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EXECU-
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ORDER
116

<TARGET><BILL></BILL><SUBJECT>EXECUTIVE ORDER
116</SUBJECT><COMM>HSTA27</COMM></TARGET>

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Governor Sean Parnell
STATE OF ALASKA

January 13, 2012

The Honorable Mike Chenault
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Chenault,

Under the authority of Article III, Section 23 of the Alaska Constitution, and in accordance with AS 24.08.210, I am transmitting Executive Order 116 to transfer certain hearing and appeal functions of the Department of Health and Social Services to the Office of Administrative Hearings in the Department of Administration.

The Office of Administrative Hearings (OAH) was created in 2004 in the Department of Administration to provide greater coordination and expertise in the conduct of administrative hearings. OAH has provided additional confidence to the public that final administrative decisions on appeal are fairly reached, being heard before a neutral decision maker. The Department of Health and Social Services (DHSS) is currently responsible for a large number of the administrative hearings and appeals, and its decisions affect many Alaskans. Moving DHSS hearing and appeal functions to a neutral and independent adjudicatory body such as OAH will benefit the public by adding to the impartiality and professionalism of the decisions issued.

This Executive Order is intended to increase public confidence and to consolidate functions to make a more efficient State government.

Sincerely,

Sean Parnell
Governor

Enclosure

Introduced in the Senate: 1/17/12
Referred: State Affairs, Health and Social Services

Introduced in the House: 1/17/12
Referred: State Affairs, Finance

EXECUTIVE ORDER NO. 116

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

*** Section 1.** FINDING. As governor, I find that the transfer of certain hearing and appeal functions of the Department of Health and Social Services to the office of administrative hearings (AS 44.64.010) in the Department of Administration would be in the best interest of efficient administration. This action will further the development of coordinated central administrative hearing process in the state.

*** Sec. 2.** AS 18.07.081(a) is amended to read:

(a) The department, a member of the public who is substantially affected by activities authorized by the certificate, or another applicant for a certificate of need may initiate a hearing **conducted by the office of administrative hearings (AS 44.64.010)** to obtain modification, suspension, or revocation of an existing certificate of need by filing an accusation with the commissioner as prescribed under AS 44.62.360. A revocation, modification, or suspension of an outstanding certificate may not be undertaken unless it is in accordance with AS 44.62.330 - 44.62.630.

*** Sec. 3.** AS 18.20.330(a) is amended to read:

(a) Notwithstanding AS 44.62.330 - 44.62.630, the department, by regulation, shall establish a hearing procedure by which a nursing facility may present evidence to refute a deficiency found by the department, and by which it may appeal**, in a hearing conducted by the office of administrative hearings (AS 44.64.010),** a sanction imposed by order of the department under AS 18.20.310. A request for a hearing shall be made in writing within 10 days after service of the department's order on the nursing facility. Except for an order that takes effect immediately under AS 18.20.310(b)(1), a request under this subsection has the effect of staying the department's order until the hearing is concluded and the department makes a final

determination.

* **Sec. 4.** AS 44.64.030(a)(40) is amended to read:

(40) **AS 47.45.050** [AS 47.45] (longevity bonuses).

* **Sec. 5.** AS 44.64.030(a) is amended by adding new paragraphs to read:

(41) AS 18.07 (certificate of need program);

(42) AS 18.20 (hospitals and nursing facilities);

(43) AS 47.05 (assistance programs);

(44) AS 47.07 (medical assistance for needy persons);

(45) AS 47.25 (public assistance);

(46) AS 47.27 (Alaska temporary assistance program);

(47) AS 47.37.130 (alcohol safety action program);

(48) AS 47.37.140 (treatment facilities);

(49) AS 47.45.306 (Alaska senior benefits payment program).

* **Sec. 6.** AS 47.05.010 is amended to read:

Sec. 47.05.010. Duties of department. The Department of Health and Social Services shall

(1) administer adult public assistance, the Alaska temporary assistance program, and all other assistance programs, and receive and spend money made available to it;

(2) adopt regulations necessary for the conduct of its business and for carrying out federal and state laws granting adult public assistance, temporary cash assistance, diversion payments, or self-sufficiency services for needy families under the Alaska temporary assistance program, and other assistance;

(3) establish minimum standards for personnel employed by the department and adopt necessary regulations to maintain those standards;

(4) require those bonds and undertakings from persons employed by it that, in its judgment, are necessary, and pay the premiums on them;

(5) cooperate with the federal government in matters of mutual concern pertaining to adult public assistance, the Alaska temporary assistance program, and other forms of public assistance;

(6) make the reports, in the form and containing the information, that

the federal government from time to time requires;

(7) cooperate with the federal government, its agencies, or instrumentalities in establishing, extending, and strengthening services for the protection and care of homeless, dependent, and neglected children in danger of becoming delinquent, and receive and expend funds available to the department by the federal government, the state, or its political subdivisions for that purpose;

(8) cooperate with the federal government in adopting state plans to make the state eligible for federal matching in appropriate categories of assistance, and in all matters of mutual concern, including adoption of the methods of administration that are found by the federal government to be necessary for the efficient operation of welfare programs;

(9) adopt regulations, not inconsistent with law, defining need, prescribing the conditions of eligibility for assistance, and establishing standards for determining the amount of assistance that an eligible person is entitled to receive; the amount of the assistance is sufficient when, added to all other income and resources available to an individual, it provides the individual with a reasonable subsistence compatible with health and well-being; an individual who meets the requirements for eligibility for assistance shall be granted the assistance promptly upon application for it;

(10) grant to a person claiming or receiving assistance and who is aggrieved because of the department's action or failure to act, reasonable notice and an opportunity for a fair hearing by the **office of administrative hearings (AS 44.64.010)** [DEPARTMENT], and the department shall adopt regulations relative to this;

(11) enter into reciprocal agreements with other states relative to public assistance, welfare services, and institutional care that are considered advisable;

(12) establish the requirements of residence for public assistance, welfare services, and institutional care that are considered advisable, subject to the limitations of other laws of the state, or law or regulation imposed as conditions for federal financial participation;

(13) establish the divisions and local offices that are considered

necessary or expedient to carry out a duty or authority assigned to it and appoint and employ the assistants and personnel that are necessary to carry on the work of the divisions and offices, and fix the compensation of the assistants or employees, except that a person engaged in business as a retail vendor of general merchandise, or a member of the immediate family of a person who is so engaged, may not serve as an acting, temporary, or permanent local agent of the department, unless the commissioner of health and social services certifies in writing to the governor, with relation to a particular community, that no other qualified person is available in the community to serve as local welfare agent; for the purposes of this paragraph, a "member of the immediate family" includes a spouse, child, parent, brother, sister, parent-in-law, brother-in-law, or sister-in-law;

(14) provide education and health-related services and referrals designed to reduce the number of out-of-wedlock pregnancies and the number of induced pregnancy terminations in the state;

(15) investigate reports of abuse, neglect, or misappropriation of property by certified nurse aides in facilities licensed by the department under AS 47.32;

(16) establish state policy relating to and administer federal programs subject to state control as provided under 42 U.S.C. 3001 - 3058ee (Older Americans Act of 1965), as amended, and related federal regulations;

(17) administer the older Alaskans service grants under AS 47.65.010 - 47.65.050 and the adult day care and family respite care grants under AS 47.65.100.

* **Sec. 7.** AS 47.07.075(a) is amended to read:

(a) Actions of the department regarding health facility payment rates under this chapter and AS 47.25.120 - 47.25.300 are subject to provisions of AS 44.62 (Administrative Procedure Act) except as provided in (b) of this section**, and the hearing for an appeal must be conducted by the office of administrative hearings (AS 44.64.010)**.

* **Sec. 8.** AS 47.25.180 is amended to read:

Sec. 47.25.180. Appeal. An applicant whose application is not acted upon or is denied, discontinued, or modified by the department shall be granted an opportunity

for fair hearing before **the office of the administrative hearings (AS 44.64.010)** [A REPRESENTATIVE OF THE DEPARTMENT APPOINTED FOR THAT PURPOSE]. The hearing shall be held within a reasonable time after demand for it. **The conduct of** [A REPRESENTATIVE DESIGNATED TO CONDUCT] the hearing shall be governed by the regulations adopted for that purpose by the department.

*** Sec. 9.** AS 47.25.460(c) is amended to read:

(c) A recipient whose award is proposed to be modified or terminated, or an applicant whose application is denied by the department, shall be granted an opportunity for a hearing before **the office of administrative hearings (AS 44.64.010)** [A REPRESENTATIVE OF THE DEPARTMENT APPOINTED FOR THAT PURPOSE]. The hearing shall be held promptly after a request for hearing is made. The hearing shall be conducted in accordance with regulations adopted by the department.

*** Sec. 10.** AS 47.25.624 is amended to read:

Sec. 47.25.624. Appeal rights. Except as provided in AS 47.25.626(e), an individual who receives a determination from the department that denies, limits, or modifies home heating payments under AS 47.25.621 - 47.25.626, other than a determination based on insufficient funding of the program, may request a hearing before the **office of administrative hearings (AS 44.64.010)** [DEPARTMENT] under regulations adopted by the department.

*** Sec. 11.** AS 47.27.080(a) is amended to read:

(a) An applicant or participant who receives a determination from the department that denies, limits, or modifies the cash assistance, diversion payment, or self-sufficiency services provided under this chapter may request a hearing before the **office of administrative hearings (AS 44.64.010)** [DEPARTMENT OR A REPRESENTATIVE OF THE DEPARTMENT APPOINTED FOR THAT PURPOSE]. **The office of administrative hearings (AS 44.64.010)** [IF A REPRESENTATIVE IS APPOINTED, THE REPRESENTATIVE] shall conduct the hearing under the regulations adopted by the department. The appeal is not subject to AS 44.62.330 - 44.62.630.

* **Sec. 12.** AS 47.37.130(j) is amended to read:

(j) The department, after holding a hearing **conducted by the office of administrative hearings (AS 44.64.010)** under the provisions of AS 44.62 (Administrative Procedure Act), may suspend, revoke, limit, restrict, or refuse to grant an approval for an alcohol safety action program for failure to meet standards established under (b) of this section.

* **Sec. 13.** AS 47.37.140(e) is amended to read:

(e) The department, after holding a hearing **conducted by the office of administrative hearings (AS 44.64.010)** under the provisions of the Administrative Procedure Act (AS 44.62), may suspend, revoke, limit, restrict, or refuse to grant an approval for a treatment facility, for failure to meet its standards.

* **Sec. 14.** AS 47.45.306 is amended to read:

Sec. 47.45.306. Appeal rights. An individual who receives a determination from the department that denies, limits, or modifies a cash benefit under AS 47.45.301 - 47.45.309, other than a determination under AS 47.45.301(c) to reduce or eliminate benefits, may request a hearing before the **office of administrative hearings (AS 44.64.010)** [DEPARTMENT] under regulations adopted by the department.

* **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CERTAIN DEPARTMENT OF HEALTH AND SOCIAL SERVICES EMPLOYEES AFFECTED BY THIS ORDER. (a) Employees of the Department of Health and Social Services who, on June 30, 2012, performed functions transferred to the office of administrative hearings (AS 44.64.010) by this Order may apply for and be considered for any employment openings created as a result of this Order.

(b) Nothing in this section may be construed as guaranteeing continued employment rights to any state employee.

* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to read:

OTHER TRANSITION PROVISIONS. (a) Litigation, hearings, investigations, and other proceedings pending under a law amended by this Order, or in connection with functions transferred by this Order continue in effect and may be continued and completed

notwithstanding a transfer or amendment provided in this Order.

(b) Regulations adopted to implement statutes amended by this Order and in effect on the effective date of this Order, remain in effect and may continue to be implemented and enforced, consistent with the changes made by this Order, until amended or repealed. The Department of Health and Social Services and the office of administrative hearings (AS 44.64.010) may adopt regulations necessary to implement their respective provisions of this Order. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before July 1, 2012.

(c) Contracts, rights, liabilities, and obligations created by or under a law amended by this Order, and in effect on the effective date of this Order, remain in effect notwithstanding this Order's taking effect. Records, equipment, appropriations, and other property of an agency of the state whose functions are transferred under this Order shall be transferred to implement the provisions of this Order.

* **Sec. 17.** CONDITIONAL EFFECT. Section 14 of this Order takes effect only if a bill is passed during the Second Session of the Twenty-Seventh Alaska State Legislature and enacted into law, so that AS 47.45.306 is in effect on July 1, 2012.

* **Sec. 18.** This Order takes effect July 1, 2012.

DATED:_____

_____
Sean Parnell
Governor

3/20/2012

Executive Order #116

3/20/12 3:08am ci from Jean. She talked with Deb Behr and they are sure there is no problem.

Ci from Jean Micheal 2:58pm Section 17 is a mistake. 47.45.306 was extended in the first session of this legislature. She doesn't know why they would have a condition effect in section 14. In the first session, they extended it. Chapter 6 Section 5 of the 2007 SLA. The whole senior care program was temporary and then we codified it in 2008 or 09. Setting it up as four-year reviews to sunset.

Last session we extended the 2011 delayed repeal to 2015. The need to make the repeal provision effective July 2, 2012 has already happened.

Section 14 did not take affect. It passed in the first session.

3/20/2012 Rep Gruenberg came in and wondered if we should have done something with Executive order #116 concerning Page 7 Line 14 talking about the Conditional Effect. The legislature had – at another time – put in a repealer (repealing this section as of June 30, 2011) to this Section (see Page 6) Section 14.45.306 "Appeal rights." The Governor's office was being nice to say that unless you (the legislature) does more, don't expect this section to go with it (won't be transferring to a neutral and independent adjudicatory body such as OAH"– meaning Section 14 is no longer effective as of June 30, 2011.)

Nancy spoke with Doug Gardner to help me understand this issue.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: EO 116
Fiscal Note Number: 1
(S) Publish Date: 1/17/12

Identifier (file name): LL0604-DHSS-HA-01-13-12
Title: Transfer of certain hearing and appeal functions of DHSS to the office of admin. Hearings in DOA
Sponsor
Requester: Rules by Request of the Governor

Dept. Affected: Health & Social Services
Appropriation: Departmental Support Services
Allocation: Hearings and Appeals
OMB Component Number: 1434

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services	(745.4)	745.4					
Travel	(44.0)	44.0					
Services	(249.4)	249.4					
Commodities	(45.1)	45.1					
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**(1,083.9)**	**1,083.9**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts	(497.7)	497.7					
1003	GF Match	(586.2)	586.2					
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**(1,083.9)**	**1,083.9**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time	**-5**	5					
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required,*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version.

Prepared by: Laura Baker, Deputy Director — Phone 465-1631
Division: Finance & Management Services — Date/Time 1/13/12 2:00 PM
Approved by: Nancy Rolfzen, Assistant Commissioner — Date 1/13/2012
Finance & Management Services

(Revised 1/10/2012 OMB)

FISCAL NOTE #1

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. EO 116

Analysis

This executive order transfers the Department of Health and Social Services' administrative hearing functions presently performed by a five-person, in-house hearing unit (referred to as the "office of hearings and appeals") to the state's central hearing panel, the office of administrative hearings (OAH). OAH was created by AS 44.64.010 in 2004 as an independent agency operating within the Department of Administration to conduct hearings and other proceedings, and provide alternative dispute resolution services, across nearly all departments of the executive branch. The overall fiscal impact of this transfer will be to reduce state costs after the initial transition.

OAH has mandatory jurisdiction to conduct hearings and other proceedings in more than 40 categories of executive branch cases, including some Health and Social Services categories. In transferring the remaining Health and Social Services hearing functions to OAH, the executive order adds nine case categories to OAH's mandatory jurisdiction effective July 1, 2012. OAH anticipates that, over time, the transfer will result in cost savings, as efficiencies are achieved by flexibly managing the combined caseloads with fewer personal services resources than would be needed to navigate the spikes and dips in separate caseloads handled by separate agencies.

The cost to OAH of performing the hearing functions transferred would be recovered from Health and Social Services through interagency receipts, based on the time required for the hearings and other proceedings, and related work, using a charge back rate calculated under the federally-approved cost-allocation methodology. the Department of Health and Social Services would receive Federal Receipts and GF Match to cover the interagency receipts charges, based on OAH's billings for the services through the DHSS Administrative Services Support component.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: EO 116
Fiscal Note Number: 2
(S) Publish Date: 1/17/12

Identifier (file name): LL0604-DHSS-AS-01-13-12
Title: Transfer of certain hearing and appeal functions of DHSS to the office of admin. Hearings in DOA
Sponsor
Requester: Rules by Request of the Governor

Dept. Affected: Health & Social Services
Appropriation: Departmental Support Services
Allocation: Administrative Support Services
OMB Component Number: 320

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services	1,083.9		872.0	872.0	872.0	872.0	872.0
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**1,083.9**	**0.0**	**872.0**	**872.0**	**872.0**	**872.0**	**872.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts	497.7		401.2	401.2	401.2	401.2	401.2
1003	GF Match	586.2		470.8	470.8	470.8	470.8	470.8
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**1,083.9**	**0.0**	**872.0**	**872.0**	**872.0**	**872.0**	**872.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version.

Prepared by: Laura Baker, Deputy Director — Phone 465-1631
Division: Finance & Management Services — Date/Time 1/13/12 2:00 PM
Approved by: Nancy Rolfzen, Assistant Commissioner — Date 1/13/2012
Finance & Management Services

(Revised 1/10/2012 OMB)

FISCAL NOTE #2

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. EO 116

Analysis

This executive order transfers the Department of Health and Social Services' administrative hearing functions presently performed by a five-person, in-house hearing unit (referred to as the "office of hearings and appeals") to the state's central hearing panel, the office of administrative hearings (OAH). OAH was created by AS 44.64.010 in 2004 as an independent agency operating within the Department of Administration to conduct hearings and other proceedings, and provide alternative dispute resolution services, across nearly all departments of the executive branch. The overall fiscal impact of this transfer will be to reduce state costs after the initial transition.

OAH has mandatory jurisdiction to conduct hearings and other proceedings in more than 40 categories of executive branch cases, including some Health and Social Services categories. In transferring the remaining Health and Social Services hearing functions to OAH, the executive order adds nine case categories to OAH's mandatory jurisdiction effective July 1, 2012. OAH anticipates that, over time, the transfer will result in cost savings, as efficiencies are achieved by flexibly managing the combined caseloads with fewer personal services resources than would be needed to navigate the spikes and dips in separate caseloads handled by separate agencies.

The cost to OAH of performing the hearing functions transferred would be recovered from Health and Social Services through interagency receipts, based on the time required for the hearings and other proceedings, and related work, using a charge back rate calculated under the federally-approved cost-allocation methodology. the Department of Health and Social Services would receive Federal Receipts and GF Match to cover the interagency receipts charges, based on OAH's billings for the services through the DHSS Administrative Services Support component.

This fiscal note reflects cost pool funding for billed services to pay the Department of Administration, OAH.

FISCAL NOTE

STATE OF ALASKA cost ≠ codes
2012 LEGISLATIVE SESSION

Bill Version: EO 116
Fiscal Note Number: 3
Publish Date: 1/17/12 - (S)

Identifier (file name): 0604-DOA-OAH-1-13-12
Title: Executive Order - Transfer Hearings to OAH
Sponsor: Rules by Request of the Governor
Requester: Governor

Dept. Affected: Administration
Appropriation: Centralized Administrative Services
Allocation: Office of Administrative Hearings
OMB Component Number: 2771

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services	745.4		650.0	650.0	650.0	650.0	650.0
Travel	44.0		22.0	22.0	22.0	22.0	22.0
Services	249.4		175.0	175.0	175.0	175.0	175.0
Commodities	45.1		25.0	25.0	25.0	25.0	25.0
Capital Outlay	0.0		0.0	0.0	0.0	0.0	0.0
Grants, Benefits	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	**1,083.9**	**0.0**	**872.0**	**872.0**	**872.0**	**872.0**	**872.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1007	I/A Rcpts (Other)	1,083.9		872.0	872.0	872.0	872.0	872.0
TOTAL		**1,083.9**	**0.0**	**872.0**	**872.0**	**872.0**	**872.0**	**872.0**

POSITIONS							
Full-time	**5.0**	0.00	4	4	4	4	4
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not Applicable. Initial version.

Prepared by: Terry L. Thurbon, Chief Administrative Law Judge
Division: Office of Administrative Hearings
Approved by: John Cramer, Deputy Commissioner
Department of Administration

Phone: 465-1886
Date/Time: 1/13/12 2:00 PM
Date: 1/13/2012

(Revised 8/17/2011 OMB)

FISCAL NOTE #3

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. EO 116

Analysis

This executive order transfers the Department of Health and Social Services' administrative hearing functions presently performed by a five-person, in-house hearing unit (referred to as the "office of hearings and appeals") to the state's central hearing panel, the office of administrative hearings (OAH). OAH was created by AS 44.64.010 in 2004 as an independent agency operating within the Department of Administration to conduct hearings and other proceedings, and provide alternative dispute resolution services, across nearly all departments of the executive branch. The overall fiscal impact of this transfer will be to reduce state costs after the initial transition.

OAH has mandatory jurisdiction to conduct hearings and other proceedings in more than 40 categories of executive branch cases, including some Health and Social Services categories. In transferring the remaining Health and Social Services hearing functions to OAH, the executive order adds nine case categories to OAH's mandatory jurisdiction effective July 1, 2012. OAH anticipates that, over time, the transfer will result in cost savings, as efficiencies are achieved by flexibly managing the combined caseloads with fewer personal services resources than would be needed to navigate the spikes and dips in separate caseloads handled by separate agencies.

Though it is difficult to predict when, and how much, any caseload will spike and dip, OAH anticipates that it should be able to maintain capacity to handle the combined mandatory jurisdiction cases, plus a quantity of voluntary referral cases similar to that of the past few years, with approximately ten administrative law judge positions. OAH currently has eight, including judges with supervisory and management responsibilities. The Health and Social Services in-house unit has four hearing officer positions. Absent a large, sustained increase in overall caseload, a reduction of one to two positions likely would be possible in the out years.

For FY 13, any personal services cost reduction or efficiency savings likely would be smaller than in the out years due to time commitments and costs associated with cross training and co-locating the transferred functions with the existing OAH operations. The appropriation request above for FY 13, therefore, is identical to that in the Health and Social Services' budget for the in-house hearing unit, but the out-year cost estimates show reductions, from anticipated cost savings in personal services and other expenditure categories, totaling in excess of $200,000.

The cost to OAH of performing the hearing functions transferred would be recovered from Health and Social Services through interagency receipts, based on the time required for the hearings and other proceedings, and related work, using a charge back rate calculated under the federally-approved cost-allocation methodology. Health and Social Services would receive Federal Receipts and GF Match to cover the interagency receipts charges, based on OAH's billings for the services.

HB

2

<TARGET><BILL>HB 2</BILL><SUBJECT>HB
2</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-28-2012

The STATE AFFAIRS Committee considered: **HB 2**

HOUSE BILL NO. 2
"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 certain companies that do business in Iran, and restricting those investments; and providing for an effective date."
HB 2 DIVEST INVESTMENTS IN IRAN

Recommends it be replaced with [ ] HCS *or* [X] CS for HB 2 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR [ ] Same Title [X] New Title

[ ] attach amendments
[ ] add new referral to _____ Committee
[ ] Letter of Intent_____ Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	REV-Treasury			X
	REV-APFC			X
	REV-AHFC			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	JOHANSEN			X	
	Keller			X	
	Gruenberg	c			
	Seaton			X	
Chair:	BOB LYNN	X			
Chair:					

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re CS for HB 2 Version M - Draft Final 27-LS0007\M

2/28/2012

CS HB 2 Version M moved from the House State Affairs Committee this morning without amendments. Please draft a final CS for HB 2 Version M. Thanks.

CS FOR HOUSE BILL NO. 2(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO AND LYNN, Petersen

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 certain companies that do business in Iran, and restricting those investments; and providing for an effective date."

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

*** Section 1.** AS 37.10 is amended by adding new sections to read:

Sec. 37.10.072. Iran 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 scrutinized companies that conduct or have direct investments in business operations in Iran. Divestment of an ownership interest in a scrutinized 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 scrutinized companies that conduct or have direct investments in business operations in Iran.

(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 scrutinized companies.

(c) The commissioner shall create and update quarterly, before the first day of the immediately succeeding calendar quarter, a list of scrutinized companies.

(d) The commissioner shall make reasonable efforts to investigate publicly traded companies to determine whether the company is a scrutinized company for the purposes of this section. 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 scrutinized companies.

(e) The commissioner shall provide written notice and an opportunity to comment in writing to each company identified as a scrutinized company under (d) of this section.

(f) The commissioner shall add a company identified under (d) of this section to the list of scrutinized companies 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 Iran that exceed the $20,000,000 threshold referred to in P.L. 104-172 (Iran Sanctions Act of 1996), as amended.

(g) The commissioner shall make every effort to avoid erroneously adding a company to the list of scrutinized companies. The commissioner shall verify that a company qualifies as a scrutinized company before adding it to the list of scrutinized companies.

(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 Iran of the companies on the list of scrutinized companies.

(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 or gas-related activities, or the production of military equipment;

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

(i) 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;

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

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

(iv) have been voluntarily suspended; or

(v) consist of the retail sale of petroleum products;

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

(3) "direct investment" means an investment that directly and significantly contributes to the enhancement of Iran's ability to develop petroleum resources, military equipment, and nuclear capabilities;

(4) "Government of Iran" means the government of the Islamic

Republic of Iran or its instrumentalities or political subdivisions and companies owned or controlled by the Islamic Republic of Iran;

(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 Iran;

(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 or gas-related activities" means

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

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

(8) "power production activities" 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;

(9) "scrutinized company" means

(A) any company engaging in any and all active business operations that are subject or liable to sanctions under P.L. 104-172 (Iran Sanctions Act of 1996), as amended, and that involve the maintenance of a company's existing assets or investments in Iran, or the deployment of new investments to Iran that meet or exceed the $20,000,000 threshold referred to in P.L. 104-172 (Iran Sanctions Act of 1996), as amended; or

(B) the subsidiary of a company described in (A) of this

paragraph if the parent company holds a controlling interest in the subsidiary.

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

(d) The board shall comply with AS 37.10.072.

*** Sec. 3.** AS 37.13.120 is amended by adding a new subsection to read:

(f) The board shall comply with AS 37.10.072.

*** Sec. 4.** AS 37.10.072, 37.10.073, 37.10.220(d); and AS 37.13.120(f) are repealed on the day after

(1) Iran is removed from the United States Department of State's list of countries that have been determined to repeatedly provide for acts of international terrorism; or

(2) the United States Congress or the President of the United States, through legislation or executive order, declares that the Iran divestment authorized in AS 37.10.072

interferes with the conduct of United States foreign policy.

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

INITIAL IDENTIFICATION OF SCRUTINIZED COMPANIES. Within 90 days after the effective date of this Act, the commissioner of revenue shall diligently work to identify all scrutinized companies in which a fund under AS 37 has direct holdings. The commissioner may use the sources in AS 37.10.072(d)(1) and (2), as enacted by sec. 1 of this Act, as appropriate, to identify a scrutinized company.

*** 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).

Iran Divestment: HB 2

Investing Responsibly

Iran is a Threat to Our Security

- Our investments are financing our enemies
  - State Sponsor of Terror
  - Under International Sanctions
  - Nuclear Weapons Program
  - Human Rights Violations
- Strong bipartisan support for this issue

Some Foreign Companies still Invest in Iran

- Iran produces around 3.6 million barrels of oil per day
- Iran uses their oil profits to advance the regime's agenda
  - "Iran's greatest economic resource is its oil exports. Sales of crude oil line the regime's pockets, sustain its human rights abuses, and feed its nuclear ambitions like no other sector of the Iranian economy." – Timothy Geithner, US Treasury Secretary December 1st, 2011
- We should not invest in foreign companies that profit from doing business with our enemies
- Without outside help, the regime will have fewer resources
- Divestment weakens the Iranian regime's agenda
  - Slows down Iran's nuclear program
  - Weakens Iran's ability to export terror
  - Puts pressure on the regime for political change

How HB 2 Works

- The Department of Revenue would compile a list of companies who have invested an aggregate of $20 million or more in Iranian oil and gas development
- Companies who are found to have invested this amount in Iranian oil and gas development have 90 days to either cure or explain the investment
- If a company fails to do so, the Department of Revenue will ask the State's fund managers to liquidate assets of that company within 90 days
- Compiled lists for other States already exist

Why are States Divesting Now?

- Iran continues to threaten our national security
- Divestment policies do not negatively impact States
- Congress passed a bill in 2010 to encourage States to divest from Iran
  - Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA)
  - This legislation provides greater cover for state and local governments to divest from Iran
- **Federal legislation alone cannot solve the problem**

Many States have Already Divested

- Arizona, California, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Pennsylvania, and South Dakota have laws on the books
- Colorado, Mississippi, Ohio, Texas, and Washington have Iranian Divestment policies in place

Common Misconceptions about HB 2

- Will HB 2 affect any North Slope Operators?
  - No North Slope operator should be considered for divestment
- Will HB 2 hurt investment on the North Slope?
  - There will be no changes to Alaska's oil and gas incentives on the North Slope for any company
- Which companies could HB 2 affect?
  - Only foreign companies
    - China, Russia, India, Malaysia, Thailand, etc.
- Will HB 2 lead to a lot of changes in our account management?
  - Assets are valued at approximately one tenth of one percent of the state's holdings

Support American Foreign Policy; Support HB 2

27-LS0007\M
Wayne
2/8/12

CS FOR HOUSE BILL NO. 2( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO AND LYNN

A BILL

FOR AN ACT ENTITLED

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(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

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Alaska State Legislature

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Fax: (907) 376-4768

Representative Carl Gatto

Memorandum

Date: February 27, 2012

To: Representative Bob Lynn, Chairman
Committee Members
House State Affairs Committee

From: Representative Carl Gatto

Re: **HB 2 - Iran Divestiture**

Explanation of Changes between the original HB 2, 27-LS0007**A** Wayne and (CS) work draft for HB 2, 27-LS0007**M** Wayne

---

In a bipartisan effort to move a bill on this very important issue, I am working with Senator Wielechowski, the sponsor of a companion bill, SB131. HB 2 is an exact duplicate of SB 131 except for the following two words, which have been inserted into CSHB2 work draft.

Page 3, Line 14: after oil, insert **or gas**

Page 4, Line 15: after oil, insert **or gas**

Page 4, Line17, after oil, insert **or gas**

Page 4, Line 19, after oil, insert **or gas**

Thank you for your consideration of this work draft CSHB 2.

Alaska State Legislature

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Representative Carl Gatto

Sponsor Statement
HB 2
Iran Divestiture

In 2007, the U.S. military released the first public evidence that Iran had been supplying Iraqi insurgents with weaponry and training. Then, in 2008, the International Atomic Energy Agency released evidence "strongly suggesting" the country had experimented with nuclear weapons.

The Iranian regime is increasingly hostile and unstable and is listed as a "State Sponsor of Terrorism." For the security of Alaska's citizens—indeed of all Americans—**HB 2** creates an Iranian divestment policy in order to keep the State of Alaska's investments from supporting the current Iranian regime. HB 2 would join with twenty-two states, the federal government, and the District of Columbia in rejecting financial entanglements with such an overtly hostile foreign power.

HB 2 directs the Department of Revenue to, in order of priority:

- Compile a list of companies that conduct or have direct investments in business operations in Iran over a certain monetary threshold;
- Divest from and halt further investment in the publically traded securities of companies on the aforementioned list;
- Contact the managers of any comingled investments in which the state has a stake to strongly encourage divestment in Iran
- Annually update the list of companies with a financial interest in Iran and inform both the legislature and the public of any changes;

HB 2 is repealed if and when Iran is removed from the United States Department of State's list of countries that have been determined to repeatedly provide support for acts of international terrorism or the United States Congress or President of the United States officially declare the divestment outlined in the bill to impede U.S. foreign policy.

We ask that you support HB 2 for the security of our nation and the safety of our troops. Thank you.

Date: 02/02/2012
House Bill 2 - Version: 27-LS0007\A
Contact: Karen Sawyer
465-5025

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HB 002**
Fiscal Note Number
() Publish Date

Identifier (file name) HB002-REV-APFCCMF-02-24-12
Title DIVEST INVESTMENTS IN IRAN
Sponsor Representatives Gatto and Lynn
Requester House State Affairs Committee

Dept. Affected Revenue
Appropriation APFC Custody and Management Fees
Allocation APFC Custody and Management Fees
OMB Component Number 2310

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services	0.0						
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1105	PF Gross (Other)	0.0						
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by Laura Achee
Division Alaska Permanent Fund Corporation
Approved by Michael J. Burns
Alaska Permanent Fund Corporation

Phone 796-1522
Date/Time 2/24/12 12:00 AM
Date 2/24/2012

(Revised 11/18/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 002

Analysis

This bill would require that APFC divest any securities of publicly traded companies that are held in actively 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. Based on consultations with external managers and other public funds, APFC does not expect to incur additional manager fees. Transactional costs will be netted from sale proceeds and do not require a legislative appropriation. This estimate does not include any projected investment losses that may occur from selling the more illiquid stocks.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HB 002**
Fiscal Note Number
() Publish Date

Identifier (file name) HB002-REV-APFCO-02-24-12
Title DIVEST INVESTMENTS IN IRAN
Sponsor Representatives Gatto and Lynn
Requester House State Affairs Committee

Dept. Affected Revenue
Appropriation AK Permanent Fund Corporation
Allocation APFC Operations
OMB Component Number 109

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1105	PF Gross (Other)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by Laura Achee
Division Alaska Permanent Fund Corporation
Approved by Michael J. Burns
Alaska Permanent Fund Corporation

Phone 796-1522
Date/Time 2/24/12 12:00 AM
Date 2/24/2012

(Revised 11/18/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 002

Analysis

This bill would require that APFC divest any securities of publicly traded companies that are held in actively 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 investment and finance staff will be able to absorb the compliance and correspondence activities into their regular workload. APFC will not incur any administrative costs in developing the divestment list, as the Commissioner of Revenue is responsible for this task under the proposed legislation.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 2**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB002-DOR-TRS-02-25-12
Title: Divest Investments in Iran
Sponsor: Representatives Gatto, Lynn, Petersen
Requester: House State Affairs

Dept. Affected: Revenue
Appropriation: Treasury
Allocation: ARMB/ARMB Custody
OMB Component Number: 2812

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Fiscal Note

Prepared by: Pam Leary, State Comptroller — Phone: 465-2300
Division: Treasury — Date/Time: 2/24/12 1:00 PM
Approved by: Angela Rodell — Date: 2/25/2012
Deputy Commissioner

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB 2
2012 LEGISLATIVE SESSION

Analysis

This bill requires the fiduciaries of the state's retirement systems, the Supplemental Annuity Plan and the deferred compensation plan to divest certain investments in publicly traded companies that conduct business operations or have direct investments in business operations in Iran. While Treasury believes that active and passive separate account managers will not charge additionally for divestment, Treasury will incur some costs in developing a list of companies that conduct or have direct investments in business operations in Iran. Other costs to be considered would include development of letters to fund managers of commingled investments, the opportunity cost of staff time to implement new policies and processes to implement this bill. The effect this bill will have on investment performance is unknown.

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Governor Sean Parnell
STATE OF ALASKA

January 31, 2012

Mr. Michael Burns
Executive Director
Permanent Fund Corporation
801 West Tenth Street, Suite 302
Juneau, AK 99801

Dear Mr. Burns,

This will follow up on our meeting of November 21, 2011, regarding the divestiture of Permanent Fund investments from Iran. The International Atomic Energy Agency (IAEA) recently placed Iran under heavy scrutiny for "serious concerns regarding possible military dimensions to Iran's nuclear program." And, the IAEA believes Iran has "carried out activities relevant to the development of a nuclear explosive device." Additionally, Iran's ruling government has made it clear that it does not believe that citizens of Israel should be allowed to live or peaceably pursue their own interests.

I understand some believe free markets, rather than government policy, should drive our investment choices, but this very real threat requires action. No free market exists when one nation builds a nuclear arsenal while it continually and steadfastly advocates for the eradication of another entire nation, with our own not so far behind.

In my view, our State's policy should now be to divest ourselves of investments with companies doing business in Iran. This sanction comes as a last resort – an option our State has historically refused when presented. However, the time to stand on the principles of life and liberty is at hand, and we must step up along with our country and other states. For these reasons, I am asking that to the extent permitted by law, you pursue a policy of divestiture of State resources from companies that do business in Iran or with the current ruling government of Iran.

Sincerely,

Sean Parnell
Governor

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Memorandum

TO: Senator Bill Wielechowski
FROM: Susan Haymes, Legislative Analyst
DATE: October 24, 2011
RE: Iran Divestment and State of Alaska Investments
LRS Report 12.070

You asked about economic sanctions against the government of Iran by means of the divestment of public assets in certain companies. Specifically, you asked about 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.

Economic sanctions have been a major feature of U.S. Iran policy since the U.S. Embassy hostage crisis in 1979. In 1995, President Clinton issued executive orders prohibiting U.S. companies from investing in Iranian oil and gas and from trading with Iran. Also in 1995, Congress passed the Iran Sanctions Act (ISA), which required the U.S. government to impose sanctions on foreign firms investing more than $20 million a year in Iran's energy sector.[1] On July 1, 2010, President Obama signed the Comprehensive Iran Sanctions, Accountability and Divestment Act (CISADA, P.L. 111-95), which significantly expanded the authority of the ISA by imposing sanctions on sales to Iran of gasoline and related equipment and services. Among other things, the CISADA also authorizes state and local governments to divest shares of companies that are involved in trade with Iran that could be subject to sanctions under CISADA.[2]

Divestment of Alaska State Funds

In April 2011 (27th Legislature), Alaska lawmakers introduced SB 131, which would require the state to divest ownership in any publicly traded securities from scrutinized companies that conduct or have direct investments in business operations in Iran.[3] Under the proposed legislation, the commissioner of the Department of Revenue shall compile a list of scrutinized companies. The commissioner is required to provide written notice and an opportunity to comment in writing before the company is identified as a scrutinized company. The divestment process described in SB 131 is similar to the process used in other states that have passed legislation or are considering legislation requiring divestment from Iran.

In assembling a list of scrutinized companies, we note that many states appear to be sharing information concerning companies with business activities in Iran. Some states, such as California and Florida, use research performed by Institutional Shareholder Services/RiskMetrics Group and others to evaluate companies with possible links to Iran. Nevertheless, lists may vary somewhat.[4] For purposes of this report we use a list of 36 scrutinized companies compiled by Institutional Shareholder Services/RiskMetrics Group for the Minnesota legislature in January 2011.

[1] Originally called the Iran and Libya Sanctions Act (P.L. 104-172), Libya was removed from the law in 2004. Congress enacted sanctions in an effort to deny Iran the resources to further its nuclear program and its support of terrorist organizations such as Hizbollah, Hamas, and Palestine Islamic Jihad.

[2] Kenneth Katzman, "Iran Sanctions," Congressional Research Service, February 3, 2011.

[3] Under the legislation, business operations mean power production activities, mineral extraction activities, oil or gas-related activities, or the production of military equipment. Representatives Carl Gatto and Bob Lynn introduced a companion bill in the House, HB 2.

[4] We note that each state is required to review and update the list of scrutinized companies on a regular basis. The Florida State Board of Examination maintains a list of scrutinized companies as well as companies that are under continued examination and may be added later. RiskMetrics Group provides risk management and financial services.

HB 2 Iran Divestment
Credit: provided by Sen. Wielechowski, Sponsor of SB 131

The state of Alaska maintains invested assets totaling about $78 billion.[5] Of these investments, nearly $79 million–or about 0.1 percent– would be subject to divestment under SB 131 as proposed. We calculate that as of September 30, 2011, almost $71 million in Permanent Fund investments would require divestment and almost $8 million in other state assets would be targeted for divestment.

The following table shows the list of companies and the market value of the investments held by the Alaska Permanent Fund and other state funds that would be subject to divestment.

Permanent Fund and Other State Stock Holdings Potentially Subject to Iranian Divestment

Company	Market Value	Country
Permanent Fund		
Air Liquide L'	$8,312,454	France
China Petroleum and Chemical	$21,441,552	China
CNOOC Ltd	$1,890,363	China/Hong Kong
Daelim Industrial Company	$90,106	South Korea
Gazprom OAO	$8,674,991	Russia
GS Engineering and Construction	$116,464	South Korea
KunLun Energy Company Limited	$198,460	Hong Kong
MISC Berhard	$115,469	Malaysia
Oil and Natural Gas Corporation	$241,590	India
OMG AG	$3,771,598	Austria
PetroChina Company	$1,512,966	China
Petrofac Limited	$1,656,908	United Kingdom
Petronas Dagangan Bhd	$149,977	Malaysia
Petronas Gas Berhad	$325,262	Malaysia
PTT Exploration and Production	$344,206	Thailand
Sasol Limited	$11,935,379	South Africa
SGS SA	$2,098,084	Switzerland
Technip SA	$8,004,444	France
Total for Permanent Fund	$70,880,273	
Other State Funds Managed by the Division of Treasury		
Air Liquide L'	$2,916,692	France
Costain Group	$2,050	United Kingdom
Gazprom OAO	$4,543,890	Russia
OMV AG	$155,137	Austria
SGS SA	$289,862	Switzerland
Total for Other State Funds	$7,907,631	
GRAND TOTAL	$78,787,904	

Notes: The market value of the Permanent Fund holdings is the value as of September 30, 2011.
Sources: Permanent Fund holdings and market value can be accessed at *http://www.apfc.org/home/Media/investments/09302011WebHoldings.pdf*. Pam Leary, state comptroller, Department of Revenue, provided the information on other state holdings. Ms. Leary can be reached at 907.465.3751.

[5] As of September 30, 2011, the state's investments included $21.3 billion under the fiduciary responsibility of the Commissioner of Revenue, $18.4 billion under the fiduciary responsibility of the Alaska Retirement Management Board, and $38.2 billion in the Alaska Permanent Fund, *http://www.revenue.state.ak.us/treasury/*.

The Alaska Permanent Fund and the Alaska Retirement Management Board have in the past expressed reservations about the wisdom of divestment, citing increased administrative costs and possible declines in fund performance.[6] While, given the nature of the global investment marketplace, it is unlikely that the divestment of Alaska public funds from targeted companies would have a direct, negative impact on those companies, proponents of divestment point to the recent decisions by a number of major multinational companies to withdraw from Iran. For example, Royal Dutch Shell, France's Total SA, Italy's Eni Spa, Norway's Statoil ASA, all have agreed to end investments in Iran. At least 22 states and the District of Columbia have likewise enacted laws or adopted policies to divest public funds from companies active in Iran. We note that under the proposed legislation, the Act would be repealed when the U.S Department of State removes Iran from its list of terrorist countries, or the United States Congress or the President determines that Iran divestment interferes with the conduct of U.S. foreign policy.

We hope this is helpful. If you have questions or need additional information, please let us know.

[6] Daniel Lesh, "Divestment of Qualifying Companies Operating in Sudan from Alaska Public Funds," Legislative Research Report 09.118, January 27, 2009.

Quick Facts about HB-241 and SB-131: Iran Divestment Legislation

HB-241 and SB-131: What would the bills do?

The goal of the proposed legislation is to keep the State of Alaska's investments from supporting the current Iranian regime. The Commissioner of the Department of Revenue would annually receive a list of companies that have invested an aggregate of $20 million or more in Iran's oil and gas fields. If a company is listed, then the State must notify that company that it has 90 days to cure or explain these investments. If after 90 days, the company fails to adequately cure or justify the investments, the State's fund managers (for the Permanent Fund, PERS/TERS, etc.) would be required to liquidate the assets they hold for those companies within 90 days. Mutual funds that include companies that have invested in Iran's oil and gas sector are not subject to the asset liquidation.

What is the harm/why do we need this bill

Iran is listed by the U.S. State Department as a "State Sponsor of Terrorism" and is currently under U.N. sanction "because of [Iran's] sponsorship of terrorism, its refusal to comply with IAEA regulations regarding its nuclear program, and its human rights violations." Passing this legislation would weaken the Iranian regime, making it more difficult for them to export terror, harm U.S. personnel, and illegally pursue the development of nuclear weapons.

Would this hurt development/producers on the North Slope?

This legislation will not hurt oil production on the North Slope for three reasons. First, no company currently producing on the North Slope will likely be subject to divestment according to a recent Legislative Research Report. Second, even if a company is listed, that would not stop us from providing incentives for investment and production on the North Slope. This legislation targets the Iranian regime, not oil companies. Third, one only needs to look at Texas, which has divested its funds from Iran since 2008, to see that our oil and gas production will not be hurt from this legislation.

Will divesting from Iran be costly to the state?

No. We believe that fund managers currently have the tools and personnel needed to buy and sell a small number of stocks if they are asked to do so. A similar divestment bill from 2009 (HB-92) had two zero fiscal notes, since the bill could be carried out "through existing personal services and custodial resources." A recent Legislative Research Report says that about a tenth of one percent ($79 million) of the State's total assets could be affected by the legislation. This money would not be lost; it would simply be reinvested elsewhere.

HB 2 Iran Divestment
Credit: provided by Sen. Wielechowski, Sponsor of SB 131

EU Iran Oil Embargo Sanctions 'Unprecedented'

DON MELVIN 01/23/12 02:40 PM ET Associated Press

BRUSSELS — The European Union and Iran raised the stakes Monday in their test of wills over the Islamic republic's nuclear program, with the bloc banning the purchase of Iranian oil and Iran threatening to retaliate by closing the Strait of Hormuz, through which a fifth of the world's crude is transported.

The escalating confrontation is fraught with risks – of rising energy prices, global financial instability, and potential military activity to keep the strait open.

The EU's 27 foreign ministers, meeting Monday in Brussels, imposed an oil embargo against Iran and froze the assets of its central bank, ramping up sanctions designed to pressure Iranian officials into resuming talks on the country's nuclear program.

EU officials say the tighter sanctions are part of a carrot-and-stick approach, an effort to increase pressure while at the same time emphasizing their willingness to talk.

In Washington, Department of State Secretary Hillary Rodham Clinton and Department of the Treasury Secretary Timothy Geithner welcomed the EU decision, calling it "another strong step in the international effort to dramatically increase the pressure on Iran." In their joint statement, they said the EU sanctions, combined with earlier ones imposed by the U.S. and the international community, `will sharpen the choice for Iran's leaders and increase their cost of defiance of basic international obligations."

But the initial response out of Tehran, the Iranian capital, was harsh.

Ramin Mehmanparast, a spokesman for Iran's Foreign Ministry, called the economic sanctions "illogical and unfair" saying: "It is only understandable in the framework of propaganda and psychological war."

Mehmanparast was quoted by website of state broadcasting company as saying, "Pressure and sanctions against a nation that has a strong logic and reason for its policy is a failed method."

He said due to the world's long-term need for energy, "It is not possible to impose sanctions on Iran," which has huge resources of oil and gas.

And two Iranian lawmakers threatened that their country would close the strait in retaliation for the EU embargo.

Lawmaker Mohammad Ismail Kowsari, deputy head of Iran's influential committee on national security, said Monday the strait "would definitely be closed if the sale of Iranian oil is violated in any way."

The strait – just 34 miles (54 kilometers) wide at its narrowest point – runs alongside Iran and is the only way to get from the Persian Gulf to the open sea. Tensions over the potential impact its closure would have on global oil supplies and the price of crude have weighed heavily on consumers and traders. The U.S. and Britain both have warned Iran not to disrupt the world's oil supply.

After news of the EU move, benchmark crude for March delivery rose 90 cents on the day to $99.23 a barrel in early morning European time in electronic trading on the New York Mercantile Exchange. Brent crude was down 35 cents at $109.51 a barrel on the ICE futures exchange in London.

Many analysts doubt that Iran would maintain a blockade for long, but any supply shortages would cause world oil supplies to tighten temporarily. But Kowsari said that, in case of the strait's closure, the U.S. and its allies would not be able to reopen the route, and warned America not to attempt any "military adventurism."

An American aircraft carrier, the USS Abraham Lincoln entered the Gulf on Sunday without incident to conduct scheduled maritime security operations, and U.S. warships frequently operate in the Gulf. But when the carrier USS John Stennis departed the Gulf in late December, Iranian officials warned the U.S. not to return. The British Ministry of Defense said British and French warships joined the U.S. carrier group transiting through the Strait of Hormuz "to underline the unwavering international commitment to maintaining rights of passage under international law."

Russia's Foreign Ministry said the sanctions are a severe mistake likely to worsen tensions. "It's apparent that in this case there is open pressure and diktat, aimed at 'punishing' Iran for uncooperative behavior. This is a deeply mistaken policy, as we have told our European partners more than once," the ministry said in a statement. "Under pressure of this sort, Iran will not make any concessions or any corrections to its policies," it said.

The EU sanctions include an include an immediate embargo on new contracts for crude oil and petroleum products. Existing contracts with Iran will be allowed to run until July.

Last month, the U.S. enacted new sanctions targeting Iran's central bank and its ability to sell petroleum abroad, but it has delayed implementing the sanctions for at least six months, worried about sending the price of oil higher at a time when the global economy is struggling.

Other countries are steering clear of such measures altogether. China also does not support an embargo, and Japan's finance minister, Jun Azumi, has expressed concern about the effectiveness of U.S. sanctions on Iran – not to mention their potential impact on Japanese banks.

Some 80 percent of Iran's foreign revenue comes from oil exports and any sanctions that affect its ability to export oil would hit its economy hard. With about 4 million barrels per day, Iran is the second largest producer in OPEC.

"It means that we will paralyze, bit by bit, Iran's economic activity and keep the country from using a major part of its resources," said French Foreign Minister Alain Juppe. "You can be skeptical, but it is better than making war."

At the heart of the dispute is international unease about Iran's nuclear program. Iran says its nuclear program is peaceful, but the United States and other nations suspect it is trying to build nuclear weapons. Iran is now under several rounds of U.N. sanctions for not being more forthcoming about its nuclear program.

Late Monday, British Prime Minister David Cameron, German Chancellor Angela Merkel and French President Nicolas Sarkozy issued a joint statement urging Iran to suspend its sensitive nuclear activities.

"Our message is clear," the statement said. "We have no quarrel with the Iranian people. But the Iranian leadership has failed to restore international confidence in the exclusively peaceful nature of its nuclear program. We will not accept Iran acquiring a nuclear weapon."

Iran's denials of military intent have utterly failed to convince EU officials.

"The recent start of operations of enrichment of uranium to a level of up to 20 percent in the deeply buried underground facility in Fordo near Qom further aggravates concerns about the possible military dimensions to Iran's nuclear program," the foreign ministers said in a statement Monday.

That accelerated enrichment is in violation of six U.N. Security Council resolutions and 11 resolutions by the board of the International Atomic Energy Agency, "and contributes to rising tensions in the region," the statement said.

British Foreign Secretary William Hague called the embargo part of "an unprecedented set of sanctions."

"I think this shows the resolve of the European Union on this issue," Hague said.

The EU also decided to freeze the assets of the Iranian central bank. Together, the two measures are intended not only to pressure Iran to agree to talks but also to choke off funding for its nuclear activities.

Before Monday's decision, negotiators worked hard to try to ensure that the embargo would punish only Iran – and not EU member Greece, which is in dire financial trouble and relies heavily on low-priced Iranian oil.

The foreign ministers agreed to a review of the effects of the sanctions, to be completed by May 1. And they agreed in principle to make up the costs Greece incurs as a result of the embargo.

—

Raf Casert in Brussels, Nasser Karimi in Tehran, Matthew Pennington in Washington, and Gregory Katz in London contributed to this report.

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WSJ.com

MIDDLE EAST NEWS | FEBRUARY 6, 2012, 1:43 P.M. ET

U.S. Toughens Sanctions on Iran's Central Bank

By TENNILLE TRACY

WASHINGTON—The U.S. handed down a fresh set of sanctions on the Iranian government Monday in the latest bid to pressure Tehran to end its nuclear program.

The White House announced Monday it was freezing all property owned in the U.S. by Iran or the Central Bank of Iran. President Barack Obama, in an executive order signed Sunday, said the Central Bank of Iran was concealing transactions of sanctioned parties and that Iran was not making progress in halting money laundering.

The U.S. Treasury Department, which is responsible for enforcing sanctions, said in a statement Monday that "Iran now faces an unprecedented level of pressure" and that the new sanctions confirms Iran "will face ever-increasing economic and diplomatic pressure until it addresses the international community's well-founded and well-documented concerns regarding the nature of its nuclear program."

Western governments are trying to tighten the screws on Iran amid growing concern that the country is trying to develop nuclear weapons. Iran has said that its nuclear program is for peaceful means.

The U.S. is already implementing sanctions that aim to cut off Iranian oil exports, a major source of revenue for Iran's government. Top U.S. officials recently met with Japanese and Chinese leaders, who are being asked to cut off Iranian crude oil imports.

The European Union also approved an embargo on Iranian oil that goes into effect in July. Collective efforts to block Iran oil shipments have forced Asian and European countries to look for alternative supplies from Saudi Arabia, Russia and other producers.

The sanctions announced Monday are likely to escalate tensions with Iran, which recently threatened to block off the Strait of Hormuz, a valuable waterway near the Persian Gulf that carries about 20% of the world's oil shipments.

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National Post

Sanctions against Iran may destabilize, topple regime by 'ratcheting up hassle factor': expert

Peter Goodspeed Jan 28, 2012 – 5:29 PM ET

AFP/Getty Images

HB 2 Iran Divestment
Credit: provided by Sen. Wielechowski, Sponsor of SB 131

A handout picture obtained from the Iranian president's office shows Iranian President Mahmoud Ahmadinejad delivering a speech during a visit to the city of Kerman, 1,000km southeast of Tehran, on January 26, 2012.

The 9/11 terrorist attacks drove Mark Dubowitz, a young business whiz who worked as a Bay Street lawyer and high-tech venture capitalist in Toronto, to change careers.

He moved to Washington and became executive director of the Foundation for the Defense of Democracies (FDD), an aggressive new neo-conservative think-tank that helps shape U.S. thinking on war, terrorism and the Middle East.

Now, he is a recognized international expert on developing sanctions that might cripple Iran's oil industry.

Yuri Gripas

Mark Dubowitz is at his office in Washington on januray 26, 2012.

Many of the ideas generated over the past five years by the FDD and Mr. Dubowitz have made their way into the international sanctions package now being applied to Iran — restrictions on gasoline sales, curbed investments in natural gas development, embargoed oil exports, targeted sanctions aimed at its Revolutionary Guards Corps and bans on business dealings with its Central Bank.

"Oil is the lifeblood of the regime," Mr. Dubowitz said. "Iran is essentially a one-crop country: They sell oil. It also has the second-largest natural gas resources in the world, but it can't get it out of the ground because of investment restrictions. It can't distribute it. It is actually a net importer of gas. At the end of the day, the Iranians sell oil."

That's the main source of Iran's strength and its Achilles' heel.

"I think that it is probably very unlikely that economic pressure is going to change [Iran's Supreme Leader Ali] Khamenei's commitment to building a [nuclear] bomb," Mr. Dubowitz said.

"Men who talk about crushing the 'enemies of God' won't give up their enriched uranium because transaction costs have increased. The acquisition of the bomb is now probably inseparable from the ruling elite's religious identity."

But sanctions that cripple Iran's oil industry and rapidly deprive its government of crucial revenue could destabilize the country to a point where the regime might be in danger of falling.

"Designing sanctions to make Khamenei relent is a delusion," Mr. Dubowitz wrote recently. "Sanctions that could contribute to popular unrest and political tumult are not. The Great Arab Revolt and its forerunner, the Iranian summer of 2009, were propelled by profound frustration as well as indignation at tyranny. A democratic revolution might be reborn."

In the past five years, sanctions are estimated to have cost the government in Tehran dearly. It has lost more than US$60-billion in energy investment and US$14-billion in oil sales; gasoline exports to Iran have been cut by 90%, while an estimated US$4.4-trillion of Iranian natural gas has been prevented from reaching markets.

More recent sanctions imposed by Washington on companies doing business with Iran's Central Bank have made it enormously complicated for Iran to receive payment for its oil, particularly from China, India and South Korea.

But Mr. Dubowitz is still looking for ways to increase the pressure.

"My whole theory is that the goal of sanctions is not to impose a complete embargo on Iranian oil or to cut Iran off completely from international global markets, but to significantly ratchet up the hassle factor in doing business with Iran and to persuade 'white-hatted companies' from doing business with Iran, leaving the 'black-hatted companies' who would never comply with sanctions to negotiate significant concessions from the Iranians in the form of discounts on the price of oil or premiums on the supply of gasoline," he said.

"That's what the Chinese are doing now. They have literally and figuratively got the Iranians over a barrel so they are driving for discounts and better prices for oil. On the other side of it, the Chinese are selling the Iranians gasoline and charging them 25% to 30% premiums."

Similarly, there are banks around the world that are willing to do business with Iranian banks controlled by the Revolutionary Guard Corps and the Central Bank of Iran, but they are being forced to pay significantly for the increased risks.

"The ultimate goal is to see sanctions that aren't airtight, because they can never be airtight, but to see sanctions designed in a way that significantly drains the Iranian treasury of its hard earnings," he said.

"Sanctions should never be thought of as a 'silver bullet.' But they can be thought of as 'silver shrapnel' — part of a comprehensive strategy. I think they can significantly wound the regime."

Mr. Dubowitz, who was born in South Africa and raised in Toronto, studied at the University of Western Ontario and McGill University, before taking a law degree and a master's of business administration at the University of Toronto. After he moved to Washington, he picked up a master's in international public policy from John Hopkins University's School of Advanced International Studies.

He spent eight years working as a lawyer and venture capitalist in Toronto, focusing on fundraising for early-stage technology companies. He was also director of international business development for Doubleclick, a global Internet advertising company that was ultimately purchased by Google, and director of corporate development and manager of European and Asian operations for FloNetwork, an email messaging marketing company later bought by Doubleclick.

In his work at the FDD, Mr. Dubowitz said he found "the intersection of foreign policy, law and business."

"I had experience in all three," he said. "I wasn't some PhD who spoke Farsi and understood the inner workings of the theocratic regime. I wasn't an award-winning economist or an international trade lawyer. I didn't have particular depth in any one issue or area, but I had a pretty good experience in all three and an ability to integrate them."

Using that experience, he has produced eight reports that provide research and analysis in support of strong, broad-based energy sanctions on Iran.

Six of those reports are documents that have been shared only with the Obama administration and selected congressional offices.

"There are a lot of people who deserve credit for what has already happened," Mr. Dubowitz said.

"There are members of Congress and their particular, hard-working staff and people within the administration and internationally. It's one of those rare issues where there is broad and deep bipartisan support, which is rare in Washington, and there is a really impressive international coalition."

But time may be running out for sanctions to work and convince Iran to abandon its quest for nuclear weapons.

"I think sanctions have to impose severe economic pressure on this regime over the next 12 months or even sooner. If we are in June or July this year and these oil market sanctions, for whatever reason, are not leading to a significant drop in Iranian oil revenues, then we are in a situation where the range of peaceful alternatives is almost exhausted."

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

SECRETARY OF THE TREASURY

December 1, 2011

The Honorable Carl Levin
Chairman
Committee on Armed Services
Unites States Senate
Washington, D.C. 20510

Dear Chairman Levin:

I am writing to address amendment 1414 to S. 1867, the National Defense Authorization Act for Fiscal Year 2012, regarding the imposition of sanctions on foreign financial institutions that conduct business with the Central Bank of Iran (CBI).

The Obama Administration's determination to prevent Iran from acquiring nuclear weapons is unwavering. We are resolved to build and sustain as much pressure as necessary to bring Iran to meet its international obligations and address the international community's grave concerns with its nuclear program. I know that you and your colleagues in the Senate share this commitment.

We understand that this amendment was offered in this spirit. However, I am writing to express the Administration's strong opposition to this amendment because, in its current form, it threatens to undermine the effective, carefully phased, and sustainable approach we have undertaken to build strong international pressure against Iran. In addition, the amendment would potentially yield a net economic benefit to the Iranian regime.

We have steadily increased the pressure on Iran by tightening sanctions, closing loopholes, and encouraging other countries to do the same. Congress has been absolutely critical in providing some of the tools that we have used to accomplish that goal, and we are seeing genuine results. The collaborative approach the U.S. has taken with our international partners has led many to impose sanctions on Iran that were not even contemplated three years ago, including on Iran's energy sector.

Iran's greatest economic resource is its oil exports. Sales of crude oil line the regime's pockets, sustain its human rights abuses, and feed its nuclear ambitions like no other sector of the Iranian economy. We are committed to doing as much as possible to reduce Iran's oil revenue while concurrently working to stabilize global oil markets. Today, the United States does not permit the import of Iranian crude. Other countries have already begun to reduce their consumption of Iranian crude and the Administration is working hard to discourage anyone from taking advantage of the responsible policies of these countries. Our closest allies are seriously considering curtailing their own crude purchases altogether in the near future and we are doing everything possible to encourage them to make the right decision.

HB 2 Iran Divestment
Credit: provided by Sen. Wielechowski, Sponsor of SB 131

However, as currently conceived, this amendment threatens severe sanctions against any commercial bank or central bank if they engage in certain transactions with the CBI. This could negatively affect many of our closest allies and largest trading partners. Rather than motivating these countries to join us in increasing pressure on Iran, they are more likely to resent our actions and resist following our lead – a consequence that would serve the Iranians more than it harms them. Further, there is a substantial likelihood that this amendment, particularly if passed into law at this time and in its current form, could have the opposite effect from what is intended and increase the Iranian regime's revenue, literally fueling their suspect nuclear ambitions. The Administration is prepared at your convenience to share the details of our analysis on this point, in a classified briefing.

The Obama Administration strongly supports increasing the pressure on Iran significantly, including through properly designed and well-targeted sanctions against the CBI. The Administration has several legislative proposals to both enhance and expand the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) and to strike at the CBI that we would like to discuss with you and your colleagues. We intend to work with our partners to achieve the objectives of this amendment, but in a fashion that we believe will have a greater and more sustainable impact on Iran. We ask that you continue to work with us on ways to improve this amendment and to consider other, more immediate and more effective steps that we can take to accomplish our shared goals while we work with our partners to bring about the effects this amendment is intended to achieve.

Sincerely,

Timothy F. Geithner

HB

3

<TARGET><BILL>HB 3</BILL><SUBJECT>HB
3</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011

FURTHER REFERRALS: Finance

Date of Committee Action: 2-1-11

The STATE AFFAIRS Committee considered: **HB 3**

HOUSE BILL NO. 3
"An Act relating to issuance of driver's licenses."

HB 3 REQUIREMENTS FOR DRIVER'S LICENSE

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 3 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	Admin			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	Johansen			X	
Bryce Wilson	WILSON	↘			
Wes Keller	Keller	X			
Max Gruenberg	Gruenberg			–	
Paul Seaton	Seaton			✓	
Pete Petersen	PETERSEN			X	
Chair:	LYNN	X			
Chair:					

CS FOR HOUSE BILL NO. 3(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LYNN, HAWKER, CHENAULT, JOHNSON, AND GATTO, Millett, Thompson, Fairclough

A BILL

FOR AN ACT ENTITLED

"An Act relating to issuance of driver's licenses."

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

* **Section 1.** AS 28.15.101 is amended by adding a new subsection to read:

(d) Under regulations adopted by the department, the department may issue to a person a driver's license with a duration of less than five years if the person is authorized to stay in the United States for less than five years or the period of authorized stay is indefinite. The department shall issue the license for the period of the authorized stay. If the period of authorized stay is indefinite, the department shall issue the license with a validity of one year. The department may provide that a person receiving a license with a duration of less than five years under this subsection may renew the license by mail and without a renewal fee during a period of up to five years after first issuance of the license.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Juneau, AK 99801-1182

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Toll Free: (800) 870-4391

Interim:
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FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

# of Pages (including cover): 1

Re FINAL CS for HB 3 (27-LS0010\E)

2/1/2011

HB 3 moved out of the House State Affairs Committee this morning. Please draft a final CS incorporating the following amendments:

Conceptual Amendment #1 (Seaton)
A driver's license issued for less than five years may be renewed by mail and fees waived. A clarification was made that the fees waived would be up to the five years and then applicant would pay a normal renewal fee like everyone else.

Amendment #2 (Lynn)
Amendment # E.3

Amendment #3 (Gruenberg)
Withdrawn

SCRIPT

The goal of HB 3 is simple. No one should be able to get official documentation from the State of Alaska that outlasts his or her legal stay in the United States. I held this bill in committee last week as a courtesy to members with constitutional and logistical questions.

The ACLU may have constitutional concerns, but they are not *our* lawyers. But, our committee *does* have very good legal advice from both the Department of Law and our own Legislative Legal Department. The Department of Law has submitted a memo to the committee stating that DOL does not have any constitutional concerns with HB 3. In addition, Legislative Legal has confirmed to our office that a wide variety of other states have implemented the provisions of HB 3 without serious constitutional problems. Jerry Luckhupt is present to speak on this matter if the committee so chooses.

In order to address the concerns some members raised in the last hearing, our office has offered an amendment that would afford a one-year license to anyone with an indefinite expiration date or "duration of status" listed on their legal presence documents. This would ensure that no one is required to get a new license every 30 or 90 days if their legal status changes.

HB 3 is constitutional, fair, and necessary. I urge the committee to move this bill TODAY.

Statement For the Record

My office has received a few emails and I want to clear something up. It is my intent both as the author of this bill and as Chairman of this Committee that a person with federal documentation superseding their visa or passport should receive a driver's license tied to the superseding documents. In other words, if someone receives notice from Homeland Security that they are allowed to stay in the country longer than was indicated on their visa, the Division of Motor Vehicles is to honor the new length of authorized stay.

felfa Form I 797

Ms. Brewster,

My office has received a few emails and I want to clear something up. If a person receives a document or letter, such as the I-797 form, that supersedes the expiration date on their visa, will DMV honor that superseding document?

Because it is my intent as the author of this bill and as Chairman of this Committee that someone who receives notice from Homeland Security that they are allowed to stay in the country longer than was indicated on their visa, should have their license renewed for the *new* length of authorized stay.

My Script

28.15.101
.271

Through the Chair, members of the committee:

I don't have that much to add to Representative Lynn's statement. I do want to highlight a few conversations I had following last week's hearing.

First, our office spoke with Jerry Luckhupt ~~who is here today if the committee wishes to take his testimony~~. He pointed out that *48 states have legal presence requirements* in order to receive a driver's license. I have since confirmed that ***30 states not only have legal presence requirements, but also tie the expiration dates for DLs to the length of someone's legal stay in the U.S.*** In light of these ***thirty*** states, the ACLU's arguments that determining a resident's length of stay would violate the Supremacy Clause, that requiring license renewal for reasons ~~having nothing to do with~~ other than driving ability would be unreasonable, and that "risk of error" is high, all seem somewhat spurious.

I forwarded the ACLU's brief on to the Department of Law. I would like to read the reply from Erling Johansen, Assistant Attorney General. [***read it out loud***] Clearly, our own attorneys do not concur with Mr. Mittman's legal analysis.

Finally, I spoke with the Division of Motor Vehicle's contact at U.S. Citizenship and Immigration Services. She explained that there is no such thing as quote-unquote "indefinite" authorization to stay in the United States. That is to say, the federal government will never tell someone "stay as long as you'd like." Occasionally, a foreign national will be allowed into the country provisionally, and as such their documents might not have an expiration date at first. Still, once a person's case is resolved, they will be afforded a concrete length of stay in the country.

flee situation

What documentation do they use now to get a license if they're waiting for a visa?

Westlaw

Distributed by Rep. Gruenberg

QUERY - "REASONABLE REGULATIONS" DATABASE(S) - AK-ST-ANN

1. C **AS § 05.20.070**
West's Alaska Statutes Annotated Currentness Title 5. Amusements and Sports Chapter 20. Recreational Devices § 05.20.070. Regulations

...Currentness Title 5. Amusements and Sports Chapter 20 . Recreational Devices § 05.20.070. Regulations The department may adopt **reasonable regulations** and codes relating to public safety in the construction, operation, and maintenance of devices. The regulations and codes must be ...

2. C **AS § 08.60.080**
West's Alaska Statutes Annotated Currentness Title 8. Business and Professions Chapter 60. Junk Dealers and Junk Yards Article 2. Regulation of Junk Yards § 08.60.080. Authorization to impose conditions for establishment, operation, and maintenance

...safety or the cities or organized boroughs shall examine the location or proposed location of a junk yard and adopt **reasonable regulations** concerning the establishment, operation, and maintenance of businesses under the standards set out in AS 08.60.070 The regulations ...

3. **AS § 14.56.020**
West's Alaska Statutes Annotated Currentness Title 14. Education, Libraries, and Museums (Refs & Annos) Chapter 56. State and Community Libraries Article 1. State Library and Historical Library § 14.56.020. Powers of the Department of Education and Early Development

...in the development and improvement of library facilities; and (2) establish policies, plans, and procedures of the department, and adopt **reasonable regulations** and orders, with penalties, as may be required. CREDIT(S) SLA 1966, ch. 98, § 57 LIBRARY REFERENCES States 82 ...

4. C **AS § 19.65.030**
West's Alaska Statutes Annotated Currentness Title 19. Highways and Ferries Chapter 65. Alaska Marine Highway System Article 1. Comprehensive Plan, Vessels, and Facilities § 19.65.030. Acquisition and maintenance of ferry terminal facilities

...department as to its location. A ferry terminal facility constructed by a person other than the department is subject to **reasonable regulations** governing its use that the department considers necessary and proper in the public interest. (e) A ferry terminal facility may ...

5. C **AS § 21.06.090**
West's Alaska Statutes Annotated Currentness Title 21. Insurance Chapter 06. The Director of Insurance (Refs & Annos) § 21.06.090. Regulations

...Insurance Chapter 06 . The Director of Insurance (Refs & Annos) § 21.06.090. Regulations (a) The

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director may adopt **reasonable regulations** to effectuate this title. A regulation may not extend, modify, or conflict with any law of this state or the ...

6. C **AS § 21.39.130**
West's Alaska Statutes Annotated Currentness Title 21. Insurance Chapter 39. Rates and Rating Organizations § 21.39.130. Rate administration

...21. Insurance Chapter 39 . Rates and Rating Organizations § 21.39.130. Rate administration (a) The director shall adopt **reasonable regulations** and statistical plans, reasonably adapted to each of the rating systems filed with the director, that may be modified and ...

...or other agencies to assist in gathering the experience and making compilations. The compilations shall be made available, subject to **reasonable regulations** adopted by the director, to insurers and rating organizations. (b) **Reasonable regulations** and plans may be adopted by the director for the interchange of data necessary for the application of rating plans ...

...may consult with them with respect to rate making and the application of rating systems. (d) The director may adopt **reasonable regulations** necessary to carry out the purposes of this chapter. CREDIT(S) SLA 1966, ch. 120, § 1 LIBRARY REFERENCES Insurance ...

7. C **AS § 21.55.040**
West's Alaska Statutes Annotated Currentness Title 21. Insurance Chapter 55. State Health Insurance Article 1. Comprehensive Health Insurance Association § 21.55.040. Plan of operation

...subsequent time the association fails to submit suitable amendments to the plan, the director may, after notice and hearing, adopt **reasonable regulations** necessary or advisable to effectuate the provisions of this chapter. These regulations shall continue in force until modified by the ...

8. **AS § 21.60.020**
West's Alaska Statutes Annotated Currentness Title 21. Insurance Chapter 60. Property Insurance Contracts § 21.60.020. Replacement insurance

...replacement of the property, if damaged or destroyed by a hazard insured against, and without deduction of depreciation, subject to **reasonable regulations** that may be adopted by the director. CREDIT(S) SLA 1966, ch. 120, § 1 LIBRARY REFERENCES Insurance 2185 Westlaw ...

9. C **AS § 21.80.070**
West's Alaska Statutes Annotated Currentness Title 21. Insurance Chapter 80. Alaska Insurance Guaranty Association Act § 21.80.070. Plan of operation

...director. If the association fails to submit suitable amendments to the plan, the director shall, after notice and hearing, adopt **reasonable regulations** necessary or advisable to effectuate the provisions of this chapter. These regulations shall continue in force until modified by the ...

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10. C **AS § 26.05.320**
West's Alaska Statutes Annotated Currentness Title 26. Military Affairs, Veterans, and Disasters Chapter 05. Military Code of Alaska (Refs & Annos) § 26.05.320. General court-martial

...view of the state's lack of manpower, and shortage of places of confinement and finances, shall be in compliance with **reasonable regulations**, adjusted to the peculiar characteristics of the state. The regulations shall be formulated by the adjutant general, drafted by the ...

11. C **AS § 38.05.020**
West's Alaska Statutes Annotated Currentness Title 38. Public Land Chapter 05. Alaska Land Act Article 1. Administration (Refs & Annos) § 38.05.020. Authority and duties of the commissioner

...commissioner shall supervise the administration of the division of lands. (b) The commissioner may (1) establish reasonable procedures and adopt **reasonable regulations** necessary to carry out this chapter and, whenever necessary, issue directives or orders to the director to carry out specific ...

12. C **AS § 38.05.820**
West's Alaska Statutes Annotated Currentness Title 38. Public Land Chapter 05. Alaska Land Act Article 15. Miscellaneous Provisions § 38.05.820. Occupied tide and submerged land

...with navigation. (6) Each home rule city and city of the first class receiving conveyances shall by ordinance provide for **reasonable regulations** governing the filing and processing of applications, publication of notices, and the adjudication of disputes between claimants by the governing ...

13. **AS § 38.10.050**
West's Alaska Statutes Annotated Currentness Title 38. Public Land Chapter 10. Transfer of Tide and Submerged Land § 38.10.050. Regulations and procedures

...050. Regulations and procedures The commissioner of natural resources, upon recommendation of the director, may establish reasonable procedures and adopt **reasonable regulations** necessary to carry out this chapter. CREDIT(S) SLA 1961, ch. 69, § 5 AS § 38.10.050, AK ...

14. ▷ **AS § 39.25.080**
West's Alaska Statutes Annotated Currentness Title 39. Public Officers and Employees Chapter 25. State Personnel Act Article 1. Administration § 39.25.080. Personnel records confidential; exceptions

...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 ...

15. **AS § 41.21.302**
West's Alaska Statutes Annotated Currentness Title 41. Public Resources Chapter 21. Parks and Recreational Facilities Article 3. Alaska Marine Parks (Refs & Annos) § 41.21.302. Management of marine parks

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...from private and public land within or outside a unit. In the granting of such access the commissioner may adopt **reasonable regulations** to protect the natural and other values of the marine park unit land and water. (i) The commissioner may enter ...

16. C **AS § 41.21.616**
West's Alaska Statutes Annotated Currentness Title 41. Public Resources Chapter 21. Parks and Recreational Facilities Article 6. Alaska Chilkat Bald Eagle Preserve § 41.21.616. Regulations

...advisory committees, and the Alaska Chilkat Bald Eagle Preserve Advisory Council established by AS 41.21.625 before adoption of **reasonable regulations** governing public use and protection of the Alaska Chilkat Bald Eagle Preserve. The Department of Fish and Game shall consult ...

17. C **AS § 42.05.291**
West's Alaska Statutes Annotated Currentness Title 42. Public Utilities and Carriers and Energy Programs (Refs & Annos) Chapter 05. Alaska Public Utilities Regulatory Act Article 3. Services and Facilities § 42.05.291. Standards of service and facilities

...of quantity, quality, pressure, initial voltage, or other conditions pertaining to the supply of the service of public utilities; adopt **reasonable regulations** for the examination and testing of the service, and for the measurement of it; adopt or approve **reasonable regulations**, specifications, and standards to secure the accuracy of meters and appliances for measurement; and provide for the examination and testing ...

18. C **AS § 42.05.331**
West's Alaska Statutes Annotated Currentness Title 42. Public Utilities and Carriers and Energy Programs (Refs & Annos) Chapter 05. Alaska Public Utilities Regulatory Act Article 3. Services and Facilities § 42.05.331. Standards for measurement

...fair, and realistic standards for the measurement of quality, pressure, voltage, or other conditions of utility services and shall prescribe **reasonable regulations** for examination and testing of the service and the accuracy of the devices used to measure it. CREDIT(S) SLA ...

19. C **AS § 43.50.010**
West's Alaska Statutes Annotated Currentness Title 43. Revenue and Taxation Chapter 50. Tobacco Taxes and Sales (Refs & Annos) Article 1. Cigarette Tax Act (Refs & Annos) § 43.50.010. License

...shall issue a license to each manufacturer, distributor, direct-buying retailer, vending machine operator, or buyer. The department shall adopt **reasonable regulations** that it considers necessary in respect to the application for and the issuance of licenses. (c) The department may refuse ...

20. **AS § 43.50.035**
West's Alaska Statutes Annotated Currentness Title 43. Revenue and Taxation Chapter 50. Tobacco Taxes and Sales (Refs & Annos) Article 1. Cigarette Tax Act (Refs & Annos) § 43.50.035. Whole-

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saler-distributor license

...to purchase stamps under this chapter is required to be licensed as a wholesaler-distributor. (c) The department shall adopt **reasonable regulations** necessary for the collection of cigarette taxes on cigarette sales or distributions made by a wholesaler-distributor licensee into this ...

21. **AS § 43.50.040**
West's Alaska Statutes Annotated Currentness Title 43. Revenue and Taxation Chapter 50. Tobacco Taxes and Sales (Refs & Annos) Article 1. Cigarette Tax Act (Refs & Annos) § 43.50.040. Expiration of licenses

...of the license. The renewal fee required by AS 43.50.030 must accompany the application. The department shall adopt **reasonable regulations** that it considers necessary regarding the renewal of licenses. CREDIT(S) SLA 1955, ch. 187, § 6 SLA 2003, ch ...

22. **AS § 43.50.370**
West's Alaska Statutes Annotated Currentness Title 43. Revenue and Taxation Chapter 50. Tobacco Taxes and Sales (Refs & Annos) Article 3. Excise Tax on Certain Tobacco Products § 43.50.370. Regulations

...Tobacco Products § 43.50.370. Regulations The department shall adopt under the Administrative Procedure Act (AS 44.62) **reasonable regulations** that it considers necessary to carry out the provisions of AS 43.50.300 43.50.390 CREDIT(S) SLA ...

23. **AS § 43.50.490**
West's Alaska Statutes Annotated Currentness Title 43. Revenue and Taxation Chapter 50. Tobacco Taxes and Sales (Refs & Annos) Article 5. Compliance with Statutory Requirements Regarding Cigarette Sales § 43.50.490. Miscellaneous provisions

...with AS 43.50.460 43.50.495 (c) The department shall adopt under AS 44.62 (Administrative Procedure Act) **reasonable regulations** that it considers necessary to carry out the provisions of AS 43.50.460 43.50.495 (d) If a ...

24. **AS § 45.75.190**
West's Alaska Statutes Annotated Currentness Title 45. Trade and Commerce Chapter 75. Weights and Measures Act Article 3. Standards and Regulation for Sale of Commodities § 45.75.190. Method of sale of commodities

...sold by cubic measure: or (7) unprocessed vegetable and animal fertilizer sold by cubic measure. (c) The director may adopt **reasonable regulations** necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined ...

25. C **AS § 47.05.020**
West's Alaska Statutes Annotated Currentness Title 47. Welfare, Social Services and Institutions

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Chapter 05. Administration of Welfare, Social Services and Institutions (Refs & Annos) Article 1. General Administrative Provisions § 47.05.020. Regulations concerning records; disclosure of information

...records; disclosure of information (a) The power of the department to adopt regulations includes the power to adopt and enforce **reasonable regulations** governing the custody, use, and preservation of the records, papers, files, and communications of the department. The regulations must provide ...

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Library
2-1-11 meeting

HB 3

Additional Documents to Add to your Bill File

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SEAN PARNELL
GOVERNOR

LABOR & STATE AFFAIRS
1031 WEST 4th AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 269-6612
FAX: (907) 258-4978

January 28, 2011

Representative Bob Lynn
State Capitol Room 108
Juneau, Alaska 99801

Re: HB-3

Dear Representative Lynn:

Mr. Reiker of your office contacted me following the House State Affairs committee hearing this week concerning the above referenced bill.

Consistent with Department of Law practice, I had reviewed this bill prior to the committee hearing. In my review I saw no basis for constitutional challenge of it. Having revisited the bill following Mr. Reiker's contact that remains my position.

Sincerely,

JOHN J. BURNS
ATTORNEY GENERAL

By:
Erling T. Johansen
Assistant Attorney General

ETJ/ljt

27-LS0010\E.3
Luckhaupt
1/27/11

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE LYNN

TO: HB 3

Page 1, lines 8 - 9:

Delete "may not"

Insert "shall"

Page 1, line 9:

Delete "greater than"

State Driver's License Requirements

This table is current as of December 5, 2004. The information it contains was compiled by the National Immigration Law Center from statutes, state government websites, and information provided by advocates within each state. Note that the documents used to prove age and identity may have changed. To suggest corrections or additions to the table, or for the latest updates to the information it contains, contact Tyler Moran at moran@nilc.org.

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
AL	Yes (w/exception)	Yes	Applicants must present 2 forms of identification — at least 1 from the primary list, and at least 1 bearing a photo. Together, the documents must establish the applicant's name and date of birth, and that the applicant is lawfully present in the U.S. **Primary documents.** U.S. birth certificate, U.S. passport, U.S. military ID card, Alabama ID card, Alabama DL, Certificate of Naturalization, U.S. Certificate of Citizenship, U.S. Certificate of Birth Abroad, resident alien card, Social Security card; Valid non-U.S. passport. **Secondary documents.** DL issued in the U.S; International DL/ permit (not expired); marriage certificate, U.S. armed forces DL; U.S. military DD-14, professional license, Selective Service card, Veterans Administration card, medical insurance ID card (not expired), school ID (with photo), school enrollment form; W-2 form; documents from court of record including divorce decree, adoption decree; name change decree, bankruptcy decree; employment authorization document with valid social security card; Valid visa authorizing presence in the country for a period exceeding six months; Valid Employment Authorization Document (EAD); Valid I-94 Arrival/Departure Record; Original Form I-797, Notice of Action, showing approval of change of status or extension of stay Original Form I-797, Notice of Action, evidencing timely filing of an extension petition. **Documents to prove lawful presence** include, but are not limited to, original or certified copies of one or more of the following: I-551 stamp in foreign passport or I-551 stamp on Form I-94 (Arrival/Departure Record); proof of refugee, asylee, or parolee status, i.e., Form I-571 (Refugee Travel Document), or Form I-512 (Authorization for Parole of an Alien), or an immigration judge's order (IJO), certified by the clerk of the court, granting asylum or cancellation of removal; proof of lawful nonimmigrant status provided by the U.S. Dept. of Justice (Form I-94, Arrival/Departure Record, not expired, with required supporting document(s)); and U.S. Dept. of Defense Uniformed Services ID Card, along with International Travel Order (ITO) for international military student (IMS). Non-U.S. citizens with the following visa types are eligible to apply for an Alabama driver's license: A, E, F, J, L, M, NATO, O, P, R, and TN. **Note:** F-1 and M-1 visa holders also must provide a copy of Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status). J-1 and J-2 visa holders must also provide a copy of Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status). In addition to meeting the above ID requirements, an applicant who has been deported from the U.S. must present proof from the INS or CIS that his or her lawful presence status has been restored.	➢ Noncitizens lawfully residing in the state for a period exceeding six months and who are not authorized to work are not required to provide an SSN, but must provide proof of lawful presence exceeding six months from the date of application for a DL. ➢ Applicant's immigration documents must show that s/he may legally remain in the U.S. for at least 160 days from time of application. ➢ DLs will expire with the immigration document the license-holder presented at the time of application. ➢ Noncitizens may only use designated DMV offices. ➢ Lawsuit filed that challenges Dept. of Public Safety's policy of denying DLs to nonimmigrants and applicants for permanent residency. *Castro et al. v. Coppage and Alabama Dept. of Public Safety*, No. 2:04cv400-W (U.S.D.C. Mid. Dist. Ala.).
AK	Yes (w/exception)	Yes	Applicants must present 2 pieces of identification, 1 to prove DOB and 1 to prove identity. **Documents to prove DOB.** An original or certified copy of a U.S. or Canadian birth certificate (from Vital Statistics); a passport issued by the U.S. or Canada; an Alaska learner's permit or other state-issued permit with a photo; an ID card issued by a state DMV office or Canadian DMV; and military ID for active duty, retiree or reservist. ***Note:*** When *two items* from the above list are presented, an identity document (listed below) is not required. **Documents to prove identity.** Employee ID card with photo, SSA card, military ID for dependent, passport, pilot's license, marriage license or certificate, and other evidence of comparable validity approved by a DMV supervisor.	➢ Applicants who have an SSN must present it. ➢ Lawful presence requirement is specified in neither a law nor regulation, but the combination of documents required creates a lawful presence requirement.

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AZ	Yes (w/exception)	Yes	Applicants must present either (a) 2 of the documents listed below, 1 having a clear photo of the individual, OR (b) 3 of the documents listed below. One document must be from the primary list. All documents presented must be originals or copies certified by the issuing agency, and all must be in English. **Primary documents (must include DOB).** Birth certificate issued in any state, territory, or possession of the U.S. (hospital record/certificate and California Certified Abstract of Birth are not acceptable); delayed birth certificate issued in any state, territory or possession of the U.S.; U.S. Certificate of Birth Abroad; U.S. passport; foreign passport with U.S. visa (admission stamp or I-94 form required in passport); I-94 (Arrival/Departure Record) with photo; resident alien card issued after March 1977; employment authorization card issued by INS or CIS; U.S. Certificate of Naturalization; U.S. Certificate of Citizenship; DL issued in another state, territory or possession of the U.S. (see comments for a list of restricted states); Arizona ID card (issued after July 1996); instruction permit issued in another state, territory, or possession of the U.S. (see comments for a list of restricted states); record of a previous Arizona DL, ID card or instructional permit (issued after July 1996); certified letter of identification for a ward of the court, issued by a court or government agency in the U.S.; affidavit of identification (with photo and within 15 days of being issued) from Arizona Dept. of Corrections, a county detention facility, or a probation office in Arizona; tribal certificate of Indian blood; tribal or Bureau of Indian Affairs affidavit of birth; U.S. military DD-214; or U.S. military ID card (active duty, reserve and retired). **Secondary documents.** DL issued in any state, territory or possession of the U.S.; instruction permit issued in any state, territory or possession of the US; U.S. military dependent ID card; U.S. armed forces DL; Social Security card; motor vehicle record or clearance letter (within 30 days of being issued); legal guardian affidavit; Selective Service card; W-2 form; U.S. Dept. of Veterans Affairs card; concealed weapons permit; medical insurance ID card; professional license; bank card; credit card; employee ID badge (with photo); school ID (with photo); marriage certificate issued in any state, territory, or possession of the U.S.; and documents from court of record: divorce decree, adoption decree, name change decree, bankruptcy decree, and emancipation decree.	➢ Applicants who have an SSN must present it. ➢ DL expires when immigration visa expires. ➢ DLs issued by the following states are not accepted as primary proof of identity: AK, HI, IL, IA, MI, MO, MT, NE, NV, NM, NC, OK, OR, RI, TX, UT, VT, WA and WA. ➢ SB 1232, signed into law in June 2004, requires that the director of the DMV develop rules to (1) verify that the applicant's presence in the U.S. is authorized under federal law, and (2) issue temporary driver permits pending verification of the applicant's immigration status.
AR	Yes (w/exception)	Yes	Applicants must present proof of identity and lawful presence. Each applicant must present either an Arkansas photo DL or ID, or 2 primary documents, or 1 primary and 1 secondary document. **Primary documents.** Photo out-of state DL; certificate of birth (If foreign, it must be accompanied by a notarized English translation); photo document from CIS; passport (if the passport is from a country other than the U.S., the applicant must also present a CIS card or a U.S. visa); naturalization certificate; court order (must contain full name, DOB, and court seal; examples include: adoption document, name-change document, or gender-change document; abstract of criminal or civil conviction not acceptable); military ID with photo; Selective Service card; and armed forces discharge papers. **Secondary documents.** Photo Arkansas Medicaid card; photo out-of-state Medicaid card; work/school photo ID; Social Security card; vehicle registration/title; Bureau of Indian Affairs card/treaty card (no tribal cards accepted); marriage license; health insurance card; IRS or state tax forms (W-2 is not acceptable); court order without DOB; medical records; concealed handgun license; certified school transcript; pilot's license; notarized parent affidavit; court records ;prison release document. **Proof of lawful presence.** U.S. birth certificate; U.S. visa; Social Security card; photo document from CIS; U.S. passport; and naturalization certificate.	➢ Applicants who have an SSN must present it.
CA	Yes (w/exception)	Yes (see comments)	Applicants must present proof of their DOB and that they are lawfully present in the U.S. **Proof of DOB and Lawful Presence.** U.S. birth certificate; U.S. certificate or report of birth abroad of a U.S. citizen; Federal Proof of Indian Blood Degree; INS American Indian Card; birth certificate or passport issued by a U.S. territory; U.S. passport ; U.S. identification card ; U.S. military identification card (active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel); Common Access Card (only if designated as Active military or Active Reserve or Active Selected Reserve); certificate of U.S. naturalization or citizenship; Northern Marianas Card; INS-issued U.S. citizen ID card; permanent	➢ *Case law:* Persons whose presence is authorized by federal law but are ineligible for an SSN are entitled to DMV documents if otherwise qualified. ➢ License expires when visa expires. ➢ DMV verifies the applicant's immigration status through SAVE.

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			resident card; temporary resident card; Canadian passport or birth certificate; Nonresident Alien Canadian Border Crossing Card; valid foreign passport with a valid Record of Arrival/Departure (Form I-94); certification from California Dept. of Corrections or California Youth Authority; employment authorization card; Permanent Resident Re-entry Permit; Refugee Travel Document; "Processed for I-551" stamped in a valid foreign passport; valid I-94 stamped "Refugee," "Parole" or "Parolee," "Asylee," or "Section 207," "Section 208," "Section 209," "Section 212d(2)," "HP," or "PIP"; immigration judge's order granting asylum; valid I-94 with attached photo stamped "Processed for I-551 temporary evidence of lawful admission for permanent residence"; Notice of Action (I-797 Approved Petition) ; Mexican Border Crossing Card with valid I-94. **Proof of SSN.** Social Security card (laminated card not acceptable); Medicare card; U.S. armed forces ID cards (Active DD-2, Retired DD-2, Reserved DD-2, Dependent DD-173, and military separation document DD-214).	the SAVE system.
CO	Yes (w/exception)	Yes	Applicants must present two documents that prove age, name, and lawful presence. One document must be from the proof of age/lawful presence list. **Proof of age/lawful presence.** Out-of-state–issued photo driver's license or photo ID card expired one year or less (out-of-state ID cards and licenses require additional documentation for proof of lawful presence); any Colorado driver's license, Colorado 7-day Affidavit and Notice of Revocation or Affidavit and Notice of Suspension, or Colorado ID card that matches the photograph on file with the Motor Vehicle Division (Colorado ID cards issued between June 1, 1997, and July 1, 1998, require additional documentation for proof of lawful presence); certified birth certificate (federal-, state-, county-, Dept. of Justice–, Dept. of State–, or Bureau of Indian Affairs–issued; a birth certificate issued by a hospital *is not* acceptable); U.S. passport expired less than 10 years; valid foreign passport with I-94 or valid "processed for I-551" stamp (*no* B-1, B-2, WT, WB, CP or NC status; and H-1, H-2, J-1, J-2, F-1, F-2, etc., statuses require verification of Colorado employment or education); Form I-94 (Arrival/Departure Record, refugee/asylee status version) (Refugees/asylees presenting such an I-94 must also present either an employment authorization card or an original letter, on agency letterhead, from "the legal agency providing assistance" [sic—verbatim from MVD website], which letter is to be surrendered to the Motor Vehicle Division); valid I-551 (resident alien/permanent resident card) (*no* border-crosser or U.S.A B-1/B-2 Visa/BCC cards accepted); valid I-688 (photo temporary resident card), I-688B and I-766 (photo employment authorization card); valid U.S. military ID (active duty, dependent, retired, reserve, and National Guard); tribal ID card; U.S. or U.S. territory certified court order of adoption (must include DOB); Certificate of Naturalization with intact photo. **Proof of name.** If the applicant is applying for a license under a name that is different from the name on the document presented as proof of age/lawful presence, or if the applicant is changing the name on an established record, any of the following documents are acceptable in addition to the document presented for proof of age/lawful presence (*no* photocopies allowed): U.S. city, county, or state–issued, or foreign-issued, certified marriage certificate (foreign language documents may require translation; *no* church-issued documents are accepted); certified divorce decree, U.S. or foreign, with a case number and official signature; certified court order of name change, U.S. or foreign, with case number and official signature (foreign language documents require translation); valid U.S. military ID (active duty, dependent, retired, reserve, and National Guard); tribal ID card; out-of-state–issued photo driver's license or photo ID card expired one year or less.	➢ Applicants who have an SSN must present it. Applicants without SSNs may submit a sworn affidavit. ➢ License expires when visa expires.
CT	Yes (w/exception)	Yes	Applicants must present proof of state residency, identification, and lawful presence. Non-citizens must submit proof of lawful presence and either one primary or secondary document. US citizens are required to submit a certified birth certificate or valid U.S. passport and either one primary or secondary document. **Primary documents.** Valid U.S. /U.S. territory or Canadian driver's license with photo (non–U.S. citizens must also provide proof of legal status); valid out-of-state or Canada–issued learner's permit with photo (non–U.S. citizens must also provide proof of legal status); certified birth certificate or registration of birth (must be original or certified copy, have a seal, and be issued by an	➢ Applicants who have an SSN must present it. Applicants without SSNs may submit a sworn affidavit.

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			authorized government agency, such as the bureau of vital statistics or state board of health; hospital-issued certificates and baptismal certificates are not acceptable as primary ID); Connecticut Non-Driver Identification Card if original issue date is Oct. 1, 2001, or later; valid passport, U.S. or Canadian (if foreign passport appropriate, INS or CIS documents also required); military ID or dependent card with photo; military discharge/separation papers; Connecticut pistol permit with photo; certified adoption papers. INS or CIS documents (must be valid and unexpired) as follows: Certificate of Naturalization; Certificate of Citizenship; valid foreign passport containing an I-551 stamp; valid foreign passport containing an I-94 (Arrival/Departure Record) and visa type; Alien Registration Receipt Card (resident alien card); temporary resident card; employment authorization card (must also provide verification of an application pending for lawful permanent residence). Refugee Travel Document (Form I-571). **Secondary documents.** All primary documents; expired U.S./U.S. territory or Canadian DL with photo; court order (must contain full name, date of birth, and court seal; examples include adoption document, name-change document, gender-change document, etc.; abstract of criminal or civil conviction may *not* be used); foreign birth certificate (must be translated by approved translator); marriage license (certified copy only); parent/guardian affidavit (applies only to minors; parent/guardian must appear in person, prove his/her identity, and submit a certified/notarized affidavit regarding the child's identification); pilot's license; school record/transcript (must be certified); Social Security card (laminated or metal cards are not acceptable); Connecticut Dept. of Social Services (DSS)–issued public assistance card with photo; prison release document; expired passport; baptismal certificate or similar document; divorce decree; employee ID from state or federal government with signature and photo and/or physical description, with or without DOB. **Note:** Holders of a B-1 or B-2 visitor's visa are not eligible for a DL or ID card unless they provide a valid employment authorization card and verification of an application pending for lawful permanent residence. Foreign students with an F-1 visa must present Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status) and verification of current enrollment in a Connecticut school; holders of a J-1 visa are required to show Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status); and all applicants will be verified through CIS for legal status before a driver's license/ID card will be issued.	
DE	Yes (w/exception)	Yes (see comments)	Applicants must present one primary document and one secondary document, two documents to prove state residency, and proof of lawful presence. **Primary documents.** DL with photo; state/province/territory-issued photo ID; certified copy of DL or ID; U.S. birth certificate (must be original or certified copy, have a raised seal and be issued by the Bureau of Vital Statistics or State Board of Health); certain INS or CIS documents, including Certificate of Naturalization (N-550, N-570, or N-578), Certificate of Citizenship (N-560, N-561, or N-645), Northern Marianas card (I-551), American Indian card (I-551), U.S. citizen ID card (I-179 or I-197), resident alien card (I-151, I-551, AR-3, or AR-103), temporary resident card (K-688), nonresident alien Canadian border crossing card (I-185 or I-586), Arrival/Departure Record(I-94 or I-94W in a valid foreign passport), Arrival/Departure Record (I-94) with attached photo and stamped "Temporary Proof of Lawful Permanent Residence," "Processed for I-551" stamp in a valid foreign passport, permanent resident reentry permit (I-327), Refugee Travel Document (I-571), employment authorization card (I-688A, I-688B, I-766); Canadian immigration record and Visa or Record of Landing (IMM 1000); court order; U.S. military ID; U.S. passport; or foreign passport with INS or CIS documentation. **Secondary documents.** Any primary document may be used as a secondary document; driver's license/ID card, expired more than one year; court order that does not contain the applicant's DOB; employment ID card; health insurance card, e.g., Blue Cross/Blue Shield, Kaiser, HMO; IRS/state tax forms; marriage certificate/license; medical records from doctor/hospital; military dependent ID; military discharge/separation papers; gun permit; pilot's license; school record/transcript (must be certified); Social	➢ SSN required if applicant is eligible for one. ➢ The Division of Motor Vehicles (DMV) issued emergency regulations in March 2002 that require applicants for a license or ID card to demonstrate lawful presence. ➢ The American Civil Liberties Union sent a letter to the DMV in October 2002 asking the agency to stop enforcing the emergency regulations because they are no longer valid (the regulations were effective for 120 days and renewable for 60 days). The agency continues to enforce the regulations despite their having expired.

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			Security card (metal card is *not* acceptable); Social Insurance card (Canadian residents only); student ID card with photo; vehicle title (vehicle registration *not* acceptable); welfare card; prison release document. **Proof of residency (must bear name and address).** Utility bills; hospital insurance card; auto or life insurance policies; W-2 or filed tax forms; voter registration card; bank account records; credit card statements; employment records; DMV computer records; rental agreements.	
DC	Yes	Yes (See comments)	**Applicants must present one of the following documents:** State-certified U.S. birth certificate or birth registration card; DC driver's license, learner's permit, or nondriver's ID card, which has not been expired for more than five years; driver's license, learner's permit, or nondriver's ID issued by another U.S. state or jurisdiction, which has not been expired for more than one year; U.S. passport that has not been expired for more than one year. **Applicants who do not have any of the above documents must present two of the following, one of which must bear the applicant's DOB:** Certified copy of high school records from a U.S. jurisdiction or territory; valid Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status); U.S. military discharge papers (DD-214); U.S. military ID; health insurance card or policy stating applicant's full name, DOB, and SSN; valid college or university photo ID; original certified marriage certificate. **Proof of DC residency.** Complete utility bill showing applicant's name at current address, issued within the last 60 days; original lease or rental agreement with the name of the applicant listed as the lessee or renter (may include handwritten leases if notarized by lessee or authorized representative from a leasing company); voter registration card or certified voter registration application; written statement from a person owning the residence or residing with the applicant at the stated residence and a complete utility bill of that person and a copy of that person's valid DC driver's license or nondriver's ID card; deed, settlement agreement, or homestead exemption certificate; letter (on letterhead) from halfway house or shelter specifying that the applicant resides at that location. If the applicant is 16 or 17 years of age, the required notarized parental consent form will be accepted if accompanied by proper proof of DC residency of the parent or legal guardian.	➢ Lawful presence requirement is specified in neither a law nor regulation, but the combination of documents required creates a lawful presence requirement. ➢ DL expires when immigration document expires.
FL	Yes (w/exception)	Yes	Applicant must present proof of identification, date of birth and lawful presence. **Immigrants must present:** I-551 stamp in passport or on I-94 (Arrival/Departure Record); or immigration judge's order, with the applicant's A-number, granting asylum; or Form I-797, with the applicant's A-number, stating that the applicant has been granted asylum; or I-797 or another form from CIS, with the applicant's A-number, stating the applicant's application for refugee status is approved. **(Note:** This list is not exhaustive. A list of all acceptable documents can be found at http://casey.hsmv.state.fl.us/intranet/ddl/MemberSvcs/NonImmigClass.html.) **Nonimmigrants must present:** Employment authorization card (Form I-688B or I-766); or proof of nonimmigrant classification provided by the INS or CIS (Form I-94, Arrival/Departure Record, not expired, with required supporting attachment(s)). Any I-94 must be accompanied by a passport. Certain classifications require additional documentation. Some examples are: Persons with F-1 or M-1 visas must also present a Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status); persons with J-1 or J-2 visas must also present a Form IAP-66(Certificate of Eligibility for Exchange Visitor Status). Persons classified as refugees, asylees, or parolees must present additional documentation. The following documents will be accepted only with a supporting document (including but not limited to a passport, Florida driver's license or ID card, driver's license issued by any other state, employment authorization card, employment ID, ID from home country, ID from school or college, Social Security card, or other INS or CIS document): I-571 (Refugee Travel Document); I-512 (Authorization for Parole of an Alien); immigration judge's order granting asylum or cancellation of removal. **Canadian Citizens.** Canadian citizens residing temporarily in the U.S. (i.e., those who do not have lawful permanent resident status) are in "nonimmigrant" status and are allowed to stay in the U.S. without obtaining CIS documentation. Canadians without	➢ Applicants who have an SSN must present it. ➢ License expires with visa or immigration document. ➢ Non–U.S. citizens must renew license and change-of-address in person. ➢ Non–U.S. citizens applying for an original driver's license are issued a 30-day, nonphoto, paper temporary permit and a receipt. All records are then examined and run against Florida Dept. of Law Enforcement, FBI, and immigration-related databases. Upon identity and legal status verification, a driver's license is issued within 30 days and mailed to the address on the driver's record. If a problem is detected, a denial-of-issuance letter is mailed to the applicant.

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			CIS documents must provide proof of their Canadian citizenship by presenting two of the following documents: Canadian passport; Canadian driver's license; original or certified Canadian birth certificate; or Canadian Naturalization Certificate. **Note:** All required and supporting documents *must* be original or certified and be valid for more than 30 days from the date of issuance.	
GA	Yes (w/exception)	Yes	Applicants must present proof of identity, state residency, and lawful presence. Non–U.S. citizens must present one document each from Tier 1 and Tier 2. **Tier 1** (document must be an original or certified copy). Original state-issued birth certificate (hospital birth certificates are not acceptable); certified copy of birth certificate (issued by vital statistics department, with affixed seal); certificate of birth registration; certified copy of court records (adoption, name change, or sex change); certified naturalization records; immigration ID card; valid passport. **Tier 2.** If the identification document presented indicates that the individual is a non–U.S. citizen, a valid INS or CIS document must be presented. Dept. of Motor Vehicle Safety examiners currently accept any INS or CIS document that indicates the individual is currently authorized to be present in the United States. **Proof of residency.** Utility bill with valid Georgia residence address; bank statement with valid Georgia residence address; rental contracts and or receipts; employee verification; Georgia license issued to parent, guardian or spouse.	➢ Applicants without an SSN must present Form SSAL686 from the SSA. ➢ Documents presented must be either in English or translated into English by a translator approved by the Dept. of Motor Vehicle Safety.
HI	Yes (w/exception)	No	Applicants must present proof of name and age. Documents such as a valid DL, birth certificate, military ID, "along with other supporting documents," are accepted.	➢ SSN required if applicant is eligible for one. Applicants ineligible for an SSN must present a letter from the SSA stating that the applicant is ineligible for an SSN *and* a government-issued photo ID or other ID deemed acceptable by the DMV director.
ID	Yes (w/exception)	Yes (See comments)	Applicants must present proof of state residency, age and identity, and lawful presence (if the applicant does not have an SSN). Applicants must present 2 documents from the list of primary and secondary documents (at least 1 of the documents must be from the list of primary documents, and at least 1 must contain a photo). **Primary documents.** State DL or ID card with photo, not expired for more than one year; Idaho DL or ID card not expired for more than five years; certified original or abstract birth certificate; valid INS or CIS card; U.S. military photo ID card; valid passport with U.S. visa; Idaho concealed weapons permit not expired for more than one year; pilot's license with photo, not expired more than one year; Veterans Universal Access card (with photo); and Native American tribal photo ID card. **Secondary documents.** State DL or ID card with photo, expired for more than 1year; U.S. military discharge paper (Form DD-214); certified marriage certificate meeting ID standards with seal and document number showing that it was recorded; certified divorce document from a court or state vital statistics department; original naturalization/citizenship document; guardianship or custody documents (notarized or court-certified); certified court name-change document; school transcript; home school document; junior or senior high school (but not college or university) photo activity card; school, college, or military yearbook/annual; printed photo directory of a religious organization; newspaper clipping with photo and name (if applicant can be identified in photo); unexpired Salt Lake City Mexican Consulate–issued photo ID card that is valid for five years from date of issue; verified photo work ID card (accepted at county discretion); ID automobile dealer/salesman photo ID card; Idaho Dept. of Corrections photo ID card; and Idaho Dept. of Juvenile Corrections photo ID card. **Proof of Residency.** Acceptable documents include leases, rental agreements, utility bills, employment records, school enrollment records, etc. The home address cannot be the applicant's workplace, vacation residence, or part-time residence.	➢ If applicant has no SSN, s/he must: (1) present written verification from the SSA that s/he has not been assigned an SSN; (2) submit a birth certificate, passport, or other documentary evidence issued by an entity other than a state or the U.S.; and (3) submit such proof as the Division of Motor Vehicles may require that s/he is lawfully present in the U.S. ➢ Applicants with a non–U.S. DL or ID card may be required to provide additional documents. ➢ Non-English documents must be accompanied by an acceptable (as determined by the examiner or the Idaho Transportation Dept.) English-language document or an acceptable translation.

