Line Infantry.

Washington stated that the award was to be a permanent one, but once the Revolution ended, the Badge of Merit was all but forgotten until the 20th century.

General John J. "Blackjack" Pershing suggested a need for an award for merit in 1918, but it was not until 1932 that the Purple Heart was created in recognition of Washington's ideals and for the bicentennial of his birth. General Order No.3 announced the establishment of the award:

> "...By order of the President of the United States, the Purple Heart, established by General George Washington at Newburgh, August 7, 1782, during the War of the Revolution is hereby revived out of respect to his memory and military achievements.
>
> By order of the Secretary of War:
> Douglas MacArthur
> General, Chief of Staff

On May 28, 1932, 138 World War I veterans were conferred their Purple Hearts at Temple Hill, in New Windsor, NY. Temple Hill was the site of the New Windsor

Cantonment, which was the final encampment of the Continental Army in the winter of 1782-1783. Today, the National Purple Heart continues the tradition begun here in 1932, of honoring veterans who have earned the Purple Heart.

The Purple Heart has undergone many changes with respect to the criteria for being awarded. At first, the Purple Heart was exclusively awarded to Army and Army Air Corps personnel and could not be awarded posthumously to the next of kin. In 1942, President Franklin Roosevelt signed an executive order allowing the Navy to award the Purple Heart to Sailors, Marines, and Coast Guard personnel. Also in that year, the Purple Heart was made available for posthumous award to any member of the military killed on or after December 7, 1941.

Originally the Purple Heart was awarded for meritorious service. Being wounded was one portion of consideration for merit. With the creation of the Legion of Merit in 1942, the award of the Purple Heart for meritorious service became unnecessary and was therefore discontinued. The Purple Heart, per regulation is awarded in the name of the President of the United States to any member of the Armed Forces of the United States who, while serving under competent authority in any capacity with one of the U.S. Armed Services after April 5, 1917 has been wounded, killed, or has died after being wounded.

PurpleHeartDayClintonHagel

Clinton Bill Would Establish Day To Honor Purple Heart Medal Recipients



Every member of the United States armed services who ever won a Purple Heart, the oldest military decoration in this country, would be acknowledged in a National Purple Heart Recognition Day proposed by U.S. Senators Hillary Rodham Clinton (D–NY) and Chuck Hagel (R–Nebraska).

Clinton, in announcing the Senate had passed the resolution recently, declared:

"Right now, American troops bravely serving their nation in Iraq, Afghanistan and elsewhere are close to our hearts and this legislation would be a fitting tribute to them. The sacrifices they are making on our behalf follow in the long line of courageous service by previous generations of Americans who risked or gave their lives for the freedom we all enjoy today.

"A presidential proclamation asking Americans to honor the bravery and sacrifice of the more than 1.5 million veterans who have been awarded this prestigious medal will help pay proper tribute to those extraordinary men and women, and also remind us of the valor and service of all our veterans."

The senators' legislation encourages all Americans to learn about the history of the Order of the Purple Heart for Military Merit, which was established 222 years ago on Aug. 7, 1782 by General George Washington during the Revolutionary War. It was then called the Honorary Badge of Distinction, or the Badge of Military Merit or the Decoration of the Purple Heart, Clinton said.

The bill, beside encouraging all Americans to learn about the decoration, also requests that the president issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities and programs to demonstrate support for people who have been awarded the Purple Heart.

Clinton explained that the Purple Heart is awarded by the president of the United States to members of the armed forces who are wounded in conflict with an enemy force, or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force, or who die of a wound received in conflict with an enemy force.

She said there are more than 1,535,000 recipients of the Purple Heart Medal, approximately 550,000 of whom are still living.

Previously, the Senate passed legislation sponsored by Clinton and Hagel designating August 7, 2003 as National Purple Heart Recognition Day. Clinton has also proposed that the U.S. Postal Service issue a commemorative stamp to pay tribute to Purple Heart recipients

MILITARY ORDER OF THE PURPLE HEART

The Military Order of the Purple Heart is a non-profit congressionally chartered organization made up of Recipients of the Purple Heart. The nationwide MOPH members consist of both former and active duty military members from all branches of the service.

Alaska currently has over 200 members who have signed up as MOPH members but Alaska has many more Purple Heart recipients who are not MOPH members. Alaska currently has 4 active MOPH Chapters. We have members who are located from Fairbanks to Juneau and even beyond. Alaska even has members who reside in other states but retained their membership here. We encourage all Purple Heart recipients to join the MOPH.

The MOPH in Alaska currently has 2 nationally accredited service officers who can and do provide assistance to ALL veterans who seek help in processing claims with the VA. We also provide assistance to the families of Purple Heart recipients.

The MOPH in Alaska is not a large organization but it is the only organization consisting entirely of those who have been wounded or injured in actual combat in defense of our nation.

-- Ron Siebels, Department Commander, Alaska

SENATE COMMITTEE REPORT

DATE: 2/10/10

FURTHER:

DATE TURNED IN TO OFFICE: 2/23/10

State Affairs Committee considered HOUSE BILL NO. 274

HB 274 ESTABLISHING PURPLE HEART DAY

"An Act establishing August 7 as Purple Heart Day."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
H.MLV	02/02/10			X	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	meyer	X			
	Brown	X			
CHAIR:	MENARD	X			

HB 348

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

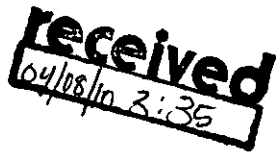
Session:
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Juneau, AK 99801-1182

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Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

April 8, 2010



To: Senator Linda Menard, Chair
Senate State Affairs Committee

Fr: Representative Bob Lynn

Re: CSHB 348(JUD)
"An Act relating to the membership of the state personnel board."

Please schedule a hearing for CSHB 348(JUD) in the Senate State Affairs Committee at your earliest convenience. Attached is the most recent version of the bill (26-LS1360\S).

Also included in the bill packet: a sponsor statement, a sectional analysis, and other background material.

Thank you for considering my request for a hearing on CSHB 348(JUD), which I believe will broaden representation on the Personnel Board so it can operate, or at the very least, appear to operate with greater independence when addressing complaints against Executive Branch officials.

Contact: Mike Sica, 465-4965 **Revised: April 8, 2010**

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

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Sponsor Statement for CSHB 348(JUD)

"An Act relating to membership of the state personnel board."

By Representative Bob Lynn

CSHB 348(JUD) brings a broader representation to the Personnel Board so it can operate, or at least appear to operate, with greater independence when addressing complaints, and carrying out its other powers and duties under AS 39.52 Alaska Executive Branch Ethics Act.

The bill increases board membership from three to five members, allowing the governor to make an appointment from a list of at least three nominees selected by the Chief Justice of the Alaska Supreme Court, subject to the right of the governor to request additional nominations. It also ensures that the board has at least one member of the two parties that had the largest number of registered voters in the most recent election for governor.

The Personnel Board, as currently constructed, lends itself to criticism that it's a creature of the governor rather than an independent body when it comes to investigating Executive Branch ethics complaints. As we know, perception can be the same as reality in the public eye.

HB 348 also prohibits certain conduct by board members that can lead to conflicts of interest or at least an appearance of conflict, such as: campaigning for elective office; being an officer of a political party or political group; lobbying; employing a lobbyist; or assisting in lobbying.

Like other ethics-related measures, the purpose of this bill is to build a better foundation of trust between the people of Alaska and those they elect to public office.

Contact: Mike Sica, 465-4965 **Revised: March 31, 2010**

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
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A Communication From
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Explanation of Changes in CSHB348 (JUD)

From original Version R to current Version E

Section 3: Amended the proposed section on prohibited conduct to include the word, **"political,"** after the word, **"or,"** on Page 2, line 14 in the latest Version E.

Section 3: Amended the proposed section on prohibited conduct to change and re-format Version R subsection (3) from **(3) lobby, employ, or assist a lobbyist** to now read in Version E on Page 2, lines 16-18:

(3) lobby:
(4) employ a lobbyist; or
(5) assist in lobbying.

From original Version E to current Version S

Section 1: Amended the section so that in appointing members to the personnel board, the governor ensures that at least one member be from the political party that had the largest number of **registered voters** (rather than votes) and that one member be from the political party with the second largest number of **registered voters** (rather than votes) at the time of the most recent general election at which a governor was elected.

Section 3: Amended section to delete board **employees** and **contractors** from the prohibited conduct section that applies to board members.

Section 3: Amended section to add the definitions of **"political group"** and **"political party"** as defined in AS 15.13.400.

Contact: Mike Sica, 465-4965 **Revised: March 31, 2010**

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

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Sectional Analysis for CSHB 348(JUD)

"An Act relating to membership of the state personnel board."

Section 1. Amends AS 39.25.060(a) to increase the membership on the Personnel Board from three to five members. The governor may make an appointment from a list of at least three nominees selected by the chief justice of the Alaska Supreme Court, subject to the right of the governor to request additional nominations. It ensures that the board has at least one member of the two parties that had the largest number of registered voters in the most recent election for governor.

Section 2. Amends AS 39.25.060(b) to increase the number of board members who can be of the same political party from two to three of the five-member board.

Section 3. Adds new section AS 39.25.064 that prohibits board members from certain activities that that relate to possible conflicts of interest or at least an appearance of conflict.

Section 4. Amends AS 39.25.070 to add conforming language stating that three members constitute a quorum and three affirmative votes are required for final action on matter.

Section 5. Amends the uncodified law by adding a new section stating that a member of the personnel board serving on the effective date of this Act remains in office for the duration of the term which appointed and confirmed. Within 60 days of the effective date, the chief justice of the Alaska Supreme Court shall submit to the governor a list of at last six nominees for the two additional seats on the personnel board. The governor shall appoint one member to a five-year term and one member to a six-year term.

Contact: Mike Sica, 465-4965 **Revised: March 31, 2010**

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 348(STA)
(H) Publish Date: 3/17/10

Identifier (file name): HB348-DOA-DOPLR-03-08-10
Dept. Affected: Administration
Title "An Act relating to the membership of the state personnel board."
RDU Central Administrative Services
Component Personnel
Sponsor Representative Lynn
Requester (H)STA
Component Number 56

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill will have no fiscal impact on the Division of Personnel and Labor Relations.

Prepared by: Nicki Neal, Director
Phone 465-4429
Division Division of Personnel and Labor Relations
Date/Time 3/8/10 12:00 PM
Approved by: Kevin Brooks, Deputy Commissioner
Date 3/8/2010
Department of Administration

(Revised 11/6/2009 OMB)

LEGAL SERVICES

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MEMORANDUM February 8, 2010

SUBJECT: Membership of the State Personnel Board
(Work Order No. 26-LS1360\A)

TO: Representative Bob Lynn
Attn: Mike Sica

FROM: Alpheus Bullard
Legislative Counsel

This memorandum accompanies the work order described above.

You asked for a bill that would make the appointment of Personnel Board (board) members under AS 39.25.060(a) similar to the manner in which public members are appointed to the Select Committee on Legislative Ethics under AS 24.60.130(b). You asked that the bill also include provisions addressing (1) the removal of board members, (2) the filling of vacancies and unexpired terms, (3) conflicts of interest, and (4) alternate members. I have a few comments.

Board members; increased membership and a constitutional concern relating to member appointment

The draft increases the number of board members (from three) to five,[1] making the membership of the board more difficult to "capture," and provides that the governor would be required to appoint nominees from a list of at least three qualified persons submitted by the chief justice of the Alaska Supreme Court. Note that this requirement that the governor appoint board members from a list of persons selected by the chief justice, subject to the right of the governor to request additional nominations, raises a constitutional question as to whether the legislature may so constrain the governor's ability to choose whom to appoint to an executive board.

[1] Mike Sica of your staff clarified that the intent of the legislation related to making sure that the board did not operate, or appear to operate, as a rubber stamp in investigating and addressing complaints concerning the governor. More members makes it less likely that (1) a majority of the board would be appointed by a sitting governor and (2) that the membership of the board would be of a single mind in any board proceeding. Because I increased the number of board members, I did not include a provision for alternate members.

The power to appoint members of state boards, commissions, and councils is an executive function to be exercised by the governor. In Bradner v. Hammond, 553 P.2d 1, 5 - 6 (Alaska 1976), the Alaska Supreme Court recognized that the Alaska constitution envisioned a strong executive and "that the appointment of executive officers is an executive function. . . ." The legislature may prescribe qualifications for the members of boards and commissions that are reasonably related to either the position or to the aim of the legislation and do not interfere with the governor's appointment power or with qualifications set out in the constitution. Various state courts have reached this same conclusion and have upheld legislative designations of qualifications for public offices, such as memberships on a board or commission. See, e.g., State v. Matassarin, 217 P. 930 (Kansas 1923); State v. Eischen, 76 N.W.2d 385 (Minn. 1956); Humane Society of the United States v. New Jersey Fish and Game Council, 362 A.2d 20 (1976); Hurd v. Freeland, 442 P.2d 344 (Okla. 1966); State v. Wells, 112 N.W.2d 601 (S.D. 1961); State v. Millsap, 605 S.W.2d 366 (Tex. App. 1980).

However, the Department of Law, which has generally taken a position very protective of the governor's prerogatives, has asserted that the legislature may not restrict the governor's appointment powers, such as by requiring the governor to select from a list of names provided by particular groups. The Department of Law has repeatedly argued that such limitations on the governor's appointment power are unconstitutional infringements upon the governor's authority. Letter to Walter J. Hickel, Governor, from Charles E. Cole, Attorney General, June 11, 1991 (file no. 883-91-0071); 1981 Inf. Alaska Atty. Gen. Op. (file no. J-66-698-81), April 23; 1980 Inf. Alaska Atty. Gen. Op. (file no. J-66-164-80), September 17.

Nonetheless, at least three Alaska attorney general opinions or letters of advice have accepted that the legislature may prescribe reasonable qualifications for gubernatorial appointments to boards or commissions. 1981 Inf. Alaska Atty. Gen. Op. (file no. J-66-698-81), April 23; Memorandum to Governor Hammond from R. Pegues, August 13, 1979; 1988 Inf. Alaska Atty. Gen. Op. (file no. 883-88-0079), May 24.

In this instance, I cannot say how a court would interpret the reasonableness of a statutory requirement that the governor appoint members of the board from lists of nominees chosen by the chief justice of the Alaska Supreme Court.

Quick notes
I included a provision, sec. 3 of the draft bill (prohibited conduct by board members and board employees and contractors), that relates to possible conflicts of interest and appearances of a conflict of interest. Is this what you had in mind? Please advise.

I did not prohibit a member appointed by the governor from participating in a proceeding that involved that same governor. Such a provision seemed unnecessary given that members are appointed from lists submitted by the chief justice.

I hope that this draft bill is consistent with your intent. If you have questions, or if I can be of further assistance, please do not hesitate to contact me.

TLAB:ljw
10-062.ljw

Enclosure

JuneauEmpire.com

House passes ethics panel bill without changes

Thursday, April 08, 2010

Story last updated at 4/8/2010 - 10:46 am

House passes ethics panel bill without changes
By Jeremy Hsieh | The Associated Press

JUNEAU - Same bill, different outcome.

The Alaska House passed a bill dealing with an executive branch ethics panel without changes by a nearly 3-to-1 margin Wednesday. It failed Monday in a 19-18 vote, but the vote was held for reconsideration.

The bill now goes to the Senate.

The bill would limit a governor's selection of members to the Personnel Board to names forwarded to him by the chief justice of the Alaska Supreme Court. The chief justice must nominate at least three people, but the governor can request more nominees indefinitely. It bars members from holding some political party and lobbyist roles. It also expands the board from three to five members.

It's intended to address possible conflicts of interest on the board, which arbitrates executive branch ethics complaints.

Reps. Max Gruenberg, D-Anchorage, and David Guttenberg, D-Fairbanks, flipped their votes at the last minute on Monday - stopping the bill - to try to bully through an amendment on reconsideration to further limit the governor's role in selecting board members. They weren't able to get enough votes to resurrect the failed amendment.

Minority Leader Beth Kertulla, D-Juneau, said putting restrictions on a governor's right to request unlimited nominees is important "for all of us who've lived through something similar."

It was a reference to former -Gov. Sarah Palin snubbing her last year. Palin refused to appoint Kertulla to fill an empty Senate seat after Democrats broke from tradition of nominating three candidates, sending only Kertulla's name to Palin for the open seat. Kertulla had been critical of the governor after Palin was chosen as Republican John McCain's running mate in the 2008 presidential election.

Juneau's Senate district went without representation for about half the legislative session as Palin cycled through additional nominees before naming Dennis Egan to the seat on the last day of the legislative session.

The failed amendment on the Personnel Board bill would have limited a governor to the chief justice's first set of at least three nominees and a second set of up to three nominees.

Bill sponsor Bob Lynn, R-Anchorage, said such a restriction leads to questionable legal territory

regarding separation of powers.

"This is not a perfect bill, but is significant improvement over the status quo," Lynn said. "I'm going to vote a conservative and progressive 'yes' on this bill."

Rep. Mike Doogan, D-Anchorage, had initially proposed the failed amendment and broke from his party voting against the overall bill.

The Personnel Board primarily deals with lower-level state employees where the conflict of interest issue the bill addresses is irrelevant, Doogan said.

The executive branch's elected officials, the governor and lieutenant governor, don't fit, and a better solution may be to lump all elected officials under one ethics panel, he said.

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Anchorage Daily News

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Personnel board appointments get another look

By SEAN COCKERHAM
scockerham@adn.com
(03/16/10 18:11:01)

Alaska legislators are talking about changing the law so governors can no longer appoint whoever they want to the state personnel board, the panel that dismissed ethics complaints against then-Gov. Sarah Palin on "Troopergate" and many other matters.

Anchorage Republican Rep. Bob Lynn, who has been supportive of Palin, sponsored a bill that would make the governor pick from a list submitted by the chief justice of the state supreme court. Lynn said it would reassure the public.

"It helps protect and insulate the governor from what could be, and usually is, unfair criticism from the public that you have the fox watching the hen house," Lynn said Tuesday, as the bill passed its first committee.

Anchorage Democratic Rep. Les Gara, no fan of Palin's, favors Lynn's House Bill 348. Gara said he thinks some of the people filing ethics complaints against Palin went overboard. But he said the current system casts a lot of doubt about the rulings made by members of the Personnel Board, who he said could be political allies of the governor.

"I did not follow every complaint in any great detail. But you always do wonder whether a personnel board appointed by Republican governors is going to be objective when it looks at conduct by a Republican governor," Gara said.

The three members of the Personnel Board are charged in Alaska law with looking into ethics complaints made against the governor and other members of the executive branch. The current members were all appointed by Republican governors, although two of them aren't registered with a political party.

The board members have six-year terms and only one, Alaska Christian College President Keith Hamilton, was appointed by Sean Parnell, the current governor. Board member Debra English was reappointed by Palin in 2008 and Al Tamagni was appointed in 2006 by Frank Murkowski.

Lynn said he does not think there's been a problem with the Personnel Board. "But there's always the perception out there and, in politics, perception often becomes reality in the public mind," he said.

Current law says only that the board members can't be state employees and no more than two of the three of can be registered with the same political party. They are appointed by the governor and then confirmed by the Legislature.

Lynn's bill would expand the board to five members. He said that would provide more of a broad range of opinion. The panel would also need to include at least one member from each of the top two political parties in the state.

The governor would be required to pick from a list of at least three nominees from the chief justice of the Alaska Supreme Court, although the governor could reject the entire list and ask the chief justice for another.

Gara said called that a loophole and said the governor shouldn't get to keep asking for new nominees over and over if he or she doesn't like the slate presented. But Lynn described it as a way to deal with potential separation of powers issues involved in the Legislature reducing a governor's ability to make appointments .

The attorney general's office raised the separation of powers issue Tuesday. But the Parnell administration didn't object to the bill as it passed from the House State Affairs Committee. The bill next goes to the judiciary committee, chaired by Fairbanks Republican Rep. Jay Ramras. Ramras last year deemed a "whitewash" the report commissioned by the personnel board that found Palin not responsible for any wrongdoing in the so-called Troopergate affair.

Zane Henning, who had two ethics complaints against Palin dismissed, last month testified to a legislative committee that elected officials rather than a governor's appointees should oversee the complaints. His concern seemed to resonate with some legislators. "I'm just wondering is there maybe too close of a relationship there," Sen. Kevin Meyer, R-Anchorage, asked during that hearing.

Assistant Attorney General Judy Bockmon said an independent counsel investigates ethics complaints against the governor, lieutenant governor or attorney general in an effort to separate the Personnel Board from those high-level officials.

The outcome of at least one Personnel Bard case from the Palin era remains a mystery. Independent Counsel Tom Daniel on July 14 found "probable cause" that Palin's legal defense fund violated state ethics law. But the board has taken no public action and the fund's Web site still solicits donations.

Find Sean Cockerham online at adn.com/contact/scockerham or call him at 257-4344.

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Palin critics question ethics rules proposals

PALIN ERA: New regulations would address traveling on the state's dime, paying legal bills.

By LISA DEMER
ldemer@adn.com
(02/08/10 22:44:25)

JUNEAU -- A legislative committee on Monday took up ethics issues that erupted during the Palin administration, but it's not clear whether the panel intends to take any action.

Attorney General Dan Sullivan has proposed state rules establishing when it's appropriate for the state to pay for the travel of family members of the governor or lieutenant governor. Another proposal sets out when the state should pay legal bills for state officials defending against ethics complaints.

Former Gov. Sarah Palin was hit with numerous ethics complaints during her 2 1/2 years in office. She said she quit in part because of what she called frivolous ethics complaints and personal legal bills amounting to an estimated $600,000.

Most of the ethics complaints against Palin were dismissed. But she settled one by reimbursing the state more than $8,000 for her children's air travel.

Some parts of the package Sullivan is proposing go beyond the Palin-era controversies. For instance, another proposed rule change would do away with a requirement for state officials to disclose as gifts any travel for state business paid by others. But they still would have to file travel reports, which would be public.

Sullivan is trying to make the changes through new state regulations, which don't need legislative approval.

Oversight comes from the joint House-Senate Administrative Regulation Review Committee, which examines regulations to make sure they are allowed under state law.

The panel agreed to hold a public hearing on the ethics measures after being pushed by Palin critic Andree McLeod. House leaders also requested it, said state Rep. Wes Keller, R-Wasilla, who is the committee chairman.

LEGAL FEES, FAMILY TRAVEL

Under the proposed rules, the state could cover the costs of defending a public official against ethics complaints if the official were exonerated, Assistant Attorney General Judy Bockmon told the committee.

Travel would be covered if the presence of a family member is required for state business or has a public purpose. The proposal says that would include a state-sponsored event that the family of the governor or lieutenant governor usually attends, or an event in which the family member is representing the state.

State Rep. David Guttenberg, D-Fairbanks, asked Bockmon whether state law gives any guidance on paying for family travel.

It doesn't, she said.

In that case, why try to decide when it's appropriate -- maybe it shouldn't be permitted at all, Guttenberg responded.

That's up to the Legislature, Bockmon said. There might be value to the state for the family to attend. It depends on the nature of the event.

State Rep. Carl Gatto, R-Palmer, said it might just save worry and time for a governor with young children to bring them along.

CRITICS TESTIFY

McLeod, who filed a number of ethics complaints against Palin and her staff, urged the committee to reject the changes.

"Are these changes valid? Do they improve the standards of public service? Do they promote the faith and confidence of the people in this state in their public officers? I submit that they do not," McLeod told the legislative committee.

McLeod said private citizens with questions about whether a public official has crossed a legal or ethical line can't get ethics opinions the way state employees can. So the public has no recourse except filing complaints to get answers, she said.

The Executive Branch Ethics Act is important, and the attorney general shouldn't be trying to change the law, another Palin critic, Zane Henning, told the committee. The Legislature should make any needed changes, he said.

"I object to the entire process that is being pushed through here," Henning said.

The ethics law needs reform, but not in the way the attorney general wants, Henning said. Elected officials, not the governor-appointed Personnel Board, should oversee ethics complaints against state officials, he said.

Both of his complaints against Palin were dismissed. One involved an interview about the vice presidential campaign that she gave to Fox News in her state office; the other concerned the fact she collected state expense payments while living in her own home in Wasilla.

ARM'S-LENGTH INVESTIGATORS

Henning's concerns about the Personnel Board seemed to resonate with legislators.

"I'm just wondering is there maybe too close of a relationship there," state Sen. Kevin Meyer, R-Anchorage, asked during the hearing.

Bockmon told the committee an independent counsel investigates ethics complaints against the governor, lieutenant governor or attorney general in an effort to separate the Personnel Board from those high-level officials.

The committee can't halt the regulations from taking effect during the annual legislative session,

but can express disapproval and propose new laws to override any objectionable regulations.

The Department of Law has solicited public comment and held a hearing on the ethics changes, Bockmon said. The period for comment has ended and the department must now decide what to do. It could adopt the provisions as is or with minor changes, or let the matter drop with no action.

The committee hasn't yet decided how to proceed, Keller said.

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Costs of dismissed Palin ethics complaints pile up

Personnel board member says tab is "close to about a third of a million dollars."

By SEAN COCKERHAM
scockerham@adn.com

(05/27/09 21:57:12)

The Alaska Personnel Board, clearly frustrated with the pile of ethics complaints filed against Gov. Sarah Palin, wants to publicize the cost of dealing with them.

The personnel board members decided at a Wednesday meeting to work with the attorney general's office on how to make public the cost of addressing each ethics complaint, without violating the board's confidentiality rules.

"We've spent pretty close to about a third of a million dollars, and it's getting to be really expensive," said Al Tamagni, a member of the board.

Also Wednesday, the three-member board dismissed another complaint, this one involving Palin and her political action committee, and heard testimony from a woman who asserted fear of retaliation has prevented her from filing a complaint against the governor.

The governor's office said it is the 13th ethics complaint against Palin or her staff that has been resolved without finding of an executive ethics act violation. But Palin has agreed to reimburse the state in order to settle an ethics complaint over 10 state-paid trips taken by her children. A "few more" complaints are pending a decision by the personnel board, the governor's office said.

Andree McLeod, an Anchorage activist who has filed multiple ethics complaints against Palin and her staff, said after the meeting that the board is trying to squash accountability by saying it costs too much.

"The whole way to mitigate all this is for Palin to behave ethically," said McLeod, who filed the complaint that was dismissed by the board on Wednesday.

Valerie Henning told the board that fear of a backlash has prevented her from filing a complaint against the governor's practice of collecting per diem for time spent at her home in Wasilla. Henning's husband, Zane, earlier had an ethics complaint dismissed by the board. His complaint alleged Palin violated ethics law by holding national television interviews concerning her run for vice president from the governor's office.

Valerie Henning brought up to the board the statement that Palin's chief of staff, Mike Nizich, made on April 22 after the filing of an ethics complaint against Palin that was released to the press.

"I hope that the publicity-seekers will face a backlash from Alaskans who have a sense of fair play and proportion. I served six previous governors, and I've never seen anything like the attacks against governor Palin," Nizich said in a press release distributed by the governor's office.

Valerie Henning tried to get board members to suggest some alternative to making the ethics complaint, saying "I'm afraid of retaliation, basically."

Palin spokesman Bill McAllister said Nizich was simply asking that Alaskans who have a "sense of fair play and proportion" speak up about what's going on.

"I don't know what she means by retaliation, but certainly some people have been raising their voices in protest of this abuse of the ethics act," McAllister said. "People make these allegations against the governor and they keep getting dismissed and dismissed and dismissed, and some people are saying 'What's going on here?' "

Pro-Palin bloggers have assailed "ankle biter" ethics complainants in writing and KBYR talk radio host Eddie Burke has gone after McLeod on his show, saying he was going to hunt down evidence she was motivated by not getting a state job.

One of the personnel board members, Tamagni, last fall asked a state attorney if the board could charge attorney fees for Alaskans who file "a frivolous or meritless" ethics complaint. It's not clear how the state would judge a complaint frivolous, but charging for them would require changing the law.

Personnel board members spoke Wednesday about possibly pursuing changes in the law regarding their ethics complaint procedures -- such as changing the "thresholds for investigations."

Ethics complainants in the audience asked board chair Debra English for detail after the meeting, but she curtly brushed them off, saying the meeting was over and she wasn't going to say more.

English also refused to answer when a Daily News reporter asked what the board had in mind. She said the reporter should have come before the board and given public testimony in order to get any questions answered from its members.

Members of the personnel board are volunteers appointed by the governor, although all three of the current members were in place when Palin took office in 2006. Palin last year reappointed English to a six-year term but hasn't had a role yet in either of the two other positions, which have terms expiring in 2010 and 2012.

The governor also has the power to remove members of the personnel board, but only for cause.

Find Sean Cockerham online at adn.com/contact/scockerham or call him at 257-4344.

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Chapter 13: State Election Campaigns

Sec. 15.13.400. Definitions.

In this chapter,

(8) "group" means

(A) every state and regional executive committee of a political party; and

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070 , whether or not control of the group has been disclaimed by the candidate;

(15) "political party" means any group that is a political party under AS 15.60.010 and any subordinate unit of that group if, consistent with the rules or bylaws of the political party, the unit conducts or supports campaign operations in a municipality, neighborhood, house district, or precinct;

Chapter 60: General Provisions

Sec. 15.60.010. Definitions.

In this title, unless the context otherwise requires,

(23) "party district committee" means the political party committee that performs the executive function for a region representing an area larger than a precinct and smaller than the state;

(24) "political group" means a group of organized voters which represents a political program and which does not qualify as a political party;

(25) "political party" means an organized group of voters that represents a political program and

(A) that nominated a candidate for governor who received at least three percent of the total votes cast for governor at the preceding general election or has registered voters in the state equal in number to at least three percent of the total votes cast for governor at the preceding general election;

(B) if the office of governor was not on the ballot at the preceding general election but the office of United States senator was on that ballot, that nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States senator at that general election; or

(C) if neither the office of governor nor the office of United States senator was on the ballot at the preceding general election, that nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States representative at that general election;

Sec. 39.25.060. Personnel board.

(a) The personnel board is composed of three members appointed by the governor and confirmed by the legislature meeting in joint session. The term of office of a member is six years. A vacancy in an unexpired term shall be filled by appointment by the governor for the remainder of the term. The appointment is subject to confirmation in the same manner as a full-term appointment.

(b) Members of the board may not be employees of the state. Not more than two members of the board may be members of the same political party.

(c) A board member may be removed by the governor only for cause.

(d) A member of the board may receive a per diem allowance and transportation expenses incurred in carrying out the member's duties.

Sec. 39.25.070. Powers and duties of personnel board.

In addition to the other duties imposed by this chapter, the personnel board shall

(1) approve or disapprove amendments to the personnel rules in accordance with AS 39.25.140 ;

(2) consider and act upon recommendations for the extension of the partially exempt service and the classified service as provided in AS 39.25.130;

(3) hear and determine appeals by employees in the classified service as provided in AS 39.25.170 ;

(4) establish its own rules of procedure; two members constitute a quorum for the transaction of business and two affirmative votes are required for final action on matters acted upon by the board;

(5) elect a chair from its membership;

(6) have the power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to a hearing authorized by this chapter;

(7) employ staff members, who shall be in the classified service;

(8) carry out its powers and duties under AS 39.52.

Sec. 39.25.080. Personnel records confidential; exceptions.

(a) State personnel records, including employment applications and examination and other assessment materials, are confidential and are not open to public inspection except as provided in this section.

(b) The following information is available for public inspection, subject to reasonable regulations on the time and manner of inspection:

(1) the names and position titles of all state employees;

(2) the position held by a state employee;

(3) prior positions held by a state employee;

(4) whether a state employee is in the classified, partially exempt, or exempt service;

(5) the dates of appointment and separation of a state employee;

(6) the compensation authorized for a state employee; and

(7) whether a state employee has been dismissed or disciplined for a violation of AS 39.25.160 (l) (interference or failure to cooperate with the Legislative Budget and Audit Committee).

(c) A state employee has the right to examine the employee's own personnel files and may authorize others to examine those files.

(d) An applicant for state employment who appeals an examination score may review written examination questions relating to the examination unless the questions are to be used in future examinations.

(e) In addition to any access to state personnel records authorized under (b) of this section, state personnel records shall promptly be made available to the child support services agency created in AS 25.27.010 or the child support enforcement agency of another state. If the record is prepared or maintained in an electronic data base, it may be supplied by providing the requesting agency with access to the data base or a copy of the information in the data base and a statement certifying its contents. The agency receiving information under this subsection may use the information only for child support purposes authorized under law.

Article 04. COMPLAINTS; HEARING PROCEDURES

Sec. 39.52.310. Complaints.

(a) The attorney general may initiate a complaint, or elect to treat as a complaint, any matter disclosed under AS 39.52.210 , 39.52.220, 39.52.250, or 39.52.260. The attorney general may not, during a campaign period, initiate a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office.

(b) A person may file a complaint with the attorney general regarding the conduct of a current or former public officer. A complaint must be in writing, be signed under oath, and contain a clear statement of the details of the alleged violation.

(c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the governor, lieutenant governor, or the attorney general, the matter shall be referred to the personnel board. The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office as provided in (j) of this section if the complaint is initiated during a campaign period. The personnel board shall retain independent counsel who shall act in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 - 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015 (d), the personnel board may contract for or hire independent counsel under this subsection without notifying or securing the approval of the Department of Law.

(d) The attorney general shall review each complaint filed, to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of this chapter. The attorney general may require the complainant to provide additional information before accepting the complaint. If the attorney general determines that the allegations in the complaint do not warrant an investigation, the attorney general shall dismiss the complaint with notice to the complainant and the subject of the complaint.