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
IL	Yes (w/exception)	Yes (See comments)	New applicants must present one document from each of the four categories listed below. **Signature.** Cancelled check (within 90 days); major credit card; government ID card; Cooperative Driver Testing Program (CDTP) certification form; driver education certificate; current Illinois DL; court order; government driver's license; immigration-related Forms I-551, I-688, I-688A, I-688B, I-766, or I-94; Medicare card with suffix A, J, H, M or T;US military DL; US military ID card; military service record (DD-214); mortgage or installment loan document; current out-of-state DL or ID card; U.S. or foreign passport; Social Security card. **Proof of DOB.** Adoption records; birth certificate (original or certified by a board of health or bureau of vital statistics within the U.S., or by the U.S. State Dept., U.S. territory, or Canada); court order regarding change of birth date; official grade/high school transcript; current Illinois DL or ID card; immigration-related Forms I-551, I-688, I-688A, I-688B, I-766, or I-94; U.S. military driver's license; military ID card; military service record (DD-214); naturalization certificate; U.S. or foreign passport; SSA award letter. **SSN.** Illinois DL record; Illinois ID card record; military DL; military ID card; US, military service record (DD-214); SSA award letter; social security card issued by the SSA. **Residency/personal data.** Examples include utility bill, vehicle registration card, and voter registration card. Current forms of ID with an Illinois street address that do not appear on the list of unacceptable ID may also be used to verify residency. Any document listed in the first three categories, above, and other forms of ID not listed as unacceptable may be used to verify personal data. (For a list of unacceptable ID documents, see the Illinois Driver Services Dept. Web site: www.cyberdriveillinois.com/departments/drivers/acceptable_id.html.)	➢ Effective Jan. 1, 2005, the Illinois secretary of state (SOS) may issue a temporary visitor DL to a noncitizen who (1) resides in the state, (2) is ineligible to obtain an SSN, and (3) presents proof of lawful presence. ➢ A temporary DL is valid for 3 years or for the time that the person is authorized to remain in the U.S. ➢ The SOS will adopt rules regarding the design and content of the temporary DL.
IN	Yes (w/exception)	Yes (see comments)	Applicants must present proof of identity and state residency. An applicant must present 1 primary document, 1 proof of Social Security number (SSN), 1 secondary document, and 1proof of Indiana residency document; or 2 primary documents, 1 proof of SSN, and 1 proof of Indiana residency document. (Presenting a primary or secondary document may also establish the applicant's Indiana residency as long as the applicant's name and correct address are shown on the document). **Primary documents.** U.S. birth certificate, with stamp or seal, issued by one of the following: county department or county board of health vital records/statistics division of the applicant's state of birth; state department or state board of health vital records/statistics division of the applicant's state of birth; the U.S. State Dept.; or a U.S. territory (American Samoa, Guam, Puerto Rico, or Virgin Islands) (translation may be required); certificate of report of birth abroad of U.S. citizen (DS-1350); U.S. consular report of birth (FS-240); U.S. certificate of naturalization/citizenship; valid U.S. military/merchant marine photo ID; valid U.S. passport. ***Acceptable immigration-related documentation*** includes the following: Valid foreign passport with visa that includes valid I-94 (Arrival/Departure Record) in passport indicating duration of stay in the U.S. (because Canadians are not required to have a visa in their passports when entering the U.S., they are exempt from this requirement); employment authorization card (I-688B or I-766); I-94 (Arrival/Departure Record) stamped "Section 207" refugee status; I-94 stamped "Section 208" asylum status; permanent resident card (I-551); temporary I-551 stamp; temporary resident card (I-688); Reentry Permit (I-327); Refugee Travel Document (I-571); and other INS or CIS documentation subject to Bureau of Motor Vehicles Driver Services approval. ***Note:*** Out-of-country licenses no longer accepted as ID or proof of driving experience. **Secondary documentation.** Bank statement; certified academic transcript; confirmation of registration letter from an educational institution; court documentation with stamp or seal in applicant's name; foreign consulate–issued ID card; government-issued license or ID card; Hoosier RX Plan card with imprinted name; Indiana county pre-sentence investigation report with clerk stamp or seal; Indiana gun permit (valid); Indiana probation photo ID card; Indiana professional/occupational license (valid); Indiana BMV title application with BMV valid stamp; Indiana BMV title or registration (valid); insurance card; letter from probation officer or county caseworker on letterhead stationery, certified with court or county stamp or seal with the applicant's name and signature of	➢ Lawful presence and SSN requirement implemented administratively on July 15, 2002. A class action lawsuit challenges that the rule was implemented without going through the required rulemaking process. The suit—*Roe v. Coleman*, Marion County Superior Court, Indiana—is still pending. ➢ Agency affidavit may be accepted from applicants who have never been issued an SSN. ➢ An applicant submitting *valid* INS or CIS documentation who does not already have a valid license from another U.S. state or territory must first obtain an Indiana learner's permit. The applicant must hold the permit for at least sixty (60) days before being eligible to apply for an Indiana DL.

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			the probation officer; major credit or bank card (MC, VISA, AE, and Discover *only*) (valid); original out-of-state driver record; out-of-state driver license, ID card or permit with photograph; pay check stub (computer generated); prison release documentation/photo ID; school report card (dated within 12 mos.); school photo ID card; Selective Service acknowledgement card (SSS Form 3A); U.S. divorce decree certified by court of law with stamp or seal; U.S. application of marriage/record of marriage (certified copy; must contain the stamped seal and be signed by the clerk); U.S. district court pre-sentence investigation report with clerk stamp or seal; U.S. military discharge or DD214 separation papers; U.S. Veterans Universal Access ID card with photo; W-2 form (federal or state) or 1099 federal tax form. **Proof of Indiana residency.** Any document from the list of "primary documents" or "secondary documentation," above, may be used as proof of Indiana residency, as long as the document contains the applicant's name and residential address. For purposes of this policy, a post office box is not an acceptable residential address. Examples of proof of residency include, but are *not* limited to, the following: child support check from Indiana Family and Social Services Administration, with name and address of the applicant attached; change of address confirmation form (CNL107) from U.S. Postal Service listing old and new address; *current* bill, or benefit statement (within 60 days of issuance); Indiana DL, ID card, or permit with photo; Indiana property deed or tax assessment; Indiana surveyor report; Indiana residency affidavit; or voter registration card. **Proof of SSN.** For issuance of new DL or learner's permit, applicant *must* provide proof of his/her SSN. If applicant's SSN is already listed on the Bureau of Motor Vehicles (BMV) file, only verbal verification is required. Metal or plastic "replicas" of a Social Security card are not accepted. Acceptable SSN verification: Social Security card; NUMI Report (stamped and issued from SSA office in Baltimore, MD, in applicant's name); letter signed and stamped from an Indiana SSA district office in applicant's name; valid U.S. military ID card; and BMV Social Security affidavit (only to be used by applicant attesting that he/she has never been issued an SSN).	
IA	Yes (w/exception)	Yes (see comments)	Applicants must present proof of identity, age, state residency, and lawful presence. **Primary documents.** Photo DL or a certified copy of a DL that is valid or has not been expired more than one year; photo ID card or certified copy of the card issued from the same state agency that issues DLs and that has not been expired more than one year (some states excepted); original or certified copy of U.S. or Canadian birth certificate that has raised seal and is government-issued (hospital birth certificate is not acceptable); INS or CIS document; court order containing the applicant's full name, DOB, and court seal (abstracts *not* accepted); military ID card (dependent ID card *not* accepted); valid U.S. or Canadian passport or foreign passport with appropriate INS or CIS document; and ID card issued by Canadian Dept. of Indian Affairs (U.S. Bureau of Indian Affairs or tribal ID cards not acceptable). **Secondary documents.** Any primary document; Bureau of Indian Affairs card; photo DL or photo ID card expired one year or more; court order that does not contain the applicant's DOB but does have full name; foreign birth certificate translated by approved translator; military discharge or separation papers (DD-214); military dependent ID card; employment ID card; health insurance card; IRS or state tax document completed by the governmental agency (W–2, 1040, 1040A, 1040EZ, and related forms completed by taxpayer not acceptable); marriage license or certificate; medical records from doctor or hospital (original or authenticated); gun permit; pilot's license; certified school record or transcript.; Social Security card issued by the SSA (metal version of card not acceptable); Canadian Social Insurance card; photo student ID card; vehicle certificate of title (vehicle registration not acceptable); voter registration card; welfare card; prison release document.; and certified or notarized affidavit identifying minor child that is personally provided by child's parent or guardian (parent or guardian must provide acceptable proof of his/her identity). **Proof of state residency.** IA voter registration card; IA vehicle registration certificate; utility bill showing 30 days of residency.; statement from an IA financial institution showing 30 days of residency; rental or lease agreement showing 30 days of residency.; pay check or pay stub from an IA employer.; children's school enrollment papers; documentation showing a filing for homestead or	➢ Applicants who are "temporary foreign nationals" and are ineligible for an SSN must present CIS documents. ➢ Lawful presence requirement is not in the statute or regulations, but has been implemented by the state agency. ➢ Licenses issued to "foreign nationals who are temporarily present in the country" are limited to the period of time the person is authorized to be in the U.S., not to exceed two years. ➢ A class action lawsuit challenges the requirement that driver's license applicants present proof of lawful presence and an SSN: *Sonchez et al. v. Iowa et al.*, No. 04-0176 (Supreme Court of Iowa).

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			military tax exemption on property in Iowa. Other items will be reviewed by licensing personnel. **Proof of SSN.** Only the following documents may be used to verify the applicant's SSN: Social Security card (metal version of the card is not acceptable); previous IA license or ID if it bears the applicant's SSN; IRS or state tax document completed by the appropriate governmental agency (W-2, 1040, 1040A, 1040EZ and related forms completed by the taxpayer are not acceptable); financial statement containing the SSN; payroll stub containing the SSN; and military ID card bearing the SSN.	
KS	Yes (w/exception)	Yes	Applicants must present proof of identity and lawful presence. Non–U.S. citizens must present two documents, one of which must be from the list of documents required of noncitizens). **Documents required of non–U.S. citizens** (applicant must present one document from list). Valid foreign passport with I-94 (Arrival/Departure Record) or valid "Processed for I-551" stamp; I-94 indicating that bearer has refugee status (passport not required); valid I-551 resident alien/permanent resident card; valid I-688 (temporary resident card with photo); I-688A, I-688B, and I-766 (employment authorization card with photo); valid U.S. military ID (dependent); no border-crosser cards are acceptable. **Secondary documents.** Certified marriage certificate (U.S.-, city-, county-, state-, or foreign-issued; translation may be required; no church documents allowed); certified divorce decree, U.S. or foreign, with official signature (translation may be required); certified court order of name change, U.S. or foreign, with official signature (translation may be required); common law certificate signed by both parties and notarized; valid U.S. military ID (active duty, dependent, retired, reserve, and National Guard); Bureau of Indian Affairs tribal ID card; certified court order of adoption; photo DL or ID card issued by a U.S. state (if expired, additional documentation required); valid motor vehicle registration with signature; valid motor vehicle insurance card or policy; Selective Service card with signature; valid life insurance card or policy; valid health insurance card or policy; valid Kansas hunting or fishing license; vehicle title; diploma; professional license; Kansas welfare card with photo and signature; foreign DL (certified translation may be required); parole documents; baptismal certificate; medical records; Kansas voter registration card; church marriage certificate (not accepted to change name); photo DL issued by a U.S. state (if expired over 5 years, additional documentation required); photo ID issued by a U.S. state (if expired, additional documentation required); and foreign birth certificate.	➢ An applicant who does not have an SSN must submit a sworn statement to that effect.
KY	Yes (w/exception)	Yes	According to a Kentucky Division of Motor Vehicle Licensing official, state documentation requirements are not in writing, but Kentucky uses the American Association of Motor Vehicle Administrators (AAMVA) standards. Non–U.S. citizen lawful permanent residents must present either an I-551 (permanent resident card), a form with a photo of the applicant, or a passport with a photo that is stamped by the INS or CIS as temporary evidence of lawful admission for permanent residence, with an expiration date and employment authorization indicated. **Note:** Non–U.S. citizens with B-1 or B-2 "visitor" status will not be approved for a Kentucky driver's license or ID. All noncitizens must provide proof of residency in Kentucky. Proof of residency shall include, but is not limited to, a deed or property tax bill, utility agreement or utility bill, or housing agreement.	➢ Applicants without an SSN must provide: ▪ an ITIN, ▪ a letter from the SSA declining to issue the person an SSN, or ▪ a notarized affidavit from the applicant to the Kentucky Transportation Cabinet swearing that the applicant either does not have an SSN, or refuses to divulge his or her SSN because of his/her religious convictions. ➢ With the exception of LPRs, all non–U.S. citizens wishing to apply for a KY DL must submit an application to a Division of Driver Licensing (DDL) regional office. Once the DDL approves the application, the DL will be issued from the circuit court clerk's office in the county where the applicant resides. ➢ LPRs may go directly to the circuit court clerk's office for licensing. They must present their permanent

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				resident card or I-551 with photo issued by the CIS. ➢ License expires when visa expires, or after four years, whichever is sooner. "Special Status Individuals" (asylees, refugees, persons paroled in public interest) will receive a 4-year DL. ➢ College students must present an I-20 form completed by university, along with proof of current academic good standing. J1 exchange visitors must have DS2019. ➢ Applicants on work related Visa (excluding Employment Authorization Cards) must present proof of employment within last 30 days (ie., payroll check, verification on company letterhead). Spouse of an L-1 must present proof that spouse is employed. ➢ DLs issued by other states accepted only if the bearer is a U.S. citizen.
LA	Yes (w/exception)	Yes	Applicants must present proof of identity and lawful presence. One primary and two secondary documents, or two primary documents, are required. **Primary documents.** Certified copy of birth certificate (long form); original birth certificate (need not bear seal); birth registration card or certificate issued by a state or county bureau of vital statistics with raised agency seal; birth card (short form); passport; permanent resident card (I-551 Note: If the photograph on the I-551 was taken prior to the applicant's 14th birthday and the applicant is now over age 14, the applicant must be referred to The Office of Homeland Security for issuance of a new I-551 prior to-processing the application.); Refugee Travel Document (I-571), permit to reenter the U.S. (I-327), employment authorization document (I-688B or I-766); Certificate of Naturalization; valid U.S. military ID card, or draft record, or military dependent ID card; current U.S. Coast Guard Merchant Mariner card; certification of birth abroad issued by U.S. Dept. of State; Native American tribal document; Dept. of Public Safety and Corrections prison or parish ID card containing photo, name, race, sex, and DOB. **Secondary documents.** Out-of-state DL with photo that clearly identifies the bearer (an official copy of the applicant's driving record from the last state to issue him/her a DL will be required if the applicant has lost his/her out-of-state license) (*Note:* Any non–U.S. DL must be accompanied by proper immigration documents); Social Security card or official written documentation from the SSA verifying SSN or specifying no number has been assigned or the applicant is ineligible for an SSN; out-of-state photo ID card issued by a state DMV; student ID card from a Louisiana college or university when accompanied by a 100% fee-paid receipt for current semester; original adoption papers; original high school, college, or university diploma; original (issued at time of ceremony) or certified copy of marriage license, or marriage certificate from a county, parish, or city in U.S., or original or certified copy of divorce from a county, parish, or city in the U.S.; church baptismal certificate; Louisiana voter registration card; official deeds or title to property in Louisiana, including burial plot deeds, registration, or certificate of title of vehicle in applicant's name; local utility statements showing name and address of individual applying, or receipt showing public utilities have been turned on (statements from a city other than the application city will not be accepted); insurance policy (health, home, life, auto); payroll stubs (must show applicant's SSN; cannot be handwritten stubs); temporary resident card (Form I-688); school yearbook (provided picture clearly identifies applicant); Medicare/Medicaid card or medical eligibility card; prison release documents or letter from probation officer (denote a PEN number (SID) on fly sheet whenever possible); DD-214 (military discharge papers); Selective Service notification to	➢ Applicants not eligible for an SSN must present official documentation from the SSA verifying that no SSN has been assigned to them or that they are ineligible for an SSN. ➢ Temporary licenses are granted to individuals employed in the agriculture industry regardless of their immigration status. Such licenses are good for one year. ➢ Non–U.S. citizen's license expires when his/her visa expires. ➢ Noncitizens must renew licenses in person. ➢ Nonimmigrants (i.e., non–permanent residents) must show upon applying for a Louisiana license or ID card that their I-94 (Arrival/Departure Record) or employment authorization document has at least 180 days of validity remaining.

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			applicant at his address; original or certified copy of any professional degree, certificate, or license; school records or at least two report cards from separate years; vehicle lien instrument; any government law enforcement officer's ID or badge, if in uniform, a police unit, etc. (private security company guard IDs *not* accepted); letter of verification/introduction from another state agency responsible for placement of deprived or handicapped persons (i.e., Blind Services); employment ID with photo, provided photo clearly identifies applicant (IDs from major corporations, hospitals, governmental agencies, etc.); ID card issued by federal, state, or local government agency or entity, provided it contains a photo that clearly identifies individual and information such as name, DOB, sex, height, and address; W-2 forms for two years; medical card; certificate from Dept. of Education for driver's education course completion; 6-Hour Pre-licensing Completion Certification; certificate from 36-hour pre-licensing course; original Refugee Resettlement Program letter with color picture of applicant (the color picture will have the agency director's signature across it and a raised agency seal overlapping; such a letter is acceptable for 15 days from its issue date).	
ME	Yes (w/exception)	Yes (see comments)	**Acceptable documents.** DL; driver's permit; driver education card; Social Security card; passport; birth certificate; military ID card; citizenship papers; dependent ID card; divorce papers; certificate of marriage; baptismal records; court order; school records/transcript (certified); unemployment card; concealed weapons permit; adoption papers. **Note:** Applicants under the age of 23 must provide proof of age.	➢ SSN not required if applicant is ineligible for one. ➢ Lawful presence requirement is not in the statute, but lawful presence is required by the DMV if the applicant does not have an SSN.
MD	Yes (w/exception)	No	Foreign-born applicants must present 2 documents to prove state residency and 2 primary documents or 1 primary and 2 secondary documents to prove identity. One of the sources of identification must contain the applicant's signature, and 1 must contain the applicant's DOB. **Primary sources of identification.** Government (U.S. or U.S. territory)–issued original birth certificate or certified copy; Social Security card; valid U.S. passport; valid U.S. military ID card or discharge record (DD-214); Maryland DL; Maryland ID card; out-of-state DL (current or expired); out-of-state ID card (current or expired); certificate of naming from religious institution, such as baptismal certificate; naming certificate issued during first year of life; certified school records; valid out-of-country passport; certificate of U.S. citizenship (Form N-560 or N-561); valid permanent resident card (I-551); valid employment authorization card (I-688A or I-688B); valid employment authorization document (I-766); valid temporary resident card (I-688); Certificate of Naturalization (Form N-550 or N-570); I-94 (Arrival/Departure Record); non–U.S. DL, with translation into English (current or expired); international DL (current or expired); and U.S. government DL. **Secondary sources of identification.** Selective Service card; pistol permit with photo or fingerprint; vehicle registration card or title; voter registration card; document prepared by government agency that contains applicant's signature; utility or telephone bill (in applicant's name); checking or savings account statement; life insurance card or policy (over 3 years old); property tax bill or receipt; mortgage account or proof of homeownership; residential rental contract; canceled; marriage certificate; divorce decree; retail sales/financial institution sales agreement; and in-person identification by the applicant's parent or guardian, except this may not be accepted as the sole proof of age.. **Proof of residence.** Selective Service card; Maryland vehicle registration card or title; voter registration card; utility, telephone or cable bill *with postmarked envelope*; checking or savings account statement *with postmarked envelope*; life, car, health or homeowner's insurance card, bill or policy (over 3 years old); property tax bill or receipt; mortgage account or proof of homeownership; residential rental contract; canceled check with imprinted name and address; first class mail from any government agency; major credit card bill *with postmarked envelope*; installment loan contract from a bank or other financial institution; sales tax or business license; U.S. savings bond; residential service contract (e.g., TV repair, lawn service, or exterminator contract); court order of probation, order of parole, or order of mandatory release; W-2 form not more than 18 months old; pay check/stub with name and address; U.S. mail with forwarding address label; first class mail from any government agency; investment statement *with*	➢ Applicants ineligible for an SSN are required to provide a "self certification" stating that the applicant is ineligible for an SSN. ➢ All applicants who present immigration or foreign documents are required to schedule an appointment to take place at one of the few offices designated to handle such applications. ➢ On Sept. 12, 2003, the Maryland attorney general issued a decision that a person's inability to prove lawful presence in the U.S. is not a basis for denying the person a Maryland DL. ➢ Foreign documents or documents issued outside the U.S. may be used as a primary or secondary source of identification if translated into English by a court-certified translator/interpreter or by the embassy of the country in which the document was issued. The original document must accompany the English translation. A translation must be on a document prepared by a certified court translator or on the letterhead of the embassy of the document's country of origin; AND it must contain (1) the typed or printed name of the translator, (2) the translator's telephone number, and (3) his/her signature.

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			postmarked envelope; retirement plan statement *with postmarked envelope*; current transcript from an accredited college or university; signed tax return not more than 18 months old; mail, with postmarked envelope, from an accredited college or university. Under certain conditions, the Motor Vehicle Administration will accept certification from a parent, nursing home, or homeless shelter as proof of residence. A post office box number may be used in conjunction with a resident's address if they are in the same zip code area. A post office box or private mail drop address by itself is not acceptable.	
MA	Yes (w/exception)	Yes (see comments)	Applicants must present an SSN or a valid, current U.S. or current non-U.S. passport. They must also present 3 original forms of identification, at least one of which must be from the list of primary documents. Together, the documents must establish the applicant's DOB, signature, and Massachusetts residency. **Primary documents.** Current or expired U.S. or non-U.S. passport with photo and signature; current or expired Massachusetts firearms permit with photo, signature, and DOB; school yearbook with applicant's photo; certain INS documents; current or expired U.S. military ID (or military dependent) with photo, signature, and DOB; current or expired U.S. Merchant Mariner card with photo, signature, and DOB; current Massachusetts learner's permit or ID card; expired Massachusetts license or ID (not expired for over 1 year); current or expired license (not expired for over 1 year) with photo, signature, and DOB issued by a state, territory, or possession of the U.S., D.C., a province of Canada, or a state of Mexico or the Federal District of Mexico City (a certified copy is acceptable); original birth certificate issued by the U.S. or one of its territories or a copy certified by the agency that issued the original certificate or a copy certified by a Bureau of Vital Statistics or a state Board of Health within the United States (a hospital issued certificate is not acceptable); certified or attested copy of court order of a federal, state, or county court within the U.S. that contains a raised court seal and includes applicant's full name and DOB; original or certified copy of baptismal certificate, provided that the certificate was issued within one year of the applicant's birth in the U.S (must bear DOB); original letter issued by principal, headmaster, or official keeper of records of Massachusetts school that indicates the applicant is currently a resident student and that includes applicant's name and DOB. **Secondary documents.** Home mortgage, lease, or loan papers with applicant's name and signature; life insurance papers with applicant's name, signature, and date of signing; U.S. military discharge papers with applicant's name and signature; notarized copy of completed income tax return filed with U.S. Internal Revenue Service or a state revenue department; bank passbook, bank checkbook, or statement with applicant's name and address; original or certified copy of divorce decree; original or certified copy of marriage certificate; original or certified copy of non-U.S. birth certificate; current or expired ID (not expired more than one year) with photo and applicant's signature issued by a U.S. agency, D.C., a state, a municipality, a territory, a possession of the U.S., a province in Canada, or a state in Mexico, including the Federal District of Mexico City; Bureau of Indian Affairs treaty card; utility bill (not more than 60 days old), or property tax or excise tax bill for current or immediately prior year, containing applicant's name and address; cancelled bank check with preprinted address and dated not more than 60 days earlier; original Massachusetts Dept. of Correction discharge or release certificate; current or expired non-U.S. license with applicant's signature; tuition bill or loan coupons with applicant's current address, or an original school transcript with name and address.	➢ An applicant without an SSN may present written denial from the SSA explaining why he/she isn't eligible for SSN. In this case, the applicant must also provide evidence of an acceptable visa code. A list of acceptable and unacceptable visa classes can be found at http://www.mass.gov/rmv/license/16visacodes.htm. ➢ While the statute does not require lawful presence, documentation requirements create an ad hoc lawful presence requirement. ➢ Non-English documents must be translated.
MI	Yes (w/exception)	No	Applicants must present proof of SSN, name, and DOB. They must present 3 documents, at least one of which must be from the list of primary documents. **Primary documents** (Primary-group documents must show the applicant's full name and DOB. Expired documents are acceptable if the documents are authentic and still represent the applicant.). U.S. birth certificate (must be certified and cannot be a hospital birth certificate); U.S. military photo ID card; U.S. military dependent ID card; out-of-state or Canadian DL or ID card with photo; U.S. or Canadian passport; permanent resident card (I-551); certificate of naturalization; certificate of U.S. citizenship; employment authorization documents; non-U.S. passport accompanied by English translation.	➢ SSN not required if person is exempt from obtaining one or, because of his/her religious convictions, is exempt under law from disclosure of his/her SSN. ➢ Applicants that have never been issued an SSN must certify to that fact on an application obtained at a Secretary of State branch office. ➢ Non-English documents must be translated.

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			Secondary documents. DL from another country accompanied by English translation (international driving permit is not acceptable); birth certificate; marriage license or divorce decree from another country accompanied by English translation; nonimmigrant visa issued by the U.S. State Dept.; vehicle title or registration from Michigan or another state; marriage license from Michigan or another state; divorce decree from Michigan or another state; order for name change from court within U.S.; photo ID card issued by Michigan government agency (prison cards not accepted); certified birth certificate (for child) showing applicant as a parent; Michigan driver education certificate; non-photo out-of-state or Canadian DL; Michigan adoption record; school ID card with photo; school records, diploma, yearbook, etc., from U.S. school, college, or university; U.S. military discharge or separation documents.	
MN	Yes (w/exception)	Yes	Applicants for a DL or learner's permit may present a Minnesota DL, learner's permit, or state ID card that is current or expired for 5 years or less if it has a photo or, if it does *not* have a photo, one that has been expired for one year or less. If the applicant does not have one of the items listed above, he or she must present one primary and one secondary document **Primary documents.** Certified copy of a birth certificate issued by a government bureau of vital statistics or board of health in the U.S., District of Columbia, Guam, Puerto Rico, or the Virgin Islands; Certificate of Birth Abroad (FS-545 or DS-1350) issued by the U.S. State Dept.; Report of Birth Abroad of a United States Citizen (FS-240) issued by a U.S. embassy; certified copy of an adoption certificate from a U.S. court; unexpired active duty or retried military ID card (Form DD-2) issued by the U.S. Defense Dept.; valid, unexpired U.S. passport; valid, unexpired passport from a country other than the U.S. with an unexpired I-551 stamp or an unexpired I-94 (Arrival/Departure Record); a Canadian birth certificate or naturalization certificate with a valid I-94 attached (must be presented with a photo secondary document issued by a Canadian government agency); or one of the following valid, unexpired documents: Certificate of Naturalization (N-550, N-570, or N-578), Certificate of Citizenship (N-560, N-561, or N-645), U.S. citizen ID card (I-179 or I-197), permanent resident or resident alien card (I-551 or I-151), Northern Mariana card (I-873), American Indian card (I-872), employment authorization card with photo (I-688, I-688A, I-688B, or I-766), Reentry Permit (I-327); or Refugee Travel Document (I-571). **Secondary documents.** A second document from the list of primary documents; photo driver's license, state ID card, or learner's permit issued by a U.S. state other than Minnesota, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, or a Canadian province or territory, and that is current or expired for 5 years or less; certified copy of a U.S. or Canadian court order with full legal name and DOB; employee photo ID card from a government jurisdiction in the U.S. or Canada; certified copy of a birth certificate from a government jurisdiction other than the U.S., the District of Columbia, Guam, Puerto Rico, or the U.S. Virgin Islands; current ID card (DD-1173 or DD-214) issued by the U.S. Defense Dept.; certified copy of a government-issued marriage certificate; unexpired color-photo permit to carry a firearm or concealed weapon, issued by a U.S. police department or sheriff; current pilot's license issued by the Federal Aviation Administration; certified secondary or post-secondary school transcript containing full name and DOB; nonmetal, non-laminated U.S. Social Security card or Canadian Social Insurance card; current secondary school student ID card with student's name, photo, and DOB or unique ID number.	➢ Applicants with no SSN must certify that they do not have an SSN. ➢ Non–U.S. citizens who present documents demonstrating lawful presence and expiring 30 days or more from the date of their application for a DL receive a DL with "status check" printed on it in red ink, as well as the date on which their visa expires. Noncitizens whose documents expire in less than 30 days from the date of the application are ineligible to receive a DL.
MS	Yes (w/exception)	Yes	Applicants must present their Social Security card, or a printout from SSA, a certified copy of their birth certificate, proof of residency, AND 2 documents from the "primary documents" list OR 1 from the "primary documents" and 1 from the "secondary documents" list. **Primary documents.** DL (cannot have been expired more than 6 months); certificate of birth (must be original or certified copy, have a raised seal, and be issued by a bureau of vital statistics or state board of health); state-issued ID card (cannot have been expired more than 6 months); INS or CIS documents to be determined; court order (e.g., order regarding an adoption, a name change, etc.; must contain full name and DOB); military ID; valid passport, U.S. or Canadian (if foreign, appropriate INS document	➢ Non–U.S. citizens without SSN may be issued a DL that is valid for one year. The DL includes the word "non U.S. citizen" on its face and "nontransferable" on the back.

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			also required); state-issued learner's permit (cannot be expired more than six months). **Secondary documents.** Bureau of Indian Affairs card/Indian Treaty card (tribal ID card is *not* acceptable); court order that does not contain DOB; employment ID card; foreign birth certificate (must be translated by approved translator); health insurance card; IRS/state tax forms (W-2 *not* acceptable); marriage certificate/license; medical records from doctor or hospital; military dependent ID; military discharge/separation papers; parent/guardian affidavit (must appear in person, prove s/he is the parent or guardian, and submit certified/notarized affidavit; applies only to minors); photo gun permit; pilot's license; school record/transcript (must be certified); Social Security card (metal card is not acceptable); student photo ID card; vehicle title or registration; voter registration card. **Proof of residency.** Electric bill; water bill; lease or rental agreement; car tag registration receipt; mortgage papers; homestead exemption receipt; bank statement with physical address (*no* blank checks accepted); notarized employer verification on employer's letterhead, stating applicant's address (must include phone number); Mississippi license issued to parent or legal guardian when applicant is under 21 years of age.	
MO	Yes (w/exception)	Yes	Applicants must present one primary document and one secondary document. **Primary documents.** U.S. or Canadian photo DL (includes DL issued by a territory of the U.S. or Canada); U.S. or Canadian photo ID card/nondriver license (includes ID issued by a territory of the U.S. or Canada); microfilm copy or image portfolio of a DL or ID card/nondriver license certified by the issuing agency with an embossed seal of the issuing agency (copy of Missouri image portfolio or license negative obtainable at Motor Vehicle and Drivers' License Fee office); birth certificate (issued in the U.S. or Canada, including their territories; must be original or certified copy, have a seal, and be issued by an authorized government agency such as a bureau of vital statistics or a state board of health; hospital-issued birth certificates and baptismal certificates are *not* acceptable); immigration status–related documents (must be valid and unexpired) as follows: Certificate of Naturalization (N-550, N-570 or N-578), Certificate of Citizenship (N-560, N-561 or N-645), Northern Marianas card, American Indian card, U.S. citizen ID card (I-179 or I-197), permanent resident card (I-551), temporary resident card (I-688), Arrival/Departure Record (I-94) in a valid non-U.S. passport, valid non-U.S. passport containing an I-551 stamp, U.S. Reentry Permit (I-327), Refugee Travel Document (I-571), employment authorization card (I 688A, I-688B, I-766), Arrival/Departure Record (I-94) stamped "Refugee" (refugee I-94's will likely not be in a foreign passport), Canadian Immigration Record and Visa or Record of Landing (IMM 100), valid U.S. or Canadian passport (including one issued by a territory of the U.S. or Canada); non-U.S. passport accompanied by appropriate INS or CIS document; active duty, retiree or reservist military ID card; learner's permit w/ photo issued by a U.S. or Canadian state, province, or territory. **Secondary documents.** All primary documents listed above; court order (e.g., relating to adoption, name-change, gender-change, etc.; must contain full name, DOB, and court seal; abstract of criminal or civil conviction *not* acceptable); immigration-related documents listed under "primary documents," above, that have been expired one year or less; Bureau of Indian Affairs card/Indian Treaty card (tribe-issued cards are *not* acceptable); employment photo ID card; non–English language birth certificate; health insurance card; IRS or state tax form (W-2 is *not* acceptable); marriage certificate/license; medical records from doctor or hospital; military dependent ID card; military discharge/separation papers; parent/guardian affidavit (parent/guardian must appear in person, prove his or her identity, and submit a notarized affidavit, Form DOR-4861, regarding the child's identity; affidavit may be submitted only on behalf of a minor); gun permit; pilot's license; school record/transcript that is certified with an embossed seal of the issuing school or dept. of education; Social Security card (metal or laminated card is *not* acceptable) (*NOTE:* An SSA printout verifying an SSN also is *not* acceptable); student photo ID card; vehicle title (vehicle registration is *not* acceptable); photo public assistance card; prison release documents.	➢ Applicants without an SSN can sign an affidavit stating that they do not have one. ➢ As of July 1, 2005, the Missouri Director of Revenue shall not issue a DL for a period that exceeds the period during which an applicant is authorized to remain in the U.S.

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MT	Yes (w/exception)	No	Applicants must present proof of identity and state residency. They must present one primary and one secondary document. **Primary documents.** Color photo DL or ID card, not expired for more than 4 years, issued by U.S. or Canadian jurisdiction; certified copy of birth certificate issued by U.S. or Canadian jurisdiction or by U.S. Dept. of State or U.S. embassy as Report of Birth Abroad of a U.S. Citizen; unexpired passport issued by U.S. Dept. of State or Canadian government; valid unexpired passport issued by jurisdiction other than U.S. or Canada AND either attached I-94 (Arrival/Departure Record) or unexpired resident alien I-551 stamp; one of the following unexpired documents: Certificate of Naturalization, Certificate of Citizenship, Northern Marianas card, American Indian card, U.S. citizen ID card, resident alien card, temporary resident alien card, U.S. Reentry Permit, Refugee Travel Document, employment authorization card, Arrival/Departure Record (I-94) stamped "refugee"; U.S. or Canadian-issued instruction/learner's driving permit or receipt of DL or permit, if current and contains photo of applicant and applicant's DOB; prison inmate ID card issued to applicant by Montana Dept. of Corrections that contains a photo or digitized image of applicant and applicant's DOB; digital ID card issued to applicant by federally recognized Indian tribe whose reservation is located in Montana that contains a digitized image of applicant, applicant's DOB, and tribal enrollment number; emergency ID photo issued and certified by driver licensing authority of U.S. or Canadian jurisdiction that includes applicant's name and DOB. **Secondary documents.** Second primary document; original U.S. Social Security card or Canadian Social Insurance card; certified copy of marriage certificate or license issued by government jurisdiction; U.S. or Canadian DL or ID card that has been expired for more than one year but not more than five; current U.S. or Canadian government jurisdiction employee photo ID card; U.S. or Canadian DL or ID card that is current but does not have color photo; certified copy of court order or judgment from U.S. or Canadian court of competent jurisdiction containing applicant's full legal name and DOB; any INS or CIS document approved as a primary document, but that has not been expired more than one year; certified copy of birth certificate issued by jurisdiction other than by state, territory or possession of U.S., D.C., or Commonwealth of Puerto Rico, or province or territory of Canada; certification of release or discharge issued by U.S. Dept. of Defense; Medicare, Medicaid, or health insurance card with applicant's name and applicant's individual Medicare, Medicaid, or health insurance ID number; unexpired color photo firearm or concealed weapon permit issued by chief of police in an organized, full-time police dept. or by county sheriff in local jurisdiction within U.S.; current pilot's license issued by U.S. Federal Aviation Administration; certified copy of school records or transcript containing applicant's full name and preferably DOB and issued by elementary, secondary, or post-secondary school; certificate of completion of Montana dept.-approved traffic or driver's education course containing applicant's name and DOB; current school photo ID card with student's name and student ID number; certified copy of fax or photocopy of certified copy of birth certificate of applicant's child, if certificate lists applicant's name and DOB as parent. **Proof of residency.** Any primary or secondary document; a U.S. or Montana income tax return from the previous year; a Montana voter registration card; a receipt for personal or real property taxes paid within the last year to the state of Montana or a Montana county; a current auto or life insurance policy or statement; a certified copy of school records issued by the school that the applicant is currently attending or that s/he attended within four months of the application; a written statement from the applicant's parent, guardian, or adult child that the applicant resides at the same address as the parent, guardian, or adult child, along with a copy of a document permitted under this rule that evidences the Montana residence address of the parent, guardian or adult child; the original copy of a rental agreement or rent payment receipt signed by the landlord or rental agent that includes the applicant's name and residence address; home mortgage or equity loan papers showing the applicant's name and residence address; any of the following, dated not more than four months prior to application: a payroll check or check stub, a bank statement, a utility bill or utility hook-up order, cancelled mail addressed to the applicant; if the applicant is homeless, a descriptive address of where the applicant actually resides, e.g. "under the west end of the East Street Bridge" (such an applicant must also provide a separate mailing address, as well as a written statement from a social service agency verifying that s/he is homeless).	➢ If ineligible for an SSN, the applicant must submit a letter from the SSA to that effect.

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NE	Yes (w/exception)	Yes (see comments)	Applicants must present proof of identity. One document from the "primary documents" list is required. **Primary documents.** Valid Nebraska digital image photo retained in the DMV computer system; certified birth certificate (hospital-issued birth certificates are *not* accepted); certified birth registration; certified birth certificate of applicant's child; certified birth registration of applicant's child; a valid or expired DL (issued by Nebraska, a U.S. state, or a U.S. territory) or temporary DL containing name and DOB (valid in one state only licenses will not be accepted); a valid or expired commercial DL; a valid Nebraska reinstatement letter; a valid or expired Nebraska employment drive permit; a valid or expired learner's permit, school permit, or provisional operator's permit; a valid or expired Nebraska farm husbandry permit or snowmobile permit; a valid or expired Nebraska state ID card issued after Jan. 1, 1990; valid or expired US passport; valid U.S. military ID card, U.S. military discharge papers or Veterans Universal Access ID card; a draft card issued prior to 1973; certified marriage license; certified divorce decree; certified school records from a grade school or high school; valid resident alien card (I-551); valid I-688 temporary resident card; valid I-94 (Arrival/Departure Record) in a valid foreign passport (an I-94 stamped "refugee" need not be accompanied by a passport; however, visas, or Form I-151, I-94W, or I-94 border-crosser card will *not* be accepted); valid ADIT stamp reading "processed for I-551, temporary evidence of lawful admission for permanent residence until [DATE]" in a valid foreign passport; valid I-688A employment authorization card (must be accompanied by passport); valid I-688B employment authorization card; valid I-766 employment authorization document; letter from Nebraska Dept. of Health and Human Services (DHHS) showing refugee's name and DOB; a letter from Nebraska DHHS showing a ward of the state's name and DOB; naturalization papers containing name and DOB; certificate of U.S. citizenship containing name and DOB; tribal card; valid Merchant Mariner card; valid Job Corps card, U.S. Consular Report of Birth Abroad (FS240). **Secondary documents** (can be used with primary documents for ID cards). Original Social Security card; Medicare card that contains SSN followed by letter "A"; certified marriage license containing name; certified divorce decree containing name; valid Mexican consular ID card; valid Nebraska Dept. of Correctional Service released inmate ID card; foreign certified birth certificate; foreign certified birth registration; foreign passport and foreign DL.	➢ Lawful presence requirement is not in the statute, but lawful presence is required by the DMV if the applicant does not have an SSN. Applicants without an SSN must provide a "valid INS I-94 document."
NV	Yes (w/exception)	Yes (see comments)	Applicants must present proof of identity and SSN (if s/he has been issued one). **Proof of identity.** U.S. state DL, instruction permit or ID card from accepted states; certified U.S.-issued birth certificate; U.S. passport; U.S. military ID or military Report of Separation (Form DD-214); Certificate of U.S. Citizenship or Naturalization; Certificate of Degree of Indian Blood; Consular Report of Birth Abroad of a U.S. Citizen; permanent or temporary resident card; resident alien card or I-551 receipt; valid foreign passport stamped "Processed for I-551"; Arrival-Departure Record (Form I-94) with visa or passport; Permit to Reenter the U.S.; Refugee Travel Document. **Proof of SSN.** State license or ID with number listed; Social Security card; U.S. military ID; original military Report of Separation (DD-214); and Social Security benefits documentation.	➢ Applicants who have an SSN must present it. ➢ DL expires when immigration document expires. ➢ While the statute does not require lawful presence, documentation requirements create an ad hoc lawful presence requirement. ➢ ID cards issued as proof of identity by the following states are not accepted: AZ, AK, CA, DC, GA, KS, MA, MT, NE, NM, NC, OK, OR, RI, SC, SD, TX, UT, VT, WA, WV, and WI.
NH	Yes (w/exception)	Yes	**Non–U.S. citizens temporarily residing in NH for the purpose of employment or attending a learning institution must provide** ONE of the following: visa for attending a learning institution, visa for employment, or visa including spouse or dependent(s) of the above; ONE of the following: valid I-20 form or valid optical practical training card; and ONE of the following: letter from applicant's employer stating the applicant's term of employment, or letter from the learning institution or employer stating that the applicant is the spouse of a visa-holding student or employee. **Noncitizens permanently residing in New Hampshire must provide** an SSN card and one of the following: valid permanent resident card; valid I-94 card issued by the CIS indicating refugee status and date of entry into the U.S.; or valid	➢ Non–U.S. citizens permanently residing in NH without an SSN may submit a letter from the SSA verifying that they have not been issued an SSN. Nonresidents living in New Hampshire on a temporary basis to go to school or to work lawfully, or who are relatives of a lawfully present person, may be licensed. Term of license cannot exceed 5 years, and director may require a lesser

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			employment authorization card indicating authorization to reside in the U.S. pending permanent resident status; and proof of residency. **Proof of residency.** Valid vehicle registration; current gas bill in the applicant's name; current electric bill in the applicant's name; current water and sewer bill in the applicant's name; New Hampshire resident hunting and/or fishing license in the applicant's name; or marriage certificate and one of the above residency-proving documents in the name of the spouse who is listed on the marriage certificate.	term, as well as a certified driving record from foreign country. ➢ Administrative rule requires that all non–U.S. citizens go to Concord DMV office to have documentation reviewed.
NJ	Yes (w/exception)	Yes	Applicants must present proof of identity, age, residency, and lawful presence. **ID verification.** Applicants will be required to prove their identity through a prescribed combination of documents. Each type is assigned a point value, and the total value of all documents presented must be at least six points. **Primary documents. *Non–U.S. citizens must submit at least one of the following* primary documents:** • *Primary documents worth 4 points each* – Current alien registration card (new Form I-551) with expiration date, including verification from INS or CIS; foreign passport with INS or CIS verification and with valid Form I-94 (Arrival/Departure Record) or valid I-551 stamp in passport; Refugee Travel Document (Form I-571); U.S. Reentry Permit (Form I-327); valid I-94 stamped "Refugee," "Parolee," "Asylee," or "Notice of Action" (Form I-797 approved petition) by INS or CIS; valid I-94 with attached photo, stamped "Processed for I-551…" by INS or CIS. • *Primary documents worth 3 points each* – Recent photo employment authorization card (Form I-688B or I-766) (must be presented with a valid Social Security card). • *Primary document worth 2 points* – Photo temporary resident card (Form I-688) with expiration date, including verification from INS or CIS. **Secondary documents. *Non–U.S. citizens must submit at least one of the following* secondary documents:** • *Secondary documents worth 3 points each* – Legal name change court order signed by a judge or court clerk; civil marriage certificate or divorce decree; current U.S. military dependent card; U.S. military photo retiree card; New Jersey firearm purchaser card. • *Secondary documents worth 2 points each* – Valid U.S. government employee DL; valid U.S. government employee photo ID card; U.S. military discharge papers (DD-214); Federal Aviation Administration–issued pilot's license; U.S. school photo ID card with transcript or school records; U.S. college photo ID card with transcript. • *Secondary documents worth 1 point each* – State professional license; New Jersey public assistance card with photo; Social Security card; high school diploma or general equivalency diploma; bank statement/record (cannot be submitted in conjunction with an ATM card); ATM card with preprinted name and applicant's signature (cannot be submitted in conjunction with a bank statement); current health insurance card, or current prescription card, or current employee ID card with printed pay stub; property tax statement, bill or receipt issued by a New Jersey municipality; high school certificate (written test waiver); Veterans Universal Access photo ID card; current New Jersey nondigital photo DL; current photo DL from any other state of the U.S., including the District of Columbia. ***Note:*** The following people with temporary visa status may apply for a New Jersey DL: Treaty traders; students and their families; temporary workers, accompanying spouses and minor children; foreign information representatives and their families; exchange visitors and their families; fiancés of U.S. citizens, and their children; intra-company transfers, accompanying spouses and minor children; students in nonacademic and vocational schools and their family members; persons with temporary protection from deportation; Canadians who are temporarily U.S. residents; religious ministers and spouses; parents of U.S. citizens; international athletes or members of entertainment groups; and persons in a reciprocal exchange program. Students and their families on an F visa	➢ Individuals who are not entitled by law to have an SSN must submit an ineligibility letter issued by the SSA and the Social Security Exemption Certificate Form (BA-4) available at any Motor Vehicle Commission office or Regional Service Center Driver Conference Area. ➢ DL expires when visa expires. ➢ U.S citizens, green card–holders, or those with a passport bearing an I-551 stamp may go to a Motor Vehicle Commission office to obtain an examination permit. Customers presenting any other foreign or INS/CIS ID document must go to the Regional Service Center. ➢ DLs issued to noncitizens (excluding LPRs) have "temporary visitor status" printed on the DL document.

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			must show Form I-20 (Certificate of Eligibility for Exchange Visitor Status), a student ID card, or certification on school letterhead indicating their status, as well as their passport with an I-94 (Arrival/Departure Record). ***Note:*** Foreign drivers may use their native country driver's license as proof of driving experience if their country is a member of the United Nations Convention on Road Traffic and if the applicant either has his/her license translated into English by a consulate or a Motor Vehicle Commission–approved translator, or possesses an International Driver License issued by his/her country of origin.	
NM	Yes (w/exception)	No	Applicants must present proof of their "identification number" (SSN or ITIN), identity, and state residency. **Proof of identity.** Original birth certificate (with notarized English translation); certified copy of birth certificate; original or certified copy of church record; valid passport issued by country of citizenship; Indian census card; *matrícula consular* issued by the Mexican Consulate in Albuquerque; or current DL from another state or country. **Proof of residency.** Rental agreement or purchase agreement; any original government-issued document; utility bill (PNM, waste, water, etc.); insurance bill (automobile or home); bank statement; check book; employment pay stub; local property tax statement; proof of a minor child enrolled in a public/private school; voter registration card; proof that the person has remained in New Mexico for seven consecutive months; original documentation from a New Mexico community service organization; original documentation from a New Mexico city, county, state or a federal government service organization attesting to the fact that the person is a New Mexico resident; or matrícula consular issued by the Mexican Consulate in Albuquerque. **Proof of SSN.** Social Security card; state DL with SSN printed on the license; government-issued photo ID with SSN; military-issued ID card with SSN; original employment payroll receipt with SSN; tax forms with SSN, including W-2, W-4, W-8, W-9, or IRS official document; voter registration card, medical card, or financial institution statement with SSN; educational institution ID card with SSN.	➢ Applicants may present an ITIN or an acceptable substitute for an SSN or ITIN, regardless of their immigration status. Applicants who do not have an SSN or ITIN may present a valid passport issued by their country of citizenship, a matrícula consular issued by the Mexican Consulate in Albuquerque, or valid documentation issued by the INS or CIS.
NY	Yes (w/exception)	Yes (see comments)	Applicants must present proof of identity and DOB. **Identity verification.** Applicants will be required to prove their identity through a prescribed combination of documents. Each document category is assigned a point value, and the total value of all documents presented must be at least six points. **Six points.** A driver's license, a learner's permit, or a nondriver photo ID card issued by the state of New York. The photo document must either be valid or have been expired for less than two years. **Four points.** DMV Form MV-45 (Statement of Identity), if the applicant is under 21 years of age (the form must be signed by a parent or legal guardian, in front of a DMV representative; Proof of applicant's DOB and either his/her Social Security card or a U.S. passport that is current or has been expired less than two years are also required); US passport that is current or expired less than two years. **Three points.** A Certificate of Citizenship (N-560, N-561, or N-645); a Certificate of Naturalization (N-550, N-570 or N-578); {{a foreign passport with a valid I-551 stamp, except if it bears the status code "CR" (the passport must be in English or translated by an embassy); a foreign passport with a valid I-551 stamp with status code "CR" (the passport must be in English or translated by an embassy); a permanent resident card (Form I-551), except if it bears the status code "CR"; a permanent resident card (Form I-551) with status code "CR"}}*; a foreign passport with a visa and Form I-94 (Arrival/Departure Record) (the passport must be in English or translated by an embassy); a foreign passport with a visa and Form I-94 with status code "J1" or "J2," and with Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status; with IAP-6, applicant must show his/her original entry document and any extension document stamped by INS or CIS); a foreign passport with a visa and Form I-94 with status code "F1" or "F2" and Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status; with I-20, applicant must show his/her original entry document and	➢ Applicants who are not eligible for an SSN must provide a letter or form SSA-L676 from the SSA stating that the applicant is not eligible. The SSA letter or form must have been issued no more than 30 days before the date of application for the DL. The applicant also must present the immigration status–related documents that the SSA used to determine that the applicant is not eligible for a Social Security card. ➢ The lawful presence policy is not in the statute or regulations, but documentation that is required to prove identity creates an ad hoc lawful presence requirement. ➢ DMV is placing the words "temporary visitor" on DLs issued to some non–U.S. citizens. Advocates have filed a Freedom of Information Act request to obtain information about this policy, as there are no public documents that describe its implementation. ➢ Class action lawsuit filed challenging the DMV's authority to require an SSN and proof of lawful presence: *Cubas*

STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			any extension document stamped by INS or CIS); an unexpired U.S. Re-entry Permit (I-327); an unexpired U.S. Refugee Travel Document (I-571); an employment authorization card (I-688B or I-766) with a photo; a U.S. military photo ID card (issued to military personnel only); a welfare card, a Medicaid card, or a New York State food stamp card with photo. **(NILC staff is seeking clarification from the New York DMV concerning the items listed between the sets of double brackets ({{ }}) under "Three points," above. The requirement that the status code "CR" (for "conditional resident") both must appear and must not appear on the passport or permanent resident card presented is contradictory.)* **Two points.** A pistol permit issued by New York State or New York City; a professional license issued by New York State; a photo driver's license issued by another state, jurisdiction or possession of the U.S., or issued by a province or territory of Canada (must be valid or expired less than one year); a U.S. Social Security card bearing applicant's signature; a New York State vehicle or boat registration document; a New York State title certificate; a welfare card, a Medicaid card, or a New York State food stamp card without a photo; a U.S. marriage document, a U.S. divorce document, or a court-issued name-change document; a U.S. college photo ID card and an academic transcript; a U.S. high school ID card and a report card; a New York State interim driver's license or a computer-generated learner's permit, without a photo; a valid Saint Regis Mohawk Tribe ID card; a valid Saint Regis Mohawk Tribe ID card and a Canadian birth certificate. **One point.** A computer-printed pay stub or employee ID card that shows applicant's name; a high school diploma or GED (General Education Diploma); a supermarket check-cashing card issued in the U.S.; a union card issued in the U.S.; a health insurance card or a medical prescription card issued in the U.S.; a life insurance policy issued in the U.S. and in effect for at least two years; a utility bill issued in the U.S.; a Veterans Universal Access photo ID card; a W-2 form bearing the applicant's Social Security number; only one of the following items issued by a financial institution: a bank statement, a cancelled check (displaying applicant's pre-printed name), an ATM or a debit card (bearing applicant's signature and pre-printed name), or a valid major U.S. credit card. **Proof of DOB.** U.S. passport that is current or expired less than two years; Certificate of Citizenship (N-560, N-561, or N-645); Certificate of Naturalization (N-550, N-570 or N-578); foreign passport with a valid I-551 stamp except with status code "CR" (the passport must be in English or translated by an embassy); a foreign passport with a valid I-551 stamp with status code "CR" (the passport must be in English or translated by an embassy); permanent resident card (Form I-551) except with status code "CR"; a permanent resident card (Form I-551) with status code "CR"; a foreign passport with applicant's visa and Form I-94 (the passport must be in English or translated by an embassy); foreign passport with applicant's visa and form I-94 with status code "J1" or "J2" and with Form IAP-66 (applicant must show his/her original entry document and any extension document stamped by INS or CIS with Form IAP-66); foreign passport with applicant's visa and Form I-94 with status code "F1" or "F2" and Form I-20 (applicant must show original entry document and any extension document stamped by INS with Form I-20); unexpired U.S. Re-entry Permit (I-327); unexpired U.S. Refugee Travel Document (I-571); U.S. employment authorization card (I-688B or I-766) with a photo; U.S. military photo ID card; valid Saint Regis Mohawk Tribe ID card and a Canadian birth certificate; birth certificate issued by the U.S. State Dept. or by a board of health or a bureau of vital statistics in the U.S. or a U.S. territory; a certificate of birth registration issued by the Dept. of Health of NYS or NYC (must be original and have the stamp or the embossed seal of the agency that issued it).	*et al. v. Pataki et al.*, Supreme Court of the State of New York, County of New York, Civil Action Index No. 0411237.
NC	Yes (w/exception)	No	Applicant must present proof of age, identity, residency, and SSN (if s/he has been issued one). **Proof of identity and DOB.** If the applicant has a valid, unexpired driver's license or photo ID issued by a DMV in another state, the District of Columbia, Puerto Rico or a U.S. territory, or by a Canadian province, such document is sufficient as proof of identity and DOB, as long as it shows his or her full name. If the applicant does not have one of those documents, s/he must provide two forms of ID from the list of acceptable documents. One document must bear his or her DOB. The name must be the same on both documents. The documents may not come from the same category (e.g., they may not both be school documents). *Acceptable documents include*: Driver's license or state-issued ID card from another state, Puerto Rico, a U.S. territory, or a	➢ Applicant may provide ITIN if s/he is not eligible for an SSN; must also complete a sworn affidavit that s/he is not eligible for an SSN.

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			Canadian province (a valid, unexpired DL/ID or learner's permit with a photo meets the requirements for two forms of ID; a DL/ID or learner's permit that has been expired less than one year may be used as one form of ID; a valid DL/ID or learner's permit without a photo can be used as one form of ID); certified or original birth certificate; original Social Security card; official North Carolina school registration records signed by a school official and diplomas issued by North Carolina schools, including secondary schools, community colleges, colleges and universities (driver education certificates, driving eligibility certificates and report cards are not accepted as proof of identification); unexpired U.S. military ID, including DD-2, DD-214, Common Access Card, and U.S. Military Dependents Card); valid, unexpired passport from any nation (if foreign passport, must include an unexpired stamp by U.S. immigration authority); certified marriage certificate from a register of deeds or appropriate government agency in the U.S., Puerto Rico, U.S. territories, or Canada; "limited driving privilege" issued by North Carolina; valid, unexpired documents issued by CIS, formerly known as the INS (An expired immigration document may be valid if accompanied by a letter from CIS or INS extending the expiration date. Primary CIS document must have applicant's photo.); court documents from U.S. jurisdiction, Puerto Rico, U.S. territories or Canada, including divorce decree, court order for name change or gender change, adoption papers, and certified court order for child support; U.S. Veterans Universal Access Card. **Proof of residency.** Any document issued by North Carolina or any of its political subdivisions (county, city, tax district, etc.) or by the federal government; NC voter registration card; preprinted bank or other corporate statement; correspondence on preprinted business letterhead; apartment lease, housing contract, mortgage statement, etc.; utility bill (power bill, cable bill, water bill, etc.) or contract for utility service; school records; *matricula consular* issued by the Mexican consulate; letter from homeless shelter. A sworn affidavit may be executed *only* if the above documents are not available. **Proof of SSN.** Social Security card (but not the metal or plastic card or other reproductions); computer-generated W-2 tax form or other computer-generated document from the IRS or a state or county revenue department; payroll stub; financial statement (bank statement, insurance company statement, brokerage firm statement, etc.) containing the SSN; government-issued documents such as U.S. military ID, which shows the SSN; letter from the SSA or computer printout from the SSA.	
ND	Yes (w/exception)	Yes (see comments)	Applicants must present proof of DOB and identity. **Acceptable documents.** U.S. or Canadian birth certificate (state-certified, government-issued; certificate issued by a U.S. or Canadian territory is acceptable); valid U.S. or Canadian passport; U.S. government-issued consular report of birth abroad; valid non-U.S. passport accompanied by an I-94 (Arrival/Departure Record) card or an I-551 stamp (if applicant's status is F-1 or F-2, s/he must also present Form I-20, Certificate of Eligibility for Nonimmigrant Student Status); U.S. active duty/retiree/reservist military ID card (DOD ID DD-2); U.S. or Canadian court order containing applicant's legal name and DOB (court seal required); North Dakota–issued permit, license, or ID card; the following INS or CIS documents (unexpired): I-551 resident alien card, I-688 temporary resident card, I-688B or I-766 employment authorization card, N-560 (Certificate of Citizenship), N-550 (Certificate of Naturalization), I-94 (Arrival/Departure Record) stamped "Refugee" or "Asylee." ***Note:*** Out-of-state permits, licenses, and ID cards are not acceptable as proof of name and DOB.	➢ While the statute does not require lawful presence, documentation requirements create an ad hoc lawful presence requirement. ➢ Applicants ineligible for an SSN may present a letter from the SSA stating that they are ineligible.
OH	Yes (w/exception)	Yes	Applicants must present proof of identity, DOB and SSN (must appear on either the primary or secondary document). Two documents are required. **Primary documents.** DL from any state, with photo, current or expired not more than 6 months; birth certificate, either original or certified copy, with seal and issued by government agency; appropriate state-issued ID card from any U.S. state, with photo, current or expired not more than 6 months; unexpired, original INS or CIS documents; certified copy of court order containing full name and DOB; original birth registration card, must contain the official seal of the issuing county health department and display the registration or file number; include name, date of birth, gender, and name of parent(s) and be signed by the City	➢ Applicants who have an SSN must present it. ➢ DLs issued to non-U.S. citizens are identified as "nonrenewable/nontransferable" and may be renewed only with proof of lawful presence. Such a DL expires when the bearer's visa expires or at the end of four years, whichever is sooner.

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			Registrar of Vital Statistics; military ID with photo; valid passport, either U.S. or Canadian, with photo, or if passport from another country, accompanied by appropriate INS or CIS documents; and state-issued learner's permit from any U.S. state, with photo, current or expired not more than 6 months. **Secondary documents.** Official Social Security card (but metal card not accepted)or official printout from the SSA; Bureau of Indian Affairs card or Indian treaty card (but tribe-issued ID card not accepted); certified copy of court order with or without DOB; credit card (only if SSN appears on primary document); employment ID card with photo; non-U.S. birth certificate accompanied by translation by approved translator if birth certificate not in English; health insurance card; Internal Revenue Service or state tax form issued by appropriate governmental agency (but W-2 form not accepted); marriage certificate or license; medical treatment records from doctor or hospital; military dependent ID with photo; military discharge separation papers; gun permit with photo; pilot's license; certified copy of school record or transcript; student ID card, with photo, issued by school or university; vehicle title (but no vehicle registrations); voter registration card (such cards are not issued in OH); Human Services card. **Note:** Additional documentation may be required if any document provided (from the above lists) is questionable.	➢ A nonrenewable/nontransferable DL may be replaced 90 days prior to expiration. ➢ A nonrenewable DL may not be used to obtain a DL in another state. ➢ The words "nonrenewable and nontransferable" appear on the DL or ID card above the bearer's signature.
OK	Yes (w/exception)	Yes	Applicants must present proof of identity and lawful presence. Applicants must submit one primary document and one secondary document. **Primary documents.** Oklahoma DL; Oklahoma ID card; state-issued birth certificate; county-issued birth certificate; sealed hospital birth certificate; passport (however, passports not accepted from non–U.S. citizens in the following statuses: B-1, B-2, WB business person with no visa, tourist with no visa, C-1 alien in transit, C-2 alien in transit to the United Nations, C-3 foreign official, D-1 and D-2 crew members in the U.S. for maximum of 29 days); court order showing full name and DOB; Bureau of Indian Affairs ID card; alien registration card; I-94 (Arrival/Departure Record) card with passport; tribal ID card; out-of-state DL; valid military ID card; valid military dependent ID card; naturalization documents issued by INS or CIS; Military discharge (DD-214), unless specified not to be used for identification. **Secondary documents.** Any primary document; Oklahoma student ID with photo; Oklahoma employer ID card; health insurance card; military discharge DD-214, except if it bears the notation, "Not to be used for ID"; original or certified copy of separation or divorce judgment; Oklahoma voter registration card; insurance policy (health, life, home, auto); original or certified copy of professional degree, certificate, or license; Oklahoma motor vehicle registration or title; Social Security card; medical eligibility card; original high school, college, or university diploma; for minors (under 18), parent or guardian may appear in person, show proof of identity and sign affidavit; official certified deeds of property in Oklahoma; gun permit; pilot's license; valid U.S. Department of Transportation health card; and Oklahoma lifetime hunting or fishing license.	➢ SSN required if applicant is eligible for one. ➢ DL expires when immigration document expires.
OR	Yes (w/ exception)	No	Applicants must present 2 primary documents, or 1 primary document that includes name and DOB and 2 secondary documents. **Note:** Foreign documents will not be accepted as primary proof of age and identity unless they are either in English or contain an English translation within the same document and meet all other criteria listed for the type of document. **Primary Documents.** U.S., Canadian or U.S. territorial government–issued birth certificate; U.S. Consular Report of Birth Abroad of a Citizen of the U.S.A. (FS-240); Certification of Report of Birth (DS-1350 or FS-545); U.S. military documents, including: military or armed forces ID card, Common Access Card, U.S. Uniform Services ID and Privileges Card (DD-1173 and DD-1173-1), and Request for Verification of Birth (DD-372); passport; U.S. immigration documents, including: U.S. citizen ID card (I-179 and I-197); temporary resident ID card (I-688); employment authorization document (I-688A, I-688B, and I-766); Certificate of Citizenship (N-560 and N-561); resident alien card or permanent resident card (I-551); or Certificate of Naturalization (N-550, N-570, and N-578); valid Oregon, out-of-state, U.S. territorial government or Canadian driver's license, instruction permit or ID card; digital photograph on file with Oregon DMV; nonimmigrant visa issued by the U.S. Dept. of State; U.S. Dept. of State driver	➢ Applicants who have not been issued an SSN may sign a "Statement of No Social Security Number" form. ➢ Documents must be of different types, and the DMV will not accept two documents issued by the same government agency, department, or consulate (e.g., it will not accept two immigration and naturalization documents, or a passport and ID card issued by the same consulate). However, Oregon DMV documents are exempted from this restriction: The Oregon digital photo on file at DMV and the Oregon DL, driver's instruction permit, or ID card serve as two separate

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STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			license or nondriver ID card; consulate ID card approved by DMV; Oregon concealed weapons permit/concealed handgun license; U.S. Social Security card (not metal or laminated); or Confederated Tribes of Oregon tribal ID card approved by DMV; letter verifying identity provided by an Oregon Corrections agency approved by DMV. **Secondary Documents.** Oregon student body ID card, issued for the current school year or not more than one year old; U.S. military discharge papers (DD-214); Permit to Reenter the U.S. (I-327); border crossing cards (DSP-150, I-185, I-186, and I-586); Refugee Travel Document (I-571); W-2 tax forms for the current tax year (e.g., a 2003 W-2 is acceptable through February 2005); court documents issued by a court in the U.S. that show the applicant is a party to the judicial proceeding and that contain court signatures and seals (acceptable documents are: gender and/or name-change; adoption, guardianship, custody or child support; marriage license/certificate; divorce decree/dissolution of marriage); or birth certificate, DL, military ID card, passport or voter card issued by a foreign government. **Note:** A DMV employee may accept as a secondary document a foreign document that is not written in English. The employee must be able to understand the information in the document that relates to the person's identity and be satisfied the document was validly issued. **Proof of Residency.** (One document must be provided if the applicant does not have an Oregon DL, permit or ID card, or if the applicant has changed address and his/her current address is not shown on any of the documents presented as proof of identity). Proofs of residency include: Mortgage documents issued within the current or immediately preceding year; statement from a parent, step-parent or guardian of an applicant under 18 years of age (the parent or guardian must reside at the same address as the applicant, accompany him/her, and present ID); statement from the applicant's spouse (the spouse must reside at applicant's address, accompany the applicant and present ID); a rental or lease agreement on an official preprinted application form dated within one year of the application which contains (1) tenant's name, (2) rental unit's address, and (3) rental owner's or manager's name, signature and telephone number; utility hookup order dated within 60 days of the DL application; payment booklet; cancelled mail dated within 60 days of the DL application (applicant must present the envelope and the envelope's matching contents; DMV will accept canceled mail from the following sources: credit card companies; U.S. Treasury; SSA; Oregon state government agencies, including city and county agencies; utility companies; financial institutions; insurance companies; state and federal revenue departments; and originators of out-of-state clearance letters); Oregon vehicle title or registration documents; Oregon voter registration card; Selective Service Card; medical or health card; educational institution transcript forms for the current school year; unexpired professional license issued by an agency in the U.S. **Note:** An applicant who is homeless may use a descriptive address of the location where s/he actually resides, e.g., "under the west end of the Burnside Bridge." The applicant must also provide a mailing address. A homeless applicant may give his/her descriptive and mailing address verbally without showing physical proof of the descriptive address. Even though the homeless applicant is not required to show proof of residence address, s/he must prove that s/he is a resident of or is domiciled in Oregon. An applicant who travels continuously may use a descriptive address of "continuous traveler" if the applicant is an Oregon resident but has no physical home in Oregon. For instance, an applicant who has just retired from an Oregon employer may present papers indicating s/he sold a home in Oregon and purchased a motor home. The applicant must also provide a mailing address. A continuous traveler may give his/her descriptive and mailing address verbally without showing physical proof of the descriptive address. Even though the continuous traveler is not required to show proof of residence address, the applicant must prove s/he is a resident of or is domiciled in Oregon.	primary documents. For example, a person who has a valid photo Oregon instruction permit and applies for an Oregon driver's license can use the photo on file with Oregon DMV and the photo instruction permit to meet the proof of age and identity requirements.
PA	Yes (w/exception)	Yes	Applicants must present proof of identity, residency, and lawful presence. Non–U.S. citizens must submit two proofs of residency (List B) and a varied list of documents, depending on their status. **Documents required of non–U.S. citizens.** Examples include non-U.S. passport, I-94 and visa; Social Security card or letter from the SSA stating that the agency has yet to make a decision on the individual's application for an SSN; I-551 card ("green card"); employment authorization document (I-688B or I-766); Refugee Travel Document (I-157); Reception and Placement Assurance Form.	➢ Applicants who are ineligible for an SSN may present a letter from the SSA stating that they are ineligible. ➢ Nonimmigrants granted entry for 1 year or less (or whose entry documents show that their permission to remain in the U.S. expires in less than 1 year) are *not*

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STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			For a list of requirements for various categories of immigrants, see www.dot3.state.pa.us/pdotforms/fact_sheets/pub195nc.pdf. **Proof of residency (List B).** Current utility bills; tax records; lease agreements; mortgage documents; W-2 forms; current weapons permit.	eligible for a DL. ➢ Applicants presenting letters from the SSA in place of a Social Security card will receive a license that expires a year from the date of issue; otherwise the DL expires when the visa expires.
RI	Yes (w/exception)	Yes (see comments)	Applicants must present an identity document, a document bearing the applicant's signature, and proof of Rhode Island residency. **Identity documents.** Valid U.S./U.S. territory or Canadian DL with photo, signature, and DOB (may not have been expired for more than one year); original or certified copy of a birth baptismal certificate (baptismal certificates must be issued by a church in the U.S., and have an issue date of within one year of applicant's birth, and contain the date of birth); U.S. or foreign passport (expired passports and those indicating that the bearer has B-1 or B-2 status are not accepted); U.S. naturalization certificate; Form I-94 (Arrival/Departure Record); Form I-688 (temporary resident ID card); Form I-688B or Form I-766 (employment authorization card); U.S. active service, retiree, or reservist military ID card. **Document with signature.** Valid U.S./U.S. territory or Canadian DL with photograph, signature, and DOB (may not have been expired for more than one year); U.S. or foreign passport (expired passports and those indicating that the bearer has B-1 or B-2 status are not accepted); Social Security card; employment or school ID; U.S. active service, retiree, or reservist military ID card. **Proof of Rhode Island residency.** Valid voter registration card; utility bill (gas, electric, telephone, cable, oil) in applicant's name or in the name of an immediate family member with the same last name; personal check or bank statement with applicant's name and address (P.O. box address not acceptable); valid original lease agreement with applicant's name and address (landlord's name, address, and phone number also must be provided); payroll check with applicant's name and address; welfare check stub or food stamp card with applicant's name and address; insurance policy for applicant's home/apartment with applicant's name and address; property tax bill for applicant's residence; if applicant is a minor, school records and parent's DL/ID bearing same address as applicant is acceptable.	➢ Applicants without an SSN must present a "foreign passport and appropriate visa or documentation to demonstrate the ineligibility for an SSN." ➢ The lawful presence policy is not in the statute or regulations, but applicants without an SSN must present immigration documents. However, applicants who obtained a DL under the old policy, which allowed those without an SSN to present an affidavit or ITIN, are grandfathered into the system.
SC	Yes (w/exception)	Yes	Applicants must present proof of lawful presence and residency. ***Non–U.S. citizens* must present documents such as the following (these are examples):** I-20 (Certificate of Eligibility for Nonimmigrant Student Status) with other documents; written verification of current attendance in school; IAP-66 (Certificate of Eligibility for Exchange Visitor Status) with other documents; written verification of current employment; I-688B (employment authorization document) with passport; I-766 (employment authorization card); I-797 (Notice of Action); Receipt and Placement Program Assurance form; passport showing extension of work visa by CIS; passport showing extension of student visa by CIS; passport stamped "Processed for I-551" or "I-551 approved"; passport. ***Lawful permanent residents* must present one of the following:** Form I-551 (green card) or a valid passport stamped "I-551 Approved" or "Processed for I-551." ***Refugees* must present all of the following:** I-94 (Arrival/Departure Record) stamped "Refugee"; Reception and Placement Program Assurance form; and written verification of identity and South Carolina residency prepared by employee of sponsoring organization approved by U.S. State Dept. to resettle refugees in South Carolina. Refugees who are not sponsored by an approved organization, as well as ***asylees***, must present an I-94 stamped "Refugee/Asylee" or an employment authorization document (Form I-688B or I-766). **Proof of residency.** Current utility bill (water, gas, etc); current employment records; current school records from a SC school; welfare/social services card; SC Medicare or Medicaid cards; parolee cards or letter from parole officer recent county or state tax	➢ Applicant must submit either a Social Security card (laminated card *not* accepted) or a letter from the SSA indicating that s/he is a non–U.S. citizen not permitted to work in the U.S. ➢ DL issued to person who is not a lawful permanent resident expires on later of: (1) expiration date of applicant's authorized period of stay in U.S.; or (2) expiration date of applicant's employment authorization document. ➢ Non–U.S. citizens must go to one of 16 designated locations in order to obtain DLs or ID cards.

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STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			notice or receipt; lease agreements or mortgage documents; current weapons permit; recent state or federal tax records; current military orders detailing active duty assignment in SC; current letter from Military Base Commander verifying duty station in SC; bank statement showing name of applicant and SC physical address; original social security check, showing name and SC physical address of applicant; insurance documentation; Letter from director of a South Carolina social welfare institution (homeless shelter, battered women's shelter, halfway house, group home, orphanage, etc.) stating applicant is resident of facility, voter registration; or current vehicle insurance card.	
SD	Yes	Yes	Applicants must present proof of identity and lawful presence. Documents submitted must include either a certified copy of a U.S. birth certificate issued in or by a city, county, or state; a tribal ID card that provides evidence that a certified birth certificate issued by a city, county, or state was used to obtain the tribal ID card and is in a form and has content acceptable to the South Dakota Dept. of Commerce and Regulation; proof that the applicant has naturalized to U.S. citizenship; an immigration record showing that the applicant's presence in the U.S. is authorized; or a valid passport—*AND* 1 *primary* or 1 *secondary document*. **Primary documents.** Photo DL; ID card issued by a U.S. state or Canadian province or territory; U.S. or Canadian certified birth certificate; vital records office–certified court order containing applicant's full name and DOB; military ID (dependent, retiree, reserve or National Guard, or active duty); passport with accompanying visa or I-94 document if required; "Record of No Record" from Dept. of Health Vital Statistics accompanied by secondary document indicating DOB; federal census record; immigration-related documents (Certificate of Naturalization; Certificate of U.S. Citizenship, U.S. citizen ID card, resident alien card; Arrival/Departure Record (I-94) in a valid non-U.S. passport; Arrival/Departure Record (I-94) stamped "Temporary Proof of Lawful Permanent Residence," with attached photo; Arrival/Departure Record (I-94) in Certificate of Identity; employment authorization document; Arrival/Departure Record (I-94) stamped "Refugee," "Parolee," or "Asylee"; or Arrival/Departure Record (I-94) coded "Section 207," "Section 208," "Section 209," "Section 212d(5)," "Section HP," or "Section PIP." **Secondary documents.** All primary documents; Social Security card; Bureau of Indian Affairs card; Indian treaty card; foreign birth certificate; health insurance card; IRS/state tax forms; marriage certificate/license; military discharge/separation papers; city, federal, or state gun permit; pilot's license; school records/transcripts; student ID card; Canadian Social Insurance card; vehicle title/registration; welfare card; prison release document; military dependent and transition ID; valid Mexican Consular ID card.	➢ DL expires when visa expires.
TN	Yes (w/exception)	Yes	Applicants for a DL must present two documents to prove identity, and two documents to prove residency; and they must present proof of either U.S. citizenship or status as an LPR, refugee, or asylee. Applicants not eligible for a DL because of immigration status restrictions may be eligible for a driving certificate if they can demonstrate proof of identity and state residency. **Proof of identity.** Acceptable proof of name and DOB includes, but is not limited to: *Primary Documents:* U.S. photo DL or photo ID card or license from another country; original, certified birth certificate; valid passport; military ID; Certificate of Naturalization (N-550, N-570, N-578); Certificate of Citizenship (N-560, N-561, N-645); Northern Marianas Card (I-873); American Indian Card (I-872); U.S. citizen ID card (I-179, I-197); temporary resident ID card (I -688); Record of Arrival and Departure (I-94); I-551; U.S. Re-entry Permit (I-327); employment authorization card (I-688A, I-688-B, I-766); Refugee I-94 Record of Arrival and Departure stamped "Refugee," not likely to be in a foreign passport; Refugee Travel Document (I-571); Canadian Immigration Record and visa or Record of Landing (IMM 100); Canadian Dept. of Indian Affairs–issued ID card; marriage certificate; federal census record; applicant's own child's birth certificate; adoptive decree; legal change of name as recorded in a court decree with a judge's original signature and/or official court seal; any confirmation of DOB in court of law as recorded in a court decree with a judge's original signature and/or official court seal. *Secondary Documents:* Computerized check stubs; union membership cards; work IDs; financial institution documents; Social Security documents; health insurance card; IRS/state tax form; and military records.	➢ Applicants never issued an SSN must present a sworn statement attesting to that fact. ➢ For applicants lawfully in the U.S. on a temporary basis, the driving certificate is valid for the period of authorized stay in the U.S. For all other applicants, the driving certificate is valid for one year. ➢ Driving certificates will display the phrase, "For driving purposes only – not valid for identification." ➢ Class action lawsuit filed challenging the constitutionality of the driving certificate: *League of Latin American Citizens (LULAC) et al. v. Bredesen et al.*, No. 3:04-613 (U.S.D.C. Middle Dist. Tenn. 2004.

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STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			Proof of residency. Applicants must present 2 documents from List A, or 1 from List A and 1 from List B. *List A*: Current utility bill (e.g., telephone, electricity, water, gas, cable, etc.); current bank statement (checks are not acceptable); current rental/mortgage contract or receipt, including deed of sale for property; current employer verification (e.g., paycheck/check stub, employment ID, or badge, etc.); current automobile, life, or health insurance policy (wallet proof-of-insurance cards not acceptable); current DL or ID issued by the state of Tennessee to applicant's parent, legal guardian, or spouse; current Tennessee motor vehicle registration; current Tennessee voter registration; current IRS tax-reporting W-2 form; receipt for personal property or real estate taxes paid within past year; if the applicant is a student enrolled in public or private school in Tennessee, s/he may provide a photo student ID and acceptable documentation that s/he lives on campus. *List B*: ITIN issued by the IRS; Form I-94 (Arrival/Departure Record); employment authorization document issued by the INS or CIS; I-551. **Proof of U.S. citizenship, or of LPR, refugee or asylee status.** Official birth certificate issued by a U.S. state, jurisdiction or territory (Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, Swain's Island, Guam); U.S. government–issued certified birth certificate; certificate of birth abroad of a U.S. citizen (DS-1350 or FS-545); Report of Birth Abroad of a Citizen of the U.S. (FS-240); valid or expired U.S. passport; Certificate of Citizenship (N-560 or N-561); Certificate of Naturalization (N-550, N-570 or N-578); unexpired U.S. active duty/retiree/reservist military ID card (DD-2); U.S. citizen ID card (I-197, I-179); I-551 permanent resident alien card; foreign passport stamped by the U.S. government indicating that the holder has been "Processed for I-551"; permanent resident Re-entry Permit (I-327); temporary I-551 stamp on Form I-94, Arrival/Departure Record, with photograph of the applicant; "U.S. Department of Receptions and Placement Program Assurance Form (Refugee)" [sic – verbatim from TN Dept. of Safety website: www.state.tn.us/safety/dlpolicy2004.htm]* and I-94 stamped "Refugee"; Form I-94, Record of Arrival and Departure, stamped "Asylee," "Parolee" or "Parole," "Refugee," "Asylum," "HP" (for "humanitarian parolee"), or "PIP" (for "public interest parolee"). ** There is no U.S. Dept. of Receptions and Placement. However, a U.S. Dept. of State subunit called the Reception and Placement Program (R&P) does complete an "Assurance Form" for each refugee admitted to the U.S. The R&P is part of the Office of Refugee Admissions, which is within the State Dept.'s Bureau of Population, Refugees and Migration.*	
TX	Yes (w/exception)	Yes (see comments)	Applicants must present proof of identity. Every applicant must present either 1 form of primary identification, or 1 form of secondary identification plus 2 forms of supporting identification, or 2 forms of secondary identification. **Primary identification.** Texas DL or ID certificate with photo and that has not been expired for more than two years; unexpired U.S. passport; U.S. citizenship or naturalization certificate with identifiable photo; unexpired INS or CIS document with verified date and identifiable photo; unexpired U.S. military ID card for active duty, reserve, or retired personnel with identifiable photo. **Secondary identification.** Original or certified copy of birth certificate issued by a state bureau of vital statistics or equivalent agency; original or certified copy of U.S. Dept. of State Certification of Birth (issued to U.S. citizens born abroad); unexpired photo DL or photo ID issued by another U.S. state, U.S. territory, the District of Columbia, or Canadian province; original or certified copy of court order with applicant's name and DOB; for applicants born before 1961, the following items are acceptable as forms of secondary identification: (1) original or certified copy of Form DD-214; (2) original or certified copy of other state or federal governmental record that bears applicant's name and DOB (e.g., Social Security records). **Supporting identification.** The following list is not all-inclusive. Examining or supervisory personnel may determine that a document not listed here meets the department's requirements. Forms of supporting identification may include: School records;	➢ If applicant does not have an SSN, he or she will be required to complete a Social Security Affidavit (DL-13) form. ➢ The lawful presence policy is not in the statute or regulations, but proof-of-identity documentation requirements create an ad hoc lawful presence requirement.

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STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			insurance policy (at least two years old); vehicle title; military records; unexpired military dependant ID card; original or certified copy of marriage license or divorce decree; voter registration card; Social Security card; pilot's license; license to bear concealed handgun; Texas DL temporary receipt; expired DL or ID certificate issued by another U.S. state or territory, the District of Columbia, or a Canadian province that has not been expired more than two years; a non-U.S. passport (with or without a U.S. visa); a consular document issued by a state or national government. **Proof of SSN.** Acceptable proof of SSN includes: U.S. government–issued Social Security card (metal cards or types sold at flea markets are not acceptable); health card (if member number represents SSN); pilot's license; military ID (active and reserve duty personnel only; not acceptable for dependents); peace officer's license (Texas Commission on Law Enforcement Officer Standard and Education); military discharge papers (DD-214); Medicare/Medicaid cards; certified college/university transcript (containing SSN); Veterans Administration card (with SSN preprinted on card).	
UT	Yes (w/exception)	No	Applicants must present proof of name, and place and date of birth. At least one item presented must be from the "primary forms of identification" list. **Primary forms of identification.** Certificate of Naturalization; Certificate of Citizenship; delayed birth certificate (hospital records/certificates will not be accepted); DL issued in U.S.; foreign birth certificate with notarized translation; non-U.S. passport with visa; I-94 (Arrival/Departure Record) card; Indian blood certificate; *matriculo consular* (issued in UT only); resident alien card; U.S. birth certificate; U.S. Certificate of Birth Abroad (of a U.S. citizen); U.S. passport; U.S. military ID or DD-214. **Secondary forms of identification.** Marriage license/certificate; Bureau of Indian Affairs/tribal treaty/ID card; medical insurance ID card; motor vehicle clearance letter; out-of-country driver's license; employment ID badge (with photo); international driver's license/permit; Veterans Administration card; IRS-generated documents; concealed weapons permit; employment authorization card (with passport); court-of-record documents (i.e., documents related to adoption, bankruptcy decree, divorce, emancipation, name change); bank card; church records; credit card (with photo); school ID (with photo); professional license; voter registration card; Selective Service card; Selective Service registration; Social Security card. **Proof of SSN.** U.S. government–issued Social Security card; SSN-bearing DL or ID card issued by Utah or another U.S. state; or a letter from the SSA verifying applicant's SSN. W-2 or W-4 forms are not acceptable	Applicants who have an ITIN instead of an SSN must present documents from the IRS or SSA or a letter from the IRS, to verify their ITIN.
VT	No	Yes (see comments)	Applicants must present proof of identity, and date and place of birth. One primary document and one secondary document is required. **Primary documents.** Photo DL (cannot have been expired more than 1 year); U.S. state/U.S. territory/Canadian province-issued photo ID card (cannot have been expired more than 1 year); certified microfilm/copy of DL or ID card (card cannot have been expired more than 1 year); birth certificate (U.S. or Canadian-issued; must be original or certified copy, have raised seal, and be issued by bureau of vital statistics or state board of health; hospital-issued and baptismal certificates are *not* acceptable); Certificate of Naturalization (N-550, N-570, or N-578); Certificate of Citizenship (N-560, N-561, or N-645); Northern Marinas card (I-551); American Indian card (I-551); U.S. citizen ID card (I-179 or I-197); resident alien card (I-151, I-551, AR-DA, or AR-103); temporary resident card (I-688); nonresident alien Canadian border crossing card (I-185 or I-586); Arrival/Departure Record (I-94, or I-94W (for visa waiver program)) in valid non-U.S. passport; Arrival/Departure Record (I-94) with attached photo stamped "Temporary Proof of Lawful Permanent Residence"; valid non-U.S. passport stamped "Processed for I-551"; Permanent Resident Reentry Permit (I-327); Refugee Travel Document (I-571); Arrival/Departure Record (I-94) card in a Certificate of Identity; Arrival/Departure Record (I-94) stamped "Refugee," "Parole, Parolee," or "Asylee"; employment authorization document (Form I-766); Canadian Immigration Record and visa or Record of Landing (IMM 1000); court order (must contain full name, DOB, and court seal; examples include: adoption document, name-change document, gender-change document, etc.); military ID; valid U.S. or Canadian passport (a non-U.S.	➢ The lawful presence policy is not in the statute or regulations, but proof-of-identity documentation requirements create an ad hoc lawful presence requirement. ➢ DL expires with applicant's "authorized duration of stay." DLs may not be issued for a period of less than 180 days.

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STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			passport must be accompanied by appropriate INS or CIS document showing the applicant's immigration status); Vermont-issued photo learner's permit (the following learner's permits are *not* acceptable: any issued outside Vermont; any that does not bear a photo, unless the applicant also presents a second primary document; any that has been expired more than 1 year); Canadian Dept. of Indian Affairs–issued ID card (neither tribal-issued card nor U.S.-issued Bureau of Indian Affairs card is acceptable). **Secondary documents.** Any primary document; Bureau of Indian Affairs ID card/Indian Treaty card (tribal ID card is *not* acceptable); DL/ID card that has been expired more than 1 year; court order that does not contain the applicant's DOB; employment ID card; foreign birth certificate (must be translated by approved translator); health insurance card (e.g., Blue Cross/Blue Shield, Kaiser, HMO); IRS/state tax forms (W-2 *not* acceptable); marriage certificate/license; civil union certificate; medical records from doctor/hospital; military dependent ID; military discharge/separation papers; parent/guardian affidavit (can be submitted only on behalf of a minor; parent/guardian must appear in person, prove his/her identity, and submit certified/notarized affidavit regarding child's identity); gun permit; pilot's license; school record/transcript (must be certified); Social Security card (metal card is *not* acceptable); Social Insurance card (for Canadian residents only); student ID card (must contain photo); vehicle title (vehicle registration is *not* acceptable); welfare card or prison release document.	
VA	Yes (w/exception)	Yes	Applicants must present proof of identity, residency and lawful presence. They must present 2 identification documents (one must be a primary document), 1 proof of lawful presence, 1 proof of Virginia residency, and 1 proof of SSN (if the applicant has been issued one). At least 1 document presented must be from the list of primary documents. **Primary documents.** *Virginia DMV–issued DL, unexpired or expired less than 1 year;* Virginia DMV–issued learner's/instruction permit, unexpired or expired less than 1 year; Virginia DMV–issued photo ID card issued after Sept. 21, 2001, unexpired or expired less than 1 year; *unexpired DL or learner's/instruction permit (with photo), not less than 60 days old, issued by a U.S. state (other than Virginia), jurisdiction, or territory or Canadian DL or learner's permit with photo;* birth certificate issued by U.S. state, jurisdiction, or territory (birth documents issued by a hospital and foreign birth certificates are not accepted); *unexpired photo ID card, not less than 60 days old, issued by a U.S. state (other than Virginia), jurisdiction, or territory (school and employment ID cards and Native American citizenship cards are not accepted); unexpired U.S. active duty/retiree/reservist military ID card (DD-2 or Common Access Card)(military dependent ID cards are not accepted as primary identity documents);* unexpired or expired U.S. passport; *unexpired non-U.S. passport with visa, I-94, I-94W, or I-551 stamp;* U.S. Certificate of Naturalization (Form N-550, N-570, or N-578); unexpired conditional resident alien card (I-551) valid for two years; U.S. Certificate of Citizenship (Form N-560 or N-561); U.S. citizen ID card (Form I-179 or I-197); *unexpired temporary resident card (Form I-688); unexpired employment authorization document (Form I-688A, I-688B, or I-766); unexpired Refugee Travel Document (Form I-571); unexpired resident alien card, permanent resident card (Form I-551),* or *Northern Marianas card;* Consular Report of Birth Abroad of a Citizen of the U.S. (Form FS-240); Certification of Report of Birth Abroad of a Citizen of the U.S. (DS-1350); certificate of birth abroad FS-545); a copy of the first and last pages of an application for asylum, provided the pages are accompanied either by a receipt from the INS or CIS showing that the application has been filed or by documentation verifying that the application is pending in immigration court; documentation indicating decision to grant asylum by the Asylum Office or original document granting asylum issued by an immigration judge or by the INS or the CIS. **Secondary documents.** Any of the "primary documents," above, whose listings are italicized; U.S. Selective Service card; court order for adoption, name change, or gender change from a U.S. state, jurisdiction, or territory (must contain court seal; abstracts of criminal or civil convictions are not acceptable); U.S. military discharge papers (Form DD-214); certified copy of school records/transcript issued by a U.S. state, jurisdiction, or territory, or by a state-accredited private school; a Virginia Dept. of Education certificate of enrollment form (a report card is not acceptable); Medicare card; Medicaid card; unexpired welfare/social services card issued by a municipality; marriage license issued by a U.S. state, jurisdiction, territory, or municipality; unexpired military dependent ID card, with photo; unexpired weapons or gun permit issued by a federal, state, or municipal government; unexpired	➢ Applicants who have an SSN must present it. ➢ DL expires with visa

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STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			pilot's license; Form I-797 (Notice of Action) (acceptable only from person whose name appears on the form); U.S. Dept. of State form DS-2019 (acceptable only from person whose name appears on the form); Veterans Universal Access ID card; Authorization for Parole of an Alien to the U.S. (Form I-512); Virginia Criminal Justice Agency Offender Information Form; Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status) with or without INS or CIS stamp; U.S. federal agency employment ID card bearing applicant's name and photo. **Proof of residency.** Payroll check stub issued within 2 months of DL application; Virginia voter registration card; U.S. IRS tax reporting W-2 form or 1099 form (not more than 18 months old); U.S. or Virginia income tax return from previous year; original monthly bank statement not more than 2 months old; cancelled check (not more than 2 months old) with both name and address imprinted; annual SSA statement for current or preceding calendar year; utility bill, not more than 2 months old, issued to applicant; receipt for personal property taxes or real estate taxes paid to Virginia within the last year; current homeowner's insurance policy or bill; current automobile or life insurance bill (cards or policies not accepted); certified copy of school records/transcript from school in which applicant is currently enrolled, issued by a U.S. state, jurisdiction, or territory, or a Virginia Dept. of Education Certificate of Enrollment form (a report card is not acceptable); Virginia DL, learner's permit, or DMV photo ID card; deed; mortgage; monthly mortgage statement or residential rental/lease agreement; postmarked U.S. mail with forwarding address label or change-of-address confirmation form from U.S. Postal Service; documentation proving that applicant is an active duty military member assigned to unit based in Virginia. **Proof of legal presence.** Birth document issued by a U.S. state, jurisdiction or territory (birth documents issued by a hospital and foreign birth certificates are not accepted); Certification of Report of Birth of a U.S. Citizen (DS-1350); Certificate of Birth Abroad (FS-545); Consular Report of Birth Abroad (FS-240); unexpired or expired U.S. passport; U.S. Certificate of Citizenship; U.S. Certificate of Naturalization; unexpired U.S. active duty/retiree/reservist military ID card (DD-2 or Common Access Card); unexpired employment authorization card (I-688A, I-688B, I-766); U.S. citizen ID card (I-179, I-197); unexpired resident alien card, unexpired permanent resident card (I-551); unexpired foreign passport with a valid I-551 stamp; unexpired temporary resident card (I-688); Alien Registration Receipt Card (I-151); unexpired Re-entry Permit (I-327); unexpired temporary I-551 stamp on an I-94, with photograph of the bearer; unexpired conditional resident alien card (I-551); unexpired foreign passport with an unexpired or expired visa and a valid I-94 (holders of F-1 or F-2 visas must present a valid SEVIS I-20; holders of J-1 or J-2 visas must present a valid DS-2019); unexpired foreign passport with a valid I-94W; INS Form I-797 (applicant's name must appear on the form); unexpired Canadian passport with valid I-94; unexpired Refugee Travel Document (I-571); "U.S. Department of Receptions and Placement Program Assurance Form (Refugee)" [see note in the entry for Tennessee, above, under "Proof of U.S. citizenship, or of LPR, refugee or asylee status"] and I-94 stamped "Refugee"; Form I-94, Record of Arrival and Departure, stamped "Asylee," "Parolee" or "Parole," "Refugee," "Asylum," "HP" (for "Humanitarian Parolee"), or "PIP" (for "Public Interest Parolee"); a copy of the first and last page of an application for asylum in the U.S., provided the pages are accompanied either by a receipt from CIS showing the application has been filed or by documentation verifying the application is pending in immigration court OR indicating a decision to grant asylum by the Asylum Office; or the original of a document granting asylum issued by an immigration judge or the CIS. **Proof of SSN.** Social Security card (ITIN not accepted); IRS tax reporting W-2 form or 1099 form; payroll check stub issued by employer; unexpired U.S. active duty/retiree/reservist military ID card (DD-2 or Common Access Card)(ID cards of military dependents are not accepted); annual Social Security Statement.	

STATE	SSN REQUIREMENT?	LAWFUL PRESENCE REQUIREMENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
WA	Yes (w/exception)	No	Applicants must present 1 primary document, OR 1 supporting document and 2 alternate documents, OR a minimum of 5 alternate documents meeting the requirements listed below. **Primary documents.** Washington driver's license, instruction permit, or ID card containing signature, DOB, and photo of applicant (currently valid or expired less than one year); out-of-state driver's license, ID card or photo instruction permit, or DL from Canada or another foreign country (valid or expired less than 60 days), accompanied by either 1 supporting and 1 alternate document, or by a minimum of 2 alternate documents; valid ID card issued by the U.S., a state, or an agency of either the U.S. or a state (of a kind commonly used to identify the members or employees of the government agency) bearing the applicant's signature and photo, accompanied by either 1 supporting and 1 alternate document, or a minimum of 2 alternate documents; valid military ID card with photo and signature from a branch of the U.S. armed services; a valid U.S. passport with the bearer's signature and photo; an original CIS (formerly INS) form with the signature and photo of the bearer (e.g., the I-551, Resident Alien Card, and I-186 are considered acceptable primary documents if they contain a readable signature and photo; other CIS or INS documents have limited acceptability); parent or guardian identity signature (an applicant under age 18 may establish identity by providing an affidavit from his/her parent or guardian; the parent or guardian must accompany the applicant and provide at least one primary proof of identity and a separate document as evidence of the parent/guardian relationship; if the primary document is an out-of-state license, additional documentation will be required). **Supporting documents.** Valid non-U.S. passport; a federally recognized Indian tribe's enrollment card or a U.S. Bureau of Indian Affairs ID card containing the signature and photo of the bearer; a verification letter produced by the Washington State Dept. of Corrections, U.S. federal correction authorities, Washington Dept. of Social and Health Services, or the King County Dept. of Adult Detention (letters from any other entity, law enforcement, public or private agency, or individual *not* acceptable); a Washington city or county police employee ID card, containing the signature and photo of the bearer. **Alternate documents.** To establish proof of identity using ONLY alternate documents, the documents the applicant presents *must* meet the following requirements: One document *must* contain applicant's name and DOB and be one of those listed below under *"Name and Date-of-Birth List"*; the second document *must* contain the applicant's name and signature (see examples below); and the additional *three* documents can be (or be of a kind similar to) any of those listed below under *"Name and Photo/Address/Signature/Additional Date-of-Birth (examples)."* *Name and Date-of-Birth List (mandatory)*: Certified birth certificate; concealed weapons permit; court-issued adoption papers; foreign passport (valid or expired); foreign driver's license with photo; King County Club Entertainer Card; military discharge papers (DD-214); parental affidavit (for child 18 or older); punched Washington license/ID card; Refugee Relief Placement Packet; Veterans Administration ID; "Ward of the Court" [sic – verbatim from WA Dept. of Licensing website: www.dol.wa.gov/ds/id.htm]. *Name and Signature (examples)*: Bank card/credit card; bus pass; cancelled checks/checkbook; concealed weapons permit; diver card; divorce decree with name/signature; Flagger card; food handler card; expired foreign passport; gun permit; immunization record; King County Club Entertainer card (sheriff-issued); library card; marriage license (filed or unfiled); medical coupon; Mexican matrícula consular; Mexican military card; military discharge form (DD-214); minor ID issued by law enforcement; mortgage document; notarized commercial contract; nonphoto instruction permit with signature; rental or lease agreement; Selective Service stub; Social Security card; taxi ID with photo; tax return or W-2 form; ticket/infraction; transfer of property (Quit Claim Deed); vehicle registration; Veterans Administration ID; voter registration card. *Name and Photo/Address/Signature/Additional Date-of-Birth (examples)*: Adjudication form; auto insurance policy/card; bank account statement/cancelled check; bus pass; business license; cancelled check/checkbook; certified birth certificate of child; clearance letter/ADR from other state's DMV; employee ID; expired foreign passport; Guatemalan cédula; high school transcript or yearbook with photo; hospital birth certificate; I-766 or I-688A or I-688B; medical record paid by insurance/insurance	➢ Applicants who have been issued an SSN must provide it. Applicants without SSNs must submit a Social Security Number Declaration form.

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STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			statement; Mexican school record with seal and photo of child at age of issuance; newspaper article with photo; nonphoto instruction permit with signature; notarized contract; parent with ID for child over age of 18; pay stub; personal business mail, i.e., utility bill, insurance, retailer; photo public assistance card; restricted area security badge; Selective Service stub; voter registration card; W-2 form..	
WV	Yes (w/exception)	Yes (see comments)	**Non–U.S. citizens with immigrant status must present the following:** Form I-551 (Alien Registration Receipt Card); valid temporary I-551 stamp in non-U.S. passport (accompanied by English translation) or on Form I-94 (Arrival/Departure Record); or valid Form I-327 (Reentry Permit). In addition, immigrant applicants are required to present the following: Social Security card or ITIN, and 2 proofs of West Virginia residency. **Noncitizens with nonimmigrant status must present the following:** Social Security card or ITIN, 2 proofs of West Virginia residency, a valid non-U.S. passport with English translation, a Form I-94 (Arrival/Departure Record), a U.S.-issued visa (if the applicant is from a country whose nationals are required to obtain a visa in order to visit the U.S.). In addition, nonimmigrants must present all original documents they have been issued that verify their status and the length of their authorized stay in the U.S. Applicants whose status is F-1 or F-2 must present Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status) and written verification of their attendance at the school listed on their Form I-20. Applicants whose status is H1-A, H1-B, H-3, or H-4 must present written verification from their employer. Applicants whose status is J-1 or J-2 must present Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status) and written verification of their attendance at the school listed on their Form IAP-66. **Refugees must present the following:** Social Security card or ITIN, a Form I-94 (Arrival/Departure Record) showing that bearer has been granted refugee status, a Reception and Placement Program Assurance Form (providing written verification of the bearer's identity and West Virginia residency prepared by an employee of a sponsoring organization approved by the U.S. Dept. of State to resettle refugees in West Virginia). **Refugees without an approved sponsoring organization or asylees must present the following:** 2 proofs of West Virginia residency, a Social Security card or ITIN, Form I-94 (Arrival/Departure Record) stamped "Refugee/Asylee," and an employment authorization document (Form I-688B or I-766). **Proof of residency (any document presented must bear a West Virginia residence address).** West Virginia utility bills; West Virginia property tax bill or receipt; West Virginia mortgage documents or homeowner insurance documents for a West Virginia residence or proof of West Virginia home ownership; West Virginia W-2 form not more than 18 months old with the applicant's name and address; West Virginia weapons permit; West Virginia Motor Vehicles registration card; West Virginia voter's registration card; West Virginia school enrollment form if applicant is under age 18; West Virginia homestead tax exemption; proof of West Virginia public assistance; residential rental and/or lease agreement.	➢ Those not eligible for an SSN must present an ITIN. ➢ A license issued to a person who is not a U.S. citizen may be issued only for the time the person is legally authorized to be in the U.S., not to exceed five years. ➢ There is not an explicit lawful presence requirement, but foreign-issued documents must be accompanied by CIS or INS documents.
WI	Yes (w/exception)	No	Applicants must present proof of name and DOB, identity, and state residency. **Proof of name and DOB.** Passport or certified copy of birth certificate (hospital birth certificates or baptismal certificates are not acceptable); Wisconsin operator's license or Dept. of Transportation–issued ID card, with photo; I-151 or I-551 Alien Registration Receipt card; I-94 (Arrival/Departure Record, parole or refugee version) and Form MV3002 (certification of name and DOB); U.S. Certificate of Naturalization; U.S. Certificate of Citizenship; Wisconsin notification of birth registration; American Indian card; federal temporary resident card; federal employment authorization document; Form I-181 (Memorandum of Creation of Lawful Permanent Residence); Northern Marianas card; operator's license or ID card issued by another jurisdiction, with photo and signature of licensee; court order with applicant's full name and DOB, and court seal (e.g., adoption document, name-change document, or gender-change document; abstract of criminal or civil conviction not acceptable); U.S. military personnel ID card; Mexican voter registration card with an identifiable photo and signature of the bearer.	➢ An SSN must be provided if applicant has one. Applicants who do not have an SSN must state or subscribe under oath or affirm that they do not have an SSN.

ABBREVIATIONS: *CIS*: U.S. Citizenship and Immigration Services • *DL*: driver's license • *DMV*: Dept. of Motor Vehicles • *DOB*: date of birth • *ID*: identification • *IJ*: immigration judge • *INS*: Immigration and Naturalization Service • *IRS*: U.S. Internal Revenue Service • *ITIN*: Individual Tax Identification Number • *LPR*: lawful permanent resident • *SAVE*: Systematic Alien Verification for Entitlements • *SSA*: Social Security Administration • *SSN*: Social Security number

STATE	SSN REQUIRE-MENT?	LAWFUL PRESENCE REQUIRE-MENT?	ACCEPTABLE DOCUMENTS TO PROVE AGE, IDENTITY, RESIDENCY, LAWFUL PRESENCE AND SSN	COMMENTS & EXCEPTIONS TO RULES
			Proof of identity. Photo driver's license or state-issued ID card; military discharge papers, including DD-214; U.S. government and military dependent ID card; U.S. Merchant Mariners photo ID; copy of federal or state income tax return; professional license; marriage certificate or certified copy of a judgment of divorce; international driver's license (and applicant's valid license from his/her country of origin); SSA-issued Social Security card; credit card with signature; private investigator's license; life insurance policy; canceled check; Wisconsin Forward card or Badger Care card; Medicaid card; Canadian Social Insurance card; driver education course completion certificate; employee photo ID card; student photo ID card; ID card issued by a foreign consulate bearing an identifiable photograph and signature, or reproduction of the signature, of the bearer; certified school record or transcript; vehicle title, provided it was issued more than 30 days prior to DL application date; prison release document; affidavit from a physician who testifies as to the applicant's identity and to having known the applicant for more than 2 years, together with a physician-provided copy of the applicant's medical chart. **Proof of residency.** Wisconsin ID card or driver's license; Wisconsin vehicle registration or title, at least 30 days old; pay check or stub with applicant's name and Wisconsin address, as well as employer's name and address; a bill with applicant's name and Wisconsin address (utilities, cable TV, credit card, etc.); account statement at least 30 days old from a Wisconsin financial institution; Forward Wisconsin card (medical assistance card); Wisconsin food stamp credit card (Quest card); Wisconsin school ID/documents for applicant or applicant's child ; taxpayer ID number along with the letter from the IRS addressed to applicant; Milwaukee County ID card issued after Feb. 1, 2000; verification that applicant is a resident of Wisconsin provided by applicant's spouse, mother, father, child or legal guardian who has a valid Wisconsin DL or ID card (addresses of applicant and verification provider need not be the same); other documents or proof that are approved at a local level by a staff member at a Division of Motor Vehicles service center.	
WY	Yes (w/exception)	Yes	Applicants must submit proof of identity and lawful presence. **Proof of identification.** Original or state-certified birth certificate (no photocopies accepted); valid U.S. or Canadian passport; U.S. Certificate of Naturalization; non-U.S. immigration documents in lieu of foreign birth certificates (a non-U.S. passport must be accompanied by appropriate INS or CIS documents).	➢ An SSN must be provided if the applicant has one. An applicant who does not have an SSN must sign an affidavit stating that he or she does not have an SSN. ➢ DLs issued to "nonresident aliens" expire the date that their INS or CIS document expires, and not to exceed four years.

ABBREVIATIONS: *CIS*: U.S. Citizenship and Immigration Services • *DL*: driver's license • *DMV*: Dept. of Motor Vehicles • *DOB*: date of birth • *ID*: identification • *IJ*: immigration judge • *INS*: Immigration and Naturalization Service • *IRS*: U.S. Internal Revenue Service • *ITIN*: Individual Tax Identification Number • *LPR*: lawful permanent resident • *SAVE*: Systematic Alien Verification for Entitlements • *SSA*: Social Security Administration • *SSN*: Social Security number

January 27, 2011

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Re: House Bill 3 - Relating to Issuance of Driver's Licenses
Constitutional Issues

Chair Lynn, Vice-Chair Keller:

Thank you for the opportunity to submit written testimony regarding House Bill 3, Relating to Issuance of Driver's Licenses.

The American Civil Liberties Union of Alaska 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 that perspective, as we testified at the hearing this morning, we have several concerns with the proposed legislation, outlined in greater detail below.

Purpose of Driver's License: Federal Pre-Emption Issues

A driver's license' "primary purpose is to allow its bearer lawfully to drive a car." *U.S. v. Campos-Serrano*, 404 U.S. 293, 299 (1971). It is not intended as a document to relate to one's immigration status.

HB 3 would require the State of Alaska both to determine ***whether*** someone is legally present in the country and to speculate on ***how long*** that individual may stay. This determination implicates the Supremacy Clause of the United States Constitution, which guarantees that federal law will supersede state law in the areas of immigration. "The Federal Government has broad constitutional powers in determining what aliens shall be admitted to the United States, the period they may remain, regulation of their conduct before naturalization, and the terms and conditions of their naturalization. Under the Constitution the states are granted no such powers; they can neither add to nor take from the conditions lawfully imposed by Congress upon admission, naturalization and residence of aliens in the United States or the several states. ***State laws which impose discriminatory burdens upon the entrance or residence of aliens lawfully within the United States conflict with this constitutionally derived federal power to regulate immigration, and have accordingly been held invalid.***" *DeCanas v. Bica*, 424 U.S. 351, 358 n.6 (1976) (citations omitted) (emphasis added).

The once-a-year requirement to renew a driver's license for those present for an indefinite period of time bears a striking similarity to the annual registration requirement for legal immigrants overturned in *Hines v. Davidowitz*, 312 U.S. 52, 59-60 (1941). In *Hines*, legal aliens were required to obtain a Pennsylvania identification card, renewed every year, which had to be shown, among other purposes, "as a condition precedent to registering a motor vehicle in his name or obtaining a license to operate one." *Id.* at 59. ***The Pennsylvania identification requirement was invalidated, as Congress had reserved entirely to itself, or "occupied the field" of, the management of aliens within the borders of the United States***. *Id.*, (emphasis added).

The United States Supreme Court has even held that some state laws relating exclusively to *undocumented immigrants* may violate the Supremacy Clause, where the regulation does not clearly serve legitimate state interests. *Plyler v. Doe*, 457 U.S. 202, 226-30 (1982) (overturning a Texas policy of not reimbursing public school districts for the costs associated with teaching undocumented students). Further, various federal statutes manifest an intent to prohibit discrimination against people on the basis of immigration status. *See, e.g.*, 8 U.S.C.A. § 1324b.

These cases and statutes indicate that, if enacted, HB 3 would likely be found to violate the Supremacy Clause.

Legislation Directed at Immigrants: Suspect Classification

Generally, regulations explicitly directed at legal immigrants are considered suspect classifications, like distinctions based on race and nationality. *Graham v. Richardson*, 403 U.S. 365, 372 (1971). The State of Alaska may not impose a special condition of driver's license renewal on legal immigrants, for similar reasons as it could not impose such conditions on drivers of a certain race, sex, or religion.

HB 3, if enacted as drafted, would regulate the issuance of essential identification to legal immigrants, in a manner discriminatory towards those legal immigrants and potentially quite burdensome. Some immigrants may have short-term visas which are periodically renewed. The State of Alaska would impose unreasonable burdens on those immigrants by mandating that they also renew their driver's licenses each time they obtain a new visa, ***for reasons having nothing to do with the fitness of the individual to drive a car***. *See Lozano v. City of Hazleton*, 620 F.3d 170, 220 (3d Cir. 2010) (distinguishing between the city's authority to regulate the housing market for health and safety purposes, and the city's use of its regulatory powers to "regulate residence based solely on immigration status").