(e) The attorney general may refer a complaint to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

(f) If the attorney general accepts a complaint for investigation, the attorney general shall serve a copy of the complaint upon the subject of the complaint, for a response. The attorney general may require the subject to provide, within 20 days after service, full and fair disclosure in writing of all facts and circumstances pertaining to the alleged violation. Misrepresentation of a material fact in a response to the attorney general is a violation of this chapter. Failure to answer within the prescribed time, or within any additional time

period that may be granted in writing by the attorney general, may be considered an admission of the allegations in the complaint.

(g) If a complaint is accepted under (f) of this section, the attorney general shall investigate to determine whether a violation of this chapter has occurred. At any stage of an investigation or review, the attorney general may issue a subpoena under AS 39.52.380 .

(h) A violation of this chapter may be investigated within two years after discovery of the alleged violation.

(i) The unwillingness of a complainant to assist in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but need not in and of itself, justify termination of an investigation or proceeding.

(j) The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for state office received during a campaign period to the complainant unless the governor or lieutenant governor, as appropriate, permits the personnel board to assume jurisdiction under this subsection. If the personnel board receives a complaint concerning the conduct of the governor or lieutenant governor who is a candidate during the campaign period, the personnel board shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the personnel board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the personnel board mails or otherwise sends notice of the complaint to the candidate, notify the personnel board that the candidate chooses to have the personnel board proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the personnel board that the candidate is not waiving the suspension of jurisdiction, the personnel board shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(k) A campaign period under this section begins on the later of 45 days before a primary election in which the governor or lieutenant governor is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

Sec. 39.52.320. Dismissal before formal proceedings.

If, after investigation, it appears that there is no probable cause to believe that a violation of this chapter has occurred, the attorney general shall dismiss the complaint. The attorney general shall communicate disposition of the matter promptly to the complainant under AS 39.52.335 (c) and to the subject of the complaint.

Sec. 39.52.330. Corrective or preventive action.

After determining that the conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360 , the attorney general shall recommend action to correct or prevent a violation of this chapter. The attorney general shall communicate the recommended action to the complainant and the subject of the complaint. The subject of the complaint shall comply with the attorney general's recommendation.

Sec. 39.52.335. Summary of disposition of complaints and review by personnel board.

(a) When the attorney general initiates or receives a complaint under AS 39.52.310 , the attorney general shall immediately forward a copy of the complaint to the personnel board.

(b) Each month, the attorney general shall file a report with the personnel board concerning the status of each pending complaint and the resolution of complaints that have been closed since the previous report.

(c) If a complaint is dismissed under AS 39.52.320 or resolved under AS 39.52.330 , the attorney general shall promptly prepare a summary of the matter and provide a copy of the summary to the personnel board and the complainant. The summary is confidential unless the

(1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330 is public; or

(2) superior court makes the matter public under (h) of this section.

(d) Within 15 days after receipt of a summary under this section, a complainant may file comments with the personnel board regarding the disposition of the complaint.

(e) At its next regular meeting that begins more than 15 days after receipt of a summary under this section, the personnel board shall review the summary and comments, if any, filed by the complainant. The personnel board may compel the attendance of the subject of the complaint or the complainant at the meeting and may compel the production of documents. Attendance may be by teleconference. The attorney general or the attorney general's designee

shall be available to respond to questions from the personnel board concerning the disposition of the complaint.

(f) After review of the summary, the personnel board may issue a report on the disposition of the complaint. If the matter is confidential and the board determines that publication of the name of the subject is in the public interest, the report may include a recommendation that the matter be made public.

(g) If the summary is confidential under (c) of this section,

(1) comments filed by the complainant, if any, are confidential;

(2) the personnel board shall conduct the review of the summary in executive session; and

(3) the personnel board report, if any, is confidential; the personnel board shall make available to the public an expurgated copy of a confidential report with sufficient deletions and editing to prevent disclosure of the identity of the persons involved in the matter.

(h) If the disposition of a complaint is not made public and the personnel board report under (f) of this section includes a recommendation that the matter be made public, an interested party may file an action against the state in superior court requesting that the court make public the complaint, the attorney general's disposition of the complaint, and the personnel board report. The court may order the matter or portions of the matter made public if the court determines that

(1) the dismissal or resolution of the complaint was clearly contrary to the requirements of this chapter;

(2) one or more of the allegations in the information to be released is supported by substantial evidence;

(3) the matter concerns the public interest; and

(4) release of the information will not infringe on any protected rights or liberties of the subject.

Sec. 39.52.340. Confidentiality.

(a) Except as provided in AS 39.52.335, before the initiation of formal proceedings under AS 39.52.350, the complaint and all other documents and information regarding an investigation conducted under this chapter or obtained by the attorney general during the investigation are confidential and not subject to inspection by the public. In the case of a complaint concerning

the governor, lieutenant governor, or attorney general, all meetings of the personnel board concerning the complaint and investigation before the determination of probable cause are closed to the public. If, in the course of an investigation or probable cause determination, the attorney general finds evidence of probable criminal activity, the attorney general shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the attorney general finds evidence of a probable violation of AS 15.13, the attorney general shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation.

(b) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(c) The subject of the complaint may, in writing, waive the confidentiality protection of this section.

Sec. 39.52.350. Probable cause for hearing.

(a) If the attorney general determines that there is probable cause to believe that a knowing violation of this chapter or a violation that cannot be corrected under AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with a recommendation for corrective or preventive action, the attorney general shall initiate formal proceedings by serving a copy of an accusation upon the subject of the accusation. The accusation shall specifically set out the alleged violation. After service, the accusation is a public document open to inspection. Except as provided in AS 39.52.370 (c), all subsequent proceedings are open to the public.

(b) The subject of the accusation shall file an answer with the attorney general within 20 days after service of the accusation, or at a later time specified by the attorney general. If the subject of the accusation fails to timely answer, the allegations are considered admitted.

(c) If the subject of the accusation denies that a violation of this chapter has occurred, the attorney general shall refer the matter to the personnel board, which shall notify the chief administrative law judge (AS 44.64.010), who shall appoint an administrative law judge to serve as a hearing officer to conduct a hearing.

(d) If the subject of the accusation admits a violation of this chapter, the attorney general shall refer the matter to the personnel board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as appropriate.

Sec. 39.52.360. Hearings.

(a) The hearing officer may convene a prehearing conference to set a time and place for the hearing, and for stipulation as to matters of fact and to simplify issues, identify and schedule prehearing matters, and resolve other similar matters before the hearing.

(b) The hearing officer may administer oaths, hold hearings, and take testimony. Upon application by a party to the hearing, the hearing officer may issue subpoenas under AS 39.52.380.

(c) The attorney general shall present the charges before the hearing officer. At a hearing, the attorney general has the burden of demonstrating by a preponderance of the evidence that the subject of the accusation has, by act or omission, violated this chapter.

(d) The parties to a hearing are the attorney general and the subject of the accusation. The subject of an accusation may be represented by counsel. Each party has an opportunity to be heard and cross-examine witnesses, who shall testify under oath.

(e) The Administrative Procedure Act does not apply to hearings under this section, except as provided in AS 39.52.380.

(f) Technical rules of evidence do not apply, but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. Copies of transcripts of the hearing record are available to the subject of the accusation at the subject's expense; however, upon request, a copy of the recording of the hearing must be furnished without charge to the subject of the accusation.

(g) At the conclusion of the formal hearing, the hearing officer may direct either or both parties to submit proposed findings of fact, conclusions of law, and recommendation to be filed within 10 days after the conclusion of the hearing.

(h) Within 30 days after the conclusion of a formal hearing, the hearing officer shall serve a written report on the personnel board and the parties, unless the personnel board grants an extension of time. The report must contain the officer's findings of fact, conclusions of law, and recommendation. The hearing officer shall submit the record to the personnel board.

Sec. 39.52.370. Personnel board action.

(a) Within 10 days after receipt of the hearing officer's report, either party may protest the officer's findings of fact, conclusions of law, and recommendation, and, if a protest is filed, shall serve a copy on the other party. Oral argument before the personnel board must be provided only if requested by either party. The board chair shall set the deadline for submission of requests for oral argument, and set the dates for submission of briefs and oral argument before the board, if requested.

(b) The board may issue subpoenas under AS 39.52.380, and may, for good cause shown, augment the hearing record, in whole or in part, or hold a hearing de novo.

(c) The personnel board shall review each report submitted by a hearing officer and shall either adopt or amend the findings of fact, conclusions of law, and recommendation of the officer. Deliberations of the personnel board must be conducted in sessions not open to the public.

(d) If the personnel board determines that a violation occurred, it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450, as appropriate. If the board determines that no violation occurred, the board shall issue a written order of dismissal.

(e) The personnel board secretary shall promptly notify the parties and the public officer's designated supervisor of the board's action.

(f) The subject of the accusation may appeal the personnel board's decision by filing an appeal in the superior court as provided in the Alaska Rules of Appellate Procedure.

Sec. 39.52.380. Subpoenas.

(a) As provided in AS 39.52.310 (g), 39.52.360(b), and 39.52.370(b), the attorney general, independent counsel retained under AS 39.52.310 (c), a hearing officer, the subject of an accusation, and the personnel board may summon witnesses and require the production of records, books, and papers by the issuance of subpoenas.

(b) Subpoenas must be served in the manner prescribed by AS 44.62.430 and Rule 45 of the Alaska Rules of Civil Procedure. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 39.52.390. Service.

Service of an accusation must be accomplished in accordance with Rule 4 of the Alaska Rules of Civil Procedure. Service of any other pleading, motion, or other document must be accomplished in accordance with Rule 5 of the Alaska Rules of Civil Procedure.

Article 05. ENFORCEMENT; REMEDIES

Sec. 39.52.410. Violations; penalties for misconduct.

(a) If the personnel board determines that a public employee has violated this chapter, it

(1) shall order the employee to stop engaging in any official action related to the violation;

(2) may order divestiture, establishment of a blind trust, restitution, or forfeiture; and

(3) may recommend that the employee's agency take disciplinary action, including dismissal.

(b) If the personnel board determines that a nonsalaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.

(c) If the personnel board determines that a former public officer has violated this chapter, it shall

(1) issue a public statement of its findings, conclusions, and recommendation; and

(2) request the attorney general to exercise all legal and equitable remedies available to the state to seek whatever relief is appropriate.

(d) If the personnel board finds a violation of this chapter by a public officer removable from office only by impeachment, it shall file a report with the president of the Senate, with its finding. The report must contain a statement of the facts alleged to constitute the violation.

Sec. 39.52.420. Disciplinary action for violation.

(a) In addition to any other cause an agency may have to discipline a public employee, an agency may reprimand, demote, suspend, discharge, or otherwise subject an employee to agency disciplinary action commensurate with the violations of this chapter. This section does not prohibit the review of a disciplinary action in the manner prescribed by an applicable collective bargaining agreement or personnel statute or rule.

(b) An agency may initiate appropriate disciplinary action in the absence of an accusation under this chapter or during the pendency of a hearing or personnel board action.

Sec. 39.52.430. Actions voidable.

(a) In addition to any other penalty provided by law, a state grant, contract, or lease entered into in violation of this chapter is voidable by the state. In a determination under this section of whether to void a grant, contract, or lease, the interests of third parties who could be damaged may be taken into account. The attorney general shall give notice of intent to void a state grant, contract, or lease under this section no later than 30 days after the personnel board's determination of a violation under this chapter.

(b) In addition to any other penalty provided for by law, the state may require a state loan received in violation of this chapter to become immediately payable.

(c) Any state action taken in violation of this chapter is voidable, except that the interests of third parties and the nature of the violation may be taken into account. The attorney general may pursue any other available legal and equitable remedies.

(d) The attorney general may recover any fee, compensation, gift, or benefit received by a person as a result of a violation of this chapter by a current or former public officer. Action to recover under this subsection must be brought within two years after discovery of the violation.

Sec. 39.52.440. Civil penalties.

The personnel board may impose on a current or former public officer civil penalties not to exceed $5,000 for a violation of this chapter. A penalty imposed under this section is in addition to and not instead of any other penalty that may be imposed according to law.

Sec. 39.52.450. Payment of twice the financial benefit.

The personnel board may, in addition to the civil penalties described in this chapter, require a current or former public officer who has financially benefited

a person in violation of this chapter to pay to the state up to twice the amount that the person realized from the violation.

Sec. 39.52.460. Criminal sanctions additional.

To the extent that violations under this chapter are punishable in a criminal action, that sanction is in addition to the civil remedies set out in this chapter.

SENATE COMMITTEE REPORT

DATE: 4/8/10

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered CS FOR HOUSE BILL NO. 348(JUD)

HB 348 PERSONNEL BOARD MEMBERSHIP

"An Act relating to the membership of the state personnel board."

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADMIN	03/08/10			X	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			✓	
K. Meyer	Meyer			✓	
Alicia Kookesh	Kookesh			X	
CHAIR: Lyda Menard	MENARD			✓	

HCR

7

ALASKA STATE LEGISLATURE

Co-Chair:
Joint Armed Services Committee

Vice-Chair:
Judiciary
Legislative Budget and Audit

Member:
Economic Development, Trade & Tourism
Energy

Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-3783
Fax: (907) 465-2293
Toll Free (877) 460-3783

Interim:
10928 Eagle River Road
Eagle River, Alaska 99577
Phone: (907) 622-3783
Fax: (907) 622-3784

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON
Representative_Nancy_Dahlstrom@legis.state.ak.us

Date: March 5, 2009

To: Senator Linda Menard, Chair
Senate State Affairs
Senator Kevin Meyer, Co-Chair
Senate State Affairs

From: Representative Nancy Dahlstrom, Co-Chair
Joint Armed Services Committee
Laura Pierre for Rep. Dahlstrom

RE: Hearing Request

I am requesting a hearing for House Concurrent Resolution 7- "Relating to awarding the Alaska Decoration of Honor to certain members of the military."

This resolution awards the Alaska Decoration of Honor medal to six military members who were killed in action during 2008.

If you have any questions please contact Laura Pierre in my office at 465-6598.

ALASKA STATE LEGISLATURE

Co-Chair:
Joint Armed Services Committee

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Legislative Budget and Audit
Judiciary Committee

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Representative_Nancy_Dahlstrom@legis.state.ak.us

Sponsor Statement

House Concurrent Resolution 7

"Relating to awarding the Alaska Decoration of Honor to certain members of the military."

This resolution awards the Alaska Decoration of Honor to six individuals who were killed in the line of duty, between January 1, 2008 and December 31, 2008, while honorably serving our state and country. This award was established in 2007 through House Bill 244. The Decoration of Honor is awarded to military service members from Alaska, or those service members deployed while stationed in Alaska, who were killed in action or in support of combat.

The legislature must approve the names of those individuals in order to receive the award. Last year, 171 individuals were approved through SCR 18 to receive the medal at the Decoration of Honor ceremony being held on May 23, 2009. If passed, SCR 7 will allow these six individuals to be included in this year's ceremony. Next of kin will be presented with the award in honor of their loved ones sacrifice.

I respectfully request favorable support of House Concurrent Resolution 7.

Thank you.

26-LS0547\R
Luckhaupt
3/4/09

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 7( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES DAHLSTROM, Stoltze, Lynn, Johnson, Ramras, Millett, Chenault, Austerman, Buch, Cissna, Coghill, Crawford, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Joule, Kawasaki, Keller, Kelly, Kerttula, Muñoz, Neuman, Olson, Petersen, Salmon, Seaton, Thomas, Tuck, Wilson

SENATOR Wielechowski

A RESOLUTION

Relating to awarding the Alaska Decoration of Honor to certain members of the military.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Alaska Decoration of Honor was established in AS 26.05.342 to honor individuals who were killed in action on or after the date Alaska achieved statehood while serving in the Alaska National Guard, the United States military reserves, or the regular United States armed forces and who were residents of the state or stationed in the state; and

WHEREAS Donald V. Clark, Christian P. Humphreys, Cody J. Eggleston, Heath K. Pickard, Jason A. Karella, and Daniel R. Sexton meet the criteria for award of the Alaska Decoration of Honor;

BE IT RESOLVED by the Alaska State Legislature that the Alaska Decoration of Honor is awarded to Donald V. Clark, Christian P. Humphreys, Cody J. Eggleston, Heath K. Pickard, Jason A. Karella, and Daniel R. Sexton.

LAWS OF ALASKA

2007

Source
CSHB 244(FIN) am

Chapter No.
_____

AN ACT

Creating an Alaska Decoration of Honor and establishing criteria for awarding the decoration.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

Creating an Alaska Decoration of Honor and establishing criteria for awarding the decoration.

---

* **Section 1.** AS 26.05.190 is amended by adding a new subsection to read:

(e) The adjutant general shall maintain the Alaska Decoration of Honor Roll.

* **Sec. 2.** AS 26.05 is amended by adding a new section to read:

Sec. 26.05.342. Alaska Decoration of Honor. (a) There is created an Alaska Decoration of Honor. The Alaska Decoration of Honor may be awarded to an individual who has been killed in action on or after the date Alaska achieved statehood while

(1) engaged in an action against any enemy of the United States;

(2) engaged in military operations involving conflict with an opposing foreign force;

(3) serving with friendly foreign forces engaged in an armed conflict

against an opposing armed force in which the United States is not a belligerent party; or

(4) serving in or deploying to or from a combat zone as designated by presidential order.

(b) To be eligible to receive the Alaska Decoration of Honor, an individual must have been, at the time the individual was killed in action, a member of

(1) the Alaska National Guard who was a legal resident of the state;

(2) the United States military reserves who was a legal resident of the state; or

(3) the regular United States armed forces who was

(A) a legal resident of the state; or

(B) stationed in the state by a proper order of the United States Department of Defense.

(c) The Alaska Decoration of Honor shall be awarded by a concurrent resolution drafted in consultation with the adjutant general's office. The resolution must be

(1) introduced by the president of the senate, the speaker of the house of representatives, a member of the legislature who is the authorized representative of the president of the senate or the speaker of the house of representatives, or the chair of the committee of each house of the legislature with primary jurisdiction over military and veterans' affairs; and

(2) adopted by both houses of the legislature.

(d) The Joint Armed Services Committee shall make arrangements for the designing and awarding of the Alaska Decoration of Honor.

(e) The adjutant general shall

(1) annually obtain from the United States government a list of individuals who fulfill the criteria described in (a)(1) - (4) and (b)(1) - (3) of this section during the previous calendar year; and

(2) not later than December 31 each year, provide this list of individuals to the president of the senate and speaker of the house of representatives; the adjutant general may edit the list to remove from it the name of any individual

whose service, in the judgment of the adjutant general, would have resulted in the individual's discharge or release under conditions that were other than honorable.

(f) The adjutant general shall enter the name of each recipient of the Alaska Decoration of Honor on the Alaska Decoration of Honor Roll maintained under AS 26.05.190(e).

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INITIAL LIST TO BE OBTAINED BY ADJUTANT GENERAL. The initial list of individuals obtained from the United States government by the adjutant general under AS 26.05.342(e)(1) must include all individuals who meet the criteria described in AS 26.05.342(a)(1) - (4) and (b)(1) - (3) and were killed in action at some time after January 2, 1959, and before January 1, 2007.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HCR 7
(H) Publish Date: 2/25/2009

Identifier (file name):
Title HCR 7 DECORATION OF HONOR
Sponsor Representative Nancy Dahlstrom
Requester Military and Veterans' Affairs Committee

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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	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 Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: House Military and Veterans' Affairs Committee
Division
Phone
Date/Time
Approved by: Representative Carl Gatto
Date 2/24/2009

(Revised 9/10/2008 OMB)

SENATE COMMITTEE REPORT

DATE: 3/2/09

FURTHER:

DATE TURNED IN TO OFFICE: 3/12/09

State Affairs Committee considered HOUSE CONCURRENT RESOLUTION NO. 7 am

HCR 7 DECORATION OF HONOR

Relating to awarding the Alaska Decoration of Honor to certain members of the military.

and recommends:

[V] be **replaced** with [~~V~~] **SCS** or [ ] **CS** HCR7 (STA)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[~~V~~] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
H.MLV	2/24/09			✓	

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	PASKVAN	X			
	Kookesh	X			
CHAIR:	MENARD	X			

HCR

11

Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

To: Sen. Linda Menard
Chair, Senate State Affairs Committee
From: Rep. Anna Fairclough
Date: March 30, 2009
Re: Committee Waiver for HCR 11: *Relating to proclaiming April of 2009 to be Sexual Assault Awareness Month.*

Attached you will find a sponsor statement and most current version of HCR 11: *Relating to proclaiming April of 2009 to be Sexual Assault Awareness Month.*

I am requesting that the Senate State Affairs Committee consider waiving this bill from committee. HCR 11 passed unanimously on the House Floor, and we are hoping to have it through the Senate by April 1st. By recognizing April as Sexual Assault Awareness Month, Alaska and its citizens acknowledge the prevalence of sexual violence in our state, which is the first step to eradicating it.

Please contact Crystal Koeneman at extension 4695 with any questions.

I appreciate your time and thank you for your consideration.

****

WAIVER
SENATE STATE AFFAIRS COMMITTEE
For
HCR 11

Sen. Linda Menard, Chair

Sen. Kevin Meyer, Vice-Chair

Sen. Albert Kookesh

Sen. Joe Paskvan

Sen. Hollis French

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945
Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – House District 17

House Concurrent Resolution 11

Proclaiming the month of April 2009 to be Sexual Assault Awareness Month

House Concurrent Resolution 11 intends to encourage all Alaskans to speak out against sexual assault and let others know that it will not be tolerated.

In addition to trying to spread the message and reach out to Alaskans who've suffered to speak up and discourage the continuance of this crime, we also want to recognize the efforts of groups and people around the state who have committed their time, effort and lives to making sure victims have someone to talk to, a place to go and other services and avenues to help.

Currently, estimates from nonprofit groups and the government show that Alaska has 2.5 times the national average of reported sexual assault cases, the highest per capita occurrence in the entire nation.

I urge your support on this important piece of Legislation.

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
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Representative_Anna_Fairclough@legis.state.ak.us

HCR

20

Alaska State Legislature

Representative Anna Fairclough – House District 17

received
03/12/10 10:00am

MEMORANDUM

Date: March 12, 2010

To: Senator Linda Menard, Chair

From: Representative Anna Fairclough

Re: HCR 20 "Proclaiming the month of April 2010 to be Sexual Assault Awareness Month."

I am requesting a hearing for HCR 20 "Proclaiming the month of April 2009 to be Sexual Assault Awareness Month." I have attached relevant materials and back-up for your committee.

Thank you in advance for your consideration.

Anna

Attachments:

I. Sponsor Statement
II. HCR 20
III. Backup Documentation

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945
Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – House District 17

House Concurrent Resolution 20

Proclaiming the month of April 2010 to be Sexual Assault Awareness Month

House Concurrent Resolution 20 intends to encourage all Alaskans to speak out against sexual assault and let others know that it will not be tolerated.

In addition to trying to spread the message and reach out to Alaskans who've suffered to speak up and discourage the continuance of this crime, we also want to recognize the efforts of groups and people around the state who have committed their time, effort and lives to making sure victims have someone to talk to, a place to go and other services and avenues to help.

Currently, estimates from nonprofit groups and the government show that Alaska has 2.6 times the national average of reported sexual assault cases, the highest per capita occurrence in the entire nation.

I urge your support on this important piece of Legislation.

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819
Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945
Representative_Anna_Fairclough@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HCR 20
(H) Publish Date: 3/10/2010

Identifier: (File Name): HCR 20
Title: Sexual Assault Awareness Month
Sponsor: Fairclough
Requester: House State Affairs Committee

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: Nancy Manly, Committee Aide — Phone 465-2794
Division: House State Affairs Committee — Date/Time 03/08/2010 2:17pm
Approved by: Representative Bob Lynn, Chair — Date 3/8/2010
House State Affairs Committee

(Revised 11/6/2009 OMB)

- 1 out of every 6 American women have been the victims of an attempted or completed rape in their lifetime (14.8% completed rape; 2.8% attempted rape). *(National Institute of Justice & Centers for Disease Control & Prevention.* Prevalence, Incidence and Consequences of Violence Against Women Survey, *1998)*

- For nearly 30 years, Alaska has ranked among the top five states in the nation for forcible rape; in 2006 Alaska's rate was 76 per 100,000 – the next nearest state (Nevada) was 56 per 100,000 and the national average was 32.7. On average, Alaska has 2 ½ times the national average. *(FBI, Crime in the United States, 2006)*

- 9.2% of Alaska students in grades 9-12 report having been physically forced to have sexual intercourse when they did not want to; *(2007 Alaska Youth Risk Behavior Study)*

- In 2006, there were 509 forcible rapes reported in Alaska. The associated victim costs in 2006 totaled $49,691,634.

- Victims of sexual assault are:

    - 3 times more likely to suffer from depression
    - 6 times more likely to suffer for post-traumatic stress disorder
    - 13 times more likely to abuse alcohol
    - 26 times more likely to abuse drugs
    - 4 times more likely to contemplate suicide

  (World Health Organization, 2002)

SENATE COMMITTEE REPORT

DATE: 3/12/10

FURTHER:

DATE TURNED IN TO OFFICE: 03/25/10

State Affairs Committee considered HOUSE CONCURRENT RESOLUTION NO. 20

HCR 20 SEXUAL ASSAULT AWARENESS MONTH

Proclaiming the month of April 2010 to be Sexual Assault Awareness Month.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
H.STA	03/08/10			X	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Roberts	x			
	Pasquan	x			
	Meyer	X			
CHAIR:	MENARD	x			

HJR

10

Session:
State Capitol
Juneau, Alaska 99801
(907) 465-4457 Office
(907) 465-3519 Fax
(800) 928-4457 Toll Free

Alaska House of Representatives
David Guttenberg

District 8

Interim:
1292 Sadler Way
Suite 304
Fairbanks, Alaska 99701-3171
(907) 456-8172
(907) 456-2490 Fax

MEMO

To: **Senator Linda Menard, Chairman**
State Affairs Committee

From: Representative David Guttenberg

Date: March 31, 2009

Re: HJR 10 Veterans' Health Care

SHORT TITLE: "Veterans' Health Care Support Soldiers' Burial Designations"

Pending the referral from Senate Health & Social Service on April 10, 2009, I respectfully request HJR 10 to be scheduled in State Affairs Committee at your earliest convenience.

Included you will find:

- The current version of HJR 10
- Sponsor statement
- Fiscal note
- Letters of support

4457

I look forward to discussing the merits of this resolution in the House of Representatives. My staff, Chris Reid, is assigned to this legislation if there are any questions, 465-4475. Any additional materials we wish to place before the committee will be submitted no later than 24 hours prior to the scheduled hearing.

ALASKA STATE LEGISLATURE

SESSION:
Alaska State Capitol, Room 418
Juneau, AK 99801
(907) 465-4457 Office
(907) 465-3519 Fax
(800) 928-4457 Toll Free

INTERIM:
1292 Sadler Way, Suite 304
Fairbanks, AK 99701
Office (907) 456-8172
Fax (907) 456-2490

Representative David Guttenberg

CSHJR 10 (MVA)
Sponsor Statement

CSHJR 10 (MVA) urges the United States Congress to provide the United States Department of Veterans Affairs (VA) with the funding and resources necessary to enable the Veterans Health Administration to provide sufficient, timely and predictable health care for all veterans.

The Partnership for Veterans Health Care Budget Reform, an association of national veterans groups, has found that the current funding mechanism for veterans' health care is "unreliable" and subject to "great political wrangling." Without a streamlined, comprehensive and accessible health care system, many veterans are denied the health care they are entitled to.

As the number of veterans returning from Afghanistan and Iraq suffering from traumatic brain injury, post traumatic stress syndrome and other combat-related injuries is increasing, the need for access to quality health care, including mental health and substance abuse treatment, is increasing as well. Veterans returning from these wars are entitled to five years of health care from the VA without charge, regardless of the priority group to which they are assigned. However, they are only reimbursed for the cost of traveling to access that care if they meet certain eligibility criteria.

Many Alaskan veterans have access to outpatient care at a variety of urban facilities – including the Veterans Affairs Healthcare System facility in Anchorage, the Veterans Affairs Community-based Outpatient Clinics at Fort Wainwright and in Kenai, and the soon-to-open facilities in the Matanuska-Susitna Borough, Juneau, and Homer. There is also a system in place that allows Alaskan veterans living in outlying areas to access quality health care at local community health centers. However, there are still many veterans living in rural areas that are unable to access health care in their communities, resulting in costly travel to central locations to receive that care.

CSHJR 10 (MVA) supports efforts to ensure that veterans across Alaska have access to quality health care in the outlying areas where the VA does not have clinics, including at Community Health Centers, community mental health centers, substance abuse treatment centers, tribal health organizations, and other appropriate local providers. It also supports increased funding for research into traumatic brain injuries and encourages the Veterans Health Administration to improve its electronic claims process and ability to use information contained in military records in order to provide a more efficient health care delivery system.

Representative.David.Guttenberg@legis.state.ak.us
http://guttenberg.akdemocrats.org



March 12, 2009

The Honorable Representative David Guttenberg
State Capital
Juneau, Alaska

Support for CSHJR 10 Improve Health Care for Veterans

Dear Representative Guttenberg;

On behalf of the members of the Alaska Behavioral Health Association, I am writing to pledge our support for CSHJR 10. The members of this association provide mental health and substance abuse treatment and services across this state. We support federal and state funding and other efforts to ensure that veterans across the state have access to quality health care. We would also ask for an increase in funding and emphasis on suicide prevention. This is health crisis of epidemic proportions and a bright spotlight needs to be shone upon this issue to bring attention to a problem that we could solve.

Thank you for bringing this issue to the attention of the legislature and I trust we will see something good come from this effort.

In Health,

Steve Horn
Executive Director

abha

Alaska Behavioral Health Association

alaskabehavioralhealth.net

abha 2009

The Alaska Behavioral Health Association (abha) is a statewide trade association whose members are the primary providers of behavioral health services in Alaska. The mission of abha is to enhance behavioral health and quality of life for all Alaskans by providing leadership which insures high quality, affordable behavioral health services.

Members of abha support the following principles:

- Ensure that beneficiaries of services have access to a community-based continuum of care that provides individualized comprehensive treatment.

- Promote community-based behavioral health services as the most appropriate, clinically effective, and cost sensitive method for providing care to individuals in need.

- Advocate for appropriate public policy and adequate funding for each service by working with the administration and legislature at both the state and national levels.

- Serve as a forum for the exchange of ideas and information among providers and their constituents.

- Work to ensure our members are positioned as mainstream healthcare providers in any state or national healthcare system reforms.

- Support education, research and evaluation, technical assistance, professionalism, family/consumer involvement, and outcome-oriented services.

2009 abha Membership

Organization	Community
Akeela	Anchorage
Alaska Children's Services	Anchorage
Alaska Family Services	Palmer
Alaska Island Community Services	Wrangell
Alaska Youth & Family Network	Anchorage
Anchorage Community Mental Health Services (Southcentral Counseling)	Anchorage
Arc of Anchorage	Anchorage
Assets, Inc.	Anchorage
Mat-Su Health Services	Wasilla
Bristol Bay Counseling Center (BBAHC)	Dillingham
Boys and Girls Home of Alaska	Fairbanks
Catholic Community Service	Juneau
The Center	Homer
Community Connections, Inc.	Ketchikan
Denali Family Services	Anchorage
Edgar Nollner Health Center	Galena
Fairbanks Community Behavioral Health Center, Inc.	Fairbanks
Fairbanks Native Association	Fairbanks
Family Centered Services of Alaska	Fairbanks

Organization	Community
Frontier Community Services	Soldotna
Gateway Center for Human Services	Ketchikan
Impact Counseling	Haines
Juneau Alliance for Mental Health, Inc.	Juneau
Juneau Youth Services	Juneau
Kenai Peninsula Care Center	Kenai
Lynn Canal Counseling	Haines
Maniilaq Association	Kotzebue
North Star Behavioral Health System	Anchorage
Peninsula Community Health Services	Soldotna
Petersburg Mental Health Services, Inc.	Petersburg
Railbelt MH and Addictions	Nenana
SEARHC - Behavioral Health Service Division	Sitka
SeaView Community Services	Seward
Sitka Counseling and Prevention Services	Sitka
Southcentral Foundation Behavioral Health Services	Anchorage
Volunteers of America of AK	Anchorage
Yukon-Kuskokwim Health Corporation	Bethel

Military Order of the *Purple Heart*

Department of Alaska

Date: March 6, 2009

The Honorable David Guttenberg
House Military and Veterans Affairs
Alaska State Capitol, Room 418
Juneau, AK 99801-1182

Subject: Support for HRJ 10.

Dear Representative Guttenberg, and other sponsors/supporters of HJR 10.

The MOPH, Department of Alaska, is in full support of HJR 10 and its intent to provide the best health care available to our veterans. Those who answered the call to defend our country have fully earned the right to have the country be there for them in their time of need.

As the current military conflict continues there will be an ongoing need to care for those who will stand among others who served previously. It is only fair for our nation to provide the care and assistance that our veterans have rightfully earned. Reasonable access to that health care is equally important, especially to those who suffer the most and often need special assistance just to get to the location providing that health care. While many veterans are fortunate to be able to drive to and walk to the point of health care assistance, it is important to not forget about those who need wheel chairs or other special assistance. The need to reach out to provide adequate care can be stated like this "LET NO VETERAN BE LEFT BEHIND" and that responsibility falls on the system charged with providing the health care that has already been paid for by our nations veterans.

HRJ 10 is a commendable approach in proving that Alaska truly cares about its veteran population. As such HRJ 10 has the support of the MOPH, Department of Alaska.