Equal Protection / Due Process Issues

HB 3 additionally raises issues regarding violation of both federal and Alaska standards for equal protection. *See, e.g.*, *State, Dep't of Revenue v. Andrade*, 23 P.3d 58, 78 (Alaska 2001) (noting that both sides conceded, and the court held, that an earlier regulation barring *all* legal aliens from obtaining money from the permanent fund violated equal protection). That driving may be considered a privilege and not a right is immaterial; the denial to non-citizens of certain state benefits, including financial assistance for education and certain welfare benefits, has been ruled unconstitutional. *Richardson*, 403 U.S. at 375-76; *Nyquist v. Mauclet*, 432 U.S. 1, 11-12 (1973).

Assuming that the statute's intended meaning is that some categories of non-citizens should be forced to renew their licenses more frequently than citizens, the use of immigration status, or alienage, as a classification violates equal protection.

Moreover, the Alaska Supreme Court has emphasized the status of driver's licenses as "an important property interest." *Champion v. Department of Public Safety*, 721 P.2d 131, 133 (Alaska 1986). A driver must receive meaningful due process before a "driver's license[ ] may be revoked or suspended." *Javed v. Department of Public Safety,* 921 P.2d 620, 622 (Alaska 1996) (citations omitted). While most due process cases relate to revocation or suspension of a driver's license, rather than issuance, given the technical legal nature of the terms by which the license is revoked, a court might look at this rule as requiring a substantial and meaningful hearing, including a court hearing, to determine the immigration status of the individual. Designating a license for early and automatic expiration is not functionally different from suspending or revoking the license.

Thus, allowing employees of the Division of Motor Vehicles to assess someone's immigration status would likely not comport with due process. Moreover, the implications of a due process challenge on this issue would merely heighten the pre-emption argument that the bill as a whole is invalid, as the statute would likely require state officials to assess independently a licensee's federal immigration status. That function is neither one that state officials are well-equipped to do, nor one that Congress has delegated to them.

Given the lack of expertise of state officials in the federal immigration arena, the "risk of error" in assessing whether someone is a legal immigrant and how long they may legally stay in the United States would seem to be high. Such "risk of error" would invalidate an automatic scheme of license revocation. *City of Redmond v. Moore*, 91 P.3d 875, 881 (Wash. 2004).

Additionally, the Committee may wish to consider the potential language proficiency issues of some legal immigrants and their lack of familiarity with the legal system. An immigrant who innocently misses a re-registration deadline, and is then found guilty of driving on an expired license, could have that conviction hamper their continued efforts to remain in the country or to become a citizen or permanent resident.

Procedural Issues: Departmental Regulations, Scope of "Indefinite"

A further problem with HB 3 is that it dictates an outcome, without explaining a method. The bill leaves up to regulation by the department *how* the duration of the individual's stay is determined. However, Alaska state administrative agencies have no identified expertise in determining immigration status, and the courts have noted the inability of the states to do so, as "the structure of the immigration statutes makes it impossible for the State to determine which aliens are entitled to residence, and which eventually will be deported." *Plyler*, 457 U.S. at 236 (Blackmun J., concurring); *id.* at 226; *Lozano,* 620 F.3d 170, 197 (3d Cir. 2010).

Without a fixed system for determining the immigration status of driver's license applicants, the uncertainty of the administrative determination could impose unreasonable suspicion on those who "look" or speak "differently." "Guesswork unavoidably yields discrimination." *Lozano*, 620 F.3d at 217. A better course, is for the state to leave determination of immigration status to the unified federal system, rather than enacting legislation and eventual regulations that put admittedly legal immigrants under a pall of suspicion.

Conclusion

We hope that the State Affairs Committee will note the multiple constitutional infirmities with the proposed language in HB 3.

While, as testified, the ACLU of Alaska does not contest the State's ability and duty to regulate the safety of our roads, as drafted, HB 3 goes far outside this permissible sphere. The issues raised above present substantial Constitutional problems and would entangle the state in lengthy, costly, and needless litigation, should HB 3 pass as currently written.

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Please feel free to contact the undersigned should you require any additional information. We are happy to reply to any questions that may arise either through written or verbal testimony, or to answer informally any questions which Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,

Jeffrey Mittman
Executive Director
ACLU of Alaska

cc: Representative Paul Seaton, Representative_Paul_Seaton@legis.state.ak.us
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Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans Affairs Committee

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A Communication From
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Sponsor Statement
HB 3
"An Act relating to issuance of driver's licenses."

Under current statute, Alaska driver's licenses are issued for a period of five years. The Department of Administration-Division of Motor Vehicles is afforded discretion to extend the expiration date for certain licenses beyond five years, but is not currently empowered to issue a license for *less* than five years. HB 3 would authorize DMV to issue driver's licenses that expire in less than five years for persons who are legally permitted to stay in the United States indefinitely or for less than five years. If a person is authorized to stay in the United States indefinitely, the DMV would issue a license that must be renewed annually. If a person is authorized to stay in the United States for less than five years, the DMV would issue a license that is only valid for the period of authorized stay.

Contact: Thomas Reiker, (907) 465-4965

Revised: January 21, 2011

AS 28.15.101. Expiration and Renewal of Driver's License.

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the fifth year following issuance of the license. A license may be renewed within one year of its expiration upon proper application, payment of the required fee, and except when a license is renewed under (c) of this section, successful completion of a test of the licensee's eyesight.

(b) The department may defer the expiration of the driver's license of a person who is outside the state under terms and conditions that the department shall prescribe by regulation.

(c) A driver's license may be renewed by mail if the licensee complies with (a) of this section, except that a license may not be renewed by mail if:

(1) the most recent renewal of the applicant's license was by mail; or

(2) the applicant is 69 years of age or older on the expiration date of the driver's license being renewed.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: HB 3 (STA)
() Publish Date

Identifier (file name) HB003-STA-DOA-DMV-1-24-11
Title: "An Act relating to issuance of driver's licenses."
Sponsor: REP(s) Lynn, Hawker, Chenault, Johnson, Gatto
Requester: (H)STA

Dept. Affected: Administration
Appropriation: Motor Vehicles
Allocation
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
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	**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 (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Not applicable; initial version

Prepared by: Whitney Brewster
Phone: 907-269-5574
Division: Motor Vehicles
Date/Time: 1/24/11 10:30 AM
Approved by: John Cramer, Deputy Commissioner
Date

(Revised 12/29/2010 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 3

Analysis

This bill has no fiscal impact on the Division of Motor Vehicles (DMV).

HB

4

<TARGET><BILL>HB 4</BILL><SUBJECT>HB
4</SUBJECT><COMM>HSTA27</COMM></TARGET>

27-LS0011\B
Kirsch
2/7/11

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 4( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE LYNN

A BILL

FOR AN ACT ENTITLED

"An Act relating to the members of the state personnel board."

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

*** Section 1.** AS 39.25.060(a) is amended to read:

(a) The personnel board is composed of **five** [THREE] members appointed by the governor and confirmed by the legislature meeting in joint session. **The board shall be made up of two members selected from a list of four names to be submitted by the central committee of each political party whose candidate for governor received the highest number of votes or the second highest number of votes in the most recent preceding general election at which a governor was elected, and one member nominated by majority vote of the four committee members chosen from a list submitted by a political party.** The term of office of a member is six years**; however, notwithstanding AS 39.05.080(4), the member remains in office after expiration of the term until a successor is confirmed** [. 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].

* **Sec. 2.** AS 39.25.060(b) is amended to read:

(b) Members of the board **may not serve more than one term and** may not be employees of the state. Not more than **three** [TWO] members of the board may be members of the same political party.

* **Sec. 3.** AS 39.25.060 is amended by adding a new subsection to read:

(e) A vacancy because of the expiration of a term on the board shall be filled within 30 days after the occurrence of the vacancy under (g) or (h) of this section, as applicable.

(f) A vacancy in an unexpired term shall be filled by appointment by the governor for the remainder of the term under (g) or (h) of this section, as applicable. The appointment is subject to confirmation in the same manner as a full-term appointment.

(g) When replacing a member who was selected from a list submitted by a political party, the governor shall chose from a list of four names to be submitted by the central committee of the party

(1) whose candidate for governor received the highest number of votes or the second highest number of votes in the most recent preceding general election at which a governor was elected; and

(2) that has the fewest number of members on the board.

(h) When replacing a member who was not selected from a list submitted by a political party, the four members selected by the governor from a list submitted by a political party shall, by a majority vote, nominate to the governor an individual to serve as the fifth member of the board. The governor shall either appoint the nominee to the board or reject the nominee and request those four members to nominate another individual to serve as the fifth member of the board.

* **Sec. 4.** AS 39.25 is amended by adding a new section to read:

Sec. 39.25.064. Prohibited conduct by board members. (a) A member of the personnel board may not, during the person's term of office,

(1) hold or campaign for elective office;

(2) be an officer of a political party or political group;

(3) lobby;

(4) employ a lobbyist; or

(5) assist in lobbying.

(b) In this section,

(1) "political group" has the meaning given to "group" in AS 15.13.400;

(2) "political party" has the meaning given in AS 15.13.400.

* **Sec. 5.** AS 39.25.070 is amended to read:

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; **three** [TWO] members constitute a quorum for the transaction of business and **three** [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. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. Notwithstanding AS 39.25.060(a), as amended by sec. 1 of this Act, a member of the personnel board serving on the effective date of this Act remains in office for the duration of the term to which appointed and confirmed. Within 60 days after the effective

date of this Act, the governor shall appoint one member from each of the two political parties whose candidate for governor received the highest number of votes and the second highest number of votes in the most recent preceding general election at which a governor was elected. The appointee from each of the two parties shall be chosen from a list of four names to be submitted by the central committee of the party. The governor shall appoint one member to a four-year term and one member to a six-year term. The governor shall specify the term of each member appointed under this section. When a vacancy occurs after these initial appointments, the governor shall appoint a member from one of the two political parties whose candidate for governor received the highest number of votes or the second highest number of votes in the most recent preceding general election at which a governor was elected until the membership of the board contains four members appointed from a list submitted by a political party. When the next vacancy occurs, the four members selected by the governor from a list submitted by a political party shall, by a majority vote, nominate to the governor an individual to serve as the fifth member of the board. The governor shall either appoint the nominee to the board or reject the nominee and request those four members to nominate another individual to serve as the fifth member of the board.

Alaska State Legislature

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Member
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Finance Subcommittees
Administration
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Military and Veterans' Affairs

A Communication From
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TO: Members of the House State Affairs Committee

FR: Rep. Bob Lynn
Chair, House State Affairs Committee

RE: Explanation of changes in HB 4

The original version of HB 4 required the Chief Justice of the Alaska Supreme Court to populate a list of potential Personnel Board appointees from which the Governor would choose the eventual nominee. The Sponsor Substitute removes the Chief Justice from the equation at the Judiciary's urging. Instead, the sponsor substitute implements the same process for filling Personnel Board vacancies that is currently used to fill open positions on the Alaska Public Offices Commission. The proposed committee substitute addresses the transition from the old Personnel Board structure to the new one proposed in HB 4. Current members of the board would not have to be automatically removed once HB 4 takes effect, nor would the entire board have to be replaced if a third party won or came in second in a gubernatorial election.

For more information, contact **Thomas Reiker** at **907-465-4965** or **thomas_reiker@legis.state.ak.us**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE LYNN

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

"An Act relating to the members of the state personnel board."

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

*** Section 1.** AS 39.25.060(a) is amended to read:

(a) The personnel board is composed of **five** [THREE] members appointed by the governor and confirmed by the legislature meeting in joint session. **The board shall be made up of two members of each of the two political parties whose candidate for governor received the highest number of votes and the second highest number of votes in the most recent preceding general election at which a governor was elected. The two appointees from each of these two parties shall be chosen from a list of four names to be submitted by the central committee of each party. The four members selected by the governor from a list submitted by a political party shall, by a majority vote, nominate to the governor an individual to serve as the fifth member of the commission. The governor shall either appoint the nominee to the commission, or shall reject the nominee and request those four members to nominate another individual to serve as the fifth member of the**

commission. The term of office of a member is six years**; however, notwithstanding AS 39.05.080(4), the member remains in office after expiration of the term until a successor is confirmed**. [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.]

*** Sec. 2.** AS 39.25.060(b) is amended to read:

(b) Members of the board **may not serve more than one term and** may not be employees of the state. Not more than **three** [TWO] members of the board may be members of the same political party.

*** Sec. 3.** AS 39.25.060 is amended by adding a new subsection to read:

(e) A vacancy because of the expiration of a term on the board shall be filled within 30 days after the occurrence of the vacancy by the same appointing method used for the member whose term is expiring. 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.

*** Sec. 4.** AS 39.25 is amended by adding a new section to read:

Sec. 39.25.064. Prohibited conduct by board members. (a) A member of the personnel board may not, during the person's term of office,

(1) hold or campaign for elective office;

(2) be an officer of a political party or political group;

(3) lobby;

(4) employ a lobbyist; or

(5) assist in lobbying.

(b) In this section,

(1) "political group" has the meaning given to "group" in AS 15.13.400;

(2) "political party" has the meaning given in AS 15.13.400.

*** Sec. 5.** AS 39.25.070 is amended to read:

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; **three** [TWO] members constitute a quorum for the transaction of business and **three** [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. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. Notwithstanding AS 39.25.060(a), as amended by sec. 1 of this Act, a member of the personnel board serving on the effective date of this Act remains in office for the duration of the term to which appointed and confirmed. Within 60 days after the effective date of this Act, the governor shall appoint one member from each of the two political parties whose candidate for governor received the highest number of votes and the second highest number of votes in the most recent preceding general election at which a governor was elected. The appointee from each of the two parties shall be chosen from a list of four names to be submitted by the central committee of the party. The governor shall appoint one member to a five-year term and one member to a six-year term. The governor shall specify the term of each member appointed under this section. When a vacancy occurs after these initial appointments, the governor shall appoint a member from one of the two political parties whose candidate for governor received the highest number of votes or the second highest number of votes in the most recent preceding general election at which a governor was elected until the membership of the board contains two appointed members from each of the political

parties.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Sponsor Statement
HB 4
"An Act relating to the members of the state personnel board."

In recent years, Alaska's processes for filing formal complaints against public officials have come under heightened scrutiny. The Legislature has made significant changes in the area of legislative ethics, but there is still work to be done to remove any appearance of impropriety from the complaint process for the executive branch.

Among other things, the Personnel Board is responsible for adjudicating a wide array of ethics complaints against the Governor, Lt. Governor, or Attorney General. Currently, the Governor enjoys complete autonomy to choose the people hearing these complaints, subject to their confirmation by the Legislature. The Personnel Board also typically operates on a 2:1 partisan split.

HB 4 replaces the current structure of the Personnel Board with the structure of the Alaska Public Offices Commission. So, the Personnel Board would extend from three members to five. These two additional board members will bring a broader range of viewpoints to the board.

Also, the Governor would no longer appoint whomever he or she likes, but would instead appoint nominees from lists generated by the central committees of the two parties receiving the highest number of votes in the previous gubernatorial election. The four board members chosen from these party lists would then select their own chairperson, who would be subject to approval by the Governor and confirmation by the Legislature.

For more information, contact **Thomas Reiker** at **907-465-4965** or **thomas_reiker@legis.state.ak.us**

HB 4 would likely afford each major party two seats on the board and force the Democrat and Republican board members to agree upon a chairperson. This would eliminate the "yes men" perception that can stem from the board's current 2:1 partisan make-up. HB 4 would also significantly lower the hurdle for third parties to enjoy representation on the Personnel Board. Rather than having to win the gubernatorial election, a third party would need merely to come in second or convince the existing board members to nominate an independent or third party chairperson.

It is vital that Alaskans believe the complaint process for public figures is beyond reproach. HB 4 would reinforce this notion by making the Personnel Board more independent and less partisan. I hope you will join me in supporting these important changes.

For more information, contact **Thomas Reiker** at **907-465-4965** or **thomas_reiker@legis.state.ak.us**

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MEMORANDUM February 7, 2011

SUBJECT: Replacement of personnel board members under the proposed language of HB 4 (Work Order No. 27-LS0011\M)

TO: Representative Bob Lynn
Attn: Thomas Reiker

FROM: Lisa Moritz Kirsch
Legislative Counsel

Thomas Reiker asked for a memo setting out the member appointment procedure under HB 4 when a third party gets the highest number of votes, or the second highest number of votes, in a gubernatorial election.

From a practical perspective, the governor may remove a sitting personnel board member for cause at any time, even though that member was properly appointed and the member's term is unexpired. The Alaska constitution provides that as to a regulatory or quasi-judicial board, members may be removed as provided by law.[1] The removal law for the personnel board is in existing AS 39.25.060(c); a personnel board member may be removed by the governor, but only "for cause." So if cause exists, it is possible a governor could replace a member, or members, at any time.

I found no expression of what "cause" might be for the personnel board, but other boards have used poor attendance at board meetings, non-participation at board meetings, or violations of law as cause for removal. In my opinion, the election alone is not cause for removal. As the term "cause" is used in the statute, it refers to the conduct of the board member, not intervening circumstances beyond the member's control.

If no cause for removal exists, vacancies and opportunities to appoint occur only when a term ends or a member resigns. Therefore, if a third party receives the highest or second highest number of votes in an election, and the board has two members from the party that failed to garner the highest or second highest number of votes, the governor could only appoint a member from the third party if there is a vacancy or cause for removal of a member.

It is possible that someone could read AS 39.25.060(a) as amended in HB 4 to require the governor to immediately strip out the major party members if a third party gubernatorial

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[1] Art. III, sec. 26.

candidate received the highest or second highest number of votes. The mandatory language, "the board shall be made up of two members of each of the two political parties" could lead to the conclusion that when one party is demoted to third place the board must be reconstituted to mirror the election result. But this interpretation would probably be rejected in court because it ignores the removal statute that requires cause to remove a member. In interpreting statutes, courts will harmonize statutes if possible.

However, the language that came from the APOC statute was designed to create a new board, and it may be wise to amend AS 39.25.060(a) in the bill to suit an existing board. Please let me know if you would like me to prepare a sponsor substitute with such changes.

LMK:plm
11-057.plm

AS 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.

AS 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.

AS 39.25.140. Amendment of Personnel Rules.

(a) The director of personnel shall prepare and submit to the commissioner of administration any proposed amendments to the personnel rules for all positions and employees subject to this chapter.

(b) The commissioner of administration shall review the amendments and submit them to the personnel board.

(c) At least 30 days before the adoption, amendment, or repeal of a personnel rule, the secretary to the personnel board shall provide notice that the personnel board has the proposed action under consideration. The notice shall be

(1) posted in public buildings throughout the state;

(2) published in one or more newspapers of general circulation throughout the state;

(3) mailed to each person or group that filed a request for notice of proposed action with the secretary to the personnel board;
(4) furnished to each member of the legislature and to the Legislative Affairs Agency.

(d) The rules may provide for exemptions and modifications that are necessary to assure the continuity of federal grants to agencies supported in whole or in part by federal contributions.

(e) The rules adopted under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act. The rules shall be published in the Alaska Administrative Register and Code for informational purposes.

(f) Failure to mail notice to a person as required in this section does not invalidate an action taken by the personnel board.

(g) An amendment to the personnel rules takes effect 30 days after it is approved by the personnel board. The board, if requested to do so, may hold a public hearing on a proposed amendment.

AS 39.25.170. Hearings and Appeals Upon Dismissal, Demotion, or Suspension.

(a) An employee in the classified service who is dismissed, demoted, or suspended for more than 30 working days in a 12-month period shall be notified in writing by the employer of the action and the reason for it and may be heard publicly by the personnel board and may be represented by counsel at the hearing. In order to be heard, the complainant shall request a hearing within 15 days of dismissal, demotion or suspension.

(b) If the board finds that the action complained of was taken for a political, racial, or religious reason, or in violation of this chapter or the rules

adopted under this chapter, the officer or employee shall be reinstated to the position without loss of pay or leave benefit for the period of dismissal, demotion, or suspension. In all other cases, the board shall report its findings and recommendations to both parties.

AS 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. [emphasis added]

(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.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 004**
() Publish Date

Identifier (file name) HB004-DOA-DOP-02-18-11
Dept. Affected Administration
Title "An Act relating to members of the state personnel board"
Appropriation Central Administrative Services
Allocation Personnel
Sponsor Representative Lynn
Requester House State Affairs
OMB Component Number 56

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Nicki Neal, Director
Phone 465-4429
Division Division of Personnel & Labor Relations
Date/Time 2/18/11 11:30 a.m.
Approved by John Cramer, Deputy Administrator
Department of Administration
Date 2/18/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 004

Analysis

The bill will have a negligible fiscal impact on the Division of Personnel and Labor Relations.

HB

14

<TARGET><BILL>HB 14</BILL><SUBJECT>HB
14</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 18, 2011

FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 2-1-2011

The STATE AFFAIRS Committee considered: **HB 14**

HOUSE BILL NO. 14

"An Act authorizing state agencies to pay private legal fees and costs incurred by persons exonerated of alleged Alaska Executive Branch Ethics Act violations; allowing certain public officers and former public officers to accept state payments to offset private legal fees and costs related to defending against an Alaska Executive Branch Ethics Act complaint; and creating certain exceptions to Alaska Executive Branch Ethics Act limitations on the use of state resources to provide or pay for transportation of spouses and children of the governor and the lieutenant governor."

HB 14 EXEC ETHICS: LEGAL FEES/FAMILY TRAVEL

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	LAW			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle Johansen	Johansen			X	
Peggy Wilson	Wilson				X
Mike Kreiss	Kreiss	✓			
Dave Seaton	Seaton	✓			
Bob Peterson	Peterson	X			
Chair:	LYNN			X	
Chair:					

Additional Materials for HB 14

Member

Standing Committees:
Rules
Judiciary
State Affairs
Transportation

Finance Subcommittees:
Corrections
Courts
Law

Alaska State Legislature
House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

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Rep.Max.Gruenberg@legis.state.ak.us

UPDATED SPONSOR STATEMENT
HB 14 - EXECUTIVE ETHICS: LEGAL FEES/FAMILY TRAVEL

House Bill 14 sets forth in statute the substance of the Attorney General's recently-enacted regulations establishing standards for (1) reimbursement of legal fees and costs for any executive branch employees accused of ethical violations, and (2) payment of travel expenses for the families of only the governor and lieutenant governor.

HB 14 differs from the regulations in two important ways. First, although both the regulations and HB 14 authorize the use of state funds to pay the travel costs of children of the governor and lieutenant governor to certain events, HB 14 would authorize this payment not just for minor children, but also for mentally and physically disabled children who are dependent on the governor or lieutenant governor for care.[1] Second, the regulations authorize the state to pay, *in advance of exoneration*, the ongoing legal fees and costs of an employee accused of an ethics violation. If the employee is not exonerated of the ethics charges, the state must then attempt to recoup the funds it advanced to defend the guilty employee. HB 14, on the other hand, would require that an employee *be exonerated* before the state could reimburse the employee for his or her fees and costs.[2] HB 14 cures both problems.

If you have any questions, please contact my legislative aide, Gretchen Staft, at 465-4940.

Thank you for your consideration of HB 14.

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[1] See page 3, lines 5-10 of the bill.
[2] See page 4, lines 6-11 of the bill.

LEGAL SERVICES

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MEMORANDUM January 31, 2011

SUBJECT: State reimbursement of legal costs for defending against ethics complaints. (HB 14; Work Order No. 27-LS0124\A)

TO: Representative Max Gruenberg
Attn: Gretchen Staft

FROM: Dan Wayne
Legislative Counsel

You have asked for a further explanation of the term "apportionment" as used on page 4, lines 12 - 13 of HB 14, and the term "necessarily incurred," as used on page 4, line 31.

1. "Apportionment" would allow for partial reimbursement of legal expenses where a single ethics complaint alleges more than one ethics violation, if an accused person is exonerated of fewer than all of the violations alleged. 9 AAC 52.040 allows apportionment as well. 9 AAC 52.040(d)(2)(B) says that legal expenses paid may "be apportioned by alleged violation if a complaint alleges more than one violation, but only if the public officer provides clear documentation that the expenses paid were limited to the alleged violation for which the public officer is exonerated."

2. The term "necessarily incurred" is relied on by Alaska courts when awarding attorney fees under Rule 82 of the Alaska Rules of Civil Procedure. Rule 82(b)(2) requires that, in cases in which the prevailing party does not win a money judgment, the court shall award the prevailing party a percentage of that party's "reasonable actual attorney's fees which were necessarily incurred." The court does not pay the awarded fees; it orders them paid by the party who opposed the prevailing party. The percentage is 30 percent if the case goes to trial and 20 percent if it's resolved without a trial, although under Rule 82(b)(3) that amount can be increased or decreased based on fairness to the parties, the complexity of the litigation, the length of trial, vexatious or bad faith conduct, the relationship between the amount of work performed and the significance of the matters at stake, the extent to which the fees incurred by the prevailing party suggest they were influenced by considerations apart from the case (such as a desire to discourage claims by others), and the reasonableness of the hourly rate, number of hours expended, and number of attorneys used.

If I may be of further assistance, please advise.

DCW:plm
11-045.plm

LEGISLATIVE RESEARCH SERVICES

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L

Memorandum

HB 14

TO: Representative Max Gruenberg
FROM: Patricia Young, Manager
DATE: January 25, 2011
RE: State Payment of Legal Fees Incurred in Defense of an Ethics Complaint against a Public Official
LRS Report 11.122

You wished to know of any instances in Alaska or other jurisdictions where the government is authorized to reimburse a public official or state employee for legal fees and costs that the individual incurs in defending against an ethics complaint. You also wished to know of instances in Alaska or other jurisdictions where the government is authorized to pay such fees and costs in advance of exoneration.

Authorization for reimbursement of legal fees appears to be relatively common, although in a number of jurisdictions, the reimbursement is authorized to be gained from the person who brought the complaint. We identified at least three jurisdictions in which reimbursement comes through the government.[1]

- A 2008 amendment to the ethics laws on investigations in Alberta, Canada, provides for reimbursement of legal expenses through the Legislative Assembly.

- Connecticut law provides for reimbursement of legal fees by the state when charges of ethics violations are held to be without foundation. The Connecticut law further authorizes that if the complainant brought the charge knowing that it was baseless, the public official or state employee will have a cause of action against the complainant for double the amount of damage caused. If the action is successful, the courts may also award the individual the costs and reasonable attorneys' fees for the action.

- An agreement between Alaska's Division of Risk Management and the Alaska Court System establishes that in exchange for interagency assessments, Risk Management provides coverage for third party tort liability and workers' compensation claims for the Court System and its employees, for the Alaska Judicial Council and its members and employees, and for the Alaska Commission on Judicial Conduct and its members and employees. Risk Management provides limited coverage for disciplinary proceedings before the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Public Offices Commission, or any similar entity if the alleged conduct is within the scope of the employee's or member's office or employment and does not allege a conflict of interest. The annual aggregate limit is $45,000 per fiscal year, and each disciplinary proceeding is limited to $15,000. The employee must retain independent counsel and pay the first $3,000 for actual incurred attorney's fees and related costs. Thereafter, Risk Management pays up to $15,000 for the representation. In proceedings alleging a conflict of interest, no reimbursement is made unless a final adjudication establishes that no conflict existed.[2]

While there may be other jurisdictions that provide for advance payment of legal fees in such cases, we identified only the following in the timeframe of this report: in December 2010, the Alaska executive branch promulgated regulations establishing standards for the use of state money to reimburse or to pay in advance of exoneration a public officer's ongoing legal fees and costs for defending against an ethics complaint. In either case, the public officer must repay any money if not exonerated. Language of the new provisions follows.[3]

---

[1] Given the timeframe for this response, we searched the 2010 and 2009 Ethics Updates for the *COGEL Blue Book*, published annually by the Council on Governmental Ethics Laws and the websites of selected state ethics commissions. We also contacted Peggy Kerns, director of the Center for Ethics in Government at the National Conference of State Legislatures. Although traveling at this time, Ms. Kerns noted that she may be able to provide additional information on this topic in the future. We will forward any additional information upon its arrival.

[2] A copy of the Memorandum of Agreement between the Division of Risk Management and the Alaska Court System is attached.

[3] We also note that some states—including California, Michigan, and North Carolina—allow candidates for elective office or elective officials to create legal defense funds.

Memorandum of Agreement for
Representation and Liability Coverage
and Workers' Compensation Coverage

between

State of Alaska,
Department of Administration,
Division of Risk Management

and

State of Alaska,
Alaska Court System

RECEIVED
JUN 01 2010
DEPARTMENT OF ADMINISTRATION
COMMISSIONER'S OFFICE

The Division of Risk Management and the Alaska Court System agree that Risk Management will provide representation and liability coverage and workers' compensation coverage under the terms of this Memorandum of Agreement ("Agreement") for the Alaska Court System and its employees, for the Alaska Judicial Council and its members and employees, and for the Alaska Commission on Judicial Conduct and its members and employees.

The Alaska Court System, the Alaska Judicial Council, and the Alaska Commission on Judicial Conduct ("Court System") pay interagency assessments to Risk Management in exchange for coverage of tort liability and workers' compensation claims. Because Risk Management provides a program of self-insurance, this Agreement is not an insurance agreement.

This agreement confirms that based upon the receipt of these interagency funds the Division of Risk Management will provide the following services to the employees and members of the Court System:

(1) Defense and indemnity of third party tort liability claims for damages made against the Court System or its employees or members when acting within the scope of the employee's or members office or employment. For purposes of this agreement "acting within the scope of the employee's office or employment" is defined as set forth in AS 09.50.253(h)(1) and this definition is incorporated by reference. Third party liability claims for damages does not include claims or litigation arising out of employment scenarios (such as wrongful discharge, constructive discharge, employment related torts);

(2) Defense and indemnity of third party claims for damages brought pursuant to 42 USC sec. 1983 which meet the criteria in (1) above;

(3) If the criteria in (1) above is met, legal representation of employees and members will be provided to defend claims for punitive damages; however this agreement does not provide indemnity for punitive damage awards or judgments;

(4) Defense counsel for the above services will be provided through the State of Alaska, Department of Law, through Risk Management's RSA, unless there is an ethical conflict barring representation; and

(5) Claim processing and payment of workers compensation claims made by Court System employees where the Court System is the employer.

The Division of Risk Management will provide the following additional services to the Court System as set forth below:

(1) Risk Management will not provide representation or indemnification to an employee for disciplinary proceedings. However, Risk Management will provide limited coverage for disciplinary proceedings, if the alleged conduct is within the scope of the employee's or member's office or employment as defined in AS 09.50.253(h)(1) and does not allege a conflict of interest.

(a) For each disciplinary proceeding, an employee who retains a private attorney will be reimbursed up to $15,000 for the actual incurred costs (independent attorney fees and related legal expenses) incurred for that representation. Reimbursement will be made per disciplinary proceeding, notwithstanding the number of allegations contained within any complaint or charging document.

(b) Prior to reimbursement, the employee must first pay $3,000 for actual incurred costs (independent attorney fees and related legal expenses) for private representation.

(c) There is an annual aggregate limitation to this reimbursement by the Division of Risk Management to $45,000 per fiscal year (the period of July 1 through June 30).

(d) Risk Management will not provide reimbursement for proceedings that allege a conflict of interest between the employee's official capacity and the activities of the employee as a director, officer, partner, investor, or trustee of any private, public, or charitable organization, or to any other conflict of interest claim, unless a final adjudication has been made and no conflict was found to exist.

(e) "Disciplinary proceedings" means proceedings before the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Public Offices Commission, or any similar entity, but does not include proceedings brought under the Alaska Court System's Personnel Rules, or under any personnel rules adopted by the Alaska Judicial Council or the Alaska Commission on Judicial Conduct.

This agreement may be cancelled by either party upon 60 days' notice.

ALASKA COURT SYSTEM

FOR Christine Johnson
Administrative Director
DATED: 5-19-10

DEPARTMENT OF ADMINISTRATION

for Annette Kreitzer
Commissioner
DATED: 6-1-10

ALASKA JUDICIAL COUNCIL

Larry Cohn
Executive Director
DATED: 5/20/10

ALASKA COMMISSION ON JUDICIAL CONDUCT

Marla Greenstein
Executive Director
DATED: 5-20-10

9 AAC 52.040. Unwarranted Benefits or Treatment.

. . .

(c) Subject to the requirements of AS 39.52.110, 39.52.120, 39.52.150, and AS 39.90.020, neither the Ethics Act nor this chapter prohibits a public officer from

. . .

(3) accepting money to reimburse the public officer for reasonable expenses incurred for professional legal services to defend against a complaint brought under AS 39.52.310 - 39.52.390, if

(A) the public officer is exonerated of a violation of the Ethics Act for which payment is made;

(B) the complaint concerns conduct that occurred during the public officer's employment or service as a public officer;

(C) the public officer executes a written agreement to repay any money requested and paid in advance of exoneration if the public officer is not exonerated of the violation; and

(D) the public officer repays any money paid in advance if the public officer is not exonerated of the violation; or 3

(4) approving money to reimburse another public officer for reasonable expenses incurred for professional legal services to defend against a complaint brought under AS 39.52.310 - 39.52.390, entering into an agreement to pay those expenses on behalf of another public officer, or authorizing payment to secure those professional legal services on behalf of another public officer, if

(A) the complaint concerns conduct that occurred during the public officer's employment or service as a public officer;

(B) the payment is made by a state agency that has money appropriated that may be lawfully used for the purpose of paying the expenses; and

(C) the public officer whose expenses are paid

(i) has been exonerated of a violation of the Ethics Act for which payment is made; or

(ii) has executed a written agreement to repay any money paid in advance of exoneration, if the public officer is not exonerated of the violation.

(d) For purposes of (c)(3) and (4) of this section,

(1) exoneration of a violation of the Ethics Act

(A) occurs when an allegation in a complaint brought against a public officer under AS 39.52.310 - 39.52.390 is

(i) dismissed under AS 39.52.310(d), 39.52.320, or 39.52.370(d);

(ii) resolved with only preventive action recommended under AS 39.52.330 to avoid a potential violation; or

(iii) dismissed after appeal under AS 39.52.370(f); and

(B) does not include the dismissal or resolution of an allegation in a complaint when corrective action is required under AS 39.52.330;

(2) expenses are reasonable if, based on an evaluation of the complexity of the alleged claim, the attorney's fee or hourly rate, the hours expended, the relationship between the amount of work performed and the significance of the alleged claim, and other relevant factors, the expenses were necessarily incurred to defend against an allegation in a complaint brought under AS 39.52.310 - 39.52.390; those expenses may

(A) include attorney's fees, fees incurred for professional legal services customarily performed by an attorney but delegated to and performed by an investigator, paralegal, or law clerk, and related costs; and

(B) be apportioned by alleged violation if a complaint alleges more than one violation, but only if the public officer provides clear documentation that the expenses paid were limited to the alleged violation for which the public officer is exonerated; and

(3) payment under this section may be made to or on behalf of a current public officer or a former public officer who was the subject of a pending complaint when the officer left state service or becomes the subject of a complaint after leaving state service.

(Eff. 4/24/94, Register 130; am 12/22/10, Register 196)
Authority: AS 39.52.120
AS 39.52.950

We hope this information is helpful. If you have questions or need additional information, please let us know.

Member

Standing Committees:
Judiciary
State Affairs
Transportation

Finance Subcommittees:
Transportation
Courts
Law

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Assistant Floor Leader

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SPONSOR STATEMENT
HB 14 - EXECUTIVE ETHICS: LEGAL FEES/FAMILY TRAVEL

HB 14 sets forth in statute the substance of the Attorney General's proposed regulations establishing standards for (1) reimbursement of legal fees and costs for any executive branch employees accused of ethical violations, and (2) payment of travel expenses for the families of only the governor and lieutenant governor. It also cures several potential problems in the proposed regulations to (1) require that the employee be *exonerated* of the charges to attain reimbursement, (2) limit reimbursement to charges filed *after* the effective date of the Act (to clarify that reimbursement cannot be claimed by officials charged before this Act passed), and (3) require that the attorneys fees be reasonable in amount and reasonably incurred. The rules are carefully drafted to limit the circumstances under which family members of the governor and lieutenant governor can recover their travel costs.

Any questions? Please contact my legislative aide, Gretchen Staft, at 465-4940.

Thank you for your consideration of HB 14.

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 12, 2010

SUBJECT: Are ethics regulations proposed December 8, 2009, within the scope of the Department of Law's regulation-making authority? (Work Order No. 26-LS1493)

TO: Representative David Guttenberg

FROM: Dan Wayne
Legislative Counsel

You have asked if the Executive Branch Ethics Act regulations proposed by the Department of Law on December 8, 2009, are within the department's regulation-making authority or if the changes proposed would first require a change in statute by the legislature.

The Administrative Procedure Act says, at AS 44.62.020:

> Except for the authority conferred upon the lieutenant governor in AS 44.62.130 - 44.62.170, AS 44.62.010 - 44.62.320 do not confer authority upon or augment the authority of a state agency to adopt, administer, or enforce a regulation. To be effective, each regulation adopted must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.

In this instance, the department's regulation-making authority comes from AS 39.52.950, which says:

> The attorney general may adopt regulations under the Administrative Procedure Act necessary to interpret and implement this chapter.

I see two places where this limited authority may be exceeded by the proposed regulations. Proposed 9 AAC 52.045 would allow the state to pay the transportation expenses of family members of the governor and lieutenant governor, even though the Act, at AS 39.52.120, prohibits that type of payment. The attorney general has previously covered this in a September 30, 2004, opinion, that said:

> For purposes of the Ethics Act, it is irrelevant that it does not cost the state more to fly the King Air with more of its seats occupied. The focus of the Ethics Act is on the benefit being conferred on the administration official

> who would not have to pay the cost of a commercial air ticket to fly his or her spouse to a location, not the cost to the state.
>
> Therefore, under current law, the Ethics Act precludes the spouses of administration officials from flying on the King Air unless the official reimburses the state the cost of a coach fare ticket for the spouse.
>
> . . .
>
> An amendment to the Ethics Act would be required to enable the Governor to allow spouses of administration officials to accompany the official on King Air flights free of charge.

Op. Attn'y Gen. (September 30, 2004); *redated for publication March 9, 2007*; 2007 Alas. AG LEXIS 5. Under the facts of this opinion there was no additional cost to the state in transporting the accompanying spouse. The 2004 opinion did not address the proposition, which the proposed 9 AAC 52.045 seems to rest upon, that the offices of governor and lieutenant governor should be considered apart from other administrative offices, as a matter of public policy, for the purpose of determining whether the state receives a benefit from the governor and lieutenant governor being accompanied by their spouses or children when traveling on state business.

The 2004 opinion said that AS 39.52.120 prohibits a public officer from securing or granting an unwarranted benefit for a spouse. "Unwarranted benefits" have been defined in existing regulations, at 9 AAC 52.040, as benefits that deviate from normal procedure and are improperly motivated. "Improper motivation" means, as defined by 9 AAC 52.990(b)(4), giving primary consideration to a person's relationship with a public officer. The 2004 A.G. Opinion reasoned that if a spouse of an administration official accompanies the official on a state trip without having to pay, there is a benefit to the spouse, and "[t]he primary consideration in granting the benefit would be the spouse's relationship with the administration official and the official's relationship with the Governor -- precisely the type of motivations that are prohibited by the Ethics Act."

In proposed 9 AAC 52.045, the accompanying spouse or child would have to demonstrate that the spouse's or child's transportation is of benefit to the state. However, as can be seen from existing regulations already adopted by the department, the department's past interpretation of AS 39.52.120 regarding state payment of family transportation costs does not, on balance, support a "benefits the state" exception to the prohibition. In fact, 9 AAC 52.040(b), which is not being amended by the proposed regulations, says that a public officer may not grant an unwarranted benefit "regardless of whether the result is in the best interest of the state." Although the proposed 9 AAC 52.045 appears to be in conflict with existing 9 AAC 52.040(b), that does not mean that a court would invalidate the proposed regulation. A court may or may not determine that a "benefits the state" exception allowing spouses and children of the governor and lieutenant governor to be transported with the governor without

reimbursement of transportation costs, exceeds the scope of AS 39.52.120; I am not able to predict which way the court would go on that question.

The proposed regulations would allow an exception to the prohibition for a spouse or child if the presence of the spouse or child is required for state business or if the purpose of transportation of the spouse or child is performance of a customary or ceremonial duty as an "official representative of the state." There is no legal authority to suggest that a person who is not a public employee or public official can be an "official representative" of the state. Being the spouse or child of a public officer does not legally confer official representative status on a person, and it follows from this that if the governor's or lieutenant governor's family member does serve the state it is in an unofficial role. I would note, nonetheless, that the governor's and lieutenant governor's families do serve a ceremonial role that is much more significant than the role served by the families of other administrative officials. The proposed regulations could be upheld on this basis if challenged.

The proposed regulations would also provide for reimbursement of private legal expenses incurred by public officers who are exonerated of allegations in an ethics complaint. The Executive Branch Ethics Act is silent with respect to legal representation of a public officer by private counsel during a complaint proceeding. The attorney general acknowledged the Act's silence on this point but argued, in a recent opinion, that public officers exonerated in ethics complaint proceedings should be reimbursed for private legal expenses incurred because it is consistent with the public's best interest and consistent with the state's general policy of paying legal expenses for public officers who defend against civil or criminal allegations arising from their service to the state.[1] A court might agree with this policy argument and still find that the legal expense reimbursement provisions of the proposed regulations go beyond the scope of the authority, granted to the Department of Law by AS 39.52.950 to adopt regulations "necessary to interpret and implement this chapter."

The legislature might appropriately choose to consider the public policy issues presented by these regulations and attempt to resolve them with legislation. Please let me know if you would like a bill drafted.

DCW:ljw
10-086.ljw

[1] Op. Attn'y Gen. file no. AN2009102807 (August 5, 2009); 2009 Alas. AG LEXIS 8.

Relevant Statutes

9 AAC 52.040. UNWARRANTED BENEFITS OR TREATMENT. (a) As used in AS 39.52.120 (a), "unwarranted benefits or treatment" includes

(1) a deviation from normal procedures for the award of a benefit, regardless of whether the procedures were established formally or informally, if the deviation is based on the improper motivation; and

(2) an award of a benefit if the person receiving the benefit was substantially less qualified, in light of the formal or informal standards set out for the award, than another person who was or reasonably should have been considered for the award if the award is based on an improper motivation.

(b) A public officer may not grant or secure an unwarranted benefit or treatment, regardless of whether the result is in the best interest of the state.

(c) Subject to the requirements of AS 39.52.110, 39.52.120, 39.52.150, and AS 39.90.020, neither the Ethics Act nor this chapter prohibits a public officer from

(1) considering a person who has a relationship with an officer for a state contract or job if the person is considered on an equal basis with other applicants; or

(2) considering an individual's political affiliation or political support in determining whether to appoint the individual to a state board or commission or to hire the individual for an exempt or partially exempt state job.

(3) accepting money to reimburse the public officer for reasonable expenses incurred for professional legal services to defend against a complaint brought under AS 39.52.310 - 39.52.390, if

(A) the public officer is exonerated of a violation of the Ethics Act for which payment is made;

(B) the complaint concerns conduct that occurred during the public officer's employment or service as a public officer;

(C) the public officer executes a written agreement to repay any money requested and paid in advance of exoneration if the public officer is not exonerated of the violation; and

(D) the public officer repays any money paid in advance if the public officer is not exonerated of the violation; or

(4) approving money to reimburse another public officer for reasonable expenses incurred for professional legal services to defend against a complaint brought under AS 39.52.310 - 39.52.390, entering into an agreement to pay those expenses on behalf of another public officer, or authorizing payment to secure those professional legal services on behalf of another public officer, if

(A) the complaint concerns conduct that occurred during the public officer's employment or service as a public officer;

(B) the payment is made by a state agency that has money appropriated that may be lawfully used for the purpose of paying the expenses; and

(C) the public officer whose expenses are paid

(i) has been exonerated of a violation of the Ethics Act for which payment is made; or

(ii) has executed a written agreement to repay any money paid in advance of exoneration, if the public officer is not exonerated of the violation.

(d) For purposes of (c)(3) and (4) of this section,

(1) exoneration of a violation of the Ethics Act

(A) occurs when an allegation in a complaint brought against a public officer under AS 39.52.310 - 39.52.390 is

(i) dismissed under AS 39.52.310(d), 39.52.320, or 39.52.370(d);

(ii) resolved with only preventive action recommended under AS 39.52.330 to avoid a potential violation; or

(iii) dismissed after appeal under AS 39.52.370(f); and

(B) does not include the dismissal or resolution of an allegation in a complaint when corrective action is required under AS 39.52.330;

(2) expenses are reasonable if, based on an evaluation of the complexity of the alleged claim, the attorney's fee or hourly rate, the hours expended, the relationship between the amount of work performed and the significance of the alleged claim, and other relevant factors, the expenses were necessarily incurred to defend against an allegation in a complaint brought under AS 39.52.310 - 39.52.390; those expenses may

(A) include attorney's fees, fees incurred for professional legal services customarily performed by an attorney but delegated to and performed by an investigator, paralegal, or law clerk, and related costs; and

(B) be apportioned by alleged violation if a complaint alleges more than one violation, but only if the public officer provides clear documentation that the expenses paid were limited to the alleged violation for which the public officer is exonerated; and

(3) payment under this section may be made to or on behalf of a current public officer or a former public officer who was the subject of a pending complaint when the officer left state service or becomes the subject of a complaint after leaving state service.

(Eff. 4/24/94, Register 130; am 12/22/10, Register 196)

Authority: *AS 39.52.120*
AS 39.52.950

9 AAC 52.045. TRANSPORTATION OF FAMILY MEMBERS OF GOVERNOR AND LIEUTENANT GOVERNOR. (a) The use or authorization of use of state money or other state resources for transportation of a family member of the governor or lieutenant governor does not violate AS 39.52.120(a) or (b)(3) if transportation is provided to an event at which the family member's presence benefits the state. The presence of a family member of the governor or lieutenant governor benefits the state if the family member's presence

(1) is required for official action of the state; or

(2) has a public purpose related to the governor's or lieutenant governor's official duties, including

(A) attending a state-sponsored event that the family of the governor or lieutenant governor customarily attends;

(B) attending an event at which the family member serves as an officially designated representative of the state; or

(C) accompanying, as an invited guest, the governor or lieutenant governor to an event related to issues important to the state when the family member's attendance is appropriate for the event, such as youth- or family-related events.

(b) For purposes of AS 39.52.120(a) and (b)(3) and (a) of this section, transportation of a family member to attend a political or campaign event held for partisan political purposes does not benefit the state.

(c) For purposes of AS 39.52.120(a) and (b)(3), the use or authorization of use of state money or other state resources for transportation of a family member that does not benefit the state is presumed insignificant if the governor or lieutenant governor pays the state the cost of the family member's transportation. Except for transportation by state aircraft for partisan political purposes under AS 39.52.120(f), the agency that authorized or paid for the travel shall determine the cost of the transportation based on either

(1) the actual fare paid; or

(2) the fare for equivalent commercial transportation, if the travel was by state aircraft, vessel, or vehicle.

(d) In this section,

(1) "child" has the meaning given in AS 39.52.960;

(2) "family member" means a spouse or minor child of the governor or lieutenant governor;

(3) "for partisan political purposes" has the meaning given in AS 39.52.120(b)(6).

(Eff. 12/22/10, Register 196)
Authority: *AS 39.52.120*
AS 39.52.950

9 AAC 52.050. USE OF STATE TIME, PROPERTY, EQUIPMENT, OR OTHER FACILITIES. (a) Unless the attorney general has issued a general opinion against the use or advised the public officer against the use, a public officer who uses state time, property, equipment, or other facilities to benefit the officer, an immediate family member of the officer, the officer's personal or financial interest, or another person does not violate AS 39.52.120(a) or (b)(3) if the officer's designated supervisor determines that the use is insignificant.

(b) For purposes of determining whether a public officer has violated AS 39.52.120(a) or (b)(3), the use of a state cellular telephone to benefit the officer, an immediate family member of the officer, the officer's personal or financial interest, or another person is presumed insignificant if

(1) the cellular telephone service plan provides, for a set monthly fee, an allowance of usable minutes or an unlimited number of usable minutes;

(2) the use does not exceed

Member

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Finance Subcommittees:
Corrections
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Alaska State Legislature
House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
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SECTIONAL ANALYSIS
HB 14 - EXECUTIVE ETHICS: LEGAL FEES/FAMILY TRAVEL

Sec. 1. Deletes definition of "for partisan political purposes." This definition section is moved to section 3 on page 3, line 30 to page 4, line 4.

Sec. 2. Conforms AS 39.52.120(f) to the change proposed in section 1.

Sec. 3. Adds language to AS 39.52.120 that would allow, with exceptions, the use of state resources to cover costs of transporting members of the governor's and lieutenant governor's families to certain events.

Sec. 4. Creates an exception to AS 39.52.120 by *allowing* (but not requiring) a state agency to pay the reasonable costs of private legal representation relating to the defense of an ethics complaint by a person accused of an Executive Branch Ethics Act violation, in certain circumstances.

Sec. 5. Makes section 4 of the bill applicable only to ethics complaints filed on or after the effective date of the bill.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **HB014**
() Publish Date

Identifier (file name): HB014-LAW-CIV-01-21-11
Dept. Affected: Law
Title: An Act relating to Executive Branch Ethics; legal fees; and limitations on state paid family travel.
Appropriation: Civil
Allocation: Opinions, Appeals and Ethics
Sponsor: Representative Gruenberg
Requester: (H) State Affairs
OMB Component Number: 2716

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
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 (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Prepared by: Eileen Donahue, Division Operations Manager — Phone: 465-5427
Division: Administrative Services — Date/Time: 1/21/11 6:00 PM
Approved by: John J. Burns, Attorney General — Date: 1/21/2011
Department of Law

(Revised 12/29/2010 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB014

Analysis

This bill authorizes state agencies to pay private legal fees and costs incurred by persons exonerated of alleged Alaska Executive Branch Ethics Act violations. Allows certain public officers and former public officers to accept state payments to offset private legal fees and costs related to defending against an Alaska Executive Branch Ethics Act complaint. Creates certain exceptions to Alaska Executive Branch Ethics Act limitations on the use of state resources to provide or pay for transportation of spouses and children of the governor and lieutenant governor. Department of Law does not anticipate a fiscal impact from this bill.

Member

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Alaska State Legislature

House of Representatives

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SECTIONAL ANALYSIS
HB 14 - EXECUTIVE ETHICS: LEGAL FEES/FAMILY TRAVEL

Sec. 1. Deletes definition of "for partisan political purposes." This definition section is moved to section 3 on page 3, line 30 to page 4, line 4.

Sec. 2. Conforms AS 39.52.120(f) to the change proposed in section 1.

Sec. 3. Adds language to AS 39.52.120 that would allow, with exceptions, the use of state resources to cover costs of transporting members of the governor's and lieutenant governor's families to certain events.

Sec. 4. Creates an exception to AS 39.52.120 by *allowing* (but not requiring) a state agency to pay the reasonable costs of private legal representation relating to the defense of an ethics complaint by a person accused of an Executive Branch Ethics Act violation, in certain circumstances.

Sec. 5. Makes section 4 of the bill applicable only to ethics complaints filed on or after the effective date of the bill.

Member

Standing Committees:
Judiciary
State Affairs
Transportation
Rules

Finance Subcommittees:
Transportation
Courts
Law

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
Fax: (907) 269-0124

Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

MEMORANDUM

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Max Gruenberg

DATE: January 20, 2011

RE: HB 14 – Executive Ethics: Legal Fees/Family Travel

****

Please consider this memo as a request for HB 14 to be heard in the House State Affairs Committee. Accompanying this memo are the following documents:

- HB 14 (27-LS0124\A)
- Sponsor Statement
- Legal Opinion from Dan Wayne, Legislative Counsel

Thank you for considering my request for a hearing on HB 14. Please contact my Legislative Aide, Gretchen Staft, at 465-4940 with any questions.

HB

18

<TARGET><BILL>HB 18</BILL><SUBJECT>HB
18</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS:**

Date of Committee Action: 3-8-11

The STATE AFFAIRS Committee considered: **HB 18**

HOUSE BILL NO. 18
"An Act establishing Alaska Public Garden Day on the Saturday immediately preceding Memorial Day each year."

HB 18 ALASKA PUBLIC GARDEN DAY

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 18 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR [ ] Same Title [X] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEGIS			X
	DOA			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johnson	JOHNSON				X
Peggy Wilson	WILSON	X			
Wes Keller	Keller	X			
Mark Gruenberg	Gruenberg	–			
Paul R Seaton	Seaton	X			
Pete Petersen	PETERSEN	X			
Chair: Bob	LYNN	X			
Chair:					

CS FOR HOUSE BILL NO. 18(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

"An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year."

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

*** Section 1.** AS 44.12 is amended by adding a new section to article 2 to read:

Sec. 44.12.120. Alaska Public Gardens Day. Alaska Public Gardens Day is established on the Saturday immediately preceding Memorial Day each year to commemorate the state's public gardens and the role the gardens play in promoting environmental stewardship, education, plant conservation, recreation, and research.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services

Fax #: 465-2029

From: Nancy Manly 465-2794
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

# of Pages (including cover): 1

Re HB 18 – Please draft final CS

3/8/2011

CS for HB 18 Version B moved out of the House State Affairs Committee this morning with no changes. Please draft the **final** House State Affairs CS for HB 18

27-LS0139\B

HB 18 ALASKA PUBLIC GARDENS DAY

TESTIFYER LIST

1. Dr. Patricia Holloway Director of Georgeson Botanical Garden Fairbanks– GOING TO FBX LIO
2. Grant Matheke Research Horticulturist Georgeson Botanical Garden Fairbanks– GOING TO FBX LIO
3. Katie DiCristina Research Horticulturist Georgeson Botanical Garden Fairbanks– GOING TO FBX LIO
4. Donna Dinsmore President of the Georgeson Botanical Garden Society Fairbanks– GOING TO FBX LIO
5. Rita McGrath – Volunteer at the Georgeson Botanical Garden Society Fairbanks– GOING TO FBX LIO
6. Julianne McGuinness Dir. Anchorage Botanical Gardens CALLING INTO OFFNET LINE
7. Peter Froehlich Jensen- Olson Arboretum Advisory Board Juneau -IN PERSON
8. Patricia Harris Jensen- Olson Arboretum Advisory Board Juneau – IN PERSON
9. Ed Buyarski Jensen- Olson Arboretum Advisory Board Juneau – IN PERSON

27-LS0139\B
Luckhaupt
2/17/11

CS FOR HOUSE BILL NO. 18( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KERTTULA

A BILL

FOR AN ACT ENTITLED

"An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year."

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

*** Section 1.** AS 44.12 is amended by adding a new section to article 2 to read:

Sec. 44.12.120. Alaska Public Gardens Day. Alaska Public Gardens Day is established on the Saturday immediately preceding Memorial Day each year to commemorate the state's public gardens and the role the gardens play in promoting environmental stewardship, education, plant conservation, recreation, and research.

Representative Beth Kerttula

House Minority Leader

DATE: February 17, 2011

TO: Representative Bob Lynn
Chair, House State Affairs Committee

FROM: Representative Beth Kerttula

RE: House Bill 18 ALASKA PUBLIC GARDENS DAY

I respectfully request that the House State Affairs Committee adopt the committee substitute for HB 18. It makes the following changes in order to pluralize "Garden" :

- Page 1, line 1 –Changes "Garden" to "Gardens"
- Page 1, line 5 –Changes "Garden" to "Gardens" in two places

Thank you for your consideration. If you have any questions, please do not hesitate to call me or my aide, Hannah McCarty (x4767).

Alaska State Legislature ✧ District 3 ✧ Juneau
State Capitol ✧ Juneau, Alaska 99801-1182 ✧ (907) 465-4766 ✧ Fax (907) 465-4748
E-mail: Rep.Beth.Kerttula@legis.state.ak.us ✧ www.kerttula.net

Representative Beth Kerttula

House Minority Leader

Sponsor Statement

House Bill 18

"An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year."

House Bill 18 establishes Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year. This recognition would commemorate the state's public gardens and the role gardens play in promoting environmental stewardship, education, plant conservation, recreation and research.

Alaska has three American Pubic Garden Association member gardens: the Alaska Botanical Garden in Anchorage; the University of Alaska Fairbanks Georgeson Botanical Garden in Fairbanks; and the Jenson-Olson Arboretum in Juneau. Each plays an important role in their community and in helping to preserve northern latitude plants.

Our gardens serve the public in many ways. They are tourism designations and have vast local recreation value. They also serve as important practical educational facilities for children and adults to learn about gardening, ecology, and science as well as partnering with other organizations to provide school-based education programs, public health education programs and community and school gardens. They provide workforce training sites for youth and adults in transition and work on habitat restoration. In addition, they provide information on the how to choose regionally appropriate plants that are native to the area for landscaping purposes.

These public gardens have a measurable impact on the quality of life in our communities and it is important to set aside a day each year to celebrate their role in keeping Alaskans and visitors connected to our natural world.

Thank you for your support of House Bill 18.

Alaska State Legislature ✧ District 3 ✧ Juneau
State Capitol ✧ Juneau, Alaska 99801-1182 ✧ (907) 465-4766 ✧ Fax (907) 465-4748
Rep.Beth.Kerttula@legis.state.ak.us ✧ www.kerttula.net

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

OFFICE OF THE MAYOR
Telephone: (907) 586-5240; Facsimile: (907) 586-5385
Mayor@ci.juneau.ak.us

February 15, 2011

Honorable Beth Kerttula
Alaska State Representative
State Capitol, Room 404
Juneau, AK 99801

Re: Support of Alaska HB 18

Dear Representative Kerttula:

I am writing to encourage your full support of Alaska HB 18, "An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year". At last year's Alaska Public Gardens Day celebration approximately 600 Juneau citizens and visitors attended, affirming increasing popular support for Juneau's public garden. We would like to make Alaska Public Gardens Day an annual event.

Nationally, the United States celebrates Public Gardens Day in early May and several states and cities in the lower 48 have, through formal legislative action, recognized the day in their own context. This is a day set aside by the American Public Gardens Association (APGA) to promote awareness of public gardens and their value to local communities.

Alaska enjoys the benefits of three APGA-member gardens as well as several unaffiliated gardens. The Alaska Botanical Garden in Anchorage, the University of Alaska Fairbanks Georgeson Botanical Garden in Fairbanks, and the Jensen-Olson Arboretum in Juneau are special places that provide opportunities for education, plant conservation, recreation, and research. The Alaskan gardening season doesn't correspond with the lower 48, so the late May date is an appropriate choice for our climate.

Public gardens have a measurable impact on the quality of life in a community and in Alaska, this is magnified. While Alaska boasts unparalleled scenic vistas, there are few opportunities for wandering in a cultivated garden setting. Throughout history, public garden settings have provided teaching space as well as space for contemplation and respite. And, public gardens help define a community's sense of longevity as well as its culture.

Thank you for your support of HB 18 and your continued support of Parks & Recreation and the Jensen-Olson Arboretum.

Sincerely,

Bruce Botelho
Mayor

Rep. Beth Kerttula
State Capitol Room 404
Juneau, AK 99801

Jan. 10, 2011

Re HB 18

Dear Representative Kerttula;

Alaska's gardens bring visitors from around the world to see their bounty — whether native Alpine species, exotics coaxed and pampered to survive in this climate, or hearty vegetables. But sometimes, we fail to appreciate what is in our own backyards.

The proposed HB 18 Alaska Public Gardens Day, the Saturday before Memorial Day each year, will draw attention to efforts in local communities to beautify and to nourish through gardening. Gardens, like those here in Palmer at the Palmer Visitor Center and the Alaska State Fairgrounds, give visitors a chance to see many of the plant species that will grow here in Alaska. And at the Alaska Plant Materials Center, the new Alaska garden there tells stories of history, culture, sustainability and variety.

These gardens, and others around the state, deserve the spotlight shone upon them on their own special day, and I urge you to help designate the last Saturday in May as that day.

While, as my experience with Alaska Agriculture Day has shone, it can take some time to raise awareness using a special day, it can be the catalyst for a range of activities and media coverage. For those of us who operate programs with a very limited budget, it is one more tool in the educational arsenal. I urge you to support the efforts of Alaska Botanical Garden, the Georgeson Botanical Gardens and others to make this a reality.

Thank you for supporting any efforts that help students understand the sources of their food, fabric and flowers, and my thanks for your ongoing interest and support of Alaska Agriculture in the Classroom.

Sincerely,

Victoria Naegele
Executive Director
Alaska Agriculture in the Classroom

9788 N Waldo Reed Rd., Palmer, Alaska 99645 • akaitc@alaskafb.org
(907) 746-2172 or 982-2219 • fax 746-2173
Alaska AITC is a 501c3 project of the Alaska Farm Bureau

Alaska Agriculture in the Classroom

Alaska Botanical Garden

BOARD OF DIRECTORS

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EXECUTIVE DIRECTOR

Julianne McGuinness

Dear Representative Kerttula: January 11, 2011

I am to support, and thank you for sponsoring, House Bill No. 18, "An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year".

As the Executive Director of the Alaska Botanical Garden, each day I witness the tremendous educational, recreational, and inspirational value the public gardens of our State have for our communities and visitors alike. They are important cultural / scientific institutions as well as true community treasures.

Our Gardens serve the public on many levels: as tourism destinations, as important educational facilities for children and adults to learn about gardening, ecology, and science, as workforce-training sites for youth and adults in transition, and as places where families and school groups "get outdoors" for wellness-enhancing exercise. (In fact, gardening is one of the top national and Alaskan pass-times, and garden tourism is one of the fastest-growing segments of the tourism industry.)

Alaska has three APGA-member gardens, and many unaffiliated gardens also open to the public. The Alaska Botanical Garden in Anchorage, the University of Alaska Fairbanks Georgeson Botanical Garden in Fairbanks, and the Jensen-Olson Arboretum in Juneau are special places that provide opportunities for education, plant conservation, recreation, and research. They have an increasingly vital role to play in northern-latitude plant preservation. These public gardens have a measurable impact on the quality of life in our communities and in Alaska.

The United States celebrates National Public Gardens Day in early May, and the American Public Gardens Association (APGA) actively uses this special day to promote awareness of public gardens and their value to local communities. However, since the Alaskan gardening season doesn't correspond with rest of the nation, a later date in May is a more appropriate choice for our climate.

I respectfully request that the legislature pass this bill as a means to proclaim the vital role public gardens play in a sustainable and healthy Alaska.

Sincerely,

Julianne McGuinness

Julianne McGuinness
Executive Director, Alaska Botanical Garden
907-562-7010 / julianne@alaskabg.org

Dear Representative Kerttula:

I am writing to give my full support to House Bill No. 18, "An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year".

The Alaska Botanical Garden in Anchorage is my place of employment so I have a year round appreciation for its importance to the community. The Garden is utilized by children, families, and individuals as a place to relax in nature, do research, preserve plant material and educate. As a small non-profit with a fixed budget, we are unable to reach out to as many people and organizations as we would like. By allowing Alaska to have its own specific Public Gardens Day, we could greatly increase our reach, especially since we would offer it as a FREE day so all could partake. We are experiencing an ever growing demand for outdoor education and this would be a great opportunity to provide! We have hundreds of volunteers that keep the garden growing. Why not share this amazing resource with the entire community?

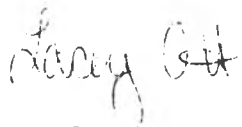
Nationally, the United States celebrates Public Gardens Day in early May and several states and cities in the lower 48 have, through formal legislative action, recognized the day in their own context. This is a day set aside by the American Public Gardens Association (APGA) to promote awareness of public gardens and their value to local communities.

Alaska enjoys the benefits of three APGA-member gardens as well as several unaffiliated gardens. The Alaska Botanical Garden in Anchorage, the University of Alaska Fairbanks Georgeson Botanical Garden in Fairbanks, and the Jensen-Olson Arboretum in Juneau are special places that provide opportunities for education, plant conservation, recreation, and research. The Alaskan gardening season doesn't correspond with the lower 48, so the late May date is an appropriate choice for our climate.

Public gardens have a measurable impact on the quality of life in a community and in Alaska, this is magnified. While Alaska boasts unparalleled scenic vistas, there are few opportunities for wandering in a cultivated garden setting. Throughout history, public garden settings have provided teaching space as well as space for contemplation and respite. And, public gardens help define a community's sense of longevity as well as its culture.

Please vote for this bill and in so doing, proclaim the vital role public gardens play in a sustainable and healthy Alaska.

Sincerely,



Lacey Ott
2215 Pearl Road
Wasilla, AK 99654
907-376-9065

From: Donna Dinsmore [mailto:ddinsmore@alaska.net]
Sent: Monday, January 17, 2011 5:03 PM
To: Merrill Jensen
Subject: letter of support

Dear Representative Kerttula:

I am writing to give my full support to House Bill No. 18, An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year.

I am the president of the Georgeson Botanical Garden Society, an organization formed to promote and support the Georgeson Botanical Garden at UAF. This garden, besides being a beautiful place to visit, provides valuable research essential to the growth of home gardens and the gardening industry.

Alaska is unique and has special needs. Gardening is a challenge in the north but the industry is growing and your support is necessary. "Sustainability" and "locavore" are buzz words used in today's media. Alaska's public gardens make these words a reality. Alaska's public gardens provide opportunities for education, plant conservation, recreation, and most important research.

Public gardens have an impact of the quality of life in the far north. After months of snow and a white landscape, a colorful flower gardens helps give us respite and peace of mind. Tourists are always amazed at the color, the beautiful flowers and the variety of vegetables grown in our gardens. Here in Fairbanks we can actually sit peacefully and watch the plants grow. The community values this special place.

Please vote for this bill and in so doing, proclaim the vital role public gardens play in a sustainable and healthy Alaska.

Sincerely,

Donna Dinsmore
Georgeson Botanical Garden Society
699 Gradelle
Fairbanks, Alaska 99709
907-479-5265

National Public Gardens Day is an annual celebration of the nation's public gardens to raise awareness of the important role botanical gardens and arboreta play in promoting environmental stewardship, plant and water conservation, green spaces, and education in communities nationwide.

May 6, 2011, National Public Gardens Day is a national day of celebration to raise awareness of America's public gardens and their important role in promoting environmental stewardship and awareness, plant and water conservation, and education in communities nationwide.

The Mission

Presented by the non-profit American Public Garden's Association (APGA) in partnership with Rain Bird, both are committed to celebrating the environmental stewardship of North America's public gardens and their local, regional and national leadership in resourcing the nation's conservation and environmental education needs.

Activities

National Public Gardens Day celebrates all public gardens, botanical gardens, educational gardens, specialty gardens, entertainment gardens, arboreta, farm gardens, historical landscapes, and zoos and each institution participates in their own unique way.

Many of the nation's public gardens will mark the day with special events and activities for schools, families and thousands of visitors to explore and discover their local public garden, while learning about each garden's commitment to education, research and environmental stewardship.

Timing

National Public Gardens Day takes place annually on the Friday before Mother's Day, an unofficial start of spring and a time when the environment is top of mind for most of the public.

Benefit

Public gardens are a fun activity for families, couples, and enthusiasts, providing a low-cost, entertaining, and beautiful community outing while providing important resources, education and research on environmental stewardship and conservation.

Third Annual National Public Gardens Day To Celebrate The Importance Of America's Public Gardens, May 6, 2011

Posted on January 28, 2011 by National Public Gardens Day

American Public Gardens Association Partners With Rain Bird To Pay Tribute To The Important Role of Public Gardens In Promoting Environmental Stewardship, Education, Plant And Water Conservation In Communities Nationwide

AZUSA, CA (February 1, 2011) – Scheduled for May 6th, 2011, the Friday preceding Mother's Day weekend, **National Public Gardens Day** is a national day of awareness in which communities nationwide are invited to visit and learn about the important role their public gardens play in promoting environmental stewardship and awareness, plant and water conservation, and education. Now in its third year celebrating America's public gardens, National Public Gardens Day was created in partnership between the American Public Gardens Association (APGA) and irrigation product and service provider, Rain Bird. The 2011 National Public Gardens Day will showcase the contributions of public gardens with special events at many of the more than 500 North American public gardens.

"National Public Gardens Day is not only a great time for families and enthusiasts to enjoy the gardens, but the public also witnesses the achievements and expertise provided by public gardens, especially in the area of environmental stewardship," said Dan Stark, executive director of the APGA. "Regardless of their size, all public gardens share a common commitment to providing outreach programs aimed at engaging their communities and educating future generations on the irreplaceable value of plants."

National Public Gardens Day will be supported by a local, regional and national awareness and education campaign that includes broadcast public service announcements, media partnerships, local and national spokespeople, online contests, and media tours all focused on communicating the importance of building sustainable environments through improved plant management and water conservation.

"As the event's founding partner, Rain Bird seeks to create awareness of the role that public gardens play in promoting plant and water conservation in their communities," said Dave Johnson, Rain Bird's director of corporate marketing. "Our support of National Public Garden's Day goes hand in hand with our company's Intelligent Use of Water philosophy. We encourage the public to recognize that gardens are not just beautiful places and great sources of inspiration, but they are demonstrations of how green spaces can entertain, educate and inspire us all while positively contributing to the surrounding eco-system."

In celebration of botanical gardens, arboreta, conservatories, educational gardens and historical landscapes, many of the APGA's 500 member institutions will mark the day with special events and activities for schools, families and thousands of visitors. Many of the activities will continue through Mother's Day weekend, offering visitors time to enjoy the beauty of the gardens while learning about each garden's commitment to education, research and environmental stewardship.

For more information on National Public Gardens Day, visit www.NationalPublicGardensDay.org, "LIKE" the National Public Gardens Day **Facebook** page and follow the National Public Gardens Day Twitter feed, **@NPGD**.

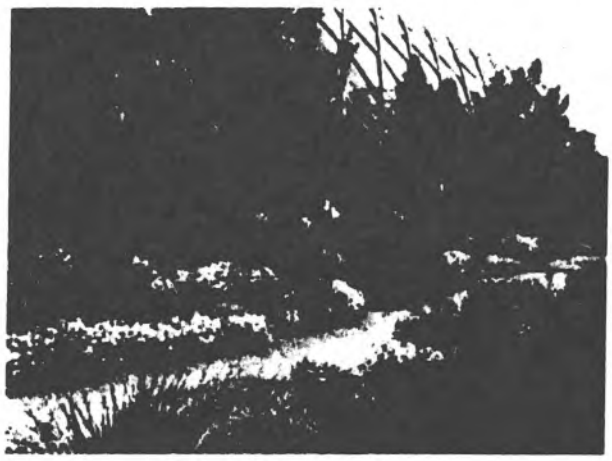
ABOUT RAIN BIRD

Based in Azusa, Calif., Rain Bird Corporation is the leading manufacturer and provider of irrigation products and services. Since its beginnings in 1933, Rain Bird has offered the industry's broadest range of irrigation products for farms, **golf** courses, sports arenas, commercial developments and homes in more than 130 countries around the world. Rain Bird has been awarded more than 130 patents, including the first in 1935 for the impact **sprinkler**. Rain Bird and ***The Intelligent Use of Water*** is about using water wisely. Its commitment extends beyond products to education, training and services for the industry and the community. Rain Bird maintains state-of-the-art manufacturing assembly facilities in the United States, France, Sweden and Mexico. www.rainbird.com

ABOUT APGA

Founded in 1940, Pennsylvania-based American Public Gardens Association is an organization devoted to strengthening the public gardens throughout North America. With over 70 years of work increasing cooperation and awareness among the gardens, APGA has built a membership of more than 500 public gardens located in all 50 states, the District of Columbia, Canada and seven other countries. Their members include public gardens as well as arboreta and zoos. APGA has also built up an international network of individual members in the U.S., Canada and 24 other countries. The APGA is committed to increasing public awareness for public gardens and supplying resources to the industry. Through their leadership and advocacy, public gardens have become vital to public appreciation and understanding of the irreplaceable value of plants. www.publicgardens.org

What Can I Learn From A Public Garden?



Denver Botanic Gardens

Water Conservation

Public gardens utilize efficient watering practices and have industry insight on responsible irrigation systems. Homeowners can learn how to irrigate their own gardens by exploring and consulting with their local public garden.

Native and Adaptable Plants

Choosing native plants or plants that have adapted to a local environment can ensure a garden will be healthy and require less water. Public gardens have huge collections of native and adaptable plants that homeowners can be assured will work in their own gardens.

Landscape Design

Homeowners can find sources of inspiration in botanic gardens from the design of gardens, the types of plants used in particular environments, the selection of plants that do well in particular geographical locations, and the way gardens are displayed, coordinated, and arranged. Landscaping at public gardens can demonstrate what plants bloom at similar times, what arrangements look well together, and how gardens can be beautifully displayed.

Geographical Considerations

Different plants are healthier in different geographical regions and it is difficult to know before purchasing at a nursery, what plants will do well in a homeowner's garden. Public gardens put on display a broad selection of plants that succeed in a homeowner's region. Knowing that a plant, tree, or flower grows well in a public garden can assist consumers on knowing what will grow well in their own gardens.

Seasonal Considerations

Public gardens have a selection of plants that are perfect for a variety of seasons. Many plants can still thrive in colder and drier seasons. Additionally, blooms can happen year round if the appropriate types of plants or trees are selected. Keeping a homeowner's garden beautiful all year can be accomplished by seeing how public gardens arrange their own collection.

Gardening Methods

Descanso Gardens

Public gardens have staff dedicated to botany and are also home to specialists that understand a particular geographical region very well. Homeowners can access these industry experts at their local public garden and receive advise on gardening techniques for plants they have in their own gardens.

Publications

Public gardens have publications available to visitors and members that provide ample resources on gardening and botany. The average consumer can find a wealth of knowledge in member publications and, in addition, often have access to libraries and bookstores within the public gardens as well.

Plants and Supplies

Public gardens will often sell plants, flowers and trees to garden members during annual festivals, providing top quality additions to homeowner's gardens. With the sale comes professional experience and advice of the sort that cannot be found in nurseries or hardware stores.

STATE OF ALASKA

Executive Proclamation
by
Governor Sean Parnell

WHEREAS, Alaska's public gardens teach and inspire interest in the natural sciences, appreciation for the bounty of the earth, and are a place of beauty for the thousands of visitors each year; and

WHEREAS, public gardens promote environmental stewardship, education, outdoor recreation, and research in plant conservation; and

WHEREAS, the exquisite beauty of Alaska's public gardens is the result of the efforts of dedicated caretakers who maintain and care for our gardens, and whose efforts create beautiful public spaces for the enjoyment of all; and

WHEREAS, public gardens provide a unique insight into the cultural and historical significance of Alaska's indigenous plants, serving as a reminder of the landscape that surrounded and sustained our ancestors, and a valuable education tool; and

WHEREAS, by fostering a love of nature in younger generations, we encourage them to grow into responsible, aware citizens; and

WHEREAS, public gardens are an invaluable place of learning, and should be appreciated for their educational value and the beauty they bring to our great state.

NOW, THEREFORE, I, Sean Parnell, Governor of the State of Alaska, do hereby proclaim May 29, 2010 as:

Alaska Public Gardens Day

in Alaska, and encourage citizens to visit the public gardens in their communities, and enjoy the educational and recreational opportunities they offer.

Dated: May 28, 2010

Sean Parnell

Sean Parnell, Governor
who has also authorized the
seal of the State of Alaska to
be affixed to this proclamation.

The Office of The Mayor
City & Borough of Juneau, Alaska

PROCLAMATION

WHEREAS, the Jensen-Olson Arboretum, is holding a celebration in honor of the inspiration and beauty public gardens bring to every community; and

WHEREAS, May 29, 2010 will be a day of celebration to raise awareness of public gardens and the role they play in promoting environmental stewardship, education, plant conservation, recreation, and research; and

WHEREAS, public gardens are special places that both teach and inspire life-long learning in the natural sciences for thousands of visitors and also preserve the beauty of the landscape for pure aesthetic enjoyment; and

WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress, and teaches that bountiful rewards come from diligent efforts.

NOW, THEREFORE, I, Bruce Botelho, Mayor of the City and Borough of Juneau, Alaska, on behalf of the City and Borough Assembly, do hereby proclaim Saturday, May 29, 2010, as:

Public Gardens Day in Juneau

and call upon the citizens of Juneau to promote stewardship of our bountiful plant and garden resources.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City and Borough of Juneau, Alaska, to be affixed this 29th day of May, 2010.

JUNEAU - ALASKA'S CAPITAL
THE UNIFIED GOVERNMENT of ALASKA

Bruce Botelho, Mayor

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB18**
() Publish Date

Identifier (file name) HB18-LEG-COU-03-01-2011
Title Establish AK Public Garden Day
Sponsor Representative Kerttula
Requester State Affairs

Dept. Affected Legislature
Appropriation Legislative Council
Allocation Session Expenses
OMB Component Number 782

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
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 (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Initial Version

Prepared by Shane Miller, Finance Manager
Division Administrative Services Division
Approved by Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
Date/Time 3/1/11 4:49 PM
Date 3/1/2011

(Revised 12/29/2010 OMB)

Analysis

This fiscal note has zero impact on the Legislative Affairs Agency.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version
() Publish Date

	HB018-DOA-FAC-02-25-11	Dept. Affected	DOA
Title	Alaska Public Gardens Day	Appropriation	State Owned Facilities
		Allocation	Facilities
Sponsor	Representatives Kerttula		
Requester	House State Affairs	OMB Component Number	2429

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial fiscal note.

Prepared by	Vern Jones, Director	Phone	465-5684
Division	General Services	Date/Time	3/2/11 9:00 AM
Approved by	John Cramer, Deputy Commissioner	Date	
	Department of Administration		

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. _____

Analysis

This bill will have no fiscal impact.

Representative Beth Kerttula

House Minority Leader

DATE: February 17, 2011

TO: Representative Bob Lynn
Chair, House State Affairs Committee

FROM: Representative Beth Kerttula

RE: House Bill 18 ALASKA PUBLIC GARDENS DAY

I respectfully request that the House State Affairs Committee schedule House Bill HB 18 Alaska Public Gardens Day for a hearing.

Please find attached:

- House Bill 18
- Sponsor statement
- Letters of Support
- National Public Gardens Day Information
- Governor Parnell Executive Proclamation

Thank you for your consideration. If you have any questions, please do not hesitate to call me or my aide, Hannah McCarty (x4767).

Alaska State Legislature ✧ District 3 ✧ Juneau
State Capitol ✧ Juneau, Alaska 99801-1182 ✧ (907) 465-4766 ✧ Fax (907) 465-4748
E-mail: Rep.Beth.Kerttula@legis.state.ak.us ✧ www.kerttula.net

HB

19

<TARGET><BILL>HB 19</BILL><SUBJECT>HB
19</SUBJECT><COMM>HSTA27</COMM></TARGET>

'OUSE COMMITTEE REPOI

2/9/11

(7)

Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-8-11

The STATE AFFAIRS Committee considered: **HB 19**

HOUSE BILL NO. 19

"An Act relating to special request registration plates; and providing for an effective date."

HB 19 SPECIAL REQUEST LICENSE PLATES

Recommends it be replaced with [ ] HCS *or* [ ] CS for _____ ( )

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	Adm			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP (7)	DNP	NR	AM
Kyle Johansen	JOHANSEN	X			
Peggy Wilson	P. WILSON	X			
Wes Keller	Keller	X			
Max Gruenberg	Gruenberg	✓			
Paul Seaton	Seaton	✓			
Pete Petersen	PETERSEN	X			
Chair: John	LYNN	X			
Chair:					

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol #108
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
HB 19
"An Act relating to special request registration plates;"

HB 19 authorizes the Department of Administration-Division of Motor Vehicles to create a special request license plate incorporating the American flag and the phrase "In God We Trust." The specific design is left to DMV's discretion. These special request plates would cost $30 plus the normal fees required to register the vehicle in question. The Act would take effect on January 1, 2012.

Contact: Thomas Reiker thomas_reiker@legis.state.ak.us 465-4965

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Anchorage, AK 99501-2133

Phone: (907) 269-0205
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MEMO

RE: Court Opinions on "In God We Trust" on Government Documents

"There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789."
-Chief Justice Warren Burger, *Lynch v. Donnelly, 465 U.S. 668 (1984)*

"...government declaration of Thanksgiving as a public holiday, **printing of 'In God We Trust' on coins**, and opening court sessions with 'God save the United States and this honorable court.' Those government acknowledgments of religion serve... the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, **those practices are not understood as conveying government approval of particular religious beliefs**."
-Justice Sandra Day O'Connor, *Lynch v. Donnelly, 465 U.S. 668 (concurring)* [emphasis added]

"The government violates [the Establishment Clause] if it **endorses or disapproves** of religion."
-Justice Sandra Day O'Connor, *County of Allegheny v. ACLU, 492 U.S. 573* [emphasis added]

"['In God We Trust'] symbolizes the historical role of religion in our society...formalizes our medium of exchange...fosters patriotism...and expresses confidence in the future. The motto's primary effect is not to advance religion; instead, it is a form of 'ceremonial deism' which through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief...We conclude, therefore, that the statutes establishing 'In God We Trust' as our national motto and providing for its reproduction on United States currency do not violate the Establishment Clause."
-Senior Circuit Judge Deanell Reece Tacha, *Gaylor v. United States, 74 F.3d 214, U.S. Circuit Court of Appeals for the Tenth Circuit*

These statements highlight the federal courts' history of upholding the constitutionality of our national motto. While none of these cases relates directly to the use of "In God We Trust" on license plates, it seems implausible that the courts would apply a stricter constitutional standard to license plates than to the currency. Citizens wishing to participate in our economy have no choice but to utilize the national currency, but drivers would only receive this license plate if they requested and paid for it. In addition, public funds are utilized to operate the Treasury and print currency containing the national motto, but these license plates will be paid for through user fees.

For more information on the constitutionality of the phrase "In God We Trust" or for copies of the cases cited in this memo, please contact Thomas Reiker at 465-4965 or thomas_reiker@legis.state.ak.us .

Sample Indiana "In God We Trust" License Plate

Sample Virginia "In God We Trust" License Plate

Sample South Carolina "In God We Trust" License Plate

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: HB019D (STA)
() Publish Date

Identifier (file name) HB019-STA-DOA-DMV-02-04-11
Title: Special Request Plates - In God We Trust
Sponsor: Rep(s) LYNN, KELLER, GATTO
Requester: H (STA)

Dept. Affected: Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version

Prepared by: Whitney Brewster
Division: Motor Vehicles
Approved by: John Cramer
Department of Administration

Phone: 907-269-5574
Date/Time: 2/4/11 4:00 PM
Date: 2/4/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB 19
2011 LEGISLATIVE SESSION

Analysis

This bill has no fiscal impact on the Division of Motor Vehicles.

HB

21

<TARGET><BILL>HB 21</BILL><SUBJECT>HB
21</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 1-25-2011

The STATE AFFAIRS Committee considered: **HB 21**

HOUSE BILL NO. 21
"An Act relating to the membership of the Statewide Suicide Prevention Council."
HB 21 SUICIDE PREVENTION COUNCIL MEMBERS

Recommends it be replaced with [ ] HCS *or* **[X] CS for** HB 21 (STA)
*For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR*_____ [X] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
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LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	HSS	X		

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
K B Johansen	JOHANSEN	X			
Gabrielle Wilson	Wilson	X			
Wm Keller	Keller	X			
Paul R Seaton	SEATON	X			
Pete Petersen	PETERSEN	X			
Chair:	LYNN	X			
Chair:					

CS FOR HOUSE BILL NO. 21(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FAIRCLOUGH, GARDNER, AND HERRON, Costello, Millett, Peggy Wilson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the membership of the Statewide Suicide Prevention Council."

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

*** Section 1.** AS 44.29.300(a) is amended to read:

(a) There is established in the Department of Health and Social Services the Statewide Suicide Prevention Council, consisting of 17 [16] members, as follows:

(1) two members of the senate, appointed by the president of the senate, one of whom shall be a member of the majority and one of whom shall be a member of the minority;

(2) two members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the majority and one of whom shall be a member of the minority;

(3) 13 [12] members appointed by the governor, as follows:

(A) two persons who are employed in the executive branch of state government, one of whom shall represent the Department of Health and Social Services and one of whom shall represent the Department of Education

and Early Development;

(B) one member of the Advisory Board on Alcoholism and Drug Abuse;

(C) one member of the Alaska Mental Health Board;

(D) one person recommended by the Alaska Federation of Natives, Inc.;

(E) one person who is an employee of a secondary school;

(F) one person who is active in a youth organization;

(G) one person who has experienced the death by suicide of a member of the person's family;

(H) one person who resides in a rural community in the state that is not connected by road or the Alaska marine highway to the main road system of the state;

(I) one person who is a member of the clergy;

(J) one person who**, when appointed, is at least 16 years of age but not more than 20 years of age;** [IS ENROLLED IN GRADE NINE, 10, 11, OR 12 OF A SECONDARY SCHOOL IN THE STATE; AND]

(K) **one person who is discharged from, retired from, or engaged in active duty military service in the armed forces of the United States, including the United States Coast Guard, the Army National Guard, the Air National Guard, or a reserve unit of the armed forces of the United States, or who is a mental health provider, social worker, or other person actively providing a health care service to discharged, retired, or active military personnel; and**

(L) one public member.

*** Sec. 2.** AS 44.29.310(a) is amended to read:

(a) The governor shall appoint the members of the council under AS 44.29.300(a)(3)(D) - **(L)** [(J)] for staggered terms of four years.

*** Sec. 3.** AS 44.29.310(b) is amended to read:

(b) The governor shall fill a vacancy of a member on the council appointed under AS 44.29.300(a)(3)(D) - **(L)** [(J)] by appointment for the unexpired part of the

vacated term.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services

Fax #: 465-2029

From: Nancy Manly 465-2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

# of Pages (including cover): 1

Re FINAL CS to HB 21 Version B (27-LS0154\B)

1/25/2011

CS for HB 21 Version B passed out of the House State Affairs Committee this morning. Please draft a final CS. Thanks.

Nancy Manly

From: Nancy Manly
Sent: Tuesday, January 25, 2011 1:24 PM
To: Londi Ensor
Subject: Fiscal Note HB 21
Attachments: 03 HB021-DHSS-SPC-01-21-2011.pdf

Hi Londi: Here is the electronic copy of HB 21 fiscal note. I'll bring up the file shortly.

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

27-LS0154\B
Bullard
1/22/11

CS FOR HOUSE BILL NO. 21( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FAIRCLOUGH, GARDNER, AND HERRON, Costello, Millett, Peggy Wilson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the membership of the Statewide Suicide Prevention Council."

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

*** Section 1.** AS 44.29.300(a) is amended to read:

(a) There is established in the Department of Health and Social Services the Statewide Suicide Prevention Council, consisting of **17** [16] members, as follows:

(1) two members of the senate, appointed by the president of the senate, one of whom shall be a member of the majority and one of whom shall be a member of the minority;

(2) two members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the majority and one of whom shall be a member of the minority;

(3) **13** [12] members appointed by the governor, as follows:

(A) two persons who are employed in the executive branch of state government, one of whom shall represent the Department of Health and Social Services and one of whom shall represent the Department of Education

New Text Underlined [DELETED TEXT BRACKETED]

and Early Development;

(B) one member of the Advisory Board on Alcoholism and Drug Abuse;

(C) one member of the Alaska Mental Health Board;

(D) one person recommended by the Alaska Federation of Natives, Inc.;

(E) one person who is an employee of a secondary school;

(F) one person who is active in a youth organization;

(G) one person who has experienced the death by suicide of a member of the person's family;

(H) one person who resides in a rural community in the state that is not connected by road or the Alaska marine highway to the main road system of the state;

(I) one person who is a member of the clergy;

(J) one person who**, when appointed, is at least 16 years of age but not more than 20 years of age;** [IS ENROLLED IN GRADE NINE, 10, 11, OR 12 OF A SECONDARY SCHOOL IN THE STATE; AND]

(K) **one person who is discharged from, retired from, or engaged in active duty military service in the armed forces of the United States, including the United States Coast Guard, the Army National Guard, the Air National Guard, or a reserve unit of the armed forces of the United States, or who is a mental health provider, social worker, or other person actively providing a health care service to discharged, retired, or active military personnel; and**

(L) one public member.

*** Sec. 2.** AS 44.29.310(a) is amended to read:

(a) The governor shall appoint the members of the council under AS 44.29.300(a)(3)(D) - **(L)** [(J)] for staggered terms of four years.

*** Sec. 3.** AS 44.29.310(b) is amended to read:

(b) The governor shall fill a vacancy of a member on the council appointed under AS 44.29.300(a)(3)(D) - **(L)** [(J)] by appointment for the unexpired part of the

vacated term.

Alaska State Legislature

Representative Anna Fairclough – House District 17

House Bill 21

"An Act relating to the membership of the Statewide Suicide Prevention Council."

House Bill 21 would simply increase the number of members appointed to the Statewide Suicide Prevention Council from 16 members to 17 members and create an age requirement for the youth member.

The additional member would be appointed by the Governor and would give representation on the council for members of our military. Suicide among our military is on the rise and having an individual familiar with the lives and challenges our military members face on a daily basis is crucial to their overall well-being.

The new member must be one of the following; discharged from, retired from, or engaged in active duty military service or someone who is a mental health provider, social worker, or other person actively providing a health care service to discharged, retired, or active military personnel.

House Bill 21 also changes the requirement for the youth member who is appointed to the council. Currently this appointee has to be enrolled in the 9^{th}, 10^{th}, 11^{th}, or 12^{th} grade of a secondary school. This member would be changed allowing the youth to be 16 years of age when appointed, but not older than 20 years of age. This will allow our youth members to continue to serve beyond completion of their secondary school education and allow for continuity on the council.

Thank you for your consideration of this legislation. I appreciate your support of House Bill 21.

Below is the link to the FY2010 Annual Report from the Statewide Suicide Prevention Council:

http://www.hss.state.ak.us/suicideprevention/pdfs_sspc/2010SSPCAnnualReport.pdf

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
2011 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB021
() Publish Date:

Identifier (file name): HB021-DHSS-SPC-01-21-11
Title: Suicide Prevention Council Members
Sponsor: Fairclough, Gardner, Herron
Requestor: House State Affairs

Dept. Affected: Health and Social Services
Appropriation: Behavioral Health
Allocation: Suicide Prevention Council
OMB Component Number: 2651

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel	4.0		4.0	4.0	4.0	4.0	4.0
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**4.0**	**0.0**	**4.0**	**4.0**	**4.0**	**4.0**	**4.0**
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	4.0		4.0	4.0	4.0	4.0	4.0
Other Interagency Receipts							
TOTAL	**4.0**	**0.0**	**4.0**	**4.0**	**4.0**	**4.0**	**4.0**

Estimate of any current year (FY2011) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared by: Melissa W Stone
Division: Behavioral Health
Approved by: Alison Elgee
Assistant Commissioner, Finance & Management Services

Phone 269-3410
Date/Time 1/21/11 4:30 PM
Date 1/21/2011

(Revised 12/29/2010 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB021
2011 LEGISLATIVE SESSION

Analysis:

This bill will increase the size of the Statewide Suicide Prevention Council by one member, from a total membership of 16 to 17. The additional member being requested is someone specifically representing the military. In addition, the definition of the youth member has been revised to include an age demarcation, and eliminates the need to be currently enrolled in a secondary school in Alaska.

The proposed changes will result in increased travel costs for the Council. Four meetings are held each year at varying locations. Based on historical costs, it is estimated that the additional travel costs for an additional council member will be $3,950.00 per year.

Mending the Net: Suicide Prevention in Alaska

Annual Report FY2010

Governor Sean Parnell

Statewide Suicide Prevention Council

William Martin, Chair 2010-2011

431 North Franklin Street, Suite 204

Juneau, Alaska 99801

Acknowledgements

The Statewide Suicide Prevention Council recognizes the contributions of the following people to the FY2010 Annual Report:

Brenda Moore, chair of the Council from 2008-2010, for her tireless efforts to guide and support the Council in the activities on which it is reporting;

Andrew Jessen, Research Analyst III, Bureau of Vital Statistics, Division of Public Health, Department of Health and Social Services, for assisting with the effective use of suicide data in this report;

Brian Laurent, MPA Candidate, Boise State University, for his analysis of funding patterns and the creation of the maps used in the report;

Patrick Sidmore, Research Analyst III, Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse, for analyzing incidence and unemployment data used in the report, assuring accuracy in reporting, and creating charts and graphs for the report;

Thomas Chard, Planner II, Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse, for his work with the Council in the activities reported;

Tim Spengler, Legislative Analyst II, Legislative Research, for his work on the November 12, 2010 report, "Suicide Rates, Prevention Funding, and Prevention Efforts in Alaska;"

Martha Moore, Public Health Specialist II, Alaska Trauma Registry, Division of Public Health, Department of Health and Social Services, for assisting with the effective use of suicide attempt data in this report;

the **Alaska Mental Health Board** and **Advisory Board on Alcoholism and Drug Abuse**, for providing support (financial, staff, and moral) in advocacy, education, outreach, and planning in the activities on which the Council is reporting; and

Eric Morrison, Council Assistant, and **Kate Burkhart**, Executive Director, for their work on the report.

A Letter from the Chair

On behalf of the Statewide Suicide Prevention Council, thank you for your interest in learning about the state of suicide prevention in Alaska. What you will learn from our report is both inspiring and disappointing. Despite substantial efforts by communities and organizations statewide, and millions of dollars of funding, over the last ten years, the number of suicides in Alaska and the rate of suicide has not decreased. What has changed is that people in Alaska are talking — and talking a lot — about how suicide affects us and how we can prevent it.

Years ago, no one talked about suicide. There was stigma and fear. Now, even though there is still stigma and there is still fear, people are showing greater courage and speaking out. I am grateful for the leaders in our tribal organizations and communities who are standing up with the Council to speak about suicide and how to prevent it. I have seen more and more openness to talking about suicide, more awareness of how important talking about suicide is to healing from its wounds.

One of our biggest achievements of FY2010 was the Statewide Suicide Prevention Summit we hosted, with the help of the Alaska Native Tribal Health Consortium and many partners. Since then, there have been listening sessions and public meetings all over Alaska. Suicide prevention providers have come together to better support each other, share ideas, and take care of each other. The message that every life has value is being spread in communities all over our state. My hope is that, in the coming year, the Council will continue to support and encourage people to speak out, to share their loss and grief, to heal, and to come together to prevent suicide.

Thank you again for your interest in the Council's work.

Gunalchéesh,

William Martin, Chair

Mending the Net: Suicide Prevention in Alaska

Annual Report FY2010

Introduction

The Statewide Suicide Prevention Council was established by the Alaska Legislature in 2001, in response to what was characterized as "an on-going epidemic" of suicide.[1] The Council, after a legislative audit in 2008, was extended by the Legislature to June 30, 2013.[2]

The Council is responsible for advising legislators and the Governor on ways to improve Alaskans' health and wellness by reducing suicide, improving public awareness of suicide and risk factors, enhancing suicide prevention efforts, working with partners and faith-based organizations to develop healthier communities, creating a statewide suicide prevention plan and putting it in action, and building and strengthening partnerships to prevent suicide.[3]

Each year, the Council provides an annual report on its activities and the impact of suicide prevention efforts over the past year. The FY2010 report takes its title from the theme of the Suicide Prevention Summit, "Mending the Net." Many individuals and organizations are working to prevent suicide all over Alaska — but often, these dedicated people feel disconnected and unsupported. Focus is often placed on practices or strategies that may or may not fit a community's needs. Creative community-based solutions often operate in isolation.

By "mending" the suicide prevention systems' "net," the Council hopes to increase the effectiveness of local suicide prevention efforts, support the spread of effective ideas to other Alaskan communities, recognize the work of every person trying to prevent suicide, and honor the losses to families and communities caused by suicide.

The Council has increased its efforts related to its statutory duties. The State of Alaska, tribal organizations, and communities all over the state have continued to work to prevent suicide. Even so, Alaska is still faced with an "on-going epidemic." Therefore, in addition to fulfilling the yearly reporting requirements, this Annual Report will include a look back at the last ten years of data and will offer the opportunity to look with fresh eyes at how Alaskans can work together to prevent suicide.

[1] SB198 Sponsor Statement, Senator Rick Halford, April 24, 2001.
[2] HB123, sponsored by Representative Anna Fairclough, passed in April 2009 and was signed into law on August 5, 2009.
[3] AS 44.29.350. The Council's statutory authority is included in Appendix A.

HISTORY OF THE COUNCIL

The Statewide Suicide Prevention Council was established in 2001 after a series of "suicide clusters" throughout Alaska led state leaders to more closely examine the issue. Former Department of Health and Social Services Commissioner Karen Perdue requested funding in March of 2001 to support communities experiencing high rates of suicide and to examine Alaska's suicide prevention strategies. The passage of SB 198, on May 7, 2001 established the Council. The Council had its first meeting on November 12, 2001 in Anchorage.

The Council has twelve voting members from the public and four non-voting members from the Legislature. The twelve voting members are appointed by the Governor to four-year terms. Members include:

- one person representing the Department of Health and Social Services;
- one person representing the Department of Education and Early Development;
- one person from the Advisory Board on Alcoholism and Drug Abuse;
- one person from the Alaska Mental Health Board;
- one person recommended by the Alaska Federation of Natives;
- one person who works for a high school;
- one person who is active in a youth organization;
- one person who has experienced the death by suicide of a member of their family;
- one person who resides in a rural Alaska community not on the road system;
- one person who is a member of the clergy;
- one person who is enrolled in grades 9-12 of a secondary school in Alaska;
- and one public member.

The President of the Alaska State Senate and the Speaker of the House appoint the four non-voting members of the council. The Senate President appoints one majority and one minority member of the Senate, and the Speaker appoints one majority and one minority member of the House of Representatives.

2010-2011 Council Chair Bill Martin with Vice-Chair Barbara Jean Franks

SUICIDE IN ALASKA

Suicide was considered an "epidemic" when the Council was created. Back then, in 2000, the age-adjusted rate of suicide for all Alaskans was 21.2/100,000 — an average of 135 lives lost each year.[4] In 2000, the suicide rate in rural Alaska was nearly three times that in urban Alaska.[5] Not much has changed since then. In 2009, the (provisional) age-adjusted rate was 20.2/100,000 with 140 lives lost.[6]

Conversations about suicide rates versus numbers can be confusing. The **number** of suicides is the actual number of people who have been confirmed to have died by committing suicide.[7] The **rate** is the number of deaths by suicide divided by the total population. That means that, if 100 people die by suicide in Alaska, the rate is 100/6.92314 or 14.4/100,000 (which should not be confused with percentage).[8] A **crude rate** is a basic division of the number of deaths by the population (the example given is a crude rate). An **age-adjusted rate** is a weighted average that accounts for the distribution of people of different ages in different regions (some communities are "younger" or "older" than others). It reflects the rate that would occur if every region had the same mix of people of different age ranges.

Why does it matter whether we talk about rates or numbers?

The impact of suicide on a community isn't always clear if you just look at one or the other. For example, in 2008 there were 33 suicides in the Interior Region and 75 in the Anchorage/Mat-Su/Kenai Peninsula region.[9] Based solely on those numbers, you might think that suicide is a bigger problem in Anchorage/Mat-Su/Kenai Peninsula area. Except, the age-adjusted suicide rate in the Interior Region in 2008 was 33.7/100,000 and for the Anchorage/Mat-Su/Kenai Peninsula area it was 17.6/100,000.[10] If you look at that alone, you would come to the opposite conclusion. This is why it's important to look at **both** numbers and rates.

[4] Data from the Alaska Bureau of Vital Statistics.
[5] FY2002 Statewide Suicide Prevention Council Annual Report at 5 (available online at www.hss.state.ak.us/suicideprevention/pdfs_sspc/2002sspcannualreport.pdf).
[6] Data from Alaska Bureau of Vital Statistics. All data for 2009 is considered provisional and subject to change until all deaths by suicide have been confirmed.
[7] This does not take into account those people who may have committed suicide but whose death was classified accidental (i.e. accidental overdose, firearm accident, etc.) or due to other causes (i.e. exposure, etc.)
[8] The Alaska Department of Labor and Workforce Development July 1, 2009 population estimate is 692,314, which is 6.92314 when divided by 100,000. For more information, go to http://almis.labor.state.ak.us/?PAGEID=67&SUBID=115 .
[9] Data from Alaska Bureau of Vital Statistics.
[10] Data from Alaska Bureau of Vital Statistics.

It's also important to consider the local impact of suicide. Between 2000 and 2009, there were 1,369 confirmed suicide deaths in Alaska; at least one suicide occurred in 176 Alaskan communities.[11]

Suicide Data

Over the last ten years, the rate of suicide has remained consistently high. The statewide age-adjusted rate has been 20/100,000 people or higher for eight of the ten years. Some regions have had age-adjusted rates much higher than that.

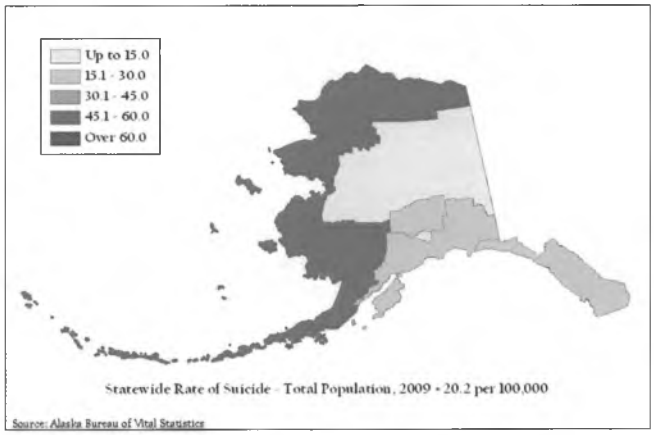
Suicides By Region of Residence: Age-Adjusted Rates[1]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
North Slope Borough	103.3*	**	**	**	**	**	**	**	**	**
Northwest Arctic Borough	**	**	93.5*	**	**	**	102.1*	**	99.4*	**
Nome	63.5*	63.2*	118.2*	**	63.7*	106.0*	65.0*	**	59.9*	84.9*
Bethel/Wade Hampton	62.5*	**	36.7*	57.8*	96.2	60.2*	46.0*	55.0*	75.4*	55.8*
Dillingham/Bristol Bay/Lake and Peninsula Borough	**	**	**	**	**	**	**	**	0.0	**
Kodiak Island Borough	**	0.0	**	**	0.0	**	**	**	**	**
Aleutians	**	**	0.0	**	**	**	**	0.0	**	**
Anchorage/Mat-Su Borough/Kenai Peninsula	17.6	14.1	18.3	18.6	20.4	16.0	16.6	20.7	17.6	16.7
Valdez-Cordova	**	**	**	**	**	**	**	**	**	**
Interior	18.4	19.2*	17.0*	19.8*	19.7	13.9*	17.3*	21.3	33.7	12.9*
Southeast	13.4*	15.2*	19.5*	7.8*	14.3*	10.6*	14.0*	25.0*	23.3*	27.4*
Total	21.1	16.5	20.9	20.5	23.3	19.5	20.0	23.1	24.7	20.2

Data provided by Bureau of Vital Statistics. 2009 data is provisional.
**Rates based on fewer than 20 occurrences are not statistically reliable and should be used with caution.*
*** Rates based on fewer than 6 occurrences are not reported.*

The table above shows age-adjusted rates (weighted averages). The crude rates (the simple number of suicide deaths divided by the population) by economic region are a little different. This map shows the regional breakdown.[12] The Southwestern Region and the Northern Region had crude rates of 60/100,000 people or higher — three times the statewide crude rate of 20.2/100,000 people. The Interior Region and Municipality

Crude Rate of Suicide by Alaska Department of Labor Economic Region per 100,000 Population, 2009



[11] Data from Alaska Bureau of Vital Statistics.
[12] For a map of the Department of Labor and Workforce Development's economic regions, see Appendix B. The Department of Labor and Workforce Development uses six regions, but we have separated the Municipality of Anchorage and the Mat-Su Borough to better understand any differences in the communities.

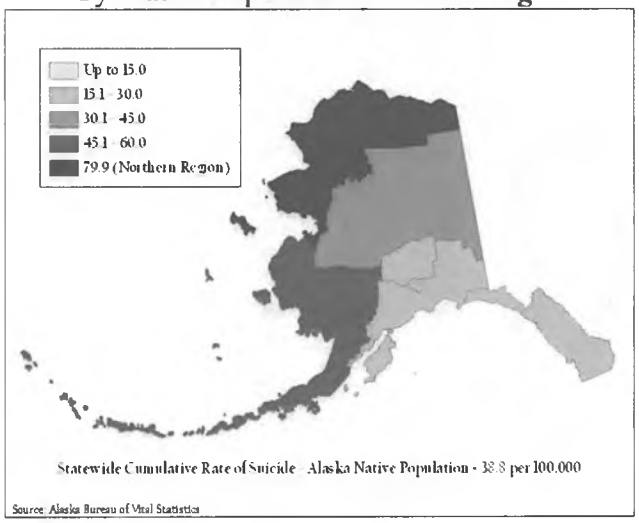
of Anchorage had crude rates below the statewide rate.

Suicide and Ethnicity

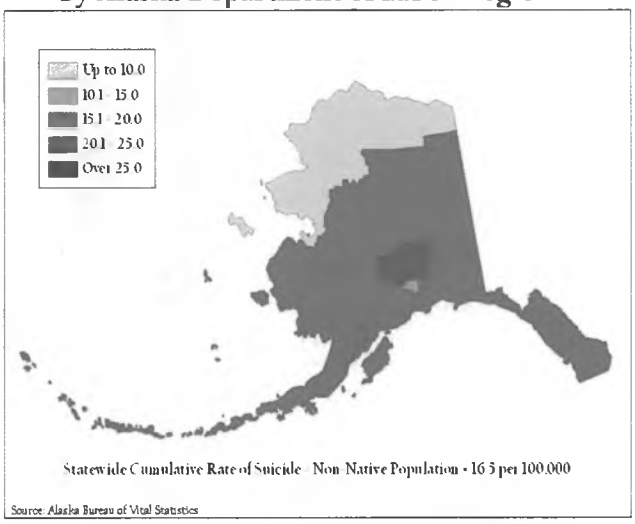
Suicide rates among Alaska Native peoples are higher than for any other ethnicity in the state, and are the highest of any ethnicity in the United States. In 2009, the age-adjusted rate for Alaska Native peoples was 32.8/100,000 people.[13] For White or Caucasian people, the age-adjusted rate was 17.7/100,000.[14] That is a difference of nearly 2:1.

Looking at Alaska suicide rates over time shows that same disparity, with a cumulative crude rate of 38.8/100,000 for Alaska Native peoples and 16.5/100,000 for non-Native peoples. Alaska Native individuals are twice as likely to commit suicide as individuals of other ethnicities.