Ron Siebels
Ron Siebels
MOPH, Department Commander, Alaska

Chris Reid

From: k8819tejk@netscape.net
Sent: Friday, February 13, 2009 5:53 AM
To: Chris Reid
Subject: Leeter of Agreement

Thomas E. Kopaceski

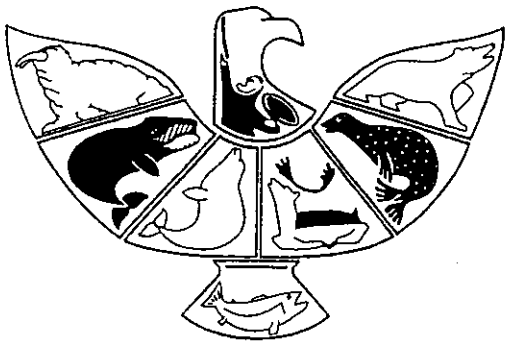
February 13, 2009 P. O. Box 871115 Wasilla, Ak. 99687-1116

Dear Representative David Guttenberg,

Since I am a Viet Nam veteran, I have reviewed HJR10 Resolution. I am in total support of HJR10.

Sincerely,

Thomas E. Kopaceski



Alaska Native Health Board

1840 Bragaw Street, Suite 220
Anchorage, Alaska 99508

Phone: (907) 562-6006
Fax: (907) 563-2001

March 24, 2009

Representative David Guttenberg
State Capital Building, Room 418
Juneau, Alaska 99801-1182

Dear Representative Guttenberg,

We write to express our strong support for the Health & Social Services Committee Substitute for HJR 10, urging Congress to improve health care for veterans.

The Alaska Native Health Board appreciates and values the service of Alaska's veterans, including our Alaska Native Veterans, many of whom live in remote areas of the State and consequently have great difficulty accessing their hard-earned Veterans Administration health benefits.

This limited or non-existent access of many of our veterans to their hard-earned Veterans Administration health benefits is shameful.

For decades, Alaska Tribal Health System providers filled this gap created by the Veterans Administration by providing high-quality services to veterans (including many non-Native veterans) throughout Alaska. Despite little to no Veterans Administration support, we continue to provide these services to veterans to this day because it's the right thing to do, despite the costs.

Representative Guttenberg, we thank you for efforts on behalf of Alaska's veterans, including our Alaska Native veterans, and we look forward to working with you in a cooperative manner on this and other healthcare issues before the Alaska Legislature.

Respectfully,

Evangelyn Dotomain
President/CEO



Jill Hodges
Alaska Brain Injury Network
3745 Community Park Loop #140
Anchorage, Alaska 99501
March 6, 2009

Representative David Guttenburg
Alaska State Legislature
State Capitol Building
Juneau, Alaska 99801

Dear Representative Guttenberg:

Thank you for your continued concern for returning service members in Alaska, as well as traumatic brain injury research. The Alaska Brain Injury Network supports HJR 10 – Veterans Health Care.

The Alaska Brain Injury Network is a non-profit 501 (c) 3 whose mission is to educate, plan, coordinate, and advocate for a comprehensive service delivery system for survivors of traumatic brain injury and their families.

ABIN supports the need for traumatic brain injury research; yet also requests the committees take into consideration equal access to rehabilitation and ongoing support programs for all Alaskans with cognitive disabilities.

Recent studies show at least 20% of service members will return from war with a traumatic brain injury. Additionally, there are 800 Alaskans each year hospitalized for more than 24 hours with a moderate to severe traumatic brain injury (Alaska Trauma Registry). There is an estimated 3000 Alaskans that visit the Emergency Department each year (CDC). Falls, motor vehicle crashes, assault, ATV/Snowmachine and bicycle crashes are the leading causes of traumatic brain injury in Alaska. The Alaska Brain Injury Network, "10 Year Plan for TBI in Alaska" highlights the many recommendations needed to provide information and referral, case management, acute and post-acute rehabilitation, educational supports, vocational supports, and long-term care to all Alaskans with brain injuries. (http://www.alaskabraininjury.org/documents_akbrain/10%20Year%20TBI%20Plan.pdf)

It is important to understand brain injury affects Civilians and Military Members alike. The health care issue is a matter of access, as well as availability of services locally and payment for those serves. Currently the Alaska VA Health Systems and the Department of Defense, 3rd Medical Unit are developing TBI clinics, polytrauma clinics and brain injury rehabilitation and ongoing support services which will benefit both active duty and veterans; however these programs are being built with little coordination among the state and community providers. At the same time Alaska community providers are planning the development of brain injury residential programs because currently there are civilians who are not receiving the care they need to recover and/or

best learn to live with their cognitive disability. Alaska does not have the workforce to operate three separate brain injury service delivery systems (including the Tribal system).

ABIN Activities Promoting Coordination among Military, State, Tribal, and Community
ABIN has been meeting with military partners since October 2007 for the purposes of determining the impact of returning service members with brain injuries and the impact it will have on state and community providers and resources. Participants have included 3rd medical unit, Elmendorf, TBI Clinic; Alaska VA Health Systems Polytrauma and Neuropsychology program; National Guard; Service and Family Assistance Center-Warrior Transition Battalion; Marines; Vet Center representatives; and Alaska Federal Health Care Partnership. We have learned that we can share outreach and awareness resources, but with program planning and implementation there has been little collaboration.

Potential Challenges
It is important to recognize how service members with brain injury may have challenges without the proper services and supports and are at risk for additional brain injuries. Highest rates of brain injury in civilians are among rural Alaskans and Alaska Natives. Many national guardsmen/women live in rural Alaska. A risk factor for a brain injury is history of brain injury; i.e. A national guardsperson is in an IED blast in Afghanistan. He/she returns to Alaska and may have challenges with balance, memory, attention, etc. He is riding his snowmachine and crashes, no helmet or maybe even with a helmet, he sustains an additional brain injury. There is potential for an influx of brain injuries in the next 5-20 years; a coordinated TBI prevention program and service delivery system would benefit all Alaskans.

Recommendations
The leadership and collaboration among State Government, Tribal Systems, Military and Veterans, and Community Providers is key to developing appropriate, timely, and coordinated brain injury services in Alaska.

If we do not have the essential brain injury awareness and treatment in Alaska

- Alaskans are at risk for bankruptcy, homelessness, divorce, or institutional care.
- This impacts State and local behavioral health, corrections, and educational systems greatly.

The Alaska Brain Injury Network encourages coordination in planning and implementation of brain injury programs in-state, as well as a state funding source to support the payment of brain injury rehabilitation and long-term care for both military and civilians.

The Alaska Brain Injury Network supports HJR 10-Veterans Health Care. We also support collaboration efforts in the planning and implementation of the services that are needed in both rural and urban Alaska to support veterans and civilians.

Sincerely,

Jill Hodges

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHJR 10(MLV)
(H) Publish Date: 2/25/2009

Identifier (file name):
Dept. Affected:
Title CSHJR 10 VETERANS' HEALTH CARE
RDU
Component
Sponsor Representative David Guttenberg
Requester Military and Veterans' Affairs Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: House Military and Veterans' Affairs Committee
Phone
Division
Date/Time
Approved by: Represtative Carl Gatto
Date 2/24/2009

(Revised 9/10/2008 OMB)

SENATE COMMITTEE REPORT

DATE: 4/11/09

FURTHER: Rules

DATE TURNED IN TO OFFICE: 4/14/09

State Affairs Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 10(HSS)

HJR 10 VETERANS' HEALTH CARE

Urging the United States Congress to improve health care for veterans.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
H. MVA	12/24			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Paskvan	X			
	Kookesh			X	
CHAIR:	Menard	X			

HJR

12

ALASKA STATE LEGISLATURE

Co-Chair:
Joint Armed Services Committee

Vice-Chair:
Judiciary
Legislative Budget and Audit

Member:
Economic Development, Trade & Tourism
Energy

Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-3783
Fax: (907) 465-2293
Toll Free (877) 460-3783

Interim:
10928 Eagle River Road
Eagle River, Alaska 99577
Phone: (907) 622-3783
Fax: (907) 622-3784

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON
Representative_Nancy_Dahlstrom@legis.state.ak.us

Date: 2/19/2009

To: Senator Linda Menard, Chairwoman
Senate State Affairs Committee

From: Representative Nancy Dahlstrom, Co-Chair
Joint Armed Services Committee

RE: Hearing Request

I am requesting a hearing for House Joint Resolution 12- "A resolution respectfully urging the United States Congress to provide the necessary funding for the ongoing development, operation, and maintenance of the Ground-based Midcourse Defense System."

This resolution simply urges Congress to continue supporting and funding our Ground Based Midcourse Defense System.

If you have any questions please contact Angela Blanchard in my office at 465-3783.

ALASKA STATE LEGISLATURE

Co-Chair:
Joint Armed Services Committee

Vice-Chair:
Legislative Budget and Audit
Judiciary Committee

Member:
Economic Development, Trade & Tourism
Energy

Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-3783
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10928 Eagle River Road
Eagle River, Alaska 99577
Phone: (907) 622-3783
Fax: (907) 622-3784

REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON
Representative_Nancy_Dahlstrom@legis.state.ak.us

Sponsor Statement

House Joint Resolution 12

"A resolution respectfully urging the United States Congress to provide the necessary funding for the ongoing development, operation, and maintenance of the Ground-based Midcourse Defense System."

The Ground-based Midcourse Defense System makes up a significant piece of the United States' defense against foreign ballistic missile threats. Urging Congress to support the Ground-based Midcourse Defense System is crucial, because the program serves as the nation's only deployed operational system for defending against long range ballistic missiles, contributes to Alaska's economy, and continues to be a successful program.

The program's first interceptors were activated at Ft. Greely, Alaska in 2004. Today, foreign missile threats remain plausible. This resolution respectfully reminds Congress that now is not the time for the U.S. to let its guard down, and change course in terms of supporting the program. This system is viewed as the cornerstone of the nation's defense against foreign missile threats, and vital for the security of our country.

Furthermore, this resolution highlights the importance of the Ground-based Midcourse Defense System to Alaska in these uncertain economic times. The program provides over 700 jobs in state, and has an economic impact of nearly $250,000,000 on the state.

Lastly, this program boasts significant accomplishments, some as recently as 2008. Successful missions include an operationally realistic flight test intercepting a target missile launched from Kodiak, the deployment of additional long-range interceptor missiles at Ft. Greely, and superior weapon readiness rates in support of the 49th Missile Defense Battalion, made up of 200 member of the Alaska National Guard.

The Ground-based Midcourse Defense System remains vital for the defense of the nation and its citizens, important to Alaska's economy, and continues to be a successful program.

I respectfully request favorable support of House Joint Resolution 12.

Thank you.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HJR 12
(H) Publish Date: 2/11/2009

Identifier (file name):
Dept. Affected:
Title GROUND-BASED MIDCOURSE DEFENSE SYSTEM
RDU
Component
Sponsor Representative Nancy Dahlstrom
Requester Military and Veterans' Affairs Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: House Military and Veterans' Affairs Committee
Phone
Division
Date/Time
Approved by: Represtative Carl Gatto
Date 2/10/2008

(Revised 9/10/2008 OMB)

VANGUARD

SECURITY & DEFENSE PROGRAM INSTITUTE OF THE NORTH

PROVIDING INFORMATION ON NATIONAL SECURITY FOR STATE & LOCAL POLICYMAKERS

21 January 2009

Missile Defense Program in Alaska Boosts State's Economy Directly, and the Nation's Economy Overall

By Mead Treadwell and Jeremy Thompson, editors

A recent study by Hans Geier at the University of Alaska Fairbanks measures the economic impact that the Ground-based Midcourse Defense (GMD) Program is having on the local Alaska economy. The study, entitled *Economic Impact of the Boeing Ground-based Midcourse Defense (GMD) Program: Alaska Operations 2007*, surveyed four regions of the state and estimated the impact of GMD on both on the local rural economies and the gross domestic product of Alaska. The results make a compelling case that while research and development of GMD occurs in other parts of the Unites States, construction and operations is providing a boost to Alaska's still-developing economy.

Economic impact was classified into two categories. The first kind of impact stems from expenditures by the GMD program itself: direct, indirect and induced. The direct effects are the changes in the industries associated with GMD expenditures. The indirect effects are changes in inter-industry purchases as they respond to the new demands of GMD-affected industries. Induced effects reflect the changes in spending from households as income increases or decreases due to the change in spending by Boeing, the prime contractor for the GMD program and sponsor of the study. All effects combined showed the defense program boosted the state's economy by $246 million.

The second kind of impact considers household earnings income, tax revenue generated for state and local government, property and sales. The GMD program directly employs 323 people. For each employee, the study finds that an additional 1.2 jobs are created, giving a total of 716 jobs directly and indirectly created. The cumulative total of household earnings based on the factors of payroll and benefits was $71.8 million, directly and indirectly, with many of the jobs located in areas where few employment opportunities exist. These jobs and income generated $9.6 million in state and local tax revenue and $19.4 million for the federal government.

In addition to the role it plays in national defense, the GMD Program is one of Alaska's largest construction projects with economic effects which trickle down to the local level in the some of the most isolated rural economies in the world. Ft. Greely, where interceptors are based, was set to be closed entirely before the GMD site decision was made in the Clinton Administration. The Aleutian port of Adak, home port of the GMD's X-Band radar, is one of the most remote places in America, and the local economy had taken a dive after a U.S. Navy base had closed there. Remote Kodiak, with a state-owned launch facility that serves as part of the test-bed for both GMD and other elements of

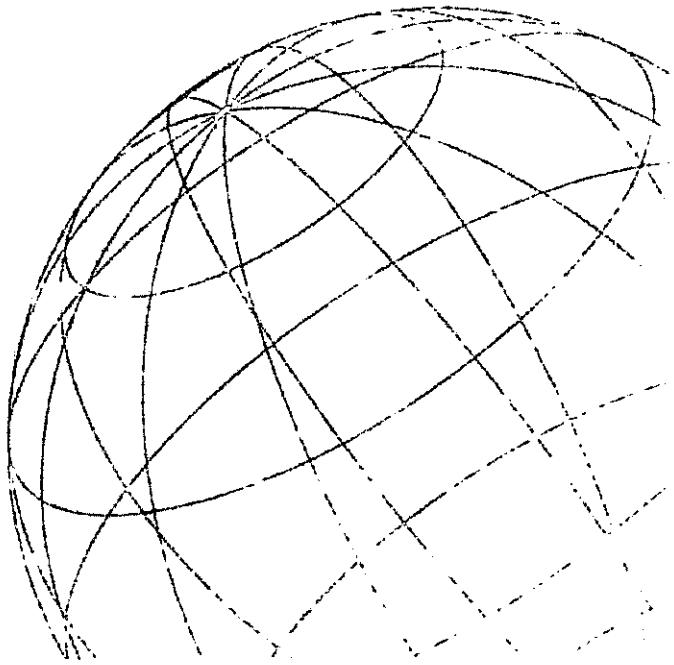
the layered national system – which envisions sea, air, and ultimately space-based defenses – is also benefitting from GMD construction in Alaska.

At the Institute of the North's Security and Defense Program, we seldom discuss the economic impact of missile defense construction. The right policy is to defend the homeland against any threat using the best means from the best location. The wrong policy is to support missile defense as a project for creating jobs. Alaskans simply called for a missile defense that would defend all 50 states through a legislative resolution in 1999. The resolution was first introduced in the state legislature in 1997, years before it was known that Alaska might host one layer of the nation's missile defense system. An effective missile defense is essential to deter missile attack on the Unites States, its forward forces, our friends and allies, especially from "asymmetric" or anonymous sources – states like North Korea, Iran, or from other rogue sources who might launch from ships at sea with no known "national" return address for a retaliatory response. Whatever the economic impact in Alaska, Alabama, California, Hawaii or Colorado, the ultimate impact is to provide an umbrella for the entire U.S. economy. *Link to study:* http://www.uaf.edu/snras/afes/pubs/misc/R_08_01.pdf

This article was taken from the Vanguard, a weekly publication of the Security and Defense program at the Institute of the North. It is edited by Senior Fellow Mead Treadwell and Research Associate Jeremy Thompson. For more information or to subscribe, send an email to jthompson@institutenorth.org. The Security and Defense program at the Institute of the North conducts research and educates policymakers on strategic issues relating to the defense of the United States that particularly concern decision makers in Alaska and at the state and local level throughout the nation.

The Institute of the North, based in Anchorage, Alaska, is a non-profit educational and research organization founded in 1994 by former Secretary of the Interior and twice Governor of Alaska Walter J. Hickel, focusing on strategic and natural resource issues.

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U.S. Prepared to Shoot Down N. Korean Missile

Friday , February 27, 2009

FOX NEWS

The U.S. military is prepared to shoot down a North Korean missile or rocket if President Obama should give the order, the head of the U.S. Pacific Command said Thursday.

"If a missile leaves the launch pad we'll be prepared to respond upon direction of the president," Adm. Timothy Keating told ABC News.

North Korea announced earlier this week that it was preparing to shoot a communication satellite into orbit as part of it space program. The U.S., South Korea and other neighboring countries believe the launch may be a cover for a missile test-fire, saying the action would trigger international sanctions.

"There's equipment moving up there that would indicate the preliminary stages of preparation for a launch," Keating said. "So I'd say it's more than less likely."

North Korea lashed out at critics warning it not to test a long-range missile on Thursday, saying that it would punish those trying to disrupt its plan to send what it calls a satellite into orbit.

Keating said the U.S. military is ready to respond to the missile launch with at least five different systems: a naval destroyer, Aegis cruiser, radar system, space-based system and ground-based interceptor, ABC News reported.

"Should it look like it's not a satellite launch — that it's something other than a satellite launch — we'll be ready to respond."

The latest harsh words from Pyongyang came as U.S. Secretary of State Hillary Rodham Clinton announced plans to send her new envoy on North Korea to meet with negotiators in Asia trying to revive stalled nuclear disarmament talks.

Clinton later spoke by telephone with her South Korean counterpart, Yu Myung-hwan, to discuss the North's missile issue and informed him of her envoy's trip to Seoul, South Korea's Foreign Ministry said without elaborating.

On Thursday, the Committee for the Peaceful Reunification of (North) Korea accused South Korea of "trumpeting about 'sanctions'" against its satellite launch, saying outsiders will know "what will soar in the air in the days ahead."

"If the puppet warmongers infringe upon our inviolable dignity even a bit ... we will not only punish the provokers but reduce their stronghold to debris," the committee said in a statement carried by the country's official Korean Central News Agency.

Kim Myong Gil, minister to the North's U.N. mission in New York, said in Atlanta where he was attending an academic forum that his country would implement the satellite launch "as scheduled." Asked about the timing, he told reporters Thursday they'll have to wait and see, according to South Korea's Yonhap news agency.

Kim said North Korea bears the right to launch a satellite into space, and that the North's space program is not up for any negotiations between Washington and Pyongyang. He also said the country is facing dire energy shortages and must develop nuclear power as a source of energy, the report said.

Analysts say the North's planned launch is seen as a bid for President Barack Obama's attention as international talks on its nuclear programs remained stalled for months and tensions with South Korea are at their highest level in a decade.

The launch of the Taepodong-2 will most likely take place around the first week in March, around the time of elections for the North's rubber-stamp parliament, said Rodger Baker, director of East Asia analysis at the global intelligence company STRATFOR.

The long-range Taepodong-2 missile is believed capable of reaching Alaska. Some experts think the North is preparing to test an advanced version that could reach the western continental U.S.

Baker said North Korea's missile capability is "fairly sophisticated" given the country's isolation and lack of access to technology.

"They are really good with short-range and anti-ship missiles, mostly those they've modified from Soviet and Chinese missiles," Baker told The Associated Press.

Clinton announced Thursday that envoy Stephen Bosworth would soon travel to the capitals of the four countries that have been working with Washington to get North Korea to give up its nuclear program — Russia, Japan, China and South Korea.

Bosworth, a former U.S. ambassador to South Korea, was named last week as the Obama administration's special representative for North Korea.

Asian and U.S. officials are looking at the best way "to deter this launch," said Christopher Hill, the top U.S diplomat for Asia. He dismissed North Korea's claims that it was preparing to conduct a satellite launch.

"It looks an awful lot like a missile launch, and the reason it looks a lot like a missile launch is because it essentially is a missile launch, whatever the payload," Hill told reporters in Washington. Considering the North's "opaqueness," coupled with its claims that it has weaponized plutonium, he said, "you can see why we have some very deep concerns about the missile launch."

South Korea's Dong-a Ilbo newspaper reported Thursday that North Korea has built an underground fueling facility near its launch pad, making it harder for spy satellites to detect signs that a missile is being prepared for launch.

The Associated Press contributed to this report.

Deborah Prator

From: Laura Pierre
Sent: Friday, February 27, 2009 1:17 PM
To: 'Deborah_Prator@legis.state.ak.us'
Subject: State Affairs

Hi Deborah, I will present HJR 12 for Rep. Dahlstrom in State Affairs on Tuesday of next week. She will be home in Eagle River, as her son is getting married. Angela Blanchard no longer works in our office. If you have any questions before Tuesday please let me know. Thanks!

Laura Pierre
Legislative Aide
Office of Rep. Nancy Dahlstrom
P. 907.465.3783
F. 907.465.2293
Laura_Pierre@legis.state.ak.us

Deborah Prator

From: Laura Pierre
Sent: Monday, March 02, 2009 4:49 PM
To: Deborah Prator
Subject: RE: HJR12

Hi Debbye, Thank you for asking. McHugh Pierre from the Department of Military and Veterans Affairs will be testify in person in support of the Resolution on behalf of the Administration.

Sorry it took me so long to respond. We had a Joint Armed Services Committee meeting. I will be early to hand out the documents. Thanks!

I am sorry to hear about Mayor Menard. I will keep him in my thoughts. I grew up in Palmer, so I have known their family for some time.

Laura Pierre
Legislative Aide
Office of Rep. Nancy Dahlstrom
P. 907.465.3783
F. 907.465.2293
Laura_Pierre@legis.state.ak.us

From: Deborah Prator
Sent: Monday, March 02, 2009 3:52 PM
To: Laura Pierre
Subject: HJR12

Laura – Do you have anyone coming to testify? I do not show anyone, but I wanted to double check. Also, please remember to bring your materials a little early so we can distribute them. Sen. Menard's husband is very ill and is leaving tonight to go home. Sen. Meyer will be chairing the committee. Debbye

Legislative Aide
Office of Senator Linda Menard
Phone: 907-465-4957
deborah_prator_@legis.state.ak.us

SENATE COMMITTEE REPORT

DATE: 2/19/09

FURTHER: Rules

DATE TURNED IN TO OFFICE: 3/3/09

State Affairs Committee considered HOUSE JOINT RESOLUTION NO. 12

HJR 12 GROUND-BASED MIDCOURSE DEFENSE SYSTEM

Relating to the Ground-based Midcourse Defense System.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____ Letter of Intent

[ ] further referral to _____ Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
H.MVA	2/10			✓	

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Kookesh	X			
	PASKVAN	X			
	French	X			
Vice-CHAIR:	Meyer	X			

HJR

16

Alaska State Legislature

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Phone : 907-376-3725
Fax: (907) 376-4768

Representative Carl Gatto



TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Rep. Carl Gatto

DATE: February 18, 2010

RE: Request for a hearing of CSHJR 16 (L&C)

Enclosed is the committee packet for HJR 16 "Relating to federal procurement preferences for small businesses in the state that are owned and controlled by service-disabled veterans." I have included a sponsor statement, the most recent version of the bill, attached fiscal note, and other supplemental material.

I would appreciate a hearing before your Senate Committee at your earliest convenience. I appreciate your time and look forward to your reply.

Please contact my staff member, Karen Sawyer at 465-5025, with any questions or comments regarding this request.

Thank you for your consideration.

Alaska State Legislature

Interim:
600 E. Railroad Ave
Wasilla, AK 99654

Phone: (907) 376-3725
Fax: (907) 376-4768

Session:
Alaska State Capitol, Rm 108
Juneau, AK 99801-1182

Phone: (907) 465-3743
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Toll Free: (800) 565-3743
Rep_Carl_Gatto@legis.state.ak.us

Representative Carl Gatto

Chair, House Military and Veterans Affairs Committee
District 13 - Palmer

Sponsor Statement
CSHJR 16(L&C)

On a regular basis we deploy hundreds if not thousands of our young men and women to overseas bases. Opportunities that would normally come to them such as starting and building a new business, are necessarily put on hold. Additionally, if wounded and thus disabled in service to their country, they face additional business start up challenges. In recognition of this sacrifice, the Congress of the United States and our Presidents have passed legislation to offer no less than 3% of federal procurements – not to veterans per se, but to disabled veterans who are trying to start and build a business.

The Members and staff of our Alaska Congressional Delegation are working with the Alaska Veterans Business Alliance (an Alaskan nonprofit corporation headquartered in Anchorage) that represents a growing number of Veteran Owned Small Businesses (VOSB), many of whom are also Service Disabled Veteran Owned Small Businesses (SDVOSB). They work tirelessly to ensure all federal agencies in Alaska meet the (no less than the 3%) federal requirement. Although there has been some movement, a number have not complied with this mandate.

HJR 16 will join other states in sending this notice to federal agencies urging them to fully implement the 3% federal procurement requirement. It is our duty to stand together with our Congressional Delegation and ensure these men and women who have sacrificed for us, receive the opportunities that federal law and executive orders promise.

This hearing will bring an awareness of the problem and ensure that every federal agency in Alaska meets or exceeds the 3% federal goal.

The timing of this resolution is important. The federal Administration with your support and early passage of this legislation will ensure full implementation of these federal laws and directives.

Explanation of changes in CSHJR 16 – February 18, 2010

Original HJR 16 – Page 2, Line 31: correct the name of the U.S. Secretary of Veterans Affairs – deleting James B. Peake, M.D. and inserting Eric K. Shinseki.

Contact: Karen Sawyer, Staff
465-5025

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHJR 16(L&C)
(H) Publish Date: 2/17/2010

Identifier (file name):
Title: Disabled Veterans Procurement Preference
Sponsor: REPRESENTATIVE CARL GATTO
Requester:

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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	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 Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: House Rules Committee
Division
Phone
Date/Time

Approved by: Representative Nancy Dahlstrom, Chair
House Rules
Date 2/17/2010

(Revised 11/6/2009 OMB)

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HJR 16
(H) Publish Date: 2/25/2009

Identifier (file name):
Title HJR 16 DISABLED VETERANS PROCUREMENT PREFERENCE
Sponsor Representative Carl Gatto
Requester Military and Veterans' Affairs Committee

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: House Military and Veterans' Affairs Committee
Division
Phone
Date/Time
Approved by: Represtative Carl Gatto
Date 2/24/2009

(Revised 9/10/2008 OMB)

NORTH STAR PRODUCTIONS

March 5, 2009

Representative Carl Gatto
Alaska State Legislature
Juneau, Alaska

Representative Gatto:

North Star Productions, Inc. is an Alaskan corporation involved in the development and production of stage events and film products. We have been in operation for well over a decade and annually are engaged by the Alaska Veterans Foundation, Inc. to help produce the Veterans Day Concert. This event is now in its seventh year and we will again assist in the production of Nashville North, A Salute to America's Heroes this coming November.

One of our three producers/owners is a disabled veteran and we could qualify for work with various federal agencies, right here in Alaska, if a number of them would agree to meet their 3% goal here in our home state. Unfortunately many have refused or offered various excuses for why they can't.

It is our opinion that the passage of House Joint Resolution 16 will help our cause and that of dozens of veteran owned businesses stay in business in Alaska and begin to grow with the participation of a number of federal agencies who could give us that hand up.

We want to thank you for sponsoring this resolution and hope that it is passed this year so that the congressional oversight hearings we and our Congressional Delegation are supporting to call out those federal agencies who have refused to meet their mandates in Alaska can be exposed.

Please provide a copy of our letter to any other legislators who may have questions about the impact of this resolution.

As the Alaska Veteran Business Alliance has said, this is not only good for Alaska's veterans, it is good for Alaska's economy too.

Would love to see you at our next event,

Ron Holmstrom
Producer

3705 Arctic Blvd #415, Anchorage, Alaska 99503
Office: (907) 222-6927 Fax (907) 222-6933 Cell (907) 748-5729 Email: holmstrom@alaskalife.net

AQUEOUS

INTERNATIONAL

March 2, 2009

Representative Carl Gatto
Alaska State Legislature
Rep_Carl_Gatto@legis.state.ak.us

Representative Gatto:

AQUEOUS International, an Alaskan corporation, is an international water company involved in bulk water conveyance in the Mediterranean and in the development and application of new desalination technologies for both on and offshore activities globally. It is also a company whose majority ownership is held by an American Service Disabled Veteran.

On behalf of our Chairman and partners we want to thank you for stepping forward and offering HJR16 and wish to offer to be of any assistance in its movement through the legislative process this year. We believe it essential that this resolution pass this session to give support and take advantage of the eighteen month efforts of our Congressional Delegation and efforts in Washington, D.C. to move a number of federal agencies into compliance with their 3% mandates, in Alaska.

The passage of this resolution is not only in the best interest of service disabled veteran owned businesses in Alaska but also in the economic best interests of Alaska. Veteran owned businesses are generally more successful, hire more veterans, and have a longer life then all other categories of new business ventures. AQUEOUS International has now been in business over ten years.

AQUEOUS International has very specific interests in military and federal procurements given the necessity of freshwater at a time of global shrinkage of its supply. Our efforts to secure federal contracts will be greatly improved with the passage of this resolution and the potential for aggressive oversight hearings in Congress.

Thanks again for your support,

Ed Hahn, Chief Executive Officer

3705 Arctic Blvd #415, Anchorage, Alaska 99503
Office (907) 222-6927 Fax (907) 222-6933 Global Cel (907) 229-5328

ALASKA VETERANS BUSINESS ALLIANCE



Rep. Carl Gotto
Chairman, House Veterans Affairs Cmte
Mr. Chairman,

On behalf of the Alaska Veterans Business Alliance and its members, we are in full support of HJR 16. It is critical that we secure oversight hearings in the State of Alaska as to why Public Law (P.L.) 106-50 the Veterans Entrepreneurship Act, passed in 1999 creating a 3% federal procurement goal for Service-Disabled Veteran-Owned Businesses (SDVOB), is not being fully implemented in Alaska. As you know, this 3% goal also applies to all prime contractors of the federal government and the 3% goal further applies to subcontracting opportunities within the federal government.

We are going on the 10th anniversary that this federal law, and yet the federal agencies in Alaska is no where close of meeting their mandate. What we always hear when we approach a federal contracting officer is that the 3% "goal" is being met nationwide. Sir I can provide you documentation through the SBA pooling report of the percentages of each federal entity nationwide where a majority of the agencies are not meeting the goal. To add on to this in 2003, Congress passed P.L. 108-183 the Veterans Benefit Act of 2003. This federal act enables SDVOB's to receive sole source and restricted competition contracts for goods and services used by the U.S. Government. In October 2004 President Bush signed an Executive Order (E.O. 13360) mandating all federal agencies to increase opportunities for SDVOB's. And still, Alaska is left out.

Why should our state legislators care about this? We are talking about tens of millions of dollars in federal spending that should be directed to Alaskan Veteran Owned businesses that are not. Full compliance with these federal laws in Alaska would be very simulative to our state's economy. We are only asking that these laws be fully implemented in Alaska. Nothing more. Just follow the laws you (federal agencies) are directed by Congress and our President to implement.

We have gone to each of our federally elected officials from Alaska and they continue to work this issue as an important priority. And still a number of federal agencies refuse, obfuscate, or side step their mandates. Sen. Begich, even as a freshman Senator and member of the Senate Veterans Affairs Committee, has quickly come on board on this issue. Sen. Begich has told us directly that this of serious concern to him as it takes away from Alaska's economic development opportunities in addition to ignoring our nation's commitments in federal law to help our veterans.

Sir, there is another federal law (P.L. 109-461) that passed in June 2007 which only applies to the Veterans Affairs (VA) and is called "Veterans First". On May 13, 2008 we had a meeting at the Anchorage

VA offices. Present from the VA was the VA's Contracting Officer (CO) and the Director's Public Affairs Officer. Under the "Veterans First" law it states that all contracts being bid by the VA will bid to a SDVOB and if there was no SDVOB to do the work then the bid will go to a Veteran Owned Business (VOB). If then the VA still can't find a VOB then the bid will go into an open competitive bid.

During the meeting in May 2007 we inquired why the VA was not following P.L. 109-461 or "Veterans First". We were told by the CO and she was adamant, that she was not going to bid the VA projects to a SDVOB or VOB because the SDVOB or VOB can jack up the bid that it is only fair to the VA to have the bids for open and full competition. This is blatant disregard of the law (P.L. 109-461) and a slander of both the SDVOB and VOB community in the State of Alaska. So, where we stand is that Congress can pass any law they want, but the bureaucrats in Alaska who decide they don't want to follow the law, just don't. This not only harms veteran owned businesses it harms all Alaskans as this business often goes out of state. There is a reason Congress passes laws, and we need your and our state legislatures help in getting this total disregard for fully promulgated public policy by federal agencies in Alaska.

Rep. Gotto, I hope I shared with you the issues and some of the insights that we have with regards to federal contracting for Alaska's SDVOB community. I urge each and every legislator to sign on as a cosponsor and press for immediate passage of HJR 16 before the end of this legislative session.

On closing we always hear more needs to be done for our Veterans. Sir this is one issue that needs to be done for all SDVOB and VOB in our community as it applies to these federal laws. We need passage of this House Joint Resolution and Congressional over sight hearings to ensure the economic opportunities Congress has promised for Alaska's Veterans.

Thank you,

Tim Wheeler
President
Alaska Veterans Business Alliance
907-229-9979
www.akvba.org
tim@bullseyedatacomm.com

Bullseye DataComm

PO Box 241351
Anchorage, Alaska 99525

3-10-09

Representative Carl Gotto
Chairman, House Veterans Affairs Committee

Ref: Letter of support for HJR 16

Mr. Chairman,

Bullseye DataComm is an Anchorage, Alaska based Service-Disabled Veteran Owned telecommunications company. We specialize in voice and data system design and installation, telecommunications consulting, project management, troubleshooting and maintenance for voice and data networks.

I am aware of Public Law 106-50 the Veterans Entrepreneurship Act of 1999. I am also aware of an Executive Order 13360 signed by President Bush in October 2004. We are going on 10 years and you would think that the Federal Government would be helping service-disabled veteran owned businesses to get into the federal contracting arena. This is further from the truth here in Alaska. We hear the 3% goal is being met nationwide.

I am in support of HJR 16 because we do need federal oversight hearings here in Alaska. We need to find out why the federal contracting officers fail to set-aside contracts to service-disabled veteran owned business as the Federal Government intended with the passing of P.L. 106-50.

I see added opportunities with the passing of this resolution. When we get the 3% goal met here it will bring more economic development opportunities within the Alaskan Veteran Business community and it will keep the money in the state of Alaska.

Sincerely,

Keith Dunn
Vice President
keith@bullseyedatacomm.com
www.bullseyedatacomm.com

ARCTIC SKY EXCAVATING

P.O. Box 2181 Palmer, Alaska 99645 · bschuyler.ase@gmail.com
(907) 746-5442 · Fax (907) 746-5420

Rep. Carl Gatto
Chairman, House Veterans Affairs Committee

Mr. Chairman,

Arctic Sky Excavating, LLC is in full support of HJR 16. It is critical that we secure oversight hearings in the State of Alaska as to why Public Law (P.L.) 106-50 "the Veterans Entrepreneurship Act", passed in 1999 creating a 3% federal procurement goal for Service-Disabled Veteran-Owned Businesses (SDVOB), is not being fully implemented in Alaska.

My company is a SDVOB and we are in the Excavating business. The opportunities that we have been presented with have been one project with the USDA Forest Service, one with the Department of Veterans Affairs and one with the Corps of Engineers. That has been over a three year period. One Contracting Officer for the USDA Forest Service stated that she **will not** do set asides for SDVOB since she tried that when the program first came out and did not receive any responses to her solicitation. She has stated to me that she will only do set asides for Hub zone businesses. No opportunities have been available from the Army, Air Force or National Guard that I am aware of. The Corps of Engineers are trying to meet their goals. However, they have set aside one project for 2009 and that project was for 12 million dollars. All of the SDVOB businesses that I know of are in their infancy and cannot get bonding for a project of that magnitude. They then have to Joint Venture with larger companies in order to get the bonding required for a project of this size.

The law that Congress passed and the Executive orders from the President are not being enforced. This needs to be corrected.

Rep. Gatto, whatever you can do concerning these issues with regards to federal contracting for Alaska's SDVOB community will be appreciated. I hope you will be able to urge other legislators to sign on to this resolution and press for immediate passage of HJR 16 before the end of this legislative session.

Sincerely,

Bernie Schuyler
President
Arctic Sky Excavating, LLC

DV Contracting Services, Inc.
6120 A Street, Suite B
Anchorage, AK 99518
7775 S. Elizabeth Ct.
Centennial, CO 80122

A Service-Related Disabled-Veteran Small Business

March 10, 2009

Representative Carl Gotto
Chairman, House Military & Veterans' Affairs Special Committee
600 E. Railroad Ave.
Wasilla, AK 99654

Re: House Joint Resolution 16

Dear Rep. Gotto:

The purpose of this letter is to confirm that DV Contracting Services, Inc. ("DVCS") fully supports House Joint Resolution 16. DVCS is a Service Disabled-Veteran Owned-Small Business that is registered with both CCR and ORCA and is a licensed general contractor that is headquartered in Alaska. DVCS is fully qualified and available to perform heavy civil, structural, and marine construction in Alaska. My father, Bob West, who is the majority owner of DVCS, is a service related disabled veteran, having lost his leg to a land mine in the Korean War. HJR 16 is important because it is our understanding that the 3% goal for SDVOB's is not being met in Alaska, and it has been our direct experience that very few agencies are setting aside construction projects for SDVOB participation in Alaska. We request that you do whatever is necessary to change that situation as soon as possible.

Sincerely,
DV Contracting Services, Inc.

Brad West, President

TERRASAT, INC.
1413 West 31st Avenue, Anchorage, Alaska 99503 (907) 344-9370 Fax: (907) 344-1490
Geological Consulting • Environmental Restoration • Regulatory Compliance

March 9, 2009

Representative Carl Gottol
C/O Alaska Veterans Business Alliance

Re: (P.L.) 106-50 the Veterans Entrepreneurship Act and support for HJR 16

Rep. Carl Gotto
Chairman, House Veterans Affairs Committee

Mr. Chairman,

As an American Veteran and as an Alaskan businessman, I believe that the federal government's actions in Alaska are shameful.

To be specific, a Public Law was passed to create business opportunities for Service-Disabled Veteran-Owned Businesses. The Federal government is finding ways to circumvent this law, continually keeping disabled veterans at a business disadvantage.

Small business is the backbone of our Alaskan economy. The federal government is favoring large businesses with offices outside of Alaska. Please help our economy and help our disabled veterans, who already gave to their country so we can all enjoy freedoms.

Sincerely,

Dan Young
President, TERRASAT, Inc.

Sandra Wilson

From: toodmcld@aol.com
Sent: Monday, March 16, 2009 7:39 PM
To: Sandra Wilson
Cc: yupik@alaska.net
Subject: HJR 16

Sandra,

HJR 16 is critical to the Alaska SDVOB community as it pertains to the Federal Contracting arena. I appreciate all the hard work being conducted by Rep Gott, you and his immediate staff in supporting this important initiative. Keep pressin!

Thanks again

Ron Crowl
President/CEO
C2iT Services, LLC

Job Hunting? Start with the companies that posted job openings this week.

Sandra Wilson

From: O.P.M. Limited [ofpm@earthlink.net]
Sent: Tuesday, March 17, 2009 9:51 AM
To: Sandra Wilson
Subject: SUPPORT

Hello, Mrs. Wilson. As a retired veteran, there is concern and a desire for the passing of the HJR 16 bill. As a SDVOSB very disappointing that a new bill is needed to enforce legislation already passed. It demonstrates that those who make up the minority, in the business arena, are quickly forgotten. Therefore, we urge the passage of this bill so that gratitude can be shown to those who sacrificed for this country.

O.P.M. LIMITED
3300 C St. Suite 118
Anchorage, AK 99503
ph - 1-907-360-0102
fax - 1-907-868-1512

Bonnie Gruening

From: gnerfy [nerfys@mtaonline.net]
Sent: Thursday, March 26, 2009 4:32 PM
To: Rep. Carl Gatto
Subject: HJR 16...

Dear Mr. Gatto,

I too am a former NYer...though, I didn't grow up in that dump Bk'lyn...just kidding ! I grew up in Queens. I write now to tell you that I support HJR 16. As a disabled veteran...I'd have to move away from Alaska if I lose more of my disabled veteran exemption. I'm at the brink, now. A dollar omnly goes so far. It's just that simple. There's enough stress on us already as I can't work. I have four kids...pls. don't make it worse for my family & me. Thanks.

---gary

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1 of 1 DOCUMENT

Public Papers of the Presidents

October 25, 2004, Monday

LENGTH: 1205 words

HEADLINE: Executive Order 13360--Providing Opportunities for Service-Disabled Veteran Businesses To Increase Their Federal Contracting and Subcontracting

HIGHLIGHT:

This Executive order was released by the Office of the Press Secretary on October 21, and it will be published in the Federal Register on October 26.

BODY:

October 20, 2004

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen opportunities in Federal contracting for service-disabled veteran businesses, it is hereby ordered as follows:

Section 1. Policy. America honors the extraordinary service rendered to the United States by veterans with disabilities incurred or aggravated in the line of duty during active service with the armed forces. Heads of agencies shall provide the opportunity for service- disabled veteran businesses to significantly increase the Federal contracting and subcontracting of such businesses. To achieve that objective, agencies shall more effectively implement section 15(g) of the Small Business Act *(15 U.S.C. 644*(g)), which provides that the President must establish a goal of not less than 3 percent for participation by service-disabled veteran businesses in Federal contracting, and section 36 of that Act *(15 U.S.C. 657f),* which gives agency contracting officers the authority to reserve certain procurements for service-disabled veteran businesses.

Sec. 2. Duties of Agency Heads. To implement the policy set forth in section 1, heads of agencies shall:

(a) develop a strategy to implement the policy set forth in section 1;

(b) make the agency's strategy publicly available and report annually to the Administrator of the Small Business Administration on implementation of the agency's strategy;

(c) designate a senior-level official who shall be responsible for developing and implementing the agency's strategy;

(d) include development and implementation of the agency's strategy and achievements in furtherance of the strategy as significant elements in any performance plans of the agency's designated agency senior-level official, chief acquisition officer, and director of small and disadvantaged business utilization; and

(e) include in the agency's strategy plans for:
(i) reserving agency contracts exclusively for service-disabled
veteran businesses; (ii) encouraging and facilitating participation by service-
disabled veteran businesses in competitions for award of
agency contracts; (iii) encouraging agency contractors to subcontract with service-
disabled veteran businesses and actively monitoring and
evaluating agency contractors' efforts to do so; (iv) training agency personnel on applicable law and policies

relating to participation of service-disabled veteran businesses in Federal contracting; and
(v) disseminating information to service-disabled veteran businesses that would assist these businesses in participating in awards of agency contracts.

Sec. 3. Additional Duties of Administrator of the Small Business Administration. The Administrator of the Small Business Administration shall:

(a) designate an appropriate entity within the Small Business Administration that shall, in coordination with the Veterans Affairs' Center for Veterans Enterprise (CVE), provide to service-disabled veteran businesses information and assistance concerning participation in Federal contracting;

(b) advise and assist heads of agencies in their implementation of section 2 of this order; and

(c) make available to service-disabled veteran businesses training in Federal contracting law, procedures, and practices that would assist such businesses in participating in Federal contracting.

Sec. 4. Additional Duties of Administrator of General Services. The Administrator of General Services shall:

(a) establish a Government-wide Acquisition Contract reserved for participation by service-disabled veteran businesses; and

(b) assist service-disabled veteran businesses to be included in Federal Supply Schedules.

Sec. 5. Additional Duties of the Secretary of Defense. The Secretary of Defense shall direct the Defense Acquisition University (DAU) to develop training on contracting with service-disabled veteran businesses and make this training available on line through the DAU continuous learning program.

Sec. 6. Additional Duties of the Secretary of Veterans Affairs. The Secretary of Veterans Affairs shall assist agencies by making available services of the CVE and assist in verifying the accuracy of contractor registration databases with regard to service-disabled veteran businesses.

Sec. 7. Additional Duties of the Secretary of Labor and Secretary of Veterans Affairs. The Secretary of Labor and Secretary of Veterans Affairs shall, respectively, direct the Transition Assistance Program and the Disability Transition Assistance Program to educate separating service members as to the benefits available to service-disabled veteran businesses and as to potential entrepreneurial opportunities.

Sec. 8. Definitions. As used in this order:

(a) the term "agency" means an "executive agency" as that term is defined in section 105 of title 5, United States Code, excluding an executive agency that has fewer than 500 employees, the Government Accountability Office, or a Government corporation;

(b) the term "service-disabled" means, with respect to disability, that the disability was incurred or aggravated in the line of duty in the active service in the United States Armed Forces;

(c) the term "service-disabled veteran" means a veteran, as defined in *38 U.S.C. 101*(2), with a disability that is service- connected, as defined in *38 U.S.C. 101*(16);

(d) the term "service-disabled veteran business" means a small business concern owned and controlled by service-disabled veterans, as defined in section 3(q) of the Small Business Act *(15 U.S.C. 632*(q)); and

(e) the term "small business concern" has the meaning specified in section 3(a) of the Small Business Act *(15 U.S.C. 632*(a)) and the definitions and standards issued under that section.

Sec. 9. General Provisions. (a) Heads of agencies shall carry out duties assigned by sections 3, 4, 5, 6, and 7 of this order to the extent consistent with applicable law and subject to the availability of appropriations.

(b) To the extent permitted by law, an agency shall disclose personally identifying information on service-disabled veterans to other agencies who require such information in order to discharge their responsibilities under this order.

(c) An agency that consists of a multi-member commission shall implement this order to the extent it determines appropriate to the accomplishment of the agency's mission.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers, employees or agents, or any other person.
George W. Bush The White House, October 20, 2004.

[Filed with the Office of the Federal Register, 9:40 a.m., October 25, 2004]

LOAD-DATE: October 29, 2004

ALASKA VETERAN BUSINESS ISSUES - Background

There are essentially two major concerns of Alaska Veteran Owned Businesses. But first we need to clarify that there are also two groups or factions within this general group of veteran owned businesses. They work together in most cases, but not all.

1. **SDVOB** or Service Disabled Veteran Owned (Small) Businesses, this is a term/name of art in federal law and regulation. This is a small but growing group of disabled veteran owned businesses that are very active in Alaska, California as well as many other states - and very active nationally as VET FORCE. VET FORCE is a growing national alliance of veteran business groups pushing for federal "set-a-side" compliance and/or legislation. The Alaska Veteran Business Alliance (501c3) formed last year is a member of VET FORCE. Almost every national veteran service organization has SDVOB as a national political cause.
2. **Alaska Veteran Owned Business** This is a much larger group in Alaska that has grown up around the SDVOB community and is very committed to getting special consideration in state procurement bidding.

ISSUES:

SDVOB 3% **federal** procurement "goal". Important to note that this was a discretionary "goal" not a mandated set aside. Almost all federal agencies in Alaska have historically failed to reach this goal - in Alaska. Some federal agencies claim to have reached their "national" goal, but have done little if anything to reach these goals in Alaska. Of particular note in this failure/refusal in Alaska, according to the Alaska Veteran Business Alliance are:

a. US Army
b. US Air Force
c. US Forest Service

On a separate note, the Department of Veterans Affairs (VA) in Alaska claim to have met their 3% goal nationally, but the VA has another federally imposed performance standard known as Vet-First (they must offer procurements and/or jobs to veterans first) which the Alaska Veterans Business Alliance claim is not followed in Alaska.

History: In 1999 Public Law 106-50 (Veteran Entrepreneurship Act) created a 3% federal procurement **goal** for service-disabled veteran-owned small businesses (SDVOB). This 3% goal also applies to all prime contactors of the federal government.

This legislation has a history back to 1974 when then Rep. Ed Koch (later Mayor of NYC) put forth legislation stating that the SBA must show special considerations to veterans in all its programs. This was never defined – thus never done. Later in 1979, 1982, 1989, 1998 there were various efforts and actions within federal and key state legislatures (especially California) to define and implement this program resulting in the introduction and passage of the 3% federal procurement goal. **Notice that this "goal" remained discretionary in the federal law.**

In 2003 Public Law 108-183 (The Veterans Benefit Act of 2003) was signed by Pres. Bush enabling SDVOBs to receive sole source and restricted competition contracts for goods and services used by the U.S. government.

Again, in reaction to heavy complaints by state organizations, VET FORCE, and some national veteran service organizations that federal agencies were not doing what they were supposed to do Pres Bush signed Ex Ord 13360 increasing opportunities for service-disabled, veteran-owned

businesses. This executive action resulted in all federal agencies having to evidence specific actions and goals within their individual "action" or "strategic" plans to show how and to what level they would "perform" consistent with federal law and executive direction. And, still the response in Alaska from most federal agencies was weak at best.

In 2007 the National Veteran-Owned Business Association (NaVOBA) was founded. www.navoba.com Since then a host of different national and state associations/alliances have been formed/activated to push for a more aggressive response by federal procurement Contract Officers or COs.

It is important to note that THE position with the most authority and discretion in meeting goals in the SDVOB program is the Contracting Officer (CO) within every federal agency. There are contracting officers at almost every level of federal government, and Alaska its share in Anchorage, Fairbanks, Ketchikan, and Juneau.

Today this fight goes on, in Alaska and across the nation. There are currently four bills in the House and various subsections of other bills in the Senate and House in Wash D.C. to change the discretionary language of federal law or assign specific performance goals by federal agencies.

What is the basis for this program and the concern of Congress and Federal administrations for service-connected disabled veteran-owned businesses?

It is generally acknowledged that the men/women who volunteer to serve in our armed forces put off the opportunities to pursue private business development until they leave military service. Often members of the armed forces, upon separation (discharge, or retirement) find they have unique skills that have market value and choose to act as entrepreneurs applying these skills – starting their own businesses. They then instinctively look back to the organizations they have worked for and attempt to provide these services in the private sector for these and other federal agencies. Congress has stated that every effort should be made to help these service-disabled veterans get special consideration in federal procurements.

Recently (2008), the **Alaska Veterans Business Alliance** was formed, an Alaskan non profit corporation, with its headquarters in Anchorage. This group requested state legislation (S 274/Wielchowski) to change the definition of disabled owned businesses to include (SDVOB) disabled veterans. This effort was not successful due to the complexities of such an amendment in all of its state law permutations. The group has looked at a number of alternatives and recently agreed to focus on a broader veteran owned business bidder's or general point preference as the mechanism to enable their competitive entry into state procurements.

On the federal side, the **Alaska Veteran Business Alliance** has been very active in working the Alaska congressional delegation to get all Alaskan based federal agencies to at least meet the 3% goal. In response to this political pressure from Stevens/Murkowski/Young, slowly some federal agencies have begun to make an effort. The Army Corps of Engineers, Department of Interior, Department of Agriculture are recent examples of success, yet some federal agencies give only lip service and really do not make the effort according to the leadership of the Alliance. The leadership of this organization is very angry and outspoken through local radio/TV/and print media outlets.

In the process of this national and local movement it became clear that significant amounts of federal funds escape the national 3% goal because once they enter a state's coffers the goal does not apply. Efforts to identify which state agencies in Alaska put out procurements with a significant amount (30% or more) of federal dollars in them have not been successful as the

state's budget office does not identify which capital or operating procurements have what amount of federal dollars in them. It is generally accepted that AK DOTPF, the Dept of Education, and Health and Social Services puts out procurements with significant federal dollars in them. ***In the event of legislative hearings this is a question that could be asked of each state agency that receives significant federal funds.***

STATE PROCUREMENT OFFICER Vern Jones 465-5684 left message
vern.jones@alaska.gov
State preferences are very confusing. There are too many of them, and some are not clear/clean. We provide a 2 and half hour class on preferences. We even have preferences that have no basis in law. He is asking his Commissioner to request an overall update/rewrite of preferences so the law is clear and the regulations are clearer. We asked him to forward his proposal for review.

Comment: It may make sense to present a bill that completely overhauls state preferences with the veterans preference tucked in.

OTHER PROCUREMENT PREFERENCES PROVIDED IN ALASKA

- Alaska Bidder Preference of 5 percent (Alaskan owned business as defined/6 months)
- Alaska Products Preference (AS 36.30.322 -338) (made/grown in Alaska)
- Recycled products preference (AS 36.30.337)
- Disabled Alaska owned businesses (AS 32.05, AS 32.06, or AS 32.11)
    - If 50% or more of employees are disabled at time of bid/and must promise to remain at that level of disabled employees
    - Div of Voc Rehab maintains list of qualified persons with disabilities

  Alaska Offerers Preference (responsive to RFP) not a bid process (10 points out of 100 in RFP) often results in no competition from outside. Not provided in law, only regulation.

Sec 36.30.180 The purpose of bidder preference for resident firms when the state acts as a market participate is to encourage local industry, strengthen and stabilize the economy, decrease unemployment, and strengthen the tax and revenue based of the state.

CONTEMPLATED STATE LEGISLATIVE ACTIONS by VETERANS GROUPS

1. Passage of a state resolution to Congress and the Administration insisting that all federal agencies in Alaska fully implement the 3% goal as provided in federal law/Ex Orders and call on the Alaska Congressional Delegation to hold formal hearings in Alaska with representatives of the appropriate House and Senate committees to confront all Alaska based Contracting Officers and their superiors to explain why they choose not to meet the 3% goal in Alaska.

2. Passage of a state law that establishes a bidder's or general preference for Alaska veteran owned businesses for all state procurements. This would then also capture state procurements that have federal funds in them without having to change the accounting system of the state.

   Specific components of this legislation must also:

   1. Statutorily creating (in AS 36.30.170) a preference for Alaska Veteran-owned businesses.
   2. The preference would be seven (7) points.
   3. Statutorily assign responsibility for full implementation and reporting of this law to the Governor

4. Statutorily require (must/shall report) monthly reporting on successful implementation of the bidders preference for the first two years upon becoming law and after that quarterly and annually.
5. Statutorily establishing an Alaskan Veterans Business State Register of such businesses who meet the statutory definition of an Alaskan veterans owned business
6. Statutorily define an Alaska Veteran Owned Business as one that:
    a. Is owned by a veteran or a group of veterans at no less than 51% who have established residency in Alaska for no less than one year
    b. Is an Alaskan business consistent with AS36.30.70
    c. Have submitted the required paperwork and qualified to be on the State Register of Alaska Veteran Owned Businesses for the purpose of receiving the preference.
7. The law should also require that when any state procurement is offered for bid, that the State Register of Alaska Veteran Owned Businesses receive direct notice of the bidding opportunity no less than 30 days in advance of the bid award.

These specifics are meant to lessen the concerns of Alaska veteran owned businesses that have been promised many opportunities by federal agencies, but still today face government procurement agents who refuse or fail to comply.

OTHER STATES

The National Conference of State Legislatures identified **132** state bills (either introduced, in process, or passed into law in the past two years) that address, to some degree, the veteran business communities concerns at the state level. Out of this list about **50** bills have a more direct implication to the issues outlined in this paper. A copy of each of these bills were obtained and reviewed and are provided with this report. This research found the following trends/issues/concerns:

1. There is an active effort at the state level to extend at least the 3% goal into state and in some cases, local government procurements.
2. Some states have chosen to address this goal by establishing specific bidding preferences for service-disabled veteran owned businesses rather than pushing a percentage performance goal.
3. It is the growing belief of these efforts and studies, like the one done by Maryland, that specific (in state law) assignment of responsibility for fully implanting either a bidding preference or a percentage performance goal is essential to early and continued success in this effort. This is accompanied with the requirement of monthly, then quarterly, and annual reports back to the state legislature to maintain ongoing oversight into the implementation of these laws/programs.

RECOMMENDATION

1. Introduction of a state resolution calling on Congress and the federal administration to ensure full and responsive implementation of no less than the 3% goal by all federal agencies in Alaska. This would mean that federal agencies could not say they have met their national goal of 3%, but would have to show that they have met it in Alaska. This resolution should also state that the Department of Veterans Affairs (VA) in Alaska meet their federally mandated "Veteran First" program which requires them to always offer any procurements to a veteran owned business first and that this be specific to their performance in Alaska.

2. Introduction of state legislation that would establish a preference for Alaska Veteran Owned Businesses for all state procurements. The suggested preference is 7 points/percent. Such businesses must meet the 51% Alaska Veteran owned requirement and be registered with the state in order to be eligible for this preference. This legislation should specifically require monthly reports by all state agencies showing their effort/success in compliance and should also specifically delegate responsibility for this implementation to the Governor.

    a. Under this design, the legislation would impact the far larger veteran-owned business community, not just the SDVOB group. This stimulates the growth of this community of Alaskan businesses and is general enough to embrace service-disabled veteran owned businesses.

    b. The requirement, that each veteran-owned business be "registered with the state" ensures that there is some "approved" list of these businesses for state Contracting Officers (COs) to turn to when putting out bid requests. This also stimulates the private veteran-owned businesses to step up, show they meet the minimum requirements, and get on the state register. COs often complain that they don't know how to find "qualified" veteran-owned businesses. The register would provide a pre-qualified list of Alaska veteran-owned businesses specifically interested in participating in state procurements.

    c. The requirement that the Governor report to the Legislature monthly ensures that specific responsibility is assigned to someone in the state government. In Maryland, for example, the legislation dictates a special assistant in the Governor's office.

    d. The reporting requirement could be phased down over time. For example for the first two years of reporting, it could be monthly, then the following years it could be quarterly with an annual report to the legislature at the opening of session.

Note: This two pronged effort shows clear support by our Legislature for the notion that, as a matter of public policy, it is in the interest of the state to promote the development of (new ventures) and success of Alaskan veteran owned businesses both at the federal level and at the state level.

LEGISLATIVE STRATEGY

Both of these bills should have broad bipartisan appeal with long lists of cosponsors given the number of veterans across Alaska (estimated 80,000). This number is quickly increasing due to the ongoing global conflict and the deployment of Alaskan based National Guard, Reserve, or active duty units with an increasing number of service men and women deciding to stay in Alaska after they have completed their service contracts.

Obviously the House and Senate committees specifically focused on veteran's issues could be the vehicle(s) to launch these bills, either as committee bills or as bills these committees aggressively support.

DRAFT RESOLUTION

Whereas the State of Alaska has a compelling public interest in ensuring Alaska owned Service Disabled Veteran Owned Businesses (SDVOB) receive every reasonable opportunity, as provided by Public Law 106-50 The Veteran Entrepreneurship Act passed in 1999 creating a 3% federal procurement goal for service-disabled veteran-owned businesses for all federal procurements affecting Alaska, and

Whereas the State of Alaska also has a compelling public interest in ensuring Alaska owned Service Disabled Veteran Owned Businesses (SDVOB), as provided in Public Law 108-183 passed in 2003 enabling SDVOB to receive sole source and restricted competition contacts for all goods and services used by the U.S. government, and

Whereas the State of Alaska has a compelling public interest in ensuring Presidential Executive Order 13360 signed in 2004, increasing opportunities for service-disabled veteran-owned businesses is responsibly applied to Alaska (SDVOB), and

Whereas some federal agencies in Alaska either refuse or fail to comply with these and other federal laws and/or executive orders as they apply to federal procurements in Alaska,

Therefore be it resolved that it is the position of the State of Alaska that all federal agencies in Alaska must be in full compliance with all of these federal laws, executive orders, and federal regulations,

Be it further resolved that the State of Alaska calls upon the Congress of the United States to hold oversight hearings into the refusal and/or failure of any federal agency in Alaska to meet these SDVOB goals or performance standards as provide in each approved federal agency strategic plan and as implicitly intended by Congress and the federal Administration,

Be it further resolved that the State of Alaska calls upon the Congress to hold such oversight hearings, a combination of the respective House and Senate Small Business Committees and House and Senate Veteran Affairs Committees, in Alaska for the purpose of directly confronting those federal agencies in Alaska who have failed or refused to fully comply with the required federal laws and regulations in Alaska.

Short Statement on House Resolution
Alaska Veteran Businesses

When a young American volunteers to stand guard for America, they give up many opportunities that would normally come to them. One of these is starting and building a business. Additionally, if wounded and thus disabled in service, many face additional challenges if they wish to start and build a new business. In recognition of this sacrifice, the Congress of the United States and our Presidents have authored programs to offer no less than 3% of federal procurements – not to veterans per se, but to disabled veterans who are trying to start and build a business.

The Members and staff of our Alaska Congressional Delegation have been working for over a year with the Alaska Veterans Business Alliance (an Alaskan nonprofit corporation headquartered in Anchorage) that represents a growing number of Veteran Owned Small Businesses (VOSB), many of whom are also Service Disabled Veteran Owned Small Businesses (SDVOSB) to ensure all federal agencies in Alaska meet the no less than the 3% federal requirement. Although there has been some movement by a few federal agencies, a number appear to simply refuse to comply with this mandate.

Your support of this House Resolution will help Alaska join with other states in sending a message to federal agencies elevating our support to have them fully implement the 3% federal procurement requirement. Yes, this is a federal problem, but some federal procurement officers in Alaska still refuse to comply with the 3% procurement directive. This refusal is adversely affecting Alaskans, Alaskan owned businesses and in some ways our state's economy. It is our duty to stand together with our Congressional Delegation and ensure these men and women who have sacrificed so much, get the opportunities that federal law and executive orders promise.

It is our hope that hearings on this resolution will bring a number of federal agencies to the table before the appropriate legislative committees to explain why implementation of these laws and directives appear to be a challenge and what they will be doing to comply. It is also our goal to make sure each and every federal agency in Alaska meets or exceeds the 3% federal goal in Alaska.

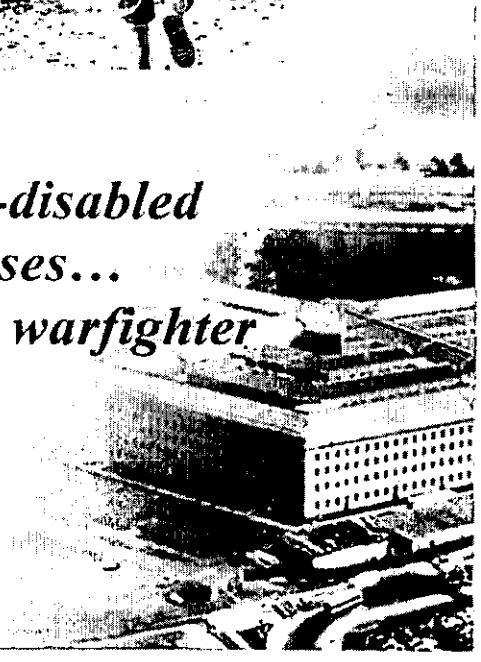
We know there are many other members of our legislature who are aware and concerned with this problem. We welcome your co-sponsorship of this resolution and your participation in the committee hearings.

The timing of this resolution is very important. As we all know a new Federal Administration is coming into office, and with your support early passage of this legislative statement on behalf of our constituencies, we believe we can influence that Administration to be more aggressive in full implementation of these federal laws and directives as they affect Alaskans.

Department of Defense Service-Disabled Veteran-Owned Small Business Strategic Plan 2009



Leader and advocate for service-disabled veteran-owned small businesses… acquiring the best for our nation's warfighter



Executive Order 13360 (October 20, 2004)

[Pertinent to DoD]

Providing Opportunities for Service-Disabled Veteran Businesses to Increase Their Federal Contracting and Subcontracting Participation

Section 1. *Policy*. America honors the extraordinary service rendered to the United States by veterans with disabilities incurred or aggravated in the line of duty during active service with the armed forces. Heads of agencies shall provide the opportunity for service-disabled veteran businesses to significantly increase the Federal contracting and subcontracting of such businesses. To achieve that objective, agencies shall more effectively implement section 15(g) of the Small Business Act (15 U.S.C. 644(g)), which provides that the President must establish a goal of not less than 3 percent for participation by service-disabled veteran businesses in Federal contracting, and section 36 of that Act (15 U.S.C. 657f), which gives agency contracting officers the authority to reserve certain procurements for service disabled veteran businesses.

Section 2. *Duties of Agency Heads.* Among other things, the Order requires each agency to: (1) develop a strategy to significantly increase its contracting and subcontracting with small businesses owned and controlled by service-disabled veterans; (2) designate a senior-level official to be responsible for developing and implementing the agency's strategy; and (3) report its progress annually to the Small Business Administration (SBA).

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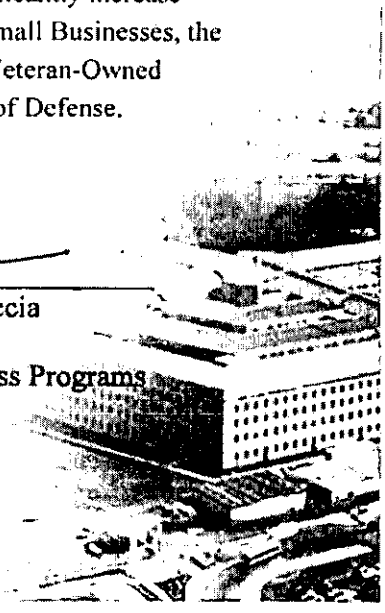
Section 5. *Additional Duties of the Secretary of Defense*. The Secretary of Defense shall direct the Defense Acquisition University (DAU) to develop training on contracting with service-disabled veteran businesses and make this training available on line through the DAU continuous learning program.

In accordance with Section 2 of Executive Order 13360, and in order to significantly increase contract and subcontract award opportunities for Service-Disabled Veteran-Owned Small Businesses, the undersigned hereby issue and publish this Department of Defense Service-Disabled Veteran-Owned Small Business Strategic Plan 2009 (Fourth Year Edition) on behalf of the Secretary of Defense.

The Honorable James I. Finley
Deputy Under Secretary of Defense
(Acquisition & Technology)

JAN 14 2009

Mr. Anthony R. Martoccia
Director
Office of Small Business Programs



Introduction from the Director

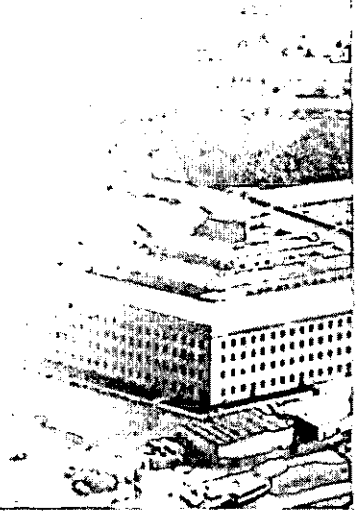


I am proud to present the ***Department of Defense Service-Disabled Veteran-Owned Small Business Strategic Plan for 2009***. This plan is our blueprint for success – creating a business environment that understands, appreciates, and leverages the tremendous value of service-disabled veteran-owned small businesses (SDVOSBs) to America's economic and military strength. Our approach focuses on achieving operational excellence by providing proactive leadership and governance in all matters relating to SDVOSBs, and by creating unity of effort within the DoD small business enterprise.