Crude Rate of Alaska Native Suicide by Alaska Department of Labor Region



Crude Rate of Non-Native Suicide by Alaska Department of Labor Region



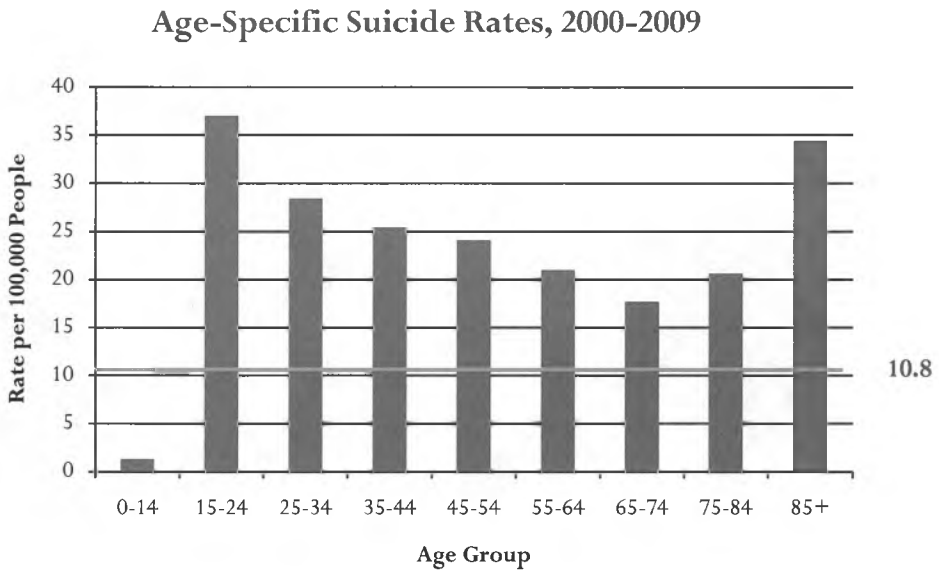
Looking at the suicide rates according to ethnicity tells one side of the story. The actual numbers of suicides tell another. In 2009, twice as many White or Caucasian Alaskans (89) committed suicide as Alaska Natives (44).[15] Since 2001, 847 White or Caucasian Alaskans have committed suicide and 411 Alaska Natives have committed suicide.[16] What this tells us is that suicide is not confined to one ethnic group. Suicide is an **Alaskan** problem.

[13] Data provided by the Bureau of Vital Statistics.
[14] Data provided by the Bureau of Vital Statistics.
[15] Data provided by the Bureau of Vital Statistics.2009 data is provisional.
[16] Data provided by the Bureau of Vital Statistics.

Suicide and Age

In Alaska, young people age 15-24 continue to have the highest rates of suicide. The age-specific suicide rate for young men age 15-24 is 56.1/100,000 and for young women is 16.6/100,000.[17] For Alaska Natives, the rate for this age group is 141.6/100,000 for young men and 50.3/100,000 for young women.[18] For White or Caucasian young men, the rate is 33.8/100,000.[19] For White or Caucasian young women, it is 6.1/100,000.[20]

The rates for other age groups[21] are less dramatic, but no less important. For all age groups above 0-14, the age-specific rate is above the 2007 national rate of 10.8.[22]



From review of the suicide rates over time, it appears that risk of suicide decreases as Alaskans age, at least until age 75. For the most senior group (age 85+), the high rate of 34.4 should be taken in the context of a small number of suicides (13) among a relatively small population. The age groups of 75-84 and 85+ bear further scrutiny over the next 10 years, as Alaska's senior population continues to grow.[23]

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[17] Data is for the period 2000-2009, provided by the Bureau of Vital Statistics.
[18] Data is for the period 2000-2009, provided by the Bureau of Vital Statistics.
[19] Data is for the period 2000-2009, provided by the Bureau of Vital Statistics.
[20] Data is for the period 2000-2009, provided by the Bureau of Vital Statistics. This rate is based on fewer than 20 occurrences and is therefore statistically unreliable. It is offered for comparison purposes only and should be used with caution.
[21] Data is for the period 2000-2009, provided by the Bureau of Vital Statistics.
[22] 2007 rate, reported on the Alaska Scorecard at www.hss.state.ak.us/dhcs/healthplanning/scorecard/assets/scorecard.pdf
[23] The Alaska Commission on Aging reported that the population of Alaskans over age 65 grew by 19.6% between 1997 and 2007. February 17, 2009 Press Release, online at http://www.hss.state.ak.us/acoa/assets/SeniorGrowth.pdf

Suicide and Substance Abuse

Alcohol and drugs play a role in the suicide problem in Alaska, but are not a cause of suicide. We know this from three sources of Alaska-specific information. First, the Alaska medical examiner's office performs a post mortem examination (autopsy) in some — but not all — suicide deaths. From those exams, there is an indication that alcohol and/or drug use was involved in the majority of suicide decedents examined. The Alaska Suicide Follow-Back Study reported that, of the 33% of suicide decedents tested for drugs and/or alcohol, 44% tested positive for alcohol and 48% one or more other drugs.[24]

The Alaska Psychiatric Institute reports that alcohol and/or drug use is involved in an average of 48.44% of all admissions to the state psychiatric hospital. To be admitted to API under the law, a person must be a danger to himself or to another person, so not all of these admissions involved the risk of suicide. However, the data does show that substance abuse is a factor in a significant number of psychiatric emergencies requiring hospitalization.

The Alaska Trauma Registry tracks hospitalizations for poisonings – of which overdoses on alcohol and/or drugs account for the majority. In 2005, the Alaska Trauma Registry published a review of suicide hospitalizations for 2001-2002.[25] During that time, 77% of hospital visits resulting from suicide attempts (or other self-harm) involved an overdose on medications. Of those medication overdoses, 64% were prescription medications. Tylenol was the most common medication on which children age 0-19 years overdosed.

Do numbers and rates tell the whole story?

Rates and numbers are helpful in describing the problem of suicide in Alaska, but the stories of people who have survived a loss to suicide provide an important context for understanding the true impact of the problem.

- "We have an epidemic, a Hurricane Katrina and a Gulf oil spill but in a magnitude much more devastating because it is humanitarian." (Nick Tucker, Sr., Emmonak)

- "Over the past few years, a large number of people took their lives and caused a lot of pain to our friends and family. We try to move on in our lives but the pain never leaves." (Kyle M., Galena)

[24] The Alaska Suicide Follow-Back Study at 16. This study reviewed data on all 426 suicides that occurred between 2003 and 2006. It is available online at http://www.hss.state.ak.us/suicideprevention/pdfs_sspc/aipc_suicide_followback207.pdf .
[25] Alaska Suicide Hospitalizations 2001-2002, Alaska Injury Prevention Center, July 2005 at 4. Available online at http://www.hss.state.ak.us/suicideprevention/pdfs_sspc/hospitalsuicides01-02.pdf .

- "The war that engulfs us today is a war fought on the battlefield of substance abuse. Self-hatred. Suicide. Rape. Child molestation. This is a war within ourselves." (Elizabeth Hensley, Alaska Federation of Natives 2009 Convention)

- "It's a lot for a small town to go through. It's amazing that a lot more people's spirits haven't been broken by this." (James Hoelscher, Hooper Bay)

- "Everybody in Southeast has lost friends and loved ones to suicide, so it's pretty hard to talk about it." (Bill Martin, Juneau)

- "The process of waiting for my son's body to be sent to Anchorage from Bethel and to be sent back to here was the longest four to five days I have ever felt. The emotions we went through cannot be described in human terms. I tried to do something and I would feel lost while I was doing it. I tried working on my (fish) nets but found myself lost in my mind. We should never ever put our parents through this no matter how low we feel or how mad we may be." (Harley Sundown, Scammon Bay)

Photographs courtesy of Thomas Chard

There is empirical information that supports what Alaskans say about the tragic consequences of suicide. Suicide claims more lives in the United States than homicide. Suicide is one of the top ten causes of death in Alaska. Between 2000 and 2008, 4.26% of all deaths in Alaska were due to suicide. In the Wade Hampton Census Area (which includes Hooper Bay, Emmonak, Chevak, Scammon Bay, Mountain Village, Nunam Iqua, and nine other villages), 14% of all deaths were due to suicide. In the Northwest Arctic Borough,

which includes Kotzebue, 13.54% of all deaths were due to suicide. In Anchorage, 3.49% of all deaths in that time period were due to suicide.

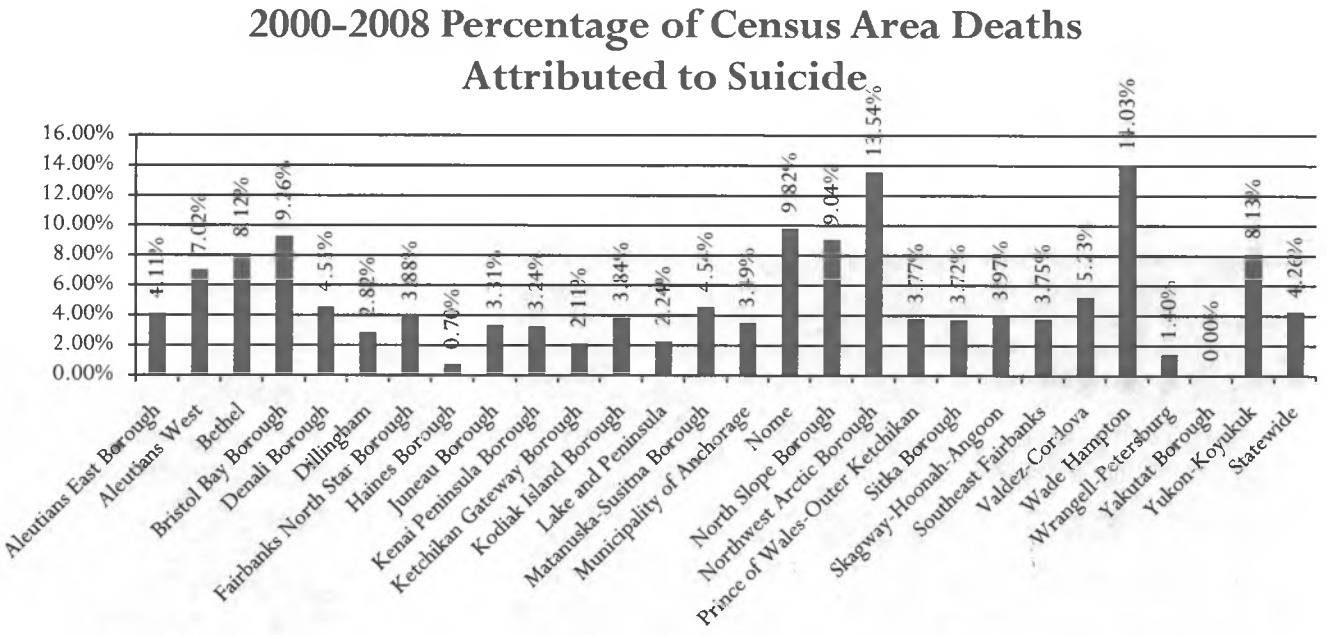


Chart created by Alaska Mental Health Board staff. ***Sources:*** *Alaskan Bureau of Vital Statistics, Detailed Causes of Death by Census Area & Department of Labor and Workforce Development Population Estimates.*
For more information, go to http://laborstats.alaska.gov/?PAGEID=67&SUBID=171 ,
http://www.hss.state.ak.us/dph/bvs/death_statistics/Detailed_Causes_Census/default.htm

Does unemployment affect suicide rates?

The availability of jobs and economic opportunities has a lot to do with personal feelings of self-worth and the health of a community. Research has documented a connection between unemployment, poverty and other social determinants and low self-esteem, anxiety, and isolation.[26] Unemployment and economic distress are factors that can increase the risk of suicide.[27] Review of Alaska's unemployment data shows a weak connection between unemployment and suicide rates.

The average state unemployment rate in 2009 was 8%.[28] For the census areas in economic regions with the highest suicide incidence rate, the average annual unemployment rates in 2009 varied from very low to very high. Bristol Bay Borough had the lowest unemployment rate in 2009 at 4.3%. Wade Hampton had the

[26] *Mental Health, Resilience, and Inequalities*, Dr. Lynne Friedli, World Health Organization 2009 (available online at www.euro.who.int/__data/assets/pdf_file/0012/100821/E92227.pdf).
[27] *Getting Through Tough Economic Times*, A SAMHSA Guide (available online at www.samhsa.gov/economy/#suicide).
[28] All unemployment data for 2009 provided by the Department of Labor and Workforce Development, online at http://almis.labor.state.ak.us/?PAGEID=67&SUBID=188

highest 2009 unemployment rate at 21.2%. Unemployment rates in regions with lower suicide rates are equally variable, ranging from 6.6% in Anchorage to 15.7% in the Yukon-Koyukuk Census Area.

Looking at unemployment rates for 2000-2008, there is a weak statistical correlation between unemployment rates and suicide rates.[29] There is no clear connection between an increase in the unemployment rate and an increase in the suicide rate, as there were periods of time when suicide rates fell in regions experiencing increases unemployment. What this means is that unemployment, while **not a cause of suicide**, is apparently a factor in suicide incidence — and there is room for more research and study of the impact of the health of the economy on the suicide rate.

Photographs courtesy of the Alaska Department of Commerce, Community and Economic Development

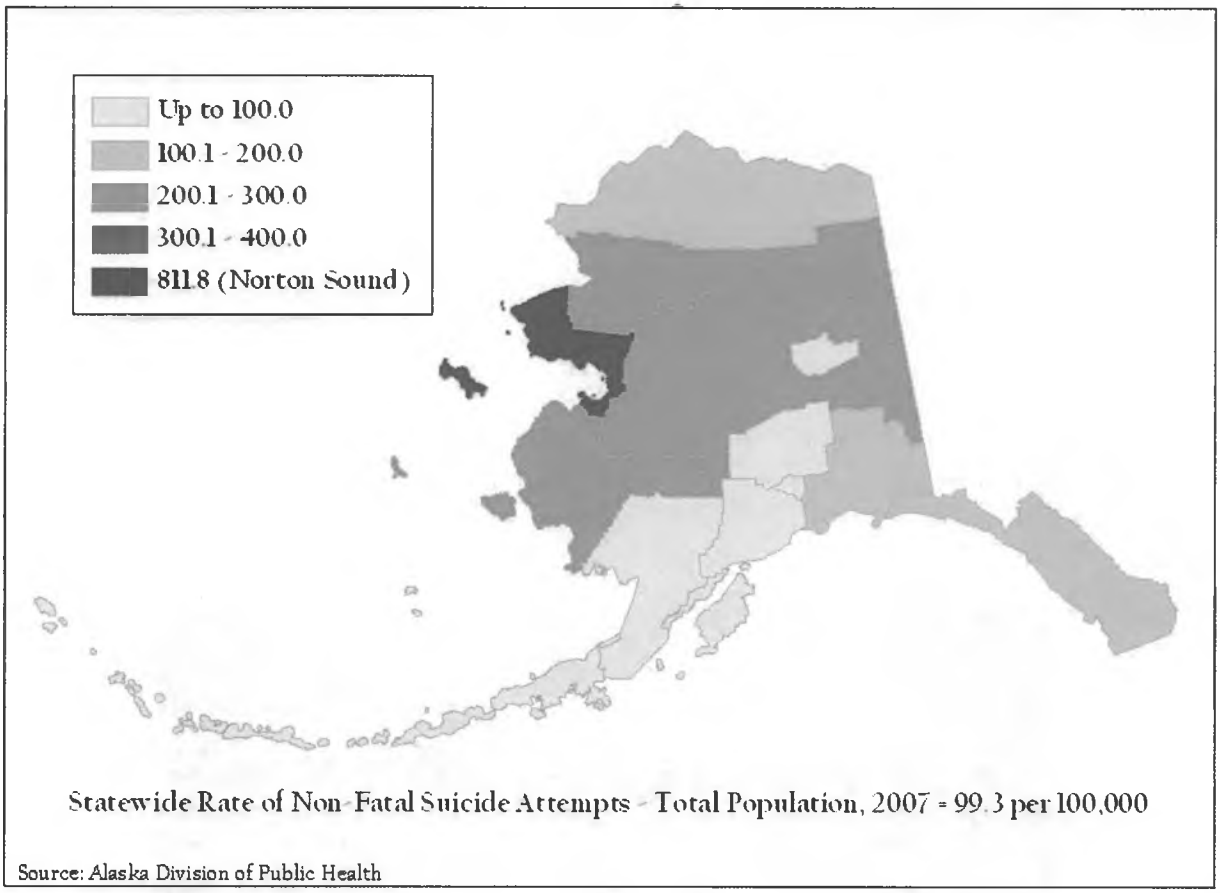
Suicide Attempts

The number of attempted suicides is just as important as completed suicides. The Alaska Department of Health and Social Services tracks this information through the Alaska Trauma Registry. In 2007 (the most

[29] Analysis of unemployment rates and suicide rates for 2000-2008 was conducted by Alaska Mental Health Board staff.

recent year's data available), the suicide attempt rate was 99.3/100,000 people.[30] That's nearly five attempted suicides to each completed suicide.

In 2007, the Norton Sound area (Nome, St. Lawrence Island, and the Seward Peninsula) had the highest rate of non-fatal suicide attempts. That same year, Fairbanks, Anchorage, Mat-Su and the Aleutians had a rate of less than 100 non-fatal attempts per 100,000 people.



Statewide Rate of Non-Fatal Suicide Attempts - Total Population, 2007 = 99.3 per 100,000

Source: Alaska Division of Public Health

Depression and suicidal ideation occurs with alarming frequency among Alaska's high school students. This information is collected every two years through the Youth Risk Behavior Survey, an anonymous survey developed by the Centers for Disease Control and Prevention. In 2009, the survey was administered in alternative high schools as well as traditional high schools. The information was alarming.

[30] Data provided by the Alaska Trauma Registry, Division of Public Health.

2009 Youth Risk Behavior Survey Data

2009	Traditional High Schools % of students surveyed	Alternative High Schools % of students surveyed	National Average % of students surveyed
Depression, hopelessness	25.2%	37.5%	26.1%
Considered attempting suicide in the past 12 months	13.9%	18.1%	13.8%
Attempted suicide at least once in the last 12 months	8.5%	11.3%	6.3%
Suicide attempt resulted in injury, poisoning, or overdose requiring medical treatment	2.6%	4.4%	1.9%

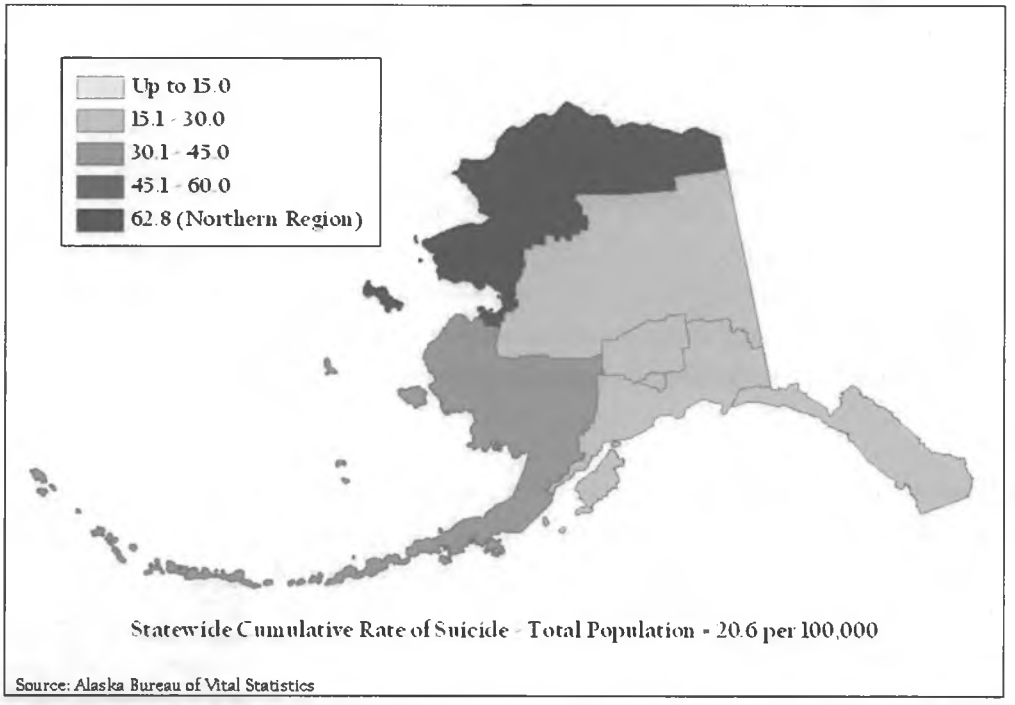
Alaska data provided by the Division of Public Health, Chronic Disease Prevention and Health Promotion (available online at http://www.hss.state.ak.us/dph/chronic/school/YRBSresults.htm).
National data reported by the Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, June 4, 2010 (available online at http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf).

In 2009 Alaskan high school students, especially those attending alternative high schools, presented a much higher incidence of suicidal ideation, suicide attempts, and suicide attempts requiring medical treatment than students nationally.

What does the data tell us?

In 2009, more people died by suicide in the Anchorage area than any other region. However, rural Alaska had higher rates of suicide, indicating a more dramatic impact on communities. We typically look at the suicide rates by year, and measure from year to year whether it is getting better or worse. However, since some regions have a low number of suicides, we don't always have rates for every region. Also, looking year by year doesn't show the long-term effects of suicide on communities. If you look at the cumulative rate since 2001, the statewide rate remains consistent — 20.6/100,000 people. But the rate by region varies considerably.

Cumulative Crude Rate of Suicide by Alaska Department of Labor Economic Region per 100,000 Population, 2001-2009



The Alaska Trauma Registry reports data using different geographical regions than the census boroughs or economic regions used by the Alaska Bureau of Vital Statistics and Department of Labor and Workforce Development.

The 2001-2009 crude rate for the majority of the state is between 15.1 and 30 per 100,000 people. This is the case for the Anchorage area, where most of Alaska's population resides.[31] However, the rate for the Northern Region (which includes the North Slope Borough, Northwest Arctic Borough, and Seward Peninsula) is 62.8/100,000. Less than 5% of the state population lives in that region.[32] This is a good

[31] According to the Alaska Department of Labor and Workforce Development, the 2009 population for the Anchorage Mat-Su region was 374,902 (54% of the state population). Data available at http://laborstats.alaska.gov/?PAGEID=67&SUBID=247 .
[32] According to the Alaska Department of Labor and Workforce Development, the 2009 population for the Northern Region was 23,664. Data available at http://laborstats.alaska.gov/?PAGEID=67&SUBID=247 .

example of how looking solely at rates can be misleading. The number of people who died by suicide in that period of time in the Anchorage area was 626; in the Northern Region it was 152.[33] Again, we see that looking solely at rates — or solely at numbers — is not enough.

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Suicide Prevention Efforts

In Alaska, suicide prevention efforts are supported by the State of Alaska, the tribal health system and Alaska Native Tribal Health Consortium, the federal government, and local communities. Some suicide prevention efforts are large-scale professionalized prevention programs. Others are community driven efforts staffed by volunteers.

Until 2009, very little effort was put into linking the state and tribal suicide prevention systems with other community efforts. Many prevention providers were unaware of other suicide prevention projects in other parts of Alaska. In FY2010, the Council and its partners, the Alaska Mental Health Board, the Department of Health and Social Services Division of Behavioral Health, the Advisory Board on Alcoholism and Drug Abuse, and others prioritized strengthening the connections between suicide prevention efforts. Thus, the Council can better report the scope of suicide prevention in Alaska (though is not yet able to comprehensively identify every suicide prevention program or project in the state).

Careline

Careline, located in Fairbanks, is the statewide suicide hotline. Careline's focus is the safety of the caller and helping the caller access appropriate services to preserve that safety. Careline partners with community mental health centers and clinicians statewide to ensure callers' mental health needs are appropriately addressed.

Careline offers telephone-based crisis intervention and online chat for people who would rather connect with a counselor that way. When someone calls in crisis, the trained counselor assesses the person's safety by identifying whether or not the person is at imminent risk of suicide.

In 99% of calls, the Careline counselors are able to provide effective interventions to keep the callers safe until they can access services they need. In the 1% of cases that are judged to be so acute that the caller is found to be in "imminent risk of death," Careline engages with local emergency services to provide immediate interventions to preserve the caller's safety.

[33] Data provided by the Bureau of Vital Statistics.

Careline provides prevention materials through its website, at community events, and through partners like the Council, Alaska Mental Health Board, and community coalitions. As an agency, Careline has used social media like Facebook to reach out to individuals and to link prevention providers to better serve people in crisis.

Careline reported a 55% increase in total call volume in the second half of FY2010, compared to the same period in FY2009.[34] Of calls received, 223% more involved suicidal ideation.[35] Careline staff attributes this increase in suicide-related calls to increased outreach through partnerships with the Alaska Native Tribal Health Consortium, Alaska Mental Health Trust Authority, NAMI chapters, military Family Advocacy Centers, and statewide outreach efforts. A 23% increase in calls involving addiction and a 54% increase in calls from individuals experiencing mental illness occurred in this same time period.[36]

Careline has received state funding from the Department of Health and Social Services and the Alaska Mental Health Trust since 2006.

Suicide Prevention ~ State Funded

In FY2010, the Department of Health and Social Services made 28 grants totaling $2,663,743 for suicide prevention. These grants were funded with General Funds, receipts from the Alcohol Excise Tax, and federal grant funds received by the State of Alaska. While many more comprehensive community prevention grants were made to address substance abuse, violence, etc. — all contributing factors to suicide — only 28 grants targeted suicide (in whole or in part). Grantees in FY2010 included:

- Juneau School District (Juneau, Douglas)
- Iditarod School District (McGrath)
- Central Peninsula Hospital (Kenai)
- Big Brothers Big Sisters (Fairbanks, Juneau, Sitka)
- City of Nulato (Nulato)
- Mt. Edgecumbe High School (Sitka)
- Mat-Su Health (Palmer, Wasilla)
- PeaceHealth (Prince of Wales Island)
- Stone Soup Group (Statewide)

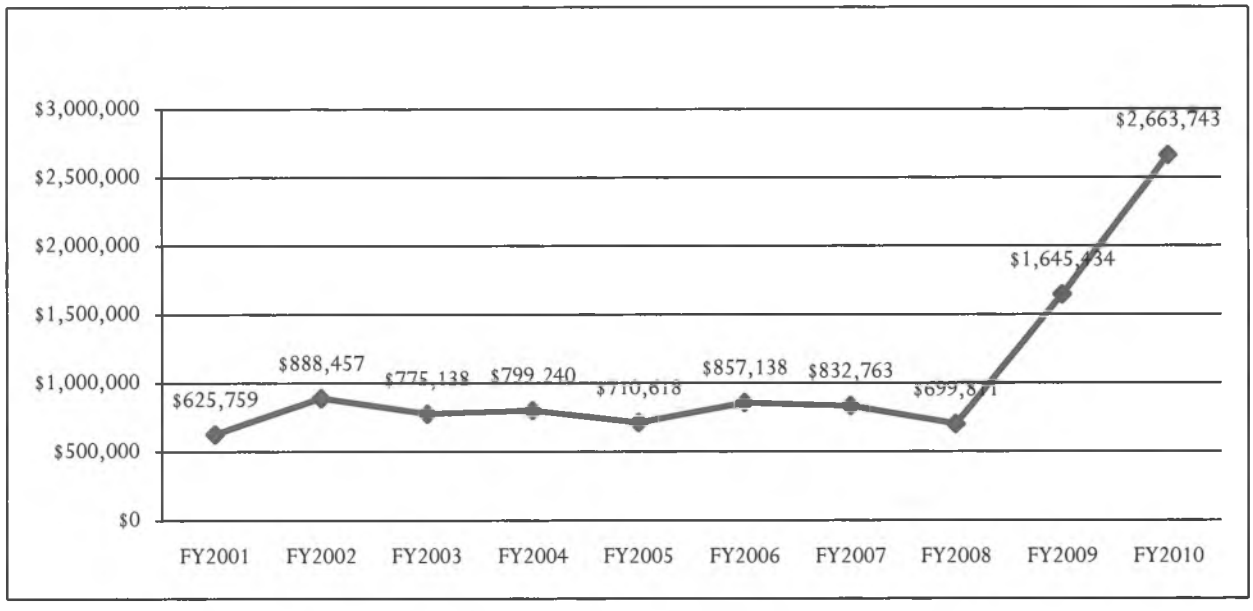
Examples of suicide prevention projects funded through these grants include community coalitions, creation of community resources, public education and outreach. The Juneau School District (which has received grant funding since FY2008) has implemented a school-based screening and intervention program using the Signs of Suicide Prevention Program. This is an evidence based prevention program that addresses depression, suicide risk, and self-harm. Of Juneau alternative high school students screened in September 2009, 40% met the diagnostic criteria for major depression.[37] In the two traditional high schools, 23% and 31% of students screened presented with characteristics of a major depressive episode and/or suicidal ideation. In Juneau, the grantee has added additional interventions and referrals to address contributing factors like poverty, domestic violence, and access to health care to provide a more comprehensive

[34] Data reported by Careline Executive Director Kimberlee Jones to the Statewide Suicide Prevention Council, August 24, 2010.
[35] Data reported by Careline Executive Director Kimberlee Jones to the Statewide Suicide Prevention Council, August 24, 2010.
[36] Data reported by Careline Executive Director Kimberlee Jones to the Statewide Suicide Prevention Council, August 24, 2010.
[37] Reported by Juneau Douglas School District for FY2010.

response to students at risk for suicide. In cooperation with the local suicide prevention task force, the grantee created a valuable internet-based community resource guide: JuneauSuicidePrevention.org.

Since 2001, the State of Alaska has invested over $10 million in suicide prevention. Funding remained consistent from year to year, until 2009 when available grant funds were substantially increased. This was made possible by the State of Alaska's receipt of a Garrett Lee Smith Grant from the federal government.[38]

Cumulative Suicide Prevention Grants Funded by State of Alaska, FY2001-FY2010



The distribution of grant funds has changed over the last ten years. Before 2006, large numbers of communities received small grants of less than $20,000 per year to engage in community driven suicide prevention efforts.[39] These small grant projects included Alaska Native culture camps, "alternative activities" that promoted healthy relationships between adults and youth, community wellness and suicide prevention coalitions, and a natural helper programs for youth in the Lower Yukon School District.

Since FY2006, the number of grantees has dropped steadily as the amount of the awards has risen. In FY2001, grants were made to 48 communities. In FY2010, only 28 grants were made, even though **four times as much money** was available for grants.

Beginning in FY2006, the Department of Health and Social Services adopted a funding mechanism that blended and braided multiple funding streams available for prevention programs and implemented the

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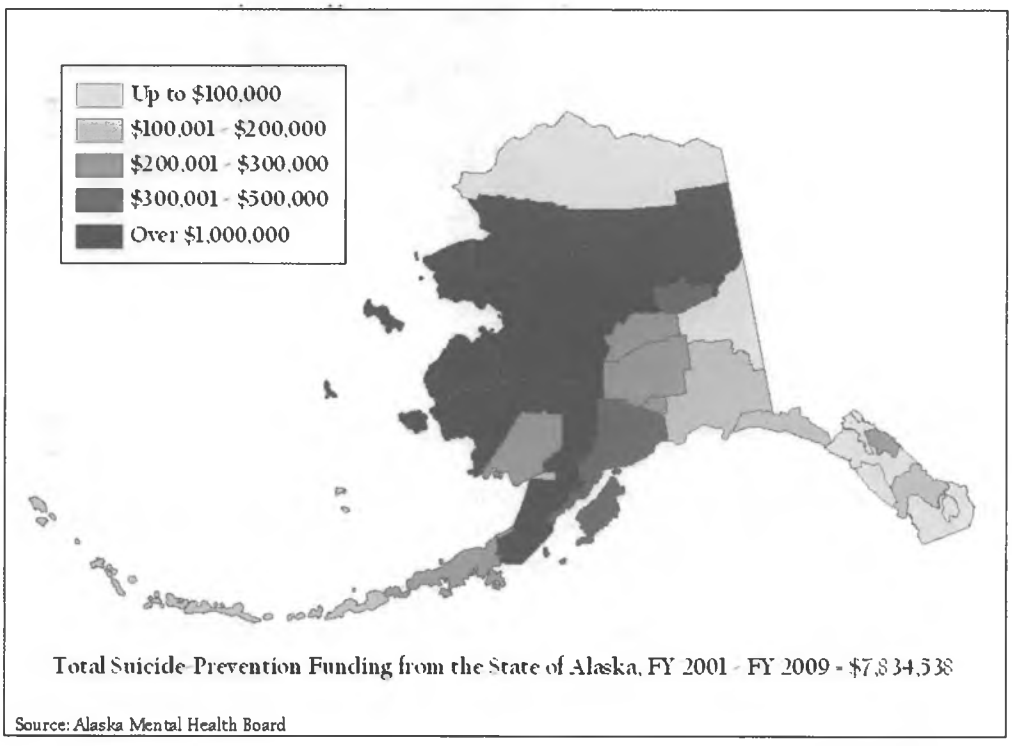
[38] $1.5 million was awarded by the Substance Abuse and Mental Health Services Administration to the State of Alaska, payable in $500,000 increments over three years (2008-2010).

[39] For a full list of grantees between 2001 and 2009, see "Suicide Rates, Prevention Funding, and Prevention Efforts in Alaska," Legislative Research Report (November 12,2010) at Attachment D (available online at http://archives2.legis.state.ak.us/PublicImageServer.cgi?lra/2011/11-015m.pdf).

Strategic Prevention Framework model established by the federal Substance Abuse and Mental Health Services Administration. This model is a public health model that emphasizes community readiness and planning, as well as outcomes, in prevention efforts. Community collaborations are a major part of prevention projects funded under the Strategic Prevention Framework model. This model is more complicated than what was previously used (before FY2006), and requires more from grant writers and managers, as well as community coalitions and partnerships, than the previous structure.

With the evolving funding mechanisms, and the move to a more competitive grant process in FY2006, the distribution of funding has depended more on communities' sophistication in grant writing and management — and their willingness to apply for funding. The map below shows how this funding has been distributed from FY2001-FY2009.

Suicide Prevention Funding from the State of Alaska, by Borough and Census Area FY2001-FY2009



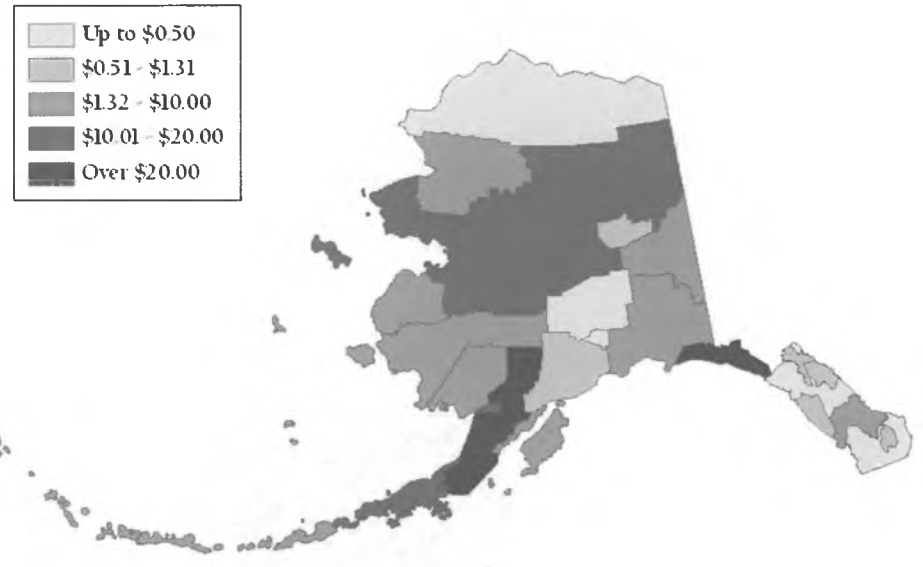
Source: Alaska Mental Health Board

Because not all communities apply for suicide prevention grants, not all regions receive suicide prevention funding from the State of Alaska. Between FY2001 and FY2009, the State of Alaska spent $1.31 per capita per year on suicide prevention.[40] Annual per capita per year spending ranged from $0.08 per capita — in

[40] Average annual per capita numbers were calculated by dividing each geographic area's nine-year funding total by the corresponding nine-year population total. The State of Alaska provided $7.8 million in suicide prevention grants between FY2001 and FY2009. The denominator in this equation is 5,964,093, the sum of the statewide population figures from each of

the North Slope Borough (which received the benefit of less than $5,000 in suicide prevention funding from statewide projects like Careline over this time period), Municipality of Anchorage, Hoonah-Angoon Census Area, and Municipality of Skagway — to $35.24 per capita in the Lake and Peninsula Borough.

Annual Per Capita Suicide Prevention Funding from the State of Alaska, by Borough and Census Area FY2001-FY2009



Annual Statewide Per Capita Suicide-Prevention Funding from the State of Alaska, FY 2001 - FY 2009 = $1.31

Sources: Alaska Mental Health Board; Department of Labor and Workforce Development

Analysis[41] of the distribution of suicide prevention funding shows that incidence is not clearly affected by the amount of funding received. Between FY 2001 and FY 2009, grantees in the Southwest Region received $2.6 million in grant funds (approximately one-third the total provided by the State of Alaska). That region had the second-highest cumulative suicide rate during the same period. However, funding peaked in FY2004 (the year when the region experienced its highest suicide rate of 67.9/100,000). Since FY2005, funding has decreased annually. This region received only $72,931 in FY 2009. Incidence of suicide has come down in the Southwest Region from its peak in FY2004 (during years of decreasing funding), though the rate is still twice the statewide average.

Grantees in the Interior Region received $1.6 million (20% all funding provided by the State of Alaska) in suicide-prevention funding between FY 2001 and FY 2009. Grants averaged about $100,000 per year from FY 2001 to FY 2005. The average from FY2006 to FY2008 was about $180,000 per year. In FY 2009, the

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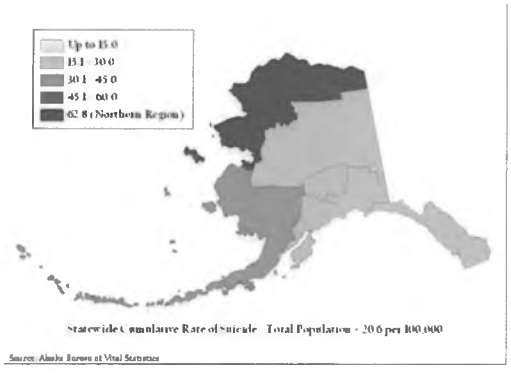
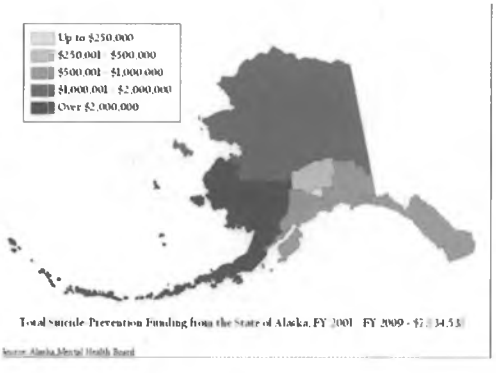
the nine years in the study period. Dividing the former number by the latter gives us $1.31. This means that the State of Alaska distributed the equivalent of $1.31 annually for every Alaska resident between FY 2001 and FY 2009.

[41] Analysis provided by Brian Laurent, former research analyst with the Alaska Department of Labor and Workforce Development and MPA candidate at Boise State University. Because FY2010 grant information was not available until December, 2010, it was not available at the time the analysis was performed.

Cumulative Crude rate of Suicide by Department of Labor Economic Region, FY2001-FY2009



Suicide Prevention Funding from State of Alaska by Department of Labor Economic Region, FY2001-FY2009



$580,989 in grant funds went to the Interior Region. The suicide rate in this region was lower than the statewide rate between 2002 and 2007. In 2008, it spiked to 30.7/100,000 people. In 2009, it fell to 13.8 /100,000 people.

In the Northern Region, which had the highest cumulative suicide rate between 2001 and 2009, grantees received 18.8% of total funding from the State of Alaska ($1.5 million). The amount of grant funding received fell by 37.2% in FY2008 and 51.6% in FY2009, when grantees in this region received $70,500 (the lowest in the state outside of Anchorage).[42]

Funding in the Southeast Region was consistent from FY 2001 to FY 2008. Average annual funding was about $41,000. In FY 2009, grants to the region totaled $406,247 (more than the previous eight years combined). The suicide rate in the Southeast Region increased from 2001 to 2009. Between 2001 and 2006, the rate was between 8.4 and 18.1/100,000 people (below the statewide average). The suicide rate since 2006 has ranged from 23.1 to 27.4 per 100,000/people.

Further detail and disparities can be discerned in an analysis of funding by the smaller regional designations used by the Department of Health and Social Services. For example, the department of Labor's "Northern Region" includes the North Slope and Northwest Arctic boroughs, and the Norton Sound Region. The Norton Sound Region had extreme rates of non-fatal suicide attempts suicide in 2008 and 2009, specifically in the Alaska Native community. This region received close to $900,000 between FY2001 and FY2009. Conversely, the North Slope Borough, with a suicide-attempt rate close to double the statewide average, received less than $5,000.[43]

Suicide Prevention ~ Federally Funded

Seventeen tribal organizations received prevention grants from the Indian Health Service as part of the Methamphetamine and Suicide Prevention Initiative. These grants, totaling over $5 million over three years) were funded as part of the 2009 Recovery Act. The intent of these grant programs is to expand

[42] The Municipality of Anchorage received no suicide prevention grant funds from the State of Alaska in FY 2009. The only grant awards that went to Anchorage between FY2001 and FY2009 were part of larger statewide grants. It received no specifically allocated funds during this period. All funds attributed to the region were apportioned, based on population, from statewide suicide prevention grants.

[43] Like the Municipality of Anchorage, none of the North Slope Borough's suicide prevention funds were to grantee organizations in the borough. All were apportioned, based on population, from statewide grants to organizations like Careline.

community prevention efforts to reduce methamphetamine use and incidence of suicide. Grantees include the Alaska Native Tribal Health Consortium, Southcentral Foundation, Maniilaq Association, Ketchikan Indian Community, Arctic Slope Native Association, Chugachmiut, Bristol Bay Area Health Corporation, and others.

Photograph courtesy of Southcentral Foundation

These grants have funded a variety of projects. Southcentral Foundation is using its grant for the Lead the Change project, a contest that provides outreach, awareness, and education and technical assistance to help youth produce short video messages focused on protective factors that reduce risk for suicide. Rather than a stark suicide prevention message, videos focused on positive aspects of life and hopefulness. The FY2010 winner was a team of youth from Wendler Middle School in Anchorage.

In addition to the current IHS Methamphetamine and Suicide Prevention Initiative grantees, several tribal organizations have received federal Garrett Lee Smith funding. As mentioned above, Maniilaq in the Kotzebue region was awarded a three year Garrett Lee Smith Grant in 2006, which supported a digital storytelling project for students in schools in twelve regional villages and efforts to improve suicide prevention practices in local agencies.

Kawerak, Inc. in the Norton Sound region also received a three year Garrett Lee Smith Grant in 2008. It is funding the Bering Strait Suicide Prevention Program, focusing on all youth age 12-18 and young Alaska Native men age 19-30 in the region's 15 villages. This prevention program includes a "Peer Helpers" project to provide peer support for youth.

Southcentral Foundation received a three year Garrett Lee Smith Grant in 2009. The grant will fund a screening, referral, and case management program targeting high risk Alaska Native youth age 10-24. Suicide prevention and intervention training and youth engagement in media outreach and awareness campaigns are also anticipated.

Suicide Prevention ~ Tribal Health

Tribal health organizations all over Alaska have worked to prevent suicide among their client/customer populations. Along with individual tribal health organizations, the Alaska Native Tribal Health Consortium (ANTHC) has been engaged in ongoing efforts to reduce suicide among Alaska Native peoples. These include a Suicide Prevention Initiative begun in 2009, ongoing suicide prevention and intervention training

(discussed below), assisting regional tribal health organizations with community readiness, and projects to reduce access to "lethal means" (guns, etc.) of suicide. Examples of these efforts are described below.[44]

Bristol Bay Area Health Corporation (BBAHC), a tribal health organization serving Dillingham and 34 regional villages, developed a gun locker program in partnership with ANTHC and the local housing authority. BBAHC targeted access to guns as a "lethal means" of suicide, because firearms are involved in 2/3 of suicides by men in Alaska.[45] In the course of this project, BBAHC has installed over 300 gun safes in homes throughout the region.[46]

In FY2010, ANTHC and its partners worked to develop a culturally relevant postvention resource for Alaska Native peoples. *Doorway to a Sacred Place* is a tool for communities after a suicide or other tragedy has occurred. It incorporates traditional ways of knowing to provide resources for healing — which in turn can prevent suicide contagion, or the domino effect of suicides that so many rural communities have experienced. *Doorway to a Sacred Place* is expected to be finalized and ready for use in FY2011.

Southcentral Foundation offers a suicide prevention program called Denaa Yeets' — "Our Breath of Life" in Athabascan. This program provides case management, information and referrals to services to Alaska Native adults who are at risk of suicide. Denaa Yeets' also provides supportive services to the family members of clients.

Suicide Prevention ~ Training

There are multiple prevention and intervention models available in Alaska. Training is provided through the State of Alaska, ANTHC, and other organizations.

ASIST, which stands for Applied Suicide Intervention Skills Training, is an evidence based suicide prevention model used all over the world. ANTHC has supported trainings throughout the tribal health system in Alaska. At the end of FY2010, there were 585 Alaskans who had been trained in the ASIST model. Communities like Barrow have emphasized training in identifying warning signs of suicide and appropriate responses and referrals.

ASIST Training in Barrow
Photograph courtesy of Audrey Saganna

CISM, Critical Incident Stress Management, is another suicide prevention model. It is most effective after a suicide or other tragic event. The Alaska Police and Fire Chaplain's Ministries, as well as other organizations offer training in this model. CISM is a comprehensive model that focuses on how individuals and communities can debrief and react to a suicide or other crisis in a healing way. By partnering together, organizations have expanded the

[44] Contact the Injury Prevention Program at the Alaska Native Tribal Health Consortium (907-729-3799) for a more comprehensive review of tribal health organizations' suicide prevention efforts.
[45] Reported by the Division of Public Health Epidemiology, Department of Health and Social Services, September 14, 2010 (available online at http://www.epi.alaska.gov/bulletins/docs/b2010_28.pdf).
[46] Reported to the Statewide Suicide Council by Eric Holland, deputy director of Behavioral Health, BBAHC, November 13, 2009.

reach of this model. For example, ANTHC, the Chaplain's Ministry, and the Arctic Slope Native Association partnered to train 50 individuals in CISM in FY2010. Participants included public safety officers and behavioral health providers.

Gatekeeper is another suicide prevention and intervention model. Training in this model is offered by the State of Alaska through the Division of Behavioral Health, Department of Health and Social Services. Anyone can be trained as a Gatekeeper. The model focuses on teaching people to listen and connect with someone, assess that person's risk for suicide, and act appropriately when someone is in crisis. Gatekeeper trainings include a basic overview of suicide, active listening skills, how to assess someone's risk of suicide, and how to be comfortable intervening to keep someone safe. Knowledge of local and statewide resources is also provided, to help Gatekeepers make referrals to the right services when someone is in need.

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Council Activities

The Council held meetings in Dillingham, Anchorage and Toksook Bay in FY2010. At all of these meetings, extensive public comment was provided to council members. Council members have characterized the Toksook Bay meeting in May, 2010 as one of the most meaningful and informative meetings held so far. Not only was much of the meeting held in Yupik (with English translation), but a significant amount of time was spent listening and learning from the local elders.

Photographs courtesy of Teri Tibbett

The Council provided anti-stigma and public education materials to communities around the state and online. In addition to conducting regular business, the Council worked with the Division of Behavioral Health, the Alaska Mental Health Board, and the Advisory Board on Alcoholism and Drug Abuse to develop a transition plan for co-locating the Council with the Boards beginning in FY2011.

The Council's major achievements, however, involved extensive efforts to identify and connect suicide prevention stakeholders to "mend" and strengthen the suicide prevention system "net." These efforts, the first ever Suicide Prevention Summit in January 2010 and the development of the web portal StopSuicideAlaska.org, were only possible because of the Council's partnerships with the Alaska Mental Health Board, Advisory Board on Alcoholism and Drug Abuse, and the Alaska Mental Health Trust.

Alaska Suicide Prevention Summit

In January, 2010 the Statewide Suicide Prevention Council and the Alaska Native Tribal Health Consortium partnered with several state agencies to convened the first ever Alaska Suicide Prevention Summit (Summit). More than 60 individuals, representing agencies and communities statewide, gathered to review and assess the state of Alaska's suicide prevention system and to determine what immediate, short-term and long-term steps can be taken to strengthen the system.

The tribal health system and state-funded health system both support suicide prevention efforts in Alaska. Often these suicide prevention systems operate along parallel tracks rather than in concert. The Summit was the first time that the tribal health suicide prevention system and the state-funded suicide prevention system have come together to identify their unique and common strengths, and how together these systems could build upon those strengths to fill in the gaps in our suicide prevention efforts overall. The Summit started a more collaborative partnership between the tribal and state prevention systems, to begin to have a more meaningful impact on Alaska's suicide rate.

Summit participants identified the strengths and weakness of the suicide prevention systems in Alaska. **Partnerships**, where they occur, between the state and tribal suicide prevention systems were identified as strengths. After the Summit, the level of cooperation between tribal and state entities, as well as other stakeholders, has increased dramatically:

- ANTHC, Southcentral Foundation, and NAMI-Anchorage are partnering to form and host a support group for survivors of suicide in Anchorage.

- SSPC, ANTHC, the Alaska Mental Health Board, the Alaska Mental Health Trust, non-profit organizations, and many survivors of suicide partnered in advocacy to secure funding for suicide prevention, postvention, and technical assistance. Through this partnership, an increment of $200,000 general funds per year was appropriated for postvention funding.
- Alaska Children's Services and the Alaska State Troopers are partnering to deliver Gatekeeper training to state troopers statewide between 2010-2012.
- The Alaska Federation of Natives identified suicide and suicide prevention as a major focus of the 2010 convention.

Photograph courtesy Thomas Chard

Summit participants identified many different avenues of **health promotion** that is now or could more fully be part of suicide prevention efforts. These include a wide range of efforts undertaken at the individual, community, and state levels. Elders and cultural leaders model healthy lifestyles and encourage connections with youth to foster leadership and growth. Depression and substance abuse screening in clinics and other primary care settings, like Anchorage Neighborhood Health Center, help people access treatment and recovery services before they are in crisis. This is an especially effective model for rural and older populations. The tribal health system offers many health promotion programs that help Native Alaskans and people living in rural communities. These include primary and dental health programs, as well as substance abuse prevention and overall wellness programs. These services are culturally appropriate for the target populations. The Rural Human Services program provides culturally relevant education for the behavioral health aides, family service workers, and other human services providers in Alaska's villages and rural communities. This helps expand the wellness promotion services available throughout the state.

Summit participants identified the power of **young Alaskans** as a strength. The Statewide Suicide Prevention Council includes a youth member with full voting privileges. The new youth suicide prevention effort coordinated by Central Council of Tlingit and Haida Indians has a youth advisory board. These are just two examples of how suicide prevention organizations reach out to and include the perspectives of young people in their work.

Current suicide prevention efforts were also identified by Summit participants as system strengths. Some are evidence based practices implemented in clinical settings, some are community based, and some are built on other models. **School-based screenings** of students, like the model in Juneau discussed above, are an effective way of identifying children at risk of suicide before they are in crisis. In some districts, there are student clubs and support groups related to mental wellness that help de-stigmatize mental illness and the seeking of help for a crisis.

Community coalitions involve partnerships between local agencies and individuals interested in preventing suicide emphasize the importance of diverse stakeholder participation. They include multi-disciplinary collaborations between public health, primary care, and behavioral health systems. Since the Summit, a new coalition – SPEAK – has formed in Ketchikan and is an active part of the community's larger wellness coalition.

Careline, Alaska's 24/7 crisis call line, was identified as a strength. Careline and the Alaska Native Tribal Health Consortium offer dynamic and information web pages with prevention resource information. The Juneau Suicide Prevention Task Force and SPEAK in Ketchikan have equally effective webpages with local information and resources. All of these websites link back to each other, to help make sure people can access all the information they need. The Anchorage gay, lesbian, bisexual organization, Identity, Inc., provides a toll-free helpline.

Both the tribal and state systems emphasize the importance of **locally developed prevention solutions**, to ensure that each community has a relevant and respectful way of addressing the problem of suicide as it occurs in their community. The wide availability and acceptance of ASIST, CISM, Gatekeeper, and other suicide prevention and intervention models were identified as strengths. The Rural Human Services program includes a suicide prevention curriculum. The Alaska National Guard is a partner in providing ASIST trainings in communities statewide.

While many strengths were noted, weaknesses and gaps were also identified. Few Alaska communities have an active **support groups for survivors of suicide**. Survivors of suicide can find support groups in only six of the 143 communities: Anchorage, Barrow, Bethel, Fairbanks, Juneau, and Wasilla. Not all of these meet regularly. There are two active support groups and one developing support group in Anchorage, where the largest number of suicides occur each year. In the four census areas with suicide rates of 30 or more per 100,000 people, there are only two communities with support groups for survivors of suicide (Barrow has an active group and Bethel is developing a group). In the Nome census area, where the rate has been the highest, there are no active support groups for survivors of suicide. Increasing access to support for survivors, whether in person or through other means, was identified as a next step for participants and the state as a whole.

Many different models for support services are available, based on specific community needs and capacity. Cultural healing circles help individuals, families and communities deal with the feelings that come immediately after a loss to suicide. They also can provide ongoing support to survivors of suicide. Fairbanks Counseling and Adoption developed the structure for the Fairbanks group directly with participants to ensure that the group provides meaningful support and assistance to people who attend.

Summit participants spoke often of suicide as a taboo subject in families and communities. The pervasiveness of this silence on the issue of suicide was reflected in experiences individual and communal, in public and private space. Family members' deaths left unexplained for generations, ostracism of survivors, suicide deaths listed as accidental by local physicians, media outlets avoidance of even the term "suicide" – these are just a few of the ways that the long-standing culture of silence weakens the suicide prevention system. Contributing to the social norm that suicide is not a subject openly discussed is the fact that, in

many communities, the lack of confidentiality presents an obstacle to developing trust necessary to seek services. Stigma and labeling of both the person who has committed suicide, as well as those affected by the loss to suicide, further impairs access to services and their effectiveness.

Since the Summit, the number of public forums to discuss suicide and its impact on Alaska's communities and families has exploded. Media coverage in newspapers large and small, and by television news programs, has also increased. State and federal policymakers have taken greater interest in the state of the suicide prevention system in Alaska.

IF, FOR NOTHING ELSE, FY2010 IS RECOGNIZED AS THE YEAR THE COUNCIL HELPED ALASKANS END THE SILENCE ABOUT SUICIDE, IT WILL HAVE BEEN A SUCCESSFUL YEAR.

Summit participants identified a lack of cohesion among the different prevention systems (tribal, faith-based, state, federal, local) as a weakness. Efforts to bridge the gaps between these systems were begun immediately after the Summit, and continue today. Other weaknesses included:

- Lack of support services for populations made vulnerable by loss of structure (veterans, transition age youth, immigrants, individuals displaced due to economic or environmental hardships);
- Lack of effective prevention and intervention programs to address bullying;
- Lack of age appropriate services for individuals age 18-25 years;
- Lack of follow up services for individuals who have attempted suicide; and
- Lack of communication among and support for suicide prevention providers.

The Council, along with the Alaska Mental Health Board, prioritized the lack of communication among and support for suicide prevention providers as a weakness that could be addressed in FY2010. Together, they implemented initiatives to improve "net"-working among suicide prevention providers statewide.

StopSuicideAlaska.org

The Alaska Mental Health Board had in, 2009, successfully advocated for a one-time increment of $75,000 in Alaska Mental Health Trust receipts for a web-based suicide prevention resource. This funding, with the input from the Summit, led to the development of StopSuicideAlaska.org.

StopSuicideAlaska.org is not a website. It is a web portal that provides a forum for community groups and stakeholders to come together, share information and ideas, and support each other in suicide prevention efforts. Design and content development was the focus for FY2010, with StopSuicideAlaska.org going live in FY2011.

Given the time necessary to develop and launch the suicide prevention web portal, a companion page for StopSuicideAlaska.org was created on Facebook. Like Careline, the Council has begun to use social media outlets like Facebook to improve outreach efforts and strengthen communication with stakeholders.

Set up in May, 2010, the StopSuicideAlaska.org page on Facebook had nearly 100 members by the end of June (it now has 275 members from all over Alaska). Research, data, news, upcoming events, and words of strength and support are now constantly streaming to stakeholders through these online resources.

Outreach and Education

The Council receives a small grant from the Alaska Mental Health Trust for anti-stigma efforts. In FY2010, this funding supported print media based awareness ads. The Council also provided education, materials, and in-person discussion at a booth at the Alaska Federation of Natives convention (October, 2010). Council members spoke at regional and community events to help raise awareness about suicide, its warning signs, and the effect it has on the people left behind. Council member Barbara Franks coordinated the National Survivors of Suicide day event at the University of Alaska Anchorage in November 2009 (the second survivors' event at UAA).

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Looking Ahead

After a year spent assessing the suicide prevention system, gathering stakeholders together, and identifying its own resources, the Council is ready to look forward at the next five (or even ten) years. Council members will use all the public comment received, the information from the Summit participants, as well as the data and information compiled and reported on here to develop a true state suicide prevention plan for Alaska. That plan will include strategies and recommendations for the State of Alaska, as well as communities and individuals, to prevent suicide.

With the August 2010 hire of a full-time assistant, and the co-location with the advisory boards most closely related to the issue of suicide, the Council can now maximize its resources to better serve the people of Alaska. Strengthening relationships with the tribal suicide prevention system, as well as non-traditional partners like law enforcement and members of the clergy, will ensure that the work of the Council stays fresh and relevant. With the help of the Governor's Office, the Council has begun active recruitment of diverse and energetic candidates for membership. Use of social media, the StopSuicideAlaska.org web portal, and other easily access communication channels will provide ongoing information and feedback from the public — and ensure that the Council stays connected to the people it serves.

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Conclusion

This Annual Report is offered to inform Alaskans about the problem of suicide in our state, and to show how many people all over the state are working very hard to prevent suicide. A substantial financial investment in suicide prevention is being made by the State of Alaska, tribal health organizations, and the federal government. An even greater personal, emotional and spiritual investment is being made by each and every Alaskan dedicated to preventing suicide. And yet, Alaska still experiences suicide at a rate twice the national average.

We hope that this Annual Report starts conversations — in the Legislature, in classrooms, in assembly chambers, in doctors' offices, and in living rooms — about how we can better prevent suicide. The Council deliberately avoided coming to conclusions or providing answers in this report. Instead, we invite you to join us as we plan for the future and share the message that every life is valuable across Alaska.

THE MEMBERS OF THE STATEWIDE SUICIDE PREVENTION COUNCIL
William Martin, Chairman
Barbara Jean Franks, Vice-Chair
Bernard Gatewood, Officer-at-large
Melissa Stone, Recorder/Treasurer
Brenda Moore
Phyllis Carlson
Meghan Crow
Alana Humphrey
Sharon Norton
Pastor Lowell Sage, Jr.
Senator Johnny Ellis
Senator Fred Dyson
Representative Anna Fairclough
Representative Woodie Salmon
Representative Berta Gardner

APPENDIX A

STATUTORY AUTHORITY

AS 44.29.300 Council Established

There is established in the Department of Health and Social Services the Statewide Suicide Prevention Council, consisting of 15 members, as follows:

(1) two members of the senate, appointed by the president of the senate, one of whom shall be a member of the majority and one of whom shall be a member of the minority;

(2) two members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the majority and one of whom shall be a member of the minority;

(3) 11 members appointed by the governor, as follows:

(A) two persons who are employed in the executive branch of state government;

(B) one member of the Advisory Board on Alcoholism and Drug Abuse;

(C) one member of the Alaska Mental Health Board;

(D) one person recommended by the Alaska Federation of Natives, Inc.;

(E) one person who is a counselor in a secondary school;

(F) one adult who is active in a statewide youth organization;

(G) one person who has experienced the death by suicide of a member of the person's family;

(H) one person who resides in a rural community in the state that is not connected by road or the Alaska marine highway to the main road system of the state;

(I) one person who is a member of the clergy; and

(J) one person who is under the age of 18.

AS 44.29.310 Term of Office

(a) The governor shall appoint the members of the council under AS 44.29.300(3)(D) - (J) for staggered terms of four years.

(b) The governor shall fill a vacancy of a member on the council appointed under AS 44.29.300(3)(D) - (J) by appointment for the unexpired part of the vacated term.

(c) Members of the council serve at the pleasure of the governor. The governor shall replace a member who, by poor attendance or lack of contribution to the council's work, demonstrates ineffectiveness as a member. In this subsection, "poor attendance" means the failure to attend three or more consecutive meetings.

AS 44.29.330 Officers and Staff

(a) The council, by a majority of its membership, shall annually elect a presiding officer and other officers it considers necessary from among its membership.

(b) The council may employ a coordinator to assist the council. The coordinator is in the partially exempt service. The coordinator shall be directly responsible to the council in the performance of the coordinator's duties. The council shall annually review the performance of the coordinator.

(c) The council may appoint an advisory panel to provide further advice on suicide prevention. The advisory panel serves at the pleasure of the council. Members of the advisory panel are not entitled to compensation, per diem, or reimbursement of travel expenses.

AS 44.29.340 Meetings

The council may meet, by teleconference or otherwise, as often as considered necessary by the presiding officer of the council.

AS 44.29.350 Duties

The council shall serve in an advisory capacity to the legislature and the governor with respect to what actions can and should be taken to

(1) improve health and wellness throughout the state by reducing suicide and its effect on individuals, families, and communities;

(2) broaden the public's awareness of suicide and the risk factors related to suicide;

(3) enhance suicide prevention services and programs throughout the state;

(4) develop healthy communities through comprehensive, collaborative, community-based and faith-based approaches;

(5) develop and implement a statewide suicide prevention plan;

(6) strengthen existing and build new partnerships between public and private entities that will advance suicide prevention efforts in the state.

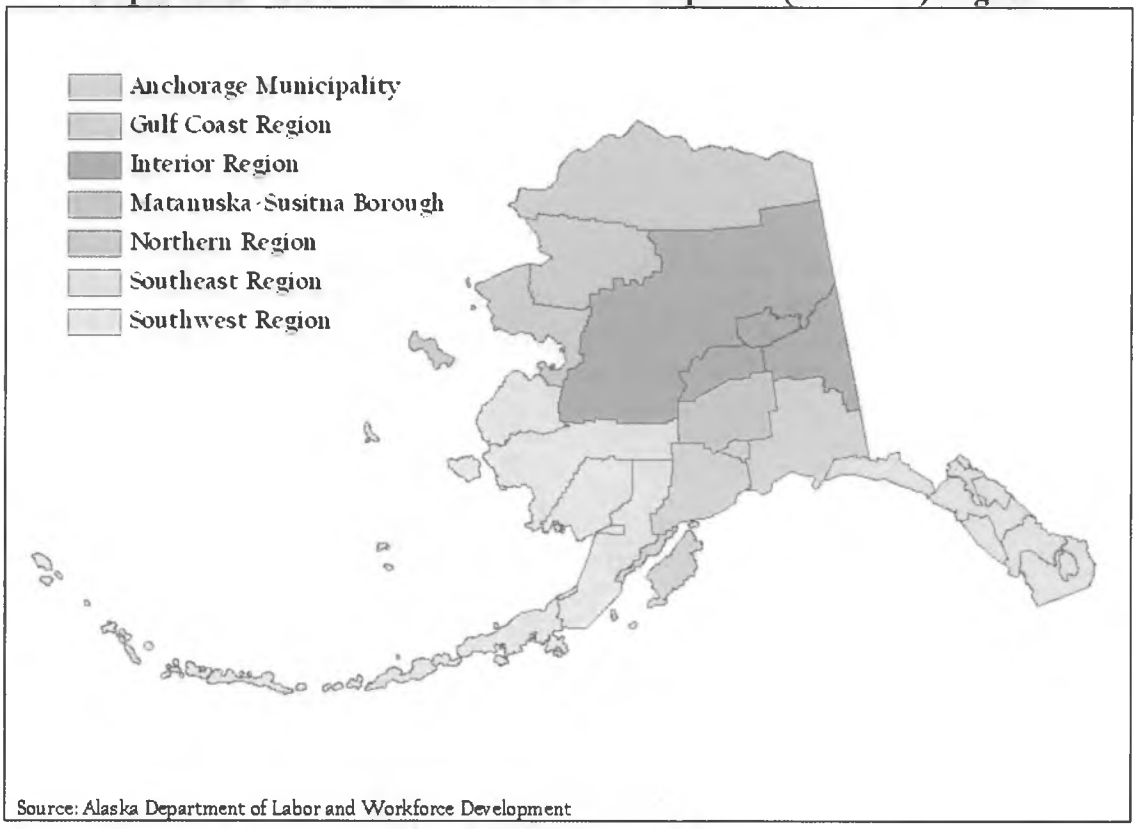
AS 44.29.360 Annual Report

The council shall annually report its findings and recommendations in a report to the governor, the president of the senate, and the speaker of the house of representatives by March 1 of each year.

APPENDIX B

MAP OF REGIONS USED BY THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

Department of Labor and Workforce Development (DOLWD) Regions



Source: Alaska Department of Labor and Workforce Development

This report was web published, resulting in reduced paper and waste and savings of approximately $3,000.00.
Printed copies, free and available upon request, are prepared in-house at a cost of approximately $3.00 per copy.

Governor Sean Parnell

Statewide Suicide Prevention Council

Kate Burkhart, Executive Director
Eric Morrison, Council Assistant
431 North Franklin Street, Suite 204
Juneau, Alaska 99801
http://www.hss.state.ak.us/suicideprevention/

Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

Date: January 20, 2011

To: Representative Bob Lynn, Chair
House State Affairs

From: Representative Anna Fairclough

Re: HB 21 Hearing Request

I am requesting a hearing for HB 21 "An Act relating to the membership of the Statewide Suicide Prevention Council."

Thank you in advance for your consideration.

Attachments:
I. Sponsor Statement
II. HB 21

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

27-LS0154\M.1
Bullard
1/24/11

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 21

Page 2, line 20, following "**States**":

Insert "**, including the United States Coast Guard, the Army National Guard, the Air National Guard, or a reserve unit of the armed forces of the United States.**"

We either have an Amendment or a CS to adopt Check w/ Bob

HB

64

<TARGET><BILL>HB 64</BILL><SUBJECT>HB
64</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-10-2011

The STATE AFFAIRS Committee considered: **HB 64**

HOUSE BILL NO. 64
"An Act relating to permanent motor vehicle registration; and providing for an effective date."
HB 64 PERMANENT MOTOR VEHICLE REGISTRATION

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin	X		
	Environ Cons	X		

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	Johansen			X	
Peggy Wilson	WILSON				XXX
Wes Keller	Keller	X			
Max F Gruenberg	Gruenberg			✓	
Paul K Seaton	Seaton				✓
Pete Petersen	Petersen				✓
Chair: Bob	LYNN	X			
Chair:					

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law
Alaska Court System

Member:
Legislative Council
Committee on Committees
Legislative Budget & Audit (alt)
House Finance Sub-Committees for:
Governor's Office
Legislature
University of Alaska

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
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600 E. Railroad Ave.
Wasilla, AK 99654
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Fax: (907) 376-4928

Toll Free: 1-866-465-4958

Sponsor Statement for House Bill 64 by Representative Bill Stoltze

The passage of House Bill 64 would establish a new type of registration available through the Division of Motor Vehicles allowing for the permanent registration of personal-use motor vehicles older than eight years old.

The proposed change to state statutes calls for the addition of a one-time $100 fee or five times the regular registration fee, whichever is the lesser, to register motor vehicles for personal-use as long as the registered owner continues to own the vehicle. It also allows for the continuation of the regular biennial registration, already existing in the statutes.

This change will make the DMV re-registration process more user-friendly to the owners of qualifying vehicles and lighten the work load for DMV employees by reducing the number of registrations processed, especially among older vehicles.

The increased charge for permanent registration ($100) will help offset some of the lost revenue within the Division of Motor Vehicles created by the new type of registration.

I appreciate your support in this important legislation.

Montana Code pertaining to permanent motor vehicle registration

61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules. (1) (a) The owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2), may permanently register the light vehicle upon payment of a $87.50 registration fee, the applicable registration and license fees under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for a generic specialty license plate under 61-3-480, and an amount equal to five times the local option motor vehicle tax or flat fee on vehicles under 61-3-537 and, as applicable, either:

(i) (A) the original fee and four times the renewal fee for personalized plates; or

(B) five times the renewal fees for personalized plates; or

(ii) if a new set of license plates is not being issued, an insurance verification fee of $5, which must be deposited in the account established under 61-6-158.

(b) The following series of license plates may not be used for purposes of permanent registration of a light vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) amateur radio operator license plates issued under 61-3-422; and

(iv) collegiate license plates issued under 61-3-465.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a motor vehicle that is permanently registered under this section is not subject to additional registration fees or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall once each month remit to the state the amounts collected under this section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201. The county treasurer shall retain the local option motor vehicle tax or flat fee.

(5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's permanent registration.

(b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303.

History: En. Sec. 3, Ch. 515, L. 1999; amd. Sec. 18, Ch. 191, L. 2001; amd. Sec. 47, Ch. 257, L. 2001; amd. Sec. 7, Ch. 337, L. 2001; amd. Sec. 20, Ch. 13, Sp. L. August 2002; amd. Sec. 3, Ch. 143, L. 2003; amd. Sec. 16, Ch. 280, L. 2003; amd. Sec. 70, Ch. 477, L. 2003; amd. Sec. 9, Ch. 464, L. 2005; amd. Sec. 121, Ch. 542, L. 2005; amd. Sec. 98, Ch. 596, L. 2005; amd. Sec. 33, Ch. 329, L. 2007; amd. Sec. 4, Ch. 392, L. 2007; amd. Sec. 19, Ch. 413, L. 2009.

Permanent Vehicle Registration Bill

Data
The Alaska Division of Motor Vehicles reports that there are currently 695,552 passenger vehicles, non-commercial pick-up trucks, vans weighing under 10,000 pounds and motorcycles registered in the State of Alaska.

- There are currently 443,218 personal use passenger vehicles 8 years old and older, registered in the state of Alaska, or approximately 63% of the total number of personal use passenger vehicles currently registered. If this bill is approved these vehicles would be eligible permanent registration.

Revenue Impacts
Based on the current registration fee for a passenger vehicle of $100, for a two year period, the current revenue generated by the DMV for personal use vehicles is $69.5 million every two years.

- By granting permanent registration to vehicles 8 and older a drop in registration revenue of $25.2 million every two years would result. As the registration renewal for these vehicles is $100.
- Nearly 120,000 or a quarter of the vehicles eligible after are no longer registered once they reach 11 years old, and the number decreases annually after that. At 15 years, 44.5 percent of the vehicles are still registered. At 18 years, 29.7 percent are still registered. This results in a decrease in the annual loss in revenue.

Motor Vehicle Registration Tax
An obstacle created by the legislation, is the potential loss of the collection of municipal, borough and city Motor Vehicle Registration Tax revenue. This is currently done by DMV when vehicle registrations are renewed. The state receives 8% of the revenue collected for the MVRT, as a processing fee.

- Vehicles 8 years old and older are charged the lowest rate in the local tax structures established by local governments.
- Montana, the only other state to offer permanent registration, requires the vehicles getting a permanent registration to pay 5 times the appropriate local registration tax. This covers a significant portion of the local taxes for the vehicle. If the same practice is used in Alaska, the owner would pay local registration taxes for the next seven years when granted permanent registration.

Special Tag Needed
A special license plate tag will need to be produced to signify a vehicle has permanent registration, rather than the normal registration which expires after two-years.

- Montana has used a special tag to identify vehicles with permanent registration.
- Cost of development should be no greater than creating the normal year tags distributed by DMV. In fact the cost will decrease as vehicles will not need to renew registration every two-years.

Other advantages

- Permanent registration for personal use motor vehicles will reduce the work load at the DMV, including time spent renewing vehicles. With 63 percent of vehicles eligible for permanent registration and an estimated 90 percent of the owners of eligible vehicles predicted to choose permanent registration the work load at DMV will be greatly reduced.
- This bill will result in a cost and time savings to the consumer, making the DMV more pleasant.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: HB064A (STA)
() Publish Date

Identifier (file name): HB064-STA-DOA-DMV-02-04-11
Title: Permanent non-commercial vehicle registration
Sponsor: Rep(s) STOLTZE, KELLER, Costello
Requester: H (STA)

Dept. Affected: Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services		57.2					
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**0.0**	**57.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES		**256.0**	**300.0**	**(19,644.2)**	**(23,191.6)**	**(23,197.2)**	**(26,745.5)**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF		57.2					
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
TOTAL	**0.0**	**57.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by: Whitney Brewster
Division: Motor Vehicles
Approved by: John Cramer
Department of Administration

Phone: 907-269-5574
Date/Time: 2/5/11 10:00 AM
Date: 2/15/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB 64
2011 LEGISLATIVE SESSION

Analysis

Expenditures

The database for Division of Motor Vehicles (DMV) will need reprogramming to allow for permanent registration on non-commercial vehicles.

Estimated hours: 400
Cost per hour: $143
Total programming cost: 400 x $143 = $57,200.

Revenues

Assumptions:

The biennial registration fee established in AS 28.10.421 is $100 for 96% of the vehicles eligible for permanent registration. Since the permanent registration fee is the lesser of 5 times the $100 ($500) fee or $100 dollars, the registration fee would be $100, whether renewing for two years or permanently. The other 4% of registrations are for motorcyles with a $68 biennial registration. Although the $100 permanent registration fee is greater then the $68 biennial fee, assumption is that 90% will opt for permanent registration.

The maximum additional Motor Vehicle Registration Tax (MVRT) would be $68 ($17 MVRT x 5 = $85 less $17 = $68). The registration fees that would have been paid at the next renewal would offset the $68 one-time increase in MVRT.

The only benefit to retaining biennial registration would be for those who intend to sell their vehicle or move out of state within two years; consequently , the assumption is that 90% of owners will elect for permanent registration.

Approximately 40,000 vehicles become eligible each year.

	2012	2013	2014	2015	2016	2017
2012: 221.6 eligible for perm reg						
199.4 opt perm reg(221.6x90%)						
Loss in biennial fees						
(199.4x$100x96%)			-19146.2		-19146.2	
8.0 motorcyle owners opt for						
perm reg (199.4x4%)						
Fee increase ((8.0x$100)-(8.0x$68))	256.0					
Loss in biennial fees(8.0x$68)			-544.0		-544.0	
2013: 261.6 eligible for perm reg,						
including 40.0 newly eligible						
235.4 opt for perm reg (261.6x90%)						
Loss in biennial fees (235.4x$100x96%)				-22598.4		-22598.4
9.4 motocycle owners opt for						
permanent reg (235.4x4%)						
Fee increase ((9.4x$100)-(9.4x$68))		300.0				
Loss in biennial fees (9.4x$68)				-639.2		-639.2
2014: 40 newly eligible for perm reg						
36.0 opt for perm reg (40.0x90%)						
Loss in biennial fees (36.0x$100x96%)					-3456.0	
1.4 opt opt perm reg for vehicles						
with $68 reg (36.0x4%)						
Fee Increase ((36.0x$100)-(36.0x$68)			46.0			
Loss in biennial fees (1.4x$68)					-97.9	

Analysis Continued

	2012	2013	2014	2015	2016	2017
2015: 40 newly eligible for perm reg						
36.0 opt for perm reg (40.0x90%)						
Loss in biennial fees (36.0x$100x96%)						-3456.0
1.4 motorclcle owners opt for						
perm reg)36.0x4%)						
Fee Increase ((36.0x$100)-(36.0x$68)				46.0		
Loss in biennial fees (1.4x$68)						-97.9
2016: 40 newly eligible for perm reg						
36.0 opt for perm reg (40.0x90%)						
1.4 motorcycle owners opt for						
perm reg (36.0x4%)						
Fee Increase ((36.0x$100)-(36.0x$68)					46.0	
2017: 40 newly eligible for perm reg						
36.0 opt for perm reg (40.0x90%)						
1.4 motorcycle owners opt for						
perm reg (36.0x4%)						
Fee Increase ((36.0x$100)-(36.0x$68)						46.0
TOTAL CHANGE IN REVENUES	256.0	300.0	-19644.2	-23191.6	-23197.2	-26745.5

The DMV collects Motor Vehicle Registration Tax (MVRT) for 16 communities: Anchorage, Bethel, Bristol Bay Borough, Cordova, Dillingham, Juneau, Kenai Peninsula Borough, Ketchikan Gateway Borough, Kodiak Island Borough, Matanuska Susitna Borough, Nenana, Nome, Petersburg, Sitka, Unalaksa, and Whittier.

Eight percent of the MVRT collected is retained by the state as collection costs. Although the increase or decrease in revenues from the collection costs are inderminate, the revenues will change proportionately with the registration fees.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB064A**
() Publish Date

Identifier (file name) HB064-DEC-AQ-02-04-11
Title Permanent Motor Vehicle Registration
Sponsor Representatives Stoltze, Keller
Requester House State Affairs Committee

Dept. Affected Environmental Conservat
Appropriation Environmental Health
Allocation Air Quality
OMB Component Number 2061

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services	95.4		60.4	60.4	60.4	60.4	60.4
Travel	0.0		0.0	0.0	0.0	0.0	0.0
Services	18.2		16.2	28.7	28.7	28.7	28.7
Commodities	0.0		7.5	0.0	0.0	0.0	0.0
Capital Outlay	0.0		0.0	0.0	0.0	0.0	0.0
Grants	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	**113.6**	**0.0**	**84.1**	**89.1**	**89.1**	**89.1**	**89.1**
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
1003 GF Match	0.0		0.0	0.0	0.0	0.0	0.0
1004 GF	113.6		0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0		84.1	89.1	89.1	89.1	89.1
1037 GF/Mental Health	0.0		0.0	0.0	0.0	0.0	0.0
Other (please identify)	0.0		0.0	0.0	0.0	0.0	0.0
TOTAL	**113.6**	**0.0**	**84.1**	**89.1**	**89.1**	**89.1**	**89.1**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time	0.0		1.0	1.0	1.0	1.0	1.0
Part-time	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

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Alice Edwards
Division Air Quality
Approved by Dan Easton
Deputy Commissioner

Phone (907) 465-5109
Date/Time 2/4/11 2:00 PM
Date 2/5/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 64

Analysis

Currently, compliance with local vehicle inspection and maintenance (I/M) programs occurs at the time of biennial vehicle registration. The elimination of that registration process will require the department to develop a stand alone system to notify vehicle owners of the I/M testing requirements and to monitor and track compliance. Additionally, the department will need to update the State's air quality plan.

This fiscal note reflects one new position that will be responsible for notifying over 4,000 vehicle owners monthly of their inspection requirements, checking to see inspections are done and referring violations to the local government.

The first year costs include development of the necessary changes to the program requirements and data systems.

Currently, the department is working with the Environmental Protection Agency on the suspension of the Anchorage I/M program. Suspension of the I/M program would eliminate these costs.

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law
Alaska Court System

Member:
Legislative Council
Committee on Committees
Legislative Budget & Audit (alt)
House Finance Sub-Committees for:
Governor's Office
Legislature
University of Alaska

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Session:
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District:
600 E. Railroad Ave.
Wasilla, AK 99654
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Fax: (907) 376-4928

Toll Free: 1-866-465-4958

Memorandum

TO: Rep. Bob Lynn, Chair House State Affairs Committee

FROM: Rep. Bill Stoltze

DATE: February 2, 2011

RE: Hearing Request for HB 64 "An Act relating to permanent motor vehicle registration; and providing for an effective date."

Mister Chair,

I request that HB 64 be scheduled for a hearing before the House State Affairs Committee at the earliest possible time.

Attached is a sponsor statement, supporting material and a copy of the legislation for consideration by the committee.

HB

71

<TARGET><BILL>HB 71</BILL><SUBJECT>HB
71</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPO

(*)
Date Referred to Committee: January 26, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 3-15-11

The STATE AFFAIRS Committee considered: **SSHB 71**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 71
"An Act relating to the duration of a regular session of the legislature."
HB 71-LEGISLATIVE SESSION LIMIT/PROCEDURES

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____(_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEG	X		

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Johansen	X			
	WILSON	X			
	Keller	X			
	Gruenberg	✓			
	Petersen			X	
	Seaton	X			
Chair:	LINN	+			
Chair:					

duplicate Library
this info is in the packet
but in B&W instead of color

90-day Legislative Session Evaluation Survey

1. I am a		Response Percent	Response Count
Member of the House		**100.0%**	**31**
House Staffer residing outside of Juneau for Interim		0.0%	0
House Staffer residing in Juneau for Interim		0.0%	0
	answered question		**31**
	skipped question		**0**

2. I have worked in the Legislature since		Response Percent	Response Count
Prior to the 1979 constitutional amendment that established the 120-day session limit.		3.2%	1
Prior to the 2008 change establishing a 90-day session limit.		**90.3%**	**28**
The institution of the 90-day limit.		6.5%	2
	answered question		**31**
	skipped question		**0**

3. Do you hold a job in addition to the working in the Legislature?		
	Response Percent	Response Count
Yes	**51.6%**	**16**
No	48.4%	15
answered question		**31**
skipped question		**0**

4. Do members of your family join you in Juneau for most or all of the legislative session?		
	Response Percent	Response Count
No	**58.1%**	**18**
Yes	41.9%	13
answered question		**31**
skipped question		**0**

5. The impact of the shorter session on my finances has been		
	Response Percent	Response Count
Strongly negative	10.0%	3
Negative	26.7%	8
Neutral	**46.7%**	**14**
Positive	16.7%	5
Strongly positive	0.0%	0
answered question		**30**
skipped question		**1**

6. How would you describe the impact that session length has on moving household goods, vehicles, pets, etc.?			
		Response Percent	Response Count
No impact		**37.9%**	**11**
Hardly an impact		17.2%	5
Somewhat of an impact		27.6%	8
A major impact		13.8%	4
Cannot compare as I have not worked during a 120-day session		3.4%	1
		answered question	**29**
		skipped question	**2**

7. Does the shorter session make it more difficult for you to find housing in Juneau			
		Response Percent	Response Count
More difficult		20.0%	6
Marginally more difficult		20.0%	6
Not more difficult		**56.7%**	**17**
Cannot compare as I have not worked during a 120-day session		3.3%	1
		answered question	**30**
		skipped question	**1**

8. How does the shorter session affect your family and dependents?		
	Response Percent	Response Count
Positively	9.7%	3
Somewhat positively	16.1%	5
Neutrally	**41.9%**	**13**
Somewhat negatively	9.7%	3
Negatively	19.4%	6
Cannot compare as I have not worked during a 120-day session	3.2%	1
	answered question	31
	skipped question	0

9. How would you describe the shorter session's effect on your health and sleep schedule		
	Response Percent	Response Count
Negative	**36.7%**	**11**
Somewhat Negative	23.3%	7
Neutral	30.0%	9
Somewhat Positive	3.3%	1
Positive	3.3%	1
Cannot compare as I have not worked during a 120-day session	3.3%	1
	answered question	30
	skipped question	1

10. How would you describe the shorter session's effect on your leisure time			
		Response Percent	Response Count
Positive		6.5%	2
Somewhat positive		6.5%	2
Neutral		29.0%	9
Somewhat negative		16.1%	5
Negative		**38.7%**	**12**
Cannot compare as I have not worked during a 120-day session		3.2%	1
	answered question		**31**
	skipped question		**0**

11. How would you say the shorter session impacts the hiring and retention of staff?			
		Response Percent	Response Count
Positively		3.3%	1
Somewhat positively		0.0%	0
Neutrally		30.0%	9
Somewhat negatively		**40.0%**	**12**
Negatively		26.7%	8
	answered question		**30**
	skipped question		**1**

12. Do you feel that Legal Services responded to your requests in a timely basis during the 90-day session?

	Response Percent	Response Count
Yes	**56.7%**	**17**
No	43.3%	13
answered question		**30**
skipped question		**1**

13. Do you believe that going to a 90-day session from a 120-day session cuts down on the Legislature's operating costs by decreasing "paper, copy costs, transportation, etc" over the two-year term of the legislature?

	Response Percent	Response Count
No	**92.9%**	**26**
Yes	7.1%	2
answered question		**28**
skipped question		**3**

14. Do you believe that you and your staff are able to communicate with your constituents as well during a 90-day session as you were during a 120-day session?

	Response Percent	Response Count
Yes	13.3%	4
No	**83.3%**	**25**
Cannot compare as I have not worked during a 120-day session	3.3%	1
answered question		**30**
skipped question		**1**

15. Did you travel to your district less during a 90-day session than you did during a 120-day session?			
		Response Percent	Response Count
No		17.2%	5
Yes		**79.3%**	**23**
Cannot compare as I have not worked during a 120-day session		3.4%	1
	answered question		**29**
	skipped question		**2**

16. If less, do you consider that detrimental to you or your legislative effectiveness?			
		Response Percent	Response Count
Yes		**84.6%**	**22**
No		11.5%	3
No effect		3.8%	1
	answered question		**26**
	skipped question		**5**

17. How would you describe the majority of comments you've heard from constituents regarding the 90-day session?

	Response Percent	Response Count
Negative	26.7%	8
Somewhat negative	**33.3%**	**10**
Neutral	**33.3%**	**10**
Somewhat positive	6.7%	2
Positive	0.0%	0
answered question		**30**
skipped question		**1**

18. Do you feel that during a 90-day session session there was less time for you to schedule personal meetings with constituents and members of the public during session?

	Response Percent	Response Count
Yes	**93.3%**	**28**
No	6.7%	2
answered question		**30**
skipped question		**1**

19. A shorter session generates more interim hearings. Do you think that the statewide public receives the notification and information as relates to these interim hearings as adequately as during session?

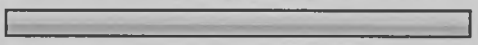
	Response Percent	Response Count
No	**75.0%**	**21**
Yes	25.0%	7
answered question		**28**
skipped question		**3**

20. Do you have additional comments on the questions posed in this section of the survey?		
		Response Count
		13
	answered question	**13**
	skipped question	**18**

21. Do you believe that the 90-day session allowed your personal legislation to be adequately evaluated by committees of referral?			
		Response Percent	Response Count
No		**90.0%**	**27**
Yes		3.3%	1
No different than 120-day session		6.7%	2
	answered question		**30**
	skipped question		**1**

22. What effect do you believe the shorter session has had on the amount of testimony that legislation recieves?			
		Response Percent	Response Count
Much less testimony/more time constraints upon testimony		46.7%	14
Less testimony/more time constraints upon testimony		**50.0%**	**15**
No effect		3.3%	1
More testimony/less time constraints upon testimony		0.0%	0
Much more testimony/less time constraints upon testimony		0.0%	0
	answered question		**30**
	skipped question		**1**

23. Do you believe that a shortened session gives greater power to special interest groups to kill legislation that they oppose by having it held in committee without a hearing?			
		Response Percent	Response Count
Yes		**82.8%**	**24**
No		6.9%	2
No opinion		10.3%	3
	answered question		**29**
	skipped question		**2**

24. Do you believe that a 90-day session gives committee chairs a greater degree of power to kill legislation?			
		Response Percent	Response Count
No		13.8%	4
Yes		**75.9%**	**22**
No opinion		10.3%	3
	answered question		**29**
	skipped question		**2**

25. Do you percieve an increase in pressure to move bills from committee with a single hearing because of the reduced session length?			
		Response Percent	Response Count
No		3.3%	1
Yes		**86.7%**	**26**
No opinion		10.0%	3
	answered question		**30**
	skipped question		**1**

26. Do you believe that bills that would otherwise be heard by committees were held because there was a perception that they might take up too much of the committee's time?

	Response Percent	Response Count
Yes	**79.3%**	**23**
No	13.8%	4
No opinion	6.9%	2
answered question		**29**
skipped question		**2**

27. Fewer bills were introduced in the 90-day session than the previous 120-day session. Did the decrease in the number of bills significantly benefit the legislative process?

	Response Percent	Response Count
Yes	23.3%	7
No	**46.7%**	**14**
No effect	30.0%	9
answered question		**30**
skipped question		**1**

28. Has the 90-day session ever prevented you or your office from introducing complicated or controversial legislation because you worried that it might require too much committee time?

	Response Percent	Response Count
No	**66.7%**	**20**
Yes	33.3%	10
answered question		**30**
skipped question		**1**

29. Do you believe more or less time is spent discussing resolutions instead of bills due to the shortened session?

	Response Percent	Response Count
More time	**69.0%**	**20**
Less time	6.9%	2
No opinion	24.1%	7
answered question		**29**
skipped question		**2**

30. Do you have any additional comments regarding the questions posed in this section of the survey?

	Response Count
	6
answered question	**6**
skipped question	**25**

31. The statement in support of the ballot initiative establishing the 90-day session in 2006 claims that twenty-seven other states have a session shorter than 120-days. Do you see value in comparing the session length in Alaska to that of other states given the issues dealt with by the Alaska State Legislature?

	Response Percent	Response Count
No	**83.3%**	**25**
Yes	6.7%	2
No opinion	10.0%	3
answered question		**30**
skipped question		**1**

32. Do you believe that reducing the time a legislator spends away from family and work from 120 to 90 days leads to a greater number of people willing to run for office?

	Response Percent	Response Count
Yes	20.7%	6
No	**65.5%**	**19**
No opinion	13.8%	4
answered question		**29**
skipped question		**2**

33. Do you believe that by decreasing the time that the Legislature is convened from 120 days to 90 days this cedes some of the power of the Legislature to the Governor or the bureaucracy?

	Response Percent	Response Count
No	13.8%	4
Yes	**86.2%**	**25**
No opinion	0.0%	0
answered question		**29**
skipped question		**2**

34. Do you think that after the implementation of the pay commission recommendation (to pay Legislators a flat annual salary of $50,400 while doing away with a per-diem they get for working on state business when the Legislature isn't in session) Alaskans will want their Legislators to work longer sessions?

	Response Percent	Response Count
Yes	33.3%	10
No	**36.7%**	**11**
No opinion	30.0%	9
answered question		**30**
skipped question		**1**

35. Combining all factors, how would you prefer the legislative session to be structured?		
	Response Percent	Response Count
120 days	**66.7%**	**20**
90 days	13.3%	4
90-day session split in two but encompassing no more than 120 days in total (for example 45 days beginning the session, a 30 day break encompassing Energy Council and Easter, followed by a second 45 days)	13.3%	4
Other	6.7%	2
	answered question	**30**
	skipped question	**1**

36. Taking into account the effect of the 90-day session on all aspects of the legislative process, does the fact that the session length was established by the initiative process effect your willingness to change the session length?		
	Response Percent	Response Count
No	**73.3%**	**22**
Yes	26.7%	8
	answered question	**30**
	skipped question	**1**

37. Do you have suggestions for other Uniform Rule changes in relation to continuing with a 90-day session?	
	Response Count
	9
answered question	**9**
skipped question	**22**

38. If we continue with 90-day session do you have suggested ways to effectively involve constituents and testifiers in the shortened session?	
	Response Count
	12
answered question	**12**
skipped question	**19**

39. Mark the appropriate circle: If we stay at 90 days do we need to...		
	Response Percent	Response Count
Shorten the 45-day window after session convenes for the Governor's budget amendments	**65.2%**	**15**
Limit the number of bills sponsored or cosponsored	21.7%	5
Limit below the current 10 the number of Citations a member may introduce	13.0%	3
answered question		**23**
skipped question		**8**

40. Do you have further comment on any of the items discussed in the survey, or on additional items pertinent to the length of the legislative session? Please write them here.	
	Response Count
	10
answered question	**10**
skipped question	**21**

41. If you wish to provide your name, please do so here.	
	Response Count
	10
answered question	**10**
skipped question	**21**

Alaska State Legislature

Rep. Max Gruenberg

Rep. Bryce Edgmon

Rep. Paul Seaton, Chair

HOUSE 90-DAY SESSION EVALUATION SUBCOMMITTEE

HB 71 – Repealing the 90-day Session Limit

HB 71 repeals AS 24.05.150(b), the 90-day limit for regular legislative sessions enacted by ballot initiative in 2006. Legislative Council established a 6 member 90-day Session Evaluation Task Force in 2008. The House side of the Task Force surveyed House members and staff to create a basis for a recommendation. Thirty-one House members responded to the survey and the final recommendation was to repeal the 90-day limit.

The Legislature has met for three 90 day sessions and has had the time to experience the advantages and disadvantages of the truncated session. While the personal benefit of a shorter session means less time away from families, homes and private sector jobs, it is the subcommittee's opinion that the 90-day limit on the legislative session does not serve the best interest of the State of Alaska. The survey results demonstrated that most Representatives believed the shortened session rushes legislation, hinders discussion, decreases the public's participation and shifts power to the executive.

Representatives surveyed overwhelmingly felt that less committee time is spent on bills and more bills are passed from committee with only one hearing with a 90-day session. Ninety percent of Representatives surveyed believed the 90-day session did not allow their personal legislation to be adequately evaluated by committees of referral. Eighty-six percent felt there was more pressure to move bills from committee with only a single hearing due to the shortened session. By the time the public is aware of an issue it may have moved from committee.

Legislators' schedules are packed, often starting with breakfast meetings and extending well into the evening hours. There are simply not enough hours in the day to meet with constituents, members of the public, and interest groups that want to communicate a message to their lawmakers. Eighty-three percent of the survey respondents believed they and their staff are not able to communicate with constituents as well during a 90-day session. This leaves legislators more isolated in a policy-making bubble.

With 30 days less in Juneau committees meet less, there is less scrutinizing of the departments, and therefore less oversight of the executive branch. Eighty-six percent of House members surveyed thought decreasing the session length cedes some of the power of the Legislature to the Governor or the bureaucracy.

Arguments in favor of a 90-day session should be reevaluated now that we have experience. The sponsors of the 90-day session initiative argued that it would increase the number of candidates, limit committee meetings, and result in a meaningful cost savings. In fact, the number of candidates running for office has been steadily decreasing since the initiative passed in 2006 (16% from 2004 to 2010). On average, 19

more interim committee meetings have been held annually with a 90-day session. Obviously the direct cost of a regular session goes down with 30 less days; however even one special session annually can quickly eliminate that savings.

Legislative Affairs has transferred the 'savings,' around $800,000, from the regular session line item in the budget to the special session line item. A special session is more expensive than a regular session. The Legislature added staff transportation to and from the regular session in response to perceived difficulty hiring staff for the shorter session. All of these factors have numerous costs and benefits, but the survey of House members found that 93% of respondents did not believe that there were significant overall savings to justify the shorter session.

Spending an extra 30 days with friends and families in home districts sounds tempting. However, the trade off in the perceived quality of legislation and the public input is not in the best interest of the State. Shortening the session rushes the legislative process, decreases public participation and gives more power to the governor. It is time to repeal the 90 day session and return to the constitutionally imposed 120 day limit.

Staff contact, Katie Koester 465-2028

Alaska State Legislature

Rep. Max Gruenberg

Rep. Bryce Edgmon

Rep. Paul Seaton, Chairman

HOUSE 90-DAY SESSION EVALUATION SUBCOMMITTEE

The following report is submitted with the unanimous consent of the House 90-Day Session Evaluation Subcommittee.

Introduction

In 2007 the Legislature passed HB 171 requiring Legislative Council to deliver a report to the full Legislature before the start of the 2010 session "considering issues related to the duration of the regular session and making recommendations regarding the amendment or repeal of any statutes or Uniform Rules implementing the 90-day regular session."

In 2008 Legislative Council created a subcommittee to assist in creating the 90-day session report. This subcommittee consists of three members of the House, appointed by the Speaker of the House, and three members of the Senate, appointed by the Senate President. House subcommittee members include Representative Seaton, Chair, Representative Edgmon, and Representative Gruenberg. Senate members are Senator Stevens, Senator Huggins, and Senator Wagoner.

House subcommittee members viewed our task as providing Legislative Council with a basis and recommendation for their report. House subcommittee members felt that we needed baseline information on which to base our recommendations. In order to gather this information the House members on the subcommittee submitted a "90-day Legislative Session Evaluation Survey" to all House members and House interim staff.

Senate members of the subcommittee determined that they would proceed on a different track and did not participate in the survey. This report exclusively discusses the deliberations of the House portion of the subcommittee hereafter referred to as "the subcommittee". House members will hereafter be referred to as Representatives.

Survey

An on-line survey provider called "SurveyMonkey" was utilized to deliver the survey. SurveyMonkey is the website of choice for entities such as Council of State Governments and the Western Interstate Commission for Higher Education. The survey site allows multiple answer surveys to be filtered and downloaded, at a cost of $19 per month. The subcommittee maintained this website for three months in order to collect as many responses as possible. The survey was e-mailed to all Representatives, and all interim House staff.

In order to achieve a maximum degree of participation among Representatives and House staff, the subcommittee determined that the survey should be delivered on an anonymous basis. However, it did include the option for respondents to provide their name if they wished.

For purposes of delineating staff responses regarding the impact of the 90-day session on moving expenses and other "personal" issues, the subcommittee determined that staff responses should be segregated between House staff residing in Juneau during the interim, and House staff residing elsewhere in Alaska during the interim, as these personal impacts would likely be different for the two groups.

The survey took into account that some Representatives, as well as many staff members may not have worked prior to the imposition of the 90-day session. An answer option was added to applicable comparative questions stating that the respondent was "unsure" as they have not worked during a 120-day session. In order to achieve objectivity the options for answering the "yes or no" questions were alternated so that one answer or the other was not listed first in order of preference. The subcommittee was also careful to give respondents the option to answer "no opinion" on pertinent questions so that they were not forced into picking one answer or the other if they did not have a position.

The survey contained 40 questions, in four general categories:
1. Impacts of the 90-day session on aspects of the personal lives of Representatives and staff such as moving expenses, housing, recreation time, health, etc;
2. Impacts of the 90-day session on the legislative office and constituent relations;
3. Impacts of the 90-day session on public participation and the committee process; and
4. Impacts of the 90-day session on miscellaneous aspects of the legislative process, as well as suggested changes to session structure, and length.

Results

The same survey was given to all Representatives and interim staff. The survey results are presented filtered into three groups: Representatives; House staff; and a combination of both. These surveys are attached as are all additional comments to survey questions.

The surveys presented with this report are largely self-explanatory so this report will not go into great detail discussing the survey results with a few exceptions. In the following narrative the number in parenthesis refers to the question number in the Representative survey. Although the staff survey has some different percentages there was not a difference on the main issues discussed below.

Thirty-one Representatives responded to this survey, as well as 47 non-Juneau House staff, and 23 Juneau-based House staff. Of the 31 Representatives, a large majority expressed displeasure with the 90-day session. Twenty Representatives prefer the session length at 120-days, 4 prefer the session to be set at 90-days, and 4 prefer it to be structured as 45-days, a 30-day break, and then another 45-days.

General trends can be seen by looking at the majority of responses to a number of issues. Sixty percent of responding Representatives answer that the 90-day session had a negative or somewhat negative effect on their health and sleep habits (question 9). Sixty-seven percent say the 90-day session had a negative or somewhat negative impact on their hiring and retention of staff (q.11) while only 3 percent say it had a positive or somewhat positive impact. Communication and interaction with constituents is generally seen as negatively impacted, with 83 percent saying they communicated less well (q.14), 79 percent saying they traveled less to the district (q.15), and 85 percent stating that they consider a 90-day session to be detrimental to their legislative effectiveness. Sixty percent heard a majority of negative comments about the 90-day length from their constituents compared to 7 percent hearing positive comments (q.17). The effect of the 90-day session is generally seen as disadvantageous to constituents, with 93 percent of responding Representatives feeling that they have less time to schedule meetings (q.18), and 97 percent believe there is less public testimony and more time constraints on public testimony (q. 22). Ninety percent also feel there is less than adequate evaluation of their personal legislation (q. 21); with 83 percent believing the 90-day session gives special interest groups more power to kill legislation (q.23), and 76 percent say committee chairs have more power to kill legislation (q.24). Seventy-nine percent say bills were not heard because they might take up too much committee time (q.26) while 87 percent feel there is more pressure to move bills with a single hearing because of the shortened session (q.25).

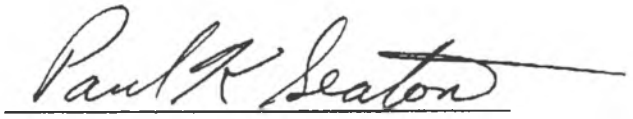
Representatives generally disagree with the validity of 90-day initiative proponent claims. Ninety-three percent do not think the shorter session cuts down legislative operating costs (q.13). Sixty-six percent do not believe the reduced number of session days leads to a greater number of people willing to run for office (q.32), and 83 percent do not see value in comparing the length of sessions to other states (q.31). Eighty-six percent of the responding Representatives feel the 90-day session cedes some of the power of the legislature to the Governor or the bureaucracy (q.33).

There is no majority opinion about the public desire for legislators to work longer sessions because of the change in legislators' compensation calculation from long-term per diem to salary (q.34), but 73 percent say the fact that the 90-day session was enacted by an initiative would have no effect on their willingness to change the session length (q.36). Sixty-seven percent of responding Representatives when combining all factors prefer the legislative session to be a 120-day structure.

Recommendations

Consistent with the above findings, the House subcommittee recommends that the Legislative Council introduce legislation to return legislative session duration to the constitutional specification of "...no later than one hundred and twenty consecutive calendar days from the date it convenes...."

If Legislative Council chooses to not follow the above recommendation, it should note that the survey polled respondents on three other measures the Legislature might take to improve a 90-day session. These results show that 65 percent of the responding Representatives support decreasing the length of time allowed to the Governor to submit budget amendments from 45 to 30 days. Twenty-two percent support a limit on the number of bills sponsored or co-sponsored, and 13 percent endorse a limit on the number of legislative citations an individual legislator can introduce (q.39). Five separate suggestions for uniform rule changes by individual Representatives are listed in the comment section (q.37).



Representative Paul Seaton, House Subcommittee Chair

Ballot Measure 1 - 05LEGS

90-Day Session Limit for Legislature

BALLOT LANGUAGE

This initiative would reduce the maximum length of a regular legislative session from 121 days to 90 days.

SHOULD THIS INITIATIVE BECOME LAW?

⬭ Yes

⬭ No

LEGISLATIVE AFFAIRS AGENCY SUMMARY

This measure limits the length of a regular session of the legislature. The session may last only ninety days. The limit will not apply to the next regular session. It will apply to other sessions in the future.

STATEMENT OF COSTS AND REVENUES FOR BALLOT MEASURE 1 – INITIATIVE 05LEGS – Prepared by the Legislative Affairs Agency

As required by AS 15.58.020 (6) (c) the Legislative Affairs Agency has prepared the following statement of costs and cost savings to the Legislative Affairs Agency of implementing the law proposed in Ballot Initiative 05LEGS.

The initiative would limit regular sessions of the Legislature to 90 days, including the day the legislature first convenes in that regular session. The 90 day limit would take effect beginning with the second regular session of the 25th Alaska Legislature in January 2008.

The Legislative Affairs Agency would realize a cost savings of $700,000 per year due to shortening the existing 121 day session to 90 days. However, shortening the regular session to 90 days may or may not result in more frequent special sessions so that legislators can work on single subject legislation, or work on legislation that did not make it through the process during the regular session. If more special sessions were held, the $700,000 cost savings realized by shortening the session, would be offset by the costs of holding more frequent special sessions.

FULL TEXT OF THE PROPOSED LAW

An Act relating to a 90-day regular session of the legislature; and providing for an effective date.

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

*Section 1. AS 24.05.150 is amended by adding a new subsection to read:

(b) The legislature shall adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session.

*Sec. 2 This act takes effect on the first day of the second regular session of the 25th Alaska Legislature.

The text of this bill is presented as submitted by petition sponsors.

STATEMENT IN SUPPORT

Why limit the Alaska legislative session to a 90 day duration?

This is the most asked question we get when discussing our voter initiative.

The advantages are many and too numerous to list in the limited space made available in this election pamphlet, but here are some of the major advantages to a 90 day session.

First, we save 30 days of per diem and expenses of operation of the legislature - paper, copy costs, transportation, etc.

Secondly, twenty-seven other states in the U.S. have a shorter session than Alaska (remember this figure when people tell you we would not have adequate time to do our work).

Third, since 1990, legislation has been introduced twenty-four times and none of the bills have gotten to the floor of either body for action.

All voters should understand that a 90 day session limit would in no way restrict the legislature from calling itself into special session to meet specific needs of the state. The Governor also has the ability to call the legislature into special session, as he has done the last two years.

Finally, we would like to quote a very compelling piece from the Juneau Empire, which stated the following:

"Reducing the time away from family and other work also might encourage people to run for office. Competition and choice only helps the democratic process and ultimately might boost the caliber of candidates"

Submitted by one of the Petition Sponsors

Senator Tom Wagoner
Senate District Q

The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.

Ballot Measure 1 - 05LEGS

90-Day Session Limit for Legislature

STATEMENT IN OPPOSITION

If you like power-wielding committee chairs, special interests, and high-paid lobbyists, you're going to love Ballot Measure 1. This proposed change to Alaska's statutes would play right into their hands.

On the other hand if you like your Legislature truly representative and dedicated to listening to the people of Alaska on issues that affect their lives, rights, resources, and revenues then Ballot Measure 1 deserves a "NO" vote on your ballot November 7.

Here's why:

Most Alaskans want meaningful, beneficial bills to be respectfully considered during the course of the regular sessions of each Legislature. They want appropriate committees in each house to have time to schedule hearings so that members can study legislation, hear Alaskan citizen testimony and experts, then intelligently vote their recommendations and send the bills on to the next committee of referral, if any. Some important, many-faceted bills may require consideration and recommendations from as many as three committees. A natural resources measure, for instance, may require referrals to Resources, Judiciary, and Finance.

Here's where the special interests and power brokers come in. If a bill is filed that is not to their liking there are two ways they can kill it.

First is the honorable way, by participating in honest, forthright testimony in committees, and by presenting their views to members of each house before a vote on each house floor. Of course, for an outcome to their liking they will need to round up enough negative votes (20 "nays" in the House, 10 in the Senate) to cause the bill to fail passage.

The other, easier way for the well-heeled, well-connected lobbyist or interest group is to find a friendly, sympathetic committee chair who will either outright refuse to bring up a bill for committee consideration and advancement or kill it with kindness by scheduling multiple strung-out hearings or by holding it for "more study."

What does this have to do with session limits? Obviously, the shorter the allowable session, the easier it is to stall a good bill's progress until the legislative session clock runs out. Hence the enthusiasm for Ballot Measure 1 among special interests and legislator power brokers.

Remember this: the more you limit the legislature's time to do its legitimate business, the more you limit the opportunity of Alaskans to hear the facts and share their expertise.

And by the way, session-limiting statutes don't even work. Ever since the current 120-day session went into effect in 1985 every single Legislature has had to be called back into special session one, two, or even three more times!

This is expensive and wasteful. The people of Alaska deserve better.

Please vote "NO" on Ballot Measure 1!

Mike Miller, Juneau
Former Majority Leader, Alaska House of Representatives

Niilo E. Koponen, Fairbanks
Former Chair, Committee on Health, Education, & Social Services

Sam Cotten, Anchorage
Speaker of the House 1989-1990

The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.

LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

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Memorandum

TO: Representative Paul Seaton
FROM: Chuck Burnham, Legislative Analyst
DATE: February 1, 2011
RE: Interim Committees of the Alaska Legislature, May 2000 - January 2011Report
LRS Report 11.144

You asked about interim committees of the Alaska Legislature. Specifically, you wanted an account of the number of committees, task forces, commissions, and similar official bodies of the legislature that met on dates outside of regular or special sessions since 2000.[1]

According to the Alaska Legislature's Bill Action and Status Inquiry System (BASIS), a total of 606 interim committees and official legislative entities met between May 7, 2000, and January 17, 2011.[2] Table 1 tallies these committees by year and location. Overall, as you can see, the majority of interim committees—about 72 percent—met in Anchorage. The number of interim committees ranged from a low of 21 in 2000 to a high of 100 in 2009. The average number of committees per interim over the period we reviewed is 55.