The initiatives selected for our plan are realistic, achievable, and offer the greatest potential return on investment; however, they also represent a long-term commitment. Attaining DoD's acquisition goal of ***"3% to prime contracting and 3% to subcontracting for Service-Disabled Veteran-Owned Small Businesses in DoD Acquisitions"*** under Pub. L. 106-50, sec. 502 (15 U.S.C. 644 (g)), will require awareness, support, teamwork, and leadership throughout the entire enterprise. Each Military Department and Defense Agency is charged with an acquisition goal of ***"3% to prime contracting and 3% to subcontracting for Service-Disabled Veteran-Owned Small Businesses."*** Success will depend on a cultural change across DoD to recognize the capabilities and value of SDVOSBs as vital and critical suppliers for DoD requirements.

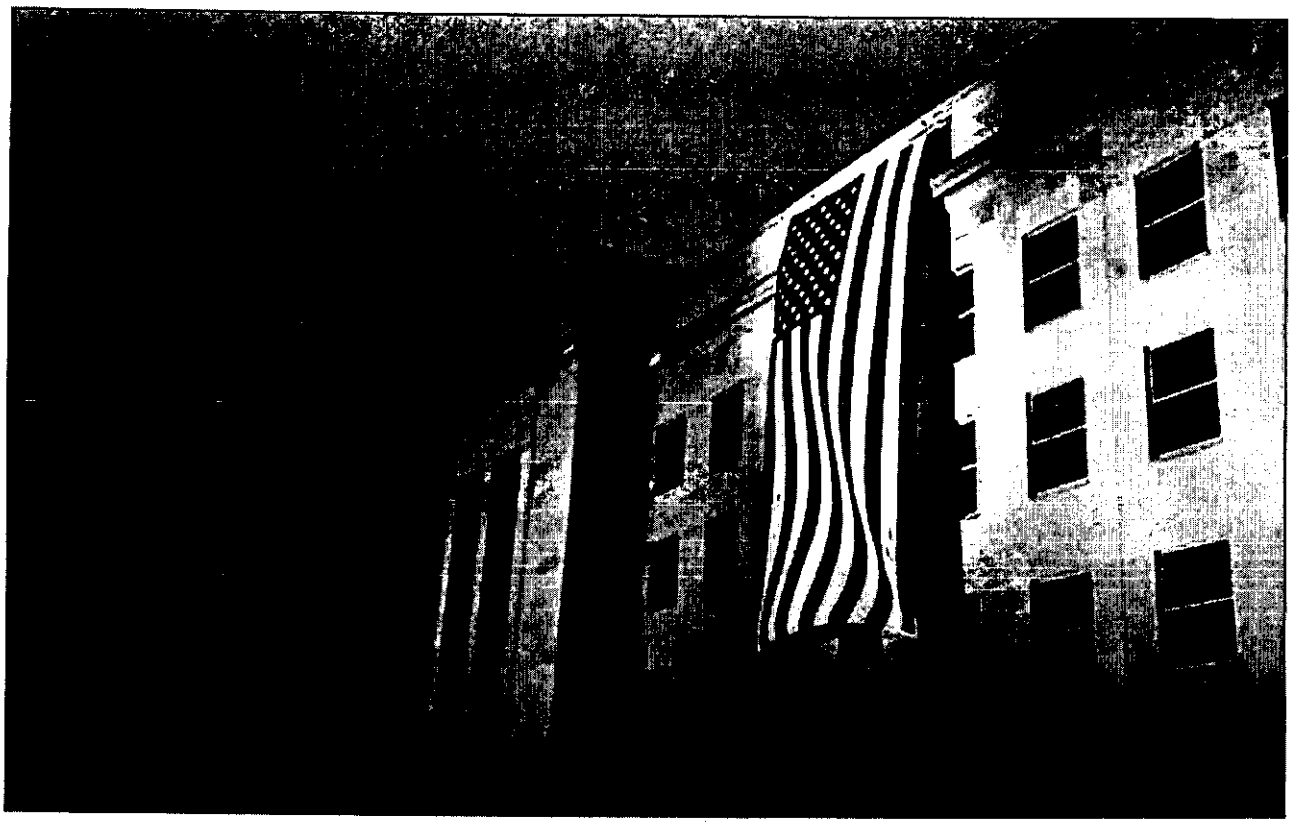
I challenge each of you to embrace the Department's Strategic Plan, and to renew your personal commitment to the enduring principles and patriotism upon which our great country was founded. Thanks for all your hard work and your continued commitment to excellence.

Anthony Martoccia



Our Vision

An enabling environment in which the Department recognizes the value of and engages service-disabled veteran-owned small businesses as critical suppliers of required warfighting capabilities.



Our Mission

We advise the Secretary of Defense on all matters related to service-disabled veteran-owned small businesses (SDVOSBs) and are committed to maximizing the contributions of SDVOSBs in DoD acquisitions. We provide leadership and governance to the Military Departments and other defense agencies to meet the needs of the nation's warfighters, creating opportunities for SDVOSBs while ensuring each tax dollar is spent responsibly.

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Overview

Primary Responsibility and Policy. The primary responsibility of the DoD Office of Small Business Programs (OSBP) is to advise the Secretary of Defense on all matters related to small business. OSBP develops small business policy and provides oversight to ensure compliance by all Military Departments and Other Defense Agencies (ODAs). OSBP establishes and maintains policy regarding all small business matters for DoD.



Legislative Proposals and Reports. OSBP reviews and develops legislative proposals affecting small business matters within the DoD. OSBP conducts studies and analyses of issues that affect small business, making recommendations and providing reports to Congress and other stakeholders.

Service-Disabled Veteran-Owned Small Business (SDVOSB) concern. A small business concern –

(i) Not less than 51 % of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 % is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran. (FAR 52.219-27(a)(1))

3% Prime Contracting Goal. The OSBP provides leadership to the Department to meet the 3% statutory goal for prime contracting with SDVOSBs. The SDVOSB goal is the term used to describe the goal established for the Department of Defense as a whole. The Director of DoD OSBP delegates to each DoD agency head a 3% goal for prime contracting with SDVOSBs. It is incumbent of each DoD agency to aggressively develop its own tactical plan to meet the 3% goal for prime contracting with SDVOSBs based on its unique product mix. The DoD submits information regarding plans, progress, and achievements to the Small Business Administration, including an annual scorecard report. Additional information regarding DoD's prime contract goals can be found at http://www.acq.osd.mil/osbp/statistics/goals.htm.

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3% Prime Subcontracting Goal. The OSBP provides leadership to the Department to meet the 3% statutory goal for subcontracting with SDVOSBs. The Director of DoD OSBP delegates to each DoD agency head a 3% goal for subcontracting with SDVOSBs. Subcontracting is a meaningful way of providing opportunities for SDVOSBs and veterans, especially for contracts that require significant capitalization and personnel resources found only in large prime contractors. It is incumbent of each DoD agency to aggressively develop its own tactical plan to meet the 3% goal for subcontracting with SDVOSBs based on its unique product mix. The DoD acquisition community needs to work closely with major prime contractors to insure these goals are met. The OSBP is also responsible for coordinating efforts for the successful implementation of the Electronic Subcontracting Reporting System (eSRS), and works toward future system enhancements and subcontracting program improvements. Additional information regarding DoD's subcontracting goals can be found at http://www.acq.osd.mil/osbp/statistics/goals.htm.

Acquisition training. The DoD OSBP is dedicated to providing information and training to the DoD acquisition workforce and to the Small Business Specialists working within the DoD military departments and other defense agencies to promote small business opportunities within DoD. OSBP collaborates with the Defense Acquisition University (DAU), the military departments, and other defense agencies to identify training opportunities that will improve and enhance the small business program within DoD. This may include initiating and developing a variety of training vehicles, such as webcasts, online web based training, audio seminars, traditional classroom training, training guidebooks, and other learning materials that will help to develop and disseminate information that will increase the knowledge of small business programs with the DoD acquisition workforce. DAU also provides online web based training to the general public. Contact DAU for more details at http://www.dau.mil/.





Congressional Oversight Committees and Testimony. The DoD OSBP prepares and presents testimony to Congress to inform them of progress, issues, plans, and initiatives. The congressional committees and subcommittees that most often interface with the OSBP include:

Senate Committee on Small Business and Entrepreneurship

http://sbc.senate.gov/

Senate Committee on Armed Services

http://armed-services.senate.gov/

Senate Appropriations Committee – Defense

http://appropriations.senate.gov/defense.cfm

House Committee on Small Business

http://www.house.gov/smbiz/

House Committee on Armed Services

http://armedservices.house.gov/

House Appropriations Committee – Defense

http://appropriations.house.gov/Subcommittees/sub_def.shtml.

Websites for Firm Registration and Market Research of SDVOSBs:

Central Contractor Registration (CCR)

http://www.ccr.gov/

VetBiz Vendor Information Pages (VIP)

http://www.vetbiz.gov/vip/vip.htm

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Laws and Regulations for SDVOSBs

The SDVOSB statutory goals, regulations, and acquisition authorities are governed by public laws, the Federal Acquisition Regulation (FAR) System, Code of Federal Regulations (CFR), Executive Orders (EOs), and other references. The following links may be useful:

CFR - http://www.access.gpo.gov/nara/cfr/cfr-table-search.html

DFARS - http: www.acq.osd.mil/dpap/dars/dfars/doc/tocdoc.htm

DoD OSBP - http://www.acq.osd.mil/osbp/policy

FAR - http://www.acqnet.gov/FAR/

GPO - http://www.access.gpo.gov/

Laws - http://uscode.house.gov/

SBA - http://www.sba.gov/tools/resourcelibrary/lawsandregulations/

The following is a summary of laws, regulations, and EOs governing SDVOSB-based government acquisitions.

Executive Order (EO) 13360, *"Providing Opportunities for Service-Disabled Veteran-Owned Small Businesses to Increase Their Federal Contracting and Subcontracting"*. EO 13360 of October 20, 2004, calls for an increase in federal contracting and subcontracting opportunities for service-disabled veteran-owned small businesses. On December 12, 2004, the Executive Office of the President issued a memorandum to all Federal agencies on the implementation of the Executive Order. This memorandum provides guidance to assist agencies in preparing their strategies to implement the Executive Order.

Public Law 106-50, *"Veterans Entrepreneurship and Small Business Development Act of 1999"*, established an annual Government-wide goal of not less than 3% of the total value of all prime contract and subcontract awards for participation by small business concerns owned and controlled by service-disabled veterans. It did not contain a provision to restrict or "set-aside" contracting opportunities for service-disabled veterans.

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Public Law 108-183, *"Veterans Benefits Act of 2003"* (VBA) added, in addition to other provisions, a contracting mechanism to enable agencies to reach the 3% prime contracting goal established in 1999. Section 308 of the VBA established a sole source and set-aside procurement program for SDVOSB.

Public Law 108-375, *"National Defense Authorization Act for Fiscal Year 2005."* On May 24, 2005 the Department of Defense published an interim rule that expanded the DoD Mentor-Protégé Program to permit-service disabled veteran-owned small business concerns to participate in the Mentor-Protégé Program.

Public Law 109-461, Section 502, *"Veterans Benefits, Health Care, and Information Technology Act of 2006"* provides the Department of Veterans Affairs with unique authority to conduct set-aside and sole source procurements with small businesses owned and operated by veterans. Download Information Letter 049-08-07 entitled "Veterans First Contracting Program" pertaining to Public Law 109-461.

48 CFR Part 19.1403 *"Status as a service-disabled veteran-owned small business concern."*

Status as a SDVOSB concern is determined in accordance with 13 CFR parts 125.8 through 125.13; also see 48 CFR Part 19.307.

48 CFR Part 19.1405 *"Service-disabled veteran-owned small business set-aside."*

The contracting officer (CO) may set-aside acquisitions exceeding the micro-purchase threshold for competition restricted to SDVOSBs if the CO has a reasonable expectation that offers will be received from two or more SDVOSBs and the award will be made at a fair market price. If the CO receives only one acceptable offer from an SDVOSB in response to a set-aside, the CO should make an award to that concern.

48 CFR Part 19.1406 *"Sole source awards to service-disabled veteran-owned small business concerns."* A contracting officer may award contracts to SDVOSB concerns on a sole source basis (see FAR 19.501(d) and 6.302-5), provided only one SDVOSB can satisfy the requirement and at a fair and reasonable price and the anticipated award price of the contract will not exceed $5 million for within NAICS codes for manufacturing and $3 million for a requirement within any other NAICS code and the SDVOSB has been determined to be a responsible contractor.

48 CFR Part 19.1407 *"Contract clauses."* Contracting officers shall insert the clause at FAR 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside, in solicitations and contracts for acquisitions under 48 CFR Part 19.1405 and 48 CFR Part 19.1406.





The Service-Disabled Veteran-Owned Small Business Strategic Plan

Strategic planning involves goals to be achieved over the long term, with 5 years as a typical planning horizon. Conversely, tactical planning periods are usually much shorter, tied to near-term performance objectives. Strategic planning requires the translation of our vision into key operational goals, then finally into specific tactical objectives that can be planned, executed, and measured in the near term with some degree of detail. This plan identifies six key operational goals, all aligned to achieve the primary strategic goal of "Creating Maximum Opportunities for Service-Disabled Veteran-Owned Small Businesses in DoD Acquisitions." Within each of the six key operational goals are specific objectives, which are intended to be achieved in the near term, and often on a continuing basis.

Goals and Objectives

Goal #1: Effective use of data and databases for market research for potential SDVOSB prime contractors and subcontractors and progress metrics.

Collaborate with other federal agencies and veteran service organizations (VSOs) to increase access to the supplier base of SDVOSBs for use by acquisition community and DoD prime contractors through enhanced market research for strategic sourcing and restricted competition.

Goal #2: Training of acquisition community to include Program Managers and Contracting Officers to increase use of restricted competition and sole source awards for SDVOSBs.

Coordinate with either the Director or the Office of the Director of Defense Procurement and Acquisition Policy (DPAP) and Defense Acquisition University (DAU), to inform and train acquisition community of FAR 19.14 and the authority to use restricted competition and sole source awards to increase awards to SDVOSBs. Encourage military departments and other defense agencies to initiate credible and aggressive metric based, sole-source and restricted competition awards to SDVOSBs.

Goal#3: Improve Communication Internally and Externally with DoD Customers and Stakeholders

In apparent contradiction to this new "information age", communication is often a point of failure for many initiatives. Today, technology has increased the flow of information to the point where the primary constraint has shifted to the human capacity to absorb and process the available information. Communication is critical to the success of any endeavor, and is the keystone of this strategic plan. One new initiative is to establish a web based SDVOSB Communities of Practice (CoPs) across the entire enterprise of DoD agencies to allow timely, substantive collaboration and exchange of information in pursuit of shared goals and business success.

Goal#4: Increase prime contractor subcontracting with SDVOSBs

Increase the dollar amount of SDVOSB subcontracting by large prime contractors. Collaborate with Defense Contract Management Agency (DCMA) as it negotiates increased SDVOSB subcontracting goals with the select prime contractors. Encourage DoD Prime contractors to subcontract with SDVOSBs. Use the data and techniques developed above as model to negotiate subcontracting goals with all prime contractors.

Goal#5: Focus on SDVOSB firms that can bring innovative technology to meet the needs of the warfighter

Collaborate with military Departments and defense agencies to initiate focus on SDVOSBs in innovative technologies that serve the future needs of the warfighter. Increasing outstanding SDVOSBs that fill a critical DoD niche will create "halo" effects for other SDVOSBs.

Goal#6: Encourage and develop Teaming, Joint Venture, and Niche Markets to enhance capabilities and contract awards for SDVOSBs

Encourage the use of teaming and joint venture agreements to increase capacity and enhance capabilities of SDVOSBs to successfully bid on larger contracts for prime contracting and subcontracting. Provide acquisition community and SDVOSBs teaming models with increased capacity and enhanced capabilities to allow SDVOSBs to compete for larger prime contracts and subcontracts.

Implementation of Specific Objectives

The following tables illustrate our plan of action to achieve our goals and objectives. Progress will be gauged during formal management reviews to be held during the course of the year. Timing with the A&T and AT&L management reviews will be coordinated to make sure our plan remains aligned with broader organizational goals. This year's strategic plan is in a new format and, therefore, the historical goals, objectives, and actions from the previous three years are captured in the tables.

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Goal #1: Effective use of data and databases for market research for potential SDVOSB prime contractors and subcontractors and also progress metrics.

Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
1.1 Increase SDVOSB registration in the CCR database.	√	√	√				1.1.1. **FY 05** Increase from 5,006 SDVOSBs in CCR in July, 2004 to more than 9,600 in January of 2007
	√						1.1.2. **June 05** Supported on-site registration of SDVOSBs in CCR at National Veterans Small Business Conference
			√				1.1.3. **June 07** Encourage registration of SDVOSBs in CCR at 3rd Annual Veterans and SDVOSBs Conference on June 26-28, 2007
			√	√			1.1.4. **FY 07** Continue to encourage registration of SDVOSBs in CCR at conferences and through counseling
1.2 Support internal and external data sharing relationships with DoD agencies, other federal agencies, and Veteran Support Organizations.	√	√	√	√			1.2.1. **FY 05** DoD continues to work on *ad hoc* basis to share information and establish working relationships with other federal agencies and VSOs
			√				1.2.2. **June 07** Coordinate data sharing strategies with federal agencies and VSOs with existing databases (VetBizVIP, Dynamic Small Business Search, TVC business directory and vetbiznetwork)
			√				1.2.3. **June 07** Encourage military departments, other defense agencies (ODAs), and VSOs to develop strategies on use of databases for market research on SDVOSBs
			√	√			1.2.4. **FY 07 and out years** Continue coordinated data sharing with other federal agencies and VSOs
			√	√			1.2.5. **FY 07** Continue to encourage VSOs and other federal agencies to assist in market research on SDVOSBs
1.3 Perform data analyses for progress matrix, trends, potential niche markets, and impediments		√					1.3.1. **FY 06** Performed preliminary analysis of CCR, with 30% in IT, 15% in construction and 15% in manufacturing
			√				1.3.2. **FY 07** Perform annual analysis and review of all SDVOSBs in databases by industry and NAICS
1.4 Support registration and training on the VA, CVE's VetBiz Vender Information Pages (VIP) database. Collaborated effort between DoD OSBP, CVE VetBiz, and DAU.				√			1.4.1. **FY08** Identified the VIP database as a supported database for market research
				√			1.4.2. **FY08** Work with VIP database managers for updates targeted for DoD requirements
				√			1.4.3. **FY08** Create a DAU Web Cast for DoD acquisition training on the VIP database
				√			1.4.4. **FY08** Conduct VIP database training at the FY08 DoD Small Businesses training conference
				√			1.4.5. **FY08** Continue to promote enrollment in the VIP database at conferences and through counseling
				√			1.4.6. **FY08** The VA CVE began validating veteran and Service Disabled Veteran status in the VIP database
							1.4.7 **FY09** Coordinate with VA CVE and CCR to explore capabilities to update CCR after VIP verification

Goal #2: Training of acquisition community to include Program Managers and Contracting Officers to increase use of restricted competition and sole source awards for SDVOSB.

Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
2.1 Create workforce that is knowledgeable about FAR 19.14, and will increase use of restricted competition where appropriate to increase awards to SDVOSBs	√						2.1.1. **FY 05** Final rule on sole-source and set-asides published
			√				2.1.2. **FY 07** Establish outreach strategy with military Departments and other defense agencies and DPAP
			√				2.1.3. **FY 07** OSBP Places 42 Power Point training modules on website from Veterans Doing Business with DoD Conference
			√				2.1.4. **FY 07** Directors of DPAP and OSBP issue memos on use of set-aside authorities
			√				2.1.5. **FY 07** GSA and Army present GSA Vets GWAC training at SBT Conference
			√				2.1.6. **FY 07** DoD Introduces video streaming training modules
			√	√			2.1.7. **FY 07 and out years.** DoD will provide training at conferences, including annual Mentor-Protégé conference, Annual Veterans Conference, SDVOSB Small Business Conference, and DoD Small Business Training Conference
			√				2.1.8. **June 07** Monitor DoD participation in Veterans and SDVOSB conferences in coming year
			√				2.1.9. **July 07** Participate in planning of National Veterans Business Conference as appropriate
			√				2.1.10. **FY 07** Continue to post power point training modules and video streaming modules on website for distance learning opportunities
			√				2.1.11. **June 07** Present 3rd year of 5 year plan to all conferences
			√				2.1.12. **June 07** Present 3rd year of 5 year plan to 3rd Annual Veterans and SDVOSB Small Business Conference
2.2 Collaborate with DAU to update existing courses,		√					2.2.1. **FY 06** DAU updates SDVOSB online SDVOSB training module
			√				2.2.2. **FY 07 and out years** Update DAU training module for next FY with DAU and incorporate into relevant electronic training modules
				√			2.2.3. **FY 08** Coordinate pre-planning update for CON260A, CON260B, CLC009
							2.2.4. **FY09** Update CON260A
							2.2.5. **FY09** Update CON260B
							2.2.6. **FY09** Update CLC009
2.3 Collaborate with DOD OSBP and DAU to update/create training for Program Managers, Contracting Officers, and Small Business Specialist. **AT&L Strategic Implementation Plan v3.0 - 2.1.7.**							2.3.2. **FY09 Identify** the target audience and determine what training is currently being offered.
							2.3.3. **FY09 Identify** best opportunities for pushing training to target audience.
							2.3.4. **FY09 Create** plan and identify resources.
							2.3.5. **FY09** Develop training content.
2.4 Improve acquisition workforce awareness of small business capabilities and opportunities. **AT&L Strategic Implementation Plan v3.0 - 2.1.7.**							[To be determined -- TBD]
							[TBD]
							[TBD]
							[TBD]
							[TBD]

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Goal #3: Improve Communications Internally and Externally with DoD Customers and Stakeholders.

Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
3.1 Update and improve the DOD OSBP SDVOSB website				√			3.1.1. Annual review website links for accuracy and update to coincide with publication of Strategic Plan.
							3.1.2. **FY09** Review current website design to identify improvements
							3.1.3. **FY09** Update with latest Policies and Legislation pertaining to SDVOSB
							3.1.4.**FY09** Create an events calendar to include schedule of conferences, training, and outreach events
							3.1.5. **FY09** Post teaming and joint venture information and coordination
							3.1.6. **FY09** Post Veteran Entrepreneur and VSO related information and links
3.2 Improve acquisition workforce awareness of small business capabilities and opportunities.	√	√	√	√			3.2.1. Annual review of outreach events to maximize awareness and influence for SDVOSB concerns to coincide with publication of Strategic Plan.
AT&L Strategic Implementation Plan v3.0 - 2.1.7.	√	√	√	√			3.2.2. Decide on which outreach events to participate to coincide with the Strategic Plan.
							3.2.3. **FY09** Create and publish a schedule for outreach events on the website
							3.2.4. **FY09** Participate in at least four Acquisition Conferences.
							3.2.5. **FY09 Participate** in the DPAP Acquisition Conference.
				√	√		3.2.6. **FY09** Continue to sponsor SDVOSB, Golden Talon and Large Firm Subcontractor Awards Ceremony at Pentagon Conference Center. .
3.3 Improve relations with OSBP Directors				√			3.3.1. **FY08** Obtain collaborative feedback from DoD OSBP Directors on program impediments within their respective agencies
				√			3.3.2. **FY08** Obtain collaborative feedback from DoD OSBP Directors on DoD SDVOSB Strategic Plan
							3.3.3. **FY09** Schedule site visits with DoD OSBP Directors & review activities and initiatives were appropriate
3.4 Improve relationships with SBA							3.4.1 **FY09** Coordinate efforts with DoD OSBP to improve relations with SBA
							3.4.2. **FY09** Invite SBA to participate in meeting(s) with DoD Directors - Information sharing
							3.4.3. **FY09** Ask SBA to participate in Training Conference
							3.4.4. **FY09** Engage SBA to work on Task Force to resolve the "most difficult" areas for DoD
							3.4.5. **FY09** Informal luncheons - engage senior SBA and DoD Directors in working lunch to discuss issues
							3.4.6. **FY09** Engage SBA in working with DoD to develop training aides and informational guides with topics and areas of common interest

Goal #3: Improve Communications Internally and Externally with DoD Customers and Stakeholders (continued).							
Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
3.5 Create and distribute an information pamphlet for the DoD SDVOSB Program							3.5.1. **FY09** Research potential information gaps - and then develop DoD materials to address
							3.5.2. **FY09** Create information pamphlet to introduce SDVOSB to internal and external
							3.5.3. **FY09** Identify best marketing strategy and distribution then distribute pamphlets.
3.6 Establish a web based SDVOSB Communities of Practice (CoPs) **AT&L Strategic Implementation Plan v3.0 - 6.1**				√			3.6.1 **FY08** Accessed a need for a SDVOSB Best Practice website
				√			3.6.2. **FY08** Discussed with DAU to utilize their recourses
							3.6.3. **FY09** Identify best tool participation for Best Practice website
							3.6.4. **FY09** Establish the SDVOSB CoPs web site
							3.6.5. **FY09** Market the SDVOSB CoPs website to within DoD acquisition community and advocates
							3.6.6. **FY09** Utilize data, metrics, and tools to support capability-based acquisition discussions
3.7 Review and update the Community of Practice websites							3.7.1. **FY09** Initiate periodic meetings to review & share items of interest on Community of Practice website.
							3.7.2. **FY09** Determine areas critical and necessary for the Community of Practice website. Initiate actions to insure that they are adequately covered.

Goal #4: Increase prime contractor subcontracting with SDVOSBs.

Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
4.1 Collaborate with Defense Contract Management Agency (DCMA) as it negotiates increased SDVOSB subcontracting goals with the select prime contractors		√					4.1.1. **FY 06** OSBP and DCMA initiate action plan to increase subcontracting with DoD prime contractors by sharing data that each prime had for SDVOSB subcontractors
			√				4.1.2. **FY 07** DCMA reviewed prime contractor action plan against actual subcontracting dollars awarded by select primes
			√				4.1.3. **FY 07** DoD presents Objectives to large prime conference on SDVOSB subcontracting
			√				4.1.4. **FY 07** DoD includes panel with 3 prime contractors which subcontract with SDVOSBs at SDVOSB conference and posts power point presentations on website
			√				4.1.5. **FY 07** DCMA continues lead responsibility for this objective
			√				4.1.6. **FY 07 and out years.** DCMA to negotiate increased SDVOSB subcontracting goals with select DoD prime contractors as part of the annual subcontracting plan negotiations
			√				4.1.7. **FY 07 and out years** DCMA will provide annual evaluations and progress on SDVOSB subcontracting
			√				4.1.8. **July 07** DoD will inform large buying commands of 3% goal for subcontracting with SDVOSBs and encourage increase in subcontracting with SDVOSBs
			√				4.1.9. **July 07** DoD will establish plan to monitor progress and past performance of prime contractors as an evaluation factor
			√				4.1.10. **Sep 07** DCMA to analyze subcontracting dollars with SDVOSBs of select prime contractors to identify opportunities for SDVOSBs
							4.1.11. **FY09** Initiate review and re-execution of the FY07 action items listed above
							4.1.12. **FY09** Evaluate effectiveness of DCMA to monitor and support contract compliance of SDVOSB subcontracting
4.2 Initiate an aggressive outreach campaign to Major Prime Contractors							4.2.1. **FY09** Identify Prime contractors for personal visits
							4.2.2. **FY09** Initiate meetings with Major Prime Contractors to advocate for SDVOSB subcontracting
							4.2.3. **FY09** Initiate supplier diversification outreach to Major Prime Contractors
							4.2.4. **FY09** Develop outreach material targeting Major Prime Contractors
							4.2.5. **FY09** Send outreach campaign material to Major Prime Contractors





Goal #4: Increase prime contractor subcontracting with SDVOSBs (continued).							
Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
4.3 Analyze eSRS data							4.3.1. **FY09** Learn how to effectively retrieve pertinent data from eSRS
							4.3.2. **FY09** Analyze eSRS data for an analytical picture of Major Prime Contractor subcontracting to SDVOSB
							4.3.3. **FY09** Investigate capability of eSRS to capture tiered subcontracting data of Prime awarded to SDVOSB to measure Prime Contractor Subcontracting
							4.3.4. **FY09** Investigate capability and feasibility to capture and report against SDVOSB goals all awards from subcontracting tiers
							4.3.5. **FY09** Investigate capability and feasibility to capture and report by Major DoD Contracting
				√	√		4.3.6. **FY09** Continue DEPSECDEF Awards Ceremony recognizing SDVOSB, Golden Talon and Large Firm Subcontractor Awards at Pentagon Conference Center. .

Goal #5: Focus on SDVOSB firms that can bring innovative technology to meet the needs of the warfighter.

Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
5.1 Increase SDVOSB participation in the Mentor Protégés program			√				6.1.1. **FY 07** First 2 years of participation saw increase in SDVOSB protégés from 0 to 24
			√				6.1.2. **FY 07** Two SDVOSB protégés receive Nunn-Perry Award at Annual MPP Conference
1. **FY 07** Encourage major commands to seek SDVOSBs in their strategic sourcing decisions			√				6.1.3. **FY 07** Previous objective 3 was successful by increasing SDVOSBs in Mentor-Protégé Program and now is time to change focus to broader objective of innovative technologies
			√				6.1.4. **June 07** Analyze the 24 SDVOSBs that became protégés and ascertain aggregate increase in gross revenues since becoming protégés by industry and NAICS
			√				6.1.5. **June 07** Present new Objective 3 of FY07 Strategic Plan at Third Annual Veterans Small Business Conference, June 26-28, 2007
							6.1.6. **FY09** Coordinate with DoD Mentor Protégés Program Manager for SDVOSB opportunities
5.2 Increase SDVOSB participation in the SBIR Program			√				6.2.1. **FY 07** Identify SDVOSBs in technologically innovative industries like robotics, IED Defeat, etc.
			√				6.2.2. **July 07 Established** DoD internal working group to develop strategy for focusing innovative technologies for SDVOSB in contracting and subcontracting.
							6.2.3. **FY09** Coordinate with DoD SBIR Program Manager for SDVOSB opportunities
5.3 Affected SDVOSB participation in DoD's new DoD Techipedia initiative for IT merging technology and collaboration				√			6.3.1. **FY08** Invited by DoD Techipedia working group to participated in planning for the new IT merging technology and collaboration
				√			6.3.2. **FY08** Advised DoD Techipedia on how to market research for small business and SDVOSB concerns
				√			6.3.3. **FY08** Provided DoD Techipedia with DoD OSBP website for how to do business with DoD training
				√			6.3.4. **FY08** Provided DoD Techipedia with the list of SDVOSB on GSA GWAC
					√		6.3.5. **FY09** Attended the DoD Techipedia kickoff conference in Crystal City
					√		6.3.6. **FY09** Two SDVOSB were selected by DoD Techipedia to participation in the DoD Techipedia kickoff conference
					√		6.3.7. **FY09** Increase awareness of DoD Techipedia to SDVOSB during conferences and other venues of outreach
							6.3.8. **FY09** Continue to collaborate and partner with DoD Techipedia to increase SDVOSB opportunities and participation

Goal #6: Encourage and develop Teaming, Joint Venture, and Niche Markets to enhance capabilities and contract awards for SDVOSBs.

Specific Objective	FY05	FY06	FY07	FY08	FY09	FY10	Actions
6.1 Increase awareness or reluctance of acquisition community to accept small business teaming and joint venture agreements for use in federal contracting and subcontracting	√						7.1.1 **FY 05** Presentation on teaming and joint venture agreements for federal contracting and subcontracting at National Veterans Small Business Conference
		√					7.1.2. **FY 06** Presented teaming and joint venture agreement panel at SBT Conference
		√					7.1.3. **FY 06** Presented teaming and joint venture panel at Veterans Doing Business with DoD in December 2006
			√				7.1.4. **FY 07** Post SDVOSB teaming and joint venture training modules on OSBP website for acquisition community distance learning
			√				7.1.5. **June 07** Attend and monitor Teaming and Joint Venture Breakout workshop at 3rd National Veterans Small Business Conference for future training of DoD personnel
			√				7.1.6. **June 07** Present Teaming and Joint Venture Objective on panel at Veterans Small Business conference on June 26-28, 2007
			√				7.1.7. **FY 07** Present SDVOSB Teaming training module to Small Business Training Conferences
			√				7.1.8. **FY07 and out years** Continue presenting SDVOSB teaming and joint venture training modules to acquisition community
6.2 Increase participation with the GSA GWAC			√				7.2.1. **FY 07** Under Secretary for AT & L urges DoD to participate in GSA Information Technology GWAC
			√				7.2.2. **FY 07** GSA and Army trained acquisition officials on the GSA GWAC at SBT Training Conference in May, 2007
			√				7.2.3. **June 07** Post Krieg Memorandum on GSA GWAC on OSD website
							7.2.4. **FY09** Analyze DoD participation and promote continued support in GSA GWAC
							[TBD]
							[TBD]

FY01-09 DoD SB Goaling Report Results

(Dollars in Billions – Data as of 12 December 2008)

Data Source: FPDS-NG Small Business Goaling Reports

		SB			SDB			HUBZone			WOSB			SDVOSB		
FY	SB-Elig $ *	SB $	SB %	SB Goal	SDB $	SDB %	SDB Goal	HUB $	HUB %	HUB Goal	WOSB $	WOSB %	WOSB Goal	SD-VOSB $	SD-VOSB %	SD-VOSB Goal
2009	$36.8	$6.5	17.7%	22.375%	$2.4	6.5%	5.8%	$0.6	1.7%	3.0%	$1.1	2.9%	5.0%	$0.4	1.2%	3.0%
2008	$313.3	$59.2	18.9%	22.375%	$17.5	5.6%	5.8%	$6.9	2.2%	3.0%	$8.7	2.8%	5.0%	$3.0	1.0%	3.0%
2007	$269.3	$55.0	20.4%	23.0%	$15.5	5.7%	5.8%	$6.0	2.2%	3.0%	$7.7	2.9%	5.0%	$1.9	0.7%	3.0%
2006	$235.0	$51.3	21.8%	23.0%	$14.7	6.3%	5.8%	$4.7	2.0%	3.0%	$6.9	2.9%	5.0%	$1.6	0.7%	3.0%
2005	$222.6	$50.3	22.6%	23.0%	$14.1	6.3%	5.7%	$4.3	1.9%	3.0%	$6.3	2.8%	5.0%	$1.1	0.5%	3.0%
2004	$210.7	$46.9	22.3%	23.0%	$11.9	5.7%	5.7%	$3.1	1.5%	3.0%	$5.6	2.7%	5.0%	$0.7	0.3%	3.0%
2003	$191.5	$42.8	22.4%	23.0%	$12.0	6.3%	5.2%	$2.2	1.1%	3.0%	$4.9	2.5%	5.0%	$0.3	0.2%	3.0%
2002	$155.8	$29.9	19.2%	23.0%	$8.5	5.5%	5.9%	$1.6	1.0%	3.0%	$3.9	2.5%	5.0%	$0.3	0.2%	3.0%
2001	$132.9	$25.2	18.9%	23.0%	$7.5	5.6%	5.0%	$1.1	0.8%	3.0%	$2.9	2.2%	5.0%	$0.2	0.2%	NA

FYs 2008 & 2009 are preliminary / unofficial data and reflect data as shown in the dynamic Small Business Goaling Reports

FYs 2007 and earlier are as reflected on the "static" Small Business Goaling Reports for those years

*** SB-eligible dollars are the dollars remaining in the denominator after SB goaling criteria have been applied**

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Acronyms

- AT&L – Acquisition, Technology and Logistics
- CCR – Central Contractor Registration
- COE – Army Corps of Engineers
- DAU – Defense Acquisition University
- DLA – Defense Logistics Agency
- DoD – Department of Defense
- DFARS – Defense Federal Acquisition Regulation Supplement
- DPAP – Defense Procurement and Acquisition Policy
- E.O. – Executive Order
- FAR – Federal Acquisition Regulation
- GPO – Government Printing Office
- MPP – DoD Mentor Protégé Program
- NAICS – North American Industry Classification System
- ODA – Other Defense Agencies
- OSBP – Office of Small Business Programs
- OUSD – Office of the Under Secretary of Defense
- PTAC – Procurement Technical Assistant Center
- SBA – Small Business Administration
- SBLO – Small Business Liaison Officer
- SDVOSB – Service-Disabled Veteran-Owned Small Business
- SECDEF– Secretary of Defense
- VA – U.S. Department of Veteran's Affairs
- VSO – Veteran Service Organization

SENATE COMMITTEE REPORT

DATE: 2/18/10

FURTHER:

DATE TURNED IN TO OFFICE: 3/2/10

State Affairs Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 16(L&C)

HJR 16 DISABLED VETERANS PROCUREMENT PREFERENCE

Relating to federal procurement preferences for small businesses in the state that are owned and controlled by service-disabled veterans.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
H. RLS	02/17/10			X	2

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	X			
	PASKVAN	X			
	KOOKESH	X			
CHAIR:	MENARD	X			

HJR

19

Representative Alan Austerman

Alaska State Legislature

Representative_Alan_Austerman@legis.state.ak.us

Session:
State Capitol, Room 434
Juneau, Alaska 99801
(907) 465-2487 | (800) 865-2487
(907) 465-4956 (fax)

Interim:
305 Center Ave, Suite 1
Kodiak, Alaska 99615
(907) 486-8872
(907) 486-5264 (fax)

MEMORANDUM

TO: Senator Linda Menard, Co-Chair
Senator Kevin Meyer, Co-Chair
Senate State Affairs Committee

FROM: Representative Alan Austerman

DATE: March 18, 2009

RE: HJR 19—Hearing Request

House Joint Resolution 19 is a resolution recognizing the 20th anniversary of the Exxon Valdez oil spill and supporting the continued practice of accompanying each oil tanker through Prince William Sound with at least a two vessel escort.

I am requesting a hearing for HJR 19 at your earliest convenience. Attached you will find a copy of HJR 19 and a zero fiscal note. I have also provided my sponsor statement. I will provide additional backup as it becomes available.

Please note that March 24 is the 20-year anniversary of the Exxon Valdez oil spill. Though the Senate does not have floor session scheduled for that day, it is our hope that the resolution might be passed by the body the following day, March 25.

Please let Erin Harrington of my staff know if there is anything else we can provide. Thank you for your consideration.

Representative Alan Austerman

Alaska State Legislature

Representative_Alan_Austerman@legis.state.ak.us

Session:
State Capitol, Room 434
Juneau, Alaska 99801
(907) 465-2487 | (800) 865-2487
(907) 465-4956 (fax)

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305 Center Ave, Suite 1
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SPONSOR STATEMENT

HOUSE JOINT RESOLUTION 19

House Joint Resolution 19 recognizes the 20th anniversary of the Exxon Valdez oil spill and supports continuation of the practice of dual tug escorts for loaded oil tankers traversing Prince William Sound.

Currently, Trans-Alaska Pipeline System oil tankers in Prince William Sound are required to have two tug escorts when carrying oil. This is in accordance with the Oil Spill Prevention Act of 1990, a federal mandate. This act does not require tug escorts for double hull tankers, however. At the present time, all but two tankers engaged in the TAPS trade are double-hulled ships.

The regulations keeping the escort system in place for all tankers—including double-hulled tankers—are embodied in the oil spill contingency plans filed by oil shippers with the Alaska Department of Environmental Conservation. While the shippers say they do not envision changes in the escort system in the immediate future, these plans are as a matter of fact subject to review and amendment by the shippers at any time.

The current escort system is a vital component in preventing catastrophic oil spills in Prince William Sound and in responding when oil spills occur. It should be retained to assure the continued protection of Alaska's fisheries resources, both commercial and recreational, along with traditional subsistence uses, tourism, and the many other uses of the natural resources of Prince William Sound and the adjacent Gulf of Alaska. While HJR19 carries no legal force, it will educate Alaskans, spark debate, and put the Alaska Legislature on record as supporting the continued operation of the world-class escort system in Prince William Sound.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HJR 19
(H) Publish Date: 3/13/2009

Identifier (file name):
Title OIL TANKER ESCORT VESSELS/OIL SPILL ANNIV
Sponsor
Requester

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2010**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2009) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: House Resources Committee
Division
Phone 465-3715
Date/Time

Approved by: Representative Craig Johnson, Co-Chair
House Resources Committee
Date 3/11/2009

(Revised 9/10/2008 OMB)

OLD HARBOR
NATIVE CORPORATION

March 10, 2009

Hon. Gary Stevens, President [Via Fax: 907 465-3517]
Alaska State Senate
State Capitol, Room 111
Juneau, Alaska 99801-1182

Hon. Alan Austerman [Via Fax: 907 465-4956]
Alaska House of Representatives
State Capitol, Room 434
Juneau, Alaska 99801-1182

Re: Support for Senate Joint Res. 11 and House Joint Res 19

Dear Senator Stevens and Representative Austerman:

This letter is to express deep appreciation and strong support for your introduction of Senate Joint Resolution No. 11 and House Joint Resolution No. 19 respectively resolving --

> "that the Alaska State Legislature supports the continued practice in Prince William Sound of accompanying each loaded oil tanker, whether single-hulled or double-hulled, with at least two escort vessels."

Your resolutions will help ensure that the marine safety system for loaded oil tankers traveling from the Marine Oil Terminal in Valdez, Alaska through Prince William Sound is *not weakened* by reducing the current practice of using dual escort tugs to accompany such tankers. The continued practice of dual escorts is crucial to protecting people communities, livelihoods, the economy, fish and wildlife and other natural resources of the Prince William Sound and other portions of the Gulf of Alaska within the Exxon Valdez oil spill region from another devastating oil spill.

As one of numerous communities in the oil spill region, the village of Old Harbor, for which the Old Harbor Native Corporation is the village corporation authorized by the Alaska Native Claims Settlement Act, witnessed and experienced, and continues to experience, the aftermath of the 1989 oil spill. President George H. W. Bush called that spill "the worst marine environmental disaster this Nation has ever experienced." Clearly, such a disaster should never be permitted to happen again.

Fortunately, because of the actions of the U.S. Congress, federal agencies, the State of Alaska, the citizens' panel authorized by Congress to help oversee the operations at the terminus of the Trans-Alaska Pipeline and oil transport through Prince William Sound, and to their credit, industry itself, the current marine safety system at Valdez is viewed by most to be among the safest in the world. The employment of dual escorts is a critical core safety component of that system.

We all learned the hard way that regardless of tanker technology . . . human error, equipment failure, weather, obstacles in the water such as icebergs, and other factors can contribute to the creation of catastrophic results. The 1989 oil spill resulted in enormous disruption and harm to the lives and livelihoods of people living in the region, including people in our village, to the fishing industry, to tourism, to subsistence resources and to the marine, intertidal and terrestrial shoreline environment.

Considering the huge social, environmental, economic and cultural impacts and costs of the Exxon Valdez oil spill, it would be a "penny-wise and pound-foolish" to diminish the current protections in place. We are concerned particularly about any effort by industry or others to reduce protections in place now by calling for a "risk assessment" of the marine safety system at the Port of Valdez and Prince William Sound. We believe as you appear to believe by virtue of your resolutions, and as most Alaskans do, that our state and the nation have already gone through a risk assessment in 1989 . . . the Exxon Valdez oil spill.

To weaken the current system that is working so well would be indefensible. Given that that system is the best insurance policy the public and industry could devise, we hope the oil industry will concur with the intent of your resolutions. Anyone who attempts to weaken the current system would be placing the entire region in serious jeopardy once again. Therefore, we urge you to be steadfast in keeping your resolutions strong and in doing so to protect the natural resources, communities, and the economy of the entire region.

On behalf of the shareholders of our village corporation, thank you for your leadership and the wisdom and judgment of those who join you in seeking passage of Senate Joint Resolution 11 and House Joint Resolution 19. We strongly support your efforts to obtain passage by the Alaska State Legislature of these resolutions.

Best regards.

Sincerely,

OLD HARBOR NATIVE CORPORATION

Emil Christiansen Sr.
President

cc: Kodiak Island Borough Assembly
City Council, Kodiak, Alaska
Dr. Sven Haakanson Jr., Director, Alutiiq Museum and Repository
Kodiak Area Aquaculture Association
Kodiak Island Convention and Visitors Bureau
Kodiak Chamber of Commerce
Kodiak Area Native Association
Kodiak Village Mayors Association
Mayor, Old Harbor, Alaska
Board of Directors, Old Harbor Native Corporation

Sponsored by: Corbridge

CITY OF SEWARD, ALASKA
RESOLUTION 2005-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN CRUDE OIL TANKERS TRANSITING PRINCE WILLIAM SOUND

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990; and

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors; and

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediat on-scene response of two escort vessels; and

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration; and

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses; and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in south central Alaska and cause major environmental damage.

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

Section 1. The Seward city council supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

Section 2. This resolution shall take affect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Seward, Alaska, this 14th day of March, 2005.

THE CITY OF SEWARD, ALASKA

Vanta Shafer, Mayor

Regional Citizens' Advisory Council / *"Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."*

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

MEMBERS

Alaska State Chamber of Commerce

Alaska Wilderness Recreation & Tourism Association

Chugach Alaska Corporation

City of Cordova

City of Homer

City of Kodiak

City of Seldovia

City of Seward

City of Valdez

City of Whittier

Community of Chenega Bay

Community of Tatitlek

Cordova District Fishermen United

Kenai Peninsula Borough

Kodiak Island Borough

Kodiak Village Mayors Association

Oil Spill Region Environmental Coalition

Prince William Sound Aquaculture Corporation

March 9, 2009

Rep. Craig Johnson
Rep. Mark Neuman
House Resources Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Rep. Johnson and Rep. Neuman:

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990, and our contract with Alyeska Pipeline Service Company. PWSRCAC's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Native, recreation, tourism and environmental groups.

We are writing to convey our strong support for HJR 19, the oil tanker escort vessel resolution. We believe it is important for the Alaska legislature to show support for the safe transportation of oil by supporting the system of dual escort tugs for oil tankers in Prince William Sound. It is our hope that this resolution will be passed on or before March 24, 2009, the anniversary of the worst tanker spill in North American history.

The escort system in Prince William Sound is the primary prevention measure to safeguard against oil spills caused by navigational errors, equipment failures, severe weather, and human or organizational errors. These problems can happen on any ship, regardless of how many hulls it has. Since the present escort system was introduced, there have been no major oil tanker spills and potential accidents have been reduced to near misses.

This escort system could possibly be eliminated or reduced by the oil industry once federal requirements expire with the conversion of the Prince William Sound fleet to all double-hull tankers in the next couple of years. Because of this, preserving the current practice of accompanying each laden oil tanker through Prince William Sound with two escort vessels is of paramount importance to the Board of Directors of the PWSRCAC. The attached resolution was passed by our Board of Directors on March 9, 2009. This

resolution is closely aligned with HJR 19 and should be further evidence of the importance of this issue to the many Alaskans that we represent.

Thank you for considering our views. Please feel free to call me if you would like to discuss this matter further.

Sincerely,

Donna Schantz

Donna S. Schantz
Acting Executive Director

Encl: PWSRCAC resolution supporting dual escorts in PWS

279.106.09.0303hjr19escort.doc

Regional Citizens' Advisory Council / *"Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."*

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

MEMBERS

Alaska State Chamber of Commerce

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City of Cordova

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City of Kodiak

City of Seldovia

City of Seward

City of Valdez

City of Whittier

Community of Chenega Bay

Community of Tatitlek

Cordova District Fishermen United

Kenai Peninsula Borough

Kodiak Island Borough

Kodiak Village Mayors Association

Oil Spill Region Environmental Coalition

Prince William Sound Aquaculture Corporation

Resolution 09-01

Recognizing the 20th anniversary of the Exxon Valdez oil spill and supporting the continuation of the practice of dual tug escorts for loaded oil tankers that traverse Prince William Sound.

WHEREAS, March 24, 2009, marks the 20th anniversary of the worst tanker oil spill in U.S. history with the Exxon Valdez spilling some 11 million gallons of crude oil in Prince William Sound and oiling some 1,300 miles of Alaskan coastline;

WHEREAS, since the 1989 Exxon Valdez oil spill, Alyeska Pipeline Service Company and the crude oil shippers have created a world-class oil spill prevention and response system in Prince William Sound;

WHEREAS, the Prince William Sound escort system is the primary prevention measure to safeguard against oil spills caused by navigational errors, equipment failures, severe weather, and human or organizational errors;

WHEREAS, the Prince William Sound escort system provides the capability of immediate, on-scene response by two escort vessels should a spill occur;

WHEREAS, the composition of Trans-Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the federal Oil Pollution Act of 1990;

WHEREAS, double hull tankers loaded with oil are currently escorted by two tugs through Prince William Sound;

WHEREAS, there is no assurance in state or federal law or regulation that double hull tankers loaded with oil will continue to have dual tug escorts in Prince William Sound to provide immediate prevention and response capabilities;

WHEREAS, since the implementation of the current escort system in Prince William Sound, there have been no major oil tanker spills and potential accidents have been reduced to near misses;

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, the Prince William Sound Regional Citizens' Advisory Council is charged by its contract with Alyeska Pipeline Service Co. and by the Oil Pollution Act of 1990 with the responsibility of representing the communities, individuals, businesses, and industries devastated by the Exxon Valdez oil spill in the effort to prevent comparable spills in the future;

THEREFORE BE IT RESOLVED that the Prince William Sound Regional Citizens' Advisory Council supports the continued practice in Prince William Sound of accompanying each loaded oil tanker, whether single-hulled or double-hulled, with at least two escort vessels.

PASSED AND APPROVED by the Prince William Sound Regional Citizens' Advisory Council Board of Directors on the 9th day of March, 2009.

President Secretary

UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 11, 2009

Representative Craig Johnson, Co-Chairman
Representative Mark Neuman, Co-Chairman
House Resources Committee
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau AK 99811

Dear Chairman Johnson and Committee members,

United Fishermen of Alaska supports HJR 19, calling for an escort of at least two vessels accompanying loaded oil tankers in Prince William Sound, whether single-hulled or double-hulled. While the use of double hulled tankers offers some level of protection, the risk that oil tanker traffic brings against the value of Alaska's fisheries calls for the highest level of preventive protection that can be attained. With Alaska's coastal weather, tidal currents, and natural navigational hazards, the presence of a second escort vessel is required in order to safely control a large tanker vessel should a loss of power occur, to avoid a repeat of a preventable disaster.

UFA represents 37 Alaska commercial fishing organizations from fisheries throughout the state and its offshore waters, altogether representing more than half of U.S. domestic seafood production. We ask for your support of HJR 19 to best help prevent another tragedy to Alaska's fisheries.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Fishermen's Marketing Association • Alaska Independent Tendermen's Association
Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association
Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve • Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc.
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association
Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association
Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Cook Inlet Drift Association
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

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FAIRBANKS
Daily News - Miner

Sound protection

Two decades post-spill, system is solid but needs confirmation

Published Tuesday, March 24, 2009

On this 20th anniversary of the Exxon Valdez oil spill, it is useful to look at another, less well-known date: Oct. 20, 1992.

At about 5 a.m. that day, the BP-chartered tanker Kenai, fully loaded with oil, had just begun its passage through Valdez Narrows when its steering malfunctioned. The tanker began drifting toward Middle Rock, a stone mound that rises 480 feet from the bottom of the narrows to just above the water's surface.

The captain radioed for help and an escort tug rapidly pulled up on its right side. By then, Middle Rock, adorned with a flashing green light, was 100 yards away, just a third of the tanker's own length. The escort tug shoved its rubber-coated nose into the side of the Kenai and revved up its 8,000-horsepower motor.

The two ships cleared the rock. But it was an extremely close call. Had the wind or currents been different that day, it might not have gone so well.

This incident occurred more than three years after the infamous Exxon Valdez disaster, three years during which the ship escort system had been improved substantially. Yet the system was barely adequate to handle a loss of ship control at an obvious danger point.

As a result of the 1989 spill, the 1992 close call and other incidents, the Ship Escort and Response Vessel System and other protective measures were upgraded to create today's comprehensive safety net for Prince William Sound. The improvements since 1989 include:

• The SERVS fleet, which has five highly maneuverable escort tugs with 10,000-plus horsepower motors. They were delivered in 1999 and 2000. Another five tugs and a emergency response vessel work in Valdez Harbor. Multiple response barges and skimmers can pick up and store almost 900,000 barrels of oil, more than three times the entire spillage from the Exxon Valdez.

• A radar system to detect icebergs fired up in December 2002. It confirmed its worth just three months later when a "wall-to-wall" ice jam covered the shipping lanes and shut down tanker traffic for several hours.

• Two separate tracking systems — one radar-based and one satellite-based — that monitor tanker positions moment by moment.

• Spill cleanup equipment staged throughout the sound and on the SERVS ships. Only five miles of oil containment boom were on hand in 1989. Now, there are 71 miles of boom.

None of this guarantees a future free of oil spills on the scale of the Exxon Valdez. However, such a spill could occur only if there were multiple failures in the system, and a cleanup operation today would be far more effective.

Curiously, one part of the system is in question, at least from a legal standpoint. The Oil Pollution Act of 1990, passed by Congress in reaction to the Exxon Valdez disaster, does not appear to require tug escorts for double-hulled tankers.

All but one of the 15 tankers in the system now are double-hulled, and most have backup steering and propulsion systems. Oil companies have not dropped escorts for these tankers, and it's difficult to imagine that they would. But Congress should not tempt them. It should be sure the law requires two escort tugs for loaded tankers passing through the narrows and Hinchinbrook Entrance.

Escort tugs have been part of the safety system since the tankers began carrying oil in 1977. In addition to the 1992 incident described above, they prevented a tanker from overrunning a fishing boat in 2001. They were available, although ultimately unused, in 2005 when an incoming tanker lost power near Hinchinbrook.

The system still is not perfect. In 2005, two loaded, outbound tankers entered Valdez Narrows at the same time, even though rules prohibit such proximity. In 2003, some tethers between tankers and their escorts broke during training exercises.

Escort tugs should remain in place, regardless of how many hulls the tankers have. History indicates they'll be needed.

adn.com
Anchorage Daily News

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Our view: Keep those big tugs

No compromise on oil shipping in Prince William Sound

(03/23/09 19:37:11)

They're called tractor tugs, and they live up to the name and more. They can slow a supertanker down, and then change its direction while it's still moving. Two of the five on duty in Prince William Sound, Nanuq and Tan'erliq, are even called Prince William Sound class tugs. All five were specifically designed for the Sound and drive on 10,000-plus horsepower provided by twin engines. Their propulsion systems make them as nimble as they are strong. Depending on conditions, they can move in any direction on full power.

These five tugs, together with double hull, double-engine ships and better tracking systems, make the Sound's tanker traffic the safest in the world.

Let's keep it that way.

Tug escorts will no longer be required by law once the entire Alaska tanker fleet is double-hulled, which is likely to happen this year. The double-hull conversion was required by the Oil Pollution Act of 1990, passed by Congress after the 1989 Exxon Valdez oil spill.

Oil shippers have a risk assessment in the works to help them decide whether or not to keep the tug escorts.

Much as Alaska's oil shippers might welcome a chance to cut their costs, the tugs should stay on duty.

Yes, double hulls -- and, just as important, twin tanker engines -- do make an oil spill less likely. The extra hull puts more space and steel between oil and water. The second separate engine and propulsion system mean that one engine can fail and the tanker can still steer away from trouble. Most of the tankers working the Sound now have the two-engine system. That's all to the good.

But double hulls and twin engines don't make a spill impossible, and can't account for the human factor -- the mistakes, misjudgments and oversights that lead to more than 80 percent of marine accidents. And two engines aboard a tanker don't guarantee that both can't fail.

Tractor tugs give Prince William Sound and all the life that depends on it extra insurance against a repeat of the Exxon Valdez disaster. Tractor tugs help the big ships keep an unblinking watch. Tractor tugs keep that vigilance close at hand -- one tug is tethered to the tanker during the passage through the Valdez Narrows. Tractor tugs can both warn a tanker pilot of trouble and do something about it if necessary.

If the worst does happen, the tractor tugs are right there to respond with booms, skimmers and storage for recovered oil. They couldn't soak up a massive spill, but they could help until stronger response arrived.

Keeping the tug escort in the Sound is a cost of doing business in Alaska. The shippers pay, and so do we, because the cost of spill prevention is deductible in calculating state royalties and taxes. That's fair.

Lest anyone be tempted to let down their guard, remember what happened 20 years ago when the Exxon Valdez hit Bligh Reef. Nobody thought that would happen either.

Keep the tugs on the Sound and the oil out of it.

BOTTOM LINE: Percentages and probabilities? We've heard them before. We'll go with 10,000 horses and well-seasoned crews.

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March 24, 2009

Senator Linda Menard
Chair State Affairs Committee
Members of the State Affairs Committee
State Capitol, Room 009
Juneau, AK 99801-1182

Chair Menard and Members of the Committee,

The Alaska State Chamber of Commerce wishes to register its concern over HJR 19 "...supporting the continued practice of accompanying each oil tanker through Prince William Sound (PWS) with at least a two vessel escort"

The Regional Citizens Advisory Council (RCAC) and fisherman in several of the PWS communities are requesting a resolution be passed by the State that two tugs be utilized even after all the tankers calling on PWS are double-hulled.

We have come to learn that in fact, the Oil Protection Act (OPA) requirements are not sun setting as is commonly mentioned, but rather the escort requirements under OPA have been exceeded by tanker companies in PWS for many years. The tanker companies have written into their State of Alaska PWS Spill Response Contingency Plan (C-Plan) that they will escort all laden vessels – and the Alaska Department of Environmental Conservation (ADEC) has approved this as acceptable. This approval also effectively makes this dual escort a requirement on tanker companies – even though OPA 90 doesn't mandate it.

You should know that today in PWS, 14 of 16 tankers listed are double hull and the 2 single hull vessels remaining have a short service life left due to OPA 90 requirements. As above, all laden tankers in PWS are currently escorted by two tugs. This is common practice even though the Oil Pollution Act of 1990 (OPA) only requires this of single hull tankers

We have learned that the tanker companies have stated they would make no changes to escorting their ships until a properly conducted risk assessment has been completed for PWS. Then, any changes made would be done to further reduce risks identified in this process. This logic seems sound. Any decision made without knowing risks present is not a prudent approach to prevention.

In the ensuing years since the implementation of the OPA 90 requirements, the tanker companies have invested in double-hulled tankers with redundant propulsion, navigation and steering systems.

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CHAMBER
OF COMMERCE

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Alaska 99801
(907) 586-2323
FAX 463-5515

Regional Office
601 W. 5th Ave.
Suite 700
Anchorage
Alaska 99501
(907) 278-2722
FAX 278-6643

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The Coast Guard has built extensive vessel monitoring and navigations systems and with the installation of an ice monitoring system, marine traffic operates safely. With all of these improvements, an independent review of the system of escorting vessels is timely.

All business and government operate with limited resources. Contingency planning will benefit tremendously from a scientific risk assessment. It would seem prudent for your resolution to include a resolve that to encourage such a risk assessment. This risk assessment should be coordinated with the U. S. Coast Guard, National Science Foundation, PWSRCAC, industry and other interested parties.

HJR 19 proposes the escort system be locked down "as is" with no current risk assessment completed, and with no science or fact based study that says two tugs are the appropriate escort configuration. Given that the C-Plans require two tugs for more than the next three years, we think the prudent approach is for an independent Third Party to conduct a Risk Assessment of the escort system, and recommend the appropriate tug escort system. The recommendations should then be evaluated by (ADEC) and the U.S. Coast Guard and their conclusions should then be used to define tug escort requirements.

There are parts of the tanker passage, like the Valdez narrows where under certain scenarios it may actually increase risk to have a large tanker and two tugs in the system. The appropriate escort system should be based on current tanker and tug design, geography and weather conditions; rather than preemptive Legislative Resolution.

We appreciate your thoughtful consideration of this important issue.

Sincerely,

Wayne A. Stevens
President/CEO



Regional Citizens' Advisory Council

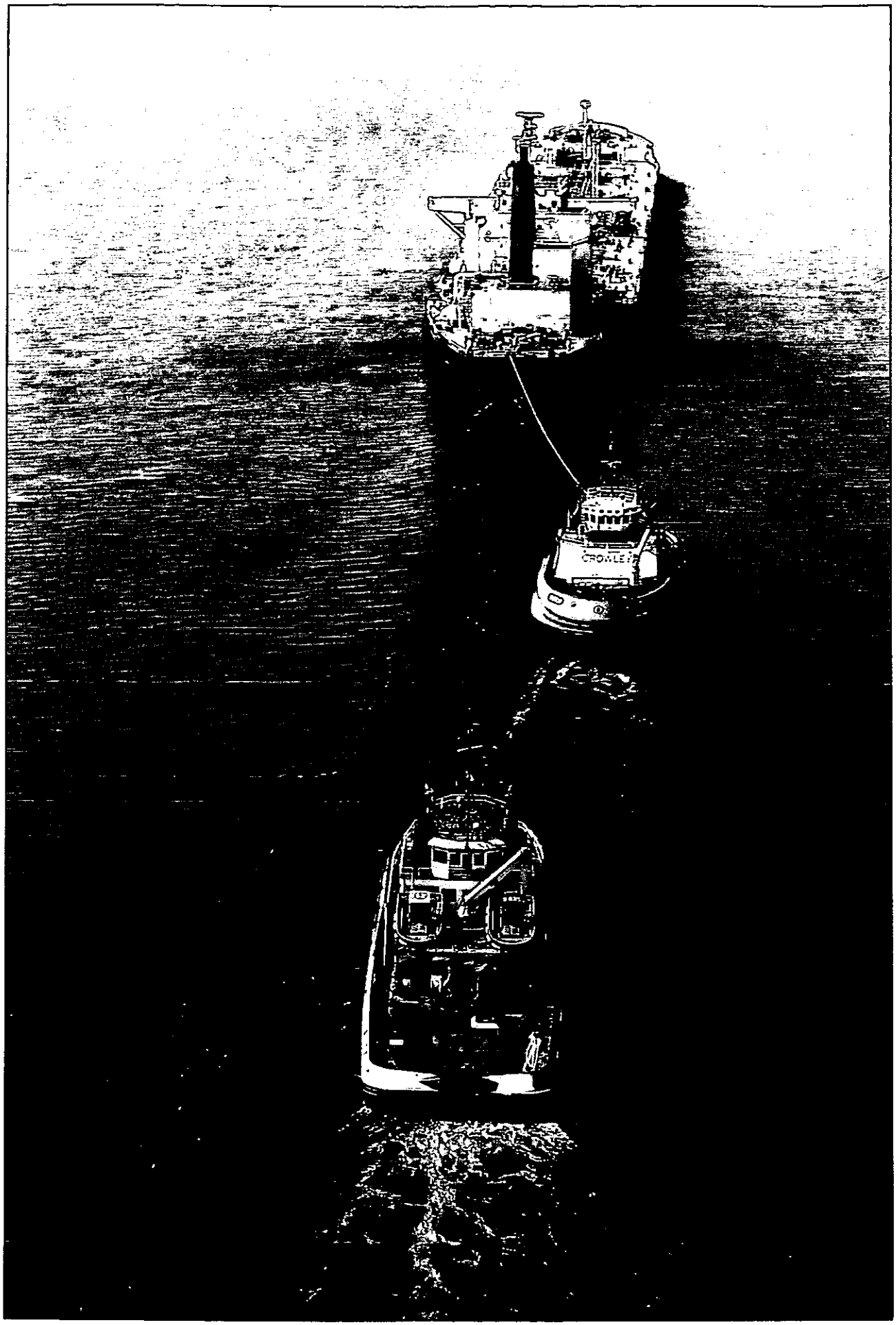
TOM KUCKERTZ, PH.D., P.E.
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P.O. Box 3089
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Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers

www.pwsrcac.org



Dual tug escort configuration, Prince William Sound

Photo courtesy of Alyeska Pipeline Service Co.

Regional Citizens' Advisory Council / *"Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."*

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

MEMBERS

Alaska State Chamber of Commerce

Alaska Wilderness Recreation & Tourism Association

Chugach Alaska Corporation

City of Cordova

City of Homer

City of Kodiak

City of Seldovia

City of Seward

City of Valdez

City of Whittier

Community of Chenega Bay

Community of Tatitlek

Cordova District Fishermen United

Kenai Peninsula Borough

Kodiak Island Borough

Kodiak Village Mayors Association

Oil Spill Region Environmental Coalition

Prince William Sound Aquaculture Corporation

March 9, 2009

The Honorable Hollis French
State Senate
Alaska State Capitol Room 417
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Senator French:

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990, and our contract with Alyeska Pipeline Service Company. PWSRCAC's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Native, recreation, tourism and environmental groups.

We are writing to convey our strong support for SJR 11, the oil tanker escort vessel resolution. We believe it is important for the Alaska legislature to show support for the safe transportation of oil by supporting the system of dual escort tugs for oil tankers in Prince William Sound. It is our hope that this resolution will be passed on or before March 24, 2009, the anniversary of the worst tanker spill in North American history.

The escort system in Prince William Sound is the primary prevention measure to safeguard against oil spills caused by navigational errors, equipment failures, severe weather, and human or organizational errors. These problems can happen on any ship, regardless of how many hulls it has. Since the present escort system was introduced, there have been no major oil tanker spills and potential accidents have been reduced to near misses.

This escort system could possibly be eliminated or reduced by the oil industry once federal requirements expire with the conversion of the Prince William Sound fleet to all double-hull tankers in the next couple of years. Because of this, preserving the current practice of accompanying each laden oil tanker through Prince William Sound with two escort vessels is of paramount importance to the Board of Directors of the PWSRCAC. The attached resolution was passed by our Board of Directors on March 9, 2009. This

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resolution is closely aligned with SJR 11 and should be further evidence of the importance of this issue to the many Alaskans that we represent.

Thank you for considering our views. Please feel free to call me if you would like to discuss this matter further.

Sincerely,

Donna S. Schantz
Acting Executive Director

Encl: PWSRCAC resolution supporting dual escorts in PWS

Regional Citizens' Advisory Council / *"Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."*

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

MEMBERS

Alaska State Chamber of Commerce

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City of Cordova

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City of Seward

City of Valdez

City of Whittier

Community of Chenega Bay

Community of Tatitlek

Cordova District Fishermen United

Kenai Peninsula Borough

Kodiak Island Borough

Kodiak Village Mayors Association

Oil Spill Region Environmental Coalition

Prince William Sound Aquaculture Corporation

Resolution 09-01

Recognizing the 20th anniversary of the Exxon Valdez oil spill and supporting the continuation of the practice of dual tug escorts for loaded oil tankers that traverse Prince William Sound.