Interim Committees of the Alaska Legislature 2000-2010

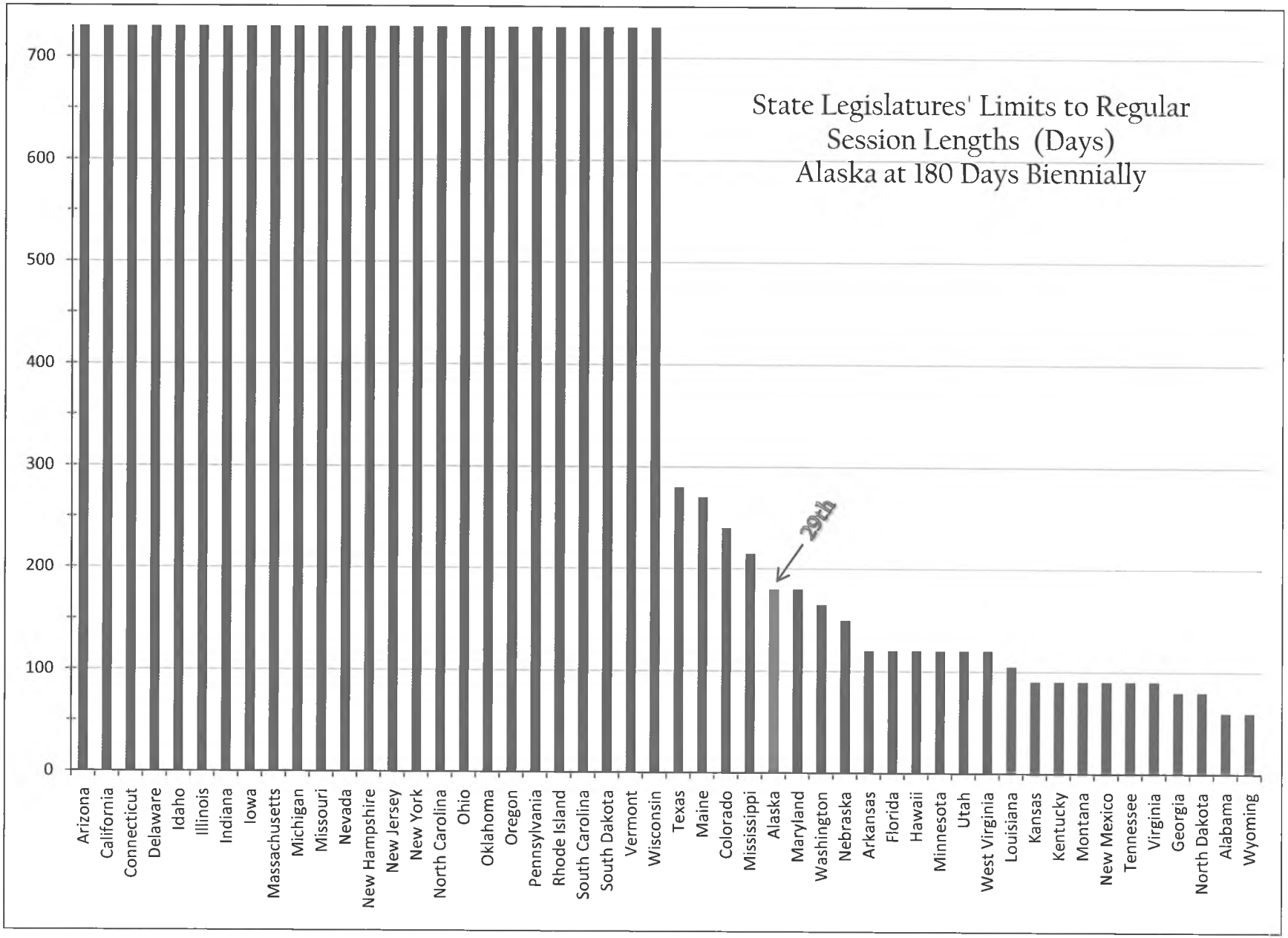
Year	Regular Session Days	Special Session Days	Interim Committees by Location			Total Interim Committees
			Anchorage	Juneau	Other	
2000	115	3	13	6	2	**21**
2001	121	3	43	2	16	**61**
2002	123	9	34	3	9	**46**
2003	121	0	32	2	22	**56**
2004	122	3	42	3	1	**46**
2005	121	15	34	6	31	**71**
2006	121	67	26	0	8	**34**
2007	121	31	43	3	17	**63**
2008	90	60	38	2	6	**46**
2009	90	1	77	0	23	**100**
2010	90	0	54	0	8	**62**
Total	**1,235**	**192**	**436**	**27**	**143**	**606**

Notes and Source: This table tallies the number of caucuses (other than political caucuses), councils, task forces, and standing and special committees that met on dates outside of regular or special sessions between May 7, 2000, and January 17, 2011, as listed in the Alaska Legislature's Bill Action and Status Inquiry System (BASIS). Previous iterations of our reports on this topic counted *meetings* rather than the *committees* and other official organizations involved. Please use caution when comparing these reports. Session lengths are primarily from Legislative Legal Services, *Summary of Alaska Legislation 2009*.

We hope this is helpful. If you have questions or need additional information, please let us know.

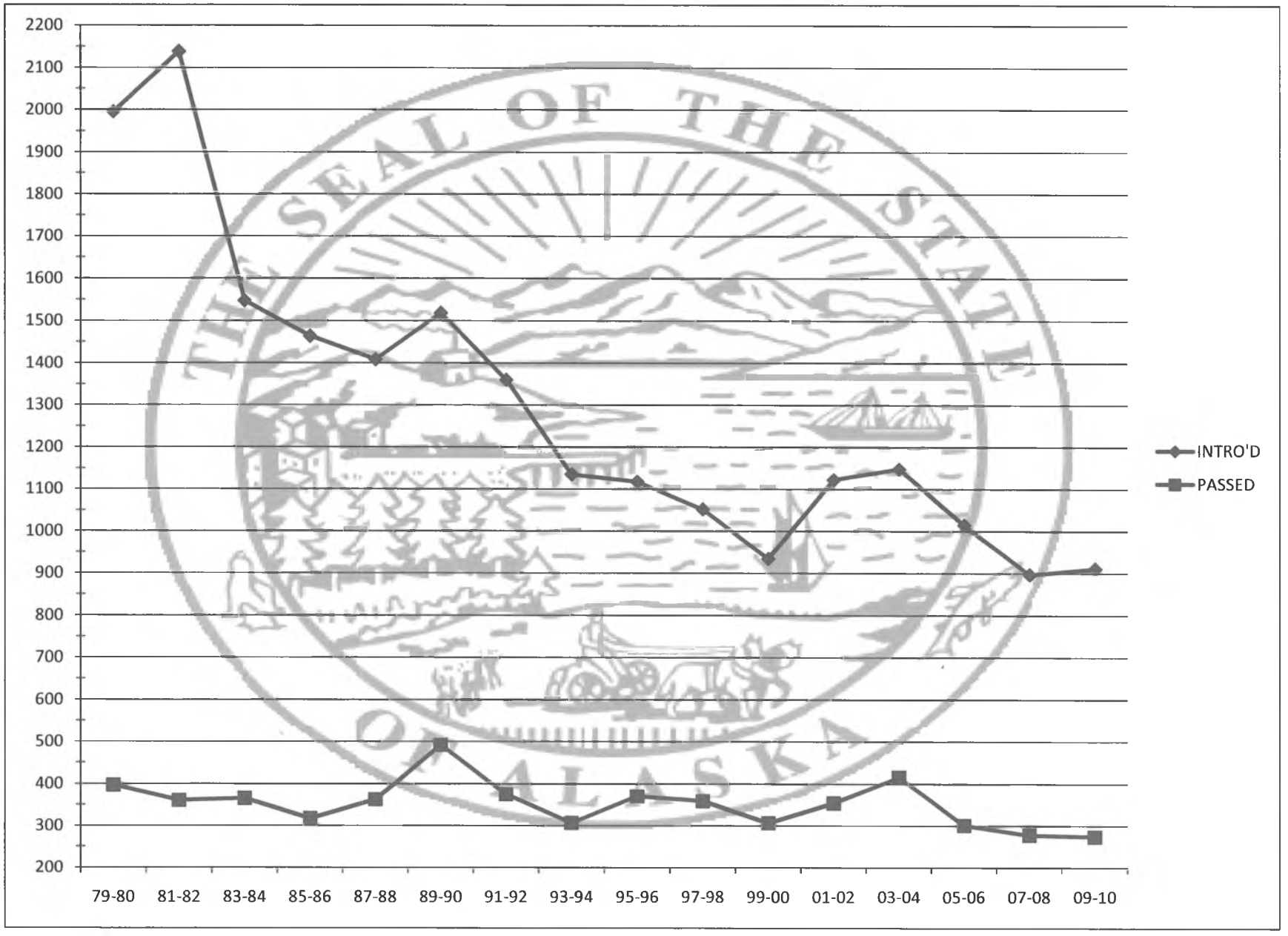
[1] As you know, this report differs from previous iterations on this topic in that you asked for a count of interim *committees* as opposed to a tally of interim *meetings*. For this report, we tallied two committees for each instance in which the stand-alone committee of one chamber met with its companion from the other body. For instance, if each chamber's Finance Committee met together, we tallied two committees; however, joint committees—Legislative Budget and Audit, Legislative Council, etc.—tallied only one for each meeting because these organizations are strictly joint committees. That is, they do not exist as stand-alone committees in either chamber. As a result of these factors, we urge caution when comparing our reports on this topic.

[2] Among the wide variety of information contained in BASIS are the hearing calendars for legislative entities for every year since 1993. The system is available online at *http://www.legis.state.ak.us/basis/*. May 7, 2000, marked the end of the third special session of the 21st Alaska Legislature, which immediately followed the second regular session.

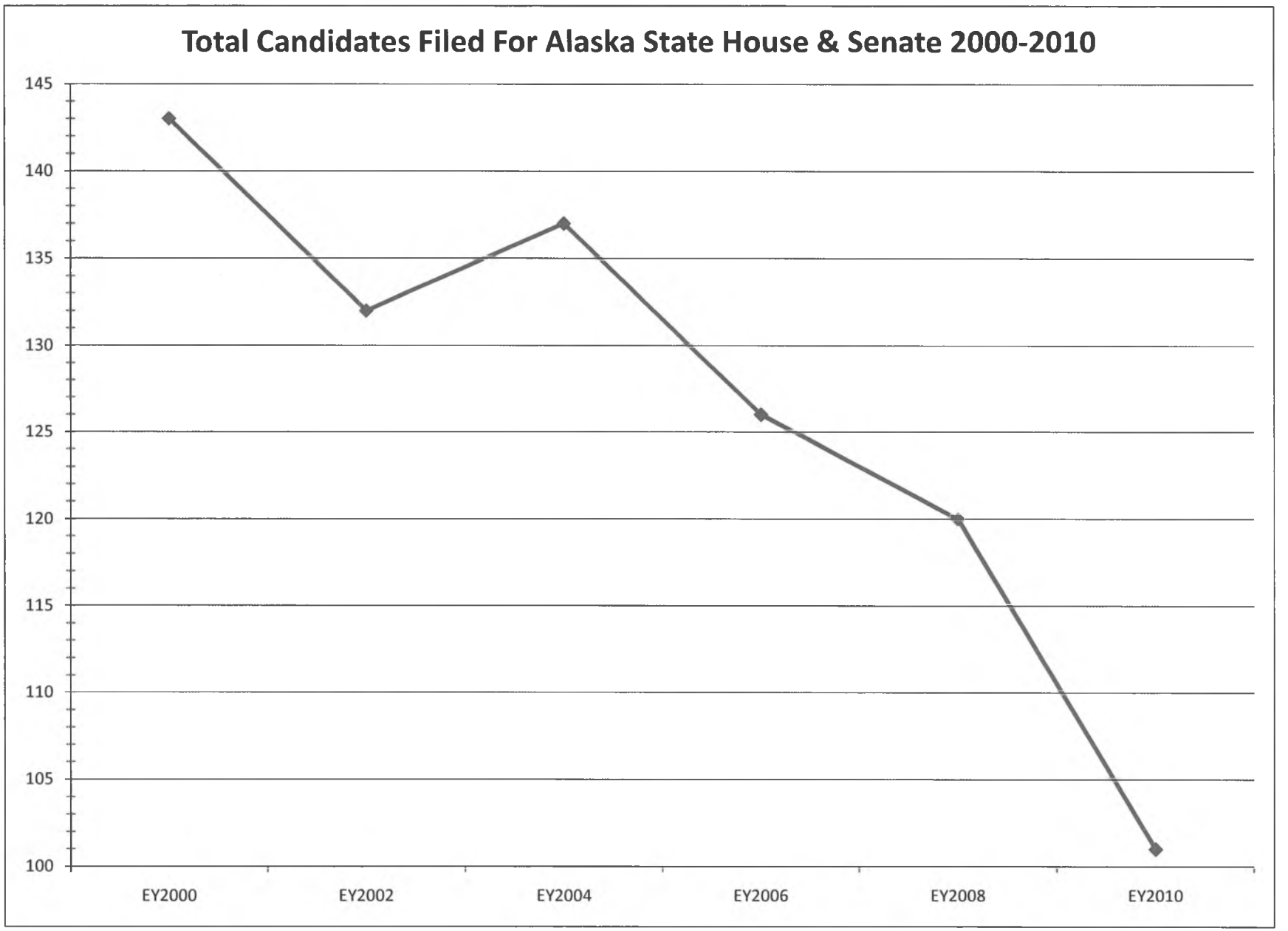


Source: "Dates of 2010 State Legislative Sessions," www.Ballotpedia.org

Alaska State Legislature - Legislation Introduced and Passed, 1979-2010

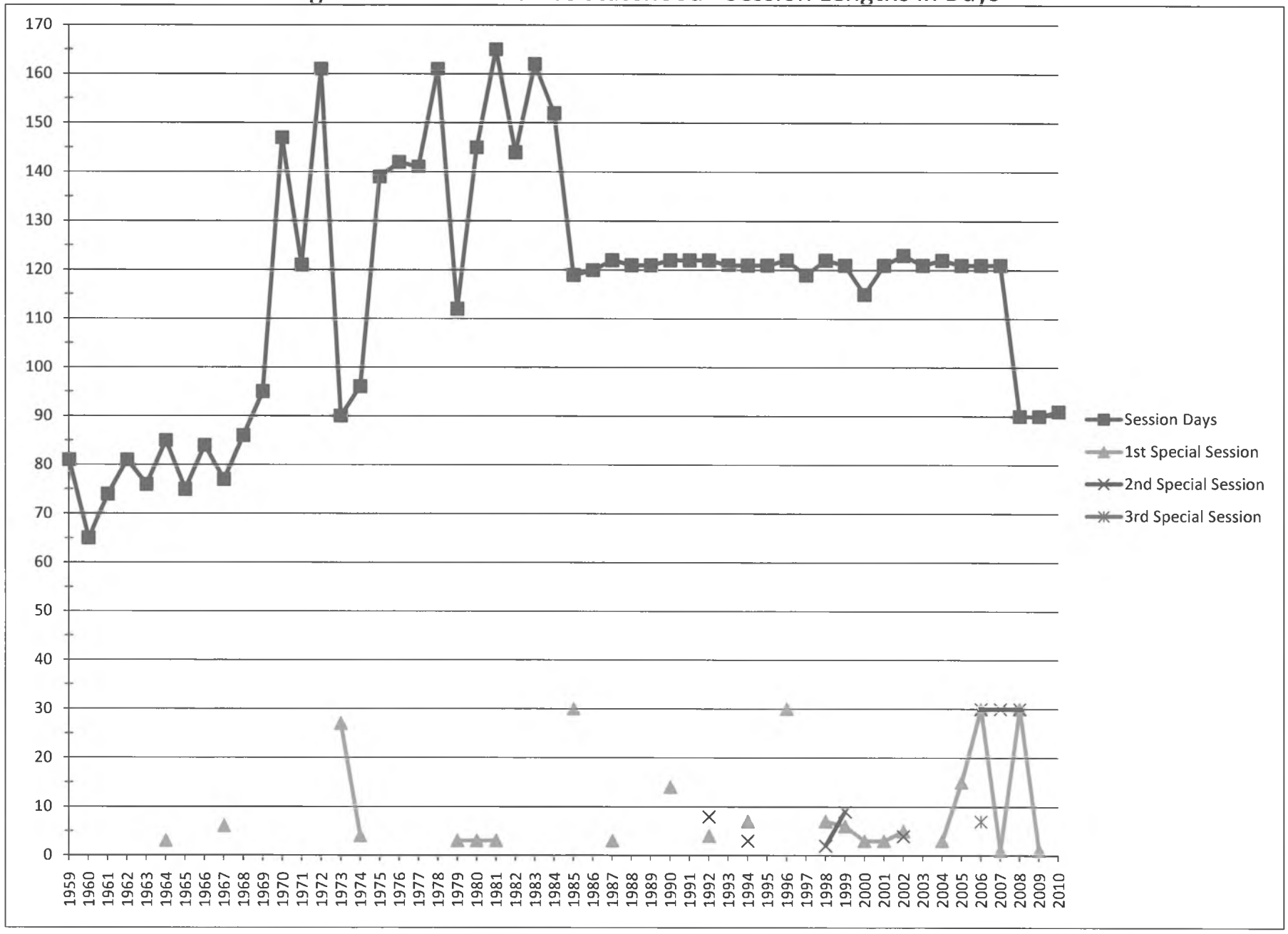


Source: "Final Status of Bills and Resolutions" Senate Secretary's Office and Chief Clerk's Office, 1979-2010



Source: AK Division of Elections, Official List of Primary Candidates, 2000-2010

Legislative Sessions Since Statehood - Session Lengths in Days



Source: Legal Services, *Summary of Alaska Legislation 2009* (Juneau: Legislative Affairs Agency, 2009)

Alaska Constitution

Section 2.8 - Regular Sessions.
The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session.

LEGISLATIVE SESSIONS SINCE STATEHOOD

Legislature/Session & Number of Days	Day/Date Convened	Day/Date Adjourned	Adjournment Time SENATE	HOUSE
1ST LEGISLATURE: 1959 - 1960				
1st Session - 81 days	Mo 1/26/59	Tu 4/16/59	9:50pm	9:45pm
2nd Session - 65 days	Mo 1/25/60	Tu 3/29/60	12:00pm	12:00pm
2ND LEGISLATURE: 1961 - 1962				
1st Session - 74 days	Mo 1/23/61	Th 4/6/61	2:01am	2:20am
2nd Session - 81 days	Mo 1/22/62	Th 4/12/62	1:22am	1:10am
3RD LEGISLATURE: 1963 - 1964				
1st Session - 76 days	Mo 1/28/63	Sa 4/13/63	10:46am	10:45am
2nd Session - 85 days*	Mo 1/27/64	Sa 5/30/64	1:00am	1:00am
1st Special Session - 3 days	Mo 8/31/64	We 9/2/64	11:12am	11:08am
*Formal recess, 40 days				
4TH LEGISLATURE: 1965 - 1966				
1st Session - 75 days	Mo 1/25/65	Fr 4/9/65	4:32am	4:35am
2nd Session - 84 days	Mo 1/24/66	Su 4/17/66	1:14am	1:28am
5TH LEGISLATURE: 1967 - 1968				
1st Session - 77 days	Mo 1/23/67	Su 4/9/67	11:35am	11:32am
1st Special Session - 6 days	Fr 9/29/67	We 10/4/67	2:37am	2:35am
2nd Session - 86 days	Mo 1/22/68	Tu 4/16/68	8:05am	8:00am
6TH LEGISLATURE: 1969 - 1970				
1st Session - 95 days	Mo 1/27/69	Th 5/1/69	4:18am	4:30am
2nd Session - 147 days	Mo 1/12/70	Su 6/7/70	3:33am	3:51am
7TH LEGISLATURE: 1971 - 1972				
1st Session - 121 days	Mo 1/11/71	Tu 5/11/71	3:23am	3:26am
2nd Session - 161 days	Mo 1/10/72	Tu 6/18/72	12:50am	12:59am
8TH LEGISLATURE: 1973 - 1974				
1st Session - 90 days	Mo 1/8/73	Sa 4/7/73	5:45pm	5:50pm
1st Special Session - 27 days	We 10/17/73	Mo 11/12/73	4:35pm	4:35pm
2nd Session - 96 days	Mo 1/21/74	Fr 4/27/74	8:21pm	8:25pm
2nd Special Session - 4 days	Mo 6/17/74	Th 6/20/74	6:17pm	6:12pm
9TH LEGISLATURE: 1975 - 1976				
1st Session - 139 days	Mo 1/20/75	Sa 6/7/75	2:30am	2:43am
2nd Session - 142 days	Mo 1/12/76	Tu 6/1/76	8:19am	8:14am
10TH LEGISLATURE: 1977 - 1978				
1st Session - 141 days	Mo 1/10/77	Mo 5/30/77	10:41am	12:33pm
2nd Session - 161 days	Mo 1/9/78	Su 6/18/78	9:32pm	11:36pm
11TH LEGISLATURE: 1979 - 1980				
1st Session - 112 days	Mo 1/15/79	Su 5/6/79	12:15pm	3:00pm
1st Special Session - 3 days	Mo 8/6/79	We 8/8/79	2:16pm	7:26pm (8/7)
2nd Session - 145 days	Mo 1/14/80	Fr 6/6/80	8:43pm (6/5)	1:01am
2nd Special Session - 3 days	Mo 9/22/80	We 9/24/80	9:38am	2:55am (9/23)
12TH LEGISLATURE: 1981 - 1982				
1st Session - 165 days	Mo 1/12/81	Th 6/25/81	7:06pm (6/24)	12:23am
1st Special Session - 3 days	Mo 7/13/81	We 7/15/81	6:11pm (7/14)	1:32am
2nd Session - 144 days	Mo 1/11/82	We 6/3/82	5:35pm	7:23am (6/2)
13TH LEGISLATURE: 1983 - 1984				
1st Session - 162 days	Mo 1/17/83	Mo 6/27/83	9:39am	9:28pm (6/26)
2nd Session - 152 days	Mo 1/9/84	Fr 6/8/84	4:38pm	4:05pm
14TH LEGISLATURE: 1985 - 1986				
1st Session - 119 days	Mo 1/14/85	Su 5/12/85	9:42pm	10:52pm
1st Special Session -30 days*	Mo 7/15/85	Tu 8/13/85	*	*
2nd Session - 120 days	Mo 1/13/86	Mo 5/12/86	11:54pm	11:59pm

* The First Special Session of the Fourteenth Legislature (considering the question of impeachment of Governor Sheffield) adjourned in 30 days under Article II, Section 9, Constitution of the State of Alaska.

LEGISLATIVE SESSIONS SINCE STATEHOOD

Legislature/Session & Number of Days	Day/Date Convened	Day/Date Adjourned	Adjournment Time SENATE	HOUSE
15TH LEGISLATURE: 1987 - 1988				
1st Session - 122 days (extended)**	Mo 1/19/87	We 5/20/87	11:58pm (5/19)	1:30am
1st Special Session - 3 days	Mo 7/1/87	Fr 7/3/87	1:31am	12:12am
2nd Session - 121 days	Mo 1/11/88	Tu 5/10/88	4:12am	6:04am
** The First Session of the Fifteenth Legislature was extended by a proclamation by the Governor.				
16TH LEGISLATURE: 1989 - 1990				
1st Session - 121 days	Mo 1/9/89	Tu 5/9/89	11:59pm	11:32pm
2nd Session - 122 days	Mo 1/8/90	We 5/9/90	11:59pm (5/8)	12:01am
1st Special Session - 14 days	Mo 6/25/90	Su 7/8/90	5:13pm	5:00pm
17TH LEGISLATURE: 1991 - 1992				
1st Session - 122 days	Mo 1/21/91	We 5/22/91	9:39pm (5/21)	12:37am
2nd Session - 122 days	Mo 1/13/92	We 5/13/92	11:59pm (5/12)	12:06am
1st Special Session - 4 days	We 05/13/92	Sat 5/16/92	4:56pm (5/15)	5:40am
2nd Special Session - 8 days	Mo 06/15/92	Mon 6/22/92	3:44pm	4:17pm
18TH LEGISLATURE: 1993 - 1994				
1st Session - 121 days	Mo 1/11/93	Tu 5/11/93	9:02pm	9:11pm
2nd Session - 121 days	Mo 1/10/94	Tu 5/10/94	unclear	11:59pm
1st Special Session:				
Senate - 7 days	Tu 5/10/94	Mon 5/16/94	4:36pm	
House - 5 days	Th 5/12/94	Mon 5/16/94		6:15pm
2nd Special Session - 3 days	Mo 9/26/94	We 9/28/94	12:35am	12:40am
19TH LEGISLATURE: 1995 - 1996				
1st Session - 121 days	Mo 1/16/95	Tu 5/16/95	10:05pm	10:13pm
2nd Session - 122 days	Mo 1/8/96	We 5/8/96	12:18am	12:13am
1st Special Session - 30 days	We 5/8/96	Th 6/6/96	4:37pm	4:51pm
20TH LEGISLATURE: 1997 - 1998				
1st Session - 119 days	Mo 1/13/97	Su 5/11/97	11:04pm	11:43pm
2nd Session - 122 days	Mo 1/12/98	We 5/13/98	12:09am	12:03am
1st Special Session - 7 days	Tu 5/26/98	Mon 6/1/98	1:26pm	1:51pm
2nd Special Session - 2 days	Mo 7/20/98	Tu 7/21/98	9:25pm	8:57pm
21ST LEGISLATURE - 1999 - 2000				
1st Session - 121 days	Tu 1/19/99	Tu 5/19/99	11:56pm	11:53pm
1st Special Session - 6 days	Th 5/20/99	Tu 5/25/99	6:06pm	6:10pm
2nd Special Session - 9 days	We 9/22/99	Th 9/30/99	6:55pm	6:39pm
2nd Session - 115 days	Mo 1/10/00	We 5/3/00	7:11pm	7:46pm
3rd Special Session - 3 days	Th 5/4/00	Sa 5/6/00	11:47am	11:40am
22ND LEGISLATURE - 2001 - 2002				
1st Session - 121 days	Mo 1/8/01	Tu 5/8/01	11:48pm	11:52pm
1st Special Session - 3 days	Th 6/7/01	Sa 6/9/01	10:55am	10:41am
2nd Session - 123 days (extended)	Mo 1/14/02	Th 5/16/02	11:59:59pm***	11:58pm
2nd Special Session - 5 days	Fr 5/17/02	Tu 5/21/02	5:32pm	5:08pm
3rd Special Session - 4 days	Mo 6/24/02	Th 6/27/02	12:41am	1:42am
***Adjourned at midnight under the provisions of art. II, sec. 8 of the Alaska Constitution				
23rd LEGISLATURE: 2003 - 2004				
1st Session - 121 days	Tu 1/21/03	WE 5/21/03	1:57pm	11:59:59pm****
2nd Session - 122 days	MO 1/12/04	WE 5/12/04	11:44pm (5/11)	12:00am
1st Special Session - 3 days	Tu 6/22/04	TH 6/24/04	4:35pm	5:26pm
****Adjourned at midnight under the provisions of art. II, sec. 8 of the Alaska Constitution				
24TH LEGISLATURE: 2005 - 2006				
1st Session - 121 days	MO 1/10/05	TU 5/10/05	9:51pm	10:15pm
1st Special Session - 15 days	WE 5/11/05	WE 5/25/05	10:38am	10:19pm (5/24)
2nd Session - 121 days	MO 1/9/06	TU 5/9/06	11:54pm	9:08pm
2nd Special Session - 30 days	WE 5/10/06	TH 6/8/06	11:32pm	11:12pm
3rd Special Session - 30 days	WE 7/12/06	TH 8/10/06	9:58pm	10:02pm
4th Special Session - 7 days*	TU 11/14/06*	MO 11/20/06	2:09pm	11:22am (11/17)
*House started on 2nd day				

LEGISLATIVE SESSIONS SINCE STATEHOOD

Legislature/Session & Number of Days	Day/Date Convened	Day/Date Adjourned	Adjournment Time SENATE	HOUSE
25TH LEGISLATURE: 2007 - 2008				
1st Session - 121 days	TU 1/16/07	WE 5/16/07	11:51pm	11:56pm
1st Special Session -1 day	TU 6/26/07	TU 6/26/07	4:55pm	5:04pm
2nd Special Session - 30 days	TH 10/18/07	FR 11/16/07	2:09pm	4:15pm
2nd Session - 90 days	TU 1/15/08	SU 4/13/08	12:55pm	12:54pm
3rd Special Session - 30 days	TU 6/03/08	WE 7/02/08	11:59:59pm*	11:59:59pm*
4th Special Session - 30 days	WE 7/9/08	TH 8/7/08	8:41pm	9:40pm
*Adjourned at midnight under the provisions of art. II, sec. 9 of the Alaska Constitution				
26TH LEGISLATURE: 2009 - 2010				
1st Session - 90 days	TU 1/20/09	SU 4/19/09	7:29pm	7:54pm
1st Special Session -1 day	MO 8/10/09	MO 8/10/09	3:49pm	3:50pm

SOURCE: Legal Services, *Summary of Alaska Legislation 2009* (Juneau: Legislative Affairs Agency, 2009).

NOTE: All Special Sessions were called by the Governor, except the 1st Special Session of the 14th Legislature, the 1st Special Session of the 17th Legislature, the Second Special Session of the 22nd Legislature, the First Special Session of the 25th Legislature, and the First Special Session of the 26th Legislature which were called by the Legislature.

STATE OF ALASKA - 2006 GENERAL ELECTION
NOVEMBER 7, 2006
OFFICIAL RESULTS

Registered Voters 466258 - Cards Cast 238307 51.11%

Num. Report Precinct 439 - Num. Reporting 439 100.00%

HOUSE DISTRICT 40

		Total	
Number of Precincts		21	
Precincts Reporting		21	100.0 %
Times Counted		3826/8474	45.1 %
Total Votes		3488	
JOULE, REGGIE	DEM	3412	97.82%
Write-in Votes		76	2.18%

MEASURE NO. 1 - 05LEGS

	Total	
Number of Precincts	439	
Precincts Reporting	439	100.0 %
Times Counted	238307/466258	51.1 %
Total Votes	231507	
YES	117675	50.83%
NO	113832	49.17%

MEASURE NO. 2 - 05GAS2

	Total	
Number of Precincts	439	
Precincts Reporting	439	100.0 %
Times Counted	238307/466258	51.1 %
Total Votes	233798	
YES	80909	34.61%
NO	152889	65.39%

SUPERIOR CT JD1, WEEKS

	Total	
Number of Precincts	49	
Precincts Reporting	49	100.0 %
Times Counted	29151/55895	52.2 %
Total Votes	25919	
YES	20097	77.54%
NO	5822	22.46%

SUPERIOR CT JD1, ZERVOS

	Total	
Number of Precincts	49	
Precincts Reporting	49	100.0 %
Times Counted	29151/55895	52.2 %
Total Votes	24018	
YES	17558	73.10%
NO	6460	26.90%

DISTRICT CT JD1, MILLER

	Total	
Number of Precincts	49	
Precincts Reporting	49	100.0 %
Times Counted	29151/55895	52.2 %
Total Votes	24787	
YES	19325	77.96%
NO	5462	22.04%

SUPERIOR CT JD2, ERLICH

	Total	
Number of Precincts	50	
Precincts Reporting	50	100.0 %
Times Counted	8314/16820	49.4 %
Total Votes	7772	
YES	5340	68.71%
NO	2432	31.29%

SUPERIOR CT JD2, ESCH

	Total	
Number of Precincts	50	
Precincts Reporting	50	100.0 %
Times Counted	8314/16820	49.4 %
Total Votes	7736	
YES	5115	66.12%
NO	2621	33.88%

SUPERIOR CT JD3, BOLGER

	Total	
Number of Precincts	227	
Precincts Reporting	227	100.0 %
Times Counted	158590/307952	51.5 %
Total Votes	126641	
YES	80177	63.31%
NO	46464	36.69%

SUPERIOR CT JD3, BROWN

	Total	
Number of Precincts	227	
Precincts Reporting	227	100.0 %
Times Counted	158590/307952	51.5 %
Total Votes	125740	
YES	72806	57.90%
NO	52934	42.10%

SUPERIOR CT JD3, HUGUELET

	Total	
Number of Precincts	227	
Precincts Reporting	227	100.0 %
Times Counted	158590/307952	51.5 %
Total Votes	123701	
YES	74670	60.36%
NO	49031	39.64%

SUPERIOR CT JD3, MICHALSKI

	Total	
Number of Precincts	227	
Precincts Reporting	227	100.0 %
Times Counted	158590/307952	51.5 %
Total Votes	125087	
YES	76782	61.38%
NO	48305	38.62%

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **SSHB 71**
() Publish Date

Identifier (file name): SSHB71-LEG-SES-01-25-11
Title: ""An Act relating to the duration of regular sessions of the Legislature and providing for an effective date."
Sponsor: Representative Seaton, Gruenberg and Edgmon
Requester: House State Affairs

Dept. Affected: Legislature
Appropriation: Leg Council, Operating Budget
Allocation: Salaries and Allowances, Session, Legislative Operating Budget
OMB Component Number: 776-782-796

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services	438.0	0.0	438.0	438.0	438.0	438.0	438.0
Travel	414.0	0.0	414.0	414.0	414.0	414.0	414.0
Contractual	6.0	0.0	6.0	6.0	6.0	6.0	6.0
Supplies	6.0	0.0	6.0	6.0	6.0	6.0	6.0
Equipment							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**864.0**	**0.0**	**864.0**	**864.0**	**864.0**	**864.0**	**864.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	864.0	0.0	864.0	864.0	864.0	864.0	864.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**864.0**	**0.0**	**864.0**	**864.0**	**864.0**	**864.0**	**864.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Prepared by: Shane Miller, Finance Manager — Phone: 465-6626
Division: Administrative Services Division — Date/Time: 1/31/11 10:45 AM
Approved by: Pamela Varni, Executive Director — Date: 1/31/2011
Legislative Affairs Agency

(Revised 12/29/2010 OMB)

Analysis

HB71 increases the number of days of the regular session of a Legislature from 90 days to 120 days, beginning with the second session of the 27th Legislature which convenes in January 2012.

When the session was reduced from 120 to 90 days, the cost savings were redesignated into the special session contingency account in the event that reducing the number of session days resulted in more or longer special sessions. It is the intent of House Leadership that funding for the additional 30 days be included in this fiscal note and the special session contingency account remain to provide adequate funding for future special sessions.

The daily cost for the additional 30 days is approximately $28.8 resulting in an increase to the budget of $864.0 per fiscal year.

This Legislature traditionally charges expenses occurring during session to session expense accounts and expenses occurring during the interim to interim expense accounts. For example: Most legislative staff payroll costs are charged to operating expense acounts during the interim and session expenses during the session. If the session days are increased, the session payroll would increase due to the higher cost of personal services during a session and the interim payroll would decrease. The majority of the personal services costs would be a transfer of costs between allocations.

The costs below are for items needed for a longer session.

	Per Day
Personal Services	14.6
Travel - Legislator Session Per Diem	13.8
Contractual - Phones, copier maintenance, etc.	.2
Commodities - Lounge, paper supplies, etc.	.2
Total	28.8

30 days times 28.8 - 864.0

Alaska State Legislature

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Toll Free (800) 665-2689
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Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton

District 35

MEMORANDUM

TO: Representative Bob Lynn
Chair, House State Affairs

FROM: Representative Paul Seaton
Representative Bryce Edgmon
Representative Max Gruenberg

DATE: February 2, 2011

RE: Request for hearing, SSHB 71

We respectfully request a hearing before the House State Affairs Committee on SSHB 71, repealing the 90-day Session.

Attached please find: SSHB71v.B; Sponsor Statement; 90-day Session Evaluation Report; 90- day Session Survey Representatives; Ballot Measure 1 pro con Statements in Voter Pamphlet; Legislative Research Report 11.144 - Number of Interim Committees; Session Days by State; Chart-Legislation Introduced and Passed 1979-2010; Chart-Number of Candidates 2000-2010; Chart-History Length of Sessions; History Length of Sessions; Alaska Constitution - Section 2.8 - Regular Sessions; Election Results 2006.

Invited testimony/available for questions: Pam Varni, Executive Director, Legislative Affairs; Shane Miller, Finance Manager, Accounting, Legislative Affairs.

Please make the teleconference available to Legislative Information offices state wide.
At this time we do not expect any off-net participation.

Staff contact: Katie Koester: 465-2028

HB

74

<TARGET><BILL>HB 74</BILL><SUBJECT>HB
74</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-22-11

The STATE AFFAIRS Committee considered: **HB 74**

HOUSE BILL NO. 74

"An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds and to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification; and providing for an effective date."

HB 74 INFO ON MATTERS IN ELECTION PAMPHLET

Recommends it be replaced with [ ] HCS *or* [X] CS for HB74 (STA)

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	GOV	X		

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	Johansen			X	
Reggy Wilson	WILSON				↘
Wes Keller	Keller			X	
Mark Gruenberg	Gruenberg	↙			
Pete Petersen	Petersen	X			
Paul Seaton	Seaton	X			
Chair:	LYNN	X			
Chair:					

CS FOR HOUSE BILL NO. 74(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUENBERG, Lynn

A BILL

FOR AN ACT ENTITLED

"An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds, to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification, and to the publication of a report relating to state bonded debt; and providing for an effective date."

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

* **Section 1.** AS 15.58.010 is amended to read:

Sec. 15.58.010. Election pamphlet. Before each state **primary,** general, [ELECTION, AND BEFORE EACH STATE PRIMARY] or special election [AT WHICH A BALLOT PROPOSITION IS SCHEDULED TO APPEAR ON THE BALLOT], the lieutenant governor shall prepare, publish, and mail [AT LEAST] one election pamphlet to each household identified from the official registration list. The

pamphlet shall be prepared on a regional basis as determined by the lieutenant governor.

* **Sec. 2.** AS 15.58.020(a) is amended to read:

(a) Each general election pamphlet must contain

(1) photographs and campaign statements submitted by eligible candidates for elective office in the region;

(2) information and recommendations filed under AS 15.58.050 on judicial officers subject to a retention election in the region;

(3) a map of the house district or districts of the region;

(4) sample ballots for house districts of the region;

(5) an absentee ballot application;

(6) for each ballot proposition submitted to the voters by initiative or referendum petition or by the legislature,

(A) the full text of the proposition specifying constitutional or statutory provisions proposed to be affected;

(B) the ballot title and the summary of the proposition prepared by the director or by the lieutenant governor;

(C) a statement of the costs to the state of implementing the law proposed in an initiative, or of voter approval or rejection of the act that is the subject of a referendum;

(D) a neutral summary of the proposition prepared by the Legislative Affairs Agency;

(E) statements submitted that advocate voter approval or rejection of the proposition not to exceed 500 words;

(7) for each bond question, a statement of the scope of each project as it appears in the bond authorization **and the notice prepared under AS 37.15.015(a)**;

(8) a maximum of two pages of material submitted by each political party;

(9) additional information on voting procedures that the lieutenant governor considers necessary;

(10) for the question whether a constitutional convention shall be

called,

(A) a full statement of the question placed on the ballot;

(B) statements not to exceed 500 words that advocate voter approval or rejection of the question;

(11) under AS 37.13.170, the Alaska permanent fund annual income statement and balance sheet for the two fiscal years preceding the publication of the election pamphlet;

(12) under AS 15.10.090, notice of

(A) the establishment or abolition of a precinct;

(B) the designation, abolition, or modification of precinct boundaries; and

(C) a change in the location of a polling place.

* **Sec. 3.** AS 15.58.020(b) is repealed and reenacted to read:

(b) Each primary or special election pamphlet must contain the information specified in (a)(1) of this section for each candidate scheduled to appear on the ballot and the information specified in (a)(6) of this section for each ballot proposition, as well as the information specified in (a)(3) - (5), (7), (9), and (12) of this section.

* **Sec. 4.** AS 15.58.030(b) is amended to read:

(b) **An** [NO LATER THAN JULY 22 OF A YEAR IN WHICH A STATE GENERAL ELECTION WILL BE HELD, AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 or 15.25.180 may file with the lieutenant governor a photograph and a statement advocating the candidacy. **For a primary election, the photograph and statement shall be filed with the lieutenant governor not later than the day following the date of the filing deadline for a declaration of candidacy under AS 15.25.040. For the general election, the photograph and statement shall be filed with the lieutenant governor not later than the day following the date of the primary election, except that an** [AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition filed under AS 15.25.110 may

file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate. **For a special election, the photograph and statement shall be filed by a date specified by the lieutenant governor. A candidate whose photograph and statement appeared in the primary election pamphlet may file a different photograph and statement to appear in the general election pamphlet.**

* **Sec. 5.** AS 15.58.060(a) is amended to read:

(a) Each [GENERAL ELECTION] candidate shall pay to the lieutenant governor at the time of filing material under this chapter the following:

(1) President or Vice-President of the United States, United States senator, United States representative, governor, lieutenant governor, supreme court justice, and court of appeals judge, $300 each;

(2) superior court judge and district court judge, $150 each;

(3) state senator and state representative, $100 each.

* **Sec. 6.** AS 15.58.080(a) is amended to read:

(a) Not less than 22 days before **each primary or** [THE] general election, the lieutenant governor shall mail to **each household identified from the official registration list** [EVERY REGISTERED VOTER] one copy of the pamphlet prepared for the region in which the **household is located. The pamphlet for a special election shall be mailed as soon as practicable before the election** [VOTER RESIDES]. Additional pamphlets may be obtained from the director, the office of the lieutenant governor, and the area election offices.

* **Sec. 7.** AS 15.58.080 is amended by adding a new subsection to read:

(c) All information contained in an election pamphlet for a primary, general, or special election shall be published on the division's Internet website not later than the date the election pamphlet is mailed to registered voters under (a) of this section.

* **Sec. 8.** AS 24.08.037 is amended by adding a new subsection to read:

(b) In addition to the fiscal note requirements of AS 24.08.035 and the requirements of (a) of this section, before a bill authorizing the issuance of state general obligation bonds is referred to the rules committee, there shall be attached to the bill a statement with the following information:

(1) the current general obligation and other bonded indebtedness of the state and the effect of the proposed bonding on that indebtedness;

(2) the average cost of the annual debt service on the current general obligation bonded indebtedness and the effect of the proposed bonding on the average cost of the annual debt service;

(3) the amount of state general obligation debt principal that could be issued and paid for from the Alaska debt retirement fund (AS 37.15.011);

(4) the estimated debt service requirements for the bond issue proposed under the bill;

(5) whether the bond issue proposed under the bill will be repaid with amounts from the Alaska debt retirement fund (AS 37.15.011).

* **Sec. 9.** AS 37.07.045 is amended by adding a new subsection to read:

(b) The Department of Revenue shall publish, and make available to the public, the report prepared under (a) of this section on the department's Internet website.

* **Sec. 10.** AS 37.13.170 is amended to read:

Sec. 37.13.170. Reports and publications. By September 30 of each year, the board shall publish a report of the fund for distribution to the governor and the public. The board shall notify the legislature that the report is available. The report shall be written in easily understandable language. The report must include financial statements audited by independent outside auditors, a statement of the amount of money received by the fund from each investment during the period covered, a statement of investments of the fund including an appraisal at market value, a description of fund investment activity during the period covered by the report, a comparison of the fund performance with the intended goals contained in AS 37.13.020, an examination of the effect of the investment criteria of this chapter on the fund portfolio with recommendations of any needed changes, and any other information the board believes would be of interest to the governor, the legislature, and the public. The annual income statement and balance sheet of the fund shall be published in at least one newspaper in each judicial district. The income statement and balance sheet for the two fiscal years preceding the publication of the **general** election

pamphlet under AS 15.58 shall be included in that pamphlet.

*** Sec. 11.** AS 37.15.015(a) is amended to read:

(a) **Before an election in which a general obligation bond issue is offered for ratification, the state bond committee shall prepare a notice for inclusion in the election pamphlet.** Before a general or special election in which a bond issue is offered for ratification, the state bond committee shall publish a notice [OF EXISTING STATE BONDED INDEBTEDNESS] at least once a week for three consecutive weeks in a newspaper of general circulation in each of the four judicial districts of the state. The first notice shall be published at least 20 days before the date of the election. **The notice shall also be included on the state Internet website as soon as it is prepared by the state bond committee.** A notice **prepared under this subsection** must contain

(1) the current **general obligation** [TOTAL] bonded indebtedness of the state **and the effect of the proposed bonding on that indebtedness;**

(2) the **average** cost of the **annual** debt service on the current **general obligation bonded** indebtedness **and the effect of the proposed bonding on the average cost of the annual debt service;**

(3) the [PROJECTED] amount of state general obligation debt principal that could be issued and paid for from the Alaska debt retirement fund **(AS 37.15.011);**

(4) the estimated debt service requirements for the bond issue offered for ratification; [AND]

(5) whether the bond issue offered for ratification will be repaid with amounts from the Alaska debt retirement fund **(AS 37.15.011);**

(6) a brief description of each capital project, its location, and, in dollars, that portion of the total bond issue offered for ratification to be allocated to the project; and

(7) a brief description of the report relating to the state's bonded debt prepared by the Department of Revenue under AS 37.07.045 and the Internet address where the full report is available to the public under

AS 37.07.045(b).

* **Sec. 12.** AS 15.15.040(b) is repealed.

* **Sec. 13.** This Act takes effect January 1, 2012.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794
Alaska State Capitol, room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

# of Pages (including cover): 2

Re FINAL CS for HB 74 (27-LS0008\U)

2/22/2011

HB 74 moved out of the House State Affairs Committee this morning. Please draft a final CS incorporating the following amendments:

Amendment #1 (Gruenberg)

Amendment # U.1

Conceptual Amendment #2 (Gruenberg)

Page 4 Line 1 delete "June 2" and insert: **the day following the filing deadline**

27-LS0008\U.1
Bullard
2/21/11

Gruenberg

AMENDMENT #1 adopted

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

TO: CSHB 74(STA), Draft Version "U"

Page 3, line 18, through page 4, line 5:

Delete all material and insert:

"*** Sec. 4.** AS 15.58.030(b) is amended to read:

(b) **An** [NO LATER THAN JULY 22 OF A YEAR IN WHICH A STATE GENERAL ELECTION WILL BE HELD, AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 or 15.25.180 may file with the lieutenant governor a photograph and a statement advocating the candidacy. **For a primary election, the photograph and statement shall be filed with the lieutenant governor not later than June 2. For the general election, the photograph and statement shall be filed with the lieutenant governor not later than the day following the date of the primary election, except that an** [AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition filed under AS 15.25.110 may file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate. **For a special election, the photograph and statement shall be filed by a date specified by the lieutenant governor. A candidate whose photograph and statement appeared in the primary election pamphlet may file a different photograph and statement to appear in the general election pamphlet.**"

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **CS HB74 (STA)**
() Publish Date

Identifier (file name) HB074CS(STA)-OOG-DOE-2-22-11
Title: "An Act relating to election pamphlets..."
Sponsor: Representative Gruenberg
Requester: House State Affairs Committee

Dept. Affected: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services		44.9	53.5	44.9	53.5	44.9	53.5
Travel							
Services			214.2		214.2		214.2
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**0.0**	**44.9**	**267.7**	**44.9**	**267.7**	**44.9**	**267.7**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts		14.2	14.5	14.2	14.5	14.2	14.5
1003 GF Match							
1004 GF		30.7	253.2	30.7	253.2	30.7	253.2
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
TOTAL	**0.0**	**44.9**	**267.7**	**44.9**	**267.7**	**44.9**	**267.7**

Estimate of any current year (FY2011) cost _____

POSITIONS

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

Why this fiscal note differs from previous version (if initial version, please note as such)

The committee substitute changed the requirement from mailing a pamphlet to every registered voter back to mailing a pamphlet to each household as identified from the official registration list.
This fiscal note adds three additional temporary employees for a seven month period (split between two fiscal years) to assist with the preparation and translation of candidate materials.

Prepared by: Gail Fenumiai, Director — Phone 465-2644
Division: Division of Elections — Date/Time 2/22/2011, 12:03pm
Approved by: Linda J. Perez, Administrative Director — Date 2/22/2011
Administrative Services

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** CS HB74(STA)
2011 LEGISLATIVE SESSION

Currently, the primary election pamphlet only contains basic voter information and information related to ballot measures. The division will incur additional costs associated with publishing a primary eleciton pamphlet that will now include candidate photographs, biographies and statements.

The personal services costs are reflective of the amount required to hire one current on-year election temporary employee earlier than in previous election years and an additional three on-year election temporary employees for a seven month period. One employee will be dedicated to assist with Yup'ik translations and will be paid for with federal Help America Vote Act funds.

The services costs are reflective of the amount required for preparing and publishing the candidate pages in the primary pamphlet and increased mailing costs due to the change in pamphlet size.

Gruenberg offers amendment
Lynn objects. Lynn removes objection.

27-LS0008\U.1
Bullard
~~2/21/11~~

AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

TO: CSHB 74(STA), Draft Version "U"

Page 3, line 18, through page 4, line 5:

Delete all material and insert:

"*** Sec. 4.** AS 15.58.030(b) is amended to read:

(b) **An** [NO LATER THAN JULY 22 OF A YEAR IN WHICH A STATE GENERAL ELECTION WILL BE HELD, AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 or 15.25.180 may file with the lieutenant governor a photograph and a statement advocating the candidacy. **For a primary election, the photograph and statement shall be filed with the lieutenant governor not later than June 2. For the general election, the photograph and statement shall be filed with the lieutenant governor not later than the day following the date of the primary election, except that an** [AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition filed under AS 15.25.110 may file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate. **For a special election, the photograph and statement shall be filed by a date specified by the lieutenant governor. A candidate whose photograph and statement appeared in the primary election pamphlet may file a different photograph and statement to appear in the general election pamphlet.**"

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 21, 2011

SUBJECT: Notice prepared by the state bond committee under AS 37.15.015(a)(1) as amended by sec. 10 of CSHB 74( ) (Work Order No. 27-LS0008\O)

TO: Representative Max Gruenberg
Attn: Ted Madsen

FROM: Alpheus Bullard
Legislative Counsel

Ted asked what debt would be reported under AS 37.15.015(a)(1), as amended by sec. 10 of CSHB 74( ). Section 10 provides, in pertinent part, that before an election in which a bond issue is offered for ratification the state bond committee shall publish a notice that contains:

> (1) the current **general obligation and other** [TOTAL] bonded indebtedness of the state **and the effect of the proposed bonding on that indebtedness**[.]

The current text of AS 37.15.015(a)(1) reads "current total bonded indebtedness of the state." Tamara Cook, as she wrote in an August 31, 2010 memorandum to your office, contacted Devon Mitchell, Debt Manager, Treasury Division in the Department of Revenue. Mr. Mitchell is the staff person to the state bond committee. Mr. Mitchell verified that the state bond committee has construed the statute as applying to general obligation bonded indebtedness and not to any other form of debt.

The language in sec. 10 of CSHB 74( ) is likely to be interpreted as including more than general obligation bonded indebtedness. A plain reading of "other bonded indebtedness" indicates that all of the state's bonded indebtedness needs to be accounted for in the notice prepared by the state bond committee, but it is not clear to me what the purpose of including this information is.

There is a legal difference in the obligation of the state with respect to repayment of general obligation bonds for which the state has pledged its taxing power and repayment of other forms of debt, such as revenue bonds which are not guaranteed by the "full faith and credit" of the state and do not obligate the state general fund. Given this difference, I cannot say how the "effect of the proposed [general obligation] bonding on that indebtedness" would be construed.

If you would like an amendment or committee substitute drafted that clarifies what bonded indebtedness should be reported in the notice prepared by the state bond committee under AS 37.15.015(a)(1), please do not hesitate to contact me.

TLAB:med
11-014.med

LEGAL SERVICES

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

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FAX (907) 465-2029
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 21, 2011

SUBJECT: Inclusion of the state's total unfunded liability in the election pamphlet HB 74 (Work Order No. 27-LS0008\T.2)

TO: Representative Wes Keller
Attn: Ernest Prax

FROM: Alpheus Bullard TLAB
Legislative Counsel

You have requested an amendment to HB 74 that would require the Department of Revenue (department) to provide an accounting of the state's total "unfunded liability" for inclusion in the election pamphlet prepared by the division of elections. That amendment accompanies this memorandum. I have a few comments.

I'm not sure what the state's unfunded liabilities might be interpreted to include. "Unfunded liability" is usually interpreted to mean a liability that is not covered by an asset of equal or greater value. Such an accounting could include state liabilities beyond those that are contractually obligated, to tortuous liability for environmental damage, etc. I am not entirely certain of how the language added by this amendment might be construed by either the department or a court.

The department may not be the best source for an accounting of the state's unfunded liability. The Department of Administration may be in a better position to calculate the state's liabilities arising out of shortfalls between the assets and liabilities of the state's retirement systems. I would recommend that you consult with department as to whether the preparation of a such a report is within the department's capabilities.

If you have questions, please do not hesitate to contact me.

TLAB:med
11-016.med

Enclosure

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 21, 2011

SUBJECT: General obligation bonds on the ballot
(Amendment 27-LS0008\T.1 for HB 74)

TO: Representative Wes Keller
Attn: Ernest Prax

FROM: Alpheus Bullard
Legislative Counsel

You have asked at which elections a general obligation bond (G.O. bond) may appear on the ballot and whether the addition of the word "primary" in sec. 10 of the bill (p. 5, l. 28) operates to permit the appearance of G.O. bonds on a primary election ballot.

While art. IX, sec. 8[1] of the state constitution does not require that G.O. bond questions be ratified at a general or special election, I am not aware of a bond proposition ever appearing on a primary election ballot.[2] AS 15.15.030(11) provides that the "director [of elections] shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot, or on the special election ballot if a special election is held for the purpose of ratifying the state debt for capital improvements before the time of the next general election [. . .]". AS 37.15.015 requiring the state bond committee to prepare a notice before an election at which a bond issue is offered for ratification), references only general and special elections.

---

[1] **State debt.** No state debt shall be contracted unless authorized by law for capital improvements or unless authorized by law for housing loans for veterans, and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasions, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

[2] A list of bond propositions appearing on the ballot in Alaska, provided by the Division of Elections at http://ltgov.state.ak.us/elections/doc/forms/H30.pdf, accessed February 21, 2011, shows almost all bond questions appearing on November (i.e. general election) ballots. However, according to the division, there was a bond question on the ballot on March 6, 1973, the date of the special election when Don Young was first elected to the U. S. House of Representatives.

The inclusion of the word "primary" in section 10 does not serve to alter the elections at which a G.O. bond may appear. It requires the state bond committee to prepare a notice for inclusion in the election pamphlet, if a G.O. bond is offered for ratification on the primary ballot. However, given the language of AS 15.15.030(11), I would recommend removing the word "primary" for consistency between the applicable statutes.

If you have further questions, please do not hesitate to contact me.

TLAB:ljw:plm
11-124.ljw

Nancy Manly

From: Nancy Manly
Sent: Tuesday, February 22, 2011 4:45 PM
To: Londi Ensor; Ted Madsen
Subject: FW: HB074CS(STA)-OOG-DOE-2-22-11//Info on Matters in Election Pamphlet
Attachments: HB074CS(STA)-OOG-DOE-2-22-11.pdf

Importance: High

Londi: Here is the fiscal note for HB 74 – the bill that moved from House State Affairs Committee this morning. I'll get the file to you tomorrow morning. I'm also cc Ted from Rep Gruenberg's office on this email. Thanks!!

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: Cote, Brandy A (GOV) [mailto:brandy.cote@alaska.gov]
Sent: Tuesday, February 22, 2011 4:20 PM
To: Rep. Max Gruenberg; Fiscal Notes
Cc: Fenumiai, Gail M (GOV)
Subject: HB074CS(STA)-OOG-DOE-2-22-11//Info on Matters in Election Pamphlet
Importance: High

Please find the attached fiscal note for HB074CS//Info on Matters in Election Pamphlet.

Thank you,

Brandy Cote
Legislative Executive Assistant
Office of Governor Sean Parnell
Phone: 907.465.4021
Cell: 907.723.5753

www.gov.state.ak.us
Follow the Governor on Facebook

2/17/11
This version was adopted

27-LS0008\O
Bullard
2/16/11

CS FOR HOUSE BILL NO. 74( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GRUENBERG

A BILL

FOR AN ACT ENTITLED

"An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds and to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification; and providing for an effective date."

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

* **Section 1.** AS 15.58.010 is amended to read:

Sec. 15.58.010. Election pamphlet. Before each state **primary,** general, [ELECTION, AND BEFORE EACH STATE PRIMARY] or special election [AT WHICH A BALLOT PROPOSITION IS SCHEDULED TO APPEAR ON THE BALLOT], the lieutenant governor shall prepare, publish, and mail [AT LEAST] one election pamphlet to each household identified from the official registration list. The pamphlet shall be prepared on a regional basis as determined by the lieutenant

New Text Underlined [DELETED TEXT BRACKETED]

governor.

* **Sec. 2.** AS 15.58.020(a) is amended to read:

(a) Each general election pamphlet must contain

(1) photographs and campaign statements submitted by eligible candidates for elective office in the region;

(2) information and recommendations filed under AS 15.58.050 on judicial officers subject to a retention election in the region;

(3) a map of the house district or districts of the region;

(4) sample ballots for house districts of the region;

(5) an absentee ballot application;

(6) for each ballot proposition submitted to the voters by initiative or referendum petition or by the legislature,

(A) the full text of the proposition specifying constitutional or statutory provisions proposed to be affected;

(B) the ballot title and the summary of the proposition prepared by the director or by the lieutenant governor;

(C) a statement of the costs to the state of implementing the law proposed in an initiative, or of voter approval or rejection of the act that is the subject of a referendum;

(D) a neutral summary of the proposition prepared by the Legislative Affairs Agency;

(E) statements submitted that advocate voter approval or rejection of the proposition not to exceed 500 words;

(7) for each bond question, a statement of the scope of each project as it appears in the bond authorization **and the notice prepared under AS 37.15.015(a)**;

(8) a maximum of two pages of material submitted by each political party;

(9) additional information on voting procedures that the lieutenant governor considers necessary;

(10) for the question whether a constitutional convention shall be called.

(A) a full statement of the question placed on the ballot;

(B) statements not to exceed 500 words that advocate voter approval or rejection of the question;

(11) under AS 37.13.170, the Alaska permanent fund annual income statement and balance sheet for the two fiscal years preceding the publication of the election pamphlet;

(12) under AS 15.10.090, notice of

(A) the establishment or abolition of a precinct;

(B) the designation, abolition, or modification of precinct boundaries; and

(C) a change in the location of a polling place.

*** Sec. 3.** AS 15.58.020(b) is repealed and reenacted to read:

(b) Each primary or special election pamphlet must contain the information specified in (a)(1) of this section for each candidate scheduled to appear on the ballot and the information specified in (a)(6) of this section for each ballot proposition, as well as the information specified in (a)(3) - (5), (7), (9), and (12) of this section.

*** Sec. 4.** AS 15.58.030(b) is amended to read:

(b) **An** [NO LATER THAN JULY 22 OF A YEAR IN WHICH A STATE GENERAL ELECTION WILL BE HELD, AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 or 15.25.180 may file with the lieutenant governor a photograph and a statement advocating the candidacy. **For the general election, the photograph and statement shall be filed with the lieutenant governor not later than July 22, except that an** [AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition filed under AS 15.25.110 may file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate. **For a primary election, the photograph and statement shall be filed with the lieutenant governor not later than June 1. For a special election, the photograph and statement shall be filed by a date specified by the lieutenant**

governor. A candidate whose photograph and statement appeared in the primary election pamphlet may file a different photograph and statement to appear in the general election pamphlet.

*** Sec. 5.** AS 15.58.060(a) is amended to read:

(a) Each [GENERAL ELECTION] candidate shall pay to the lieutenant governor at the time of filing material under this chapter the following:

(1) President or Vice-President of the United States, United States senator, United States representative, governor, lieutenant governor, supreme court justice, and court of appeals judge, $300 each;

(2) superior court judge and district court judge, $150 each;

(3) state senator and state representative, $100 each.

*** Sec. 6.** AS 15.58.080(a) is amended to read:

(a) Not less than 22 days before **each primary or** [THE] general election, the lieutenant governor shall mail to **each household identified from the official registration list** [EVERY REGISTERED VOTER] one copy of the pamphlet prepared for the region in which the **household is located. The pamphlet for a special election shall be mailed as soon as practicable before the election** [VOTER RESIDES]. Additional pamphlets may be obtained from the director, the office of the lieutenant governor, and the area election offices.

*** Sec. 7.** AS 15.58.080 is amended by adding a new subsection to read:

(c) All information contained in an election pamphlet for a primary, general, or special election shall be published on the division's Internet website not later than the date the election pamphlet is mailed to registered voters under (a) of this section.

*** Sec. 8.** AS 24.08.037 is amended by adding a new subsection to read:

(b) In addition to the fiscal note requirements of AS 24.08.035 and the requirements of (a) of this section, before a bill authorizing the issuance of state general obligation bonds is referred to the rules committee, there shall be attached to the bill a statement with the following information:

(1) the current general obligation and other bonded indebtedness of the state and the effect of the proposed bonding on that indebtedness;

(2) the average cost of the annual debt service on the current general

obligation bonded indebtedness and the effect of the proposed bonding on the average cost of the annual debt service;

(3) the amount of state general obligation debt principal that could be issued and paid for from the Alaska debt retirement fund (AS 37.15.011);

(4) the estimated debt service requirements for the bond issue proposed under the bill;

(5) whether the bond issue proposed under the bill will be repaid with amounts from the Alaska debt retirement fund (AS 37.15.011).

* **Sec. 9.** AS 37.13.170 is amended to read:

Sec. 37.13.170. Reports and publications. By September 30 of each year, the board shall publish a report of the fund for distribution to the governor and the public. The board shall notify the legislature that the report is available. The report shall be written in easily understandable language. The report must include financial statements audited by independent outside auditors, a statement of the amount of money received by the fund from each investment during the period covered, a statement of investments of the fund including an appraisal at market value, a description of fund investment activity during the period covered by the report, a comparison of the fund performance with the intended goals contained in AS 37.13.020, an examination of the effect of the investment criteria of this chapter on the fund portfolio with recommendations of any needed changes, and any other information the board believes would be of interest to the governor, the legislature, and the public. The annual income statement and balance sheet of the fund shall be published in at least one newspaper in each judicial district. The income statement and balance sheet for the two fiscal years preceding the publication of the **general** election pamphlet under AS 15.58 shall be included in that pamphlet.

* **Sec. 10.** AS 37.15.015(a) is amended to read:

(a) **Before an election in which a general obligation bond issue is offered for ratification, the state bond committee shall prepare a notice for inclusion in the election pamphlet.** Before a **primary,** general, or special election in which a bond issue is offered for ratification, the state bond committee shall publish a notice [OF EXISTING STATE BONDED INDEBTEDNESS] at least once a week for three

consecutive weeks in a newspaper of general circulation in each of the four judicial districts of the state. The first notice shall be published at least 20 days before the date of the election. **The notice shall also be included on the state Internet website as soon as it is prepared by the state bond committee.** A notice **prepared under this subsection** must contain

(1) the current **general obligation and other** [TOTAL] bonded indebtedness of the state **and the effect of the proposed bonding on that indebtedness**;

(2) the **average** cost of the **annual** debt service on the current **general obligation bonded** indebtedness **and the effect of the proposed bonding on the average cost of the annual debt service**;

(3) the [PROJECTED] amount of state general obligation debt principal that could be issued and paid for from the Alaska debt retirement fund **(AS 37.15.011)**;

(4) the estimated debt service requirements for the bond issue offered for ratification; [AND]

(5) whether the bond issue offered for ratification will be repaid with amounts from the Alaska debt retirement fund **(AS 37.15.011); and**

(6) a brief description of each capital project, its location, and, in dollars, that portion of the total bond issue offered for ratification to be allocated to the project.

*** Sec. 11.** AS 15.15.040(b) is repealed.

*** Sec. 12.** This Act takes effect January 1, 2012.

27-LS0008\R
Bullard
2/4/11

CS FOR HOUSE BILL NO. 74( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GRUENBERG

A BILL

FOR AN ACT ENTITLED

"An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds and to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification; and providing for an effective date."

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

* **Section 1.** AS 15.58.010 is amended to read:

Sec. 15.58.010. Election pamphlet. Before each state **primary,** general, [ELECTION, AND BEFORE EACH STATE PRIMARY] or special election [AT WHICH A BALLOT PROPOSITION IS SCHEDULED TO APPEAR ON THE BALLOT], the lieutenant governor shall prepare, publish, and mail [AT LEAST] one election pamphlet to **every registered voter** [EACH HOUSEHOLD IDENTIFIED FROM THE OFFICIAL REGISTRATION LIST]. The pamphlet shall be prepared on

a regional basis as determined by the lieutenant governor.

*** Sec. 2.** AS 15.58.020(a) is amended to read:

(a) Each general election pamphlet must contain

(1) photographs and campaign statements submitted by eligible candidates for elective office in the region;

(2) information and recommendations filed under AS 15.58.050 on judicial officers subject to a retention election in the region;

(3) a map of the house district or districts of the region;

(4) sample ballots for house districts of the region;

(5) an absentee ballot application;

(6) for each ballot proposition submitted to the voters by initiative or referendum petition or by the legislature,

(A) the full text of the proposition specifying constitutional or statutory provisions proposed to be affected;

(B) the ballot title and the summary of the proposition prepared by the director or by the lieutenant governor;

(C) a statement of the costs to the state of implementing the law proposed in an initiative, or of voter approval or rejection of the act that is the subject of a referendum;

(D) a neutral summary of the proposition prepared by the Legislative Affairs Agency;

(E) statements submitted that advocate voter approval or rejection of the proposition not to exceed 500 words;

(7) for each bond question, a statement of the scope of each project as it appears in the bond authorization **and the notice prepared under AS 37.15.015(a)**;

(8) a maximum of two pages of material submitted by each political party;

(9) additional information on voting procedures that the lieutenant governor considers necessary;

(10) for the question whether a constitutional convention shall be called,

(A) a full statement of the question placed on the ballot;

(B) statements not to exceed 500 words that advocate voter approval or rejection of the question;

(11) under AS 37.13.170, the Alaska permanent fund annual income statement and balance sheet for the two fiscal years preceding the publication of the election pamphlet;

(12) under AS 15.10.090, notice of

(A) the establishment or abolition of a precinct;

(B) the designation, abolition, or modification of precinct boundaries; and

(C) a change in the location of a polling place.

*** Sec. 3.** AS 15.58.020(b) is repealed and reenacted to read:

(b) Each primary or special election pamphlet must contain the information specified in (a)(1) of this section for each candidate scheduled to appear on the ballot and the information specified in (a)(6) of this section for each ballot proposition, as well as the information specified in (a)(3) - (5), (7), (9), and (12) of this section.

*** Sec. 4.** AS 15.58.030(b) is amended to read:

(b) **An** [NO LATER THAN JULY 22 OF A YEAR IN WHICH A STATE GENERAL ELECTION WILL BE HELD, AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 or 15.25.180 may file with the lieutenant governor a photograph and a statement advocating the candidacy. **For the general election, the photograph and statement shall be filed with the lieutenant governor not later than July 22, except that an** [AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition filed under AS 15.25.110 may file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate. **For a primary election, the photograph and statement shall be filed with the lieutenant governor not later than June 1. For a special election, the photograph and statement shall be filed by a date specified by the lieutenant**

governor. A candidate whose photograph and statement appeared in the primary election pamphlet may file a different photograph and statement to appear in the general election pamphlet.

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(a) Each [GENERAL ELECTION] candidate shall pay to the lieutenant governor at the time of filing material under this chapter the following:

(1) President or Vice-President of the United States, United States senator, United States representative, governor, lieutenant governor, supreme court justice, and court of appeals judge, $300 each;

(2) superior court judge and district court judge, $150 each;

(3) state senator and state representative, $100 each.

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(a) Not less than 22 days before **each primary or** [THE] general election, the lieutenant governor shall mail to every registered voter one copy of the pamphlet prepared for the region in which the voter resides. **The pamphlet for a special election shall be mailed as soon as practicable before the election.** Additional pamphlets may be obtained from the director, the office of the lieutenant governor, and the area election offices.

* **Sec. 7.** AS 15.58.080 is amended by adding a new subsection to read:

(c) All information contained in an election pamphlet for a primary, general, or special election shall be published on the division's Internet website not later than the date the election pamphlet is mailed to registered voters under (a) of this section.

* **Sec. 8.** AS 24.08.037 is amended by adding a new subsection to read:

(b) In addition to the fiscal note requirements of AS 24.08.035 and the requirements of (a) of this section, before a bill authorizing the issuance of state general obligation bonds is referred to the rules committee, there shall be attached to the bill a statement with the following information:

(1) the current general obligation and other bonded indebtedness of the state and the effect of the proposed bonding on that indebtedness;

(2) the average cost of the annual debt service on the current general obligation bonded indebtedness and the effect of the proposed bonding on the average

cost of the annual debt service;

(3) the amount of state general obligation debt principal that could be issued and paid for from the Alaska debt retirement fund (AS 37.15.011);

(4) the estimated debt service requirements for the bond issue proposed under the bill;

(5) whether the bond issue proposed under the bill will be repaid with amounts from the Alaska debt retirement fund (AS 37.15.011).

* **Sec. 9.** AS 37.13.170 is amended to read:

Sec. 37.13.170. Reports and publications. By September 30 of each year, the board shall publish a report of the fund for distribution to the governor and the public. The board shall notify the legislature that the report is available. The report shall be written in easily understandable language. The report must include financial statements audited by independent outside auditors, a statement of the amount of money received by the fund from each investment during the period covered, a statement of investments of the fund including an appraisal at market value, a description of fund investment activity during the period covered by the report, a comparison of the fund performance with the intended goals contained in AS 37.13.020, an examination of the effect of the investment criteria of this chapter on the fund portfolio with recommendations of any needed changes, and any other information the board believes would be of interest to the governor, the legislature, and the public. The annual income statement and balance sheet of the fund shall be published in at least one newspaper in each judicial district. The income statement and balance sheet for the two fiscal years preceding the publication of the **general** election pamphlet under AS 15.58 shall be included in that pamphlet.

* **Sec. 10.** AS 37.15.015(a) is amended to read:

(a) **Before an election in which a general obligation bond issue is offered for ratification, the state bond committee shall prepare a notice for inclusion in the election pamphlet.** Before a **primary,** general, or special election in which a bond issue is offered for ratification, the state bond committee shall publish a notice [OF EXISTING STATE BONDED INDEBTEDNESS] at least once a week for three consecutive weeks in a newspaper of general circulation in each of the four judicial

districts of the state. The first notice shall be published at least 20 days before the date of the election. **The notice shall also be included on the state Internet website as soon as it is prepared by the state bond committee.** A notice **prepared under this subsection** must contain

(1) the current **general obligation and other** [TOTAL] bonded indebtedness of the state **and the effect of the proposed bonding on that indebtedness**;

(2) the **average** cost of the **annual** debt service on the current **general obligation bonded** indebtedness **and the effect of the proposed bonding on the average cost of the annual debt service**;

(3) the [PROJECTED] amount of state general obligation debt principal that could be issued and paid for from the Alaska debt retirement fund **(AS 37.15.011)**;

(4) the estimated debt service requirements for the bond issue offered for ratification; [AND]

(5) whether the bond issue offered for ratification will be repaid with amounts from the Alaska debt retirement fund **(AS 37.15.011); and**

(6) a brief description of each capital project, its location, and, in dollars, that portion of the total bond issue offered for ratification to be allocated to the project.

*** Sec. 11.** AS 15.15.040(b) is repealed.

*** Sec. 12.** This Act takes effect January 1, 2012.

Member

Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
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Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
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Fax: (907) 465-3766

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Rep.Max.Gruenberg@legis.state.ak.us

House Bill 74:
Information on Matters in Election Pamphlet
Explanation of Changes

There is one change between HB 74 (27-LS0008\T) and CS for HB74 ( ) (27-LS008\R). The blank committee substitute deletes the phrase "at least" from page 1 line 11. This correction allows AS 15.48.010 to conform to AS 15.58.080(a).

Member

Standing Committees:
Judiciary
Rules
State Affairs
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House of Representatives

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Phone: (907) 465-4940
Toll Free: (866) 465-4940
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Email:
Rep.Max.Gruenberg@legis.state.ak.us

House Bill 74:
Information on Matters in Election Pamphlet
Sponsor Statement

This bill increases the amount of information available to the voter during primary, general and special elections through the Official Election Pamphlet (OEP). In addition, it increases the amount of information available to legislators during deliberations on general obligation bonds.

The current primary election OEP contains only information regarding ballot propositions and other information on voting procedures the lieutenant governor considers necessary. This bill would allow for the inclusion of maps of the house districts, sample ballots, absentee applications, information on bonding authorizations, and changes to a given precinct in addition to the information already in statute. Additionally, the bill would allow for candidate statements in the primary election OEP.

Currently there are no candidate statements provided in the OEP for a primary election. However, according to a Legislative Research Services report, roughly 40 percent of State House and Senate elections are effectively decided through the primary election process. This bill would allow candidates to submit photographs and statements for the primary election. Additionally, the candidates who win the primary would be allowed to submit a new statement for inclusion in the OEP for the general election. The candidates appearing in both the primary and the general OEPs would need to pay separately for each inclusion.

There is currently no requirement that the matters in the OEP be accessible online. This bill mandates that all information found in the OEP be made available on the Division of Elections' website no later than when the OEP is mailed to registered voters.

General obligation bonds have a great impact on the fiscal condition of the state. Section 8 of this bill would provide additional information to legislators about the current and proposed indebtedness of the state whenever a G.O. bond package is brought up before the legislature for referral to the voters. The voters would also receive the same information.

Passage of this bill would greatly increase the amount of information available to voters during elections and enhance the legislature's understanding of proposed G.O. bond packages.

LEGAL SERVICES

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

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

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

MEMORANDUM February 8, 2011

SUBJECT: Sectional summary (CSHB 74( ); Work Order No. 27-LS0008/R)

TO: Representative Max Gruenberg
Attn: Ted Madsen

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. Provides that the lieutenant governor must prepare, publish, and mail an election pamphlet to every registered voter before each state primary, general, or special election (at present the lieutenant governor is required to prepare, publish, and mail at least one election pamphlet to each household identified from the Division of Election's voter registration list before a general election or before a special election at which a ballot proposition is scheduled to appear on the ballot).

Section 2. Requires that the general election pamphlet include a notice, prepared by the state bonding committee, that contains information relating to the bonded indebtness of the state and each bond issue that will be offered for ratification on the ballot.

Section 3. Requires certain information to be included in each primary or special election pamphlet.

Section 4. Permits a candidate in a primary election to file a photograph and statement advocating the person's candidacy for inclusion in the primary election pamphlet. A candidate whose photo and statement appeared in the primary election pamphlet may file a different photo and statement for inclusion in the general election pamphlet.

Section 5. Adds candidates who filed a photo and statement to appear in a state primary or special election pamphlet and candidates who participated in a primary election and who are filing a different photograph and statement for inclusion in the general election

pamphlet to the list of persons who must pay a fee to the lieutenant governor when filing material under AS 15.58.

Section 6. Provides that the lieutenant governor shall mail an election pamphlet to every registered voter not less than 22 days before each primary or general election. The pamphlet for a special election must be mailed as soon as practicable before the election.

Section 7. Requires the Division of Elections to publish all information contained in an election pamphlet on the Division's internet website not later than the date the pamphlet is mailed to registered voters.

Section 8. Requires a legislative bill that authorizes the issuance of state general obligation bonds to be accompanied by a statement containing certain information relating to the state's bonded indebtness and the proposed bonding before the bill can be referred to the rules committee of either body of the state legislature.

Section 9. Clarifies that the annual income statement and balance sheet of the Alaska Permanent Fund prepared by the Board of Trustees of the Alaska Permanent Fund Corporation will appear in the general election pamphlet.

Section 10. Requires the state bond committee to prepare a notice relating to the state's bonded indebtness and the proposed bonding before any election at which a bond is offered for ratification. In addition to publishing the notice in newspapers of general circulation, the bill requires the notice to be included on the state Internet website as soon as it is prepared by the state bond committee.

Section 11. Repeals AS 15.13.040(b). This section required the director of the Division of Elections to prepare, issue, and make available with each sample ballot (1) for a special election certain information about bond issues and (2) when a ballot proposition is submitted to the voters at a special or primary election, certain information relating to that proposition. Under secs. 2 and 3 of the bill, this information is provided in the election pamphlet for both primary or special elections.

Section 12. Provides an effective date of January 1, 2012.

TLAB:plm
11-060.plm

LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
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Memorandum

TO: Representative Max Gruenberg

FROM: Chuck Burnham, Legislative Analyst

DATE: November 4, 2010

RE: Voter Registration by Legislative District and Political Affiliation in the 2010 General Election
LRS Report 11.068

You asked for tables showing the number of registered voters in each legislative district and the distribution of those registrants among political parties.

The attached tables provide the information you requested as follows:

Table 1: Number of Registered Voters by House District and Political Affiliation;

Table 2: Percent of Registered Voters by House District and Political Affiliation; and

Table 3: Number of Registered Voters by Senate District and Political Affiliation.

Counts of registered voters in these tables are from the Alaska Division of Elections (ADOE) online voter registration database (*http://www.elections.alaska.gov/vi_vrs.php*); percentages are our calculations using those data.

As you may know, the Division of Elections currently recognizes four political parties under the requirements to gain party status under AS § 15.60.010(25). They are as follows:

Alaskan Independence Party;

Alaska Democratic Party;

Alaska Libertarian Party; and

Alaska Republican Party.

In addition, the ADOE recognizes three political groups as delineated in AS § 15.60.010(24) that have applied for but have not fulfilled the requirements for political party status. Those groups are as follows:

Green Party;

Republic Moderate Party; and

Veteran's Party of Alaska.

Finally, two classifications of voter registration are recognized that do no claim affiliation with any political party or group. Voters registered as "Nonpartisan" and those who are "Undeclared" collectively comprised 260,901, or approximately 52 percent, of the 495,270 registered voters statewide.

We hope this information is helpful. If you have questions or need additional information, please let us know.

Table 1: Number of Registered Voters by House District and Political Affiliation, Nov. 2, 2010

Political Parties:	Political Groups:	Other:
A - Alaska Independence	**G** - Green Party	**N** - Nonpartisan
D - Democratic	**M** - Republic Moderate Party	**U** - Undeclared
L - Libertarian	**V** - Veteran's Party of Alaska	
R - Republican		

District	Total	A	D	L	R	N	U	G	M	V
1	11,117	352	1,288	81	2,877	1,799	4,600	62	53	5
2	11,529	354	1,875	52	2,469	2,155	4,474	82	58	10
3	12,524	348	3,149	77	1,841	2,538	4,438	90	41	2
4	12,497	287	2,105	64	2,607	2,454	4,826	81	71	2
5	11,060	438	2,043	52	1,953	1,901	4,482	128	48	15
6	10,735	490	1,667	79	2,575	1,870	3,933	47	50	24
7	15,341	466	1,972	105	3,961	2,827	5,815	121	60	14
8	14,471	345	2,482	115	3,176	2,667	5,424	180	75	7
9	11,455	339	2,048	77	2,751	1,881	4,247	36	63	13
10	10,809	269	1,957	78	3,031	1,472	3,839	33	115	15
11	15,517	447	1,374	96	5,695	2,142	5,619	28	102	14
12	11,654	342	1,166	103	3,988	1,683	4,234	36	73	29
13	16,339	384	1,478	213	5,891	2,560	5,640	46	92	35
14	15,404	423	1,427	218	5,311	2,298	5,558	37	89	43
15	16,800	610	1,432	271	5,144	2,761	6,339	87	119	37
16	15,087	377	1,298	236	5,184	2,471	5,334	53	83	51
17	13,381	274	1,459	212	4,870	1,905	4,472	23	78	88
18	11,557	226	1,793	244	4,046	1,189	3,769	19	120	151
19	12,088	297	2,078	479	2,891	1,817	4,289	34	60	143
20	9,938	264	2,042	678	1,693	1,213	3,733	45	57	213
21	12,421	222	2,138	376	3,365	1,977	4,172	30	70	71
22	10,787	247	2,188	525	2,001	1,654	3,891	66	61	154
23	11,708	281	2,678	576	1,996	1,963	3,985	75	73	81
24	12,395	294	2,153	454	2,908	1,950	4,446	46	74	70
25	10,640	294	2,069	492	1,892	1,750	3,954	68	68	53
26	12,139	232	2,370	367	2,638	2,157	4,226	70	48	31
27	12,245	247	1,655	347	3,291	2,029	4,520	42	80	34
28	13,613	256	1,864	274	4,099	2,247	4,730	44	76	23
29	11,177	281	1,727	402	2,740	1,631	4,253	46	55	42
30	12,898	264	1,845	352	3,564	2,050	4,703	38	50	32
31	13,775	226	1,688	257	4,491	2,373	4,625	35	58	22
32	16,434	278	2,225	297	5,136	2,914	5,372	119	56	37
33	13,489	414	1,372	113	4,297	2,347	4,787	52	91	16
34	13,775	513	1,089	131	4,655	2,423	4,820	48	71	25
35	13,663	419	2,071	139	3,272	2,327	5,204	162	55	14
36	10,454	279	1,201	64	3,031	1,666	4,112	30	50	21
37	8,021	345	1,449	67	1,326	1,208	3,549	21	47	9
38	8,835	524	2,560	56	906	1,332	3,397	26	25	9
39	8,858	649	2,143	70	1,119	1,349	3,450	27	39	12
40	8,640	643	2,026	95	1,129	1,053	3,627	22	37	8
Total	**495,270**	**14,240**	**74,644**	**8,984**	**129,810**	**80,003**	**180,888**	**2,335**	**2,691**	**1,675**

Notes: Political Parties have gained recognized status under AS 15.60.010(25) or by court order. Political Groups are those that have applied for party status but have not met the qualifications to be a recognized political party under AS 15.60.010(24).

Source: Alaska Division of Elections voter registration database, *http://www.elections.alaska.gov/vi_vrs.php* .

Table 2: Percent of Registered Voters by House District and Political Affiliation, Nov. 2, 2010

Political Parties:
A - Alaska Independence
D - Democratic
L - Libertarian
R - Republican

Political Groups:
G - Green Party
M - Republic Moderate Party
V - Veteran's Party of Alaska

Other:
N - Nonpartisan
U - Undeclared

District	Statewide	Precent of Registered Voters in District								
		A	D	L	R	N	U	G	M	V
1	2.2%	3.2%	11.6%	0.7%	25.9%	16.2%	41.4%	0.6%	0.5%	0.0%
2	2.3%	3.1%	16.3%	0.5%	21.4%	18.7%	38.8%	0.7%	0.5%	0.1%
3	2.5%	2.8%	25.1%	0.6%	14.7%	20.3%	35.4%	0.7%	0.3%	0.0%
4	2.5%	2.3%	16.8%	0.5%	20.9%	19.6%	38.6%	0.6%	0.6%	0.0%
5	2.2%	4.0%	18.5%	0.5%	17.7%	17.2%	40.5%	1.2%	0.4%	0.1%
6	2.2%	4.6%	15.5%	0.7%	24.0%	17.4%	36.6%	0.4%	0.5%	0.2%
7	3.1%	3.0%	12.9%	0.7%	25.8%	18.4%	37.9%	0.8%	0.4%	0.1%
8	2.9%	2.4%	17.2%	0.8%	21.9%	18.4%	37.5%	1.2%	0.5%	0.0%
9	2.3%	3.0%	17.9%	0.7%	24.0%	16.4%	37.1%	0.3%	0.5%	0.1%
10	2.2%	2.5%	18.1%	0.7%	28.0%	13.6%	35.5%	0.3%	1.1%	0.1%
11	3.1%	2.9%	8.9%	0.6%	36.7%	13.8%	36.2%	0.2%	0.7%	0.1%
12	2.4%	2.9%	10.0%	0.9%	34.2%	14.4%	36.3%	0.3%	0.6%	0.2%
13	3.3%	2.4%	9.0%	1.3%	36.1%	15.7%	34.5%	0.3%	0.6%	0.2%
14	3.1%	2.7%	9.3%	1.4%	34.5%	14.9%	36.1%	0.2%	0.6%	0.3%
15	3.4%	3.6%	8.5%	1.6%	30.6%	16.4%	37.7%	0.5%	0.7%	0.2%
16	3.0%	2.5%	8.6%	1.6%	34.4%	16.4%	35.4%	0.4%	0.6%	0.3%
17	2.7%	2.0%	10.9%	1.6%	36.4%	14.2%	33.4%	0.2%	0.6%	0.7%
18	2.3%	2.0%	15.5%	2.1%	35.0%	10.3%	32.6%	0.2%	1.0%	1.3%
19	2.4%	2.5%	17.2%	4.0%	23.9%	15.0%	35.5%	0.3%	0.5%	1.2%
20	2.0%	2.7%	20.5%	6.8%	17.0%	12.2%	37.6%	0.5%	0.6%	2.1%
21	2.5%	1.8%	17.2%	3.0%	27.1%	15.9%	33.6%	0.2%	0.6%	0.6%
22	2.2%	2.3%	20.3%	4.9%	18.6%	15.3%	36.1%	0.6%	0.6%	1.4%
23	2.4%	2.4%	22.9%	4.9%	17.0%	16.8%	34.0%	0.6%	0.6%	0.7%
24	2.5%	2.4%	17.4%	3.7%	23.5%	15.7%	35.9%	0.4%	0.6%	0.6%
25	2.1%	2.8%	19.4%	4.6%	17.8%	16.4%	37.2%	0.6%	0.6%	0.5%
26	2.5%	1.9%	19.5%	3.0%	21.7%	17.8%	34.8%	0.6%	0.4%	0.3%
27	2.5%	2.0%	13.5%	2.8%	26.9%	16.6%	36.9%	0.3%	0.7%	0.3%
28	2.7%	1.9%	13.7%	2.0%	30.1%	16.5%	34.7%	0.3%	0.6%	0.2%
29	2.3%	2.5%	15.5%	3.6%	24.5%	14.6%	38.1%	0.4%	0.5%	0.4%
30	2.6%	2.0%	14.3%	2.7%	27.6%	15.9%	36.5%	0.3%	0.4%	0.2%
31	2.8%	1.6%	12.3%	1.9%	32.6%	17.2%	33.6%	0.3%	0.4%	0.2%
32	3.3%	1.7%	13.5%	1.8%	31.3%	17.7%	32.7%	0.7%	0.3%	0.2%
33	2.7%	3.1%	10.2%	0.8%	31.9%	17.4%	35.5%	0.4%	0.7%	0.1%
34	2.8%	3.7%	7.9%	1.0%	33.8%	17.6%	35.0%	0.3%	0.5%	0.2%
35	2.8%	3.1%	15.2%	1.0%	23.9%	17.0%	38.1%	1.2%	0.4%	0.1%
36	2.1%	2.7%	11.5%	0.6%	29.0%	15.9%	39.3%	0.3%	0.5%	0.2%
37	1.6%	4.3%	18.1%	0.8%	16.5%	15.1%	44.2%	0.3%	0.6%	0.1%
38	1.8%	5.9%	29.0%	0.6%	10.3%	15.1%	38.4%	0.3%	0.3%	0.1%
39	1.8%	7.3%	24.2%	0.8%	12.6%	15.2%	38.9%	0.3%	0.4%	0.1%
40	1.7%	7.4%	23.4%	1.1%	13.1%	12.2%	42.0%	0.3%	0.4%	0.1%
Total	100.0%	1.4%	7.3%	1.0%	11.0%	7.4%	16.5%	0.2%	0.2%	0.1%

Notes: Political Parties have gained recognized status under AS 15.60.010(25) or by court order. Political Groups are those that have applied for party status but have not met the qualifications to be a recognized political party under AS 15.60.010(24).

Source: Alaska Division of Elections voter registration database, *http://www.elections.alaska.gov/[illegible]*.

Table 3: Number of Registered Voters by Senate District and Political Affiliation, Nov. 2, 2010

Political Parties:
A - Alaska Independence
D - Democratic
L - Libertarian
R - Republican

Political Groups:
G - Green Party
M - Republic Moderate Party
V - Veteran's Party of Alaska

Other:
N - Nonpartisan
U - Undeclared

District	% Statewide Total	Percent of District Total								
		A	D	L	R	N	U	G	M	V
A	4.6%	3.1%	14.0%	0.6%	23.6%	17.5%	40.1%	0.6%	0.5%	0.1%
	22,646	706	3,163	133	5,346	3,954	9,074	144	111	15
B	5.1%	2.5%	21.0%	0.6%	17.8%	20.0%	37.0%	0.7%	0.4%	0.0%
	25,021	635	5,254	141	4,448	4,992	9,264	171	112	4
C	4.4%	4.3%	17.0%	0.6%	20.8%	17.3%	38.6%	0.8%	0.4%	0.2%
	21,795	928	3,710	131	4,528	3,771	8,415	175	98	39
D	6.0%	2.7%	14.9%	0.7%	23.9%	18.4%	37.7%	1.0%	0.5%	0.1%
	29,812	811	4,454	220	7,137	5,494	11,239	301	135	21
E	4.5%	2.7%	18.0%	0.7%	26.0%	15.1%	36.3%	0.3%	0.8%	0.1%
	22,264	608	4,005	155	5,782	3,353	8,086	69	178	28
F	5.5%	2.9%	9.3%	0.7%	35.6%	14.1%	36.3%	0.2%	0.6%	0.2%
	27,171	789	2,540	199	9,683	3,825	9,853	64	175	43
G	6.4%	2.5%	9.2%	1.4%	35.3%	15.3%	35.3%	0.3%	0.6%	0.2%
	31,743	807	2,905	431	11,202	4,858	11,198	83	181	78
H	6.4%	3.1%	8.6%	1.6%	32.4%	16.4%	36.6%	0.4%	0.6%	0.3%
	31,887	987	2,730	507	10,328	5,232	11,673	140	202	88
I	5.0%	2.0%	13.0%	1.8%	35.8%	12.4%	33.0%	0.2%	0.8%	1.0%
	24,938	500	3,252	456	8,916	3,094	8,241	42	198	239
J	4.4%	2.5%	18.7%	5.3%	20.8%	13.8%	36.4%	0.4%	0.5%	1.6%
	22,026	561	4,120	1157	4,584	3,030	8,022	79	117	356
K	4.7%	2.0%	18.6%	3.9%	23.1%	15.6%	34.7%	0.4%	0.6%	1.0%
	23,208	469	4,326	901	5,366	3,631	8,063	96	131	225
L	4.9%	2.4%	20.0%	4.3%	20.3%	16.2%	35.0%	0.5%	0.6%	0.6%
	24,103	575	4,831	1030	4,904	3,913	8,431	121	147	151
M	4.6%	2.3%	19.5%	3.8%	19.9%	17.2%	35.9%	0.6%	0.5%	0.4%
	22,779	526	4,439	859	4,530	3,907	8,180	138	116	84
N	5.2%	1.9%	13.6%	2.4%	28.6%	16.5%	35.8%	0.3%	0.6%	0.2%
	25,858	503	3,519	621	7,390	4,276	9,250	86	156	57
O	4.9%	2.3%	14.8%	3.1%	26.2%	15.3%	37.2%	0.3%	0.4%	0.3%
	24,075	545	3,572	754	6,304	3,681	8,956	84	105	74
P	6.1%	1.7%	13.0%	1.8%	31.9%	17.5%	33.1%	0.5%	0.4%	0.2%
	30,209	504	3,913	554	9,627	5,287	9,997	154	114	59
Q	5.5%	3.4%	9.0%	0.9%	32.8%	17.5%	35.2%	0.4%	0.6%	0.2%
	27,264	927	2,461	244	8,952	4,770	9,607	100	162	41
R	4.9%	2.9%	13.6%	0.8%	26.1%	16.6%	38.6%	0.8%	0.4%	0.1%
	24,117	698	3,272	203	6,303	3,993	9,316	192	105	35
S	3.4%	5.2%	23.8%	0.7%	13.2%	15.1%	41.2%	0.3%	0.4%	0.1%
	16,856	869	4,009	123	2,232	2,540	6,946	47	72	18
T	3.5%	7.4%	23.8%	0.9%	12.8%	13.7%	40.4%	0.3%	0.4%	0.1%
	17,498	1292	4,169	165	2,248	2,402	7,077	49	76	20
Total	**495,270**	**14,241**	**74,647**	**8,984**	**129,815**	**80,006**	**180,895**	**2,335**	**2,691**	**1,675**
	100.0%	2.9%	15.1%	1.8%	26.2%	16.2%	36.5%	0.5%	0.5%	0.3%

Notes: Political Parties have gained recognized status under AS 15.60.010(25) or by court order. Political Groups are those that have applied for party status but have not met the qualifications to be a recognized political party under AS 15.60.010(24).

Source: Alaska Division of Elections voter registration database, *http://www.elections.alaska.gov/vi_vis.php*.

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Memorandum

TO: Representative Max Gruenberg
FROM: Chuck Burnham, Legislative Analyst
DATE: December 23, 2010
RE: Competition in Alaska Legislative Elections
LRS Report 11.082

You asked us to examine vote returns for legislative elections to determine in which districts the race is effectively decided in the primary because one political party consistently dominates the general election. You were also interested to know the level of competition that exists in the primaries for those districts.

For the purposes of this report, we deem a legislative primary or general election to be uncompetitive if the winner garners at least 65 percent of the vote. We consider districts to be currently uncompetitive if the winner is from one political party and has gained at least 65 percent of votes over at least four of the last five elections cycles, or since the 2000 election.[1] Although these measures are, admittedly, somewhat arbitrary, we believe that deeming districts where one party has consistently enjoyed a nearly two-to-one vote advantage in recent elections to be uncompetitive is a conservative standard. That is, only the least competitive districts will meet this definition.[2]

Overall, our research indicates that legislative elections in Alaska are not typically very competitive affairs. Since 1992, at least 53 of the state's 60 legislative districts have seen elections in which the winner received greater than 65 percent of the vote. Although seven of those districts have had only one such uncompetitive election, 21 have experienced uncompetitive elections in at least 5 of the 10 election cycles since 1992. All told, of the roughly 500 district elections since 1992, at least 220, or 44 percent, were uncompetitive by our standard, including 130 of the 250 (52 percent) such elections since 2000. Of the 220 uncompetitive general elections we identified, the winner of 106 ran unopposed.

Using our strict definition of non-competitive districts, we conclude that recent general elections in 25 districts have been locks for either Democrats (7 House, 1 Senate) or Republicans (14 House, 3 Senate). In the elections that we reviewed, 2010 was the least competitive, with winners in 31 of 50 races receiving at least 65 percent of the vote. Table 1 summarizes results of uncompetitive legislative elections in Alaska since 1992 by party and district.

Given the recent partisan domination of general elections, it seems logical to assume that in legislative elections primaries are where the competition lies. Our research clearly indicates that this in not precisely true in Alaska. We analyzed primary results for the 220 winners of uncompetitive general elections since 1992 and found that in 189 races, or about 86 percent, the winning candidate received at least 65 percent of the vote. However, to say that each of these candidates "won" their respective primaries is a bit of a misnomer—in 153 of the 189 uncompetitive primaries, the winner ran unopposed. In 71 of the 220 uncompetitive races we identified, the ultimate winner faced no opponent in either the primary or the general election. Table 2 shows the districts, winners and their political party affiliation, the percent of votes earned in both the primary and general elections, and indicates where races were unopposed, for each uncompetitive legislative race in Alaska since 1992.[3]

We hope this is helpful. If you have questions or need additional information, please let us know.

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[1] It is important to note that we did not consider the impact of redistricting following the 2000 Census in this report. Those impacts, for certain districts, were likely substantial. As such, this report is best viewed in terms of the general and recent trend of the level of competition in Alaska legislative elections.

[2] This standard is a strict one, which we readily admit excludes several districts where the political affiliation of their legislators is unlikely to change in the near future. Nonetheless, we believe considering the likelihood of an outcome rather than actual electoral results introduces too great a level of subjectivity for our purposes.

[3] Please keep in mind that any number of factors influences elections that we did not consider in this report. The influence of incumbency, organizational support, campaign finances, and the like cannot be precisely identified for each race we examined, but were likely a factor, to varying degrees, in many.

Table 1: Alaska General Legislative Elections Won with at Least 65 Percent of the Vote, 1992-2010											
Year	**1992**	**1994**	**1996**	**1998**	**2000**	**2002**	**2004**	**2006**	**2008**	**2010**	**Grand Total**
Democrats	8	7	4	10	4	6	6	9	11	13	78
Republicans	5	7	12	18	15	20	15	15	16	19	142
Total	13	14	16	28	19	26	21	24	27	32	220
House Districts											
1				R		R		R	R	R	5
2	D			D			R				3
3	D	D		D			D	D	D	D	7
4	R			R	R		R			R	5
5		D		D							2
6	D		R			R					3
8			R	R							2
10		R	R	R	R	R	R	R			7
11			R		R	R	R	R	R	R	7
12	R	R	R		R	R	R	R	R		8
13							R	R	R	R	4
14			R	R	R				R		4
15	D			D					R	R	4
16						R	R	R	R	R	5
17		R		R		R		R	R	R	6
18						R	R	R	R	R	5
20				R					D	D	3
22	R							D		D	3
23		R		R		D	D	D	D	D	7
24		R		R	R					D	4
25				R			D	D	D	D	5
26				R					D	D	3
27						R					1
28			R	R	R	R	R			R	6
30						R	R	R			3
31			R		R			R	R	R	5
32					R					R	2
33			R	R	R				R	R	5
34		R	R	R	R	R	R	R	R	R	9
35					R	R		R	R	R	5
36						R	R			R	3
37	D	D	D	D	D	D				D	7
38	D	D	D	D		D	D	D	D	D	9
39	D	D		D	D	D		D	D	D	8
40		D	D	D	D	D	D	D	D	D	9
Senate Districts											
A									R		1
B		D								D	2
C									D		1
D				R							1
E						R					1
F	R	R		R		R		R		R	6
G						R	R		R		3
H				D		R		R		R	4
I						R	R				2
J				R							1
L	R			R				D			3
M			R		R				D		3
N						R		R		R	3
O					R				R		2
Q			R		R		R				3
R										R	1
S	D		D		D	D		D		D	6
T				D			D		D		3

Notes: The political affiliation of the election winners and uncompetitive districts are shaded blue and/or marked "D" (Democrat) and shaded red and/or marked "R" (Republican). **Source**: Alaska Division of Elections, http://www.elections.alaska.gov/er_return.php.

Table 2: Uncompetitive Alaska Legislative Election Victories, 1992-2010					
District[1]	General Election Winner	Political Party	Percent of Votes[2]	Winner Percent of Votes in Primary	Competitive Primary?
1992					
F	D. Pearce	R	71.5	100.0	No
L	R. Phillips	R	97.2	79.3	No
S	A. Adams	D	99.0	100.0	No
2	B. Grussendorf	D	68.3	78.0	No
3	F. Ulmer	D	69.8	100.0	No
4	B. Hudson	R	68.7	100.0	No
6	C. Davidson	D	96.2	100.0	No
12	M. Hanley	R	73.6	81.3	No
15	K. Brown	D	74.5	84.3	No
22	R. Barnes	R	67.1	100.0	No
37	E. Maclean	D	99.1	68.2	No
38	R. Foster	D	99.2	46.8	Yes (3-way race)
39	L. Hoffman	D	96.6	56.3	Yes
1994					
B	J. Duncan	D	67.9	100.0	No
F	D. Pearce	R	74.6	100.0	No
3	K. Elton	D	65.4	100.0	No
5	J. Mackie	D	95.0	100.0	No
10	J. Green	R	97.1	100.0	No
12	M. Hanley	R	98.0	100.0	No
17	S. Parnell	R	70.3	100.0	No
23	E. Mulder	R	97.3	73.9	No
24	P. Kott	R	74.8	100.0	No
34	J. James	R	72.2	100.0	No
37	E. Maclean	D	72.9	N/A	Write-In D
38	R. Foster	D	98.6	59.2	No
39	I. Ivan	D	75.9	46.7	Yes (3-way race)
40	C. Moses	D	98.7	100.0	No
1996					
M	R. Halford	R	97.6	61.7	Yes
Q	M. Miller	R	78.4	100.0	No
S	A. Adams	D	99.3	100.0	No
6	A. Austerman	R	69.7	100.0	No
8	G. Davis	R	69.0	100.0	No
10	J. Green	R	75.7	100.0	No
11	N. Rokeberg	R	74.4	64.4	Yes
12	M. Hanley	R	69.6	100.0	No
14	T. Martin	R	68.9	100.0	No
28	B. Masek	R	69.6	75.1	No
31	P. Kelly	R	66.5	100.0	No
33	G. Therriault	R	68.8	100.0	No

Table 2: Uncompetitive Alaska Legislative Election Victories, 1992-2010					
District[1]	General Election Winner	Political Party	Percent of Votes[2]	Winner Percent of Votes in Primary	Competitive Primary?
1996 (continued)					
34	J. James	R	78.2	100.0	No
37	R. Joule	D	98.3	65.5	No
38	R. Foster	D	98.2	38.8	Yes
40	C. Moses	D	97.2	100.0	No
1998					
D	J. Torgerson	R	96.5	100.0	No
F	D. Pearce	R	96.2	100.0	No
H	J. Ellis	D	65.2	100.0	No
J	D. Donley	R	80.1	100.0	No
L	R. Phillips	R	96.5	100.0	No
T	L. Hoffman	D	73.5	100.0	No
1	W. Williams	R	95.5	100.0	No
2	B. Grussendorf	D	96.6	100.0	No
3	B. Kerttula	D	82.0	61.2	Yes
4	B. Hudson	R	72.7	100.0	No
5	A. Kookesh	D	96.0	100.0	No
8	G. Davis	R	67.6	100.0	No
10	J. Green	R	96.8	100.0	No
14	L. Murkowski	R	96.5	65.6	No
15	E. Croft	D	69.3	100.0	No
17	J. Cowdery	R	96.3	69.5	No
20	B. Porter	R	96.1	100.0	No
23	E. Mulder	R	60.7	100.0	No
24	P. Kott	R	95.9	100.0	No
25	F. Dyson	R	95.6	100.0	No
26	V. Korhring	R	64.2	100.0	No
28	B. Masek	R	77.7	100.0	No
33	G. Therriault	R	77.0	100.0	No
34	J. James	R	77.3	100.0	No
37	R. Joule	D	98.2	100.0	No
38	R. Foster	D	95.9	52.8	Yes (3-way race)
39	M. Sattler	D	72.2	57.5	Yes
40	C. Moses	D	87.0	58.1	Yes
2000					
M	R. Halford	R	69.8	100.0	No
O	G. Wilken	R	65.1	100.0	No
Q	G. Therriault	R	77.0	100.0	No
S	D. Olson	D	97.3	41.7	Yes (3-way race)
4	B. Hudson	R	93.8	100.0	No
10	J. Green	R	76.8	100.0	No
11	N. Rokeberg	R	72.9	100.0	No

Table 2: Uncompetitive Alaska Legislative Election Victories, 1992-2010					
District[1]	General Election Winner	Political Party	Percent of Votes[2]	Winner Percent of Votes in Primary	Competitive Primary?
2000 (continued)					
12	A. Halcro	R	95.8	66.4	No
14	L. Murkowski	R	96.4	100.0	No
24	P. Kott	R	73.0	73.8	No (3-way race)
28	B. Masek	R	79.2	100.0	No
31	J. Whitaker	R	69.9	100.0	No
32	J. Coghill	R	68.0	100.0	No
33	H. Fate	R	68.0	51.7	Yes (3-way race)
34	J. James	R	95.9	100.0	No
35	J. Harris	R	68.2	73.9	No
37	R. Joule	D	98.2	100.0	No
39	M. Kapsner	D	97.5	100.0	No
40	C. Moses	D	94.4	66.4	No
2002					
E	G. Wilken	R	69.8	100.0	No
F	G. Therriault	R	81.8	100.0	No
G	L. Green	R	76.4	100.0	No
H	S. Ogan	R	92.3	67.5	No
I	F. Dyson	R	76.3	100.0	No
N	B. Stevens	R	96.4	100.0	No
S	L. Hoffman	D	66.8	100.0	No
1	W. Williams	R	94.1	100.0	No
6	C. Morgan	R	97.0	100.0	No
10	J. Whitaker	R	94.5	100.0	No
11	J. Coghill	R	96.8	53.6	Yes
12	J. Harris	R	94.2	47.0	Yes (3-way race)
16	B. Stoltze	R	73.7	100.0	No
17	P. Kott	R	80.9	100.0	No
18	L. Murkowski	R	93.3	53.1	Yes
23	L. Gara	D	94.0	65.2	No
27	N. Rokeberg	R	96.1	76.6	No
28	L. McGuire	R	75.6	60.9	Yes (3-way race)
30	K. Meyer	R	96.4	100.0	No
34	C. Chenault	R	71.1	100.0	No
35	P. Seaton	R	94.4	56.9	Yes (3-way race)
36	G. Stevens	R	97.3	100.0	No
37	C. Moses	D	96.2	100.0	No
38	M. Kapsner	D	97.3	64.5	Yes
39	R. Foster	D	97.6	100.0	No
40	R. Joule	D	97.8	100.0	No

Table 2: Uncompetitive Alaska Legislative Election Victories, 1992-2010					
District[1]	General Election Winner	Political Party	Percent of Votes[2]	Winner Percent of Votes in Primary	Competitive Primary?
2004					
G	L. Green	R	68.0	100.0	No
I	F. Dyson	R	97.0	100.0	No
Q	T. Wagoner	R	77.0	54.8	Yes (3-way race)
T	D. Olson	D	65.0	100.0	No
2	P. Wilson	R	66.2	100.0	No
3	B. Kerttula	D	71.1	100.0	No
4	B. Weyhrauch	R	65.0	100.0	No
10	J. Ramras	R	70.0	55.4	Yes
11	J. Coghill	R	96.9	100.0	No
12	J. Harris	R	95.7	100.0	No
13	C. Gatto	R	67.3	100.0	No
16	B. Stoltze	R	71.5	100.0	No
18	N. Dahlstrom	R	97.7	100.0	No
23	L. Gara	D	69.5	91.8	No
25	E. Croft	D	95.4	100.0	No
28	L. McGuire	R	68.9	100.0	No
30	K. Meyer	R	71.0	100.0	No
34	C. Chenault	R	72.1	100.0	No
36	G. LeDoux	R	78.8	50.6	Yes (3-way race)
38	M. Kapsner	D	97.8	100.0	No
40	R. Joule	D	97.8	100.0	No
2006					
F	G. Therriault	R	68.8	100.0	No
H	C. Huggins	R	68.8	68.6	No
L	J. Ellis	D	95.0	100.0	No
N	L. McGuire	R	65.9	57.0	Yes
S	L. Hoffman	D	68.0	100.0	No
1	K. Johansen	R	94.3	55.7	Yes
3	B. Kerttula	D	95.6	100.0	No
10	J. Ramras	R	92.1	76.3	No
11	J. Coghill	R	69.8	100.0	No
12	J. Harris	R	71.4	64.8	Yes
13	C. Gatto	R	73.0	100.0	No
16	B. Stoltze	R	71.2	100.0	No
17	A. Fairclough	R	71.0	53.4	Yes
18	N. Dahlstrom	R	96.0	62.3	Yes
22	S. Cissna	R	94.3	100.0	No
23	L. Gara	D	96.0	100.0	No
25	M. Doogan	D	70.3	83.1	No
30	K. Meyer	R	94.6	100.0	No
31	B. Lynn	R	95.7	100.0	No

Table 2: Uncompetitive Alaska Legislative Election Victories, 1992-2010					
District[1]	General Election Winner	Political Party	Percent of Votes[2]	Winner Percent of Votes in Primary	Competitive Primary?
2006 (continued)					
34	C. Chenault	R	94.2	100.0	No
35	P. Seaton	R	68.4	100.0	No
38	M. Kapsner	D	97.4	100.0	No
39	R. Foster	D	97.0	100.0	No
40	R. Joule	D	97.8	100.0	No
2008					
A	B. Stedman	R	96.1	100.0	No
C	A. Kookesh	D	68.8	100.0	No
G	L. Menard	R	80.0	100.0	No
M	H. French	D	90.7	100.0	No
O	K. Meyer	R	68.9	100.0	No
T	D. Olson	D	97.8	100.0	No
1	K. Johansen	R	96.5	100.0	No
3	B. Kerttula	D	95.5	88.0	No
11	J. Coghill	R	81.2	100.0	No
12	J. Harris	R	72.2	100.0	No
13	C. Gatto	R	69.9	63.1	Yes
14	W. Keller	R	77.8	100.0	No
15	M. Neuman	R	76.3	64.7	Yes
16	B. Stoltze	R	75.2	71.6	No
17	A. Fairclough	R	80.0	100.0	No
18	N. Dahlstrom	R	97.3	100.0	No
20	M. Gruenberg	D	79.5	87.5	No
23	L. Gara	D	94.1	89.8	No
25	M. Doogan	D	70.0	100.0	No
26	L. Holmes	D	93.5	100.0	No
31	B. Lynn	R	71.0	100.0	No
33	K. Olson	R	67.2	100.0	No
34	C. Chenault	R	72.5	74.3	No
35	P. Seaton	R	66.7	100.0	No
38	B. Herron	D	96.1	54.6	Yes (3-way race)
39	R. Foster	D	97.4	68.6	No
40	R. Joule	D	98.2	100.0	No
2010					
B	D. Egan	D	97.0	100.0	No
F	J. Coghill	R	97.2	100.0	No
H	C. Huggins	R	96.5	100.0	No
N	L. McGuire	R	69.1	100.0	No
R	G. Stevens	R	96.9	100.0	No
S	L. Hoffman	D	97.3	100.0	No
1	K. Johansen	R	67.5	100.0	No

Table 2: Uncompetitive Alaska Legislative Election Victories, 1992-2010					
District[1]	General Election Winner	Political Party	Percent of Votes[2]	Winner Percent of Votes in Primary	Competitive Primary?
2010 (continued)					
3	B. Kerttula	D	96.5	100.0	No
4	C. Munoz	R	97.0	100.0	No
11	T. Wilson	R	76.9	100.0	No
13	C. Gatto	R	96.4	56.2	Yes
15	M. Neuman	R	95.8	65.3	No
16	B. Stoltze	R	78.0	100.0	No
17	A. Fairclough	R	96.9	100.0	No
18	D. Saddler	R	68.9	35.5	Yes (3-way race)
20	M. Gruenberg	D	68.6	87.6	No
22	S. Cissna	D	92.6	100.0	No
23	L. Gara	D	94.4	100.0	No
24	B. Gardner	D	92.5	100.0	No
25	M. Doogan	D	65.0	91.6	
26	L. Holmes	D	71.1	100.0	No
28	C. Johnson	R	65.0	100.0	No
31	B. Lynn	R	67.5	60.1	Yes
32	M. Hawker	R	70.4	100.0	No
33	K. Olson	R	76.3	100.0	No
34	C. Chenault	R	80.7	100.0	No
35	P. Seaton	R	97.4	100.0	No
36	A. Austerman	R	68.0	100.0	No
37	B. Edgmon	D	97.1	100.0	No
38	B. Herron	D	97.8	100.0	No
39	N. Foster	D	95.9	57.8	Yes
40	R. Joule	D	97.6	100.0	No

	Number	% of Total
Uncompetitive general elections (out of 500 total)	220	44.0%
Uncontested general elections (out of 500 total)	106	21.2%
Uncompetitive primaries preceding uncompetitive general (out of 220 total)	189	85.9%
Uncontested primaries preceding uncompetitive general (out of 220 total)	153	69.5%

Notes: We define a competitive election, for the purposes of this report, as one in which the winner receives less than 65 percent of the vote.