WHEREAS, March 24, 2009, marks the 20th anniversary of the worst tanker oil spill in U.S. history with the Exxon Valdez spilling some 11 million gallons of crude oil in Prince William Sound and oiling some 1,300 miles of Alaskan coastline;

WHEREAS, since the 1989 Exxon Valdez oil spill, Alyeska Pipeline Service Company and the crude oil shippers have created a world-class oil spill prevention and response system in Prince William Sound;

WHEREAS, the Prince William Sound escort system is the primary prevention measure to safeguard against oil spills caused by navigational errors, equipment failures, severe weather, and human or organizational errors;

WHEREAS, the Prince William Sound escort system provides the capability of immediate, on-scene response by two escort vessels should a spill occur;

WHEREAS, the composition of Trans-Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the federal Oil Pollution Act of 1990;

WHEREAS, double hull tankers loaded with oil are currently escorted by two tugs through Prince William Sound;

WHEREAS, there is no assurance in state or federal law or regulation that double hull tankers loaded with oil will continue to have dual tug escorts in Prince William Sound to provide immediate prevention and response capabilities;

WHEREAS, since the implementation of the current escort system in Prince William Sound, there have been no major oil tanker spills and potential accidents have been reduced to near misses;

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, the Prince William Sound Regional Citizens' Advisory Council is charged by its contract with Alyeska Pipeline Service Co. and by the Oil Pollution Act of 1990 with the responsibility of representing the communities, individuals, businesses, and industries devastated by the Exxon Valdez oil spill in the effort to prevent comparable spills in the future;

THEREFORE BE IT RESOLVED that the Prince William Sound Regional Citizens' Advisory Council supports the continued practice in Prince William Sound of accompanying each loaded oil tanker, whether single-hulled or double-hulled, with at least two escort vessels.

PASSED AND APPROVED by the Prince William Sound Regional Citizens' Advisory Council Board of Directors on the 9th day of March, 2009.

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CITY OF CORDOVA, ALASKA
RESOLUTION 03-09-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, RECOGNIZING THE 20TH ANNIVERSARY OF THE EXXON VALDEZ OIL SPILL AND SUPPORTING THE CONTINUED PRACTICE OF ACCOMPANYING EACH OIL TANKER THROUGH PRINCE WILLIAM SOUND WITH AT LEAST A TWO VESSEL ESCORT.

WHEREAS March 24, 2009, marks the 20th anniversary of the Exxon Valdez oil spill; and

WHEREAS the Exxon Valdez oil spill was the worst oil tanker spill in the history of the United States, discharging 10,800,000 gallons of crude oil into Prince William Sound and contaminating approximately 1,300 miles of Alaska coastline; and

WHEREAS, since the 1989 Exxon Valdez oil spill, the Alyeska Pipeline Service Company and the crude oil shippers have created a world-class oil spill prevention and response system in Prince William Sound; and

WHEREAS the oil tanker vessels transiting Prince William Sound are increasingly of a double-hulled design, as required by the Oil Pollution Act of 1990; and

WHEREAS the Prince William Sound oil tanker escort vessels provide immediate, on-scene response should a spill occur; and

WHEREAS all loaded oil tankers, including double-hulled oil tankers, are currently escorted by at least two escort vessels through Prince William Sound; and

WHEREAS the Oil Pollution Act of 1990 mandates that only single-hulled tankers of 5,000 gross tons or more be escorted by at least two escort vessels while in Prince William Sound; and

WHEREAS there is no assurance in any state or federal law or regulation that each oil tanker in Prince William Sound will continue to be escorted by at least two escort vessels capable of providing immediate spill prevention and response; and

WHEREAS, since the implementation of the two-vessel escort system in Prince William Sound, there have been no major oil spills, and potential accidents have been reduced to near misses; and

WHEREAS double hulls are not a perfect prevention measure, and it would be imprudent to alter a proven oil spill prevention and response program based solely on improvements in oil tanker vessel engineering and design;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cordova, Alaska, supports the continued practice in Prince William Sound of accompanying each loaded oil tanker, whether single-hulled or double-hulled, with at least two escort vessels.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Janet Napolitano, United States Secretary of Homeland Security; Admiral Thad W. Allen, Commandant of the United States Coast Guard; the Honorable Sarah Palin, Governor of Alaska; Kevin Hostler, President and Chief Executive Officer, Alyeska Pipeline Service Company; Anil Mathur, Chief Executive Officer, Alaska Tanker Company; George P. McShea, Jr., Vice-President of Operations, Polar Tankers Inc.; Stu McRobbie, Vice-President of Operations, SeaRiver Maritime; Tim Plummer, President, Tesoro Maritime Company; Jeff Williams, Environmental Manager, Chevron Shipping Company; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

PASSED AND APPROVED THIS 4TH DAY OF MARCH, 2009.

Timothy L. Joyce, Mayor

CITY OF CORDOVA CORPORATE SEAL MAY 8, 1909 ALASKA

ATTEST:

Lila J. Koplin, CMC, City Clerk

Kodiak Chamber of Commerce

RESOLUTION NUMBER 03-09-01

A RESOLUTION OF THE KODIAK CHAMBER OF COMMERCE SUPPORTING SENATE JOINT RESOLUTION 11 AND HOUSE JOINT RESOLUTION 19 REQUIRING OIL TANKER VESSELS BE ACCOMPANIED BY TWO VESSEL ESCORTS

WHEREAS, the Kodiak Chamber of Commerce is dedicated to Kodiak's future; and.

WHEREAS, lessons from the past are helpful in planning for the future; and

WHEREAS, in 1989 the Kodiak community was traumatized by the Exxon Valdez Oil Spill; and

WHEREAS, since 1989 the practice of requiring a two vessel escort for tankers in Prince William Sound has contributed to no other oil spills in Prince William Sound; and

WHEREAS, in Senate Joint Resolution 11 and House Joint Resolution 19, the Alaska Legislature has an opportunity to inform the appropriate officials and companies that the practice of requiring a two vessel escort for tankers should continue; and

WHEREAS, the Kodiak community should not be subjected to another oil spill.

NOW, THEREFORE, BE IT RESOLVED the Kodiak Chamber of Commerce encourages the Alaska Legislature to pass SJR 11 or HJR 19.

Passed and approved by the Board of Directors of the Kodiak Chamber of Commerce this 6th day of March 2009.

Signed this 6th day of March 2009.

KODIAK CHAMBER OF COMMERCE

John Whiddon

John Whiddon

President

ATTEST:

Nora McRae

Nora McRae

Secretary to the Board

OLD HARBOR
NATIVE CORPORATION

March 10, 2009

Hon. Gary Stevens, President **[Via Fax: 907 465-3517]**
Alaska State Senate
State Capitol, Room 111
Juneau, Alaska 99801-1182

Hon. Alan Austerman **[Via Fax: 907 465-4956]**
Alaska House of Representatives
State Capitol, Room 434
Juneau, Alaska 99801-1182

Re: Support for Senate Joint Res. 11 and House Joint Res. 19

Dear Senator Stevens and Representative Austerman:

This letter is to express deep appreciation and strong support for your introduction of Senate Joint Resolution No. 11 and House Joint Resolution No. 19 respectively resolving --

> "that the Alaska State Legislature supports the continued practice in Prince William Sound of accompanying each loaded oil tanker, whether single-hulled or double-hulled, with at least two escort vessels."

Your resolutions will help ensure that the marine safety system for loaded oil tankers traveling from the Marine Oil Terminal in Valdez, Alaska through Prince William Sound is *not weakened* by reducing the current practice of using dual escort tugs to accompany such tankers. The continued practice of dual escorts is crucial to protecting people, communities, livelihoods, the economy, fish and wildlife and other natural resources of the Prince William Sound and other portions of the Gulf of Alaska within the Exxon Valdez oil spill region from another devastating oil spill.

As one of numerous communities in the oil spill region, the village of Old Harbor, for which the Old Harbor Native Corporation is the village corporation authorized by the Alaska Native Claims Settlement Act, witnessed and experienced, and continues to experience, the aftermath of the 1989 oil spill. President George H. W. Bush called that spill "the worst marine environmental disaster this Nation has ever experienced." Clearly, such a disaster should never be permitted to happen again.

Fortunately, because of the actions of the U.S. Congress, federal agencies, the State of Alaska, the citizens' panel authorized by Congress to help oversee the operations at the terminus of the Trans-Alaska Pipeline and oil transport through Prince William Sound, and to their credit, industry itself, the current marine safety system at Valdez is viewed by most to be among the safest in the world. The employment of dual escorts is a critical core safety component of that system.

2702 Denali Street, Suite 100 | Anchorage, Alaska 99503 | tel 907-278-6100 | fax 907-222-2760

We all learned the hard way that regardless of tanker technology . . . human error, equipment failure, weather, obstacles in the water such as icebergs, and other factors can contribute to the creation of catastrophic results. The 1989 oil spill resulted in enormous disruption and harm to the lives and livelihoods of people living in the region, including people in our village, to the fishing industry, to tourism, to subsistence resources and to the marine, intertidal and terrestrial shoreline environment.

Considering the huge social, environmental, economic and cultural impacts and costs of the Exxon Valdez oil spill, it would be a "penny-wise and pound-foolish" to diminish the current protections in place. We are concerned particularly about any effort by industry or others to reduce protections in place now by calling for a "risk assessment" of the marine safety system at the Port of Valdez and Prince William Sound. We believe as you appear to believe by virtue of your resolutions, and as most Alaskans do, that our state and the nation have already gone through a risk assessment in 1989 . . . the Exxon Valdez oil spill.

To weaken the current system that is working so well would be indefensible. Given that that system is the best insurance policy the public and industry could devise, we hope the oil industry will concur with the intent of your resolutions. Anyone who attempts to weaken the current system would be placing the entire region in serious jeopardy once again. Therefore, we urge you to be steadfast in keeping your resolutions strong and in doing so to protect the natural resources, communities, and the economy of the entire region.

On behalf of the shareholders of our village corporation, thank you for your leadership and the wisdom and judgment of those who join you in seeking passage of Senate Joint Resolution 11 and House Joint Resolution 19. We strongly support your efforts to obtain passage by the Alaska State Legislature of these resolutions.

Best regards.

Sincerely,

OLD HARBOR NATIVE CORPORATION

Emil Christiansen Sr.
President

cc: Kodiak Island Borough Assembly
City Council, Kodiak, Alaska
Dr. Sven Haakanson Jr., Director, Alutiiq Museum and Repository
Kodiak Area Aquaculture Association
Kodiak Island Convention and Visitors Bureau
Kodiak Chamber of Commerce
Kodiak Area Native Association
Kodiak Village Mayors Association
Mayor, Old Harbor, Alaska
Board of Directors, Old Harbor Native Corporation

CHENEGA CORPORATION

PWSRCAC

COPY

March 17, 2009

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VIA EMAIL
The Honorable Gary Stevens
President of the Senate
State Capitol
Mailstop 3100, Room 103
Juneau, AK 99801-1182

Dear Mr. Stevens:

Attached is the Chenega Corporation's Resolution 09-07 supporting Senate Joint Resolution 11 and House Joint Resolution 19 requiring oil tanker vessels be accompanied by two vessel escorts.

Sincerely,

CHENEGA CORPORATION

Charles W. Totemoff
President and CEO

Enclosure: as noted.

3000 C Street, Suite 301 • Anchorage, Alaska 99503-3975
Phone (907) 277-5706 Fax (907) 277-5700 www.chenega.com

1456

CHENEGA CORPORATION BOARD OF DIRECTORS
Resolution 09-07

A RESOLUTION OF THE CHENEGA CORPORATION SUPPORTING SENATE JOINT RESOLUTION 11 AND HOUSE JOINT RESOLUTION 19 REQUIRING OIL TANKER VESSELS BE ACCOMPANIED BY TWO VESSEL ESCORTS

WHEREAS, the Chenega Corporation is dedicated to Prince William Sound's future; and

WHEREAS, lessons from the past are helpful in planning for the future; and

WHEREAS, in 1989 the Chenega community was traumatized by the Exxon Valdez Oil Spill; and

WHEREAS, since 1989 the practice of requiring two vessel escort for tankers in Prince William Sound has contributed to no other oil spills in Prince William Sound; and

WHEREAS, in Senate Joint Resolution 11 and House Joint Resolution 19, the Alaska Legislature has an opportunity to inform the appropriate officials and companies that the practice of requiring a two vessel escort for tankers should continue; and

WHEREAS, the Chenega community should not be subjected to another oil spill.

NOW, THEREFORE, BE IT RESOLVED the Chenega Corporation encourages the Alaska Legislature to pass SJR11 or HJR 19.

In witness whereof I have signed and hereunto affixed the corporate seal the 17th day of March, 2009.

By: _____
Charles W. Totemoff, President

seal

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 09-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA RECOGNIZING THE 20TH ANNIVERSARY OF THE EXXON VALDEZ OIL SPILL AND SUPPORTING THE CONTINUATION OF THE PRACTICE OF DUAL TUG ESCORTS FOR ALL LADEN OIL TANKERS THAT TRAVERSE PRINCE WILLIAM SOUND

WHEREAS, March 24, 2009, marks the 20th anniversary of the Exxon Valdez oil spill in Prince William Sound spilling some 11 million gallons of crude oil and oiling some 1,300 miles of Alaskan coastline; and

WHEREAS, since the 1989 Exxon Valdez oil spill, Alyeska Pipeline Service Company and the crude oil shippers have created a world-class oil spill prevention and response system in Prince William Sound; and

WHEREAS, the Prince William Sound escort system is the primary prevention measure to safeguard against oil spills caused by navigational errors, equipment failures, severe weather, and human or organizational errors; and

WHEREAS, the Prince William Sound escort system provides the capability of immediate, on-scene response by two escort vessels should an oil spill occur; and

WHEREAS, the composition of Trans-Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the federal Oil Pollution Act of 1990; and

WHEREAS, double hull tankers loaded with oil are currently escorted by two tugs through Prince William Sound; and

WHEREAS, there is no assurance in state or federal law or regulation that double hull tankers loaded with oil will continue to have dual tug escorts in Prince William Sound to provide immediate prevention and response capabilities; and

WHEREAS, since the implementation of the current escort system in Prince William Sound, there have been no major oil tanker spills and potential accidents have been reduced to near misses; and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design.

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

The City of Valdez supports the continued practice in Prince William Sound of escorting all laden tankers transiting Prince William Sound, whether single-hulled or double-hulled, with at least two escort vessels.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 16th day of March, 2009.

CITY OF VALDEZ, ALASKA

Bert L. Cottle, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

SEAL OF THE CITY OF VALDEZ, ALASKA INC. 1901

801.106.050323.SeldoviaRbHl.pdf

VDZ received 3/25/05 AA DS,

CITY OF SELDOVIA

RESOLUTION 05-13

A RESOLUTION OF THE CITY OF SELDOVIA IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE TRANS ALASKA PIPELINE SYSTEM TANKER ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN CRUDE OIL TANKERS TRANSITING PRINCE WILLIAM SOUND.

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990; and

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors; and

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediate, on-scene response of two escort vessels; and

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration; and

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses; and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in South-central Alaska and cause major environmental damage.

NOW, THEREFORE, BE IT RESOLVED, the City of Seldovia supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

PASSED AND APPROVED by a duly constituted quorum of the city Council of the City of Seldovia, Alaska, on this 23rd day of Month, 2005.

APPROVED: Richard Wyland
Richard Wyland, Mayor

ATTEST: Ronda Haynes
Ronda Haynes, City Clerk



CITY OF SELDOVIA

P.O. DRAWER B * SELDOVIA, ALASKA 99663
Phone: (907) 234-7643 Fax: (907) 234-7430 Email:
seldcity@xyz.net

Fax

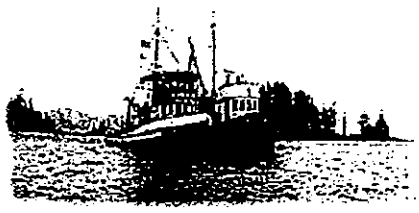
To: Rhonda Williams **From:** Ronda Haynes, Treasurer

Fax: 907-835-5926 **Pages:**

Ph: **Date:**

Re: **CC:**

802.106.050218.OldHarborES.pdf



City of Old Harbor

P.O. Box 109
Old Harbor, Alaska
99643
(907) 286-2203 OR 286-2204
Fax (907) 286-2278

City of Three Saints



VDZ received
2/18/05

RESOLUTION NO. 2005- 0001

A RESOLUTION OF THE **KODIAK ISLAND MAYOR ASSOCIATION** MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN TANKERS TRANSITING PRINCE WILLLIAM SOUND.

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double- hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors; ;

WHEREAS, the current Prince William Sound escort system provides the capability of immediate, on scene response of two escort vessels;

WHEREAS, laden double hull tankers, including those with redundant systems are currently voluntarily escorted in a two tug escort configuration;

WHEREAS, since the implementation of the current escort system there have been no major oil spills and potential accidents have been reduced to near misses, and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design.

NOW THEREFORE BE IT RESOLVED, the **KODIAK ISLAND MAYOR ASSOCIATION**, supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden tankers transiting Prince William Sound.

PASSED AND APPROVED, by the **KODIAK ISLAND MAYOR ASSOCIATION**

Feb

Signed: James A Nestic Date: FEBRUARY 18, 2005

James A Nestic., Mayor

Sponsored by: Corbridge

CITY OF SEWARD, ALASKA
RESOLUTION 2005-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN CRUDE OIL TANKERS TRANSITING PRINCE WILLIAM SOUND

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990; and

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors; and

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediate, on-scene response of two escort vessels; and

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration; and

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses; and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in south central Alaska and cause major environmental damage.

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

Section 1. The Seward city council supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

Section 2. This resolution shall take affect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Seward, Alaska, this 14th day of March, 2005.

THE CITY OF SEWARD, ALASKA

Vanta Shafer, Mayor

801.106.050307.WhittierEsc.pdf
VDZ received
3/14/05 JR RW

CITY OF WHITTIER, ALASKA
RESOLUTION 767-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA, IN SUPPORT OF THE REGIONAL CITIZENS' ADVISORY COUNCIL (RCAC) AND OF THEIR MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN TANKERS TRANSITING PRINCE WILLIAM SOUND.

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors;

WHEREAS, the current Prince William Sound escort system provides the capability of immediate, on scene response of two escort vessels;

WHEREAS, the laden double hull tankers, including those with redundant systems are currently voluntarily escorted in a two tug escort configuration;

WHEREAS, since the implementation of the current escort system there have been no major oil spills and potential accidents have been reduced to near misses, and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design;

NOW THEREFORE BE IT RESOLVED the City Council of the City of Whittier supports the Prince William Sound Regional Citizens' Advisory Council, and its mission to promote the environmentally safe operation of the Valdez Marine Terminal and the oil tankers that use it and supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden tankers transiting Prince William Sound.

PASSED AND APPROVED by a duly constituted quorum of the Whittier City Council on this 7th day of March 2005.

Introduced by: **Rick A. Hohnbaum**
Introduction date: **March 07, 2005**

ATTEST:

Brenda Krol
City Clerk

Lester Lunceford
Mayor

Ayes: 6
Noes: 0
Absent: 1
Abstain: 0

Oil Spill Region Environmental Coalition

◆ Alaska Marine Conservation Council ◆ Alaska Center for the Environment ◆
◆ Cook Inlet Keeper ◆ Kodiak Audubon Society ◆ Kachemak Bay Conservation Society ◆
◆ Prince William Sound Alliance ◆ Prince William Sound Audubon ◆
◆ P.O. Box 3269, Homer, Alaska 99603; ph: (907) 235-4068 ext 22 ◆

RESOLUTION 2005-01

A RESOLUTION OF THE OIL SPILL REGION ENVIRONMENTAL COALITION (OSREC) IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN CRUDE OIL TANKERS TRANSITING PRINCE WILLIAM SOUND.

WHEREAS, the Oil Spill Region Environmental Coalition (OSREC) is an alliance of Alaskan conservation organizations dedicated to preserving the integrity of the marine ecosystem and coastal communities of Prince William Sound and the Gulf of Alaska.

WHEREAS, OSREC pursues this mandate by working to ensure that the Alyeska pipeline, terminal and associated tankers operate safely in the unique environment of Prince William Sound and the Gulf of Alaska.

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors;

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediate, on-scene response of two escort vessels;

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration;

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses;

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in south central Alaska and cause major environmental damage.

NOW, THEREFORE, BE IT RESOLVED, OSREC supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

PASSED AND APPROVED by OSREC on this 24th day of August 2005.

Bob Shavelson, Chair
Oil Spill Environmental Coalition

801.106.050920.PWSACescort2.pdf

PRINCE WILLIAM SOUND AQUACULTURE CORPORATION

VBZ received 9/27/05

RESOLUTION 2005 – 06 - EC

SUPPORT FOR MAINTAINING ESCORT TUGS IN PRINCE WILLIAM SOUND

WHEREAS, the Prince William Sound Aquaculture Corporation supports maintaining a strong and reliable escort fleet and preserving the practice of requiring two escorts, as currently practiced, for all laden crude oil tankers transiting Prince William Sound;

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors;

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediate, on-scene response of two escort vessels;

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration;

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses;

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in south central Alaska and cause major environmental damage.

THEREFORE BE IT RESOLVED, that Prince William Sound Aquaculture Corporation supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

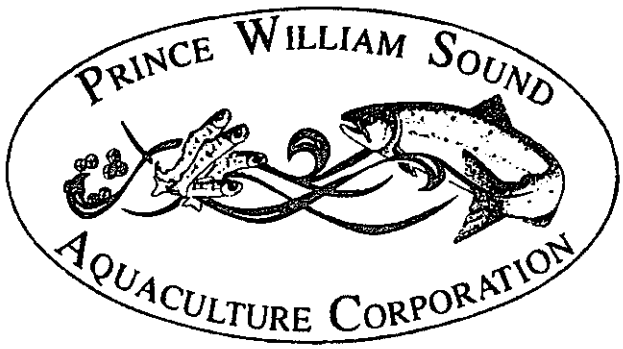
CERTIFICATION

I HEREBY CERTIFY, that I am the duly elected, qualified and acting Secretary of the Prince William Sound Aquaculture Corporation, an Alaska corporation; that the foregoing is a full, true and correct copy of a resolution duly and legally adopted at a regular meeting of the Board of Directors Executive Committee on September 14, 2005 at which a quorum was present, and that such resolution is now in full force and effect and duly recorded in the minutes of said Board of Directors.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Corporation this 20th day of Sept, 2005.

Hap Symmonds
Secretary

PRINCE WILLIAM SOUND AQUACULTURE CORPORATION
Corporate Office • P. O. Box 1110, Cordova, AK 99574
Office: 907/424-7511 • Fax: 907/424-7514
Website: www.pwsac.com Email: pwsac@ak.net



September 21, 2005

Sharry Miller
PO Box 2961
Valdez 99686

Dear Sharry:

At its last regularly scheduled meeting, the PWSAC Executive Committee passed a motion to support maintaining the two-tug escort practice to accompany oil tankers transiting Prince William Sound. A Resolution to that effect is enclosed.

Sincerely,

Ruth Hanis

Ruth Hanis
Administrative Assistant /
Human Resource Specialist

Enclosure

PRINCE WILLIAM SOUND AQUACULTURE CORPORATION
Corporate Office • P. O. Box 1110, Cordova, AK 99574
Office: 907/424-7511 • Fax: 907/424-7514
Website: www.pwsac.com Email: pwsac@ak.net

801.106.050914.CDFU2escort.pdf

VDZ received
9/16/05 DF PW

RESOLUTION 2005-14-9

A RESOLUTION OF CORDOVA DISTRICT FISHERMEN UNITED IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN CRUDE OIL TANKERS TRANSITING PRINCE WILLIAM SOUND.

WHEREAS, the composition of Trans Alaska PIPELINE System trade tankers is moving towards a filled of double-hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors;

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediate, on-scene response of two escort vessels;

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration;

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses;

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in south central Alaska and cause major environmental damage.

NOW, THEREFORE, BE IT RESOLVED, Cordova District Fishermen United, supports the continued operation of the Prince William Sound escort system in the configurations described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

PASSED AND APPROVED by Cordova District Fishermen United on the 14th day of September, 2005.

Diane Platt

Diane Platt, Executive Director

Introduced by:	Chay, Merkes
Date:	9/20/05
Action:	Adopted
Vote:	9 Yes, 0 No

KENAI PENINSULA BOROUGH
RESOLUTION 2005-086

A RESOLUTION IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN TANKERS TRANSITING PRINCE WILLIAM SOUND

WHEREAS, Trans Alaska Pipeline System trade tankers are moving toward a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990; and

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather, and human or organizational errors; and

WHEREAS, the current Prince William Sound escort system provides the capability of immediate, on scene response of two escort vessels; and

WHEREAS, laden double hull tankers, including those with redundant systems are currently voluntarily escorted in a two tug escort configuration; and

WHEREAS, since the implementation of the current escort system there have been no major oil spills, and potential accidents have been reduced to near misses; and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, Cook Inlet is downstream of Prince William Sound;

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

SECTION 1. That the Kenai Peninsula Borough Assembly strongly supports safe operation of the oil tankers that transit Prince William Sound and the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden tankers transiting Prince William Sound.

SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF SEPTEMBER, 2005.

Gary Superman, Assembly President

ATTEST:

Sherry Biggs, Borough Clerk

KENAI PENINSULA BOROUGH 1964

AWRTA Escort Resolution (03/10/05)
The resolution of AWRTA in support of maintaining a strong and reliable escort fleet and preserving the practice of requiring two escorts, as currently practiced, for all laden crude oil tankers transiting Prince William Sound.

RESOLUTION 1-2005

A RESOLUTION OF THE *ALASKA WILDERNESS RECREATION & TOURISM ASSOCIATION* IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN CRUDE OIL TANKERS TRANSITING PRINCE WILLIAM SOUND.

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors;

WHEREAS, the current Prince William Sound escort system provides the capability and resources of immediate, on-scene response of two escort vessels;

WHEREAS, laden double hull tankers, including those with redundant systems, are currently voluntarily escorted in a two-tug escort configuration;

WHEREAS, since the implementation of the current escort system, there have been no major oil spills and potential accidents have been reduced to near misses;

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design; and

WHEREAS, a large oil spill in Prince William Sound would adversely affect the commercial fisheries, tourism industry and economies of coastal communities in south central Alaska and cause major environmental damage.

NOW, THEREFORE, BE IT RESOLVED, the Alaska Wilderness Recreation & Tourism Association, supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden crude oil tankers transiting Prince William Sound.

PASSED AND APPROVED by the Alaska Wilderness Recreation & Tourism Association on this *28th* of *February, 2005*.

CHUGACH ALASKA CORPORATION

BOARD OF DIRECTORS

RESOLUTION 05-04

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors;

WHEREAS, the current Prince William Sound escort system provides the capability of immediate, on scene response of two escort vessels,

WHEREAS, laden double hull tankers, including those with redundant systems are currently voluntarily escorted in a two tug escort configuration;

WHEREAS, since the implementation of the current escort system there have been no major oil spills and potential accidents have been reduced to near misses, and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design,

NOW THEREFORE BE IT RESOLVED, the Chugach Alaska Corporation Board of Directors, supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden tankers transiting in Prince William Sound.

DATED this 16th day of March, 2005.

Sheri Buretta

Sheri Buretta, Chairman of the Board

ATTEST:

CHUGACH ALASKA CORPORATION CORPORATE SEAL ALASKA

David Totemoff SR.

David Totemoff, Sr., Corporate Secretary

YEA: 8 NAY: Ø ABSTAIN: Ø

801.106.050228.HomeR2escort.pdf

February 16, 2005

VDZ received
2/18/05

Prince William Sound Citizens' Advisory Council
City of Homer
John Velsko
Box 2269, Homer, Alaska 99603
jvelsko@hotmail.com
(907)235-7836

Homer City Manager
Walt Wrede

Hello Walt,

PWSRCAC staff has requested that I submit the attached **RESOLUTION** for consideration by the Homer City Council at the next meeting on February 28, 2005. I added the last **WHEREAS** as it pertains to our area. Most of us still remember the widespread commercial fishing closures in Cook Inlet and Kodiak Island waters and environmental damage to the outer Kenai Peninsula coast caused by the ***EXXON VALDEZ*** oil spill in Prince William Sound in 1989.

The current escort system employs a significant number of Peninsula mariners , many of them from the Homer area. The system works. Since its inception there have been several near misses that could have resulted in an environmental tragedy but for the escort vessels. While a great improvement over a single hull , a double hull tanker still has the potential to disgorge huge amounts of crude oil into the marine environment if run aground. In addition the escort tugs have oil spill response and firefighting capabilities.

The City of Homer has a seat on the PWSRCAC because we would be an affected downstream community in the advent of a large crude oil spill in Prince William Sound. Prevailing winds and currents would push the oil along the outer Kenai Peninsula coast and into Lower Cook Inlet within a week. If this were to occur during the summer months the economic impacts to the City of Homer could be enormous.

I don't believe that passing this **RESOLUTION** sends the message that Homer is anti-oil. In fact, many Alaskans feel that ANWR would be in production now if not for the glaring inadequacies in spill prevention and response that the ***EXXON VALDEZ*** oil spill brought to national attention in 1989.

Please place this **RESOLUTION** on the Council's agenda for February 28th. and I would appreciate your enclosing this letter in their packet along with the attached materials. Feel free to call me if you have any concerns.

Sincerely,

John Velsko

RESOLUTION XXX

A RESOLUTION OF THE CITY OF HOMER IN SUPPORT OF MAINTAINING A STRONG AND RELIABLE ESCORT FLEET AND PRESERVING THE PRACTICE OF REQUIRING TWO ESCORTS, AS CURRENTLY PRACTICED, FOR ALL LADEN TANKERS TRANSITING PRINCE WILLIAM SOUND.

WHEREAS, the composition of Trans Alaska Pipeline System trade tankers is moving towards a fleet of double-hulled tankers as required by the Oil Pollution Act of 1990;

WHEREAS, the current Prince William Sound escort system safeguards against oil spills caused by navigational errors, severe weather and human or organizational errors;

WHEREAS, the current Prince William Sound escort system provides the capability of immediate, on scene response of two escort vessels;

WHEREAS, laden double hull tankers, including those with redundant systems are currently voluntarily escorted in a two tug escort configuration;

WHEREAS, since the implementation of the current escort system there have been no major oil spills and potential accidents have been reduced to near misses, and

WHEREAS, it is imprudent to reduce proven prevention programs based solely on improvements in vessel engineering and design.

WHEREAS, a large oil spill in Prince William Sound would likely adversely affect the commercial fisheries and tourism industry in Lower Cook Inlet and cause major environmental damage,

NOW THEREFORE BE IT RESOLVED, the City of Homer supports the continued operation of the Prince William Sound escort system in the configuration as described in the 2001 Vessel Escort and Response Plan for all laden tankers transiting Prince William Sound.

PASSED AND ADOPTED by the Homer City Council on the 28th day of February 2005.

801.302.050331.KodiakEscort.pdf

Kodiak Island Borough

OFFICE of the MAYOR

710 Mill Bay Road
Kodiak, Alaska 99615
Phone (907) 486-9301 Fax (907) 486-9374

VDZ received
4|15|05 JF AW LS

March 31, 2005

Gentlemen:

The Kodiak Island Borough has concerns about the discussions within the oil industry to reduce the number of escort vessels necessary to escort a laden tanker out of Prince William Sound. While the design and construction of the new double hull tankers goes far beyond the mandates of OPA 90, we do not believe that new ship designs alone should replace the escort prevention system that is currently in place in Prince William Sound. The escort vessels carry spill response equipment and have firefighting capabilities that provide on-site, first-responder capability should a spill incident happen.

It is of major concern that a movement appears to be underway, once all single-hull tankers have been replaced with double hull ones, to follow the VRP escort vessel provision which does not require an actual escort vessel for a Trans Alaska Pipeline System tanker, but to have one *available within the PWS region* to respond if a spill happens. To have on-site capability to respond as opposed to having a vessel "available somewhere in the Prince William Sound Region" is a backward step and a risk we feel that should not be taken.

We support the views of the Prince William Sound Regional Citizens' Advisory Council to continue operation of the PSW tanker escort program in the configuration described in the 2001 Vessel Escort and Response Plan, whereby: two escorts stay in close configuration through northern Prince William Sound with the primary escort tethered through Valdez Narrows; one close escort and a sentinel are assigned through Central Prince William Sound; two close escorts are maintained through Hinchinbrook Entrance; and a sentinel is stationed until a laden tanker reaches a distance of 17 miles seaward of Cape Hinchinbrook.

We urge you to NOT reduce the number of escort vessels necessary to escort a laden tanker out of Prince William Sound.