1) Senate District are in grey-scale.

2) Highlighted cells for general and primary election vote percentages indicate an uncontested race. Uncontested vote totals in general elections do not tally 100 percent due to the impact of write-in votes.

Source: Alaska Division of Elections, *http://www.elections.alaska.gov/ei_return.php.*

LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
research@legis.state.ak.us

Memorandum

TO: Representative Max Gruenberg
FROM: Susan Haymes, Legislative Analyst
DATE: December 10, 2010
RE: General Obligation Bond Election Materials in Other States
LRS Report 11.083

You asked how other states present general obligation bond proposition information to voters in election materials.

Most states (and local governments) have authority to issue general obligation (GO) bonds, which are bonds used primarily to fund capital projects that are backed by the full faith and credit of the issuing state. This means the debt is the first obligation that the state must pay, and its repayment is guaranteed by the state's full taxing power. When a state issues a GO bond it agrees to pay the borrowed money back over a specified period of time, with interest. The principal and interest on all GO bonds are paid put of the state's general fund, rather than from a dedicated source of revenue. Many state constitutions provide certain restrictions on GO bonds such as an absolute limit on the amount or a limit on the amount of state debt that can be outstanding.[1] Moreover, the issuance of a GO bond generally requires legislative approval, and in at least 19 states a popular vote is required as well before the state can issue a GO bond.[2]

The states that require voter ratification generally provide that the bond measure must be described in the voters' pamphlet and must include the amount being borrowed, the projects that will be funded, and arguments for and against the proposal.[3] Five states–Idaho, Oregon, Rhode Island, Virginia, and Washington–require more detailed fiscal information to be provided to voters in election materials.[4] Of those, Oregon and Washington require the most detailed fiscal information.

Washington law requires that a fiscal impact statement be prepared for each bond measure and that the statement be printed in the voters' pamphlet and made available online.[5] Oregon lawmakers established a financial estimate committee that is charged with estimating the financial impact on state and local government revenues and expenditures if a bond measure is enacted. The following table describes the degree of financial information that is required, and how the information is provided to residents in the five selected states.[6]

---

[1] The Washington State Constitution provides a formula that allows the state to issue GO bonds only if the total debt service will not exceed nine percent of the average of general state revenues for the preceding three fiscal years. Other states such as Texas and Ohio have a definite limit to the amount the state can borrow. Such states have successfully overruled the limit by amending their respective constitutions.

[2] Those states are Alaska, Arkansas, California, Florida, Idaho, Kansas, Kentucky, Maine, Michigan, Missouri, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, and Washington. The constitutions of Illinois and South Carolina require members of each house of the General Assembly (three-fifths and two-thirds, respectively) *or* a majority of the voters approve a GO bond before it can be issued. We used the National Conference of State Legislature's (NCSL), "State Budget Requirements: Provision and Practice," 2004, which includes references to many state's debt provisions. From among the states that require a popular vote before issuing a GO bond, we selected five that require more detailed financial information for voters. If the NCSL report was silent on debt limits, we reviewed that state's constitution. The NCSL report can be accessed at http://www.ncsl.org/default.aspx?tabid=12612. Please note that while we believe our research to be thorough, there may be additional states with provisions similar to the selected states that we did not locate due to variations in wording and construction of statutes.

[3] In Alaska, under AS 15.58.020(a)(7),"a statement of the scope of each project" authorized in the bond measure must be included in the voters' pamphlet.

[4] Of the 15 states requiring a majority vote, including the five we selected, we did not find any that required the indebtedness resulting from passage of a GO bond measure be expressed as per capita or per household. The five selected states do require that the aggregate amount of indebtedness be provided to residents in election materials.

[5] Attachment A is a fiscal impact statement prepared for a Washington GO bond measure (Referendum 52) before the general election in November 2010, [illegible]

[6] We include copies of each of the statutes cited as Attachment B.

Required Information for Voters on General Obligation (GO) Bond Measures in Election Materials

State	Citations	Information Required	Information Format
Idaho	Idaho Code § 34-440 Idaho Code § 34-1812C	Existing indebtedness of state, interest rate, and total amount of bond (principal and interest) over life of the bond.	Statement printed on ballot, in the official notice of election, and in voters' pamphlet, which is mailed to every household before general election. Voters' pamphlet and ballot information are available online.
Oregon	ORS § 250.035 ORS § 250.037 ORS § 250.125 ORS § 250.127 ORS § 250.131 ORS § 254.085	Financial estimate committee prepares detailed financial analysis including impact on state and local governments if enacted, specifically aggregate amount of expenditures, reduction in revenues, and indebtedness required by any local government to meet provisions.	Estimate printed on ballot and voters' pamphlet. Voters must be notified if bond measure is to be payable from property taxes. Voters' pamphlet and ballot information are available online.
Rhode Island	R.I. Gen. Laws § 17-1-2 R.I. Gen. Laws § 17-5-1 R.I. Gen. Laws § 17-5-1.1 R.I. Gen. Laws § 17-5-3	Estimated total cost of project including financing, legal and other costs; terms of the bond; and detailed description and timetable of the project.	Required in voter pamphlet which is mailed to each residential unit before general or special referenda election. Voters' pamphlet available online.
Virginia	Va. Code Ann. § 24.2-105.1 Va. Code Ann. § 30-19.10	Fiscal impact statement describing the need for and uses of the bond proceeds, and estimated costs and expenditures if enacted.	Required to be posted on State Board of Elections web site and distributed to the general registrar of each county and city.
Washington	ARCW § 29A.04.321 ARCW § 29A.32.070 ARCW § 29A.72.025	Fiscal impact statement describing any projected increase or decrease in revenues, costs, expenditures or indebtedness state or local governments will experience if enacted and including statement and assumptions used in preparing statement.	Fiscal impact statements must be available online and included in the voters' pamphlet which is distributed to each household.

Notes: Among the states that require a popular vote, Washington and Oregon require the most detailed financial information be provided in election materials. All five states require the aggregate amount of indebtedness be provided in election materials.
Sources: The web sites of each state's Elections Division including, *http://www.sos.idaho.gov/elect/eleindex.htm* , *http://www.sos.state.or.us/elections/* , *http://sos.ri.gov/elections/* , *http://www.sos.wa.gov/elections/* , and *http://www.sos.idaho.gov/elect/eleindex.htm* . State statutes available through Lexis Nexis.

We hope this is helpful. If you have questions or need additional information, please let us know.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 74**
() Publish Date

Identifier (file name) HB074-OOG-DOE-2-11-11
Title "An Act relating to election pamphlets..."
Sponsor Representative Gruenberg
Requester House State Affairs Committee

Dept. Affected Office of the Governor
Appropriation Elections
Allocation Elections
OMB Component Number 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services			15.0		15.0		15.0
Travel							
Services			458.8		458.8		458.8
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**473.8**	**0.0**	**473.8**	**0.0**	**473.8**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF			473.8		473.8		473.8
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
TOTAL	**0.0**	**0.0**	**473.8**	**0.0**	**473.8**	**0.0**	**473.8**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Gail Fenumiai, Director
Division Division of Elections
Approved by Linda J. Perez, Administrative Director
Administrative Services

Phone 465-2644
Date/Time 2/11/2011, 3:37pm
Date 2/11/2011

(Revised 1/27/2011 OMB)

STATE OF ALASKA **BILL NO.** HB 74
2011 LEGISLATIVE SESSION

The division will incur additional costs associated with publishing a primary election pamphlet that will include candidate photos, biography and statements.

The personal services costs are reflective of the amount required to hire a temporary employee earlier than in previous election years.

The services costs are reflective of the amount required for layout, printing and mailing a pamphlet to every registered voter.

The division will incur additional costs for printing and mailing the general election pamphlet to every registered voter versus the current requirement of mailing to each household as identified from the official registration list.

Member

Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Alaska State Legislature
House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

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Email:
Rep.Max.Gruenberg@legis.state.ak.us

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Max F. Gruenberg, Jr.

DATE: February 3rd, 2011

RE: HB 74: Information on Matters in Election Pamphlet

****

Please consider this memorandum as a request for the House State Affairs Committee to schedule a hearing on House Bill 74. Accompanying this memo are the following documents:

- Sponsor Statement
- Sectional Analysis
- House Bill 74 (27-LS0008\T)
- Committee Substitute for House Bill 74 ( ) (27-LS0008\R)
- Explanation of Changes between the "T" and "R" versions
- List of Expected Witnesses
- Legislative Research Services Reports on:
  - How other states present general obligation bond information to voters
  - Numbers and percentages of registered voters by house and senate district
  - The level of competition in Alaska State House and Senate races

Thank you for considering my request for a hearing on House Bill 74. Please contact my legislative aide, Ted Madsen, at 465-2840 with any questions.

HB

77

<TARGET><BILL>HB 77</BILL><SUBJECT>HB
77</SUBJECT><COMM>HSTA27</COMM></TARGET>

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
LABOR & STATE AFFAIRS SECTION

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January 31, 2012

Hon. Representative Paul Seaton
House State Affairs Committee
House of Representatives
Alaska State Legislature
State Capitol Room 102
Juneau, Alaska 99801

Re: HB 77 (Nonpartisan Blanket Primary Election)

Dear Representative Seaton:

At a recent hearing on HB 77, you asked whether there would be any legal ramifications arising from the bill's making the top two vote-getters in a primary election for each elective state executive and state and national legislative office—regardless of party affiliation, group, or preference—advance to the general election. As a result, Alaska statutes would no longer contain provisions or procedures for "no party" candidates to petition for access to the general election ballot.

The Department of Law sees no apparent facial constitutional restrictions to implementing this concept in statute. Under current law, the primary ballot is accessible only to nominees of each political party. *See* AS 15.25.010 and 15.25.014. The "nomination by petition" provisions of AS 15.24.140—AS 15.25.200, repealed by this bill, exist at least implicitly to protect and implement the federal and state constitutional freedom of speech and association rights of no-party candidates under the First Amendment to the United States Constitution and article I, sections 5 and 6 of the Alaska Constitution, as well as, potentially, the equal protection clauses of the state and federal constitutions. In summary, these existing provisions are a mechanism for individuals—otherwise excluded from the primary by virtue of their lack of party affiliation—to reach the general election ballot based on the will of the people.

In HB 77, anyone can gain access to the primary ballot simply by filing a declaration of candidacy and advance to the general election ballot if that person is one of the top two vote-getters in the primary. It should also be noted the United States Supreme Court found a "top two nonpartisan blanket primary" system facially constitutional under the First Amendment in *Washington State Grange v. Washington State Republican Party*, 522 U.S. 442 (2008).

Accordingly, it is our opinion that the ballot access safeguards reflected in existing provisions of state statute providing for nomination by petition to the general election ballot are not improperly repealed by HB 77, because ballot access is preserved in the primary election phase. Thus, any person who properly declares his or her candidacy for the primary election ballot and who gets enough votes (i.e. is one of the top two vote-getters) can advance to the general election ballot.

Please let us know if you have further questions.

Sincerely,

RICHARD SVOBODNY
ACTING ATTORNEY GENERAL

By: Elizabeth M. Bakalar

Elizabeth M. Bakalar
Assistant Attorney General

EMB: vms

cc: Gail Fenumiai, Director, Division of Elections
Heather Brakes, Legislative Director, Office of the Governor
Hon. Mead Treadwell, Lieutenant Governor
Hon. Representative Bob Lynn, Chair, House State Affairs Committee
Hon. Representative Wes Keller, Vice Chair, House State Affairs Committee
Hon. Representative Peggy Wilson, House State Affairs Committee
Hon. Representative Max Gruenberg, House State Affairs Committee
Hon. Representative Pete Petersen, House State Affairs Committee
Hon. Representative Kyle Johansen, House State Affairs Committee
Cori Badgley, Legislative Contact for Civil Division, Department of Law
Sonia Christensen, Deputy Legislative Liaison, Office of the Governor

Member

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Rules

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Corrections
Courts
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Rep.Max.Gruenberg@legis.state.ak.us

SPONSOR STATEMENT
SPONSOR SUBSTITUTE FOR HB 77 – NONPARTISAN BLANKET PRIMARY ELECTION

House Bill 77 would establish a nonpartisan blanket primary election in Alaska. Under this system, voters could cast their ballots for any candidate running for office in a primary election, and the top two vote-getters, regardless of party, would advance to the general election. HB 77 would give voters more freedom at the ballot box since their choices will not be restricted to their party affiliation. Voters could cast their ballots in support of the best, most qualified candidate, not just those that identify with a particular political party.

Since the United States Supreme Court struck down the California blanket primary law and then the Alaska Supreme Court struck down Alaska's blanket primary law (the "open primary"), Alaska has operated under a two primary system. Currently in Alaska, the Republican primary does not allow members of other political parties to participate. Winners for each political party advance to the general election in November.

However, the right Alaskans had previously enjoyed for approximately 40 years -- to vote for candidates of their choice for any elective office in the primary election -- is no longer available. Countless Alaskans have approached legislators pleading for a return to an open primary election system, where they could vote for the candidate of their choice in a primary election, regardless of party. Voters have demanded that they continue to be allowed to vote for a republican for one office, a democrat for another office, a green for another office, and so on. So have voters in other states. The "blanket primary" election system was previously in force in Washington and California, as well as Alaska. Several years ago in an initiative and in response to language in the US Supreme Court decision striking down the blanket primary,[1] an initiative passed in Washington state allowing voters to cast a ballot in the open primary. The only difference was that the top two vote-getters, regardless of party, would advance to the general election. Immediately after passage of the initiative, the political parties in Washington obtained injunctions from the federal district court in that state prohibiting the implementation of the new top-two primary law. The 9th Circuit affirmed. In early 2008 the United States Supreme Court

[1] California Democratic Party v. Jones, 530 U.S. 442 (2008).

reversed those decisions and upheld that state law.[2] The United States Supreme Court held that the political parties' constitutionally-protected right of association did not apply when the voters, rather than political parties, controlled the nomination process. The main challenge to that law was that candidates could identify themselves by membership and/or adherence to the ideals of a particular political party. The United States Supreme Court rejected that argument, as long as the implementation of the state law made it clear the political parties were not endorsing any particular candidate and that the designation of the party membership or adherence was simply a matter of political preference by the candidate.

Washington state election officials were therefore free to implement the new top-two primary law. A similar initiative was attempted in Oregon, but failed, leaving the previous primary election system intact. In June of 2010, California voters by 60 percent passed a similar initiative like Washington's—a top-two primary election.

HB 77 is legislation taken from the Washington state law and incorporates suggestions made by the United States Supreme Court in the Washington State Grange opinion. It briefly provides that candidates of all political parties and independents may run for office in a single primary election. They may self-designate their political parties if they wish. However, the state must make it clear, in the Official Election Pamphlet (OEP), on ballot materials, and at polling places, that any such designations are self-designations only and do not imply endorsement by any political party.

The bill also contains other provisions that conform other statutes to the top-two primary law.

The sectional analysis explains the provisions, and testimony in committee will further cover the details. We will be available to answer questions.

Thank you for favorable consideration of this legislation.

---

[2] Washington State Grange v. Washington State Republican Party, 552 U.S. 442 (2008).

LEGAL SERVICES

COPY

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 23, 2012

SUBJECT: Sectional summary (SSHB 77; Work Order No. 27-LS0095\X)

TO: Representative Max Gruenberg
Attn: Ted Madsen

FROM: Alpheus Bullard TGB
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. Changes the qualifications of persons appointed to election boards.

Section 2. Changes who may appoint watchers in a voting precinct or counting center and how many watchers that represent a state party chairperson, precinct party committee, party district committee, or candidate may be on duty at any one time in a precinct or counting center.

Section 3. Changes the qualifications of persons appointed to the Alaska Public Offices Commission.

Section 4. Contains a conforming change relating to the previous section's change in the qualifications of persons appointed to the Alaska Public Offices Commission.

Sections 5 - 7. Add or edit language in statutes that relate to the financing of political campaigns that conform the sections to the bill's implementation of a top two nonpartisan blanket primary system.

Section 8. Provides that a qualified voter may vote for any candidate at a primary election without a limitation based on the political party or political group affiliation of either the candidate or the voter.

Section 9. Removes a candidate's party designation from the official ballot. Permits a candidate to indicate on the ballot a political party or group preference or a designation as nonpartisan or undeclared.

Section 10. Requires a statement to appear on certain pages of the ballot that a political party or group preference indicated by a candidate for state office, United States Senate, or United States Representative on the ballot reflects only the designation requested by that candidate.

Section 11. Requires a statement to appear in each polling place that a political party or group preference indicated by a candidate for state office, United States Senate, or United States Representative on the ballot reflects only the designation requested by that candidate.

Sections 12 - 13. Make conforming changes to absentee voting statutes relating to the bill's implementation of a top two nonpartisan blanket primary system.

Section 14. Changes the qualifications of persons appointed to district counting boards.

Section 15. Changes the state's primary election from an election that selects which candidate of each participating political party will appear on the general election ballot as that party's nominee to an election in which the two candidates who have received the greatest number of votes for an office, regardless of the candidates' party affiliation, advance to the general election.

Section 16. Changes what a person must state on a declaration of candidacy. Includes conforming references to the bill's extension of primary elections to special elections.

Section 17. Conforms the section to a change in the previous bill section.

Section 18. Requires that ballots be prepared and distributed in a manner consistent with the bill's establishment of a top two nonpartisan blanket primary election system.

Section 19. Provides which candidates will be placed on the general election ballot.

Section 20. Changes what a person who desires to be a write-in candidate in the general election must state in the person's letter of intent.

Section 21. Eliminates a requirement that a write-in candidate for the office of governor must be of the same political party as the candidate for the office of lieutenant governor who is running with that write-in candidate for the office of governor.

Section 22. Provides that, if a vacancy occurs in the office of United States Senator or United States Representative, there will be both a special primary election and a subsequent special election to fill that vacancy.

Section 23. Conforms AS 15.40.160 (providing that the governor shall issue a proclamation calling a special primary election and subsequent special election) to the changes made in the previous bill section.

Section 24. Provides that a petition for the nomination of a candidate for a vacancy in the office of United States Senator or Representative must be executed under oath and state in substance that which is required under AS 15.25.030 (declaration of candidacy).

Section 25. Provides, unless specifically provided otherwise, that a special primary election and subsequent special election to fill a vacancy in the office of United States Senator or Representative will be conducted in the same manner as a regular primary or general election.

Sections 26 - 27. Provide for the conditions for, and timing of, the special primary election and subsequent special election to fill the office of governor when a person appointed to succeed to the office of lieutenant governor succeeds to the office of acting governor.

Section 28. Requires the acting governor to issue a proclamation calling for a special primary election and special election for the office of governor at least 50 days before the special primary election.

Section 29. Provides that a petition for the nomination of a candidate for a vacancy in the office of governor must be executed under oath and state in substance that which is required under AS 15.25.030 (declaration of candidacy).

Section 30. Provides, unless specifically provided otherwise, that a special primary election and subsequent special election to fill a vacancy in the office of governor will be conducted in the same manner as a regular primary or general election.

Section 31. Amends the qualifications of a person appointed by the governor to fill a vacancy in the state legislature. The changes relate to the bill's establishment of a top two blanket primary system.

Sections 32 - 33. Provide for the conditions for, and timing of, the special primary election and subsequent special election to fill the office of state senator.

Section 34. Requires the governor to issue a proclamation calling for a special primary election and special election for the office of state senator at least 50 days before the special primary election.

Section 35. Provides that a petition for the nomination of a candidate for a vacancy in the state senate must be executed under oath and state in substance that which is required under AS 15.25.030 (declaration of candidacy).

Section 36. Provides, unless specifically provided otherwise, that a special primary election and subsequent special election to fill a vacancy in the state senate will be conducted in the same manner as a regular primary or general election.

Section 37. Requires a statement to be written in bold and placed in a conspicuous location in the general election pamphlet that a political party or group preference indicated by a candidate for state office, United States Senate, or United States Representative on the ballot reflects only the designation requested by that candidate and is not an official endorsement by any political party or group.

Section 38. Removes language relating to individuals who become candidates through party petition.

Section 39. Eliminates a paragraph requiring a political group to submit its bylaws to the director and the United States Department of Justice.

Section 40. Changes the definition of "political party."

Section 41. Removes a reference to a statute repealed by the bill.

Section 42. Repeals AS 15.25.014, 15.25.056, 15.25.110, 15.25.120, 15.25.130, 15.25.140, 15.25.150, 15.25.160, 15.25.170, 15.25.180, 15.25.185, 15.25.190, 15.25.200; AS 15.40.145, 15.40.150, 15.40.200, 15.40.210, 15.40.290, 15.40.300, 15.40.450, 15.40.460; AS 15.56.030(a)(4), 15.56.030(a)(5), and 15.56.035(a)(5).

Section 43. Requires the director of elections to inform voters of the changes made to the state's election system under the bill.

TLAB:ljw
12-041.ljw

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB077**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB077-DOE-OOG-1-22-12
Title: "An Act establishing a top two nonpartisan blanket primary election system...."
Sponsor: Representatives Gruenberg, Cissna, Kawasaki
Requester: House State Affairs Committee

Dept. Affected: Office of the Governor
Appropriation: Division of Elections
Allocation: Division of Elections
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services	(34.0)			(34.0)		(34.0)	
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**(34.0)**	**0.0**	**0.0**	**(34.0)**	**0.0**	**(34.0)**	**0.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	(34.0)			(34.0)		(34.0)	
1005	#REF!							
1037	#REF!							
1178	#REF!							
TOTAL		**(34.0)**	**0.0**	**0.0**	**(34.0)**	**0.0**	**(34.0)**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by: Gail Fenumiai, Director — Phone: 465-2644
Division: Division of Elections — Date/Time: 1/22/2012, 10:48am
Approved by: Guy Bell, Administrative Director — Date: 1/22/2012
Administrative Services, Office of the Governor

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB077

Analysis

Based on the current primary election structure, the division is required to print three ballot styles for each primary eleciton. This bill would require the division to print only one ballot style for each primary election. The division estimates printing 100,000 less primary election ballots which would result in a cost savings of $34.0. This would be a reduction in the division's on-year election increment.

Member

Standing Committees:
Judiciary
State Affairs
Transportation
Rules

Finance Subcommittees:
Corrections
Courts
Law

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

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Session:
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Juneau, Alaska 99801-1182
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Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

TO: Rep. Bob Lynn, Chair
House State Affairs Committee

FROM: Rep. Max Gruenberg

DATE: March 31, 2011

RE: Hearing Request for HB 77 – Nonpartisan Blanket Primary Election

Please consider this memorandum as a request for House Bill 77 to be heard in the House State Affairs Committee. Accompanying this memo are the following documents:

- HB 77 (27-LS0095\D)
- Sponsor Statement
- Sectional Analysis

Thank you for considering my request for a hearing on HB 77. Please contact my legislative aide, Gretchen Staft, at 465-4940 with any questions.

HB

88

<TARGET><BILL>HB 88</BILL><SUBJECT>HB
88</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 3-24-11

The STATE AFFAIRS Committee considered: **HB 88**

HOUSE BILL NO. 88
"An Act prohibiting a court, arbitrator, mediator, administrative agency, or enforcement authority from applying a law, rule, or provision of an agreement that violates an individual's right under the Constitution of the State of Alaska or the United States Constitution."

HB 88 NO ENFORCEMENT OF VIOLATIONS OF INDIV RTS

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 88 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____ Committee
[ ] Letter of Intent_____ Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Law		X	

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	Johansen			X	
Bryce Wilson	WILSON	↑			
Wes Keller	Keller	X			
Mike Hawker	Gruenberg		–		
Paul R Seaton	Seaton		X		
Pete Peterson	PETERSEN			X	
Chair:	LYNN	X			
Chair:					

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Juneau, AK 99801-1182

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Phone: (907) 269-0205
Fax: (907) 269-0207

FAX

To: Legal Services

Fax #: 465-2029

From: Nancy Manly 465-2794 Nmanly
Alaska State Capitol, room 104
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

# of Pages (including cover): 1

Re FINAL CS for HB 88 (27-LS0333\B)

3/24/2011

HB 88 moved out of the House State Affairs Committee this morning with no changes to Version B. Please draft a final CS. Thank you.

CS FOR HOUSE BILL NO. 88(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO, Lynn, Keller

A BILL

FOR AN ACT ENTITLED

"An Act prohibiting a court, arbitrator, mediator, administrative agency, or enforcement authority from applying a law, rule, or provision of an agreement that violates an individual's right under the Constitution of the State of Alaska or the United States Constitution."

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 citizens of the state should be protected from the application of a foreign law if application of the foreign law would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution.

*** Sec. 2.** AS 09.68 is amended by adding a new section to read:

Sec. 09.68.140. Foreign law prohibited. (a) A court, arbitrator, mediator, administrative agency, or enforcement agency may not apply a foreign law if application of the foreign law would violate an individual's right guaranteed by the

Constitution of the State of Alaska or the United States Constitution.

(b) If an agreement includes a choice of law provision requiring foreign law to govern its interpretation or the resolution of a dispute between the parties to the agreement and if the interpretation or enforcement of the agreement would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the agreement must be modified or amended as necessary to preserve the constitutional right. An agreement that may not be modified or amended in order to preserve the constitutional right of an individual under this section is void.

(c) If an agreement provides for the choice of venue or a choice of forum outside of the United States or its territories and if the enforcement of the agreement applying the choice of venue or choice of forum provision would result in a violation of an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the choice of venue or choice of forum provision in the agreement shall be interpreted to preserve the individual's constitutional right.

(d) If a person subject to personal jurisdiction in the state asserts a claim of forum non conveniens in litigation in the state, and if a court, arbitrator, mediator, agency, or similar enforcement authority of this state finds that granting the claim of forum non conveniens or similar claim would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the claim shall be denied.

(e) This section applies only to an actual or foreseeable violation of an individual's constitutional right caused by the application of foreign law.

(f) This section does not apply to a corporation, partnership, or other form of business association.

(g) In this section, "foreign law" means a law, rule, or legal code or system established and used or applied in a jurisdiction outside of the United States and the territories of the United States, except that "foreign law" does not mean nor shall it include a law of an Alaska Native or Native American tribe in the state.

L

Ted Madsen

From: Jeffrey Mittman [JMittman@akclu.org]
Sent: Wednesday, March 23, 2011 5:19 PM
To: Ted Madsen
Subject: Cases sited in support of Anti-Sharia Law Bill

CONTENTIONS: The Act is not simply about sharia but also trans-nationalism—or the documented creep of foreign and offensive laws being recognized by state and federal courts. More, shariah has already creeped into the legal systems of Western Europe, including 85 shariah courts operating openly with the full authority of law in the United Kingdom. There are numerous cases in which sharia doctrines have been invoked in the US. Here is a sampling of 17 examples from 11 states: https://docs.google.com/viewer?url=http://publicpolicyalliance.org/wp-content/uploads/2010/11/Shariah_Cases_11states_11-08-2010.pdf&embedded=true&chrome=true

FACT: The document mostly contains examples of cases where Islam was involved due to a religious freedom claim, an arbitration claim, or in connection with a discussion of comity being granted to a decision of a foreign legal system that happens to be based on Islam. Other cases merely involve reference to Islam because it bears on the facts of the case. Such references to Islam are not impermissible.

The cases cited in this report illustrate exactly why Sharia law is NOT being improperly imposed in the United States and highlight the problem with this measure and others intended to target Islam.

Courts often consider a prisoner's religious beliefs and requirements when adjudicating a claim under RLUIPA, **a law passed to protect the religious exercise rights of prisoners of all faiths**. Thus, the court's discussion of an inmate's religious views in *Allah v. Jordana-Luster*, which is the first case cited in the report, is appropriate. Were the courts to be barred from referring to religious laws in these cases, Christian and Jewish inmates (or inmates of other faiths) would be unable to provide support for their free exercise claims. In any event, the court did not accept the inmate's evidence in that case, and the inmate lost his claim for halal meat.

In other cases involving Islamic law, where it conflicts with our public policy, courts have refused to recognize it, just as they are required to do with regard to any rule that violates public policy. For example, in *Aleem vs. Aleem*, which is cited in the report, a Maryland court of appeals held that a Pakistani divorce granted in accordance with Pakistani customs (based on Islamic law) would not be recognized in Maryland because it conflicted with state public policy requiring fair and equitable division of assets.

In another case, when a New Jersey court held that a man's Islamic religious beliefs regarding sex with his spouse meant that he did not have the requisite intent to commit sexual assault, consistent

with our public policy, the appeals court immediately reversed the decision and issued a restraining order to the petitioning wife.

Other cases involve courts enforcing agreements to present disputes for Islamic arbitration. ***But it is not unusual for a court to enforce an arbitration agreement where the parties agree in advance that they will take any disputes to a particular type of arbitrator. The court's enforcement is based on neutral principles of law and denying courts the ability to enforce such agreements could compromise arbitration itself as a means to settle legal disputes.***

These cases show that our courts are very aware of their obligations to comply with public policy and do so when presented with any claims that may undermine that public policy, regardless of whether Islam or some other faith may be involved.

27-LS0333\B
Bailey
3/23/11

CS FOR HOUSE BILL NO. 88( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO, Lynn

A BILL

FOR AN ACT ENTITLED

"An Act prohibiting a court, arbitrator, mediator, administrative agency, or enforcement authority from applying a law, rule, or provision of an agreement that violates an individual's right under the Constitution of the State of Alaska or the United States Constitution."

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Sec. 09.68.140. Foreign law prohibited. (a) A court, arbitrator, mediator, administrative agency, or enforcement agency may not apply a foreign law if application of the foreign law would violate an individual's right guaranteed by the

Constitution of the State of Alaska or the United States Constitution.

(b) If an agreement includes a choice of law provision requiring foreign law to govern its interpretation or the resolution of a dispute between the parties to the agreement and if the interpretation or enforcement of the agreement would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the agreement must be modified or amended as necessary to preserve the constitutional right. An agreement that may not be modified or amended in order to preserve the constitutional right of an individual under this section is void.

(c) If an agreement provides for the choice of venue or a choice of forum outside of the United States or its territories and if the enforcement of the agreement applying the choice of venue or choice of forum provision would result in a violation of an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the choice of venue or choice of forum provision in the agreement shall be interpreted to preserve the individual's constitutional right.

(d) If a person subject to personal jurisdiction in the state asserts a claim of forum non conveniens in litigation in the state, and if a court, arbitrator, mediator, agency, or similar enforcement authority of this state finds that granting the claim of forum non conveniens or similar claim would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the claim shall be denied.

(e) This section applies only to an actual or foreseeable violation of an individual's constitutional right caused by the application of foreign law.

(f) This section does not apply to a corporation, partnership, or other form of business association.

(g) In this section, "foreign law" means a law, rule, or legal code or system established and used or applied in a jurisdiction outside of the United States and the territories of the United States, except that "foreign law" does not mean nor shall it include a law of an Alaska Native or Native American tribe in the state.

Alaska State Legislature

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Fax: 907-376-4768

Representative Carl Gatto

Explanation of Changes from HB 88, version M To CSHB 88 ( ) version B

There were several questions asked at the first hearing in HSTA Committee regarding how HB 88 will affect corporations, partnerships, or other business associations. In addition, a legal opinion from the Department of Law indicated that "*HB 88 might affect a foreign entity's willingness to do business ...in Alaska...*"

Therefore, a change to Page 2, Line 26 adds

> (g) This section shall not apply to a corporation, partnership, or other form of business association.

There are several states with similar legislation and this amendment has been inserted in those bills as well.

In addition, there were concerns if HB 88 affected family matters involving tribes in Alaska. The Department of Law legal opinion states that although family matters should not be affected, "*...in limited circumstances, tribal members may be subject to the concurrent jurisdiction of the tribal courts and the state courts. ... Tribes have the concurrent authority to initiate cases regarding children's proceedings or custody proceedings involving native children.*"

To alleviate questions about tribal law under this Act, a change to Page 2, Line 25 adds

> After 'States.' For the purposes of this act, foreign law shall not mean, nor shall it include, any laws of the Alaska Native or American Native tribes in the state of Alaska.

Karen Sawyer
March 23, 2011

Representative.Carl.Gatto@legis.state.ak.us

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)276-8554

March 21, 2011

Representative Carl Gatto
State Capitol
Room 118
Juneau, AK 99801-1182

Re: HB 88

Representative Gatto:

You have asked the Department of Law ("Department") for an opinion on HB 88 and its impact on Alaska natives and tribal law, international conventions, litigation with foreign corporations, and contracts with foreign entities. One premise applicable to all of the questions posed is that HB 88 would have no effect to the extent it conflicts with a federal law or treaty. Pursuant to the Supremacy Clause of the US Constitution (Article VI, clause 2), the US Supreme Court has recognized for many years that State laws that conflict with federal law are "without effect." *Maryland v. Louisiana*, 451 U.S. 725, 746 (1981).

HB 88 defines "foreign law" as a law, rule or legal code or system used or applied outside of the United States and the territories of the United States. With regard to family matters, tribes operate within the United States. Accordingly, HB 88 should not affect family matters involving tribes. Tribal members are citizens of Alaska as well as citizens of their tribes. Therefore, in limited circumstances, tribal members may be subject to the concurrent jurisdiction of the tribal courts and the state courts. One example of this concurrent jurisdiction is domestic relations among members. Tribes have the concurrent authority to initiate cases regarding children's proceedings or custody proceedings involving native children. As to the final question regarding American Indian tribal law and Alaska Indian tribal law, there is no difference between the two.

With regard to conventions on the Law of the Sea, the International Pacific Halibut Convention, and the Pacific Salmon Treaty, to name a few, Alaska is not a party to these conventions. Instead, it is the United States who is a party to some of these conventions and/or treaties. For example, the United States has not yet signed the latest Law of the Sea Convention, though there is a resolution currently pending before the Alaska legislature urging the United States to ratify the convention. The laws that directly affect Alaska are the federal statutes and regulations that implement the treaties,

such as the Northern Pacific Halibut Act. These federal laws, to the extent they apply to Alaska, will preempt inconsistent state law, including HB 88.

In general, Alaska courts and enforcement entities can only apply Alaska law and federal law. Sometimes they will apply applicable law from another state, but only after determining that that law is applicable to the matter before the tribunal. But Alaska courts will not apply a foreign law if application of the law would violate an individual's constitutional rights. Generally, "foreign law" does not apply in Alaska. Judges take an oath to uphold the laws of the state and of the United States. If a foreign choice of law provision in a contract deprives the party to the contract of a fundamental constitutional right, the offending provision would be void as against public policy. In some instances a court might confront the application of foreign law, but these instances likely involve foreign treaties and compacts (such as the Hague Convention on the Civil Aspects if International Parental Child Abduction), in which case the foreign law would not be impacted by a state statute such as HB 88.

All courts have the ability to reform or modify a contract provision if enforcement of the provisions would be contrary to public policy. This would apply to both a choice of law provision and choice of venue or choice of forum provision. If the contract has a choice of venue or forum provision and a party (whether an individual or a corporation or other type of business entity) complies with the provision by filing a dispute in the foreign venue, then HB 88 would have no effect for Alaska law would not be applicable in the foreign venue. The provisions of HB 88 would apply if the party filed a lawsuit in Alaska and was opposing a motion to change venue to the foreign venue because of the clause in the contract. If the fundamental constitutional rights of the party opposing the change of venue motion would be impaired by the foreign venue, the Alaska court could void the venue provision as against public policy.

HB 88 might affect a foreign entity's willingness to do business with individuals or businesses in Alaska if it knows that provisions of the contract may be void by law should HB 88 become law. If a contract is entered into with a foreign entity to provide goods or services to the foreign entity in that entity's country, it would not be unusual for the contract to contain choice of law and/or choice of venue provisions. The foreign entity might be hesitant to enter into such a contract if there is the possibility that in the future the terms of the contract might be changed by an Alaskan court because the other party to the contract claims that his or its constitutional rights are being violated if the choice of law or choice of venue provisions are enforced. Finally, what is unclear from HB 88 is how an Alaska state court could interpret a choice of venue or forum provision so as to preserve constitutional rights other than by determining the provision to be void and to allow a lawsuit to proceed in Alaska rather than in the country chosen in the contract.

As part of the common law doctrine of forum non conveniens, consideration is given to the laws applicable in the foreign jurisdiction and their impact on the parties to a lawsuit. A party will not be sent to a jurisdiction that does not have equal protection and due process. For example, in a divorce case between two Kenyan citizens, a judge denied a forum non conveniens motion to move the case to Kenya because the wife would have had diminished property rights under the laws of Kenya.

In conclusion, the general concern the Department has with HB 88 is whether the legislation is necessary considering the current ability of the courts to reform or modify contracts if enforcement of provisions of the contract would be contrary to public policy and the general premise that Alaska courts and enforcement entities apply only Alaska and federal law, not foreign law of a foreign country.

The Department is available to answer any question you have about these comments.

Sincerely,

JOHN J. BURNS
ATTORNEY GENERAL

By: Mary Ellen Beardsley
Mary Ellen Beardsley
Assistant Attorney General

MEB/ma

zTruth

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Mixed Signals in OK 2011
February 15, 2011

States move to ban sharia/foreign law in 2011

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Last fall Oklahoma was the first state to ban foreign and/or sharia law from consideration in state courts. The director of CAIR Oklahoma, Muneer Awad, then sued the state and the certification of the vote was temporarily stopped by a judge appointed by President Clinton. The State Election Board advised the court they will appeal the ruling.

Below are the other states who have bills pending:

> – **ALASKA:** Rep. Carl Gatto (R) has introduced SB 88, which invokes the Constitution to make sure that "foreign law is prohibited."
>
> – **ARIZONA:** Arizona's anti-sharia law is HB 2582, the "Arizona Foreign Decisions Act." In addition to banning the implementation of Sharia law, the bill would also ban "canon law, halacha and karma."
>
> – **ARKANSAS:** Arkansas's antisSharia bill is SB 97, which says that the "the recognition and enforcement of a foreign judgment or ruling is limited to the extent that its 33 enforcement would not directly conflict with the public policy of Arkansas."
>
> – **GEORGIA:** Rep. Mike Jacobs (R) has introduced a bill that would "ban the use of sharia law in state courts.""We're seeing more of a feeling that Sharia law should be applied in domestic cases."
>
> – **INDIANA:** Indiana's SRJ 16 would prohibit courts from enforcing a "law, rule, or legal code or system established from a jurisdiction outside the states of the United States, the District of Columbia, or the territories of the United States if doing so would violate a right guaranteed by this constitution or the Constitution of the United States."
>
> – **LOUISIANA:** Louisiana passed a law guarding against "international law" being used in its courts in June 2010.
>
> – **MISSISSIPPI:** House bill 301 was introduced to ban "Mississippi courts from using foreign laws including sharia law.
>
> – **NEBRASKA:** Legislative Bill 647 aims to "prohibit Nebraska courts from using foreign laws in decisions." If passed, it will have to be voted on by Nebraska voters in 2011 because it is a constitutional amendment.
>
> **SOUTH CAROLINA:** In South Carolina, Sen. Mike Fair (R) has introduced a bill to ban the implementation of sharia law, saying there is "a need to clarify that cultural customs or foreign laws don't trump U.S. laws." More here.

> – **TEXAS:** State Rep. Leo Berman (R) introduced a constitutional amendment "prohibiting a court of this state from enforcing, considering or applying a religious or cultural law." If the legislature passes the amendment, it will appear on the November 2011 ballot for Texas voters to approve.
>
> – **SOUTH DAKOTA:** HRJ 1004l that no court "may apply international law, the law of any foreign nation, or any foreign religious or moral code with the force of law in the adjudication of any case under its jurisdiction."
>
> – **WYOMING:** State Rep. Gerald Gay (R) says his bill banning sharia law is "a 'pre-emptive strike..."

In Utah, Rep. Carl Wimmer (R) withdrew his bill that would have banned sharia and foreign law.

Update 2/24/11: Bill introduced in Tennessee to ban sharia law. Also see SB 1023

Update 3/02/11: Missouri (HB 708) and Oklahoma (HB 1522) have introduced bills to ban foreign laws from court consideration.

Update 3/03/11: Florida bill filed to ban foreign law from state courts. SB 1294

Update 3/04/11: Alabama's SB62, filed Tuesday will ban foreign laws from consideration in state court.

Update 3/15/11: Missouri House of Represetatives enter legislation to add a constitutional amendment to ban foreign and/or sharia law HJR 31

That's 17 states.

Posted by zTruth on February 15, 2011 at 04:12 PM in Sharia Law | Permalink ShareThis
Technorati Tags: sharia law, SO 755

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Townhall
MAGAZINE

Terror's Secret Weapon: Shariah -- The Islamists' Plan To Destroy America From Within

There is a creeping menace in America today: Muslim radicals are using liberal courts and activists, as well as U.S. businesses, to implement Islamic law that runs counter to every freedom our Constitution protects.

Liberals love to ridicule Americans who warn of Islamic infiltration in the U.S. as fear-mongers, xenophobes, bigots, racists or whatever usual epithet pops into their left-wing minds. Whether we are talking about the efforts of the Muslim Brotherhood to make inroad in the United States or the goal of the Islamists to implement Shariah Law in the West, the noise from the Left is always the same: ridicule and marginalize.

Well, this message is aimed straight at the minds of those thinking Americans who can and will make a difference and are willing to stand up for our republic: Islamic radicals want to see Shariah Law as the governing law of the United States and the rest of the West. They will not be satisfied until all of us are under their dictatorial thumb.

This is why you'll read the truth about the goals of the radicals in the pages of Townhall Magazine and not in the liberal media -- or even the pages of other conservative publications that bury their heads in the sand.

And you'll, of course, never hear the truth about it from the Obama administration. In fact, the Obama White House stands with those who criticize Americans worried about Shariah Law. In 2009, Dalia Mogahed, an Obama administration advisor on Muslim affairs, told a British television audience that the West misunderstands Shariah, calling its perceptions of Islamic tenants "oversimplified."

Our April cover story, **"The Shariah Threat,"** exposes the efforts of Islamists to impose Shariah Law, including their use of U.S. courts, politicians, media and businesses.

Why is Islam sacred in the U.S. while other religions are frequently lampooned in cartoons and ridiculed in "art"? Are we, indeed, as some experts believe, already embracing de facto Shariah Law?

Janet Levy, a prolific writer on Islam and national security, says: "Our uniquely American virtues of tolerance and freedom have worked against us to produce intolerance and oppression. This has led to the stealthy introduction of Shariah Law and a climate in which criticisms of Mohammed and Islam are no longer possible without serious repercussions."

Are political correctness and moves to cool the osmosis of the American melting pot fundamentally changing us? Is the arena of ideas -- where Americans have historically tested competing beliefs -- being shut down so as not to offend?

Unless we read their plan and act to implement it, Obama will raise taxes, end the mortgage interest and charitable deduction, raise Social Security taxes, and add trillions more to the federal deficit in the process. Conservatives need to fight back - and Morris and McGann explain how to do it. For all the changes coming in Washington, the Tea Party revolution's most important changes will be at the state level.

So what does this all mean for Shariah in America? Find out more in the April issue exclusive report on the looming threat of Shariah Law.

Our cover story, "The Shariah Threat," reveals:

*A U.S. judge refused a protection order for a woman raped by her husband, ruling the man's abuse is allowed under Shariah Law

*An American cartoonist is in hiding after a tongue-in-cheek "Everybody Draw Mohammad Day" promotion earned her a fatwa death order

*A Shariah-compliant investment fund in the United States is camouflaged as a charity and funnels more than $12 million to finance Hamas suicide bombers

*Can or should Shariah Law co-exist with the Judeo-Christian foundations of U.S. jurisprudence and the Constitution?

*How the infamous Council on American-Islamic Relations (CAIR) is blocking efforts to keep Shariah Law out of U.S. courtrooms

*Islam still has not banned "honor killings," genital mutilation, pre-teen marriages, polygamy and a host of other rules that undercut the standing of women

*Britain has gone so far as to implement two systems of justice for family law

*Deaths, abuse and threats involving Muslim women in the U.S. and Canada have put a Western face on Shariah Law

*Meet the New Jersey judge who ruled that Shariah permitted a man to rape his wife

*The deaths of at least 10 women in the U.S. and Canada in the last seven years have been linked to Islamic "honor killings"

*Members of the liberal media mock those worried about Shariah in America -- one even said: "A Martian takeover of New Jersey is more likely than the imposition of a caliphate, or of Muslim law, on America."

*A California elementary school has revised its instructional scheduled and added a 15-minute "recess" after lunch to allow Muslim students to pray in a separate room and pork was removed from school-lunch menus

*A Massachusetts public middle school decided to take a "cultural diversity" field trip to a local mosque, where the boys participated in Islamic prayer while girls were excluded.

*Michigan Christians were arrested when they attempted to engage in a faith dialogue with Muslims in Dearborn

*One public university spent $25,000 to install foot-washing stations on campus

*How "Shariah-compliant" businesses are funding terrorism

PHONE CALLS re: HB 88

as of March 23, 2011

---

7 support calls – Alaska

4 support calls – outside Alaska

1 oppose call - Alaska

Karen Sawyer

From: Bob & Connie Weel [weel@clearwire.net]
Sent: Saturday, March 19, 2011 4:58 PM
To: Rep. Carl Gatto
Subject: Islamic Sharia Law

Categories: KAREN

Dear Representative Gatto,

I saw a story on page A-3 of this morning's ADN and fully support your bill prohibiting state courts from honoring foreign law such as the Islamic Sharia Law. For other members of the State House who have any doubt about passing this bill, I would ask that you share the following message and video.

I am currently reading a book titled CRUEL AND USUAL PUNISHMENT - The terrifying global implications of Islamic Law written by Nonie Darwish. If you think what the video states are not true, I encourage you to read this woman's book.

A group calling themselves "White Roses" created a video to inform non-Muslims about Islam. The name of this video is Three Things About Islam. White Roses is headquartered in Sweden.
The name "White Roses" is based on a student resistance group "Die weiße Rose" in Nazi Germany. The group became known for an anonymous leaflet campaign, from June 1942 until February 1943, which called for active opposition to Adolf Hitler's regime.

I urge you to view this video and forward it to your email list. You may be familiar with the points made in this video, but many Americans are to dumb to pull their heads out of the sand to avoid confronting the problem or just simple ignorance of the crisis we face. It may not be possible to get all the Dramatis Persona to acknowledge this Islamic road to perdition but those Americans, who just do not know, out of ignorance, just might find the learning experience worth while.

As a person who has spent time studying Islam I can tell you this video is one of the best I have seen. It's short and to the point and all those points are right on!

http://www.youtube.com/watch?v=Ib9rofXQl6w&feature=player_embedded
God Bless Alaska and America,

Robert C. Weel

Help us END POLIO NOW: www.rotary.org/endpolio

"You have not lived a perfect day until you have done something for someone who will never be able to repay you."

Karen Sawyer

From: Vicki Schneibel [schneibeldale@gci.net]
Sent: Saturday, March 19, 2011 10:04 AM
To: Rep. Carl Gatto
Subject: One of Your Proposed Bills

Follow Up Flag: Follow up
Flag Status: Completed

Categories: KAREN

Hello Rep. Gatto,

My name is Vicki and I'm not a constituent, but I'm very interested in a bill you're bringing to the Legislature.

I recently read that you've proposed a bill that will eliminate foreign law being honored in Alaska. Bravo! How can I help you with that? I hope your bill is successful. From what I've been reading it seems our state should be out a head of any problems that may come our way over this issue. If we're pro-active(like the State of Virginia and the ObamaCare bill) it seems to me our standing is much stronger.

Please let me know what I can do. I don't know what the bill number is or any details in order to contact my Rep. and Senator about it.

Thanks for looking out for us Alaskans!

Vicki Schneibel
4811 E. 112 Avenue
Anchorage, AK 99516

907/349-5505

Karen Sawyer

From: Ray Phelps [rphelps@matsumail.com]
Sent: Friday, March 18, 2011 12:42 PM
To: Rep. Carl Gatto
Subject: note of support

Categories: KAREN

Dear Mr. Gatto,

As a constituent and a voting supporter, I want to voice my whole-hearted support of your bill prohibiting our state courts from honoring foreign laws. This is an important issue of national and state sovereignty. Keep up the good work! God bless.

Ray Phelps
Wasilla

Karen Sawyer

From: Larry McPhee [skiguy11@hotmail.com]
Sent: Friday, March 18, 2011 7:46 AM
To: Rep. Carl Gatto
Subject: Nice work

Categories: KAREN

Thanks for standing up for the Constitution and the American court system

L McPhee
Fairbanks, AK

Karen Sawyer

From: John Lopetrone [lptrnak@acsalaska.net]
Sent: Saturday, March 19, 2011 7:38 PM
To: Rep. Carl Gatto
Subject: sharia law

Categories: KAREN

Rep. Gatto, I just finished reading "Infidel" by Ayaan Hirsr Ali. It was a real eye opener for me. I think most people in this country have no idea what dangerous times we are living in. We are at war with Islam.! Their whole objective is to destroy the west and all nonbelievers. We have our laws and they should be forced to obey them or get out of the country. If we are not careful and vigilant we will be in the same situation Europe finds itself in. Good luck in your efforts and we will pray for your success. Barbara Lopetrone

Karen Sawyer

From: David & Susan Kilpatrick [dskilpat@acsalaska.net]
Sent: Monday, March 21, 2011 11:21 AM
To: Rep. Carl Gatto
Subject: Sharia Law

Categories: KAREN

Sir, I am 64 years of age and now have the ability to say I have witnessed a lot of change within our country. Words absolutely cannot express my disappointment in individuals who call themselves "American" who first would allow any form of "Law" outside of that equated to the United States Constitutionally based expression of law.

I will not debate with anyone the personal basis early lawmakers based their conclusions, I.e, the Bible, Hammurabi, as that is just stupid argument.

My wife and I as well as most persons I call friends support your and Rep. Bob Lynn's effort to prohibit Sharia Law. Keep up this good fight.

Sincerely,
David

David & Susan Kilpatrick
632-4443

Karen Sawyer

From: housemajority_email@housemajority.org
Sent: Wednesday, March 16, 2011 9:25 PM
To: Rep. Carl Gatto
Subject: HB 88

+--+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to garydkearney@hotmail.com If suspected Spam please forward to: support@housemajority.org
+--+

From: garydkearney@hotmail.com

HB 88 will be needed more as time goes by. It is essential that our constitution cannot be set aside by groups or individuals having laws contrary to our own.

~ gary d kearneyt
Zip Code: 99928
Voter ID: MUD BAY DISTRICT...KETCHIKAN

+--+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to garydkearney@hotmail.com If suspected Spam please forward to: support@housemajority.org
+--+

Karen Sawyer

From: Steve [hovenden3@alaska.com]
Sent: Friday, March 18, 2011 8:51 AM
To: Karen Sawyer
Subject: HB 88

Categories: Blue Category

Hooray for all of you! Please add my name to the list of enthusiastic supporters! Steve Hovenden, 360 Terrace Drive, Fairbanks, 99712. 457-8624.

Karen Sawyer

From: hillmer@mtaonline.net
Sent: Sunday, March 20, 2011 8:07 PM
To: Rep. Carl Gatto
Subject: Islamic Sharia law;

Categories: KAREN

I read your article in the paper and just wanted to let you know, we need more people like you doing the right think...thank you carl..dale hillmer, wasilla ak..

Karen Sawyer

From: cush [mmcushman@hotmail.com]
Sent: Friday, March 18, 2011 10:52 AM
To: Karen Sawyer
Subject: Thanks to Rep. Gatto

Categories: Blue Category

Thanks for Alaskan people intelligence for watching to protect American freedoms with State House Bill #88. Where the United Nations would force the U.S.A. to abandon our sovereignty. Thank you Rep Gatto.

Sincerely,
Rev. Mark Cushman

Karen Sawyer

From: housemajority_email@housemajority.org
Sent: Saturday, March 19, 2011 9:15 AM
To: Rep. Carl Gatto
Subject: Email to Rep. Gatto

Categories: KAREN

+----------+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to near_and_far17@hotmail.com If suspected Spam please forward to: support@housemajority.org
+----------+

From: near_and_far17@hotmail.com

Dear Mr. Gatto,

Thank you very much for protecting our Alaskan laws and pushing to prevent other foreign laws from being used in our justice system. It makes no sense whatsoever to use sharia or even just another country's system of law when we have our own.

God Bless you for standing for what's right.

Jayme Cupples

~ Jayme
Zip Code: 99654

+----------+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to near_and_far17@hotmail.com If suspected Spam please forward to: support@housemajority.org
+----------+

----- Original Message -----
From: Chris & Jennie Grimwood
To: Representative_Bob_Lynn@legis.state.ak.us ; Representative_Wes_Keller@legis.state.ak.us
Sent: Wednesday, March 23, 2011 4:08 PM
Subject: re: HB 88 letter for State Affairs Committee

To Chairman Bob Lynn and to the Committee members of the State Affairs Committee:

The Honorable Bob Lynn, Chair

The Honorable Wes Keller, Vice-Chair

House State Affairs Committee

Alaska State House of Representatives

State Capitol, Room 106

Juneau, AK 99801

via email: Representative_Bob_Lynn@legis.state.ak.us;

Representative_Wes_Keller@legis.state.ak.us

Re: House Bill 88

Chair Lynn, Vice-Chair Keller:

Thank you for the opportunity to submit written testimony regarding House Bill 88, relating to the application of international law. I am concerned about the spread of foreign and offensive laws being recognized by state and federal courts.

An imprisoned oncologist charged with setting up an unlicensed charity and illegally funneling $4 million to Iraq was allowed to attend his trial without being strip-searched, as long as he is accompanied by a federal marshal, Dr. Rafil Dhafir, 56, had objected to being strip-searched, which he said is against his Muslim faith.

A public charter school, Tarek ibn Ziyad Academy, in Minneapolis has a mosque, has muslim studies and requires females to be fully covered with muslim style clothing. Prayers are compulsory.

In 1996, a father retained custody from Pakistan because the court determined that the best interest of the child should not be "determined based on Maryland law, i.e., American cultures and mores," but rather "by applying relevant Pakistani customs, culture and mores." The court said the mother was not likely to receive a public whipping or death if she returned to Pakistan to challenge custody as she said would happen.

I believe we should uphold our constitution and its laws and they should take precedence over foreign law. I am especially concerned how it affects the condition of women. Many foreign laws sanction forced abortions, murder, child marriage, polygamy, sexual mutilation, and sequestering of women in society. Islamic family law states the father has the absolute right to guardianship and physical custody of minor children. These laws should not follow women into the USA.

Sharia courts are staffed by imans that frequently preach wife-beating in their mosques. Sharia courts are used in England and in Texas to resolve domestic disputes.

The muslim community in Anchorage numbers 4000. A halal grocery opened in October and halal slaughtering is done in Palmer.

I remember reading about celebrations in Afghanistan after they were liberated from the Taliban. One of the things that impressed me was women celebrating by walking through Kabul without their burquas. These were oppressive garments as well as symbols of oppression. When I see muslim women with head coverings, I wonder how many actually wear these willingly.

Upholding our constitution and its laws will bring protection to all women who live in Alaska. I believe HB 88 is a protection for all citizens and female immigrants and their children.

Sincerely,

Jennifer Grimwood

Alaska President

Eagle Forum

beautifulfoundationef@gmail.com

Karen Sawyer

From: Neil O'Donnell [n.odonnell@gci.net]
Sent: Sunday, March 20, 2011 1:40 PM
To: Rep. Carl Gatto
Subject: Comment on HB No. 88

Categories: KAREN

Dear Representative Gatto:

I reviewed HB 88 after reading the recent ADN article about the bill. Having practiced law in Alaska for 28 years, I believe this bill is a "solution" in search of a problem. The bill – reflecting the lack of any real problem – is extremely vague and overbroad. It is very hard to predict what effect this bill would have if passed. What if an Alaskan company wants to work as a subcontractor for a Canadian company building a gas line across Alaska and Canada? Under HB 88, the Canadian general contractor and the Alaska subcontractor apparently cannot choose Canadian law or a Canadian forum to the extent that any dispute might be affected by the U.S. or Alaska Constitutions if the dispute were instead heard in Alaska under Alaska law. Maybe the Canadian company will just pass on hiring the Alaskan company and avoid this vague legal morass.

And if this bill is really directed against "Sharia law," as stated in the ADN article, then it seems even more pointless and counterproductive. I have never seen, heard, or have anyone ever suggest that "Sharia law" applied to any legal dispute in Alaska. Since the U.S. Constitution has unquestionably been the supreme law in the land since the United States Supreme Court decided Marbury v. Madison in 1803, I also cannot conceive of how "Sharia law" could possibly "violate an individual's right under . . . the United State Constitution" as stated in the bill's legislative "findings" provision. Absent a real problem, the only remaining purpose of the bill is simply to pander to anti-Muslim sentiment.

We have hosted several exchange students over the years including two Muslim students. Through them we have met several members of the small Anchorage Muslim community, including an Egyptian engineer working for a major oil company and several successful small business owners. The world in becoming more interconnected. Unless there is some real problem that needs to be addressed, I think it is a bad idea to be passing legislation intended to mark one religious group as dangerous outsiders whose alleged practices need to be carefully watched and guarded against.

As sponsor of HB 88, can you please include this e-mail as part of the official comments on this bill and any companion Senate bill.

I appreciate your consideration.

Neil O'Donnell
8537 Cormorant Cove Cr.
Anchorage, Alaska 99507

5334
4316

Committee Action on Legislation

HOUSE RECORDS COMMITTEE SECRETARY: LORI ROLAND

22 MARCH 2011

HOUSE STATE AFFAIRS STANDING COMMITTEE

PAGE 1 OF 1

# SHORT TITLE	ACTION TAKEN ON LEGISLATION
HB 169-LAA REVIEW OF PROPOSED REGULATIONS	✓ Moved Out of Cmte
	____ Moved CS (____)Out of Cmte
	____ Moved HCS (____)Out of Cmte
	____ Heard and Held
	____ Heard and Held; Assigned to Subcmte
	____ Scheduled but not Heard
	____ Failed to Move Out of Committee
	____ Waived Out of Committee
	____ Adopted Letter of Intent

# SHORT TITLE	ACTION TAKEN ON LEGISLATION
HB 88-USE OF FOREIGN LAW	____ Moved Out of Cmte
	____ Moved CS (____)Out of Cmte
	____ Moved HCS (____)Out of Cmte
	____ Heard and Held
	____ Heard and Held; Assigned to Subcmte
	✓ Scheduled but not Heard
	____ Failed to Move Out of Committee
	____ Waived Out of Committee
	____ Adopted Letter of Intent

# SHORT TITLE	ACTION TAKEN ON LEGISLATION
	____ Moved Out of Cmte
	____ Moved CS (____)Out of Cmte
	____ Moved HCS (____)Out of Cmte
	____ Heard and Held
	____ Heard and Held; Assigned to Subcmte
	____ Scheduled but not Heard
	____ Failed to Move Out of Committee
	____ Waived Out of Committee
	____ Adopted Letter of Intent

Alaska State Legislature

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Representative Carl Gatto

HB 88 Use of Foreign Law

HB 88 aims at preventing "a court or other enforcement authority" from enforcing foreign law in Alaska. The bill will preempt violations of an individual's constitutional rights resulting from the application of foreign law.

America has unique values of liberty which do not exist in foreign legal systems. Yet foreign laws are increasingly finding their way into U.S. court cases, particularly in the area of family law, involving divorce and child custody.

According to Christopher Holton with the Washington, DC-based Center for Security Policy (CSP), "There are numerous examples in dozens of states in which parties to such a dispute attempted to invoke sharia." David Yersushalmi, general counsel to the CSP, argues it's not just "patently bad foreign laws [creeping into our court systems]," it's that once in the system, the state's police power would be used to "enforce laws that could never pass federal or state constitutional muster."

HB88 offers a baseline law that provides a statutory framework for precluding constitutionally objectionable foreign laws and legal systems from finding their way into the state judicial system. One example of an offending transnational law is sharia—authoritative Islamic law that is applied as the law of the land in many countries around the world. Sharia is patently offensive to U.S. and Alaska constitutional law because it criminalizes apostasy (violation of Free Exercise of Religion) and blasphemy against Islam, Mohammed, and sharia itself (violation of Free Speech). Sharia also violates principles of due process and equal protection by discriminating against non-Muslims and women.

Countries that apply sharia as the law of the land include Saudi Arabia, Iran, Sudan, and Somalia. Many Muslim countries apply sharia as the law of the land in specific legal areas such as family law and inheritance. Examples of these countries and political regimes include Pakistan, Afghanistan, Nigeria, parts of Indonesia, Gaza, Jordan, and Yemen. In addition, just about all Muslim countries have a de jure or de facto sharia supremacy clause which effectively does not allow any "secular" law to violate sharia's fundamental principles of Islamic supremacy. Countries of this type include such "moderate" countries such as Egypt, Jordan, Afghanistan, and even Iraq.

Alaska, like other states, recognizes the growing need to emphasize the fact that our state and U.S. constitutions are the fundamental basis for civil law for everyone in our country. To those who are accustomed to their religion and their civil laws being inextricably connected, we must clarify that all individual rights are guaranteed and protected under the Constitution of the State of Alaska and the United States Constitution.

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List of country legal systems

From Wikipedia, the free encyclopedia

The **legal systems of the world** today are generally based on one of three basic systems: civil law, common law and religious law — or combinations of these. However, the legal system of each country is shaped by its unique history (see State law), and so incorporates individual variations.

Legal Systems of the World

- Civil law
- Common law
- Bijuridical (civil and common law, also known as mixed jurisdiction)
- Customary law
- Shariah

Contents

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Civil law

Main article: Civil law (legal system)

Civil law is the most widespread system of law around the world. It is also sometimes known as *Continental European law*. The central source of law that is recognized as authoritative are codifications in a constitution or statute passed by legislature, to amend a code.

While the concept of codification dates back to the Code of Hammurabi in Babylon ca. 1790 BC, civil law systems mainly derive from the Roman Empire, and more particularly, the *Corpus Juris Civilis* issued by the Emperor Justinian ca. AD 529. This was an extensive reform of the law in the Byzantine Empire, bringing it together into codified documents. Civil law was also partly influenced by religious laws such as Canon law and Islamic law.[1][2] Civil law today, in theory, is interpreted rather than developed or made by judges. Only legislative enactments (rather than judicial precedents, as in common law) are considered legally binding.

Shamash (the Babylonian sun god) hands King Hammurabi a code of law

Scholars of comparative law and economists promoting the legal origins theory usually subdivide civil law into four distinct groups:

- French civil law: in France, the Benelux countries, Italy, Romania, Spain and former colonies of those countries;
- German civil law: in Germany, Austria, Switzerland, former Yugoslav republics, Greece, Portugal, Turkey, Japan, South Korea and the Republic of China;
- Scandinavian civil law: in Denmark, Norway and Sweden. As historically integrated in the Scandinavian cultural sphere, Finland and Iceland also inherited the system.
- Chinese law: a mixture of civil law and socialist law in use in the People's Republic of China.

A comprehensive list of countries that base their legal system on a codified civil law follows:

Country	Description
Albania	The Civil Code of the Republic of Albania, 1991 [1] (http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN014893.pdf)
Angola	Based on Portuguese civil law
Argentina	The Spanish legal tradition had a great influence on the Civil Code of Argentina, basically a work of the Argentine jurist Dalmacio Vélez Sársfield, who dedicated five years of his life on this task. The Civil Code came into effect on January 1, 1871. Beyond the influence of the Spanish legal tradition, the Argentinian Civil Code was also inspired by the Draft of the Brazilian Civil Code, the Draft of the Spanish Civil Code of 1851, the Napoleonic code and the Chilean Civil Code. The sources of this Civil Code also include various theoretical legal works, mainly of the great French jurists of the 19th century. It was the first Civil Law that consciously adopted as its cornerstone the distinction between i. rights from obligations and ii. real property rights, thus distancing itself from the French model. The Argentinian Civil Code was also in effect in Paraguay, as per a Paraguayan law of 1880, until the new Civil Code went in force in 1987. During the second half of the 20th century, the German legal theory became increasingly influential in Argentina.
Andorra	Courts apply the customary laws of Andorra, supplemented with Roman law and customary Catalan law.[3]
Aruba	Based on Dutch civil law
Austria	The Allgemeines bürgerliches Gesetzbuch (ABGB) of 1811
Azerbaijan	
Belarus	
Belgium	The Napoleonic Code is still in use, although it is heavily modified (especially concerning family law)
Benin	
Bolivia	Influenced by the Napoleonic Code
Bosnia and Herzegovina	Influenced by Austrian law. The Swiss civil law (Zivilgesetzbuch) was a model for the Law on Obligations of 1978.
Brazil	Derived from the German and Roman civil law
Bulgaria	Civil Law system influenced by Germanic and Roman law systems
Burkina Faso	
Burundi	
Chad	

People's Republic of China	civil law system; based on native customs and practices with Soviet and German influence
Republic of the Congo	
Democratic Republic of the Congo	
Cote d'Ivoire	
Cambodia	
Cape Verde	Based on Portuguese civil law
Central African Republic	
Chile	The Spanish legal tradition exercised an especially great influence on the civil code of Chile. On its turn, the Chilean civil code influenced to a large degree the drafting of the civil codes of other Latin-American states. For instance, the codes of Ecuador (1861) and Colombia (1873) constituted faithful reproductions of the Chilean code, but for very few exceptions. The compiler of the Civil Code of Chile, Venezuelan Andrés Bello, worked for its completion for almost 30 years, using elements, of the Spanish law on the one hand, and of other Western laws, especially of the French one, on the other. Indeed, it is noted that he consulted and used all of the codes that had been issued till then, starting from the era of Justinian. The Civil Code came into effect on January 1, 1857. Its technique is regarded as perfect; it is distinguished for the clarity, logic and cohesiveness of its provisions. As mentioned by Arminjon, Nolde, and Wolff ('Traite de droit comparé', Paris, 1950–1952) Andrés Bello may be regarded as one of the great legislators of mankind. The influence of the Napoleonic code is great; it is observed however that *e.g.* in many provisions of property law, the solutions of the French *code civil* were put aside in favor of pure Roman law.
Colombia	Civil code introduced in 1873. Nearly faithful reproduction of the Chilean civil code
Costa Rica	First Civil Code (a part of the General Code or Carrillo Code) came into effect in 1841; its text was inspired by the South Peruvian Civil Code of Marshal Andres de Santa Cruz. The present Civil Code is into effect since January 1, 1888, and reveals the influenced by the Napoleonic Code and the Spanish Civil Code of 1889 (from its 1851 draft version).
Croatia	Influenced by Austrian and Hungarian law. The Law on Obligations of 2005.

Cuba	Influenced by Spanish and American law with large elements of Communist legal theory.
Czech Republic	Descended from the Civil Code of the Austrian Empire (1811), influenced by German (1939-45) and Soviet (1947/68-89) legal codes during occupation periods, substantially reformed to remove Soviet influence and elements of socialist law after the Velvet Revolution (1989).
Denmark	Scandinavian-German civil law
Dominican Republic	Based by the Napoleonic Code
Ecuador	Civil code introduced in 1861. Nearly faithful reproduction of the Chilean civil code
El Salvador	
Estonia	
Finland	civil law system based on Swedish law[4]
France	Based on the Napoleonic code (*code civil* of 1804)
Equatorial Guinea	
Ethiopia	
Gabon	
Guinea	based on French civil law system, customary law, and decree[4]
Guinea-Bissau	
Georgia	
Germany	The Bürgerliches Gesetzbuch of 1900 ("BGB"). The BGB is influenced both by Roman and German law traditions.
Greece	The Greek civil code of 1946, highly influenced by the German civil code of 1900 (Bürgerliches Gesetzbuch); the Greek civil code replaced the Byzantine-Roman civil law in effect in Greece since its independence (Νομική Διάταξη της Ανατολικής Χέρσου Ελλάδος, Legal Provision of Eastern Mainland Greece, November 1821: 'Οι Κοινωνικοί Νόμοι των Αειμνήστων Χριστιανών Αυτοκρατόρων της Ελλάδος μόνοι ισχύουσι κατά το παρόν εις την Ανατολικήν Χέρσον Ελλάδα', 'The Social [i.e. Civil] Laws of the Dear Departed Christian Emperors of Greece [referring to the Byzantine Emperors] alone are in effect at present in Eastern Mainland Greece')

Guatemala	Guatemala has had three Civil Codes: the first one from 1877, a new one introduced in 1933, and the one currently in force, which was passed in 1963. This Civil Code has suffered some reforms throughout the years, as well as a few derogations relating to areas which have subsequently been regulated by newer laws, such as the Code of Commerce and the Law of the National Registry of Persons. In general, it follows the tradition of the roman-French system of civil codification. Regarding the theory of 'sources of law' in the Guatemalan legal system, the 'Ley del Organismo Judicial' recognizes 'the law' as the main legal source (in the sense of legislative texts), although it also establishes 'jurisprudence' as a complementary source. Although jurisprudence technically refers to judicial decisions in general, in practice it tends to be confused and identified with the concept of 'legal doctrine', which is a qualified series of identical resolutions in similar cases pronounced by higher courts (the Constitutional Court acting as a 'Tribunal de Amparo', and the Supreme Court acting as a 'Tribunal de Casación') whose theses become binding for lower courts.
Haiti	Influenced by the Napoleonic Code
Honduras	
Hungary	Based on codified Roman law, with elements of the Napoleonic civil code
Iceland	Based on Germanic traditional laws and influenced by Medieval Norwegian and Danish laws.
Italy	Based on codified Roman law, with elements of the Napoleonic civil code; civil code of 1942 replaced the original one of 1865
Japan	Modeled after European (primarily German) civil law system. Japanese civil code of 1895.
Latvia	Largely influenced by Germany, medium influences from Russian and Soviet law.
Lebanon	Modeled after French civil law
Lithuania	Modeled after Dutch civil law
Luxembourg	Influenced by the Napoleonic Code
Macau	Based on the Portuguese strand of the continental tradition, itself much influenced by Germany; also influenced by the law of the PRC

	Mexico	"Th both Gre and com thro Lati Eur http Jain auth
Mongolia	Civil Code of 2002 based on German BGB	
Montenegro	First: the General Property Code for the Principality of Montenegro of 1888, written by Valtazar Bogišić. Present: the Law on Obligations of 2008.	
Netherlands	Influenced by the Napoleonic Code	
Norway	Scandinavian-German civil law. King Magnus VI the Lawmender unified the regional laws into a single code of law for the whole kingdom in 1274. This was replaced by Christian V's *Norwegian Code* of 1687.	
Panama		
Paraguay	The Paraguayan Civil Code in force since 1987 is largely influenced by the Napoleonic Code and the Argentinian Code	
Peru	Based on civil law system; accepts compulsory ICJ jurisdiction with reservations	
Poland	The Polish Civil Code in force since 1965	
Portugal	Influenced by the Napoleonic Code and later by the German Civil Law	
Republic of China (Taiwan)	Codification derived from German BGB.	
Romania	Based on the Napoleonic Code	
Russia	Civil Law system descendant from Roman Law through Byzantine tradition. Heavily influenced by German and Dutch norms in 1700-1800's. Socialist-style modification in 1900's, and Continental European Law influences since 1990's.	
São Tomé e Príncipe	Based on Portuguese civil law	
Serbia	First: the Civil Code of Principality of Serbia of 1844, written by Jovan Hadžić, was influenced by the Austrian Civil Code (Allgemeines bürgerliches Gesetzbuch). Present: The Swiss civil law (Zivilgesetzbuch) was a model for the Law on Obligations of 1978.	

Slovakia	Descended from the Civil Code of the Austrian Empire (1811), influenced by German (1939-45) and Soviet (1947/68-89) legal codes during occupation periods, substantially reformed to remove Soviet influence and elements of socialist law after the Velvet Revolution (1989).
Slovenia	A Civil Law system influenced mostly by Germanic and Austro-Hungarian law systems
Spain	Influenced by the Napoleonic Code, it also has some elements of Spain's legal tradition, starting with the Siete Partidas, a major legislative achievement from the Middle Ages. That body of law remained more or less unchanged until the 19th century, when the first civil codes were drafted, merging both the Napoleonic style with the Castilian traditions.
Sweden	Scandinavian-German civil law. Like all Scandinavian legal systems, it is distinguished by its traditional character and for the fact that it did not adopt elements of Roman law. It is indeed worth mentioning that it assimilated very few elements of foreign laws whatsoever. It is also interesting that the Napoleonic Code had no influence in codification of law in Scandinavia. The historical basis of the law of Sweden, just as for all Nordic countries, is Old German law. Codification of the law started in Sweden during the 18th century, preceding the codifications of most other European countries. However, neither Sweden, nor any other Nordic state created a civil code of the kind of the *Code Civil* or the BGB.
Switzerland	The Swiss civil code of 1908 and 1912 (obligations; fifth book)
Turkey	Modeled after the Swiss civil law (Zivilgesetzbuch) of 1907; this has been a conscious choice of Kemal Atatürk, the founder of the modern Turkish state, in order to abolish the Islamic law (Sharia), aiming at westernizing the country
Ukraine	Civil Code of Ukraine of 2004
Uruguay	
Uzbekistan	Represents an evolution of Soviet civil law. Overwhelmingly strong impact of the Communist legal theory is traceable.
Vietnam	Communist legal theory and French civil law

Common law

Main article: Common law

Common law and equity are systems of law whose sources are the decisions in cases by judges. Alongside, every system will have a legislature that passes new laws and statutes. The relationships between statutes and judicial decisions can be complex. In some jurisdictions such statutes may overrule judicial decisions or codify the topic covered by several contradictory or ambiguous decisions. In some jurisdictions judicial decisions may decide whether the jurisdiction's constitution allowed a particular statute or statutory provision to be made or what meaning is contained within the statutory provisions. Statutes were allowed to be made by the government. Common law developed in England, influenced by the Norman conquest of England which introduced legal concepts from Norman law, which in turn was influenced by aspects of Islamic law.[2] Common law was later inherited by the Commonwealth of

Nations, and almost every former colony of the British Empire has adopted it (Malta being an exception). The doctrine of *stare decisis* or *precedent by courts* is the major difference to codified civil law systems.

Common law is currently in practice in Ireland, most of the United Kingdom (England and Wales and Northern Ireland), Australia, India (excluding Goa), Pakistan, South Africa, Canada (excluding Quebec), Hong Kong, the United States (excluding Louisiana) and many other places. In addition to these countries, several others have adapted the common law system into a mixed system. For example, Nigeria operates largely on a common law system, but incorporates religious law.

In the European Union the Court of Justice takes an approach mixing civil law (based on the treaties) with an attachment to the importance of case law. One of the most fundamental documents to shape common law is Magna Carta[5] which placed limits on the power of the English Kings. It served as a kind of medieval bill of rights for the aristocracy and the judiciary who developed the law.

King John of England signs Magna Carta

Country	Description
American Samoa	
Antigua and Barbuda	based on English common law
Australia	based on English common law
Bahamas	based on English common law
Barbados	based on English common law
Belize	based on English common law
Bhutan	
British Virgin Islands	based on English common law
Canada	based on English common law, except in Quebec, where a civil law system based on French law prevails in property and private matters
Dominica	based on English common law
England and Wales (UK)	primarily common law, with early Roman and some modern continental influences
Fiji	based on English common law
Gibraltar	based on English common law
Ghana	
Myanmar	based on English common law
Grenada	based on English common law
Hong Kong	principally based on English common law
India	based on English common law (except Goa which follows a Civil Law based on Portuguese Civil Law)
Ireland	based on Irish law before 1922, which was itself based on English common law
Jamaica	based on English common law
Kiribati	based on English common law
Marshall Islands	based on U.S. Law
Nauru	based on English common law
New Zealand	based on English common law
Northern Ireland (UK)	based on Irish law before 1921, which was itself based on English common law
Palau	based on U.S. Law
Pakistan[6]	based on English common law with some provisons of Islamic law
Saint Kitts and Nevis	based on English common law
Saint Vincent and the Grenadines	based on English common law

Singapore	based on English common law, but Muslims are subject to the Administration of Muslim Law Act, which gives the Syariah Court jurisdiction over Muslim personal law, e.g., marriage, inheritance and divorce.
Tonga	based on English common law
Trinidad and Tobago	based on English common law
Tuvalu	based on English common law
Uganda	based on English common law
United States	Federal courts and 49 states use legal system originally based on English common law but which diverged greatly in 19th century with substantial indigenous innovations and borrowing of some civil law practices such as codification; State law in the U.S. state of Louisiana is based upon French and Spanish civil law (see below)

Religious law

Main article: Religious law

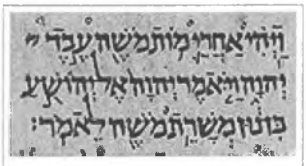
Religious law refers to the notion of a religious system or document being used as a legal source, though the methodology used varies. For example, the use of Jewish Halakha for public law has a static and unalterable quality, precluding amendment through legislative acts of government or development through judicial precedent; Christian Canon law is more similar to civil law in its use of civil codes; and Islamic Sharia law (and Fiqh jurisprudence) is based on legal precedent and reasoning by analogy (*Qiyas*), and is thus considered similar to common law.[7]

The main kinds of religious law are Sharia in Islam, Halakha in Judaism, and canon law in some Christian groups. In some cases these are intended purely as individual moral guidance, whereas in other cases they are intended and may be used as the basis for a country's legal system. The latter was particularly common during the Middle Ages.

The Islamic legal system of Sharia (Islamic law) and Fiqh (Islamic jurisprudence) is the most widely used religious law, and one of the three most common legal systems in the world alongside common law and civil law.[8] It is the most protected divine law, because, the majority of the rulings of Sharia law are based on the Qur'an and Sunnah, while a small fraction of its rulings are based on the Ulema (jurists) who used the methods of *Ijma* (consensus), *Qiyas* (analogical deduction), *Ijtihad* (research) and *Urf* (common practice) to derive *Fatwā* (legal opinions). An Ulema was required to qualify for an *Ijazah* (legal doctorate) at a *Madrasah* (school) before they could issue *Fatwā*.[9] During the Islamic Golden Age, classical Islamic law may have had an influence on the development of common law[2] and several civil law institutions.[1] Sharia law governs a number of Islamic countries, including Saudi Arabia and Iran, though most countries use Sharia law only as a supplement to national law. It can relate to all aspects of civil law, including property rights, contracts or public law.

The Halakha is followed by orthodox and conservative Jews in both ecclesiastical and civil relations. No country is fully governed by Halakha, but two Jewish people may decide, because of personal belief, to have a dispute heard by a Jewish court, and be bound by its rulings.

Canon law is not a divine law, properly speaking, because it is not found in revelation. Instead, it is seen as human law inspired by the word of God and applying the demands of that revelation to the actual situation of the church. Canon law regulates the internal ordering of the Roman Catholic Church, the Eastern Orthodox Church and the Anglican Communion. Canon law is amended and adapted by the legislative authority of the church, such as councils of bishops, single bishops for their respective sees, the Pope for the entire Catholic Church, and the British Parliament for the Church of England.



Aleppo Codex: 10th century Hebrew Bible with Masoretic pointing

Country	Description
Afghanistan	Islamic law
Bangladesh	Formerly based on English common law
The Gambia	English common law, Islamic law and customary law
Ghana	Based on English common law
Iran	Islamic law
Libya	Islamic law
Mauritania	mix of Islamic law and French Civil Codes, Islamic law largely applicable to family law.
Morocco	mix of Islamic law and French Civil Codes, Islamic law largely applicable to family law.
Nigeria	Sharia
Oman	Sharia and tribal custom laws
Saudi Arabia	Islamic law
Sudan	Based on Islamic law
Vatican City	Based on principles of Code of Canon Law
Yemen	Islamic law

Pluralistic systems

Civil law and common law

Country	Description
Botswana	South African law (a mixed system) transferred *uno acto* through a proclamation of reception
Cameroon	
Cyprus	Based on English common law (Cyprus was a British colony 1878-1960), with admixtures of French and Greek civil and public law, Italian civil law, Indian contract law, Greek Orthodox canon law, Muslim religious law, and Ottoman civil law.
Guyana	
Israel	Originally (1948) based on English common law; in the process, influenced by German civil law—for instance, between 1962 and 1981, the Knesset issued twenty (20) wide-ranging laws, which were clearly influenced by civil law, and were in the form of codes. Religious law plays a role, especially in matters of personal status and family law, and judicial and legislative decisions take into account Jewish law (halakhah) on occasion.[10]
Lesotho	South African law (a mixed system) transferred *uno acto* through a proclamation of reception
Louisiana (U.S.)	Based on French and Spanish civil law, but federal laws (based on common law) are in effect in Louisiana as well.
Malta	Initially based on Roman Law and eventually progressed to the Code de Rohan, Code Napoleon with influences from Italian Civil Law. English common law however is also a source of Maltese Law, most notably in Public Law
Mauritius	
Namibia	South African law (a mixed system) transferred *uno acto* through a proclamation of reception
Philippines	Based on Spanish law; influenced by U.S. common law after 1898 Spanish and Philippine-American Wars, personal law based on sharia law applies to Muslims
Puerto Rico (U.S.)	Based on Spanish law; influenced by U.S. common law after 1898 (victory of the U.S. over Spain in the Spanish-American war of 1898 and cession of Puerto Rico to the U.S.)
Quebec (Canada)	After the defeat of the French in the battle at the Plains of Abraham, the British tried to convert Quebec to English language and Common Law, but given the growing menace of the United States, had to allow them to keep their language (French), their religion (Roman Catholicism), and their legal system (civil law), as part of the Quebec Act of 1774. However, as Quebec is part of the Canadian Confederation (since 1867), English-based laws applied at the federal level are in effect in Quebec also.
Saint Lucia	
Scotland (UK)	Based on Roman and continental law, with common law elements dating back to the High Middle Ages

Seychelles	The substantive civil law is based on the French Civil Code. Otherwise the criminal law and court procedure are based on the English common law. See Seychelles Legal Environment (http://sites.google.com/site/theseychelleslegalenvironment/legal-system) .
South Africa	An amalgam of English common law and Roman-Dutch civil law as well as Customary Law.
Sri Lanka	An amalgam of English common law, Roman-Dutch civil law and Customary Law
Swaziland	South African law (a mixed system) transferred *uno acto* through a proclamation of reception
Thailand	The Thai legal system became an amalgam of German, Swiss, French, English, Japanese, Italian, and Indian laws and practices. Even today, Islamic laws and practices exist in four southern provinces. Over the years, Thai law has naturally taken on its own Thai identity.
Vanuatu	Consists of a mixed system combining the legacy of English common law, French civil law and indigenous customary law.
Zimbabwe	South African law (a mixed system) transferred *uno acto* through a proclamation of reception

Civil law and religious law

Country	Description
Afghanistan	
Algeria	
Bahrain	
Comoros	
Djibouti	
Egypt	Based on Islamic law and French civil law system
Eritrea	
Indonesia	Based on civil law of Holland and adat (cultural law of Indonesia)
Jordan	Mainly based on French Civil Code and Ottoman Majalla, Islamic law applicable to family law
Morocco	Based on Islamic law and French and Spanish civil law system
Oman	
Qatar	Based on Islamic law and Egyptian civil law system (after the French civil law system)
Syria	Based on Islamic law and French civil law system
United Arab Emirates	Based on Islamic law and Egyptian civil law system (after the French civil law system)

Common law and religious law

Country	Description
Bangladesh	
Brunei	
Gambia	
Malaysia	based on English common law, personal law based on sharia law applies to Muslims
Nigeria	Sharia is applied in some northern states
Pakistan	based on English Common Law, some Islamic law applications in inheritance. Tribal Law in FATA

Hybrid law

The most prominent example of a hybrid legal system is the Indian legal system. India follows a mixture of civil, common law and customary or religious law. Separate personal law codes apply to Muslims, Christians, and Hindus. Decisions by the Supreme Court of India and High Courts are binding on the lower courts. Further, most of the laws are statutory and it also has a constitution which signifies the Civil nature of law in India.

Systems by geography

Despite the usefulness of different classifications, every legal system has its own individual identity. Below are groups of legal systems, categorised by their geography. Click the "show" buttons on the right for the lists of countries.

See also

- Comparative law
- English common law
- Rule of law
- Rule According to Higher Law
- Islamic law
- Socialist law
- Soviet law
- Tribal sovereignty
- Western law
- Anarchy

External links

- World Legal Systems (http://www.droitcivil.uottawa.ca/world-legal-systems/eng-monde.php) , Website of the Faculty of Law of the University of Ottawa
- Australian Institute of Comparative Legal Systems (http://ausicl.com)

- Factbook list of legal systems (https://www.cia.gov/library/publications/the-world-factbook/fields/2100.html)
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P.O. Box 3915
Palmer, AK 99645

The Honorable Carl Gatto
State Capitol, Room 118
Juneau, AK 99801-1182

9 March, 2011

Subject: House Bill 88, Use of Foreign Law

Dear Representative Gatto:

It appears to me that the effect of House Bill 88 is to preclude within the borders of the State of Alaska the subjugation of Alaskans to the whims of laws practiced by foreign entities that conflict with rights guaranteed to us by our laws and Constitution. Particularly, it will shield Alaskans from the depredations of Islamic Sharia law. I fully support its' adoption.

I am forwarding this because the body of evidence suggests it's true that Sharia law is an affront to every person who values human rights. Already there is a shrill, galling Muslim voice in America that demands the practice of Sharia law be allowed here, and there are gullible, bleeding-heart non-Muslims who blindly and stupidly support this insidious Islamic "cause." Already, among Muslims, it is happening in our America!

I personally will not condone the imposition of Sharia law at any level of our free society, not for myself nor for anyone else in America. Those who wish to impose Sharia law in America are the enemies of my blood. Sharia law is the antithesis of every right guaranteed to Alaskans and to all people in the United States of America. This is the land of the free and our demand for equality is that which makes us great among nations. The practices and punishments inflicted by Sharia law are patently illegal in this land. Enslavement, subjugation, beating, torture, mutilation, murder, discrimination, and child abuse deprive others of their guaranteed human rights under our Constitution and are crimes, all punishable upon conviction in this country.

Anyone in Alaska or America, who harms another person or deprives another person of guaranteed rights under the auspices of Sharia law or any other alien, foreign law, including Muslims, must be held accountable under our country's laws and prosecuted to our law's fullest extent. Multiculturalism be damned. Sharia law is an abomination and a pox on anyone who seeks to practice it or condone it in these United States of America.

Champions of Sharia BEWARE! There is only one law in America, and that is American jurisprudence, established by the duly enacted legislations of those freely elected to represent us. I pledge, as a duty of my American citizenship and as the right of a human being, to seek the prosecution of anyone I find inflicting the cruel and illicit depredations of Sharia law upon anyone in my America and I expect every other American citizen to do the same.

It's time for Alaskans and all Americans to stand together, get some guts, and renounce all efforts to suborn our freedoms and subjugate us under the illusion that any discriminatory foreign law should have any sway within the boundaries the State of Alaska or of these United States of America.

Sincerely,

Jim

James B. Wood

March 15, 2011

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The Honorable Bob Lynn, Chair
The Honorable Wes Keller, Vice-Chair
House State Affairs Committee
Alaska State House of Representatives
State Capitol, Room 106
Juneau, AK 99801
via email: Representative_Bob_Lynn@legis.state.ak.us;
Representative_Wes_Keller@legis.state.ak.us

Re: House Bill 88
ACLU Review of Legal Issues

Chair Lynn, Vice-Chair Keller:

Thank you for the opportunity to submit written testimony regarding House Bill 88, relating to the application of international law.

The American Civil Liberties Union of Alaska 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. We have several concerns with the proposed legislation, outlined in greater detail below, **and urge a DO NOT PASS vote by Members of the Committee.**

Attack on Separation or Powers and Judicial Independence

Fundamentally, HB 88 is counterproductive legislation. This bill represents an attack on the separation of powers, an unwarranted mistrust of the state judiciary and an unnecessary interference in the function of Alaska's legal system.

It is a core function of both state and federal courts to determine what law is at issue in a given matter. The Alaska Legislature should not seek to legislate what law the courts can and cannot consider when deciding cases. By doing so, the Legislature violates the fundamental principle of judicial independence and the constitutional principle of separation of powers.

Negative Impacts on Alaska Citizens and Businesses

Passage of HB 88 would harm the rights of Alaska citizens and businesses who travel and transact across international borders, and would also negatively impact the United States' standing in the global community.

In the normal course of business, organizations may voluntarily choose to waive certain constitutional rights. For instance, an individual generally retains the constitutional right to say what she thinks without restraint. U.S. Const., Amdt. I; Alaska Const., Art. I, Sec. 5. However, individuals regularly contract away their constitutional right to speak freely, for instance, by engaging in nondisclosure agreements. While the ACLU of Alaska strongly values constitutional rights, there are certainly legitimate and appropriate reasons why an informed, non-coerced waiver of such rights should be permitted and legally respected.

Contrary to these principles, the language of HB 88 presumes to disregard **all** waivers of constitutional rights, in any contract that contains a choice of law clause preferring the law of a foreign jurisdiction. For instance, proposed AS 09.68.140(b) states that if a contract contains a choice of law clause preferring foreign law and "if the interpretation or enforcement of the agreement would violate an individual's [constitutional] right," the contract **must** be read to preserve the constitutional right, not to waive it. The effect of the statute – by its literal terms – appears to be to nullify ***any waiver*** of constitutional right where made in conjunction with a foreign choice of law provision.

Other examples of commonly waived constitutional rights include the right of medical privacy permitting medical records to be shared with a foreign medical provider, or a due process right to an official hearing or trial, such as a provision mandating that disputes go to an arbitrator. The Alaska Legislature risks sweeping up a wide variety of commonplace waivers of constitutional rights in the bill as currently drafted.

HB 88 is structurally flawed in that it is not narrowly tailored to prevent coerced or uninformed waiver of rights. Its only *caveat* is that the contract must have a foreign choice of law provision. This overbreadth would result – should the bill pass – in exposing foreign partners to the potential that Alaska businesses may unilaterally ***and improperly*** evade their contractual obligations by using the Bill's provisions. This obvious legal flaw would make it highly problematic for Alaskans to conduct business with foreign individuals or organizations.

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Choice of Forum Provision

A similar problem attends subsections (c) and (d), which prohibit the application of choice of forum or venue contractual provisions, and the granting of motions to dismiss on the grounds of *forum non conveniens*, where a constitutional right could be impaired.

In the case of subsection (c), a business or person may have a valid, legally appropriate and commercially necessary reason to waive certain constitutional rights. But, the extremely broad language of the legislation would invalidate the contractual provisions.

An example of a problem with this language is presented by the Seventh Amendment to the United States Constitution, which guarantees the right to trial by jury in any civil case addressing a matter in value of at least twenty dollars. U.S. Const., Amdt. VII.

The United States jury system does not necessarily have a corollary in judicial proceedings in other countries. Not all countries apply a common law system, and fewer still have regular jury trials. HB 88 could thus be used to prevent the enforcement of any choice of venue or forum clause ***in any contract with a foreign company***, or any *forum non conveniens* action, if the foreign court at issue does not guarantee a jury trial for civil action where $20 or more was at stake. This would seriously deter foreign individuals or corporations from doing business in Alaska.

U.S. and Alaska Standing in Foreign Relations

HB 88 would generally strain our relations and standing with other nations. Opportunistic businesses and individuals could thwart efficient judicial enforcement by filing suit in Alaska and then demanding that the defendant respond in Alaska.

For example, a person with a contractual dispute with a Spanish oil services company[1] could (assuming that the matter had sufficient minimal Alaska contacts to establish personal and subject matter jurisdiction), file a suit for declaratory relief in Anchorage, even where all the evidence, witnesses, and items at issue were in Spain.

Even where such a suit would normally be dismissed as *forum non conveniens* and then re-filed in Spain, an Alaska court could be obliged to hear the case in Alaska, since the plaintiff would be deprived of her Seventh Amendment right to a jury trial if the case were heard in Spain.

While there may be foreign jurisdictions whose legal systems are so deeply unfair as to offend fundamental American values of fairness, there are many – such as Spain's – that do not. One should also note that the doctrine of *forum non conveniens* **is one of mutual respect**, which may

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[1] http://www.businessweek.com/ap/financialnews/D9LRQDGO0.htm.

be undermined where one nation flouts the respect owed to other nations. Passage of HB 88, along with similar bills in sister states, could result in many American litigants finding themselves sued in foreign jurisdictions and unable to remove their cases to Alaska or other US state courts.

HB 88 signals to the rest of the world that Alaska believes that our judges have "little to learn from their counterparts in other nations . . . . This wholesale rejection of the value of consulting international law or foreign decisions in certain circumstances evokes years of 'American exceptionalism,' during which the U.S. was internationally criticized for exempting itself from human rights standards that were otherwise universal."[2]

A vote for HB 88 would have the effect of alienating U.S. allies and the commercial partners of Alaska companies, putting at risk U.S. interests at home and abroad. Indeed, the simple perception that the United States is ignoring its legal obligations puts Alaskan citizens and Alaskan companies seeking to do business internationally at risk. If potential foreign business partners believe that Alaska's courts will not enforce foreign judgments or adhere to the businesses' choice of law in their contracts, international companies may simply be unwilling to contract with Alaska businesses or establish commercial ties to our state. Given the ambiguity surrounding which laws Alaskan courts may consider, foreign investors may be wary of ever consenting to jurisdiction in our state courts.

Conclusion

In sum, HB 88 is unnecessary, and its passage would cause real harm to Alaska's citizens, businesses, and judicial system. **We urge you to oppose HB 88.**

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[2] Martha Davis & Johanna Kalb, *Oklahoma State Question 755 and an Analysis of Anti-International Law Initiatives*, American Constitution Society Issue Brief, 5 (2011).

Please feel free to contact the undersigned should you require any additional information. We are happy to reply to any questions which Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,

Jeffrey Mittman
Executive Director
ACLU of Alaska

cc: Representative Paul Seaton, Representative_Paul_Seaton@legis.state.ak.us
Representative Peggy Wilson; Representative_Peggy_Wilson@legis.state.ak.us
Representative Max Gruenberg; Representative_Max_Gruenberg@legis.state.ak.us
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CENTER FOR SECURITY POLICY

ABOUT US

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- U.S. District Court, Central District California (serving Counties of Los Angeles, San Bernardino, Orange, Ventura, Santa Barbara, Riverside, and San Luis Obispo).
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- U.S. District Court, Southern District New York (serving Counties of New York [Manhattan], Bronx, Westchester, Putnam, Rockland, Orange, Dutchess, and Sullivan).
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- U.S. Court of Appeals, Sixth Circuit (serving Kentucky, Michigan, Ohio, and Tennessee).
- U.S. Court of Appeals, Ninth Circuit (serving California, Arizona, Nevada, Oregon, Washington, Alaska, Idaho, Montana, and Hawaii).
- U.S. Court of Appeals, District of Columbia.

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✔ ABOUT US

David Yerushalmi, Esq.

David Yerushalmi is a lawyer specializing in litigation and risk analysis, especially as it relates to geo-strategic policy, national security, international business relations, securities law, disclosure and due diligence requirements for domestic and international concerns. David Yerushalmi has been involved in international legal and constitutional matters for over 25 years. After completing his undergraduate studies with a B.S. in public policy studies and criminal justice, summa cum laude, David Yerushalmi received his Juris Doctorate from Arizona State University College of Law in 1984 as the recipient of the Most Outstanding Graduate Award. After graduation, David Yerushalmi worked as a lawyer specializing in securities, banking, and environmental law in the Los Angeles office of the law firm of Dewey & LeBoeuf L.L.P. (then known as LeBoeuf, Lamb, Leiby & Macrae). David Yerushalmi is licensed to practice law in Washington, D.C., New York, California and Arizona.

David Yerushalmi is General Counsel to the Center for Security Policy in Washington, D.C., one of the nation's leading national security think tanks founded by former Reagan administration official Frank J. Gaffney, Jr., and has been Of Counsel and Senior Legal Advisor for Policy Affairs to the Institute for Advanced Strategic & Political Studies (Potomac, Maryland) since 1988. In 1991, teaming up with the Institute's policy experts, David Yerushalmi was instrumental in establishing the Israel Export Development Co., Ltd., as an entrepreneurial policy tool to initiate radical free market reforms in Israel. Working along side fellow board members and shareholders such as Robert Tishman, Jerry Speyer, Larry Silverstein, Lawrence Tisch, Eugene Grant and Sy Syms, David Yerushalmi was appointed the company's CEO and Chairman.

David Yerushalmi is today considered an expert on Islamic law and its intersection with Islamic terrorism and national security. In this capacity, he has published widely on the subject including the principle critical scholarship on Shariah-compliant finance published in the Utah Law Review (2008, Issue 3). This work and the empirical investigation known as the Mapping Shariah project in America was the focus of a recent monograph published by the McCormick Foundation and the Center for Security Policy. Mr. Yerushalmi participated as an associated author and member of Team 'B' in the seminal work on counter-terrorism entitled, *Shariah: The Threat To America. An Exercise in Competitive Analysis, Report of Team 'B' II*, published in 2010 by the Center for Security Policy and he has also produced and narrated a one-hour CLE program (accredited in NY, PA, CA, AZ, IL, TN, TX, CO, ND) for legal professionals addressing the requirement of proper disclosure in Shariah-compliant financial products.

In David Yerushalmi's role as an advocate of legal, economic, and political reform in the Middle East and in the former republics of the Soviet Union, he has been interviewed and written about in the Wall Street Journal, the New York Times, Reason Magazine, and appeared on local, national, and international radio and television programs.

David Yerushalmi continues his active involvement in policy and national security matters by editing and writing contributions to various off-line and on-line publications and has published several op eds and commentaries in the Wall Street Journal, National Review, the American Spectator, First Things, FrontPageMagazine, the American Thinker, The Intellectual Conservative, the Jerusalem Post, and Globes, Israel's leading business newspaper.

David Yerushalmi may be reached directly at **david.yerushalmi@verizon.net**

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AMERICAN LAWS FOR AMERICAN COURTS (ALAC)

FAQ, ISSUES AND OBJECTIONS

1. This bill is not needed because it states what is already reality in state courts

First, this is not true. Most states merely state that foreign laws and judgments that violate the state's "public policy" shall not be recognized. But the courts consistently rule that the state legislature has the responsibility to articulate clearly what the state's public policy actually is. For the state to make clear that comity, choice of law, and choice of venue issues must still safeguard fundamental state and federal constitutional rights is precisely the role of the state legislature.

Second, there are actually hundreds of cases on the books in which foreign laws and foreign legal doctrines were invoked by parties to a dispute. In many cases those foreign laws and foreign legal doctrines are anathema to our constitutional ideals.

2. This bill is not needed because shariah is not a threat in the US and is not in our court systems.

The Act is not simply about shariah but also transnationalism—or the documented creep of foreign and offensive laws being recognized by state and federal courts. More, shariah has already creeped into the legal systems of Western Europe, including 85 shariah courts operating openly with the full authority of law in the United Kingdom. There are numerous cases in which shariah doctrines have been invoked in the US. Here is a sampling of 17 examples from 11 states:

http://publicpolicyalliance.org/wp-content/uploads/2010/11/Shariah_Cases_11states_11-08-2010.pdf

3. This bill interferes with foreign treaties.

By operation of law this cannot be. Treaties, when signed by the President of the United States and ratified by the United States Senate, are the law of the United States, and not foreign law. Thus, the *Act*, or a specific application of the *Act*, could not by operation of the Supremacy Clause affect in any way a treaty.

Some uninformed critics of the Act assume, without citation, that certain ratified treaties require the enforcement of foreign judgments or the application of foreign law in contradiction with the *Act*. Although some treaties address the treatment of foreign arbitral awards or child custody judgments, all of these treaties have an exemption when the foreign tribunal enforces a law that violates the fundamental public policy of the domestic

state. This is also the common law and state statutory rule for recognizing foreign judgments of any kind not affected by federal treaty or federal preemptive statutes.

The Act articulates what the boundaries are for the state's important public policy—to protect fundamental state and federal constitutional liberties.

Further, state courts consistently hold that it is up to the state legislature to set the state public policy in the first instance.

4. This bill restricts the right to contract.

The right to contract is not unlimited. The state may legitimately restrict the right to contract if the contract is found to have some deleterious effect on the public or to contravene some other matter of public policy. As the Supreme Court has noted, a state's police power to protect the health and safety of its citizenry in the area of contract law not touching upon a suspect class is subject to a rational basis scrutiny—does the state law have any rational basis.

Innumerable regulations exist governing contractual provisions, including choice of law and forum selection clauses. For an impairment of a contract to violate the constitutional right to contract the state regulation must constitute a substantial impairment, and no significant and legitimate public purpose may justify the regulation. The requirement of a legitimate public purpose is primarily designed to prevent a state from embarking on a policy motivated by a simple desire to escape its financial obligations or to injure others through the repudiation of debts or the destruction of contracts or the denial of the means to enforce them.

It is patently clear that the Act—which merely sets fundamental state and federal constitutional liberties as protectable interests—is constitutional.

Indeed, all of the state courts and the federal courts have allowed such impairments of contract when the provisions violate the public policy announced in statutes.

Moreover, American Laws for American Courts only restricts the right to contract in terms of enforcement. Theoretically, people can contract for whatever they want to, on whatever terms. Obviously the only time the state gets involved with regard to policy is when there is a dispute and the parties go to the courts to resolve and enforce. In this case it is properly the role of the state to protect constitutional liberties.

5. **This bill impacts "comity" and violates the Full Faith & Credit Clause of the US Constitution**

The Full Faith & Credit Clause only applies to sister states. Moreover, even sister states may deny comity if the sister state's foreign judgment violates the domestic state's public policy. In the context of the Act, however, only foreign country judgments are at issue. All state courts have ruled, as has the U.S. Supreme Court, that foreign judgments from aboard are subject to the public policy of the state granting comity.

Even in the case of granting domestic arbitral awards comity or recognition in state courts, the Federal Arbitration Act permits states to preclude granting comity or recognition if the arbitral award was based on a decision process or law that was contrary to public policy.

6. **This bill interferes with business activity and commerce and thus would adversely impact economic development in the state.**

Protecting the fundamental constitutional rights of the citizens of a state does not adversely impact commerce or business. In fact, quite the contrary. Our free enterprise system was built upon the fundamental liberties in our constitutions and thus preserving them protects free enterprise.

Specifically, state courts have consistently refused to allow parties to enter into agreements that violate public policy. Moreover, a party to a contract does not typically knowingly waive his/her/its fundamental constitutional liberties. The question the courts consistently ask is whether the contract waiver was entered into knowingly and at arm's length. Courts consistently reject waivers of a parties statutory or inherent rights when the parties are not equally sophisticated and where there is evidence that the contract was an adhesion contract more or less forced upon the waiving party.

If these protections are applied to statutory or inherent rights, a fortiori they apply to is a purported waiver of a fundamental constitutional liberty.

Thus, in the case of two businesses entering into a contract and one business waiving its constitutional protections, at the very least any amendment to the Act should limit such waivers only to cases where all of the parties to the contract are businesses and the waiving party has expressly waived its fundamental constitutional liberties protected by the Act.

Nevertheless, because so many of the cases involving foreign laws that violate constitutional rights infiltrating our state legal systems involve family law, particularly the rights of women and children, appropriate language can be included to exempt businesses and corporations without destroying the intent of American Laws for American Courts.

7. **The business exemption language used in some states violates the equal protection clause of the constitution.**

The *Act* would not likely be struck as violative of "equal protection" simply because it exempts contracts involving corporations. There is no "protected class", such as race, religion, sex or even age, affected by distinguishing individuals from corporations, that would require "strict scrutiny" by the judiciary. All the legislature requires is a "rational basis" for the distinction, the lowest level of judicial scrutiny. As constitutional rights affecting individuals rationally receive greater concern than rights of businesses, and businesses tend to be more sophisticated in entering contracts, the legislature has a rational basis for making the distinction and allowing businesses to contractually waive rights when submitting to foreign law, but individuals to not.

8. **Provisions of this bill would violate the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).**

The UCCJEA only applies to foreign child custody judgments for those foreign countries not "contracting parties" to the Hague Child Abduction Convention. The UCCJEA specifically exempts states from granting comity or enforcing a foreign child custody judgment or foreign jurisdiction when doing so violates "fundamental principles of human rights." It is hard to imagine how fundamental state and federal constitutional liberties are not fundamental human rights in the context of state law.

And, even among the contracting parties to the Hague Child Abduction Convention, the treaty exempts cases where the foreign jurisdiction or judgment would violate the public policy of the domestic jurisdiction.

9. **This bill could violate the federal Parental Kidnapping Prevention Act (PKPA)**

The PKPA does not apply to foreign jurisdictions. It applies within the US between the states.

10. This bill would violate international treaties dealing with child custody, namely the Hague Convention.

As noted above, the Hague Convention itself provides a public policy exemption. Beyond this, as a treaty entered into by the federal government, the Hague Convention is federal law and cannot be trumped by state law. There is no way for ALAC to do so. Moreover, it is important to note that the only country that employs shariah in its legal system that is a member of the Hague Convention is Morocco. The following countries are some that are not parties to the Hague Convention, thus it does not apply to US relations with them:

- Egypt
- Iran
- Pakistan
- Saudi Arabia
- Syria
- Jordan
- Libya
- Sudan
- Somalia
- Algeria
- Lebanon
- Indonesia
- Afghanistan
- Iraq
- India
- Bangladesh
- Nigeria
- Kuwait
- Bahrain
- Qatar
- Tunisia
- Yemen
- United Arab Emirates
- Oman

11.This bill would interfere with English Common Law

To the extent that English Common Law forms the foundation of our legal traditions, it is not a foreign law. Moreover, all states have by statute or by "common law" adopted the common law as adopted by the courts in that state to be part of state law and thus not foreign.

Moreover, this bill does not ban all foreign or international law, just the use of such law when it would violate the constitutional rights of someone in the state AND specifically applied in the particular case. The fact that a country like Germany or China might have some law that violates our constitutional liberties is wholly irrelevant. It only becomes relevant if the particular offensive law is the law at issue in the particular case being litigated in the domestic state court.

12.This bill would open up states that pass it to expensive law suits

This legislation already passed in two states in 2010 with no legal challenges. There is no basis on which to challenge a law which seeks to safeguard individual constitutional rights as its express purpose. Indeed, it is absurd to even suggest such a proposition. A state might be sued if it does NOT protect fundamental state and federal constitutional liberties.

13.This bill would interfere with Native American tribal law

Federal law, in the form of treaties with Native Americans, preempts state law. Thus, ALAC would not because it could not as a matter of law affect those federal laws. If absolutely necessary, language can be inserted in ALAC expressly confirming this.

14.This bill would interfere with Jewish law

This bill would not interfere with Jewish law because Jewish law has a provision inherent which instructs people of the Jewish faith to follow the law of the land in which they live. Moreover, ALAC only applies when the use of a foreign legal doctrine in a court would violate someone's constitutional rights. This is not the case with Jewish law.

15.ALAC unfairly targets Muslims

Nothing in the ALAC bill prevents any person from freely exercising his or her right to freedom of religion and worship. ALAC only applies to legal doctrines in our court systems. Furthermore, ALAC is facially neutral. It does not discriminate in any way based on faith of any kind. The bill makes no mention of Islam or Muslims and is not even principally focused on religious law, but any foreign law that violates constitutionally protected liberties.

LEGAL SERVICES

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MEMORANDUM March 15, 2011

SUBJECT: Limited application of foreign law
(Work Order No. 27-LS0333\M)

TO: Representative Carl Gatto
Attn: Karen Sawyer

FROM: Dennis C. Bailey
Legislative Counsel
and
Dan Wayne
Legislative Counsel

Since there is a hearing on your bill coming up on March 17 and drafting attorney Dennis Bailey has been out of the office because of illness for a few days, I've briefly addressed the three concerns raised in the March 10 e-mail from Karen Sawyer to this office.

1. The bill's potential for interfering with a choice of law provision in a contract seems direct and not inadvertent, as far as I am able to determine. Language on page 2 of the bill, lines 2 - 8, relates to agreements containing choice of law provisions. This language would void an agreement containing a choice of law provision if the provision has an effect that violates an individual's constitutionally protected individual rights unless the provision can be changed to eliminate its unconstitutional effect.

2. The bill uses the term "foreign law" instead of "law," and defines the term to mean "a law, rule, or legal code or system established and used or applied in a jurisdiction outside of the United States and the territories of the United States." I understand that the "foreign law" that is of concern to you is the law from outside of the U. S. If that is correct, no change is necessary.

3. HB 88 does not necessarily conflict with provisions of AS 25.30.400 - 25.30.590 that may require enforcement of foreign orders under the Hague Convention on the Civil Aspects of International Child Abduction, a multinational treaty to which the United States is a signatory. The United States Congress implemented the Convention in the International Child Abduction Remedies Act, (ICARA), 42 U.S.C. 11601 et seq. The ICARA grants concurrent jurisdiction to state and federal courts. 42 U.S.C. 11603. It allows a court that has jurisdiction to exercise discretion that is potentially very broad. 42 U.S.C. 11604. This may reduce the risk of a conflict between the bill's provisions and federal law to some degree. 42 U.S.C. 11604, reads:

> **§ 11604. Provisional remedies**
>
> **(a) Authority of courts.** In furtherance of the objectives of article 7(b) and other provisions of the Convention, and subject to the provisions of subsection (b) of this section, any court exercising jurisdiction of an action brought under section 11603 (b) of this title may take or cause to be taken measures under Federal or State law, as appropriate, to protect the well-being of the child involved or to prevent the child's further removal or concealment before the final disposition of the petition.
>
> **(b) Limitation on authority.** No court exercising jurisdiction of an action brought under section 11603 (b) of this title may, under subsection (a) of this section, order a child removed from a person having physical control of the child unless the applicable requirements of State law are satisfied.

Keep in mind that, as noted in the December 30, 2010 memo to your office, if the bill's provisions are adopted and are later found to be in conflict with federal law, including ICARA, the Supremacy Clause of the U. S. Constitution would cause the conflict to be resolved in favor of the federal law.

If I can be of further assistance, please advise.

DCB:DCW:plm
11-138.plm

Karen Sawyer

From: Karen Sawyer
Sent: Thursday, March 10, 2011 3:35 PM
To: LAA Legal
Cc: 'Carl Gatto'
Subject: HB 88 legal opinion requested
Attachments: HB 88; HB 88

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Attached are two e-mails from Doug Wolliver, Courts System legislative liaison, in response to my request for information about whether any of the Family Courts in Alaska have experienced cases where foreign law (example, Sharia Law) had been invoked. These two e-mails are his replies to date. I am requesting a legal opinion on the questions below.

Doug made these suggestions based on what the family court judges said:

- look into **"choice of law" clauses in contracts**. I don't believe that such a contract clause can be upheld if it violated our constitutions and your bill drafter has probably already considered this (they generally think of most everything).
    - **MY REQUEST:** double-check just to make sure the bill does not inadvertently interfere with choice of law clauses, which are routine.
- consider **defining law "foreign law."** In many contexts a foreign jurisdiction is any jurisdiction other than Alaska. So, for example, registering a domestic violence restraining order from Washington State is considered registering a foreign order.
    - **MY REQUEST:** HB 88, version M, already has a definition of foreign law. However, it limits the jurisdiction to the United States and its territories. **Do we need to specifically mention "Alaska jurisdiction", or is it okay as is?**
- **AS 25.30.400-590 (a portion of the Uniform Child Custody Jurisdiction and Enforcement Act)** provides for the enforcement of foreign orders under the Hague Convention on the Civil Aspects of International Child Abduction. I don't know if HB 88 conflicts with that statute, but it is something you might consider investigating.
    - **MY REQUEST: Does HB 88 conflict with statute above?**

FYI: My request of the Department of Law regarding cases involving foreign law came back with the answer of 'the State has had no cases'.

We have a bill hearing on HB 88 next week, Thursday, March 17th, at 8AM in House State Affairs.

Thanks much.

Public Policy Alliance

Shariah Law

Shariah, often referred to as "Islamic Law," is in actuality a legal doctrine based on the Quran and Hadiths (sayings and acts of Mohammed), but one which goes far beyond what Westerners would regard as religious matters or routine legal matters.

Shariah has in fact been introduced into U.S. civil court cases in many states, mostly in the area of family law - see this summary of 17 representative cases from 11 states: Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Tennessee and Texas.

Shariah covers all aspects of life, including criminal law, domestic law, statecraft and warfare (Jihad). Shariah encompasses personal ethics and legal issues, religion and state governance, this world and the afterlife. Shariah is said to enforce the will of Allah, as opposed to the will of humans. Shariah regulates belief, speech and religious practice, criminal and legal matters, and other fields including finance and war. There is no such thing as a separate secular authority or secular law under doctrinal Shariah, since religion and state are not distinct, but are one.

Shariah is the strict, exclusive law of the land or basis of that law in Saudi Arabia, Iran and Sudan. It is also enforced in Taliban-controlled areas of Afghanistan and Pakistan, as well as enclaves around the world controlled by violent Jihadist organizations. Shariah is either a parallel legal system or partly integrated into the legal systems of the other Islamic-majority nations, such as Egypt and Morocco. Some pro-Shariah groups such as the Muslim Brotherhood also support democratic elections as long as they result in governments, constitutions, legal systems and societies based on Shariah.

Shariah mandates violent Jihad as a religious obligation. Violent Jihad's purpose against non-Muslims or former Muslims is to establish Islam's rule worldwide. The establishment of Shariah rule is a stated goal of Al Qaeda, the Taliban, Hezbollah, HAMAS, Al Shabaab, Abu Sayaf, Lashkar-e-Taiba, Jemaah Islamiya and other Jihadist known or designated terrorist organizations, as well as the Muslim Brotherhood.

Shariah is frequently encountered in family law cases across the USA today; in Shariah-compliant accommodations that may result in discrimination against non-Muslims; and in Shariah-Compliant Finance on Wall Street and in the U.S. government.

Tennessee and Louisiana have passed laws to prevent the infiltration of Shariah into their court systems.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **HB088 \M**
() Publish Date

Identifier (file name): HB088-LAW-CIV-03-13-11
Dept. Affected: Law
Title: An Act prohibiting the use of foreign law that violates an individual's right under the United States Constitution.
Appropriation: Civil
Allocation: Commercial and Fair Business
Sponsor: Representative(s) Gatto
Requester: (H) STA
OMB Component Number: 2717

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	***	***	***	***	***	***	***

Estimate of any current year (FY2011) cost ***

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by: Eileen Donahue, Division Operations Manager
Phone: 465-5427
Division: Administrative Services
Date/Time: 3/13/11 1:30 PM
Approved by: John J. Burns, Attorney General
Date: 3/13/2011
Department of Law

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB088 \M

Analysis

This bill is designed to protect the rights of citizens of Alaska from the application of foreign law if the application would violate the individual's right guaranteed by the Alaska Constitution or the United States Constitution. Since this is a new legal standard for the court to apply, the Department of Law cannot estimate how many cases the state or state agencies may be named. The new legal standard would likely involve interpretation of federal treaties and the applications of those treaties on states by federal law.

The fiscal impact of this legislation cannot be accurately determined at this time.

Karen Sawyer

From: Mike Madar [madar@gci.net]
Sent: Thursday, March 10, 2011 11:44 AM
To: Karen Sawyer
Subject: HB 88

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Blue Category

I support HB 88 100% Mike Madar; 1270 Woodstock Dr; Palmer, Alaska 99645 (907) 746 6667

Alaska State Legislature

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Representative Carl Gatto

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Rep. Carl Gatto

DATE: March 7, 2011

RE: Request for a hearing of HB 88

Enclosed is the committee packet for HB 88, *Use of Foreign Law.* I have included a sponsor statement, the original version of the bill, and other supplemental material.

I would appreciate a hearing before your House State Affairs 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.

American Public Policy Alliance

Representative Civil Legal Cases Involving Shariah Law

November 8, 2010

American Public Policy Alliance
www.publicpolicyalliance.org

Representative Civil Legal Cases Involving Shariah Law

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Civil Legal Cases involving Shariah Law

ILLINOIS

Shaheed Allah, Plaintiff, v. Adella Jordan-Luster, et al., Defendants: Inmate demands Halal-slaughtered meat in prison

United States District Court, C.D. Illinois - August 3, 2007

http://scholar.google.com/scholar_case?case=10507683704817451581

Shaheed Allah, an inmate incarcerated at Pontiac Correctional Center, alleged violations of the First Amendment and the Religious Land Use and Institutionalized Persons Act ("RLUIPA") caused by the Defendants' failure to provide him with a Halal diet.

Allah requested to be provided with a Halal diet. Pontiac Correctional Center claimed it was already in compliance with this dietary requirement as pork and pork by-products are not served at Pontiac. The Plaintiff disagreed that the only dietary restriction for Muslims is the abstinence of pork and pork by-products. Plaintiff requested that the Defendants confer with Aqueel Khan, the Muslim Chaplain, to verify the validity of the Plaintiff's dietary request.

Although he was provided with bread, fruit and vegetables, he asserted that a Halal diet must consist of "meat that has been slaughtered in the manner prescribed by the Sharia."

> **According to Plaintiff, the prescribed method for Halal meat includes keeping the animal "in a humane way prior to slaughter," then slaughtering the animal by "slitting of the throat" while reciting the Qur'an.**

The court found that the Plaintiff has not met his initial hurdle of showing a substantial burden was placed upon his religious beliefs as he admittedly could consume vegetables and grains without violating his faith. Thus, the practice of the Plaintiff's faith was not hindered by the provision of a general prison diet rather than the Halal diet the Plaintiff sought.

Wafra Leasing Corporation, Plaintiff, v. Prime Capital Corporation, et al., Defendants.

United States District Court, N.D. Illinois, Eastern Division - August 30, 2004

http://scholar.google.com/scholar_case?case=18625540345149709 66

Prime Capital was a specialty finance company that through its affiliates financed certain equipment leases. Wafra Leasing Corp. invested in Prime Capital securities. Wafra claimed it was the victim of securities fraud and improper auditing.

> **The plaintiff corporation, Wafra, is a wholly owned subsidiary of the Wafra Fund. The sole owners of the Wafra Fund are the Kuwaiti National Security Administration, a branch of the Kuwaiti government, and Aref Investment Group, owned by the Kuwait Public Institution for Social Security and an Islamic bank. Wafra invested in the 1999-A Securitization on May 4, 1999. Wafra's investors sought to comply with Islamic law, or Sharia, which prohibits investors from collecting interest, but allows them to earn money from the ownership and operation of assets.**

Of the multiple counts against Prime Capital individuals, several requests for summary judgments were approved.

LOUISIANA

Amin v. Bakhaty: Louisiana court refuses to enforce Egyptian child custody order

Supreme Court of Louisiana - October 16, 2001

http://www.thenewamerican.com/index.php/usnews/politics/4342-states-take-preemptive-strike-against-shariah

http://scholar.google.com/scholar_case?case=4590415366527786188

In the 2001 custody case of Amin v. Bakhaty, 01-1967 (La.10/16/01), 798 So.2d 75, the defendant (father) Abdelrahman Bakhaty filed an affidavit when he petitioned for a civil warrant stating that by operation of Egyptian law both the temporary guardianship and physical custody of the child rested exclusively with him. Egypt follows Islamic family law, which structures some of the rights between family members based solely on gender. Under the Egyptian concept of "guardianship," the father has the absolute right to the guardianship and the physical custody of the minor child.

Louisiana Supreme Court refused to enforce an Egyptian custody order stating that:

> **The only other forum that could possibly determine custody would be Egypt. However, the Egyptian Court is not compelled to consider the minor child's best interest. [The father] would have the absolute right to guardianship, as well as the right to physical custody. This Court believes that a parent's interest in a relationship with his or her child is a basic human right. The unique circumstances of this case required more consideration for the best interest of this child than for the extension of comity toward the Egyptian/Islamic legal system.**

The court ruled that the child would stay in the custody of the mother, Magda Amin, in Louisiana.

MARYLAND

Aleem vs. Aleem: Maryland's Highest Court Refuses to Recognize Pakistani Shariah Divorce

Court of Appeals of Maryland - May 6, 2008

http://volokh.com/archives/archive_2008_05_04-2008_05_10.shtml#1210196695

http://mdcourts.gov/opinions/coa/2008/108a07.pdf

Farah Aleem filed suit for a limited divorce from her husband, Irfan Aleem in the Circuit Court of Montgomery County, MD. In response her husband, a Pakistani resident of Maryland, tried to divorce her preemptively by entering the Pakistani Embassy in Washington, DC and performing *talaq*, the Shariah-approved way for a man to declare a divorce by simply stating "I divorce thee ..." three times.

The court reasoned that while foreign divorces are generally recognized unless they violate the state's public policy, the sex-discriminatory nature of Islamic divorce law does violate Maryland public policy when the parties are Maryland residents:

> The *talaq* divorce of countries applying Islamic law, unless substantially modified, is contrary to the public policy of this state and we decline to give *talaq*, as it is presented in this case, any comity. The Pakistani statutes providing that property owned by the parties to a marriage, follows title upon the dissolution of the marriage unless there are agreements otherwise, conflicts with the laws of this State where, in the absence of valid agreements otherwise or in the absence of waiver, marital property is subject to fair and equitable division. **Thus the Pakistani statutes are wholly in conflict with the public policy of this State as expressed in our statutes and we shall afford no comity to those Pakistani statutes.**

Hosain v. Malik: Maryland grants custody of child to father over mother in accordance with (Shariah-based) Pakistani law

Court of Special Appeals of Maryland – February 21, 1996

http://www.thenewamerican.com/index.php/usnews/politics/4342-states-take-preemptive-strike-against-shariah

http://scholar.google.com/scholar_case?case=13345154354945640474

In Hosain v. Malik, 108 Md.App. 284, 671 A.2d 988 (Md.1996), a Maryland Court granted comity and enforced a Pakistani custody order turning a child brought to the US by the mother (Joohi Q. Hosain) over to the father (Anwar Malik).

The Maryland Court held that: the burden was on the mother to prove the Pakistani court did not apply law in "substantial conformity with Maryland law" by a preponderance of the evidence; the case was "not about whether Pakistani religion, culture, or legal system is personally offensive to us or whether we share all of the same values, mores and customs, but rather whether the Pakistani courts applied a rule of law, evidence, or procedure so contradictory to Maryland public policy as to undermine the confidence in the trial"; the best interest of the child should not be "determined based on Maryland law, i.e., American cultures and mores," but rather "by applying relevant Pakistani customs, culture and mores";**"a Pakistani court could only determine the best interest of a Pakistani child by an analysis utilizing the customs, culture, religion, and mores of ... Pakistan"; "in the Pakistani culture, the well being of the child and the child's proper development is thought to be facilitated by adherence to Islamic teachings"**;

The court recognized the **"longstanding doctrine [of Hazanit1] of one of the world's oldest and largest religions practiced by hundreds of millions of people around the world and in this country, as applied as one factor in the best interest of the child test, is [not] repugnant to Maryland public policy."**

The mother argued that Maryland law was violated because she may have been arrested for adultery if she returned to Pakistan for the custody proceedings and have been subject to "public whipping or death by stoning." The court found this was "not repugnant" to Maryland public policy because such punishments were "extremely unlikely."

MASSACHUSETTS

Rhodes v. ITT Sheraton Corp: Rejection of Saudi Arabia as an Alternate Forum for Resolving a Dispute

Massachusetts Superior Court - 1999

http://volokh.com/2009/08/12/rejection-of-saudi-arabia-as-an-alternate-forum-for-resolving-a-dispute/

The Plaintiff Rhodes was a British citizen on summer break from her university when she visited her parents at their home in Jeddah, Saudi Arabia. On August 23, 1994, she and her sister met two of their friends at the Sheraton Jeddah Hotel and Villas. The resort complex encompassed a beach, a large concrete wharf, a wooden platform or jetty and a lagoon. Coral stretched out from under the jetty and around the edge of the lagoon. The Plaintiff struck her head on this coral when she dove into the lagoon from the jetty. She lay in the water, face

down and unable to move, until she was pulled out and taken to a nearby hospital. The Plaintiff sustained a high level spinal injury and Plaintiff's expert estimated that her medical expenses resulting from the accident would exceed ten million dollars.

Under Massachusetts law a judge may dismiss or stay an action upon finding "that in the interest of substantial justice the action should be heard in another forum." The judge found that Saudi Arabia was not an adequate alternative forum because the **Plaintiff would experience severely restricted rights under the Shariah-based Saudi legal code**:

> The first significant drawback to trial of this case in Saudi Arabia is that **plaintiff would not be permitted to testify**...
>
> Prevailing in Saudi Arabia would be even more difficult for plaintiff in light of the requirement that, "[i]n financial matters, **a party must produce two male witnesses or one male and two female witnesses in order to prove a point**."...
>
> Saudi Arabia does not offer parties the opportunity to be heard by a jury...
>
> ... a Saudi forum would deprive plaintiff of basic procedures which she expects to enjoy in a Massachusetts forum.
>
> **Finally, the existence of biases against women and non-Muslims in Saudi Arabia would impose additional disadvantages on plaintiff.** Defendants' expert attributes the differential treatment based on gender and religion to "long-standing, well-known provisions in the law." Although defendants promise to ensure that any recovery by plaintiff in a Saudi court would not be diminished because of her gender and religion, their guarantee cannot insulate plaintiff entirely from the systemic prejudices...

MICHIGAN

Saida Banu Tarikonda v. Bade Saheb Pinjari: Lower court recognizes Shariah divorce law; appeals court overrules

Court of Appeals of Michigan – April 7, 2009

http://www.michbar.org/opinions/appeals/2009/040709/42377.pdf

http://scholar.google.com/scholar_case?case=4294001533062003586

Plaintiff Tarikonda (wife) and defendant Pinjari (husband) are Muslim citizens of India who were married in Hyderabad, India in 2001. The couple resided in Michigan from February 2006 to January 2008, when they separated. Plaintiff remained in Michigan and defendant moved to New Jersey.

The triple talaq is a mechanism for divorce which exists in Sunni Islam. It simply consists of the husband saying the phrase I divorce you (Arabic:talaq) to the wife, three times.

In April 2008, the husband traveled to India and pronounced the following written triple talaq:

> Now this deed witnesses that I the said Bade Pinjari, do hereby divorce Saida Tarikonda, daughter of T. Babu Khan, by pronouncing upon her Divorce/Talaq three times irrevocably and by severing all connections of husband and wife with her forever and for good.
>
> 1. I Divorce thee Saida Tarikonda
> 2. I Divorce thee Saida Tarikonda
> 3. I Divorce thee Saida Tarikonda

In May 2008, the wife filed a complaint for divorce in Michigan. The husband filed a motion to dismiss the complaint pursuant because of the existing Indian divorce. To prove the divorce occurred, he offered a divorce certificate from a Wakf Board in Andhra Pradesh, India. The trial court granted his motion. It instructed the wife to register the Indian divorce in Michigan and file a separate complaint for custody and child support.

On appeal, the wife argues that the trial court erred when it recognized the Indian divorce, because the triple talaq is violative of due process and contrary to public policy. **The court of appeals reversed the previous decision as void and against public policy since it violates due process and equal protection.**

Nabil Taiseer Hassan and Sawsan Hassan v. Eric H. Holder, Jr.: Michigan case cites Shariah courts, documents and marriage certificates

United States Court of Appeals, Sixth Circuit - May 11, 2010.

http://scholar.google.com/scholar_case?case=17900651172709546887

The Petitioners were Nabil Hassan and his wife Sawsan Hassan, both Muslim and self-identified "Palestinians" born and raised in Jerusalem. Nabil Hassan was admitted to the United States in 1995 on an F-24 Immigrant Visa, which is reserved for unmarried children of lawful permanent residents. Hassan qualified for this visa because his mother was living in the United States and had LPR status. Sawsan Hassan entered the United States on the same day as Nabil and was admitted to the country on a Nonimmigrant Tourist Visa. On April 10, 1995, Nabil and Sawsan had a small wedding ceremony at a mosque in Michigan and signed documents to certify their marriage.

On December 29, 1999, Nabil filed an application for naturalization. Daniel Wells of the Immigration and Naturalization Service was assigned to investigate and adjudicate Nabil's application. On July 27, 2000, Officer Wells conducted an in-person interview of Nabil Hassan and became suspicious that Nabil and Sawsan had in fact married sometime before their 1995 entry in the United States. Nabil's naturalization application was denied. On May 23, 2002, the government served Nabil Hassan with a Notice to Appear, alleging that he had married Sawsan before entering the United States which would automatically revoke his visa.

Pursuant to Israeli law, the Shariah courts (and Shariah law) control personal status matters of Muslims residing in Jerusalem. Therefore the evidence in the case was based on Shariah marriage documents

issued by Islamic legal authorities in Jerusalem and whether the couple had "completed" their Shariah marriage via sexual intercourse.

Nabil testified that on February 24, 1995, the families created a written engagement contract, and that a Sharia agent named Nasra helped the families create the document and then file it with the appropriate authorities. **Nabil claimed that he and Sawsan did not finalize (i.e. consummate) their marriage in Jerusalem, however. Instead, they waited until April 10, 1995, when they had their ceremony in the mosque and celebration in Michigan.**

The appeals court noted that the lower court was looking for **"evidence that Petitioners had performed all the steps required for a marriage under Sharia law before they left for the United States."** The lower court found that **"the evidence on the record, when viewed as a whole, compels the contrary conclusion that the government did not offer clear and convincing evidence that Petitioners had completed the steps required for a Muslim marriage under Sharia law before entering the United States."**

The appeals court both affirmed in part and reversed in part the ruling, but ordered that "removal proceedings against Petitioners" be quashed and that they may remain in the United States.

MINNESOTA

Mohamed D. ABD ALLA v. Mohamed MOURSSI: Minnesota man appeals to court regarding decision in Islamic arbitration hearing

Court of Appeals of Minnesota – June 1, 2004

http://scholar.google.com/scholar_case?case=8449493111914467247

In August 2001, Mourssi and respondent Mohamed D. Abd Alla entered into a partnership to manage and acquire restaurants. The partnership was subject to a partnership agreement. The partnership agreement included an arbitration clause, which provides:

> Any dispute, controversy or claim arising out of or in connection with or relating to this Agreement or any breach or alleged breach hereof shall, upon the request of any party involved, be **submitted to and settled by arbitration before the Arbitration Court of an Islamic Mosque located in the State of Minnesota pursuant to the laws of Islam** (or at any other place or under any other form of arbitration mutually acceptable to the parties so involved). Any award rendered shall be final and conclusive upon the parties and a judgment thereon may be entered in the highest court of the forum, state or Federal, having jurisdiction. The expenses of the arbitration shall be borne equally by the parties to the arbitration, provided that each party shall pay for and bear the costs of its own experts, evidence, and counsel.

At some point, the partnership acquired the Al-Bustan Restaurant. After purchasing the restaurant, numerous disputes arose between the partners. The parties agreed to arbitrate their difference before an Islamic arbitration committee. In September 2002, the committee issued its decision in favor of Abd Alla against Mourssi.

In April 2003, Abd Alla moved the district court to confirm the arbitration award. On May 14, 2003, Mourssi responded that the court should deny Abd Alla's motion and vacate the arbitration award "on the grounds that it was procured by corruption, fraud or other undue means and that the Committee exceeded its authority." During the hearing Abd Alla argued Mourssi had not timely contested the arbitration award and therefore could not now contest the award. **Mourssi argued that under Islamic law there is no set time for appeal.**

The district court confirmed the arbitration reward and appeals court affirmed their decision under Minn.Stat., ch. 572.

NEW JERSEY

S.D. v. M.J.R.: Man rapes wife and claims Shariah as a defense S.D. v. M.J.R.

Superior Court of New Jersey, Appellate Division - Decided July 23, 2010.

http://www.leagle.com/unsecure/page.htm?shortname=innjco20100723325

Plaintiff S.D. (wife) and defendant M.J.R.(husband) are Muslim citizens of Morocco who were wed in an arranged marriage on July 31, 2008, when plaintiff was seventeen years old. On August 29, 2008, they came to New Jersey as the result of defendant's employment in this country as an accountant.

She describes a continual pattern of abuse culminating on January 22, 2009, when the defendant forced plaintiff to have sex with him while she cried. Plaintiff testified that defendant always told her, **"This is according to our religion. You are my wife, I c[an] do anything to you. The woman, she should submit and do anything I ask her to do."**

While recognizing that defendant had engaged in sexual relations with plaintiff against her expressed wishes in November 2008 and on the night of January 15 to 16, 2009, the judge did not find sexual assault or criminal sexual conduct to have been proven. He stated:

> **This court does not feel that, under the circumstances, that this defendant had a criminal desire to or intent to sexually assault or to sexually contact the plaintiff when he did. The court believes that he was operating under his belief that it is, as the husband, his desire to have sex when and whether he wanted to, was something that was consistent with his practices and it was something that was not prohibited.**

After acknowledging that this was a case in which religious custom clashed with the law, and that under the law, plaintiff had a right to refuse defendant's advances, the judge found that defendant did not act with a criminal intent when he repeatedly insisted upon intercourse, despite plaintiff's contrary wishes.

An appellate court reversed in 2010, writing: **"Defendant's conduct in engaging in nonconsensual sexual intercourse was unquestionably knowing, regardless of his view that his religion permitted him to act as he did."**

The appeals court ruled that the judge was wrong to excuse the Defendant's actions due to his religious beliefs. The appellate court remanded for entry of a restraining order.

Odatalla v Odatalla – Enforcement of Islamic Mahr Agreement
Superior Court of New Jersey, Chancery Div., Passaic County - June 24, 2002

http://scholar.google.com/scholar_case?case=2649501230049632360

This case presented the issue of whether a civil court can enforce the terms of an Islamic Mahr Agreement, and arose in an action brought by the plaintiff for a divorce based upon grounds of extreme cruelty. The Defendant filed an answer and a countercomplaint for divorce also on grounds of extreme cruelty. The plaintiff sought enforcement of the Mahr Agreement contained in the Islamic marriage license.

The court used testimonial evidence from both plaintiff and defendant and an **actual copy of the Islamic marriage license. The videotape of the entire ceremony showed the families sitting on separate couches in the living room negotiating the terms and conditions of the entire Islamic marriage license including those of the Mahr Agreement.** After the negotiations, when a sum of money was determined for the Mahr Agreement, both families went to a table where the Imam began preparing the written Islamic marriage license including the Mahr Agreement. When the Islamic marriage license, including Mahr, was completed, the Imam presented it to each party for their signature. Each party read the entire license and Mahr Agreement and signed the same freely and voluntarily.

The Mahr Agreement, a section of the Islamic marriage license in the lower left portion of the license, read: "According to Islamic Law Dower is: Prompt One golden pound coin, Postponed Ten Thousand U.S. Dollars, Personal conditions___"

The defendant, Zuhair Odatalla, claimed the agreement was not a valid contract under New Jersey law. The court found that the Mahr Agreement is not void simply because it was entered into during an Islamic ceremony of marriage. Rather, enforcement of the secular parts of a written agreement is consistent with the constitutional mandate for a "free exercise" of religious beliefs. The court found that all of the essential elements of a contract were present and ruled that the defendant owed to the plaintiff the sum of $10,000.

Clearly, the Mahr Agreement in the case at bar is nothing more and nothing less than a simple contract between two consenting adults. It does not contravene any statute or interests of society. Rather, the Mahr Agreement continues a custom and tradition that is unique to a certain segment of our current society and is not at war with any public morals.

NEW YORK

Sofyan Ali SALEH, Petitioner,v. UNITED STATES DEPARTMENT OF JUSTICE: Yemeni jailed in US fights deportation on Shariah grounds

United States Court of Appeals, Second Circuit - Decided April 29, 1992.

http://scholar.google.com/scholar_case?case=12533084801905965406

Saleh contended that because he was under a death sentence imposed by an Islamic court in Yemen for a homicide which he committed in the United States that had already resulted in his imprisonment here, he had established a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" within the meaning of 8 U.S.C. § 1101(a)(42) (1988), and thus qualified for asylum and withholding of deportation.

Saleh, a Yemeni citizen, became a permanent resident alien through marriage to a U.S. citizen in 1982. On February 4, 1983, while living in New York City, he shot and killed Abdulla Elhosheshi, another Yemeni national. Saleh pled guilty to first degree manslaughter and commenced serving a sentence of 8 1/3 to 25 years. **Based on the same occurrence, Saleh was also tried and convicted in absentia in Yemen and sentenced to death by a "Sharia" (Islamic) court. Jurisdiction existed because Saleh and the victim were both Yemeni Muslems.**

He submitted a memorandum of law arguing that his Yemeni conviction entitled him to asylum. He argued that he was being persecuted on account of his religion — because he would be punished in Yemen under the **"fanatical interpretation of age old [religious] laws and customs,"** and that he was being persecuted because of his membership in a particular social group — Yemeni Moslems residing outside of Yemen, "upon whom the Islamic authorities in Yemen are attempting to exert their power and control."

Also, under Islamic law, the victim's family could waive the death sentence by electing to receive "blood money" from Saleh in lieu of his execution. In this case, the amount of "blood money" could range from $186,000 to $360,000. Saleh contended that he was being persecuted on account of his membership in the "particular social group" of poor Yemenis who could not afford to pay "blood money" to buy their way out of a death sentence.

On June 5, 1990, the IJ rendered a decision that denied Saleh's applications and ordered his deportation. The IJ concluded that Saleh's conviction in Yemen did not constitute statutory "persecution" because Saleh had simply been "`prosecut[ed] for a common law offense.'"

PEOPLE of the STATE of NEW YORK v. IBRAHIM BEN BENU:

CRIMINAL COURT OF THE CITY OF NEW YORK, KINGS COUNTY - May 13, 1976

Case of forced child marriage following Islam that was voided as against public policy; the father of the child forced into marriage was also acknowledged to be in a polygamous "marriage"

http://ny.findacase.com/research/wfrmDocViewer.aspx/xq/fac.%5CNY%5CNY3%5C1976%5C19760513_0042949.NY.htm/qx

OHIO

Mohammed Zawahiri v. Raghad Zahar Alwattar: Islamic *Mahr* Agreements in Civil Courts

Court of Appeals of Ohio - July 10, 2008

http://volokh.com/archives/archive_2008_07_13-2008_07_19.shtml#1216332053

Mohammed Zawahiri and Raghad Z. Alwattar were married, in an arranged marriage. The day of the wedding, Zawahiri signed a "mahr" under which he promised to pay his wife $25,000 in the event of divorce.

This case is similar to the *Odatalla v Odatalla* mahr agreement case in New Jersey above.

TENNESSEE

HOSSEIN AGHILI VS. HAMIDEH SABA SAADATNEJADI: Legitimates Polygamy and "expertise" in Islamic Studies

COURT OF APPEALS OF TENNESSEE June 11, 1997

http://www.tsc.state.tn.us/opinions/TCA/PDF/972/aghilih.pdf

This appellate decision dealt with the validity of an Islamic marriage under U.S. law, and the decision acknowledges that Islamic law supports polygamy with up to four wives:

> This appeal involves the validity of an Islamic marriage. Shortly after the marriage, the husband filed suit in the Circuit Court for Davidson County seeking a divorce or, in the alternative, an annulment. After the wife counterclaimed for a divorce, the husband moved for a summary judgment on his annulment claim. The trial court granted the summary judgment, finding that the undisputed evidence demonstrated that the officiant was not qualified to perform the marriage under Islamic law and that the officiant had failed to file the marriage license within the legally prescribed time. The wife takes issue on this appeal with the trial court's conclusion that the marriage was void ab initio. We have determined that the trial court erred and, therefore, reverse the summary judgment.

TEXAS

AMIR AHMED V. AFREEN S. AHMED: Texas Divorce Case; $50,000 Mahr agreement disputed

Court of Appeals of Texas - June 17, 2008

http://scholar.google.com/scholar_case?case=13628678145937799273

MAJORITY OPINION

LESLIE B. YATES, Justice.

In this divorce case, appellant Amir Ahmed appeals from the trial court's order awarding his ex-wife, appellee Afreen S. Ahmed, $50,000 pursuant to an Islamic marriage certificate signed by the parties. We affirm in part and reverse and remand in part.

Amir and Afreen married in a civil ceremony in November 1999. Both are of Indian descent, and both practice the Islamic faith. The marriage was arranged 193*193 between the parties' families. They did not live together until about six months later after their Islamic marriage ceremony in New York on May 21, 2000. As part of this ceremony, the parties signed an Islamic marriage certificate called a "Nikah Nama," which mentions a deferred "Mahr" of $50,000. According to Afreen's trial testimony, a Mahr is an Islamic religious custom whereby the husband contracts to give the wife a sum of money, either at the time of the marriage or deferred in the event of a divorce. On appeal. Amir argues that the trial court erred in enforcing the Mahr because (1) it is not a valid premarital agreement under the Family Code, (2) its terms are too vague and uncertain to be enforced, (3) the evidence is legally and factually insufficient to support the $50,000 award, (4) it is a religious agreement and enforcing it violates the Establishment Clause of the United States Constitution, (5) it

encourages divorce, which is against public policy, and (6) according to **Islamic law**, enforcing a Mahr is inconsistent with an additional division of marital property.

The Court erred when it granted a money judgment in favor of [Afreen] in the amount of $50,000 for a [Mahr] agreement between the parties. Even though the court did not make an express finding, the court erred when it implicitly found that the religious based [Mahr] agreement constitutes an enforceable contract under the laws of Texas and [the] United States. The finding is not supported by evidence, or in the alternative, there is insufficient evidence to support the finding.

Saadallah JABRI and Aida Jabri, Appellants, v. Jamal QADDURA, Appellee: Texas Islamic arbitration court taken into account in divorce case

Court of Appeals of Texas - May 8, 2003

http://scholar.google.com/scholar_case?case=9457607297329156688

http://www.2ndcoa.courts.state.tx.us/opinions/HTMLopinion.asp?OpinionID=14601

Rola Qaddura and Jamal Qaddura were married on September 3, 1993. Previously, on August 28, 1993, they had signed an "Islamic Society of Arlington Islamic Marriage Certificate" which reflects that the 407*407 "dowry for the bride" was: "One-half of the value of the house located at 2206 Gladstone. This is in addition to $40,000 Fourty [sic] Thousand U.S. Dollars the payment of which is deferred."

On October 19, 1999, Rola filed for divorce. She sought sole managing conservatorship of the parties' two children, child support, division of the parties' estate, and enforcement of the terms of the Islamic Marriage Certificate. Rola subsequently sued Jamal's brother, Osama Qaddura, as a third-party defendant, alleging he was engaged in a conspiracy with Jamal whereby Jamal was wrongfully transferring community assets to Osama, including a house on Vesta Via Court.

Jamal filed a counterclaim seeking sole managing conservatorship and child support. He sought a declaration that the Islamic Marriage Certificate was unenforceable because it was induced by Rola by fraud. He also alleged a separate cause of action against Rola for "defamation and false light," in which he sought $250,000 actual damages and $1,000,000 exemplary damages.

Osama filed a counterclaim seeking a declaratory judgment that he is the sole owner of the house on Vesta Via Court (with no right of reimbursement by Rola or Jamal) and of a specific bank account.

On January 18, 2002, Jamal filed a separate suit seeking a protective order against Rola's parents (the children's grandparents), Saadallah Jabri and Aida Jabri, alleging the children had been injured while in their care.

On September 25, 2002, all five parties signed an "Arbitration Agreement" to submit all claims to the TEXAS ISLAMIC COURT, 888 S. Greenville Ave., Suite 188, Richardson, Texas.

Accomodations

- **Deference to Islamist sensibilities in education.** A St. Cloud State student, who was disabled and assisted by a dog, was simply granted credit for a required course when the dog was found to be offensive to the majority of Muslim students at the school location where he was assigned to gain his teaching credit. http://www.wnd.com/?pageId=64151
- **A public school with Islamist principles.** The Tarek ibn Ziyad Academy in Minneapolis is a public, magnet school, funded with taxpayer money, that was discovered to mandate prayer on the premises and impose other sharia mandates on its students, such as full coverage uniforms for female students. There is a mosque on campus and a Muslim studies course taught in addition to the regular curriculum, which is essentially mandatory due to the fact that school buses do not leave the campus until the extra course ends each day. http://www.startribune.com/local/17406054.html
- **State governments going outside their duty to accommodate sharia.** In Minnesota, the state actively works to sponsor Murabaha financed mortgages, acting as intermediaries when they buy homes from realtors and re-sell them to Muslims at their total, with mortgage interest included, price. It is not within a state's duty to actively participate in the real estate market. http://wcco.com/local/islamic.mortgages.minnesota.2.952805.html
- **US medical organization adopts accommodationist stance on FGM.** On April 26, the American Association of Pediatrics revised its 1998 policy on FGM. They replaced "mutilation" with "cutting" and advocated a "compromise" position of "clitoral nicking" be practiced in the United States. Under intense scrutiny from anti-FGM advocates, AAP reversed itself a month later. The WHO has fervently and repeatedly condemned the practice on ethical and medical grounds. http://www.who.int/reproductivehealth/publications/fgm/en/index.html
- **Sharia activism in the political system.** In certain parts of Minnesota, politicians directly engage their constituency on a platform advocating Somali Muslim rights and sensibilities. Particularly, Representative Keith Ellison has come to be their national campaigner. It is clear that as a Muslim community with Islamist interests they are attempting to make a voice for themselves within the American legal system. Ellison's strong ties to radical groups is enough to cause great alarm. http://www.weeklystandard.com/Content/Public/Articles/000/000/012/764obcsx.asp?page=2
- **Sharia rules for Minneapolis cabbies.** In October of 2006, the issue of sharia incorporation was brought to national attention when Minneapolis-St. Paul airport taxi cab drivers were refusing services to any potential riders who were carrying alcohol. They made an attempt to make a legal right of their refusal of service, going so far as to work with the Metropolitan Airports Commission to make sure that drivers were in no way penalized for this refusal. Only after major public outcry did the MAC back down on proposed solutions that seemed partial to sharia law deference. http://www.danielpipes.org/4046/dont-bring-that-booze-into-my-taxi
- **Muslim on trial exempted from strip search**. An imprisoned oncologist, Rafil Dhafir, charged with setting up an unlicensed charity and illegally funneling $4 million to Iraq was allowed to attend his trial without being strip-searched. Dhafir said strip searches were against his Muslim faith. http://query.nytimes.com/gst/fullpage.html?res=9C01E1DD133AF93AA25753C1A9629C8B63

- **Teaching jihad in public schools**. "Become a Muslim warrior during the crusades or during an ancient jihad." Thus read the instructions for seventh graders in *Islam: A Simulation of Islamic History and Culture, 610- 1100*, a three-week curriculum produced by Interaction Publishers, Inc. In classrooms across the United States, students who follow its directions find themselves fighting mock battles of jihad against "Christian crusaders" and other assorted "infidels." Upon gaining victory, our mock-Muslim warriors "Praise Allah." A lawsuit to stop the program's use in California schools failed in 2003.
  http://www.danielpipes.org/430/become-a-muslim-warrior
- **Proselytizing with taxpayer funds**. In 2002, PBS aired a documentary entitled "Muhammad: Legacy of a Prophet" funded in large part by the Corporation for Public Broadcasting, a private, nonprofit corporation created by Congress that in fiscal 2002 received $350 million in taxpayers' funds. The film treated religious beliefs, such as Muhammad's trip to Heaven, as historical fact, painted Muslim wars as exclusively defensive, and praised Muhammad's treatment of women while ignoring the conditions of women in the Muslim world.
  http://www.danielpipes.org/982/pbs-recruiting-for-islam
- **Muslim-only swim time**. A Seattle pool sets aside time for Muslim women to use the pool by themselves so they could adhere to strict religious restrictions, which require women to be completely covered. The outfit that organizes and pays for the Muslim Sister Swim program is the North Seattle Family Center, a unit of the Children's Home Society, a non-profit that gets most of its money from various government sources. As such, it should strictly comply with non-discrimination guidelines. Nevertheless, the Muslim Sister Swim is open exclusively to Muslims.
  http://www.soundpolitics.com/archives/004929.html
- **Gender-separate classrooms.** In 2005, 60 faculty members from King Abdulaziz University in Saudi Arabia were taking courses at Virginia Tech. Though taking identical courses, the students met in gender-specific classes. Tech officials said administrators from the Saudi university separated the sexes to mirror classroom settings at their home institution, which operates separate campuses for men and women. The university spokesman said Tech chose to respect the Saudi culture "rather than impress our culture on them."
  http://www.roanoke.com/news/roanoke/28903.html
- **Public Univerisites, including University of Michigan and George Mason University, have installed Islamic footbaths in student restrooms. In 2007,** UM-Dearborn announced that it would install $25,000 foot-washing stations in several bathrooms to accommodate a student body that is 10% Muslim. According to the New York Times, "But as a legal and political matter, that solution has not been quite so simple. When word of the plan got out this spring, it created instant controversy, with bloggers going on about the Islamification of the university, students divided on the use of their building-maintenance fees, and tricky legal questions about whether the plan was a legitimate accommodation of students' right to practice their religion or unconstitutional government." http://www.nytimes.com/2007/08/07/world/americas/07iht-muslims.4.7022566.html

- **A community for sharia-practicioners only.** Little Rock, Arkansas's Local Planning Commission has granted the right to zone land for an Islamic community, which will feature a mosque, school, and public calls to prayer. Most importantly, however, the community will ban all alcohol, which is in direct contrast to American law, making this a specifically sharia-abiding community. Although the community is proclaimed as "open to everybody," there is no doubt that it will attract mainly Muslims.
  http://www.danielpipes.org/blog/2004/08/permit-muslim-only-enclaves

- **Restrictions on mail to U.S. military.** Mail sent from United States families to their military relatives serving in foreign countries is often censored, with restrictions to certain codes barring the mailing of pork or pork byproducts, or more jarringly, "religious materials contrary to Islamic faith." http://www.usps.com/cpim/ftp/bulletin/2003/html/pb22097/apofpo.html#0.2.LMRPOZ.NQFEZ8.BZO8BH.H
- **Endorsement of prayer breaks in public schools.** Students at a San Diego elementary school are given 15 minute prayer breaks, and it has been alleged that a school aide often led these prayers. Opponents of the prayer breaks have noted that they feel the school to be endorsing Islam over other faiths, especially when it is considered that no other religious groups are given equal access to prayer leaders such as priests or rabbis. http://legacy.signonsandiego.com/news/metro/20070702-9999-1n2prayer.html
- **An Arab-language institution may promulgate sharia.** In New York, the Khalil Gibran International Academy, was originally pitched as an Arabic-language institution, however, concerns soon arose when it became clear that the group's leadership was known to have radical Islamist ties, and that the majority of the advisory board was composed of local imams. Add to this the fact that much Arab literature has Islamist overtones, and the school runs the risk of being a fully sharia-propagating shop. http://www.danielpipes.org/blog/2007/03/on-new-yorks-khalil-gibran-international
- **Christians arrested for handing out leaflets at Arab festival.** http://the-american-catholic.com/2010/06/24/sharia-in-dearborn/
- **Shariah compliant mortgages in NJ** http://creepingsharia.wordpress.com/2010/06/08/islamic-shariah-based-banking-in-new-jersey/

  http://minnesota.publicradio.org/display/web/2010/07/23/electrolux-eeoc-complaint/

- **Colorado Plant Segregates Prayer Rooms for Muslims** ("JBS, Muslims vow harmony")

  http://www.greeleytribune.com/article/20090821/NEWS/908219988/1001

- Boston Mosque to Broadcast Amplified Call to Prayer Against Previous Assurances

  http://www.solomonia.com/blog/archive/2008/09/boston-mosque-to-broadcast-amplified-cal/index.shtml

HB

92

<TARGET><BILL>HB 92</BILL><SUBJECT>HB
92</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 3-8-11

The STATE AFFAIRS Committee considered: **HB 92**

HOUSE BILL NO. 92
"An Act relating to special request Lao veteran registration plates; and providing for an effective date."
HB 92 LAO VETERANS LICENSE PLATES

Recommends it be replaced with [ ] HCS *or* [X] CS for HB 92 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
KB Johansen	JOHANSEN			X	
Peggy Wilson	WILSON	X			
Bill Keller	Keller	X			
Paul R. Seaton	Seaton	X			
Pete Petersen	PETERSEN	X			
Chair: Bill Lynn	LYNN	X			
Chair:					

CS FOR HOUSE BILL NO. 92(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PETERSEN, Gruenberg

A BILL

FOR AN ACT ENTITLED

"An Act relating to special request Lao veteran registration plates; and providing for an effective date."

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

*** Section 1.** AS 28.10.181 is amended by adding a new subsection to read:

(bb) Special request Lao veteran plates. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the owner's service in military operations in support of the United States in the Kingdom of Laos between February 28, 1961, and May 15, 1975. The commissioner shall determine the design and color of the Lao veteran plates in consultation with veterans' and Southeast Asian community organizations in the state. To be issued a registration plate under this subsection, the owner must present evidence satisfactory to the department that the owner served in military operations as required by this subsection. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplicate of an existing registration.

* **Sec. 2.** AS 28.10.421(d)(2) is amended to read:

(2) special request plates for

(A) Alaska National Guard personnel $30;

(B) veterans, [OR] retired veterans, **or Lao veterans** $30;

(C) recipients of the Purple Heart ..... none;

(D) owners of custom collector vehicles $50;

(E) Iditarod race finishers $50;

(F) other special request plates $30;

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;

* **Sec. 3.** This Act takes effect January 1, 2012.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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From: Nancy Manly 465-2794 # of Pages (including cover): 1
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Re HB 92 – Please draft final CS

3/8/2011

CS for HB 92 Version B moved out of the House State Affairs Committee this morning with no changes. Please draft the **final** House State Affairs CS for HB 92

27-LS0375\B

27-LS0375\B
Luckhaupt
2/28/11

CS FOR HOUSE BILL NO. 92( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES PETERSEN, Gruenberg

A BILL

FOR AN ACT ENTITLED

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* **Sec. 3.** This Act takes effect January 1, 2012.

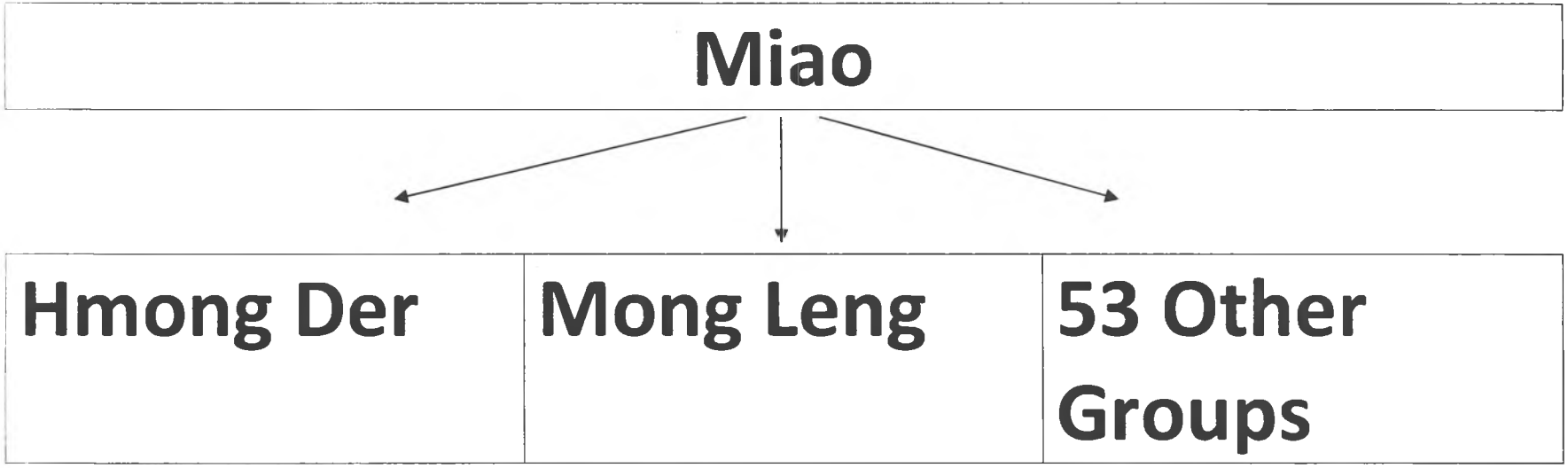
Changes in CS for HB92:

- Allowed for US and non-US veterans to request plates as long as they served in Laos during from 2/28/61-5/15/75
- Changed "combat" to "military operations"
- Changed "Hmong" to "Southeast Asian" to accommodate any and all ethnic groups in military operations in Laos at this time

Clarification:

- Did not list the "evidence" (Page1, Line11) since legal said they have never done that before and leave this up to the discretion of DMV, but will prepare a list of acceptable evidence from other similar bills and will forward to DMV if bill moves forward
- People with leased cars would still be able to get the special request plates since they would be the "registered owner" according to legal

HB92 L



Mèo – Vietnamese nomenclature for Chinese group "Miao". Used to refer to Hmong and other Miao groups in Vietnam and is viewed as derogatory, or as an insult, outside of SE Asia.

Montagnards – Term coined by French colonizers meaning "Mountain People". Refers to the Hmong in the mountains of SE Asia, and the Dagar, a people indigenous to the mountains of Vietnam.

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Representative Pete Petersen

Serving Northeast Anchorage and Muldoon

Sponsor Statement

HB 92: Lao Veteran Registration Plates

House Bill 92 would recognize and honor Lao veterans who fought in support of United States (US) military operations in the Kingdom of Laos between February 28, 1961, and May 15, 1975, by issuing new registration plates commemorating the owner's service in combat.

The most conservative estimated numbers during the US involvement in the Vietnam War are 35,000-40,000 brave young Hmong killed in combat; 50,000-58,000 wounded; and 3,000 missing in action. After the US withdrawal from Southeast Asia, thousands more Hmong were killed during genocide carried out by communist forces during the Hmong attempt to flee to neighboring Thailand. (LaoVeterans.com)

"Every (Hmong) that died, that was an American back home that didn't die, or one that was injured that wasn't injured. Somebody in nearly every Hmong family was either fighting or died from fighting...They became refugees because we (United States Government)...encouraged them to fight for us. I promised them myself, 'Have no fear, we will take care of you'." - Edgar Buell, Senior US Aid/CIA official working with the Hmong army, "60 Minutes", March 4, 1979

The most recent numbers set the US Hmong population between 200,000-300,000; with the Alaska population at almost 4,700 and rising. Many Hmong have immigrated here following the Vietnam conflict after persecution for supporting the US. This would be a great way to honor their service and support.

The color and design of the Lao veteran plates will be determined by the commissioner in consultation with veteran's and Hmong community organizations.

Alaska State Legislature

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Sectional Analysis

HB 92: Lao Veteran Registration Plates

Section 1 establishes a subsection to AS 28.10.181 regarding special request Lao veteran plates. A Lao veteran plate will be issued once the owner presents evidence satisfactory to the Department of Administration (DOA) that they served in combat in support of United States military operations in the Kingdom of Laos between February 28, 1961, and May 15, 1975. Also, that the commissioner shall determine the design and color of the Lao veteran plates in consultation with veteran's and Hmong community organizations in the state.

Section 2 establishes an amendment to AS 28.10.421(d)(2) to add "Lao Veterans" as a category for special request plates and sets a fee of $30.

Section 3 establishes an effective date of January 1, 2012.

Laos

"Secret Warriors"

In 1961, when the Vietnam War officially started, another war also waged. This war was known as the Secret War and took place in Laos. Like it's name the Secret War was a total secret. The countries involved in the Secret War were the U.S., Thailand, Laos, and North Vietnam. The preludes to the Secret War were differing opinions by political parties on the governmental structure that would reign in Vietman. This war caused havoc and grief to the people that occupied the territories that became the battlegrounds. In 1961 North Vietnam began advancing into South Vietnam, using military forces, with the intentions of establishing communist type government in Laos. The Pathet Lao, the communist Laos party, allied with North Vietnam while the Royal Laotian party , party in power in Laos, allied with Thailand and the U.S.

Thailand perceived the threat in having Laos, its neighbor, being overtaken by the a communist regime. They knew that if Laos lost, then the natural progression would be for them to be the next target for conquest. The United States of America (U.S.A.) was/is considered the champions of democracy and joined the alliance because they did not want communism to gain strength and spread. These three countries came together and took on the task of stopping the spread of communism into Laos. This war between communist Vietnam and the alliance was known as the Secret War.

Look for Cold War Policies and the Domino Theory
The Geneva Accords of 1954, was the first world country to send soldiers into third world countries thus the U.S.A. needed find a way to help the fight against communism. Thus, they recruited the Hmong and trained, paid, and provided military weapons to them; for the purpose of engagement in guerrilla warfare against the North Vietnamese.

(Image from book: War in Laos)
Here is a picture of one of the first U.S. training groups.

(Image from book: War in Laos)
Here is a picture of Hmong guerillas getting briefing before.

Hmong soldiers rescued downed American pilots from enemy territories and defended American outposts in Laos. One such outpost was an airport by the name of Luang Prabang. Whole groups of Hmong soldiers risked and lost their lives to save one American pilot. They also attacked many North Vietnamese convoy that were using the Ho Chi Minh trail, which cross Northern Laos from North Vietnam into South Vietnam. By attacking these supplies thousands of U.S. soldiers did not die in South Vietnam. The Hmong adult male population was decimated toward the end of the war and to make up the difference, children were recruited, trained in the same tactics and strategies of war and sent to combat. Thailand's also trained Hmongs, formed them into guerrilla groups, and provided air support for them when in combat. They valiantly fought for their cause through out the entire Secret War.

When the U.S. withdrew its troops from South Vietnam in 1975, they also withdrew the training teams, military weapons, and financial support from Laos and the Hmong. This action weakened the Laotian government and Hmong guerillas army that depended on that support. The Pathet Lao communist party eventually took over Laos and the Hmong that were left behind were seen as a threat and persecuted. Deserted by their U.S. allies, the Hmong had to flee to Thailand for refuge. The Secret War ended in the same year as the Vietnam War—1975. The Hmong did not feel this finality, for to this day they still are persecuted

"The Secret War"

General Vang Pao led the CIA's "Secret War" in Laos.

In the early 1960s, the U.S. Central Intelligence Agency's (CIA) Special Activities Division began to recruit, train and lead the indigenous Hmong people in Laos to fight against North Vietnamese Army intruders into Laos during the Vietnam War. It became a Special Guerrilla Unit led by General Vang Pao. About 60% of the Hmong men in Laos were assisted by the CIA to join fighting for the "Secret War" in Laos.[29][30] The CIA used the Special Guerrilla Unit as

the counter attack unit to block the Ho Chi Minh Trail, the main military supply route from the north to the south. Hmong soldiers served against the NVA and the Pathet Lao, helping block the Hanoi's Ho Chi Minh trail inside Laos and rescuing downed American pilots. Between 1967 and 1971, a total of 3,772 Hmong soldiers were killed; another 5,426 were wounded.[31] Between 1962 and 1975, some 12,000 Hmong also died fighting against Communist Pathet Lao troops.[32]

General Vang Pao led the Region II (MR2) defense against NVA incursion from his headquarters in Long Cheng, also known as Lima Site 20 Alternate (LS 20A).[33] At the height of its activity, Long Cheng became the second largest city in Laos. Long Cheng was a micro-nation operational site with its own bank, airport, school system, officials, and many other facilities and services in addition to its military units. Before the end of the Secret War, Long Cheng would fall in and out of General Vang Pao's control.

The Secret War began about the time the United States became actively involved in the Vietnam War. Two years after the U.S. withdrawal from South Vietnam, the Kingdom of Laos was overthrown by communist troops supported by the North Vietnamese Army. The Hmong people immediately became targets of retaliation and persecution. While some Hmong returned to their villages and attempted to resume life under the new regime, thousands more made the trek across the Mekong River into Thailand, often under attack. This marked the beginning of a mass exodus of Hmong from Laos. Those who reached Thailand were kept in squalid United Nations refugee camps until they could be resettled. Nearly 20 years later, in the 1990s, a major international debate ensued over whether Hmong refugees remaining in Thailand should be forcibly repatriated to Laos, where they were still subject to persecution, or should be allowed to emigrate to the United States and other Western nations.

(From "Memories of the Secret War")

Why Are the Hmong in America?

Essay by Jeff Lindsay, Appleton, Wisconsin
(Published in *FutureHmong* Magazine, June 2002, pp. 14-15.)

Like their American counterparts, many Hmong people in the United States do not really understand why the Hmong are here. Most Hmong young people know that they are here because of fighting that occurred in Laos, but do they really understand the monumental sacrifice their people made to help the United States? And do non-Hmong Americans understand their debt of gratitude to the Hmong people? Given the misunderstandings I have seen on both sides, I think it would be helpful to review a little history.

In the late 1950s, southeast Asia, including Laos, was viewed as an important region to the West. With the fall of China to communism and the rise of Communist rebellion in Vietnam, the US sent elite soldiers, the Green Berets, to train Hmong guerrillas to oppose the Vietnamese and the Pathet Lao communists of Laos. Though the Hmong had no desire to play political roles for other nations, they loved freedom and know that there would be little freedom under Communism. They were threatened by the intrusion of North Vietnamese troops into Laos, so the U.S. then encouraged them to fight and provided training and weapons. With CIA assistance, General Vang Pao became the leader of a secret army of 9,000 Hmong men in 1961. Laos was officially neutral as the Vietnam War broke out, and the US had signed an international agreement, the Geneva Accords, intended to keep Laos neutral and prevent fighting there. In reality, this agreement gave the Communists the upper hand, for they flagrantly violated the agreement. Responding to the presence of active North Vietnamese troops in Laos, the US tried to oppose them without appearing to violate the Geneva Accords by secretly recruiting freedom-loving locals to fight the Communist -- and these freedom-loving locals were the Hmong.

Most Americans thought that Laos was not part of the Vietnam War, but Laos played a critical role, especially since supplies from North Vietnam to its warring troops primarily moved along the Ho Chi Minh trail that passed through Laos. Much fighting occurred along this trail and the surrounding regions in Laos. But our military efforts there were not publicized to avoid international criticism. So we pretended that nothing was happening in Laos, while North

Vietnamese troops were actively helping the Pathet Lao take over the country, and while thousands of poorly-equipped Hmong were fighting a war against terrible odds. Many Hmong lives would be lost in the unpublicized battles of Laos.

The Hmong apparently were told that they could bravely fight for the U.S. because the United States would always be there to protect them should local communists turn on the Hmong. It was a relationship of trust, but Hmong trust in the US would be sadly misplaced.

In 1963 the Kennedy Administration had the CIA increase the secret Hmong army in Laos to 20,000 soldiers. Significant battles occurred as the North Vietnamese and Pathet Lao occupied major areas in northern Laos in 1964. Meanwhile, the US began a secret air war in Laos. By 1968, US pilots would be doing 300 dangerous sorties a day to battle many thousands of Communist troops. Hmong soldiers rescued many American pilots who were shot down. Sometimes dozens of Hmong would die in order to rescue one American pilot. Over 100 Hmong pilots were recruited and trained by the US, and they ran mission after mission until they were all killed. Hmong courage seemed to know no bounds in the fight for freedom. But sadly, much of the fighting seems to have been in vain.

Years after the war, when the infamous "Pentagon Papers" were published, shocked Americans and Hmong patriots would learn that much of the war was fought by the United States under secret rules that we agreed to that almost guaranteed the fall of South Vietnam to the Communists. Just as the Hmong were told to only fight defensively and not to take steps that could directly throw the North Vietnamese out of their country, so too were U.S. actions continually hampered by rules of engagement, apparently orchestrated by Robert S. McNamara, the US Secretary of Defense at the time. For example, US pilots were not allowed to attack Viet Cong anti-aircraft installations until they were fully functional. Though hotly debated, many are convinced that the war could have been won by cutting off supplies to the North Vietnamese and hitting them in the regions where they were most vulnerable -- something that was forbidden by our rules of engagement. Instead, American soldiers died unnecessarily in jungle skirmishes that gave an upper hand to those familiar with the territory.

The loss of 60,000 American lives for a no-win war in Vietnam was a tragedy to the huge nation of America, but it was a relatively small percentage of the nation compared to the loss the Hmong people suffered. In 1969, at the time when Congress first learned of our secret war in Laos, about 18,000 Hmong soldiers had already been killed in battle died, and many women and children had died as well. The Hmong were taking a great risk in boldly fighting for the United States, trusting that we would stand by them. But in 1973, the U.S. began to pull out of Laos, leaving the Hmong on their own to fight thousands of North Vietnamese troops in Laos. By 1975, Laos had fallen completely into Communist hands, and the lives of all Hmong people who helped fight the Communists were in jeopardy. More than 100,000 Hmong fled to Thai refugee camps. Many would be killed along the way, especially when crossing the Mekong River to get to Thailand. An estimated 30,000 Hmong would be killed by Communist forces while trying to reach Thailand. Over 100,000 Hmong people died as a result of the war, and today nearly every Hmong family in the US has terrible tales of loss and tragedy relating to the war.

After taking over Laos in 1975, the Pathet Lao Communists stated that they would wipe out the Hmong. A Vietnamese broadcast apparently called for genocide against them. From 1976 to 1979, there were credible reports of chemical warfare used against Hmong villages. The world tried to ignore these reports, and some influential voices in the United States tried to discredit the evidence, claiming that the "yellow rain" that had been used to kill Hmong people was just natural bee feces, not a chemical toxin. By the time overwhelming evidence had been gathered to shatter the "bee feces" theory, the media no longer seemed interested in exploring charges of genocide by Communist forces.

The United States, recognizing the sacrifice made by Hmong soldiers to fight for the U.S., began accepting Hmong refugees into the United States in December of 1975. By 1990, about 100,000 refugees had entered the United States. Today approximately 250,000 Hmong are in the U.S., and a similar number still live in Laos. Over 5 million Hmong people are in Southern China, also under Communist rule.

Writing to an American who was confused about the Hmong people, Jack Austin Smith, a Vietnam Veteran and a retired career soldier, wrote the following in 1996 (quoted from his e-mail to me, with permission):

The war in Vietnam was fought on several fronts and I served in two them. The main American battle ground was in the Southern end of South Vietnam. In order for the North Vietnamese forces to fight us there, it was necessary for their supplies and troops to go through Laos and Cambodia on the Ho Chi Minh Trail, and Laos was controlled by a Pro-Communist Government at that time. Therefore America was not allowed to have any forces on the ground, although we were allowed to bomb and attack North Vietnamese troops with our aerial forces. About 99% of the combat forces on the ground were Hmong irregulars who were persuaded by Americans to forget about being neutral, and to fight the N. Vietnamese regulars (not relatively poorly trained Viet Cong guerrilla forces). We supplied air cover, but every combat trooper knows aircraft can't take and hold ground. We depended on the Hmongs to do this. Without modern arms, without medical help.

After the fall of Saigon we pulled out of Southeast Asia and left the Hmongs to continue the fight without air support. When we left, the Hmong had to fight both the Laotians and the N. Vietnamese. They could not fight tanks, heavy artillery and aircraft with rifles. A great many Hmongs were slaughtered in their villages. Many were slaughtered at airfields where they waited for evacuation planes that never came. A few were able to fight every foot of the way across Laos and cross the Mekong River into refugee camps in Thailand where they were further mistreated by rather corrupt UN and Thai officials. Out of a estimated 3,000,000 prewar Hmong population less than 200,000 made it to safety. One other ill informed or stupid writer said "they were all gone" meaning, I guess, that the combat Hmongs were all dead, they are wrong. Most of the survivors are in Australia, France and here among us.

Now I don't know about those heroes who have never heard a shot fired in anger, but I am embarrassed that my country so mislead these people. The Hmongs gave up literally everything for us: their country, their homes, their peaceful way of life, most of their families, everything that we would cherish. We promised them our continued support and then we bugged out.

You mentioned having relatives who fought in Vietnam and I hope they all survived. However their chances would have been much less if the Hmongs hadn't intercepted over 50% of the N. Vietnamese troops and supplies. If you truly loved your relatives, you should be grateful for the Hmongs' sacrifices.

The Vietnam War and subsequent genocidal actions shattered so many lives and families. Every Hmong family in the United States was violated in some way, often with the tragic loss of loved ones. I have heard so many stories of sorrow and loss, the stories of desperate parents trying to hide their children from murderous soldiers, sometimes overdosing their children with opium to keep them from crying and revealing their hiding place. I have heard stories of trying to cross the Mekong River and having loved ones drown or be shot. For those who escaped torture and death in Laos, there would yet be tales of gruesome life in neglected refugee camps, tales of families split up by careless bureaucrats, and tales of shock and confusion as penniless refugees are dropped off in the strange world of America, where the citizens have no idea who the Hmong people were and sometimes viewed them as enemies. I can understand the sorrow of the old people, who sometimes stare out the window and seem immobilized by the tragedy of their loss, yearning for the once peaceful and happy days in the hills of northern Laos. But I cannot understand the ignorance of many Americans, who have not bothered to learn who these people are and why they deserved to be brought to the United States. They bled and died for us. They saved hundreds of American lives at great loss to them and their families.

We used the Hmong people and their freedom-loving courage, and suddenly abandoned them to genocidal tyrants, keeping their sacrifices largely secret from the American people. Ours is a debt of gratitude that remains incompletely expressed. And for today's Hmong-Americans, yours is a legacy of courage and valor that I hope will inspire you to stand for the highest of human values and bring further honor to your people and your ancestors.

Lao Veterans of America (LaoVeterans.com)

"We cannot let Laos fall to the Communists even if we have to fight."

President Dwight D. Eisenhower, December 31, 1960.

"About 9,000 Hmong tribesmen have been equipped for guerrilla operations, which they are now conducting with considerable effectiveness in Communist-dominated territory in Laos... As men leave food-raising duties to serve as guerrillas, a problem is growing over the care and feeding of non-combat Hmong. The CIA has given some rice and clothing to relieve this problem."

Memo from Brig. General Edward Landsdale, July 1961. Published in the Pentagon Papers.

"The problem of Laos is the refusal of the communist forces to honor the Geneva Accords."

President Lyndon B. Johnson, January 18, 1965.

"A measure of the heroism and effectiveness of the Hmong struggle can be seen in the fact that the North Vietnamese forces arrayed against them increased over the years from the original 7,000 to 70,000, including several of North Vietnam's best divisions. The battle became increasingly conventional."

Ambassador William Colby, former CIA Director, Congressional Testimony before the House Subcommittee on Asia and The Pacific, April 26, 1994.

"We have been providing logistical support and some training for the neutralist government in order to avoid Laos falling under communist domination. As far as American manpower in Laos is concerned, no American manpower is there at the present time on a combat basis... Laos relates very much to Vietnam because the Ho Chi Minh Trail runs through Laos. It is necessary, under those circumstances, that the United States takes cognizance of that, and we do have air reconnaissance. We do have, perhaps, some other activities. I won't discuss those other activities at this time."

President Richard Nixon, (Press conference comments) September 26, 1960.

The most conservative estimated number that during the United States' involvement in the Vietnam War, 35,000 to 40,000 young brave Hmong were killed in combat; 50,000 to 58,000 were wounded; and 2,500 to 3,000 were missing in action. When the United States withdrew from Southeast Asia, genocide followed the Hmong--thousands of

Hmong were murdered by the communists when they tried to flee to neighboring Thailand.

"Everyone of them that died (Hmong), that was an American back home that didn't die, or one that was injured that wasn't injured. Somebody in nearly every Hmong family was either fighting or died from fighting... They became refugees because we (United States Government)... encouraged them to fight for us. I promised them myself: "Have no fear, we will take care of you".

Edgar Buell, senior U.S.AID/CIA official working with the Hmong "Secret Army" During the war years, quoted on 60 minutes, March 4, 1979.

Some source said: There was about 100,000 North Vietnamese soldiers fought in Laos: 70,000 of this number including several of North Vietnam's best divisions fought directly against the Hmong soldiers, and about 30,000 were fighting with the U.S. SOF and Hmong soldiers along the Ho Chi Minh Trail.

About April 1975, the United States withdrew its troops from Indochina. During May 12-14, 1975, the CIA/Air America evacuated about 2,500 Hmong officers and their families from the secret base at Long Cheng in Laos (Headquarters of General Vang Pao--the combined base for the Hmong, CIA, Air America, and U.S. Air Force "Ravens"). They were evacuated to the U.S. former air base in Namphong, Khonekene, Thailand. The rest of the Secret Army (Special Guerrilla Units {SGU} and other special units) who were left behind began to walk to the Mekong River and attempted to cross into Thailand. The Communists killed thousands of these soldiers and their families. During the evacuation, and in subsequent years, thousands of Hmong and Lao veterans and their families were killed by communists North Vietnamese and Pathet Lao security forces. Thousand died of starvation as they fled toward the security and freedom on the other shore of the Mekong River. Thousands drowned in the river before reaching the Thai border. Even today, despite official denials at senior levels of the Pathet Lao government, the communist regime in Laos continues to persecute and discriminate against Hmong because of their role in the U.S. Secret Army.

The Vietnam War ended in 1975, genocide and persecution of the Hmong followed. This Stalinist regime arrested King, Queen, Crown Prince, members of the Royal Lao Family, and its high ranking officials in the Royal Lao government about 46,000 to put in the re-education camps, and also used chemical warfare "Yellow Rain" to eliminate members of the U.S. Secret Army and their families. From the period of 1975 to 1980, the Stalinist regime in Laos killed about 30,000 Hmong men, women, and children in the former 2nd Military Region of Laos where the major of the CIA operations took place, especially, around the foothills of Phou Bia Mountain. This is the Lao People's Democratic Republic's (LPDR) "ethnic cleansing" policy against the Hmong people. Today, LPDR government still continues systematically to persecute the Hmong people in that part of the world.

In addition to a devastating loss of life, the war resulted in a loss of our homeland, and we had to become countryless people and political refugees in a third country such America, Argentina, Australia, Canada, China, France, Japan, and Newzeland.

Later in 1975, the Hmong and Lao soldiers and families began to take refuges in the United States. Their exodus continues to the present period. Many of those are still separated from their families and are finding reunification difficult. This, they have organized "Lao Veterans of America" as a Non-Profit organization. Its home office is in Fresno, California where it will be a central communication to all Lao veterans, which scattered through out the world.

The Lao Veterans of America, Inc. (LVA), like the American Legion and the Veterans of Foreign Wars (VFW), represents veterans who served the United States honorably. It is among the largest veteran organizations of its kind in the United States and includes tens of thousands of Hmong and Lao veterans and their families who played a key role in the U.S. covert war in Laos during the Vietnam War. It is a non-profit corporation--with chapters organized throughout the United States in states such Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin. We also have members in Australia, Canada, and France. The LVA membership includes significant numbers of women who served in combat and combat support roles.

Members of Congress as well as current and former U.S. military and intelligence officials have honored the LVA and its work. Members of the LVA have been awarded the U.S. Vietnam Service, Vietnam Veterans National, Vietnam Campaign, and Purple Heart medals. The LVA has received bipartisan support on Capitol Hill for its efforts. It has been singled out with Congressional awards and citations as well as being honored in Congressional Records statements and in Congressional letters. The LVA also has received state and community recognition. California, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, and Wisconsin have recently passed a Joint Resolution and Proclamation in recognition of Hmong and Lao veterans and asked the Congress and President of the United States to grant those veterans and their families full U.S. citizenship. During recent years, former CIA Director William Colby and Dr. Jane Hamilton-Merritt have also cited the Hmong and Lao veterans--and their leadership--in Congressional Hearing testimony. LVA also have over twenty (20) U.S. veterans group writing letters of support to the Hmong Veterans Naturalization Act.

In recent years, with the declassification of secret information in U.S. intelligence and Defense Department files, military histories of the Hmong veteran's service have finally appeared in books. Examples of such books are: Tragic Mountains, The Americans and the Secret Wars for Laos, 1942-1992, by Dr. Jane Hamilton-Merritt; War in Laos 1954-1975, by Kenneth Conboy; The War in Laos 1960-75, by Kenneth Conboy; Shadow War: The CIA's Secret War in Laos, by Kenneth Conboy and James Morrison; and Across the Mekong, by Charles O. Davis.

GENERAL INFORMATION

- A **$15.00** personalized plate fee is required EACH year in addition to the regular annual registration fee.
- A $15.00 issuance fee is required when nonpersonalized Lao Veteran plates are issued.
- Check which option you would like us to follow, if your request is not available.
- No refund or adjustment will be made for a change of choice or spacing after the plate has been ordered, or if the application is incorrectly or unclearly completed.
- WDOT may refuse to issue OR may recall after issuance, a request that is misleading or may be offensive to good taste or decency.
- If you are requesting a plate which the current owner no longer wants, please have the former owner complete the "Release of Personalized Plates" inside this application.
- Personalized plates will be mailed 4-6 weeks after you receive your Certificate of Registration.
- To legally operate your vehicle, you must display license plates within 2 business days of purchase. If you do not have current plates, apply to a DMV Customer Service Center or an agent authorized by DMV to obtain a temporary plate while your plate order is processed. An agent may charge a $3 plate fee and / or may charge a $5 service fee.
- If you have questions:
  * Call **608-266-3041;**
  * E-mail: special-plates.dmv@dot.state.wi.us

The Lao Veteran license plates recognize the sacrifices of Hmong and Laotian veterans who served on behalf of the United States of America in the Vietnam War.

ADA - The Wisconsin Department of Transportation complies with the Americans with Disabilities Act

Lao Veterans of America License Plate Application

Applicants must contact the Lao Veterans of America, Inc., for a Veteran's Certificate and license plate decals before applying for license plates.

Lao Veterans license plates are available for the following vehicles that are owned or leased by certified members of Lao Veterans of America, Inc.:

- Automobiles
- Motor Homes (annual registration only)
- Motor Trucks
  - 4,500, 6,000 or 8,000 pound gross weight including dual purpose farm and dual purpose motor home
  - 12,000 pound gross weight farm truck

LAO VETERAN LICENSE PLATE APPLICATION

Wisconsin Department of Transportation

MV2919 5/2006 s.341.14(6r) Wis. Stats.

_____ I would like nonpersonalized Lao Veteran plates.

_____ I would like personalized Lao Veteran plates
Note: If all personalized choices have been used:
_____ I would like nonpersonalized plates
_____ Call me at _____
between 7 a.m. and 4:30 p.m.
_____ E-mail me at _____

1st Choice							Meaning
2nd Choice							Meaning
3rd Choice							Meaning

Current License Plate #	Year - Make	Body Type	Vehicle Identification #

Owner(s)/Lessee Name (Last, First, M.I.) - Print	Social Security # or Driver License # or (If company owned) FEIN #
Street Address	**Telephone # where you may be reached 7 a.m. to 4:30 p.m.**
City / **State** / **ZIP Code**	

The social security number is used for identification purposes.

_____
(Applicant Signature)

Release of Personalized Plates

☐ I authorize the reissuance of my personalized license plate number specified to applicant shown above.

☐ I allow the Department of Transportation to reissue my current personalized plate after it is replaced with a different plate.

X _____
(Signature of Owner Releasing Plate)

Release of Nonexempt Information

The Wisconsin Department of Transportation uses the information on this form to issue personalized license plates. Under open records laws, the Department must make nonexempt information available upon request. Do you want your name withheld from mailing lists of 10 or more individuals?

☐ Yes. This will remove your name from marketing lists.

☐ No.

New Owner - please check one:

☐ Have plates in good condition in my possession

☐ Need new plates issued

Note: No credit of registration fees or personalized plate fee from former owner is allowed.

How To Apply

1. Contact the Lao Veterans of America Inc. for license plate decals and an **Application for Hmong/Lao Veteran License Plate in WI** and **Service Certificate.** For more information, contact: Lao Veterans of America, Inc., PO Box 331, Menomonie, WI 54751 Telephone: 715-235-7934
2. Complete this form when you receive your certificate and decals for the Lao Veteran license plate. Check options on application. If you want nonpersonalized plates, mark application and omit steps 3-6. If you want personalized plates choose 1-6 characters.
3. If you choose 6 characters, no spaces are allowed.

L	A	O	V	E	T

   If you choose 5 characters or less, you may request up to 2 spaces between any of the characters. Indicate spaces with diagonal lines.

U	S	/	L	A	O

4. Use capital letters or numbers. The letter **O** and the number zero are the same. The following are not acceptable: small letters, symbols, signs, hyphens, apostrophes, etc.
   Carefully distinguish between:
   - Letters **L** or **I** and the Number **1**
   - Letter **S** and Number **5**
   - Letter **G** and Number **6**
   - Letter **Z** and Number **2**
   - Letter **B** and Number **8**
   - Letter **U** and Letter **V**
5. Give meaning of request, i.e., what does this represent?
6. If you have personalized plates that you would like to replace with the same message on Lao Veteran plates, you may do so if your message is 6 characters or less. (Other restrictions may apply; call if you have questions.)
7. If the vehicle that you wish to register with Lao Veteran plates is already titled in your name, send:
   - A copy of your Certificate of Registration OR complete the vehicle description on the application above;
   - $15.00 issuance or personalized plate fee, plus the annual registration fee if the current plates expire within the next 3 months.
8. If the vehicle is NOT titled in your name, send:
   - A completed title application (MV1 or MV11);
   - All required fees, including annual registration fee;
   - Additional $15.00 issuance or personalized plate fee.
9. Send this application with 2 items from Lao Veterans of America,
   - Signed Application for Hmong/Lao Veteran License Plate in WI, and;
   - A photocopy of Service Certificate (Not ID card).
10. Make check or money order payable to:
    Registration Fee Trust.
11. Mail all required items to:
    Wisconsin Department of Transportation
    Special Plates Unit
    PO Box 7911
    Madison, WI 53707-7911

2/7/11

Representative Petersen:

My name Steven Yang, President of Hmong Lions Club of Alaska, I have see the email on First Hmong Lions Club@hotmail.com. I support of your representative Pete Petersen to submit a bill to introduced HB92 created special license plate to help Hmong Veterans which has been served CIA during Vietnam War. We will discuss with our veteran group, we may able to do some thing to help you to working with the commemorating Hmong Veterans. If you have any question please let me know or call me at 907-230-2173 or we may meet to discuss more information you needs. Thank you for input and support.

Steven Yang,
President of Hmong Lions Club

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 092**
() Publish Date

Identifier (file name) HB092-DOA-DMV-02-11-11
Title Lao Veteran Registration Plates
Sponsor Reps. Petersen and Gruenberg
Requester House State Affairs

Dept. Affected Administration
Appropriation Motor Vehicles
Allocation Motor Vehicles
OMB Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Whitney Brewster
Division Motor Vehicles
Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907-269-5574
Date/Time 2/11/11 3:00 PM
Date 2/11/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 092

Analysis

This bill has no fiscal impact on the Division of Motor Vehicles (DMV).

Alaska State Legislature

State Capitol, Suite 422
Juneau, AK 99801-1182
Phone: 465-4939
Fax: 465-2418
Toll Free: (800) 465-4939
Representative_Pete_Petersen@legis.state.ak.us

716 W. 4th Ave, Suite 380
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Representative Pete Petersen

Serving Northeast Anchorage and Muldoon

MEMORANDUM

DATE: January 27, 2011

TO: Rep. Bob Lynn, Chair
House State Affairs Committee

FROM: Rep. Pete Petersen

RE: Hearing Request for House Bill 92, Lao Veteran Registration Plates

I respectfully request that House Bill 92, relating to Lao Veteran Registration Plates, be scheduled for a hearing in the House Judiciary Committee. Please feel free to contact me, or my aide David Bremer, with questions or thoughts at 465-4939.

Attached you will find a background packet for House Bill 92. This includes the current version of the bill, a sponsor's statement, a sectional analysis, and backup materials.

Thank you for your consideration.

Called David on 1/27
Tentative for either
2/10 or 2/15
Bob wants to hear our
License plate bill 1st

HB

98

<TARGET><BILL>HB 98</BILL><SUBJECT>HB
98</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS:**

Date of Committee Action: 2-17-11

The STATE AFFAIRS Committee considered: **HB 98**

HOUSE BILL NO. 98
"An Act relating to display, folding, presentment, and retirement of the state flag."
HB 98 HANDLING OF STATE FLAG

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ ( )
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin			X
	MLV			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Johnson	Johnson	X			
Wes Keller	Keller	X			
Paul Seaton	Seaton	X			
Pete Petersen	Petersen	X			
Chair:	LYNN	X			
Chair:					

A.J. DIMOND JUNIOR RESERVE OFFICERS TRAINING CORPS

Concept of the Briefing

While doing research last school year for a flag retirement ceremony, our JROTC program became aware of two glaring omissions from the state statutes which govern our flag:

- There is no proper method stipulated for displaying the flag against a wall
- There is no proper method stipulated for folding the flag

The purpose of this briefing is to discuss these two omissions and to recommend solutions to improve our statutes.

The format used will be the military Problem-Discussion-Recommendation format.

Problem – How to display the flag

The Alaska Statutes – which are listed on the following slide- do not give an explanation for displaying the State Flag against a wall. This has caused a great deal of confusion and non-uniformity in how institutions are displaying the flag. It seems that each facility is basically left to its own devices to determine how to display the flag.

Problem – How to display the flag

- **AS 44.09.030. Display and Retirement of Flags.**
- **(a)** The official flag of the state shall be displayed with the flag of the United States only from sunrise to sunset, or between the hours designated by proper authority. However, the flag may be displayed after sunset upon special occasions when it is desired to produce a patriotic effect.
- **(b)** The flag of the United States and the flag of the State of Alaska shall be displayed daily, weather permitting, in the following places:
- **(1)** on or near the main administration building of every institution under the authority or control of the state government;
- **(2)** in or near every schoolhouse during school days.
- **(c)** An official flag of the state that is no longer a fitting emblem for display because it is worn, tattered, or otherwise damaged may be respectfully retired by fire.

Problem – How to display the flag

Schools with the North Star displayed to the observers' right

Dimond High School

Grace Christian School

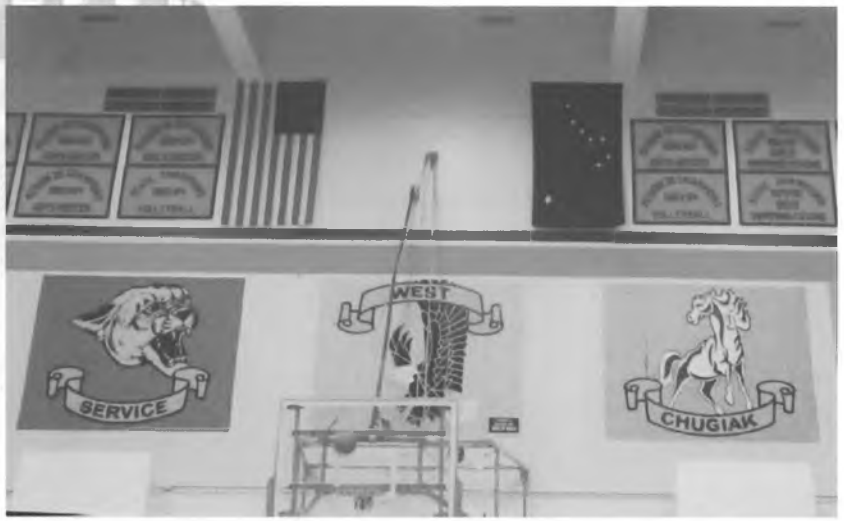
Chugiak High School

Bartlett High School

Problem – How to display the flag

Schools with the North Star displayed to the observers' left

East High School



Service High School

Discussion

It should be noted that in the photos above none of the schools are incorrect in how they displayed the flag. As the state has not mandated the correct way for it to be hung, there is by logical extension no incorrect way.

This lack of guidance has resulted in a random and inconsistent manner of display that renders our state flag no respect. For the sake of being consistent in our method of display, it is essential that our state legislature establish a statue that will result in a uniform method of displaying the flag.

Recommendation

While neither method of display seems to have significant advantages over the other, the cadets of Dimond JROTC would like to recommend that the statute be worded to mandate that when hung vertically from a wall, that the North Star be displayed to the observer's right (a.k.a. "the flag's own left") as in the photo below.

Problem – How to fold the flag

The Alaska Statutes (listed above) also do not give an explanation for how to properly fold the state flag. Generally, there are two common options.

•Fold the flag in a triangle utilizing the same techniques used to fold our national colors

•Fold the flag in a rectangle

As was the case with displaying the flag, This has caused confusion and non-uniformity in how institutions are folding the flag. It seems that each facility is basically left to its own devices to do what it thinks is best.

Discussion

As was the case with the display of the flag, neither options seems to have significant advantages over the other. Certainly it seems a logical extension to use the same method of folding the national colors when folding our state flag. But also, it seems fitting to keep that method "sacred" and reserve it for our national colors only, and to use a "lessor" technique for our state flag.

Recommendation

After much thought and deliberation, the cadets of Dimond JROTC would like to recommend that the triangle technique used for our national colors be reserved for it alone, and we opt to fold our state flag in a rectangle.

Part of our motivation in this recommendation is respect for our national flag, and part is a passionate belief in the uniqueness of Alaska and a desire to reflect that in how we fold our flag. After much trial and error, we have developed a technique that is neither complicated or cumbersome, and yet when done properly, results with the North Star – the defining emblem of our state – being displayed on top of the flag. The slides that follow describe how this is done.

Recommendation

With the flag held horizontally and with the north star in the upper right corner from the camera's perspective…

Recommendation

Fold the flag width-wise.

Recommendation

When done, the open edge is away from and the folded edge is toward the camera.

Recommendation

Fold the flag width-wise a second time.

Recommendation

As before, when done, the open edge is away from and the folded edge is toward the camera.

Recommendation

Fold the flag length-wise.

Recommendation

When done, the open edge is to the right and the folded edge is to the left as viewed by the camera.

Recommendation

Fold the flag length-wise a second time.

Recommendation

(Continued)

Recommendation

As before, when done, the open edge is to the right and the folded edge is to the left as viewed by the camera.

Recommendation

Fold the flag length-wise a third time.

Recommendation

As before, when done, the open edge is to the right and the folded edge is to the left as viewed by the camera.

Recommendations

When properly folded, the North Star will be visible on the top of the flag.

Summary

Through our research and experience, we have seen that the Alaskan flag has no proper method of display or folding. This can be seen in many schools and other public institutions regulated by the government.

Just as the United States has a thorough flag code, we would like to propose putting in a more valid and descriptive flag code for the state of Alaska.

This in turn would remedy the confusion of how to display and fold the flag create and create uniformity throughout our public and governmental institutions.

We firmly believe that this project would provide for the betterment of our school, community, and state. We urge you to consider our proposal and help guide us in this matter.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 098**
() Publish Date

Identifier (file name) HB098-DOA-DGS-02-16-11
Title An act relating to display...and retirement of the state flag.
Sponsor Representatives Johnson and Hawker
Requester House State Affairs

Dept. Affected Administration
Appropriation State Owned Facilities
Allocation Facilities
OMB Component Number 2429

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Vern Jones
Division General Services
Approved by John Cramer
Deputy Commissioner

Phone 465-5684
Date/Time 2/16/11 12:00 AM
Date 2/16/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 098

Analysis

This bill will have no fiscal impact

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep.Craig.Johnson@legis.state.ak.us

Session:
State Capitol Building
Juneau, Alaska
99801-1182
Phone (907) 465-4993
Fax (907) 465-3872

REPRESENTATIVE CRAIG JOHNSON
RULES COMMITTEE CHAIRMAN

Sponsor Statement
HB 98

House Bill 98 adds two sub-sections to AS 44 Chapter 09.030 and two new sections, .032 and .034. This legislation will standardize procedures for the display, folding and an additional method for the retirement of our state flag. It is designed to ensure consistent, respectful and appropriate procedures for the handling of our state flag.

As part of Junior Reserve Officers Training Corps (JROTC) curriculum, "Service Learning Project", the cadets of the A. J. Dimond High School JROTC Program realized there were several issues concerning the handling of Alaska's state flag, including statutory omissions. Based on their research, the following three issues were identified and are recommended for inclusion in statute:

1). Proper display of the flag against a wall: Currently there is no specified proper method stipulated for displaying the flag against a wall. This has caused a great deal of confusion and non-uniformity in how institutions are displaying the flag. This lack of guidance has resulted in a random and inconsistent manner of display that shows no respect to our state flag. This legislation would address that by amending AS 44.09.030 with new subsections (d) and (e).

2) Proper folding of the state flag: Currently there is not a method stipulated for folding the flag, so Dimond JROTC opted to fold our state flag in a rectangle. Their motivation for establishing consistency is a passionate belief in the uniqueness of Alaska and a desire to reflect that distinctiveness in the manner we fold our flag. After much trial and error, they developed a technique that is neither complicated nor cumbersome and yet, when done properly, results with the North Star – the defining emblem of our state – being displayed on top of the flag when it is presented to another. The effect is both striking and symbolic. This legislation would address that by adding the new section 44.09.032.

3) Flag Retirement Ceremony: Dimond ROTC also recommended the manner of retirement also needed more ceremony when practicable. They recommended an additional statutory section that encourages that retirement of our state flag be a public ceremony under the direction of uniformed personnel representing a state or national military service or a patriotic society. However, the state flag may still be retired in a private ceremony. Under this legislation the current statute, AS 44.09.030 is amended with a new section .032.

NOTES TO DECISIONS

Applied in Alaskans for Efficient Gov't, Inc. v. Knowles, 91 P.3d 273 (Alaska 2004).

Sec. 44.06.060. Commission. The legislature shall establish a commission composed of nine members, including a chairperson and two persons from each judicial district, appointed by the governor and confirmed by the legislature, to determine the costs required by initiatives or legislative enactments authorizing relocation of any of the present functions of state government. (§ 3 1994 Ballot Measure No. 5)

NOTES TO DECISIONS

Constitutionality. — This section does not violate Alaska Const., art. XI, § 7, because it does not specify procedural requirements that could be placed upon the initiative process; further, Alaska Const., art. XI, § 6 provides that additional procedures for the initiative and referendum can be prescribed by law. Alaskans for Efficient Gov't, Inc. v. Knowles, 91 P.3d 273 (Alaska 2004).

Appointment of commission. — The governor is required to appoint a FRANK Commission only if voters first pass the relocation initiative. Alaskans for Efficient Gov't, Inc. v. Knowles, 91 P.3d 273 (Alaska 2004).

Secs. 44.06.100 — 44.06.299. Capital relocation, expenditures, planning. [Repealed, § 1 ch 54 SLA 1981.]

Chapter 07. Alaska Capital City Development Corporation.

Revisor's notes. — Section 1, ch. 143, SLA 1978 added a new chapter, designated AS 44.63 and renumbered in 1978 as AS 44.07. Chapter 143, however, had a conditional effective date and that condition has never been met. Section 7, ch. 143, SLA 1978 provided that the Act would take "effect 30 days after certification that a bond issue for costs of relocation of the capital has been adopted by the voters of the state." In November 1978, the voters rejected a bond issue for costs of relocation of the capital. Chapter 54, SLA 1981, placed a ballot question before the voters related to the relocation of the capital. At the November 1982 general election that ballot measure failed, and by the conditions of ch. 54, SLA 1981 all other provisions related to capital relocation were repealed. The failure to include the repeal of ch. 143, SLA 1978 may have been intentional, because the law had not gone into effect and, therefore, did not need to be repealed. All other provisions of the Alaska Statutes that would have been affected by ch. 143, SLA 1978 have subsequently been repealed or amended by the legislature. For the text of the law enacted by ch. 143, SLA 1978, see either the 1980 or 1984 pamphlets for this title, or the 1978 Session Laws of Alaska.

Chapter 08. Relocation Indemnification.

[Repealed, § 1 ch 54 SLA 1981.]

Chapter 09. State Seal, Flag, and Emblems.

Section
10. State seal
15. Use of seal without permission prohibited
17. Commemorative gold and silver medallions
20. State flag
30. Display and retirement of flags
40. State song
45. State motto
50. State flower
60. State bird
70. State tree

Section
75. State marine mammal
78. State land mammal
80. State fish
85. State sport
90. State medal for heroism
100. State gem
110. State mineral
120. State fossil
130. State insect
140. State dog

Sec. 44.09.010. State seal. The official seal of the State of Alaska is comprised of two concentric circles between which appear the words "The Seal of the State of Alaska" and within the inner circle is the design of the seal corresponding to the representation in this section.

(§ 2 ch 141 SLA 1960)

Collateral references. — 68 Am. Jur. 2d, Seals, § 10.

79 C.J.S., Seals, § 1 et seq.

Sec. 44.09.015. Use of seal without permission prohibited. (a) A person may not use or make a die or impression of the state seal for any advertising or commercial purpose, unless written permission has first been obtained from the lieutenant governor.

(b) Violation of this section is a misdemeanor, and upon conviction is punishable by a fine of not more than $500, or by imprisonment for not more than six months, or by both. (§ 1 ch 90 SLA 1968)

Revisor's notes. — Formerly AS 11.60.225. Renumbered in 1978.

NOTES TO DECISIONS

Constitutionality. — Since a statute forbidding the use of the official state seal "for any advertising or commercial purpose" does not impact any non-commercial use of the seal, and since the state has a legitimate governmental interest in regulating the commercial use of that seal, there was no constitutional bar to the prosecution of the defendant for marketing commemorative coins bearing the seal. State v. Robart, 988 P.2d 1114 (Alaska Ct. App. 1999).

No preemption by federal copyright law. — Federal copyright law did not preempt this section, as it was clear that states had the power to protect symbols of their sovereignty, state seals appeared to be more akin to trademarks or service marks than they were to the type of work Congress intended copyrights to cover, and it seemed evident that Congress, by protecting specific important federal seals that were left unprotected by copyright law and by federal trademark law, did not intend to prohibit states from protecting seals that represented state sovereignty. Robart v. State, 82 P.3d 787 (Alaska Ct. App. 2004), cert. denied, 543 U.S. 940, 125 S. Ct. 310, 160 L. Ed. 2d 249 (2004).

Jury instructions. — Instructions given by the judge adequately informed the jury as to what constituted a "writing" under the statute, and as to what "acting reasonably" meant, and from this, defendant was allowed to argue that a letter from the governor, despite its lack of relevant language, was a "writing." Robart v. State, 82 P.3d 787 (Alaska Ct. App. 2004), cert. denied, 543 U.S. 940, 125 S. Ct. 310, 160 L. Ed. 2d 249 (2004).

Sec. 44.09.017. Commemorative gold and silver medallions. (a) The Department of Administration shall contract or otherwise arrange for the minting and sale of Alaska commemorative medallions minted only from .999 fine gold and silver in weights determined by the commissioner of administration. Gold and silver mined in Alaska shall be used in the production of the medallions. The state shall receive a royalty from the sale of the medallions. The amount of the royalty shall be determined by the commissioner of administration.

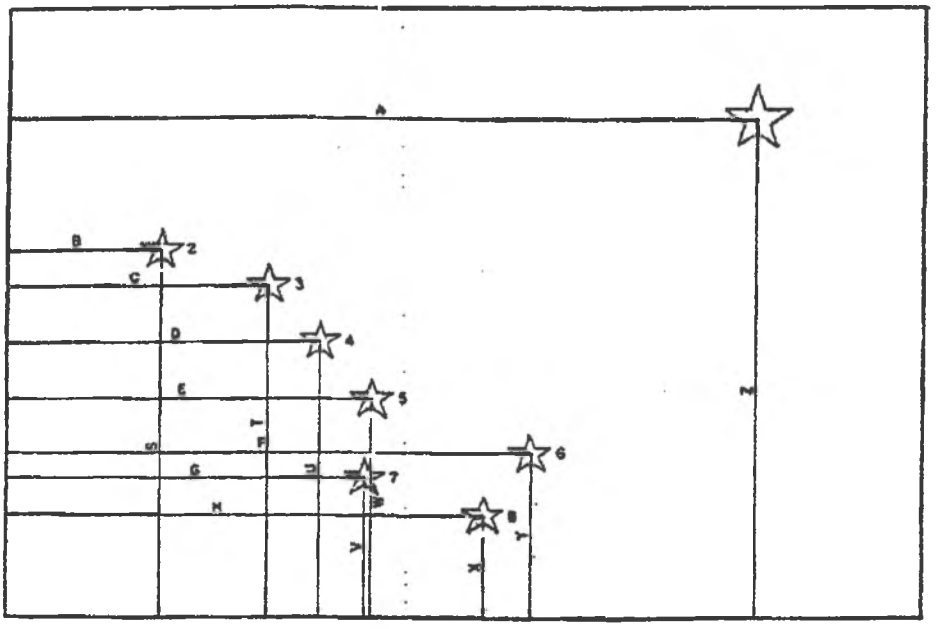
(b) One side of the commemorative medallions minted under this section shall contain the state seal. The design for the other side shall be determined in an annual contest conducted by the contractor under the supervision of the Department of Administration. Only designs using an Alaska theme and submitted by an Alaska resident may be considered in the contest. Payment for the winning design may not exceed $1,000.

(c) *[Repealed, § 35 ch 126 SLA 1994.]* (§ 1 ch 2 SLA 1988; am § 35 ch 126 SLA 1994)

Sec. 44.09.020. State flag. The design of the official flag is eight gold stars in a field of blue, so selected for its simplicity, its originality, and its symbolism. The blue, one of the national colors, typifies the evening sky, the blue of the sea and of mountain lakes, and of wild flowers that grow in Alaskan soil, the gold being significant of the wealth that lies hidden in Alaska's hills and streams.

The stars, seven of which form the constellation Ursa Major, the Great Bear, the most conspicuous constellation in the northern sky, contains the stars which form the "Dipper," including the "Pointers" which point toward the eighth star in the flag, Polaris, the North Star, the ever constant star for the mariner, the explorer, hunter, trapper, prospector, woodsman, and the surveyor. For Alaska the northernmost star in the galaxy of stars represents Alaska, the forty-ninth star in the national emblem.

The flag of the Territory of Alaska is the official flag of the state. The standard proportions and size graphically delineated herein shall be used in the manufacture of the official flag of Alaska. The stars shall be the color of natural yellow gold and the field of blue shall be of the same shade of blue used in the official manufacture of the national emblem of the United States. The design, standard proportions, and size are as follows:



STATE PROPORTIONS AND SIZE

HOIST (WIDTH VERT.)	1.000
FLY (LENGTH HORZ.)	1.416
DIAM. LARGE STAR	.104
DIAM. SMALL STARS	.062

1		2		3		4		5		6		7		8	
A	Z	B	S	C	T	D	U	E	W	F	Y	G	V	H	X
1.158	.818	.229	.604	.396	.542	.479	.453	.563	.360	.813	.271	.552	.229	.740	.167

(§ 1-1-4 ACLA 1949; am § 1 ch 29 SLA 1959; am § 1 ch 3 SLA 2007)

Revisor's notes. — The official flag described in this section was the winning design of the flag contest held in 1927 by the American Legion, Department of Alaska, in the public, private, and Native schools of the territory.

Effect of amendments. — The 2007 amendment, effective June 13, 2007, substituted "represents Alaska" for "and which at some future time will take its place as" in the last sentence of the second paragraph.

Sec. 44.09.030. Display and retirement of flags. (a) The official flag of the state shall be displayed with the flag of the United States only from sunrise to sunset, or between the hours designated by proper authority. However, the flag may be displayed after sunset upon special occasions when it is desired to produce a patriotic effect.

(b) The flag of the United States and the flag of the State of Alaska shall be displayed daily, weather permitting, in the following places:

(1) on or near the main administration building of every institution under the authority or control of the state government;

(2) in or near every schoolhouse during school days.

(c) An official flag of the state that is no longer a fitting emblem for display because it is worn, tattered, or otherwise damaged may be respectfully retired by fire. (§ 1-1-3 ACLA 1949; am § 1 ch 26 SLA 1955; am § 2 ch 3 SLA 2007)

Effect of amendments. — The 2007 amendment, effective June 13, 2007, added subsection (c).

Sec. 44.09.040. State song. The song "Alaska's Flag," with music composed by Elinor Dusenbury and words by Marie Drake, is the official song of the state. The words of the official song are as follows:

Alaska's Flag

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 flow'rs 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,
Over land and sea a beacon bright.
Alaska's flag — to Alaskans dear,
The simple flag of a last frontier.

(§ 1 ch 6 SLA 1955)

Sec. 44.09.045. State motto. The official motto of the State of Alaska is: North to the Future. (§ 1 ch 36 SLA 1967)

Sec. 44.09.050. State flower. The wild native forget-me-not is the state flower and floral emblem. (§ 1-1-5 ACLA 1949)

Sec. 44.09.060. State bird. The Alaska Willow Ptarmigan (Lagopus lagopus alascensis Swarth) is the official bird of the state. (§ 1 ch 1 SLA 1955)

Sec. 44.09.070. State tree. The Sitka spruce (picea sitchenensis), which is recognized as the most valuable tree species in Alaska and which is found in both national forests of the state, is the official tree of the state. (§ 1 ch 12 SLA 1962)

Sec. 44.09.075. State marine mammal. The bowhead whale is the state marine mammal. (§ 2 ch 88 SLA 1983)

Sec. 44.09.078. State land mammal. The moose (Alces alces) is the state land mammal. (§ 1 ch 17 SLA 1998)

Sec. 44.09.080. State fish. The king salmon (Oncorhynchus tshawytscha) is the official fish of the state. (§ 1 ch 20 SLA 1963)

Sec. 44.09.085. State sport. Dog mushing is the official sport of Alaska. (§ 1 ch 38 SLA 1972)

Sec. 44.09.090. State medal for heroism. (a) The governor is authorized to award a state medal for heroism directly or posthumously to any citizen of the state in recognition of a valorous and heroic deed performed in the saving of a life or for injury or death or threat of injury or death incurred in the service of the state or the citizen's community or on behalf of the health, welfare, or safety of other persons. The medal shall be awarded by the governor with an appropriate ceremony.