Sincerely,

OFFICE OF THE BOROUGH MAYOR

Jerome M. Selby.
Borough Mayor

N:\CL\SELBY\PWSRCAC.doc

SENATE COMMITTEE REPORT

DATE: 3/20/09

FURTHER: Rules

DATE TURNED IN TO OFFICE: 3/24/09

State Affairs Committee considered HOUSE JOINT RESOLUTION NO. 19

HJR 19 OIL TANKER ESCORT VESSELS/OIL SPILL ANNIV

Recognizing the 20th anniversary of the Exxon Valdez oil spill and supporting the continued practice of accompanying each oil tanker through Prince William Sound with at least a two vessel escort.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
H. Res.	3/11/09			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
K- Meyer	Meyer	X			
[illegible]	French	X			
Joe Paskvan	PASKVAN	X			
Kookuk Olson	Kookuk	X			
CHAIR: Linda Menard	MENARD	X			

HJR

24

Chair, Judiciary
Chair, Economic Development, Trade & Tourism
Energy
Military & Veteran Affairs
Joint Armed Services

State Capitol, Room 118
Juneau, Alaska 99801-1182
Phone: (907) 465-3004
Fax: (907) 465-2070
Toll Free: (877) 465-3004

Alaska State Legislature
House of Representatives

Interim:
1292 Sadler Way, Suite 324
Fairbanks, Alaska 99701
Phone: (907) 452-1088
Fax: (907) 452-1146
Toll Free: (877) 465-3004

Representative Jay Ramras
District 10

Received

received
03/08/10 10:00am

Memo

To: Senator Linda Menard
Chair Senate State Affairs Committee

From: Representative Jay Ramras

Date: March 4, 2010

Re: Request for HJR 24 to be heard in committee.

Please accept this memo as a request for HJR 24 to be heard in the Senate State Affairs Committee. Attached are the following documents:

- Sponsor Statement
- HJR24 26-LS0710\A
- Support
- History
- List of potential witnesses

Thank you for your time and consideration, should you have any questions, please do not hesitate to contact me or Don Habeger at 465-3004.

Representative_Jay_Ramras@legis.state.ak.us

Chair, Judiciary
Chair, Economic Development, Trade & Tourism
Energy
Military & Veteran Affairs
Joint Armed Services
1292 Sadler Way, Suite 324
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Alaska State Legislature
House of Representatives

While in Session
State Capitol, Room 118
Juneau, Alaska 99801-1182
(907) 465- 3004
Fax: (907) 465-2070
Toll Free: (877) 465-3004

Representative Jay Ramras
District 10

Sponsor Statement
HJR 24

"Urging the United States Congress and the United States Department of Agriculture to extend the basic housing allowance exclusion to all military families for purposes of the school nutrition program."

House Joint Resolution 24 enables military families that are living off the base to qualify for the school nutrition programs.

Families who live off the base are given an additional basic allowance for housing (BAH). Due to this increase of income children of these families are not qualified for the school nutrition programs. Many of these families are struggling financially. This presents a major issue for families that have one or multiple children to feed and a vital program such as the free lunch program is denied to them because of the location of their homes and increased income due to the basic allowance for housing.

HJR 24 encourages the United States Congress and the United States Department of Agriculture to look at the issue presented to the heroic military men and women and thus their families. This is an opportunity to ensure our military families do not have to endure additional hardships while a family member is defending our country.

Representative_Jay_Ramras@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HJR 24
(H) Publish Date: 2/17/2010

Identifier (file name):
Title FED.SCHOLL LUNCH PROGRAM/MILITARY
Sponsor Representative Jay Ramras
Requester Military and Veterans' Affairs Committee

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

Prepared by: House Rules Committee
Division
Phone
Date/Time
Approved by: Representative Nancy Dahlstrom, Chair
House Rules
Date 2/17/2010

(Revised 11/6/2009 OMB)

1480

COMMITTEE COPY

AKSNA Alaska School Nutrition Association

March 23, 2009

Honorable Congressman Young,

On behalf of the Alaska School Nutrition Association (AKSNA) I would like to congratulate you on your re-election. It is a time of change and extreme need in our country and we look forward to your leadership.

As a former member of the military and a supporter of child nutrition, I thought you would like to know about the Military Nutrition Protection Act introduced by Senator Michael Bennett from Colorado. He is seeking to exclude combat pay in eligibility requirements that eliminate dependents of deployed service members out of any special nutrition assistance programs. Those include free and reduced price school meals and supplemental nutrition assistance for women, infants, and children, otherwise known as "WIC" programs. Current regulations allow us to exclude the portion of income sent to the deployed household member yet that is not typically enough to provide benefits to these children.

In the Fairbanks North Star Borough School District, we have two military bases – Ft. Wainwright and Eielson Air Force Base. There are currently over 5,000 members deployed overseas, several who have left behind families. The military receive many different types of adjustments – e.g. COLA, BAH (housing assistance) – that when combat pay is received can result in their children being ineligible for meal benefits. This can cause additional stress for those deployed and the families.

Last month, I spoke with state Representative Jay Ramras' office regarding the above issue and the disparity between households living on and those off of military installations. Soon all military families will be receiving BAH and we are informed that families on military installations do not have to include the housing assistance as income but those living off the installation do. This causes a disparity in treatment as school nutrition directors have been informed that if assistance is received monetarily and not in-kind, it must be counted as income when processing children for meal benefits. He and his staff are drafting a resolution supporting the exclusion of housing assistance as income for all military households.

These issues are seen every place a military installation is – from Kodiak to Anchorage to Delta to Fairbanks. This is an opportunity to ensure our military families do not have to endure additional hardships while a family member is defending our country. With Congress' reauthorization of the Child Nutrition programs and Senator Bennett's legislation, there is an opportunity to ensure equitable treatment for our students in Alaska.

Please contact me if you have additional questions regarding these issues or as questions arise during the Reauthorization process. You may contact me at (907) 452-2000 x332 or arouse@northstar.k12.ak.us Thank you for your kind consideration.

Sincerely,

Amy C. Rouse, SNS
Director, Nutrition Services
Fairbanks North Star Borough School District
520 5th Avenue
Fairbanks, AK 99701

ABC NEWS

Exclusive: Michelle Obama's Emotional Meeting With Military Families

First Lady Tells ABC News That President Obama Is 'What We Need Right Now'

By KAREN TRAVERS

March 13, 2009—

First lady Michelle Obama says she is distressed by the plight of many military families who are struggling to keep their heads above the poverty line while the soldier in the family is in harm's way in Iraq or Afghanistan.

Michelle Obama opened up to Robin Roberts on "Good Morning America" in her first television interview since she became first lady.

Watch more of Robin Roberts' interview with first lady Michelle Obama on "World News With Charles Gibson" at 6:30 p.m. ET and "Nightline" at 11:35 p.m. ET

During the interview, the first lady talked about everything from her husband's handling of the presidency to what's been broken in the White House since the Obama's moved in.

But she was at her most emotional in talking about the families of soldiers and their financial battles while a parent is deployed to battle al Qaeda or the Taliban.

"It hurts. It hurts," the first lady said of hearing about military families on food stamps. "These are people who are willing to send their loved ones off to, perhaps, give their lives -- the ultimate sacrifice. But yet, they're living back at home on food stamps. It's not right, and it's not where we should be as a nation."

To highlight that concern, Mrs. Obama made her first trip outside Washington as first lady Thursday to Fort Bragg, N.C., where she visited with military families. It was an emotional meeting that clearly moved her.

"Our soldiers and their families have done their duty. They do it without complaint. And we as a grateful nation must do ours and do everything in our power to honor them by supporting them," she said at the Fort Bragg Community Center.

First Trip to Fort Bragg

During her visit to Fort Bragg, the first lady read "The Cat in the Hat" to a dozen preschoolers at the Prager Child Development Center, and the folks at Fort Bragg were touched by her performance.

"It was like she was reading to her children," said Mattie White, a lead education technician at Fort

Bragg.

While reading "The Cat in the Hat," the first lady told the children she had two young daughters, and one tyke chimed in "I know Sasha."

Her concern for military families is an agenda issue that began during the presidential campaign, and one that she vowed she would continue to work on from the East Wing of the White House.

The Fort Bragg visit is a setting that the first lady seems comfortable in -- it combines her top policy issue and the qualities of the "mom-in-chief" she aims to be.

And any mention of the Obama daughters, Malia, 10, and Sasha, 7, is an emotional touchstone for Mrs. Obama and, she suggests, for many in the country.

"You know, I just think, 'How sweet.' That's the power of kids connecting with other kids," the first lady said after the Fort Bragg child shouted out Sasha's name. "I think that that's, you know, been wonderful for the nation to have two little kids in the White House that they connect to."

Besides the financial woes of military families, the first lady said she is aware of how many American families are struggling during the economic recession. But she remains confident in her husband and the nation. "I wouldn't want anybody but Barack Obama to be working at this time, because he is a focused, clear-thinking, rational man -- and that's what we need right now," she said. "I'm coming off of a boost of understanding all that our country is made of, the values, the men, the women, people who are looking for the silver lining, even in tough times."

The first lady told Roberts about how she has taken time in the first few weeks in the White House to get to know the new city she now calls home and to make the rounds visiting various federal agencies. She has met with thousands of men and women who now work for her husband.

She makes these visits to thank the people she calls "the backbone of our government," and rally them for more work ahead.

It's also a chance for her to hear the concerns of federal government employees and relay them back to the president.

At each stop, she makes a point to meet privately with a smaller group of staffers before she delivers remarks. She has asked to meet with the longest-serving staff members at these agencies, and when she visited the Department of Interior last month, some of the employees she spoke with had worked there for nearly 40 years.

"Part of what I want to do is to tell them, 'Thank you. Thank you for your service.' They make up the foundation of this democracy as well," she said.

She plans to get to every federal agency over the next few months.

Michelle Obama is adjusting to her many new roles, including hostess-in-chief, she said. The first family has hosted regular Wednesday night social gatherings at the White House and two formal dinners in less than two months.

For Super Bowl Sunday, the Obamas opened the White House to friends and members of Congress and

their families.

Living in a home with antiques, historic artifacts and two small children might be an accident waiting to happen, but the first lady said, so far, the children have not broken anything.

"We've had some guests who've broken some things but not the kids," she said with a laugh. "And they know who they are."

Both the first lady and the president have talked about the simple joy of being able to eat dinner together every night at the White House after two long years on the campaign trail.

"There's time to breathe a little bit, at least as a family. We're breathing in a way that we haven't breathed in a long time. And it feels good," she told Roberts.

Her daughters, she said, are doing "great" after two months in Washington.

"I think they're doing great because I've been able to strike a balance," she said. "I have a pretty full plate, but I still have time to be home for homework and to make sure I'm there before they leave, and to go to their parent-teacher conferences and all the things that it's important to do as a parent. So they're doing great. They keep us going."

First Lady Michelle Obama on Family's White House Transition

The first lady credited her mother, Marian Robinson, with helping to ease the transition for her and her daughters and called Robinson's presence in the White House "immeasurable."

"First of all, she's one of the funniest people I know. And she's so nonimpressed by any of this. She keeps all of our feet on the ground," Michelle Obama said.

Robinson is there to lend a hand with the girls when the first lady's own schedule prevents her from being there, she said.

"Like today, when I'm out and about, I'm gone all day, she's picking them up, she's getting them through homework. She's, you know, making sure that they practice piano, all the things that moms would do," she said. "But she does it with that little extra kick of love, and a little extra piece of dessert, tonight, I'm sure is going on."

The first lady laughed when Roberts suggested her morning workout routine was paying off.

"Well, I covered my arms up" for the interview, she said, noting her departure from her well-documented fondness for sleeveless dress. Life in the White House for the new first lady starts with an early morning workout and ends with a late night "veg out" in front of the TV, the first lady confided to Roberts.

"I must confess," she said. "Sometimes I just click on some non-important TV and just veg out."

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SENATE COMMITTEE REPORT

DATE: 2/18/10

FURTHER:

DATE TURNED IN TO OFFICE: 03/16/10

State Affairs Committee considered HOUSE JOINT RESOLUTION NO. 24

HJR 24 FED. SCHOOL LUNCH PROGRAM/MILITARY

Urging the United States Congress and the United States Department of Agriculture to extend the basic housing allowance exclusion to all military families for purposes of the school nutrition program.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
	02/				

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
H RS	02/17/10			X	2

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	FAIRMAN	X			
CHAIR:	MENARD	✓			

HJR

53

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
MILITARY & VETERAN AFFAIRS COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

Committee Members
Rep. John Harris
Rep. Bob Lynn
Rep. Tammie Wilson
Rep. Jay Ramras
Rep. Bob Buch
Rep. Scott Kawasaki

State Capitol Building, Room 108
Juneau AK 99801-1182
907-465-3743
907-465-2381 Fax
Rep_Carl_Gatto@legis.state.ak.us

TO: Senator Linda Menard, Chair
Senate State Affairs Committee

FROM: Rep. Carl Gatto

DATE: March 29, 2010

RE: Request for a hearing of HJR 53–Honor and Remember Flag

Enclosed is the committee packet for HJR 53 *"Urging the United States Congress to pass H.R. 1034, designating the Honor and Remember Flag as an official symbol to recognize and honor members of the armed forces of the United States who died in the line of duty."*

I would appreciate a hearing before your Senate Committee at your earliest convenience. I appreciate your time and look forward to your reply.

Please contact my staff member, Karen Sawyer at 465-5025, with any questions or comments regarding this request.

Thank you for your consideration.

ALASKA STATE LEGISLATURE

HOUSE OF REPRESENTATIVES

MILITARY & VETERAN AFFAIRS COMMITTEE

REPRESENTATIVE CARL GATTO, CHAIR

Committee Members
Rep. John Harris
Rep. Bob Lynn
Rep. Tammie Wilson
Rep. Jay Ramras
Rep. Bob Buch
Rep. Scott Kawasaki

State Capitol Building, Room 108
Juneau AK 99801-1182
907-465-3743
907-465-2381 Fax
Rep_Carl_Gatto@legis.state.ak.us

Sponsor Statement

HJR 53
Honor and Remember Flag

In the more than 200 years of our nation's history, there has never been an officially-recognized symbol that reminds us daily of the sacrifices made by members of our military who lost their lives in service to our country.

The **Honor and Remember Flag**, created by Honor and Remember, Inc., recognizes all individuals who died while serving our nation, not only those killed in action, but all who have died in the line of duty. The flag serves as a symbol of national gratitude for the over 1,600,000 American men and women who bravely made the ultimate sacrifice to preserve the freedoms we enjoy. The flag also helps to give closure to the thousands of families that deserve recognition for the sacrifice of a lost loved one.

An objective of the organization, Honor and Remember, Inc., is to place an Honor and Remember Flag in the hands of the immediate families who have lost someone in military service to America.

H.R. 1034 is a bill in Congress to designate the Honor and Remember Flag as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty. **HJR 53** urges our Congress to enact a law officially recognizing the Honor and Remember Flag.

Contact: Karen Sawyer
465-5025
March 18, 2010
26-LS1579\R

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HJR 53
(H) Publish Date: 3/24/2010

Identifier (file name):
Title: Honor and Remember Flag
Sponsor: House Rules Committee
Requester: House Military and Veterans' Affairs Committee

Dept. Affected:
RDU
Component
Component Number

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

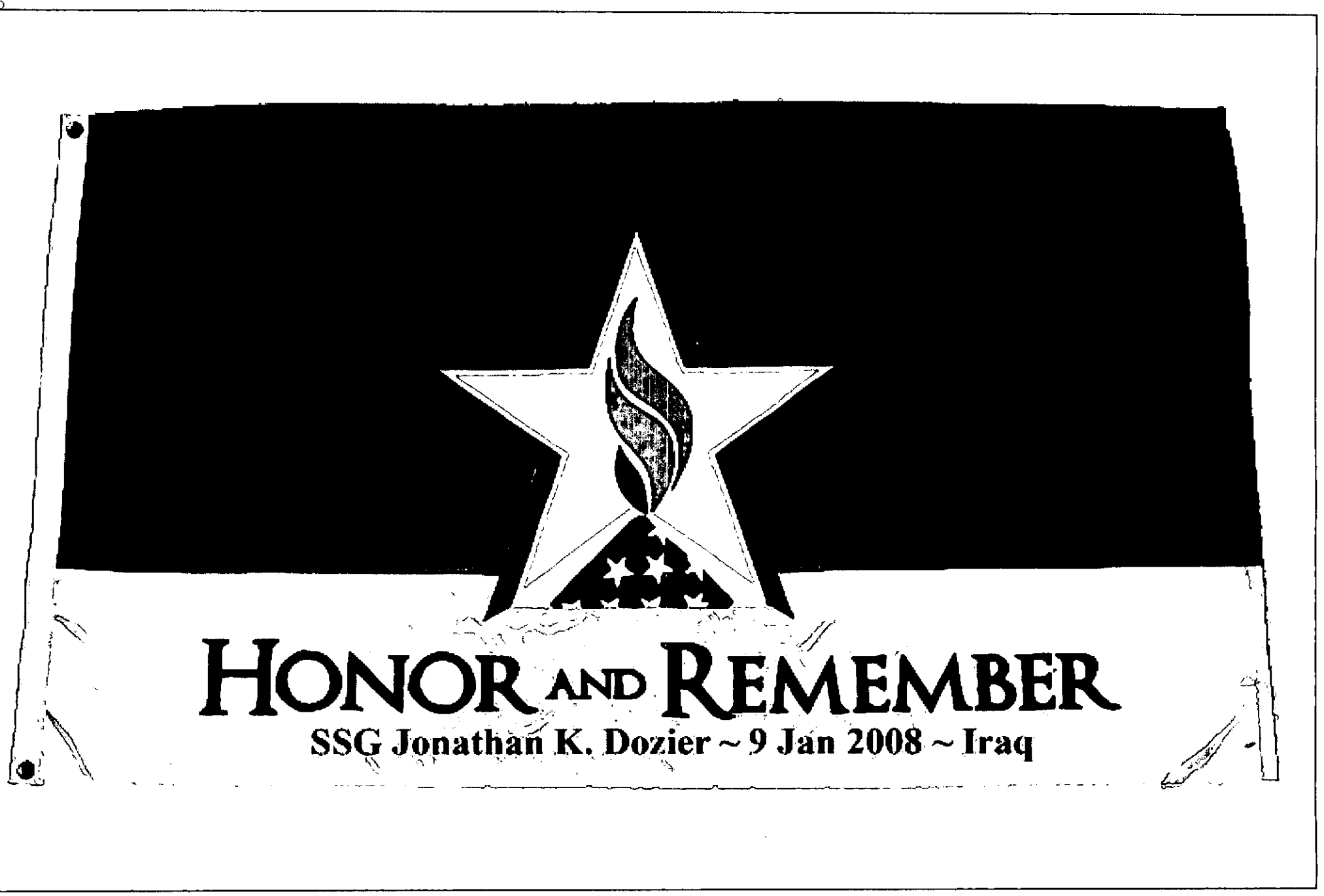
No impact on State departments

Prepared by: Karen Sawyer, Staff — Phone 907-465-5025
Division: Representative Carl Gatto, Chair, Military and Veterans' Affairs Committee — Date/Time 3/12/10 12:00 AM
Approved by: — Date

(Revised 11/6/2009 OMB)

1489

COMMITTEE COPY


HONOR AND REMEMBER
SSG Jonathan K. Dozier ~ 9 Jan 2008 ~ Iraq

The **Honor and Remember Flag's design** is distinctive, yet simple. Each detail on the flag symbolizes an important part of the overall meaning of the flag's message.



The Red Field represents the blood spilled by brave men and women in America's military throughout our history, who willingly gave their lives so that we all would remain free.



The Blue Star represents active service in military conflict. This symbol originated with World War I, but on this flag it signifies service through all generations from the American Revolution to present day.



The White Border surrounding the gold star recognizes the purity of sacrifice. There is no greater price an American can pay than to give his or her life in service to our country.



The Gold Star signifies the ultimate sacrifice of a warrior in active service who will not return home. Gold reflects the value of the life that was given.



The Folded Flag signifies the final tribute to an individual life that a family sacrificed and gave to the nation.



The Flame is an eternal reminder of the spirit that has departed this life yet burns on in the memory of all who knew and loved the fallen hero.

Honor and Remember

We will always Honor their selfless sacrifice and Remember them individually by name.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

111TH CONGRESS
1ST SESSION

H. R. 1034

To amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. FORBES introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HONOR AND REMEMBER FLAG FOR FALLEN MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds the following:

(1) Since the Revolutionary War, more than one million members of the United States Armed Forces have paid the ultimate price by sacrificing their lives in the line of duty.

(2) The contributions of those fallen members of the Armed Forces are deserving of national recognition.

(3) Currently, there is no officially recognized symbol that acknowledges members of the Armed Forces who died in the line of duty.

(b) DESIGNATION.—Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 904. Honor and Remember flag for fallen members of the Armed Forces

"(a) DESIGNATION.—The Honor and Remember Flag created by Honor and Remember, Inc., is designated as the symbol of our Nation's concern and commitment to honoring and remembering the lives of all members of the United States Armed Forces who have lost their lives in the line of duty.

"(b) REQUIRED DISPLAY.—(1) The Honor and Remember Flag shall be displayed at the locations specified in subsection (c) on the days specified in paragraph (2):

"(2) The required Honor and Remember Flag display days are the following:

"(A) Armed Forces Day, the third Saturday in May.

"(B) Memorial Day, the last Monday in May.

"(C) Flag Day, June 14.

"(D) Independence Day, July 4.

"(E) National POW/MIA Recognition Day.

"(F) Veterans Day, November 11.

"(3) In addition to the days specified in paragraph (2), Honor and Remember Flag display days include—

"(A) in the case of display at the World War II Memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (c)(3)), any day on which the United States flag is displayed;

"(B) in the case of display at medical centers of the Department of Veterans Affairs (required by subsection (c)(7)), any day on which the flag of the United States is displayed; and

"(C) in the case of display at United States Postal Service post offices (required by subsection (c)(8)), the last business day before a day specified in paragraph (2) that in any year is not itself a business day.

"(c) LOCATIONS FOR FLAG DISPLAY.—The locations for the display of the Honor and Remember Flag under subsection (b) are the following:

"(1) The Capitol.

"(2) The White House.

"(3) The World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

"(4) Each national cemetery.

"(5) The buildings containing the official office of—

"(A) the Secretary of State;

"(B) the Secretary of Defense;

"(C) the Secretary of Veterans Affairs; and

"(D) the Director of the Selective Service System.

"(6) Each major military installation, as designated by the Secretary of Defense.

"(7) Each medical center of the Department of Veterans Affairs.

"(8) Each United States Postal Service post office.

"(d) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the Honor and Remember Flag pur-

suant to this section shall be in a manner designed to ensure visibility to the public.

"(e) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the Honor and Remember Flag or any other flag.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"904. Honor and Remember flag for fallen members of the Armed Forces.".

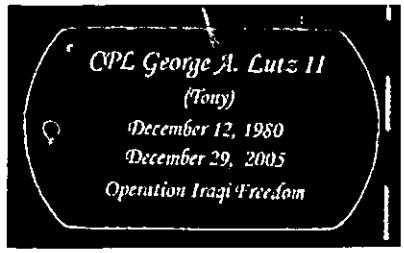
(d) REGULATIONS FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the head of each department, agency, or other establishment responsible for a location specified in subsection (c) of section 904 of title 36, United States Code, as added by subsection (a), shall prescribe such regulations as necessary to carry out such section.

(e) PROCUREMENT AND DISTRIBUTION OF FLAGS.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services shall commence the procurement of Honor and Remember Flags and distribute them as necessary to permit compliance with section 904 of title 36, United States Code, as added by subsection (a).

○

Honor and Remember origins:





Cpl George A. Lutz II
December 12, 1980
December 29, 2005
Psychological Operations
9th Batt, Ft Bragg, NC

On December 29, 2005, George Anthony Lutz II (Tony) was killed by a sniper's bullet while he was on patrol in Fallujah, Iraq. His family and friends endured the shock, emotional agony and overwhelming loss that accompanied the news of Tony's death, just like the many families who have suffered the same tragedy.

In the months that followed Tony's funeral, his father, George, visited other families who had lost loved ones in the Iraq war. He began to sense that he had joined the ranks of a unique fellowship. These families were only the latest additions to a group that originated with the American Revolution, when the first soldiers to shed their blood for our freedom gave their lives.

George found another commonality among the families of fallen soldiers. After their grief had transitioned to numbness and finally to acceptance, many families wanted to know two things: their sacrifice was not in vain and the nation would never forget. These concerns led George on a quest to discover if there was a universally recognized symbol that specifically acknowledges the American service men and women who never made it home. To his surprise, he found nothing. Thus the Honor and Remember Flag was conceived.

BELOW IS AN OPEN LETTER SENT TO THE SOLDIERS AT TONY'S SIDE THAT DAY.

Dear Downrange Soldiers,

On December 29th 2005, a snipers bullet claimed the life of our son Tony. This was the most difficult day in our family's life, I cannot imagine a more tragic one. And as difficult a day it was for us, our heart breaks for those of you who were by his side. You see we know how Tony affected lives, how much of an impression he made on everyone he touched. That day we not only lost a son, but you lost a friend and a brother. We do not know all of the facts, but we do know that he died surrounded by those who loved him.

Tony was a man who tried to lighten every situation and I am sure there were many times you could remember when he made you smile or laugh out loud. He was dedicated to his family a good husband and father and spent every available minute communicating back home. And when he was home, loving on his wife and children. Some of you remember last summer when his daughter Ava was born and how he so appreciated being given the time to leave training to be by his wife's side.

He was a good soldier, rarely complaining and excited at every phase of his training. Being a former runner he especially loved PT, accepted the challenges of AIT, language school and was particularly proud of his Army and German jump wings.

Tony strongly believed in what he was doing, believed in the mission of liberating the Iraqi people and in his relationship with you his military family. He knew why he was there and even though he fully expected to return, he was prepared for the sacrifice. We want you to know that we firmly believe that he died fighting for those beliefs, and in no way hold anyone responsible for his death. There was nothing anyone could have done to more fully protect him. War breeds casualties and many thousands of moms and dads have given their children for freedom's cause. I would like to think that Tony's death would bring an end, but we know it hasn't. Others have since given their lives and many more will most definitely follow.

We are proud that he was a soldier not only in the American army but also in the army of God. Tony had a strong faith in his savior Jesus Christ and always knew his future reward. In fact one of the last words he wrote to me was "Dad, don't worry, God is literally my shield". He knew where he would spend eternity and lived that knowledge everyday. God had a purpose for Tony's life and took him that day; nothing could have prevented it.

I know that any one of you would have willingly taken his place if possible, but conversely know this as truth, that Tony would have run to take that bullet for you. And that day he did.

His mother and I want to be sure you know that we pray for your safety everyday. Keep your eyes open, be vigilant at every moment, win that war and come back safely to your families. But especially, seek after God's purpose in your lives.

When your mission is completed please call or write, our home is open and we welcome a visit from you. We would love to hear how Tony's life or death was meaningful to you. God Bless each of you, we cannot thank you enough for your service.
Courage and Honor.
Very Respectfully
George L

1. Why do we need this remembrance flag?

Men and women have been serving in the United States military and dying for their country for more than 200 years. They represent a unique and distinct category of individuals, along with the families that sent them, that deserve a symbol of recognition, a visual emblem of honor. Until the Honor and Remember Flag was conceived, there was no such nationally recognized symbol.

2. Why now?

There are many reasons why it is important to establish the Honor and Remember Flag as a national symbol in this generation. The most important one is that there exists today the largest contingent of living veterans of any time in our history. These veterans comprise one of the greatest groups of least honored soldiers in our history: the Vietnam War veterans. Even though there is a memorial to Vietnam vets in Washington, D.C., these men and women deserve the same level of honor and recognition as any other. For those who lost their lives and their families, the Honor and Remember Flag serves as a way for the rest of us to express, perhaps belatedly, our gratitude for their sacrifice.

3. Doesn't the American flag honor the fallen?

Many people do believe this to be true. However, the American flag stands for what we believe, the unity of our people and the diversity of our nation. It is symbol of what we fight for, rather than an emblem to honor those fallen. Here is how the symbolism of the American flag is generally understood:

The U. S. flag consists of thirteen horizontal stripes, seven red alternating with 6 white. The stripes represent the original 13 colonies; the stars represent the 50 states of the Union. The colors of the flag are symbolic as well: Red symbolizes hardiness and valor; White symbolizes purity and innocence; Blue represents vigilance, perseverance and justice.

To put it simply, "The dead honor the flag, the flag does not honor the dead."

4. Who is being honored by this flag?

All those who have been killed from action, or killed in service, from the moment our nation began. If you have put on a military uniform in service to the United States, you have given authority to superiors to place you in harm's way. If in the course of doing one's duty an individual lost their life, regardless of where or how, this flag is meant to honor that individual.

5. What does 'killed in service' mean?

We often hear the terms "killed in action" or "died of wounds." They refer specifically to those who have died by definition in an official conflict. This flag has a broader scope, honoring all those who by draft or volunteer have put themselves in a position to defend the constitution, the flag and those freedoms which make our nation great. In other words, if someone was killed while guarding a border, standing on a ship's deck, protecting an embassy or marching headlong into enemy fire, this flag honors them.

6. What is the importance of the Honor and Remember flag?

This flag should be important to every citizen of the United States. Never before in the history of our country have we realized how vulnerable we can be to the actions of those who would destroy us. Now more than ever, our fighting men and women deserve our support and our gratitude for standing in the way of those who want to attack us. We owe them, and particularly those who died, honor and remembrance.

By flying the Honor and Remember Flag, we say to our fighting men and women and the families they came from that we as Americans will never forget their contribution to our freedom. And we are mindful that at any time, any day another could be added to those ranks.

7. How do I help get the flag flying?

There are four very important things you can do:

1. **SIGN** the Petition, if you haven't already. Our goal is 1.6 million signatures, one supporter for each life lost in our nations' history. Once that is achieved our hope is that the Department of Defense will support and Congress will enact a law officially recognizing the Honor and Remember Flag as a national symbol.

2. **TALK** about the flag. Tell everyone in your circle, including businesses about the website www.HonorandRemember.org and encourage them visit and sign the petition. Also please consider spreading the word through newsletters, emails, and blogs or by linking to our website. Additionally send the press release link to any media locally or nationally to let them know about the campaign. We would welcome the opportunity for national attention including syndicated talk shows. Another very important action is to send a letter to your congressperson telling them about the flag and the importance of national adoption.

3. **FLY** the Honor and Remember Flag. Make it a part of your office or family's traditions when you fly the American flag.

4. **CONTRIBUTE**. There are many expenses involved in conducting this national campaign. Any support you can give will help us to fulfill our mission. If every person who signs the petition gives just $5 it will enable us to meet a very important goal of providing flags to families who have lost their children in military service.

8. Where do the donations go?

Honor and Remember, Inc. is a 501 (c) (3) non-profit organization. Donations are applied to fulfilling the goals of the organization; congressional and state adoptions, national awareness and in particular, presenting families of the fallen with personalized flags. Expenses include the educational propagation of spreading the word nationally, through, email, direct mail, personal speaking as well as associated administrative responsibilities and flag donations. It is a primary goal to facilitate the placement of a personalized flag in the hands of families who have lost a loved one in service to the United States. We have tens of thousands to reach and are focusing not only on the current wars but as far back as WWII, Korea and Vietnam.

Sponsoring a Personalized Flag:

Our country was founded and maintained on individual separate lives, names not statistics. One life upon one life, precept upon precept, similar to the building blocks of a foundation, our country continues to remain strong and free.

A unique feature of the Flag design is the option to personalize it, to actually carry the name of a friend or loved one as part of its structure. Not only can the flag be flown in general but it can also be displayed in specific honor of one lost.

It is our desire and organizational goal that every family that lost a loved one in military service to our country should have a personalized flag. Regardless of the era, as far back as Korea, we are working on the task. A flag that proudly represents that special life lost and compliments the hundreds of thousands that will fly across this nation in grateful respect.

This mission includes partnering with individuals, organizations, corporations and government entities to seek out Gold Star families and help us by sponsoring and presenting Honor and Remember Flags.

Here are several examples of how partnerships are working:

Retired sailors from the FRA, Branch 5, Norfolk VA, collected funds to provide flags for all 17 families that lost loved ones on the USS Cole bombing. Personalized flags were presented at a special ceremony on October 12, 2008 the 8th anniversary of their October 12, 2000 sacrifice.

Cpl Matthew Drake, lone survivor of a suicide car bomber and mother Lisa Schuster donated and presented personalized flags October 15, 2008 to the three mothers who lost their soldier sons in Iraq on October 15th, 2004, the fourth anniversary of their loss. (See newsletter issue 4).

Honor and Remember Inc, presented flags to the president and executive board member of the National American Gold Star mothers on September 26th. Mrs Georgie Carter lost her son Bruce, in 1969, Vietnam, Mrs Molly Morel who lost Brent in 2004, Iraq.

We are currently working with our state government to present, in a general ceremony, Honor and Remember flags to Gold star families in the state. We hope to model this in state ceremonies around the country.

Local Veterans organizations are identifying Gold Star families in their areas and preparing flags for specific tribute presentations.

Gold Star mothers who have received flags are now presenting flags to others.

There are hundreds of ways to reach out and honor so many families who gave all. We believe that there are still over 20,000 families yet to individually recognize. We are currently fundraising and taking donations to accomplish our national goal.

If you would like to order a personalized flag for yourself or someone as a gift please visit our online store or donate below. However please contact us if you would like to participate in any other way to help accomplish our mission.

SENATE COMMITTEE REPORT

DATE: 3/30/10

FURTHER:

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered HOUSE JOINT RESOLUTION NO. 53

HJR 53 HONOR AND REMEMBER FLAG

Urging the United States Congress to pass H.R. 1034, designating the Honor and Remember Flag as an official symbol to recognize and honor members of the armed forces of the United States who died in the line of duty.

and recommends:

[ ] be **replaced** with [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] adopt **previous** [ ] **SCS** or [ ] **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

SENATE BILL:
[ ] Same Title
[ ] New Title

HOUSE BILL:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HMLV	03/12/10			X	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			✓	
	Meyer	✓			
	Paxton			X	
	Kookesh			X	
CHAIR:	MENARD	✓			