(b) The governor shall make arrangements for the designing of the medal for heroism through a statewide design competition participated in by the school children of the state. (§ 1 ch 12 SLA 1965)

Sec. 44.09.100. State gem. Jade is the official state gem. (§ 1 ch 51 SLA 1968)

Sec. 44.09.110. State mineral. Gold is the official state mineral. (§ 1 ch 50 SLA 1968)

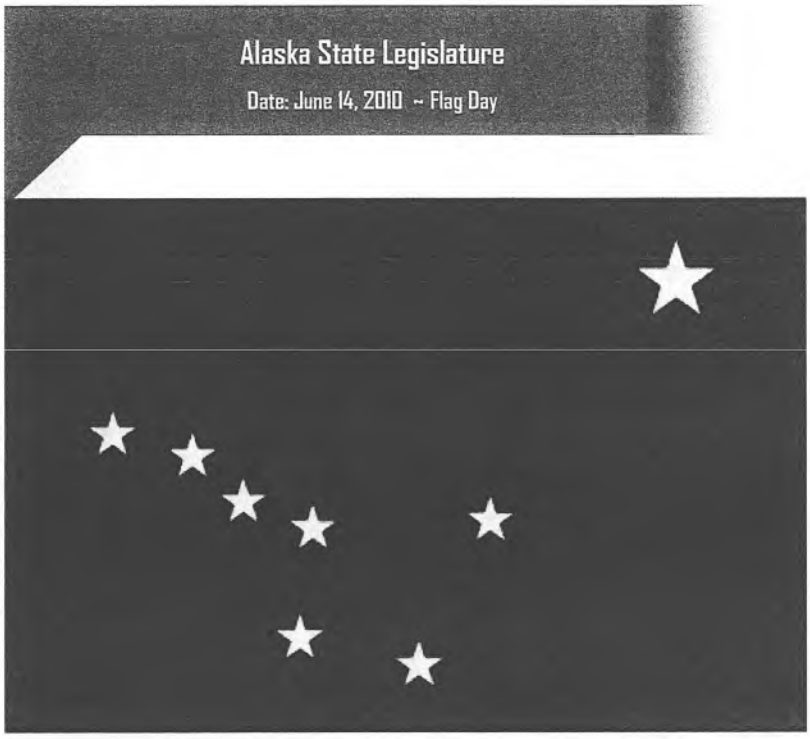
Sec. 44.09.120. State fossil. The woolly mammoth (Mammuthus primigenius) is the official state fossil. (§ 2 ch 31 SLA 1986)

Cross references. — For legislative intent, see § 1, ch. 31, SLA 1986, in the Temporary and Special Acts.

Sec. 44.09.130. State insect. The four spot skimmer dragonfly is the official state insect. (§ 1 ch 49 SLA 1995)

Sec. 44.09.140. State dog. The Alaskan Malamute is the official state dog. (§ 1 ch 17 SLA 2010)

Effective dates. — Section 1, ch. 17, SLA 2010, which enacted this section, is effective August 10, 2010.



Alaska's Flag Etiquette

Initiated by the A. J. Dimond High School Junior Reserve Officers Training Corps

in cooperation with
Representative Craig Johnson
Senator Lesil McGuire
Representative Mia Costello

Alaska's Flag

Words by Marie Drake and music by Elinor Dusenbury

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 flow'rs 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.

Words and Music to
Alaska's Flag: Copyright 1985
The University of Alaska Foundation.
All rights reserved

Booklet edited by Jeanne Ostnes

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History of the Alaska Flag Project

As part of JROTC curriculum, "Service Learning Project", the cadets of the A. J. Dimond High School Junior Reserve Officers Training Corps (JROTC) Program realized there were several issues concerning the handling of Alaska's state flag. While doing research during the 2009 school year for a flag retirement ceremony JROTC became aware of omissions from state statutes governing Alaska's flag. The following three items are recommended for inclusion in statute:

1. There is no proper method stipulated for displaying the flag against a wall. This has caused a great deal of confusion and non-uniformity in how institutions are displaying the flag. This lack of guidance has resulted in a random and inconsistent manner of display that shows no respect to our state flag.

2. Since there is no proper method stipulated for folding the flag, they opted to fold our state flag in a rectangle. Part of the motivation is a passionate belief in the uniqueness of Alaska and a desire to reflect that distinctiveness in how we fold our flag. After much trial and error, they developed a technique that is neither complicated or cumbersome and yet, when done properly, results with the North Star – the defining emblem of our state – being displayed on top of the flag when it is presented to another.

3. The manner of retirement needed more ceremony. They felt that it should be encouraged that retirement of the state flag be a public ceremony under the direction of uniformed personnel representing a state or national military service or a patriotic society. However, as in the current statute, the state flag may be retired in a private ceremony.

Just as the United States has a thorough flag code, this booklet proposes putting in a more valid and descriptive flag etiquette code for the State of Alaska.

This in turn would remedy the confusion of how to display the state flag in numerous situations, fold the flag and dispose of a flag to create uniformity throughout our public and governmental institutions.

The local chain of command for this project is:

- Senior Army Instructor MSG Shelley, LET 2s, 3s & 4s
- Army Instructor MSG Watts, LET 2s & 3s
- Army Instructor SFC Ortiz, LET 1s
- And the Battalion Command Students

Eight Stars of Gold: The Story of Alaska's Flag

"The story of Alaska's flag is a unique and important part of 20th century Americana. What began in 1927 as a flag design contest resulted in the remarkable story of 13-year old Benny Benson and how his winning entry provided a flag for Alaska and a symbol of independence during the statehood campaign. Benny's design was simple yet elegant: eight stars of gold in the shape of the Ursa Major constellation (the Big Dipper) set against a deep blue backdrop representing Alaska's sky and forget-me-not flower. Benny's creation helped designate the forget-me-not as the Alaska state flower. This inspired Marie Drake to write a poem and, later, Elinor Dusenbury to set it to music and create Alaska's official song: Alaska's Flag."

India Spartz, Guest Curator
Alaska State Museums

DISPLAY STATE FLAG MOUNTED ON FLAGSTAFF

(a) If the state flag is mounted on a flagstaff:

(1) the flag should be attached at the peak of the staff;

(2) the staff should be at least 2-1/2 times as long as the flag's hoist; and

(3) if the staff has a finial, the finial should be a spear-head or a spade.

(b) If the state flag is permanently mounted on a flagstaff:

(1) the flag may be decorated with gold fringe.

DISPLAY OUTDOORS

(a) The state flag should not normally be displayed outdoors before sunrise or after sunset.

(b) For patriotic effect, the state flag may be displayed outdoors:

(1) 24 hours a day, if properly illuminated during darkness; or

(2) in the same circumstances that the flag of the United States may be displayed.

(c) The flag of the United States and the flag of the State of Alaska shall be displayed daily, weather permitting, in the following places:

(1) on or near the main administration building of every institution under the authority or control of the state government;

(2) in or near every schoolhouse during school days.

DISPLAY ON FLAGPOLE OR FLAGSTAFF WITH OTHER FLAG: IN GENERAL

(a) A flag or pennant, other than the flag of the United States, displayed with the state flag:

(1) should not be above the state flag; or

(2) if the other flag or pennant is at the same height as the state flag, it should not be, from the perspective of an observer, to the left of the state flag.

DISPLAY ON FLAGPOLE OR FLAGSTAFF WITH FLAG OF UNITED STATES

(a) If it is necessary for the state flag and the flag of the United States to be displayed on the same flagpole or flagstaff, the United States flag should be above the state flag.

(b) If the state flag and the flag of the United States are displayed on flagpoles or flagstaffs at the same location:

(1) the flags should be displayed on flagpoles or flagstaffs of the same height;

(2) the flags should be of approximately equal size;

(3) the flag of the United States should be, from the perspective of an observer, to the left of the state flag;

(4) the flag of the United States should be hoisted before the state flag is hoisted; and

(5) the state flag should be lowered before the flag of the United States is lowered.

DISPLAY ON FLAGPOLE OR FLAGSTAFF WITH FLAGS OF MUNICIPALITIES, OR LOCALITIES, OR ORGANIZATIONS

(a) If the state flag is displayed on a flagpole or flagstaff with a group of flags or pennants of municipalities, localities, or organizations that are displayed on flagpoles or flagstaffs, the state flag should be at the center and at the highest point of the group.

(b) If the state flag is displayed on the same halyard as a flag or pennant of a municipality, locality, or organization, the state flag should be at the peak.

(c) If the state flag and the flag or pennant of a municipality, locality, or organization are displayed on adjacent flagpoles or flagstaffs:

(1) the state flag should be to the left of the flag or pennant of the municipality, locality, or organization;

(2) the state flag should be hoisted before the flag or pennant of the municipality, locality, or organization is hoisted; and

(3) the flag or pennant of the municipality, locality, or organization should be lowered before the state flag is lowered.

DISPLAY ON FLAGPOLE OR FLAGSTAFF WITH FLAGS OF OTHER NATIONS, OR INTERNATIONAL ORGANIZATIONS.

(a) If the state flag is displayed with the flag of another of a nation other than the United States, or of an international organization:

(1) the nation's or international organization's flag should be to the left of the state flag;

(2) the state flag should not be above the other flag on the same flagpole or flagstaff or on a taller flagpole or flagstaff than the flagpole or flagstaff on which the other flag is displayed.

(b) This section does not apply to the United States, including the armed services, if federal custom or practice requires another manner of display.

DISPLAY WITH OTHER FLAG ON CROSSED FLAGSTAFFS

(a) If the state flag is displayed with another flag, other than the flag of the United States, against a wall on crossed flagstaffs, the state flag should:

(l) be, from the perspective of an observer, to the left of the other flag; and

(2) have its flagstaff in front of the flagstaff of the other flag.

(b) If the state flag and the flag of the United States are displayed against a wall on crossed flagstaffs, the state flag should:

(l) be, from the perspective of an observer, to the right of the flag of the United States; and

(2) have its flagstaff behind the flagstaff of the United States flag.

DISPLAY ON FLAGPOLE OR FLAGSTAFF WITH FLAGS OF OTHER STATES

(a) If the state flag is displayed with the flag of another state of the United States the state flag:

(1) should be, from the perspective of an observer, to the left of the other flag on a separate flagpole or flagstaff.

DISPLAY HORIZONTAL AND VERTICAL

(a) Horizontal display of the flag shows the North Star in the upper right corner

(b) Vertical display of the flag shows the hoist to the top and the North Star to the right of the observer's frontal view.

DISPLAY FROM OR IN A BUILDING

(a) If the state flag is displayed from a flagstaff that projects horizontally or at an angle from a building, the top of the flag should be placed at the peak of the staff unless the flag is at half staff.

(b) If the state flag is suspended over a sidewalk from a rope that extends from a building to a pole at the edge of a sidewalk, the flag should be hoisted from the building so the North Star is nearest to the pole.

(c) If the state flag is suspended across a corridor or lobby in a building that has only one main entrance, the flag should be suspended vertically with the hoist at the top and the North Star to the right of the observer entering the building. If the building has more than one main entrance, the state flag should be suspended vertically near the center of the corridor or lobby. If the entrances are on the east and west faces of the building, the North Star should be to the east. If the entrances are on the north and south faces of the building the North Star should be to the east. If the entrances on more than two faces of the building the North Star should be to the east.

(d) If the state flag is displayed in a window, the North Star should be on the right side from the perspective of an observer who is outside the window.

DISPLAY OVER A STREET

(a) If the state flag is displayed over a street, the flag should be suspended vertically with the hoist on top. If the street is an east-west street the North Star should be south. If the street is a north-south street the North Star should be east.

DISPLAY ON SPEAKER'S PLATFORM

(a) If the state flag is displayed flat on a speaker's platform, the flag should be displayed above and behind the speaker.

(b) If the state flag and the flag of the United States are displayed on a speaker's platform, the state flag should be, from the perspective of an observer, to the right of the United States flag.

DISPLAY ON A CASKET

(a) If the state flag is used to cover a casket, the flag should be placed so that:

(1) the hoist is at the head of the casket; and

(2) the North Star is over the left side of the casket looking head to toe.

(b) The state flag should not be lowered in the grave or allowed to touch the ground.

CARRYING IN PROCESSION WITH OTHER FLAGS.

(a) If the state flag is carried in a procession with another flag, other than the flag of the United States, the state flag should be on the marching right. If there is a line of other flags in the procession, the state flag should be in front of the center of that line.

(b) If the flag of the United States is carried in a procession with the state flag, the flag of the United States should be on the marching right.

CARRYING OF STATE FLAG: IN GENERAL

(a) The state flag should, when practicable, be carried aloft and free, not flat or horizontally.

FOLDING THE STATE FLAG FOR PRESENTATION:

(a) When folding the state flag, the following procedure shall be followed, whenever possible:

(1) hold flag waist-high with an assistant, so that the flag is parallel to the ground and the hoist is on the left; the North Star in the upper right corner from an observer's view;

(2) fold the flag lengthwise with the open edge up;

(3) folding edges securely, rotate the flag so that five stars are facing up;

(4) fold the flag lengthwise a second time, with the open edge up;

(5) folding the edges securely, rotate the flag so that two stars a facing up;

(6) fold the flag widthwise, with the North Star facing down and the hoist on the right;

(7) holding the edges securely, fold the flag widthwise a second time, with the North Star facing down and the hoist on the right;

(8) fold the flag widthwise a third time, with the North Star facing up.

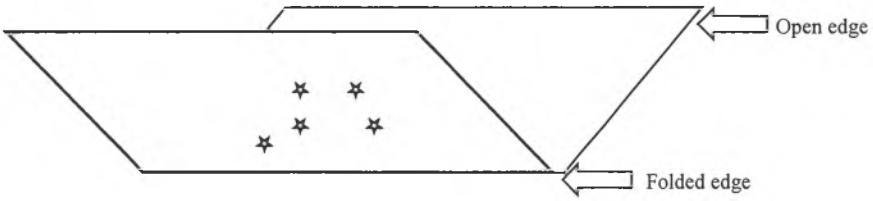
(b) When presenting the folded flag to another person, the folded flag should be turned so that the North Star is nearest the receiver.

(See Illustrations, pages 12 and 13)

Step 1

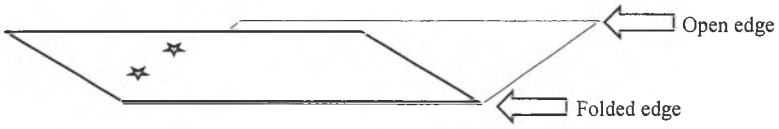
To properly fold the Flag, begin holding the flag waist-high with another person, so that the flag is parallel to the ground and the hoist is on the left; the North Star is in the upper right corner from the observer's frontal view.

Step 2



Fold the flag lengthwise with the open edge up. Holding edges securely, rotate the flag so that five stars are facing up.

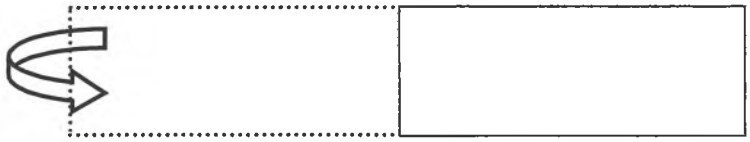
Step 3



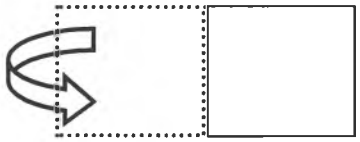
Fold the flag lengthwise a second time, with the open edge up. Holding the edges securely, rotate the flag so that two stars a facing up.

Steps 4, 5, 6 and 7

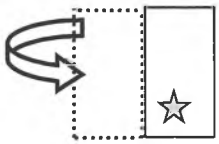
Fold the flag widthwise, with the North Star facing down and the hoist on the right.



Holding the edges securely, fold the flag widthwise a second time, with the North Star facing down and the hoist on the right.



Fold the flag widthwise a third time, with the North Star facing up.



When presenting the folded flag to another person, the folded flag should be turned so that the North Star is nearest the receiver.

DISPLAY LIMITATIONS

(a) The state flag should not:

(1) touch anything beneath it, including the ground or floor;

(2) be dipped to any person or thing, except as a mark of honor for the United States flag;

(3) trail in water;

(4) have placed on any part of it, or attached to it, any mark, word, figure, design, picture, device or drawing;

(5) be used or stored in a manner in which it can easily be soiled or damaged;

(6) be used as a receptacle for receiving, holding, carrying, or delivering anything;

(7) be displayed on a float in a parade, except from a staff or in the manner provided by horizontal or vertical section of this statute

(8) be draped over the hood, top, side, or back of any motor vehicle, train, boat, or aircraft;

(9) be used as bedding, clothing, drapery or used as bunting;

(10) be festooned or drawn back or up in folds, but instead allowed to fall free; or

(11) be used as a covering for a ceiling.

(b) Advertising should not be fastened to a flagpole, flagstaff, or halyard on which the state flag is displayed.

STATE FLAG AS FEATURE OF UNVEILING CEREMONY

(a) The state flag should form a distinctive feature of the ceremony of unveiling a statue or monument.

(b) The state flag should not be used as the covering for the statue or monument.

HOISTING AND LOWERING; PASSING IN PARADE OR REVIEW

(a) The state flag should be hoisted briskly and lowered ceremoniously.

(b) During the ceremony of hoisting or lowering the state flag or if the flag is passing in a parade or in review:

(1) each citizen of this state who is present and not in uniform should:

(a) face the state flag and stand at attention with the person's right hand over the heart ; and

(b) if wearing a head covering that is easy to remove, remove the head covering with the right had and hold it at the person's left shoulder, with the person's hand over the heart;

(2) each person who is present and in uniform should make a military salute; and

(3) each person who is present but not a citizen of this state should stand at attention.

(c) The salute to the state flag in a moving column shall be made at the moment the state flag passes that person.

RETIREMENT OF STATE FLAG

MANNER OF RETIREMENT

(a) If a state flag is no longer useful due to fading, damage or wear and tear it should be destroyed by burning, in a ceremony or dignified way that emphasizes its honor as a fitting symbol for this state.

(b) It is recommended that retirement of the state flag be a public ceremony under the direction of uniformed personnel representing a state or national military service or a patriotic society, but the state flag may be retired in a private ceremony.

Alaska Association of Secondary School Principals P.O. Box 83530 Fairbanks, AK 99708

AASSP Resolution in Support of the Dimond HS JROTC Flag Project

Whereas Alaska statutes that govern the state flag currently contain no instruction on how to fold the flag, and

Whereas Dimond HS ROTC cadets have identified a lack of uniformity in how schools hang the flag against a wall (some hang with the North Star to the right, and some to the left), and

Whereas the cadets have identified a need for uniformity and procedures for handling and hanging the flag as part of their "service learning project" that is part of the JROTC curriculum, and

Whereas the cadets are prepared to research this issue, produce recommendations and seek a sponsor to introduce legislation to correct the current omissions in Alaska law by proposing legislation to amend the statutes,

Now therefore be it resolved that the Board of Directors of the Alaska Association of Secondary School Principals expresses its interest in and support for this project of the Dimond HS JROTC.

P. Andrée Layman — 7-31-2010

AASSP Executive Director — July 31, 2010
Andre' Layral

7-31-10

AASSP President — July 31, 2010
Alan Fields

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 098**
() Publish Date

Identifier (file name): HB098-DMVA-NGMH-2-14-11
Title: Handling of State Flag
Sponsor: Johnson, Hawker
Requester: State Affairs Committee

Dept. Affected: Military & Veterans Affairs
Appropriation: Military & Veterans Affairs
Allocation: National Guard Military Headquarters
OMB Component Number: 9

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial fiscal note.

Prepared by: Susan Colligan, Director Administrative Services — Phone (907) 428-6881
Division: National Guard Military Headquaters, Dept of Military and Veterans Affairs — Date/Time 2/14/11 10:00 AM
Approved by: McHugh Pierre, Deputy Commissioner, Dept of Military and Veterans Affairs — Date 2/14/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 098

Analysis

There is no fiscal impact.

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep.Craig.Johnson@legis.state.ak.us

Session:
State Capitol Building
Juneau, Alaska
99801-1182
Phone (907) 465-4993
Fax (907) 465-3872

REPRESENTATIVE CRAIG JOHNSON
RULES COMMITTEE CHAIRMAN

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Representative Craig Johnson

Date: February 1, 2011

Subject: Request for Hearing

I respectfully request that HB 98, relating to display, folding, presentation, and retirement of the state flag be scheduled for a hearing in the House State Affairs Committee.

We will need to be teleconferenced and have a video connection to the Anchorage Legislative Information conference room so the Dimond High School Junior Reserve Officers Training Corps. can do a demonstration folding the state flag.

Please feel free to contact me, or my aide, Jeanne Ostnes, with questions or thoughts at 465-6871.

HB 101

<TARGET><BILL>HB 101</BILL><SUBJECT>HB 101</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 18, 2011 **FURTHER REFERRALS:**

Date of Committee Action: 3-29-11

The STATE AFFAIRS Committee considered: **HB 101**

HOUSE BILL NO. 101
"An Act establishing November 18 of each year as Ted Stevens Day."

HB 101 TED STEVENS DAY

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 101 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Leg			↘

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Pete Peterson	Petersen	X			
Paul R Seaton	Seaton	X			
Mary Gruenberg	Gruenberg	–			
Wes Keller	Keller	X			
Peggy Wilson	WILSON	X			
Kyle B Johansen	JOHANSEN	X			
Chair: Bob Lynn	LYNN	X			
Chair:					

Nancy Manly

From: Nancy Manly
Sent: Tuesday, March 29, 2011 10:05 AM
To: Londi Ensor
Subject: electronic fiscal notes
Attachments: 06 Fiscal Note HB 101 - Nov 18 - Ted Stevens Day.pdf; 04 HB204-DOA-PUR-3-23-11.pdf; 04 HB205-DOA-PUR-03-23-11.pdf

Londi: Attached are the fiscal notes for the three bills that moved from the House State Affairs Committee this morning:

HB 101
HB 204
HB 205

I will bring the yellow file folders up shortly for HB 204 and HB 205. HB 101 has a CS so it will come later.

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

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
Alaska State Capitol, room 104
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re FINAL CS for HB 101 (27-LS0221\B)

3/29/2011

HB 101 moved out of the House State Affairs Committee this morning with no changes to Version B. Please draft a final CS. Thank you.

27-LS0221\B
Wayne
1/27/11

CS FOR HOUSE BILL NO. 101( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE

Keller moved CS
Wilson objects for discussion
then removed objections.

A BILL

FOR AN ACT ENTITLED

"An Act establishing the fourth Saturday of July each year as Ted Stevens Day."

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

*** Section 1.** AS 44.12 is amended by adding a new section to read:

Sec. 44.12.067. Ted Stevens Day. Ted Stevens Day is established on the fourth Saturday of July each year to honor Theodore F. "Ted" Stevens, whose long record of public service includes 40 years as a United States senator from Alaska, for his service to the state and the nation. Ted Stevens Day may be observed by suitable observances and exercises by civic groups and the public.

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

"An Act establishing November 18 of each year as Ted Stevens Day."

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

* **Section 1.** AS 44.12 is amended by adding a new section to read:

Sec. 44.12.067. Ted Stevens Day. Ted Stevens day is established on November 18 of each year to honor Theodore F. "Ted" Stevens, whose long record of public service includes 40 years as a United States senator from Alaska, for his service to the state and the nation. Ted Stevens Day may be observed by suitable observances and exercises by civic groups and the public.

Alaska House of Representatives
Representative Craig Johnson
House Rules Chairman

Session Contact
State Capitol Room 216
Juneau AK, 99801
Phone: 907-465-4993
Fax: 907-465-3872

Interim Contact
716 W. 4th Ave. Suite 640
Anchorage AK, 99501-2133
Phone: 907-269-0200
Fax: 907-269-0204

Sponsor Statement for House Bill 101

Ted Stevens Day

On August 9, 2010 Alaska lost Senator Theodore "Ted" Fulton Stevens, a man who dedicated his life and life's work to the interests of Alaska, the state he called home. He continually fought to build a better future for Alaskans during his six decades of public service in which he served 40 years in the United States Senate.

House Bill 101 establishes the fourth Saturday each July as "Ted Stevens Day." In 2010, Governor Parnell proclaimed November 18th, Ted's birthday, "Ted Stevens Day." While Ted's family and friends considered this a great way of honor his life they asked that the day established for Ted to be in the summer where Alaskan's can spend the day honoring his memory outside, where Ted chose to spend time fishing, hunting and exploring.

Alaskans will be eternally indebted to "Uncle Ted" for always putting Alaska first. By doing so with unwavering dedication and tremendous skill and energy, Ted Stevens transformed Alaska into the great place it is today. Ted's accomplishments are as legendary as he was – and have made possible opportunities for future generations of Alaskans yet to come.

It seems only right and fitting that we should honor Ted with a day of remembrance and celebration when Alaska's great outdoors is in full, most glorious bloom. Amidst unparalleled beauty from majestic fjords and mountain peaks to salmon streams and fish camps, Alaskans will pause and remember the Great Alaskan – who was as grand as any who have come before, or any who will ever come again.

STATE OF ALASKA

Executive Proclamation
by
Governor Sean Parnell

WHEREAS, motivated by a desire to serve and a passion for the state he called home, United States Senator Theodore "Ted" Fulton Stevens dedicated his life to building a better future for Alaskans; and

WHEREAS, following the call to duty, a young Ted Stevens joined the Army Air Corps during World War II. His passion and respect for the United States Armed Services shaped his later career in the United States Senate, where he established a reputation as a staunch supporter for America's military, and an advocate for our men and women in uniform; and

WHEREAS, from his position in the United States Department of the Interior in President Eisenhower's administration, Senator Stevens advanced Alaska's bid for statehood, and his efforts helped to secure Alaska's place as the 49th star on the United States flag; and

WHEREAS, the Senator's efforts to strengthen Alaska's economy, including the timber, oil and gas, fishing, and telecommunications industries brought prosperity, jobs, and opportunities to the state, and his dedication to the passage of such landmark legislation as the Trans Alaska Pipeline Authorization Act ensured the development of Alaska's natural resources; and

WHEREAS, in addition to building Alaska's economy, Senator Stevens was committed to protecting the rights of Alaska's indigenous peoples, and worked hard to gain passage of the Alaska Native Claims Settlement Act of 1971 just three years after he joined the Senate; and

WHEREAS, a dedicated husband, father, grandfather, and friend, Senator Stevens treated all Alaskans as though they were his family, protecting and fighting for our futures, jobs, and rights. Known as "Uncle Ted," all Alaskans are indebted to the man who put his state first and built a better future for all.

NOW, THEREFORE, I, Sean Parnell, Governor of the State of Alaska, do hereby proclaim November 18, 2010 as:

Senator Ted Stevens Day

in Alaska, and encourage all citizens to honor the memory of Alaska's former Senator by gathering to remember the spirit and vigor with which he served Alaskans for six decades, and to give thanks for his service and the future he forged for Alaskans.

Dated: August 18, 2010

Sean Parnell, Governor
who has also authorized the
seal of the State of Alaska to
be affixed to this proclamation.

THE ALASKA LEGISLATURE

* HONORING *

* SENATOR TED STEVENS *

The Twenty-sixth Alaska State Legislature recognizes United States Senator Ted Stevens for over 40 years of distinguished service to the state of Alaska and the United States of America.

Senator Stevens dedicated his life to public service. In World War II he flew planes in support of the legendary Flying Tigers and in recognition of his bravery received the Distinguished Flying Cross and an Air Medal. He served as U.S. Attorney in Fairbanks, after being nominated by President Eisenhower. He later transferred to the Department of the Interior where he served as Legal Counsel and Solicitor General. He was elected twice to the Alaska House of Representatives and served a term as Majority Leader. In 1968, he was appointed to the United States Senate by Governor Hickel to finish the term of Senator Bob Bartlett, and was re-elected six times.

"Uncle Ted" played key roles in legislation that shaped Alaska's development, including the Alaska Native Claims Settlement Act, the Trans-Alaska Pipeline Authorization Act, and the Alaska National Interest Lands Conservation Act. His contributions didn't end there.

Recognizing the importance of a military presence in Alaska, he has educated the national public on the geographic importance our state plays on the world stage and secured funding and support for the military in Alaska, including National Guard operations.

Always at the forefront of safe and conscientious resource development, Senator Stevens led the fight for Congressional authorization of the Trans-Alaska oil pipeline and has helped secure federal permits and a federal loan guarantee for the Alaska natural gas pipeline. In addition to these efforts, Senator Stevens promoted safer oil transport through laws requiring double hulled tankers, got funding for an extensive Department of Defense environmental restoration program and promoted sound fishing practices through the Magnuson-Stevens Act, which extended U.S. fishery jurisdiction to 200 miles offshore and established the regional fishery management system.

Whether people remember him for his continued work on the opening of ANWR to responsible development or championing issues such as Title IX which secured equal access for women to education and sports, everyone can be sure that when he dons his Hulk tie, he will aggressively and tenaciously work for what's right for Alaskans. As his motto, "To hell with politics, do what's right for Alaska," can attest.

Senator Stevens' longtime friend Democratic Senator Daniel Inouye, Hawaii, refers to Senator Stevens as "brother." We should only be so lucky. It is with highest respect and admiration that the Twenty-sixth Alaska State legislature salutes Senator Ted Stevens for his 40 plus years of continued service and dedication to the great state of Alaska and the United States of America.

MIKE CHENAULT
SPEAKER OF THE HOUSE

GARY STEVENS
PRESIDENT OF THE SENATE

REP. CHARISSE MILLETT
PRIME SPONSOR

SEN. LESIL MCGUIRE
PRIME SPONSOR

Date: April 10, 2009

Cosponsors: Representatives Chenault, Austerman, Buch, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kertula, Lynn, Muñoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson; Senators Meyer, Stevens, Bunde, Davis, Dyson, Ellis, French, Hoffman, Huggins, Kookesh, Menard, Olson, Paskvan, Stedman, Therriault, Thomas, Wagoner, Wielechowski

ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
REPRESENTATIVE CRAIG JOHNSON, CHAIRMAN
State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4993, (907) 465-3872 Fax
716 W. 4th Ave., Ste. 640, Anchorage, AK 99501 (907) 269–0200, (907) 269-0204 Fax

MEMORANDUM

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Craig Johnson, Chair
House Rules Committee

DATE: March 23, 2011

SUBJECT: Scheduling Request for CS for HB 101 ( ) – Ted Stevens Day

---

On behalf of House Rules, I respectfully request that HB 101 "An Act establishing Ted Stevens Day," be considered for scheduling in your committee at your earliest convenience.

At the Stevens family's request, the date has been changed from the late Senator's birthday to the fourth Saturday of July, which is reflected in the blank CS for HB 101.

Attached is the blank CS for HB 101, a copy of the original bill, the sponsor statement and other information.

If you have any questions or need additional information, feel free to contact me or my staff, Erin Shine, at 465-4993.

Thank you for your consideration of this request.

HB 111

<TARGET><BILL>HB 111</BILL><SUBJECT>HB 111</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 21, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-17-11

The STATE AFFAIRS Committee considered: **HB 111**

HOUSE BILL NO. 111
"An Act relating to special request choose life license plates; and providing for an effective date."
HB 111-LICENSE PLATES: CHOOSE LIFE

Recommends it be replaced with [ ] HCS *or* [ ] CS for _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kelly Johansen	Johansen	X			
Wes Keller	Keller	X			
Paul Seaton	Seaton	X			
Pete Peterson	Peterson	X			
Chair: Bob Lynn	LYNN	X			
Chair:					

TENNESSEE
CL 0000
Choose LiFE
South Dakota
A0000
Choose life
PENNSYLVANIA
CL ADOPT
CHOOSE LIFE PA
Choose life
SAMPLE
Oklahoma
New Jersey
AD 2003
Choose life
NJ CHOOSE LIFE
Massachusetts
CL 0000
Choose Life
MONTANA
AAA·000
Choose life
MISSISSIPPI
38
6226
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JUN
Choose life
04
THE FIRST STATE
PL 0000
Choose life
CHOOSE LIFE
DELAWARE
MISSOURI
IM4IT
MONTH
Choose Life
98
Maryland
CLM 0000
Choose Life
HAWAII
Choose Life!
445
ALOHA STATE
Louisiana
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Choose life
LIFE
SCLIFE.ORG
South Carolina
Kentucky
ADOPT
Choose life
www. GEORGIA .gov
IM4IT
Choose life
Choose life
CLI01
FLORIDA
Connecticut
SAM·PLE
Choose life
FUND-ADOPTION.ORG
Arkansas
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Choose life
ARIZONA
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Arizona Life Coalition
Ohio
Adoption
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Alabama
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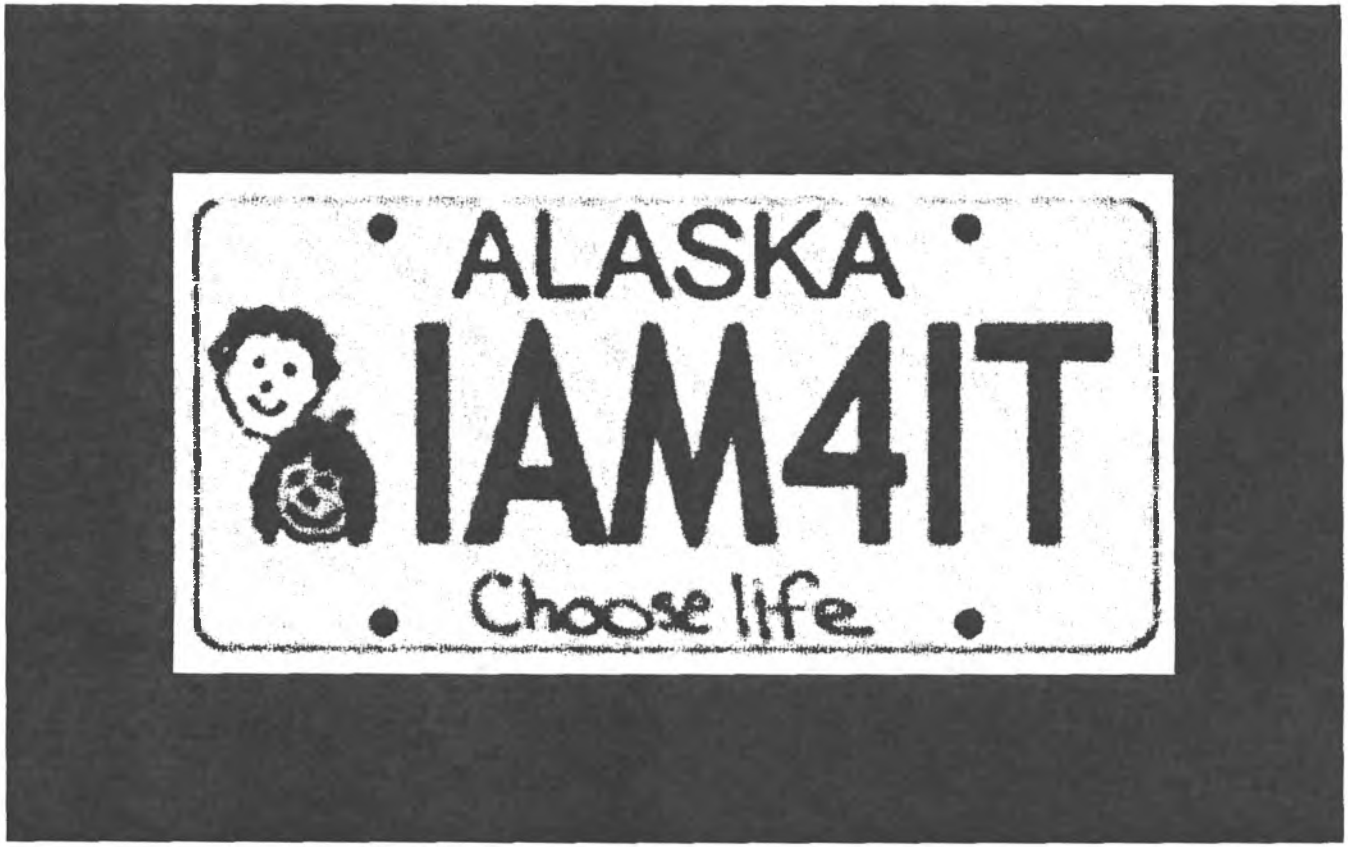
Choose Life
IM4IT
INDIANA
Choose life
VALIFE
VIRGINIA


ALASKA
IAM4IT
Choose life

February 16th, 2011

Representative Charisse Millett
State Capitol Room 13
Juneau AK, 99801

Representative Millett,

Please accept my sincere appreciation regarding your efforts to introduce the Choose Life license plate option here in Alaska.

The Choose Life license plate has now been approved in more than twenty states and has raised over $9 million for Pregnancy Care Centers, Maternity Homes and non-profit adoption agencies in those states.

As you know, proceeds from the sale of these license plates, although it is not expected to be much, would be used to facilitate and encourage adoption as a positive choice for women with unplanned pregnancies.

There are countless stories across our great state of Alaskans whose lives have been positively impacted by adoption. Giving citizens the option of obtaining a license plate that celebrates this choice is commendable and has our full support.

Sincerely,

Jim Minnery – *President*

Alaska Family Council

PO Box 231425 Anchorage, AK 99523 907.317.7268

P.O. Box 830152
Ocala, Florida 34483-0152
Telephone: 352-624-2854
Email: russ@choose-life.org
Fax: (866) 850-8572

Choose Life, Inc.

February 15, 2011

Dear Rep. Charisse Millett:

Thank you for submitting legislation to allow an Alaska Choose Life license plate. And thank you for the opportunity to share what is happening around the US with this plate.

The first Choose Life license plate was approved in Florida and went on sale August 2000. Since that time 25 other states have approved the Choose Life license plate most of which allow some sort of fundraising with the plate. To date over $13.5 million has been raised to support adoption thru "life affirming" non-profit agencies in those states.

Over 633,000 Choose Life plates have been sold/renewed and the message they send is helping promote a culture of life across the country.

My wife, Jill and I have been full time volunteers to this great cause since February 1998 and have logged over 200,000 miles in support of the plate. We were dubbed the "Johnny Appleseed" folks of the Choose Life license plate by a radio commentator in Washington, a title we wear proudly.

We strongly urge your colleagues to support and approve HB 111 creating a Choose Life license plate for the great state of Alaska.

Sincerely,

Russ & Jill Amerling
National Publicity Coordinators

Originators of the Choose Life license plate: www.choose-life.org

Summary of "*Choose Life*" License Plate Nationally

Victories, Legal Battles & Plates-in-Progress

August 11, 2000 – January 31, 2011

STATE	Date	Type	Lawsuits/Status	Annual Cost / Cause	# of Plates Sold / Renewed	TOTAL
VICTORIES	(Approved /Available Information)				633,155	$13,602,096
ALABAMA	2002	L	None	$50 / $41.25	42,979	$1,772,881
ARIZONA	2009	A	ADF sued the state and won.	$25/$17	1,540	$26,180
ARKANSAS	2003	A	Individuals sued the state and then withdrew suit	$35 / $24.50	14,733	$368,337
CONNECTICUT	2003	A	None	$25 / $20	1,302	$23,965
DELAWARE	2010	A	None	$20/$20	278	$5,520
FLORIDA	2000	L	NOW & WEN & CRR (3 suits all lost by opposition)	$22 / $20	385,838	$7,716,756
GEORGIA	2006	L	None	$25 /$10	18,056	$180,560
HAWAII	2002	A	None	$25 / $20	870	$17,400
INDIANA	2006	A	None	$40/$25	7,926	$198,150
KENTUCKY	2006	A	None	$28/ $10	11,228	$112,282
LOUISIANA	2002	L	CRR/ (2 suits both lost by opposition)	$56 / $50 (every other year)	5,437	$135,921
MARYLAND	2003	A	None	$15 / $15	3,806	$57,090
MASSACHUSETTS	2010	A	None	$40/$28	2,400	$67,200
MISSISSIPPI	2002	L	None	$31 / $24	83,332	$1,999,968
MISSOURI	2009	A	ADF sued the state and won.	$40/$20	189	$3,780
MONTANA	2004	A	None	$20 / $20	2,958	$59,160
NEBRASKA	2011	a	None	$70/Need to pre-sell 500 plates	126	$-0-
NEW JERSEY	2010	A	ADF for CFF sued, Gov Christie approved plate	$25/$20	112	$2,240
NORTH DAKOTA	2010	A	None Pre-selling the requisite 50 plates.	$25/$25	33	$650
OHIO	2005	L	ACLU/NARAL sued and then withdrew suit.	$30 / $20	11,821	$236,420
OKLAHOMA	2003	L/A	CRR (Part of suit still in court)	$35 / $20	3,535	$70,693
PENNSYLVANIA	2006	A	None	$44/$20	814	$16,280
SOUTH CAROLINA	2008	A	PP sued & won, we changed law & plate approved.	$25/$15	754	$13,187
SOUTH DAKOTA	2004	A	None	$50 (one time fee)	272	$6,800
TENNESSEE	2004	L	ACLU sued & lost.	$35/$15.62	29,622	$462,696
VIRGINIA	2009	L	None	$25/$15	3,196	$47,940

Legends:
Type of approval process: L=Legislative & A=Administrative
ADF Alliance Defense Fund
PP Planned Parenthood
CRR Center for Reproductive Rights, fka CRLP Center for Reproductive Law & Policy
NARAL National Abortion Rights Action League
ACLU American Civil Liberties Union
NOW National Organization of Women
WEN Women's Emergency Network

ONGOING LEGAL BATTLES (Plate applications met requirements but our applications were rejected and suits were filed)

STATE	Date	Type	Current Status
NEW YORK		A	ADF for CFF nychoose-life.org has sued for discrimination & won 2 hearings in Federal court, asked for summary judgment.

Go to www.choose-life.org and click on Other States for more information)

STATE	Date	Type	Current Status
ALASKA		I	Choose Life Committee SB 16 filed by Senator Kevin Meyer Jan 2011
CALIFORNIA	2005	A	Committee forming for possible attempt in 2011.
COLORADO		L	Choose Life Colorado formed, but nothing is moving, will try to set up meeting.
IDAHO		L	Nothing moving, will try to set meeting when possible
ILLINOIS	2009	A	Committee re-applied in 2011.
IOWA		A	Iowa Right to Life Committee formed, nothing moving, will try to set up a meeting
KANSAS		L	Committee formed, pro-life Governor elected, but no plans yet to apply in 2011.
MAINE		L	Committee formed will apply in 2011.
MICHIGAN		L	Committee forming, nothing moving yet, got pro-life governor for 2011.
MINNESOTA		L	Choose Life bill filed in 2011.
NEVADA		A	Committee working to get the requisite number of plates pre-sold to apply for the plate.
NEW HAMPSHIRE		L	Nothing moving
NEW MEXICO	2010	I	Committee working to re-apply, possibly in 2011.
NORTH CAROLINA		L	Carolina Pregnancy Care Fellowship, Inc. re-applying in 2011, many pro-life legislators elected this year.
OREGON		L	Choose Life corporation formed, but died when president moved to CA. Talking to several folks now, but nothing happening.
RHODE ISLAND		L	Committee formed and will apply in 2011
TEXAS		L	Texas Alliance for Life is leading the effort to get the Choose Life plate approved, will apply in 2011 see www.txchoose-life.org.
UTAH		A	Committee set up, nothing moving at this time, got a pro-life governor elected for 2011.
VERMONT		L	Nothing moving
WASHINGTON		A	Choose Life Washington, Inc. working on gathering requisite number of apps, but not much activity.
WISCONSIN		L	Committee formed, will submit bill in 2011.
WYOMING		L	Nothing moving.

Go to Newsletter at the Choose Life web site www.choose-life.org/newsletter.html or www.choose-life.org/states.htm for more information.
Russ & Jill Amerling, National Publicity Coordinators; PO Box 830152; Ocala, FL 34483; Toll Free (877) 454-1203 email: russ@choose-life.org.

Updated: 2-14-2011

Alaska Catholic Conference

February 16, 2011

Representative Charisse Millett
State Capitol, Room 13
Juneau, AK 99911

Dear Representative Millett:

Thank you for introducing HB 111, a companion bill to Senator Meyers SB 16, which would allow "Choose Life" license plates to be issued by the State. We, the Alaska Catholic Conference of Bishops (ACCB), support this important proposed legislation and your efforts to recognize, both life and adoption in this visible way. If the entire pro-life community in Alaska purchased this license plate for their cars, imagine the visible daily witness on our streets.

We were pleased to see the legislation requires any additional revenues collected, in excess of the cost of producing the license plates, may be appropriated by the legislature to programs that promote adoption here in Alaska. Anything that raises the awareness of adoption is beneficial. All possible means of encouraging women who experience an unintended pregnancy to consider adoption over abortion are of benefit. Nothing should ever be discounted. A "choose life" license plate seen in passing might make a difference in life or death for a baby. Additionally, programs that promote adoption are continually underfunded. Any additional revenue that could support this effort would help.

If we can be of any assistance in promoting either of these bills, please do not hesitate to contact our office. Thank you for your efforts on promoting a culture of life for our most vulnerable.

Sincerely,

+Roger L. Schwietz, OMI
Archbishop of Anchorage

Donald Kettler
+Donald Kettler
Bishop of Fairbanks

+Edward J. Burns
Bishop of Juneau

cc: Senator Kevin Meyers

Archdiocese of Anchorage Diocese of Fairbanks Diocese of Juneau
225 Cordova Street, Anchorage, AK 99501
Phone: 907-297-7744 Fax: 907-279-3885

February 16, 2011

AMERICAN CIVIL LIBERTIES UNION OF ALASKA
1057 W. Fireweed, Suite 207
Anchorage, AK 99503
(907) 258-0044
(907) 258-0288 (fax)
WWW.AKCLU.ORG

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GALEN PAINE, Sitka
STEPHANIE PAWLOWSKI, Anchorage
JUNE PINNELL-STEPHENS, Fairbanks
NADINE WINTERS, Fairbanks

ZACH FICK, Anchorage
STUDENT ADVISOR

The Honorable Bob Lynn, Chair
The Honorable Wes Keller, Vice-Chair
House State Affairs Committee
Alaska State House of Representatives
State Capitol, Room 106
Juneau, AK 99801
via email: Representative_Bob_Lynn@legis.state.ak.us;
Representative_Wes_Keller@legis.state.ak.us

Re: House Bill 111 – "Choose Life" License Plates
Constitutional Issues

Chair Lynn, Vice-Chair Keller:

Thank you for the opportunity to submit written testimony regarding House Bill 111, regarding Special Request "Choose Life" License Plates.

The American Civil Liberties Union of Alaska 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 that perspective, we wish to alert the Committee to potential constitutional issues which could arise with respect to this proposed legislation.

Government Viewpoint Neutrality Required

If a State chooses to introduce a system for creation of optional license plates, the State must have a viewpoint neutral process for determining how applications for optional license plate formats would be adopted.

For instance, a Missouri agency that regulated specialty license plates could not refuse to create a "Choose Life" license plate simply because such license plates made members of the committee uncomfortable. *Roach v. Stouffer*, 560 F.3d 860 (8th Cir. 2009).

While the license plates are theoretically "owned" by the state, these "message" plates consist of mixed government and individual speech. The plates constitute government speech, insofar as the government imposes general editorial control over the license plate content. They are individual speech insofar as a non-state group may propose a specialized plate format and the individual driver chooses to espouse the message.

Given the personal speech interests at stake, the government may not pick and choose among causes and messages it supports in adopting such optional license plates.

In a case directly on point, South Carolina adopted a "Choose Life" license plate by statute. Refusal of the state to authorize a pro-choice themed license plate constituted direct viewpoint discrimination and violated the First Amendment. *Planned Parenthood of South Carolina Inc. v. Rose*, 361 F.3d 786 (4th Cir. 2004).

Conclusion

We hope that the State Affairs Committee will note the constitutional issues that can arise when "message" plates are approved, and we presume that the State of Alaska would follow constitutional mandates in establishing a process for approval of additional messages.

Please feel free to contact the undersigned should you require any additional information. We are happy to reply to any questions that may arise either through written or verbal testimony, or to answer informally any questions which Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,

Jeffrey Mittman
Executive Director
ACLU of Alaska

cc: Representative Paul Seaton, Representative_Paul_Seaton@legis.state.ak.us
Representative Peggy Wilson; Representative_Peggy_Wilson@legis.state.ak.us
Representative Max Gruenberg; Representative_Max_Gruenberg@legis.state.ak.us
Representative Pete Petersen; Representative_Pete_Petersen@legis.state.ak.us
Representative Kyle Johansen; Representative_Kyle_Johansen@legis.state.ak.us
Representative Charisse Millett-Sponsor, Representative_Charisse_Millett@legis.state.ak.us

Alaska Legislature
Representative Charisse Millett

Session:
State Capitol Building, Room 13
Juneau, AK 99801
Phone (907) 465-3879
Fax (907) 465-2069

Interim:
Anchorage LIO
716 W 4th Ave., Room 630
Anchorage, AK 99501
Phone (907) 269-0222
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District 30

Version: 27-LS0385\A

HB 111
Sponsor Statement

"An Act relating to special request choose life license plates; and providing for an effective date."

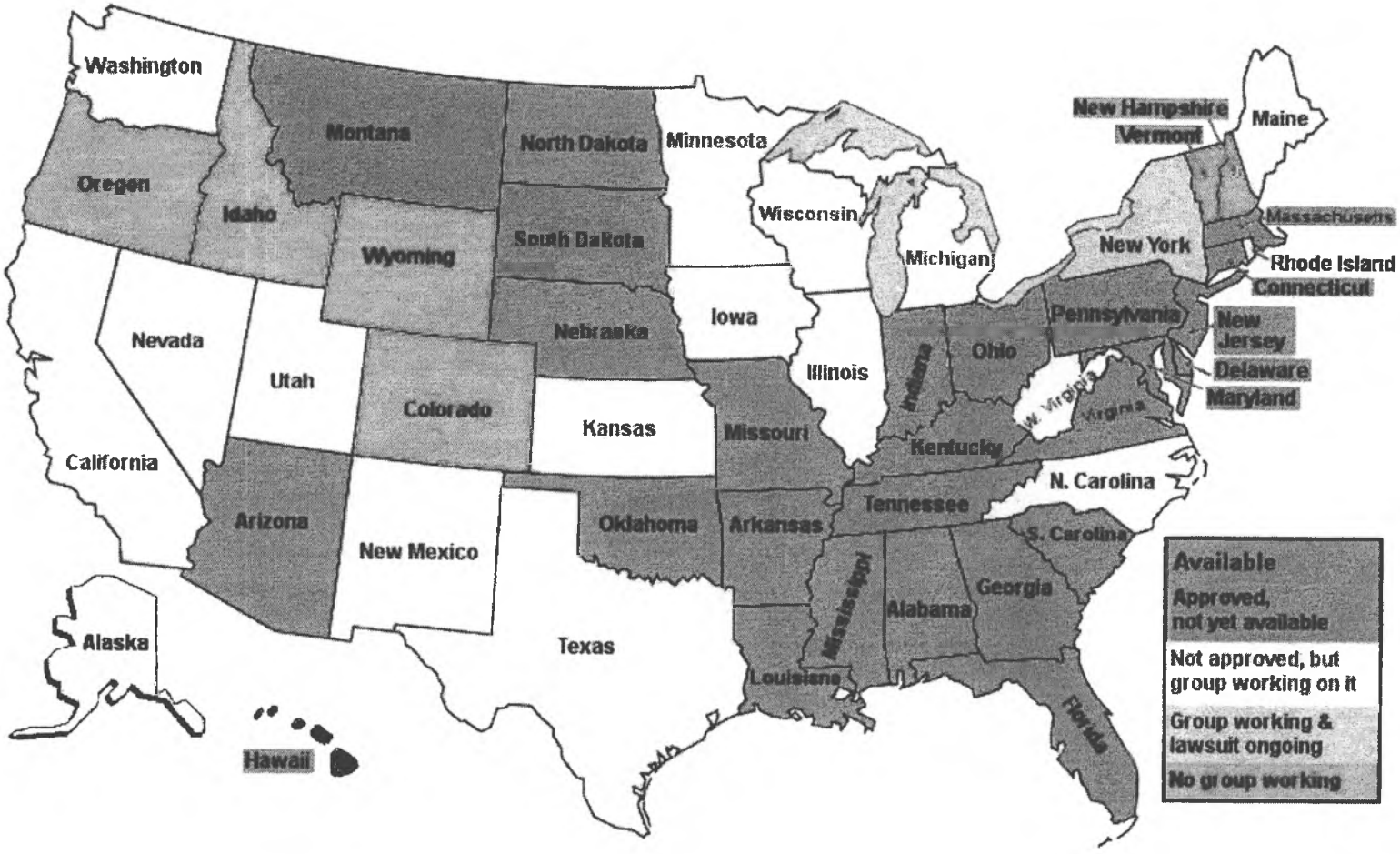
House Bill 111 would allow the State of Alaska to issue special license plates bearing the message "Choose Life" for a fee. There are 26 states allowing their Department of Motor Vehicles to issue this type of license plate and 15 more states are considering legislation to do the same.

The Alaska Department of Motor Vehicles already issues special interest license plates for the military, the Iditarod Sled Dog Race, historic vehicles, the Children's Trust and many other groups and organizations. All specialty plates are optional and cost the vehicle owner a $30 fee.

If HB 111 passes, the design will be determined by the DMV and representatives from Alaska Choose Life. The plates will only be available to individuals with a vehicle registered in Alaska. If there is any revenue left over after covering expenses the legislature can appropriate the excess revenue to programs that support adoption.

Prepared by Jeff Turner, Staff to Rep. Millett on January 31, 2011

CHOOSE LIFE LICENSE PLATE BY STATE



http://www.choose-life.org/

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **HB 111 A**
() Publish Date

Identifier (file name) HB111-STA-DOA-DMV-02-11-11
Dept. Affected: Administration
Title: Choose Life License Plates
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
Sponsor: Rep. MILLET, Lynn, Peggy Wilson, Keller
Requester: STA
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by: Whitney Brewster — Phone: 907-269-5574
Division: Motor Vehicles — Date/Time: 2/11/11 3:00 PM
Approved by: John Cramer, Deputy Administrator, Department of Administration — Date: 2/11/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 111

Analysis

This bill has no fiscal impact on the Division of Motor Vehicles (DMV).

Alaska Legislature
Representative Charisse Millett

Session:
State Capitol Building, Room 13
Juneau, AK 99801
Phone (907) 465-3879
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Interim:
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716 W 4th Ave., Room 630
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Phone (907) 269-0222
Fax (907) 269-0223

MEMORANDUM

Bob

To: Rep. ~~Bob~~ Lynn
From: Rep. Charisse Millett
Subject: Scheduling request for HB 111
Date: Friday, January 28, 2011

I respectfully request a hearing before the House State Affairs Committee on House Bill 111.

All the necessary documents are included in this scheduling request.

Jeff Turner is the staffer assigned to this legislation and he can be reached at (907) 465-6588.

Thank you

###

Charisse

HB 149

<TARGET><BILL>HB 149</BILL><SUBJECT>HB 149</SUBJECT><COMM>HSTA27</COMM></TARGET>

Alaska State Legislature

Representative Anna Fairclough – House District 17

House Bill 149

"An Act relating to drivers' licenses and to immunity for person who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle."

Driving is a privilege and with that privilege is the responsibility of an applicant or person licensed to report medical conditions that could impair their driving ability. The decision to self report can be a difficult decision to make. Family members worried about the safety of their family and the public often shoulder the burden of reporting loved one's medical conditions to the Department of Motor Vehicles when they are unable to convince them to stop driving. Often doctors are asked to assist when the family has difficulty convincing loved ones that their medical condition or impairment will affect their driving performance.

House Bill 149 would provide immunity to physicians and any other person that choose to report to the Department of Motor Vehicles a person who applies for a license that has been diagnosed with disorders characterized by lapses of consciousness or other conditions that may impair a person's ability to operate a motor vehicle.

A person who is licensed by the Board of Medicine is not subject to discipline by the board if the person makes a report in good faith to the Department of Administration.

The bill provides confidentiality for reporting and is exempt from disclosure. In addition, a physician or person who makes a good faith report is not liable for civil damages.

Thank you for your consideration of this legislation. I appreciate your support of House Bill 149.

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 149

"An Act relating to drivers' licenses and to immunity for person who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle."

Sectional Analysis

Section 1. Amends AS 08.64.326

To provide that a person who is licensed by the Board of Medicine is not subject to discipline by the board if the person makes a report in good faith to the Department of Administration (department) under AS 28.15.156 (added by sec. 2 of the bill).

Section 2. Amends AS 28.15

By adding a new section with a subsection (a), which requires that a person who has a driver's license, or who applies for a driver's license, shall disclose to the Department of Administration "if the person has been diagnosed as having a disorder characterized by lapses of consciousness or any other condition that may impair a person's ability to operate a motor vehicle." Subsections (b) and (c) authorize a physician, and any other person, to make reports to the department concerning a person who has a medical or other condition that may impair the person's ability to operate a motor vehicle. Subsection (d) makes reports received confidential. Subsection (e) provides immunity from civil damages for physicians and others who have made reports under subsections (b) and (c) in good faith. Finally, subsection (f) provides a criminal penalty for a person who holds a driver's license or who is applying for a driver's license to fail to make the disclosure required under (a).

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Representative_Anna_Fairclough@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 149\M**
() Publish Date

Identifier (file name) HB149-DOA-DMV-04-13-11
Title Driver's Licensing; reporting medical conditions
Sponsor Representatives Fairclough and Olson
Requester House State Affairs

Dept. Affected Administration
Appropriation Motor Vehicles
Allocation Motor Vehicles
OMB Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version

Prepared by Whitney Brewster, Director
Division Motor Vehicles
Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907-269-5574
Date/Time 4/13/11 12:00 PM
Date 4/13/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 149\M

Analysis

This bill has no fiscal impact on the Division of Motor Vehicles .

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 11, 2011

SUBJECT: Physician Reports to DMV and HIPAA Confidentiality Laws
(HB 149; Work Order No. 27-LS0275\M)

TO: Representative Anna Fairclough
Attn: Kim Skipper

FROM: Gerald P. Luckhaupt
Assistant Revisor

You have asked how laws on physician reporting of impaired drivers to the motor vehicle authorities interact with the privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA). While I am not an expert on HIPAA I will attempt to provide some guidance. It might be wise to contact the U.S. Department of Health and Human Services, the Department of Law, or some other source for further information.

The HIPAA Privacy Rule generally requires covered entities from disclosing patient health information without the consent of the patient. Various exceptions are provided, including when the disclosure is: (1) required by law, including state law; (2) made to public health entities to prevent or control disease, injury, or disability; and (3) necessary to prevent a serious threat to a person or the public. States with mandatory physician disclosure laws would clearly come under the first exception. At least two mandatory disclosure states, Pennsylvania and Oregon, provide that disclosures to DMV also meet the second exception.

It would appear that states with nonmandatory physician disclosure laws would also meet the second exception and may meet the third, depending upon the information available to the physician and the nature of the impairment of the driver. It is unclear to me if a permissive physician disclosure law would meet the first exception I listed.

I have included a number of materials relating to this section, including several discussions of how HIPAA relates to physician disclosure laws.

GPL:ljw
11-242.ljw

Enclosures

APOA

ALASKA PEACE OFFICERS ASSOCIATION

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Joseph Young
Anchorage

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[illegible] Logan, President
[illegible]horage Chapter
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Kim Wannamaker, President
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Kenai

Sam Edwards, President
Mat-Su Chapter
Wasilla

Thecla LaLonde, President
Wrangell Chapter
Wrangell

March 9, 2011

Representative Anna Fairclough
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Fairclough:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 149, an act relating to drivers' licenses and to immunity for persons who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle.

The APOA Executive Board's Legislative Committee recentiy 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,

John Lucking, Jr.
State President

PO Box 240106
[illegible]horage AK 99524

t 907 277 0515
f 907 272 5355

Making A Difference In The Last Frontier

Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

Date: March 18, 2011

To: Representative Bob Lynn, Chair
House State Affairs

From: Representative Anna Fairclough

Re: HB 149 Hearing Request

I am requesting a hearing for HB 149 "An Act relating to drivers' licenses and to immunity for person who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle."

Thank you in advance for your consideration.

Attachments:
I. Sponsor Statement
II. HB 149
III. Sectional Analysis

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Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – **House District 17**

DATE: February 28, 2012

TO: Representative Bob Lynn
Chair, House State Affairs Committee

FROM: Representative Anna Fairclough

RE: Hearing Request

I am requesting a hearing for House Bill 149- "An Act relating to drivers' licenses and to immunity for persons who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle."

This bill had a hearing on April 14, 2011 and was held over until this legislative session. I have received several letters of support and no opposition to the legislation.

I've attached a new packet for your reference.

Thank you for your consideration and attention to my legislation. Should you have any questions please contact Tally Teal in my office at 465-3777.

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Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – House District 17

Sponsor Statement

House Bill 149

"An Act relating to drivers' licenses and to immunity for person who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle."

Driving is a privilege and with that privilege is the responsibility of an applicant or person licensed to report medical conditions that could impair their driving ability. The decision to self report can be a difficult decision to make. Family members worried about the safety of their family and the public often shoulder the burden of reporting loved one's medical conditions to the Department of Motor Vehicles when they are unable to convince them to stop driving. Often doctors are asked to assist when the family has difficulty convincing loved ones that their medical condition or impairment will affect their driving performance.

House Bill 149 would provide immunity to physicians and any other person that choose to report to the Department of Motor Vehicles a person who applies for a license that has been diagnosed with disorders characterized by lapses of consciousness or other conditions that may impair a person's ability to operate a motor vehicle.

A person who is licensed by the Board of Medicine is not subject to discipline by the board if the person makes a report in good faith to the Department of Administration.

The bill provides confidentiality for reporting and is exempt from disclosure. In addition, a physician or person who makes a good faith report is not liable for civil damages.

Thank you for your consideration of this legislation. I appreciate your support of House Bill 149.

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

Sectional Analysis

House Bill 149
"An Act relating to drivers' licenses and to immunity for person who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle."

Section 1. Amends AS 08.64.326

To provide that a person who is licensed by the Board of Medicine is not subject to discipline by the board if the person makes a report in good faith to the Department of Administration (department) under AS 28.15.156 (added by sec. 2 of the bill).

Section 2. Amends AS 28.15

By adding a new section with a subsection (a), which requires that a person who has a driver's license, or who applies for a driver's license, shall disclose to the Department of Administration "if the person has been diagnosed as having a disorder characterized by lapses of consciousness or any other condition that may impair a person's ability to operate a motor vehicle." Subsections (b) and (c) authorize a physician, and any other person, to make reports to the department concerning a person who has a medical or other condition that may impair the person's ability to operate a motor vehicle. Subsection (d) makes reports received confidential. Subsection (e) provides immunity from civil damages for physicians and others who have made reports under subsections (b) and (c) in good faith. Finally, subsection (f) provides a criminal penalty for a person who holds a driver's license or who is applying for a driver's license to fail to make the disclosure required under (a).

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Representative_Anna_Fairclough@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA cost ≠ codes
2012 LEGISLATIVE SESSION

Bill Version: **HB149**
Fiscal Note Number:
Publish Date:

Identifier (file name): HB149-DOA-DMV-12-6-2011
Title: Driver's Licensing; medical conditions
Sponsor: Representatives Fairclough, Olson
Requester: House State Affairs

Dept. Affected: Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Update for session

Prepared by: Whitney Brewster, Director — Phone: 907-269-5559
Division: Motor Vehicles — Date/Time: 12/1/11 4:30 PM
Approved by: John Cramer, Deputy Commissioner — Date: 12/6/2011
Department of Administration

(Revised 8/17/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB149

Analysis

This bill has no fiscal impact on the Division of Motor Vehicles (DMV).

Alaska Association of Chiefs of Police

February 10, 2012

Representative Anna FAIRCLOUGH
Mailstop: 3100 Room 501
State Capitol,
Juneau AK 99801-1182

RE: HB 149 An Act relating to drivers' licenses and to immunity for persons who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle

Dear Representative Fairclough,

The Alaska Association of Chiefs of Police, Inc. (AACOP) represents Criminal Justice executives across Alaska; from Anchorage to Annette Island, Barrow to Bethel and Kotzebue to Ketchikan. Our 120 Members direct local, state and federal criminal justice agencies. We collaborate and work together toward one goal: making our state and communities safer.

AACOP leadership recently met to evaluate the impact on public safety of pending legislation before the 27th Alaska Legislature. One of the bills evaluated was HB 149 *An Act relating to drivers' licenses and to immunity for persons who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle,* first introduced in the 26th legislative session. **We are writing to express our unreserved support for this bill as it is currently drafted.**

If you have need of testimony from any of our members as the bill proceeds through the committee process, please do not hesitate to contact us.

Respectfully,

Thomas L. Clemons

Chief Tom Clemons,
President, AACOP
(907) 224-3338

185 E Nelson Ave, Wasilla, AK 99654 (907) 376-2747

Jonathan Sladko
19327 Cherni Circle
Eagle River, AK 99577

Tuesday, April 26, 2011

The Honorable Anna Fairclough
10928 Eagle River Rd. Suite 238
Eagle River AK, 99577

Dear Representative Fairclough:

My name is Jonathan. I am in the seventh grade and am home schooled here in Eagle River. I am attending Teen Pact, a student government training course, next week.

I am writing to support your work with Bill HB 149. I think that it is a very good law. People with medical conditions that hinder their ability to drive should not be allowed to drive themselves. It could cause an accident if someone passed out while driving. Animals loose in vehicles can be dangerous as well.

I appreciate your help and ask that you please send me a response letting me know if you are able to pass Bill HB 149. Pardon me for revealing the obvious up there.

Thank you for your time and considering my request.

Sincerely,
Jonathan R. Sladko

APOA

ALASKA PEACE OFFICERS ASSOCIATION

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Joseph Young
Anchorage

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James Kimura, President
First City Chapter
Ketchikan

Mark Pearson, President
Kenai Peninsula Chapter
Kenai

Bob Griffiths, President
Mat-Su Chapter
Wasilla

Thecla LaLonde, President
Wrangell Chapter
Wrangell

February 10, 2012

Representative Anna Fairclough
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Fairclough:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 149, an act relating to drivers' licenses and to immunity for persons who report persons who have a medical or other condition that may impair the ability to operate a motor vehicle.

The APOA Executive 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,

John Lucking, Jr.
State President

PO Box 240106
Anchorage AK 99524

t 907 277 0515
f 907 272 5355

HB 161

<TARGET><BILL>HB 161</BILL><SUBJECT>HB 161</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 18, 2011 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 3-10-11

The STATE AFFAIRS Committee considered: **HB 161**

HOUSE BILL NO. 161
"An Act requiring that all information in a declaration of candidacy, letter of intent, or nominating petition for a candidate for elective state executive and state and national legislative office is open to public inspection."
HB 161 CERTAIN CANDIDATE INFO IS PUBLIC RECORD

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____(_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	OOG			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Peggy Wilson	WILSON	X			
Wes Keller	Keller	X			
Mac Thornberry	Thornberry	✓			
Paul R Seaton	SEATON	✓			
Pete Peterson	PETERSEN	X			
Chair:	LYNN	X			
Chair:					

governor [now director] was authorized to post the names of all registered voters, and to conduct the staff training programs, required by this section, as late as 10 days before the 1978 general election, to be held November 7, 1978. Hammond v. Hickel, 588 P.2d 256 (Alaska 1978), cert. denied, 441 U.S. 907, 99 S. Ct. 1998, 60 L. Ed. 2d 376 (1979).

Sec. 15.07.150. Appeals from denial of registration. When a person is refused registration by a registration official, the official shall at the time of the refusal give to the registration applicant, in writing, the reason or reasons for the refusal. The person shall have the right to an immediate appeal to the area election supervisor, which appeal may be taken informally, and either verbally or in writing. When a voter is refused registration by an area election supervisor the action shall be reviewed by the superior court of the judicial district; the area election supervisor shall file a petition with the superior court for a judicial determination. If the petition is filed within 45 days before the date of a statewide election, the petition shall be given precedence over other matters pending before the court. (§ 2 ch 211 SLA 1968)

Sec. 15.07.160. Unlawful action. (a) Except as provided in AS 15.07.135, a registration official may not refuse to register a person who is qualified to vote under provisions of AS 15.05.010(1) — (3).

(b) A person knowingly lacking the qualifications of a voter may not register under AS 15.07.030 to vote.

(c) *[Repealed, § 231 ch 100 SLA 1980.]* (§ 2 ch 211 SLA 1968; am § 23 ch 32 SLA 1971; am § 231 ch 100 SLA 1980; am §§ 3, 4 ch 85 SLA 1986; am § 34 ch 21 SLA 2000)

Effect of amendments. — The 2000 amendment, effective April 28, 2000, made a section reference substitution in subsection (a).

Sec. 15.07.170. False statements. [Repealed, § 49 ch 86 SLA 1996.]

Sec. 15.07.180. Fees prohibited. A registration official may not accept a fee from an applicant applying for registration. (§ 2 ch 211 SLA 1968)

Sec. 15.07.190. Violation of AS 15.07.180. A person who violates AS 15.07.180 is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than $1,000, or by both. (§ 2 ch 211 SLA 1968; am § 2 ch 31 SLA 1969; am § 13 ch 86 SLA 1996)

Effect of amendments. — The 1996 amendment, effective June 21, 1996, made a section reference substitution.

Sec. 15.07.195. Certain information in voter registration records confidential. (a) The following information set out in state voter registration records is confidential and is not open to public inspection:

(1) the voter's age or date of birth;

(2) the voter's social security number, or any part of that number;

(3) the voter's driver's license number;

(4) the voter's voter identification number;

(5) the voter's place of birth;

(6) the voter's signature.

(b) In addition to the information in (a) of this section, a voter may elect in writing to keep the voter's residential address confidential and not open to public inspection if the voter provides a separate mailing address. However, notwithstanding an election under this subsection, a voter's residential address may be disclosed to

(1) a watcher appointe
an organization or grou
group, authorized by the
(2) an observer of a re
party, or organized grou
(3) the subject of a rec
(c) Notwithstanding ot
made confidential by this
(1) to a local, state, o
services agency created
another state; the agenc
information only for gove
(2) in compliance with
(3) to a person holding
or
(4) if the voter about v
consent to the release.
(d) Nothing in this sec
number if that informatio
SLA 2004)

Revisor's notes. — In 2004, in
"child support services agenc
25.27.010" was substituted for "ch
ment agency created in AS 25.
reconcile chs. 107 and 181, SLA 2
Effective dates. — Section 1,

Sec. 15.07.200. Registr
supervision of the director
§ 11 ch 116 SLA 1972; am

Cited in Green v. State, 462
1969).

Chapter 10. Elec

Article
1. Election Districts and Officials
2. Census and Population (§§ 15.
3. Redistricting (§ 15.10.300)

Administrative Code. — For
see 6 AAC, part 10.
Collateral references. — 25 A
tions, § 1 et seq.

Article 1.

Section
10. Precinct boundaries initially es
20. Precinct boundaries and pollin
by director

(1) a watcher appointed under AS 15.10.170 and, in the case of a watcher appointed by an organization or group sponsoring or opposing an initiative, referendum, or recall group, authorized by the director;

(2) an observer of a recount provided under AS 15.20.440(b) by a candidate, political party, or organized group having a direct interest in the recount; or

(3) the subject of a recall election if the voter voted in the recall election.

(c) Notwithstanding other provisions, and in compliance with federal law, information made confidential by this section may be released by the division

(1) to a local, state, or federal government agency, including to the child support services agency created in AS 25.27.010 or the child support enforcement agency of another state; the agency receiving information under this paragraph may use the information only for governmental purposes authorized under law;

(2) in compliance with a court order;

(3) to a person holding a writ of execution against the person or property of the voter; or

(4) if the voter about whom information has been requested has provided written consent to the release.

(d) Nothing in this section shall prohibit the release of a voter's voter ascension number if that information may be released under other provisions of law. (§ 1 ch 181 SLA 2004)

Revisor's notes. — In 2004, in (c)(1) of this section, "child support services agency created in AS 25.27.010" was substituted for "child support enforcement agency created in AS 25.27.010" in order to reconcile chs. 107 and 181, SLA 2004.

Effective dates. — Section 1, ch. 181, SLA 2004, which enacted this section, took effect November 24, 2004.

Editor's notes. — Under § 3(a), ch. 181, SLA 2004, this section "applies to voter registration records beginning on January 1, 2005, and thereafter."

Sec. 15.07.200. Registration supervision. The registration program is under the supervision of the director in accordance with AS 15.10.105. (§ 2 ch 211 SLA 1968; am § 11 ch 116 SLA 1972; am § 21 ch 100 SLA 1980; am § 33 ch 59 SLA 1982)

NOTES TO DECISIONS

Cited in Green v. State, 462 P.2d 994 (Alaska 1969).

Chapter 10. Election Districts, Election Officials, and Redistricting.

Article

1. Election Districts and Officials (§§ 15.10.010 — 15.10.180)
2. Census and Population (§§ 15.10.200 — 15.10.220)
3. Redistricting (§ 15.10.300)

Administrative Code. — For election precincts, see 6 AAC, part 10.

Collateral references. — 25 Am. Jur. 2d, Elections, § 1 et seq.

29 C.J.S., Elections, §§ 53-65.

Admissibility of parol evidence of election officials to impeach election returns. 46 ALR2d 1385.

Article 1. Election Districts and Officials.

Section

10 Precinct boundaries initially established
20. Precinct boundaries and polling places modified by director
30. Uniform precinct boundaries required for state and local elections
40. Restriction on precinct boundary modification

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol #108
Juneau, AK 99801-1182

Phone: (907) 465-4931
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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
HB 161
"An Act requiring that all information in a declaration of candidacy, letter of intent, or nominating petition…is open to public inspection."

HB 161 makes the information on Division of Elections filing forms for partisan, "no-party," and write-in candidates a matter of public record. If voters are going to evaluate candidates and make an informed choice, they must be allowed to confirm the candidate's name, physical address, and other personal information on the declaration of candidacy. HB 161 makes this information public for all candidates for public office, regardless of the confidentiality preferences they indicated when registering to vote.

In a recent House State Affairs Committee hearing, the Division of Elections testified that "there is no authority for the division to treat a candidate differently from any other voter in regard to having the right to make a residential address confidential." Voters should enjoy any and all confidentiality afforded them by the law. Nothing in HB 161 would change that. Candidates for office, however, should be held to a higher standard of public scrutiny than the average voter.

Candidates for office are already required to disclose personal information above and beyond the average voter. HB 161 takes the common-sense next step and makes this personal information available to the public. I respectfully ask that you join me in supporting this change.

For more information, contact **Thomas Reiker** at **907-465-4965** or **thomas_reiker@legis.state.ak.us**

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **HB 161**
() Publish Date

Identifier (file name) HB161-OOG-DOE-3-3-11
Title "An Act requiring that all information in a declaration of candidacy, letter of intent, ... is open to public inspection..."
Sponsor Representative Lynn
Requester House State Affairs Committee

Dept. Affected: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Gail Fenumiai, Director — Phone 465-2644
Division Division of Elections — Date/Time 3/3/2011, 10:08am
Approved by Linda Perez, Administrative Director — Date 3/3/2011
Office of the Governor

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 161

Analysis

This legislation has no fiscal impact for the Division of Elections.

Please Find the Following Blank Forms Attached:

Political Party Candidates Declaration of Candidacy (*AS 15.25.030*)

- U.S. Congress
- Governor or Lt. Governor
- State Senator or Representative

"No-Party" Candidates Filing Notification and Nominating Petition Forms (*AS 15.25.180*)

- U.S. Congress
- Governor
- Lt. Governor
- State Senator or Representative

Write-In Candidate Letter of Intent (*AS 15.25.105*)

- U.S. Congress
- Governor or Lt. Governor
- State Senator or Representative

STATE OF ALASKA DECLARATION OF CANDIDACY
U.S. CONGRESS

Please check: ___ My **$100 filing fee** accompanies this Declaration of Candidacy

Please check: ___ I acknowledge that I am responsible for contacting the Federal Election Commission for federal reporting requirements: 999 E St. NW, Washington, DC 20463

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law and declare myself to be a resident of Alaska and a candidate for the office of (check one):

_____ UNITED STATES SENATOR - or - _____ UNITED STATES REPRESENTATIVE

I request that my name be placed on the **2012 Primary Election** ballot. I am registered under and am a candidate of the

_____ political party.

RESIDENCY INFORMATION

My current Alaska residence address is: _____ (Use street #, mile post, or other physical location description) _____ (City), AK _____ (Zip).

I have lived at this address since ____/____/____ (MM / DD /YY). I have been a resident of Alaska since ____/____/____ (MM / DD /YY).

My mailing address: _____ (Mailing Address) _____ (City) _____ (State) _____ (Zip)

Mailing address and phone number for correspondence and the Division of Elections' web site listing:

_____ (Official Candidate Mailing Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone)

I request that my name appear on the ballot in the following manner:

_____ (Last Name) _____ (First Name) _____ (MI) _____ (*Nickname and/or Suffix)

*The Director of Elections may not include on the ballot as part of candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. [AS 15.15.030(4)]

CERTIFICATION

I, the undersigned, certify that the information in this *Declaration of Candidacy* is true and complete, and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if elected. I am not a candidate for any other office to be voted upon at the Primary election, nor am I a candidate for this office under any other *Declaration of Candidacy* or *Nominating Petition*. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be received by the Director of Elections in writing over my signature at least 48 days before the election.

Subscribed and sworn to before me this

_____ day of _____, 20_____.

_____
(Signature of Notary Public)

My commission expires: _____

_____
(Candidate's Signature)

_____ (Home Phone) _____ (Work Phone)

To assist staff in verifying candidate/voter identification, please provide one of the following:

SSN, ADL, Voter # or DOB _____

NOTARY SEAL

A23 (Rev 01/10/11)

STATE OF ALASKA DECLARATION OF CANDIDACY
GOVERNOR or LIEUTENANT GOVERNOR

Please check: ___ My **$100 filing fee** accompanies this Declaration of Candidacy

Please check one: My **Financial Disclosure Statement** is (1)___ Enclosed **OR** (2)___ On file with the Alaska Public Offices Commission. **NOTE:** Candidates selecting option 2, are encouraged to contact APOC prior to filing to ensure they have a current *Public Officials Financial Disclosure Statement* on file with APOC.

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law and declare myself to be a resident of Alaska and a candidate for the office of:

_____ GOVERNOR - or - _____ LIEUTENANT GOVERNOR

I request that my name be placed on the **August 24, 2010 Primary Election** ballot. I am registered under and

am a candidate of the _____ political party.

RESIDENCY INFORMATION

My current Alaska residence address is: _____ (Use street #, mile post, or other physical location description) _____ (City), AK _____ (Zip).

I have lived at this address since _____/_____/_____ (MM / DD /YY). I have been a resident of Alaska since _____/_____/_____ (MM / DD /YY).

My mailing address: _____ (Mailing Address) _____ (City) _____ (State) _____ (Zip).

Mailing address and phone number for correspondence and the Division of Elections' web site listing:

_____ (Official Candidate Mailing Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone)

I request that my name appear on the ballot in the following manner:

_____ (Last Name) _____ (First Name) _____ (MI) _____ (*Nickname and/or Suffix)

*The Director of Elections may not include on the ballot as part of candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. [AS 15.15.030(4)]

CERTIFICATION

I, the undersigned, certify that the information in this *Declaration of Candidacy* is true and complete, and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall be at least 30 years of age on the first Monday in December following the election. I am not a candidate for any other office to be voted upon at the Primary election, nor am I a candidate for this office under any other *Declaration of Candidacy* or *Nominating Petition*. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be received by the Director of Elections in writing over my signature at least 48 days before the election.

Subscribed and sworn to before me this

_____ day of _____, 20____.

_____ (Signature of Notary Public)

My commission expires: _____

NOTARY SEAL

_____ (Candidate's Signature)

_____ (Home Phone) _____ (Work Phone)

To assist staff in verifying candidate/voter identification, please provide one of the following:

SSN, ADL, Voter # or DOB _____

A24 (Rev. 12/12/07)

STATE OF ALASKA DECLARATION OF CANDIDACY
STATE SENATOR or STATE REPRESENTATIVE

Please check: ___ My **$30 filing fee** accompanies this Declaration of Candidacy

Please check one: My **Financial Disclosure Statement** is (1)___ Enclosed **OR** (2)___ On file with the Alaska Public Offices Commission. **NOTE:** Candidates selecting option 2, are encouraged to contact APOC prior to filing to ensure they have a **current** *Public Officials (Non-incumbents) or Legislative (Incumbents) Financial Disclosure Statement* on file.

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter and declare myself to be a resident of Alaska and of the District for which I declare my candidacy for the office of (check one and write the district race):

__ STATE SENATOR for District _____ - or - __ STATE REPRESENTATIVE for District _____

I request that my name be placed on the **2012 Primary Election** ballot. I am registered under and am a candidate of the

_____ political party.

RESIDENCY INFORMATION

My current Alaska residence address is: _____ _____, AK _____.
(Use street #, mile post, or other physical location description) (City) (Zip)

I have lived at this address since ____/____/____. Previous address if you have lived at your current address less than one year:
(MM / DD / YY)

_____ _____, AK _____.
(Previous Residence Address) (City) (Zip)

I have been a resident of Alaska since ____/____/____, and a resident of the Election District filed for since ____/____/____.
(MM / DD / YY) (MM / DD / YY)

My mailing address is: _____ _____ _____ _____
(Mailing Address) (City) (State) (Zip)

Mailing address and phone number for correspondence and the Division of Elections' web site listing:

_____ _____ _____ _____ _____
(Official Candidate Mailing Address) (City) (State) (Zip) (Phone)

I request that my name appear on the ballot in the following manner:

_____ _____ _____ _____
(Last Name) (First Name) (MI) (*Nickname and/or Suffix)

*The Director of Elections may not include on the ballot as part of candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. [AS 15.15.030(4)]

CERTIFICATION

I, the undersigned, certify that the information in this *Declaration of Candidacy* is true and complete, and that I meet the specific residency and citizenship requirements of this office. If I am filing for State Representative, I further certify that I shall be at least 21 years of age on the first scheduled day of the first regular session of the legislature convened after the election. If I am filing for State Senate, I further certify that I shall be at least 25 years of age on the first scheduled day of the first regular session of the legislature convened after the election. I am not a candidate for any other office to be voted upon at the Primary election, nor am I a candidate for this office under any other *Declaration of Candidacy* or *Nominating Petition*. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be received by the Director of Elections in writing over my signature at least 48 days before the election.

Subscribed and sworn to before me this

_____ day of _____, 20_____.

_____
(Candidate's Signature)

_____
(Signature of Notary Public)

_____ _____
(Home Phone) (Work Phone)

My commission expires: _____

To assist staff in verifying candidate/voter identification, please provide one of the following:

SSN, ADL, Voter # or DOB _____

A25 (Rev. 02/08/11)

STATE OF ALASKA FILING NOTIFICATION
NOMINATING PETITION CANDIDATE FOR U.S. CONGRESS

Please check: ___ I acknowledge that the Nominating Petition form and Subscribers pages are due by **5:00pm, August 24, 2010**

Please check: ___ I acknowledge that I am responsible for contacting the Federal Election Commission for federal reporting requirements: 999 E St. NW, Washington, DC 20463

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law and declare myself to be a resident of Alaska and a candidate by petition for the _____ political group (if any), for the office of:

Check one: _____ **UNITED STATES SENATOR** OR _____ **UNITED STATES REPRESENTATIVE**

I will accept this nomination and request that my name be placed on the **November 2, 2010 General Election** ballot if my petition is certified.

RESIDENCY INFORMATION

My current Alaska residence address is: _____ (Use street #, mile post, or other physical location description) _____ (City), AK _____ (Zip).

I have lived at this address since ____/____/____ (MM / DD /YY). I have been a resident of Alaska since ____/____/____ (MM / DD /YY).

My mailing address: _____ (Mailing Address) _____ (City), _____ (State) _____ (Zip)

Mailing address and phone number for correspondence and the Division of Elections' web site listing:

_____ (Official Candidate Mailing Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone)

I request that my name appear on the General Election ballot in the following manner:

_____ (Last Name) _____ (First Name) _____ (MI) _____ (*Nickname and/or Suffix)

*The Director of Elections may not include on the ballot as part of candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. [AS 15.15.030(4)]

CERTIFICATION

I, the undersigned, certify that the information in this Filing Notification is true and complete, and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if elected. I am not a candidate for any other office to be voted upon at the Primary or General election, nor am I a candidate for this office under any other Declaration of Candidacy or Nominating Petition. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be received by the Director of Elections in writing over my signature at least 48 days before the General election. I will accept this nomination and will serve if elected.

Subscribed and sworn to before me this

_____ day of _____, 20_____.

_____ (Candidate's Signature)

_____ (Signature of Notary Public)

_____ (Home Phone) _____ (Work Phone)

My commission expires: _____

To assist staff in verifying candidate/voter identification, please provide one of the following:

SSN, ADL, Voter # or DOB: _____

NOTARY SEAL

A19 (Rev. 1/21/09)

STATE OF ALASKA FILING NOTIFICATION
NOMINATING PETITION CANDIDATE FOR GOVERNOR

Please check: ___ I acknowledge that the Nominating Petition Form and Subscribers' pages must be filed by **5:00pm, August 24, 2010**

Please check one: My **Financial Disclosure Statement** is (1)___ Enclosed **OR** (2)___ On file with the Alaska Public Offices Commission. **NOTE:** Candidates selecting option 2, are encouraged to contact APOC prior to filing to ensure they have a current *Public Officials Financial Disclosure Statement* on file with APOC.

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law, and declare myself to be a resident

of Alaska and a candidate by petition for the _____ political group (if any), for the office of:

GOVERNOR

The name of the candidate running jointly with me for Lt. Governor is _____
[AS 15.25.180(a)(17)]

I will accept this nomination and request that my name be placed on the **November 2, 2010** General Election ballot if my petition is certified.

RESIDENCY INFORMATION

My current Alaska residence address is: _____ (Use street #, mile post, or other physical location description) _____ (City), AK _____ (Zip).

I have lived at this address since ____/____/____ (MM / DD /YY). I have been a resident of Alaska since ____/____/____ (MM / DD /YY).

My mailing address: _____ (Mailing Address) _____ (City) _____ (State) _____ (Zip).

Mailing address and phone number for correspondence and the Division of Elections' web site listing:

_____ (Official Candidate Mailing Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone)

I request that my name appear on the General Election ballot in the following manner:

_____ (Last Name), _____ (First Name) _____ (MI) _____ (*Nickname and/or Suffix)

*The Director of Elections may not include on the ballot as part of candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. [AS 15.15.030(4)]

CERTIFICATION

I, the undersigned, certify that the information in this Filing Notification is true and complete, and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall be at least 30 years of age on the first Monday in December following the election. I am not a candidate for any other office to be voted upon at the Primary or General Election, nor am I a candidate for this office under any other Declaration of Candidacy or Nominating Petition. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be received by the Director of Elections in writing over my signature at least 48 days before the General election. I will accept this nomination and will serve if elected.

Subscribed and sworn to before me this

_____ day of _____, 20____.

_____
(Signature of Notary Public)

My commission expires: _____

NOTARY SEAL

_____
(Candidate's Signature)

_____ (Home Phone) _____ (Work Phone)

To assist staff in verifying candidate/voter identification, please provide one of the following:

SSN, ADL, Voter # or DOB: _____

A20 (Rev 11/19/07)

STATE OF ALASKA FILING NOTIFICATION
NOMINATING PETITION CANDIDATE FOR LIEUTENANT GOVERNOR

Please check: ___ I acknowledge that the Nominating Petition Form and Subscribers' pages must be filed by **5:00pm, August 24, 2010**

Please check one: My **Financial Disclosure Statement** is (1)___ Enclosed **OR** (2)___ On file with the Alaska Public Offices Commission. **NOTE:** Candidates selecting option 2, are encouraged to contact APOC prior to filing to ensure they have a current *Public Officials Financial Disclosure Statement* on file with APOC.

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law, and declare myself to be a resident of Alaska and a candidate by petition for the _____ political group (if any), for the office of:

LIEUTENANT GOVERNOR

The name of the candidate running jointly with me for Governor is _____
[AS 15.25.180(a)(17)]

I will accept this nomination and request that my name be placed on the **November 2, 2010 General Election** ballot if my petition is certified.

RESIDENCY INFORMATION

My current Alaska residence address is: _____ (Use street #, mile post, or other physical location description) _____ (City), AK _____ (Zip).

I have lived at this address since ____/____/____ (MM / DD /YY). I have been a resident of Alaska since ____/____/____ (MM / DD /YY).

My mailing address: _____ (Mailing Address) _____ (City), _____ (State) _____ (Zip).

Mailing address and phone number for correspondence and the Division of Elections' web site listing:

_____ (Official Candidate Mailing Address) _____ (City), _____ (State) _____ (Zip) _____ (Phone)

I request that my name appear on the General Election ballot in the following manner:

_____ (Last Name), _____ (First Name) _____ (MI) _____ (*Nickname and/or Suffix)

*The Director of Elections may not include on the ballot as part of candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. [AS 15.15.030(4)]

CERTIFICATION

I, the undersigned, certify that the information in this Filing Notification is true and complete, and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall be at least 30 years of age on the first Monday in December following the election. I am not a candidate for any other office to be voted upon at the Primary or General Election, nor am I a candidate for this office under any other Declaration of Candidacy or Nominating Petition. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be received by the Director of Elections in writing over my signature at least 48 days before the General election. I will accept this nomination and will serve if elected.

Subscribed and sworn to before me this

_____ day of _____, 20____.

_____
(Signature of Notary Public)

My commission expires: _____

_____
(Candidate's Signature)

_____ (Home Phone) _____ (Work Phone)

To assist staff in verifying candidate/voter identification, please provide one of the following:

SSN, ADL, Voter # or DOB: _____

A21 (Rev 11/19/07)

STATE OF ALASKA FILING NOTIFICATION
NOMINATING PETITION CANDIDATE FOR STATE SENATOR OR STATE REPRESENTATIVE

Please check: ___ I acknowledge that the Nominating Petition form and Subscribers' pages are due by **5:00pm, August 24, 2010**

Please check one: My **Financial Disclosure Statement** is (1)___ Enclosed **OR** (2)___ On file with the Alaska Public Offices Commission. **NOTE:** Candidates selecting option 2, are encouraged to contact APOC prior to filing to ensure they have a current *Public Officials (Non-incumbents) or Legislative (Incumbents)* Financial *Disclosure Statement* on file with APOC.

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law and declare myself to be a resident

of Alaska and candidate by petition for the _____ political group (if any), for the office of (check one and write district race):

__STATE SENATOR for DISTRICT ____ OR **__STATE REPRESENTATIVE for DISTRICT ____**

I will accept this nomination and request that my name be placed on the **November 2, 2010 General Election** ballot if my petition is certified.

RESIDENCY INFORMATION

My current Alaska residence address is: _____ (Use street #, mile post, or other physical location description) _____ (City), AK _____ (Zip).

I have lived at this address since ____/____/____ (MM / DD / YY). Previous address if you have lived at your current address less than one year:

_____ (Previous Residence Address) _____ (City), AK _____ (Zip).

I have been a resident of Alaska since ____/____/____ (MM / DD / YY), and a resident of the Election District filed for since ____/____/____ (MM / DD / YY).

My mailing address is: _____ (Mailing Address) _____ (City), _____ (State) _____ (Zip).

Mailing address and phone number for correspondence and the Division of Elections' web site listing:

_____ (Official Candidate Mailing Address) _____ (City), _____ (State) _____ (Zip) _____ (Phone)

I request that my name appear on the General Election ballot in the following manner:

_____ (Last Name), _____ (First Name) _____ (MI) _____ (*Nickname and/or Suffix)

*The Director of Elections may not include on the ballot as part of candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. [AS 15.15.030(4)]

CERTIFICATION

I, the undersigned, certify that the information in this Filing Notification is true and complete, and that I meet the specific residency and citizenship requirements of this office. If I am filing for State Representative, I further certify that I shall be at least 21 years of age on the first scheduled day of the first regular session of the legislature convened after the election. If I am filing for State Senate, I further certify that I shall be at least 25 years of age on the first scheduled day of the first regular session of the legislature convened after the election. I am not a candidate for any other office to be voted upon at the Primary or General election, nor am I a candidate for this office under any other Declaration of Candidacy or Nominating Petition. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be received by the Director of Elections in writing over my signature at least 48 days before the general election. I will accept this nomination and will serve if elected.

Subscribed and sworn to before me this

_____ day of _____, 20_____.

_____ (Candidate's Signature)

_____ (Signature of Notary Public)

_____ (Home Phone) _____ (Work Phone)

My commission expires: _____

To assist staff in verifying candidate/voter identification, please provide one of the following: Last 4 SSN, State ID # SSN, ADL, Voter # or DOB: _____

A22 (Rev. 1/21/09)

STATE OF ALASKA NOMINATING PETITION FORM
NOMINATING PETITION CANDIDATE FOR U.S CONGRESS

We, the attached named subscribers, support the candidacy of

_____,
(Name of Candidate)

representing the _____ political group (if any)
(Name of political group if any, if none write "none")

for the office of (check one):

___ U.S. SENATOR

OR

___ U.S. REPRESENTATIVE

We request that our candidate's name be placed on the ballot for the November ____, 20___ General Election as a candidate by petition of the above named political group (if any).

The signatures supporting this candidate are attached. The candidate's Filing Notification form was filed by the June 1, 2010 deadline.

_____ _____
(Signature of Candidate or Contact Person Representing the Candidate) (Date)

_____
(Printed Name of Contact Person)

_____ _____ _____ _____
(Mailing Address for Contact Person) (City) (State) (Zip Code)

_____ _____ _____
(Email Address for Contact Person) (Home Phone) (Work Phone)

Note: Please attach all Subscribers' pages (signature pages) to this form.

DIVISION OF ELECTIONS - OFFICE USE ONLY

Number of signature pages attached _____ Approximate Number of signatures _____

Place of filing: DO RI RII Mat-Su RIII RIV Received by: MAIL IN PERSON

Processed by: _____

A19a (Rev. 1/21/09)

STATE OF ALASKA NOMINATING PETITION FORM
NOMINATING PETITION CANDIDATE FOR GOVERNOR

We, the attached named subscribers, support the candidacy of

_____,
(Name of Candidate)

representing the _____ political group (if any)
(Name of political group if any, if none write "none")

for the office of:

GOVERNOR

We request that our candidate's name be placed on the ballot for the November ____, 20___ General Election as a candidate by petition of the above named political group (if any).

The signatures supporting this candidate are attached. The candidate's Filing Notification form was filed by the June 1, 2010 deadline.

_____ _____
(Signature of Candidate or Contact Person Representing the Candidate) (Date)

_____
(Printed Name of Contact Person)

_____ _____ _____ _____
(Mailing Address for Contact Person) (City) (State) (Zip Code)

_____ _____ _____
(Email Address for Contact Person) (Home Phone) (Work Phone)

Note: Please attach all Subscribers' pages (signature pages) to this form.

DIVISION OF ELECTIONS - OFFICE USE ONLY

Number of signature pages attached _____ Approximate Number of signatures _____

Place of filing: DO RI RII Mat-Su RIII RIV Received by: MAIL IN PERSON

Processed by: _____

A20a (Rev. 1/28/09)

STATE OF ALASKA NOMINATING PETITION FORM
NOMINATING PETITION CANDIDATE FOR LIEUTENANT GOVERNOR

We, the attached named subscribers, support the candidacy of

_____,
(Name of Candidate)

representing the _____ political group (if any)
(Name of political group if any, if none write "none")

for the office of:

LIEUTENANT GOVERNOR

We request that our candidate's name be placed on the ballot for the November ____, 20___ General Election as a candidate by petition of the above named political group (if any).

The signatures supporting this candidate are attached. The candidate's Filing Notification form was filed by the June 1, 2010 deadline.

_____ _____
(Signature of Candidate or Contact Person Representing the Candidate) (Date)

_____
(Printed Name of Contact Person)

_____ _____ _____ _____
(Mailing Address for Contact Person) (City) (State) (Zip Code)

_____ _____ _____
(Email Address for Contact Person) (Home Phone) (Work Phone)

Note: Please attach all Subscribers' pages (signature pages) to this form.

DIVISION OF ELECTIONS - OFFICE USE ONLY

Number of signature pages attached _____ Approximate Number of signatures _____

Place of filing: DO RI RII Mat-Su RIII RIV Received by: MAIL IN PERSON

Processed by: _____

A21a (Rev. 1/21/09)

STATE OF ALASKA NOMINATING PETITION FORM
NOMINATING PETITION CANDIDATE FOR STATE SENATOR OR STATE REPRESENTATIVE

We, the attached named subscribers, support the candidacy of

_____,
(Name of Candidate)

representing the _____ political group (if any)
(Name of political group if any, if none write "none")

for the office of (check one):

___ STATE SENATOR representing DISTRICT _____

OR

___ STATE REPRESENTATIVE representing DISTRICT _____

We request that our candidate's name be placed on the ballot for the November ____, 20___ General Election as a candidate by petition of the above named political group (if any).

The signatures supporting this candidate are attached. The candidate's Filing Notification form was filed by the June 1, 2010 deadline.

_____ _____
(Signature of Candidate or Contact Person Representing the Candidate) (Date)

_____
(Printed Name of Contact Person)

_____ _____ _____ _____
(Mailing Address for Contact Person) (City) (State) (Zip Code)

_____ _____ _____
(Email Address for Contact Person) (Home Phone) (Work Phone)

Note: Please attach all Subscribers' pages (signature pages) to this form.

DIVISION OF ELECTIONS - OFFICE USE ONLY

Number of signature pages attached _____ Approximate Number of signatures _____

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Processed by: _____

A22a (Rev. 1/21/09)

STATE OF ALASKA LETTER OF INTENT
WRITE-IN CANDIDATES FOR U.S. CONGRESS

Please check: ____ I acknowledge that I am responsible for contacting the Federal Election Commission for federal reporting requirements: 999 E St., N.W., Washington, DC 20463

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law, a resident of Alaska, and a candidate for the office of (check one):

_____ UNITED STATES SENATOR OR _____ UNITED STATES REPRESENTATIVE

I am a write-in candidate for the **November 2, 2010 General Election** ballot.

I am registered under and am a candidate of the _____ political party **OR**
(Party Name)

I am a candidate of the _____ political group **OR** ____ (Please Check) I am not affiliated with a political group or party
(Group Name)

RESIDENCY INFORMATION

My current Alaska residence address is: _____ _____, AK _____
(Use street #, mile post, or other physical location description) (City) (Zip)

I have lived at this address since _____, _____. I have been a resident of Alaska since _____, _____.
(MM/DD) (YY) (MM/DD) (YY)

My mailing address: _____ _____ _____ _____
(Mailing Address) (City) (State) (Zip)

I am requesting voters to write my name as follows:

_____, _____ _____ _____
(Last Name) (First Name) (MI) (Nickname and/or Suffix)

CERTIFICATION

I, the undersigned, certify that the information in this *Letter of Intent* is true and complete, and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if elected. I am not a candidate for any other office to be voted upon at the General Election, nor am I a candidate for this office under any other *Declaration of Candidacy* or *Nominating Petition*.

_____ _____
(Candidate's Signature) (Date)

_____ _____
(Home Phone) (Work Phone)

To assist staff in verifying candidate / voter identification, please provide one of the following:
SSN, ADL, Voter # or DOB: _____

THE DIVISION OF ELECTIONS MUST RECEIVE THIS FORM NO LATER THAN THURSDAY, OCTOBER 28, 2010
RETURN THIS FORM TO: DIVISION OF ELECTIONS, PO BOX 110017, JUNEAU, AK 99811-0017

A33 (Rev. 1/21/09)

STATE OF ALASKA LETTER OF INTENT
WRITE-IN CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR

Candidate for **Governor** Check one: My **Financial Disclosure Statements** is (1) ____ Enclosed **OR** (2)____ On file with APOC.
Candidate for **Lt. Governor** Check one: My **Financial Disclosure Statements** is (1) ____ Enclosed **OR** (2)____ On file with APOC.
NOTE: Candidates selecting option 2, are encouraged to contact the Alaska Public offices commission prior to filing to ensure they have a current Public *Officials Financial Disclosure Statement* on file with APOC.

GENERAL INFORMATION (Please print or type)

I, _____, declare myself to be a qualified voter as required by law, a resident of Alaska, and candidate for the office of: **GOVERNOR**

I, _____, declare myself to be a qualified voter as required by law, a resident of Alaska, and candidate for the office of: **LIEUTENANT GOVERNOR**

We are write-in candidates for the **November 2, 2010 General Election** ballot.

We are registered under and are candidates of the _____political party **OR** We are candidates of the _____ political group **OR** _____ (Please Check) We are not affiliated with any political group or party.
(Group Name)

RESIDENCY INFORMATION – CANDIDATE FOR GOVERNOR

My current Alaska residence address is: _____ _____, AK _____
(Use street #, mile post, or other physical location description) (City) (Zip)

I have lived at this address since _____, _____. I have been a resident of Alaska since _____, _____.
(MM/DD) (YY) (MM/DD) (YY)

My mailing address: _____ _____ _____ _____
(Mailing Address) (City) (State) (Zip)

RESIDENCY INFORMATION – CANDIDATE FOR LIEUTENANT GOVERNOR

My current Alaska residence address is: _____ _____, AK _____
(Use street #, mile post, or other physical location description) (City) (Zip)

I have lived at this address since _____, _____. I have been a resident of Alaska since _____, _____.
(MM/DD) (YY) (MM/DD) (YY)

My mailing address: _____ _____ _____ _____
(Mailing Address) (City) (State) (Zip)

CONTACT INFORMATION

Contact's Name: _____Contact's Phone Number _____

Mailing address: _____ _____ _____ _____
(Mailing Address) (City) (State) (Zip)

We are requesting voters to write our names as follows:

_____, _____ _____ _____
(For Governor - Last Name) (First Name) (MI) (Nickname and/or Suffix)

_____, _____ _____ _____
(For Lt. Governor - Last Name) (First Name) (MI) (Nickname and/or Suffix)

CERTIFICATION

We, the undersigned, certify that the information in this *Letter of Intent* is true and complete, and that we meet the specific residency and citizenship requirements of this office. We further certify that we shall be at least 30 years of age on the first Monday in December following the election. We are not candidates for any other office to be voted upon at the General Election in Alaska, nor are we candidates for this office under any other means of declaring candidacy.

Please provide one of the following for candidate/voter identification:

_____ _____ _____ _____ _____
(Candidate for Governor Signature) (Date) (Home Phone) (Work Phone) (SSN#, ADL#, Voter# or DOB)

_____ _____ _____ _____ _____
(Candidate for Lt. Governor Signature) (Date) (Home Phone) (Work Phone) (SSN#, ADL#, Voter# or DOB)

THE DIVISION OF ELECTIONS MUST RECEIVE THIS FORM NO LATER THAN THURSDAY, OCTOBER 28, 2010
RETURN THIS FORM TO: DIVISION OF ELECTIONS, PO BOX 110017, JUNEAU AK 99811-0017

A35 (12/12/07)

STATE OF ALASKA LETTER OF INTENT
WRITE-IN CANDIDATES FOR STATE SENATOR or STATE REPRESENTATIVE

Check one: My **Financial Disclosure Statement** is (1) ____ Enclosed **OR** (2)____ On file with the Alaska Public Offices Commission
NOTE: Candidates selecting option 2, are encouraged to contact APOC prior to filing to ensure they have a current *Public Officials (Non-incumbents) or Legislative (Incumbents)* Financial *Disclosure Statement* on file with APOC.

GENERAL INFORMATION (Please print or type)

I, _____, am a qualified voter as required by law and declare myself to be a resident of Alaska and of the District for which I declare my candidacy for the office of (check one):

__ **STATE SENATOR for District ____ - OR - __ STATE REPRESENTATIVE for District ____**

I am a write-in candidate for the **November 2, 2010 General Election** ballot.

I am registered under and am a candidate of the _____ political party **OR**
(Party Name)

I am a candidate of the _____ political group **OR** _____ (Please Check) I am not affiliated with a political group or party
(Group Name)

RESIDENCY INFORMATION

My current Alaska residence address is: _____ _____, AK _____
(Use street #, mile post, or other physical location description) (City) (Zip)

I have lived at this address since _____, _____.
(MM/DD) (YY)

Previous address if you have lived at your current address less than one year:

_____ _____, Alaska _____
(Previous Residence Address) (City) (Zip)

I have been a resident of Alaska since _____, _____, and a resident of the Election District for which I am seeking office since:
(MM/DD) (YY)

_____, _____. My mailing address is: _____ _____ _____, _____
(MM/DD) (Year) (Mailing Address) (City) (State) (Zip)

I am requesting voters to write my name as follows:

_____, _____ _____ _____
(Last Name) (First Name) (MI) (Nickname and/or Suffix)

CERTIFICATION

I, the undersigned, certify that the information in this *Letter of Intent* is true and complete, and that I meet the specific residency and citizenship requirements of this office. If I am filing for State Representative, I further certify that I shall be at least 21 years of age on the first scheduled day of the first regular session of the legislature convened after the election. If I am filing for State Senate, I further certify that I shall be at least 25 years of age on the first scheduled day of the first regular session of the legislature convened after the election. I am not a candidate for any other office to be voted upon at the General Election, nor am I a candidate for this office under any other *Declaration of Candidacy* or *Nominating Petition*.

_____ _____
(Candidate's Signature) (Date)

_____ _____
(Home Phone) (Work Phone)

To assist staff in verifying candidate / voter identification please provide one of the following:
SSN, ADL, Voter # or DOB: _____

THE DIVISION OF ELECTIONS MUST RECEIVE THIS FORM NO LATER THAN THURSDAY, OCTOBER 28, 2010
RETURN THIS FORM TO: DIVISION OF ELECTIONS, PO BOX 110017, JUNEAU, AK 99811-0017

A32 (Rev. 1/21/09)

HB 169

<TARGET><BILL>HB 169</BILL><SUBJECT>HB 169</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 23, 2011 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 3-22-11

The STATE AFFAIRS Committee considered: **HB 169**

HOUSE BILL NO. 169
"An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

HB 169-LAA REVIEW OF PROPOSED REGULATIONS

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** *FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Legis			X

PREVIOUS **FISCAL NOTES**				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johnson	Johnson	X			
Bryan Wilson	WILSON	X			
Max Keller	Keller	X			
Mark Gruenberg	Gruenberg				–
Paul R Seaton	Seaton			L	
Pete Peterson	PETERSEN	X			
Chair: Bob Lynn	LYNN	X			
Chair:					

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 23, 2011

SUBJECT: Confidential memos and the Alaska Rules of Professional Conduct (HB 169; Work Order No. 27-LS0559\A)

TO: Representative Max Gruenberg

FROM: Lisa Moritz Kirsch
Legislative Counsel

At the hearing in the House State Affairs Committee yesterday, you requested a legal opinion on the effect of the changes proposed in HB 169 on attorney-client confidentiality required by the Alaska Rules of Court. After reviewing the Rules of Professional Conduct contained in the Alaska Rules of Court, I continue to hold the opinion I expressed at the hearing, that the passage of HB 169 would not require a court rule change.

HB 169 adds new recipients to the list of legislators who may receive certain confidential written analyses of proposed regulations from legislative legal. This list currently appears in AS 24.20.105(e), the existing statute governing review of proposed regulations by legislative counsel.[1] The new recipients would be legislators who sponsored recently enacted legislation being implemented by the proposed regulations or members of a standing committee or the Legislative Council if that committee or council requested a review of proposed regulations.[2] In the bill, the amended subsection AS 24.20.105(e) reads:

> (e) In conducting its review under this section, the assigned attorney may consult with the Department of Law, the committee or

---

[1] The legislators and executive agencies currently on the list of recipients for these regulation review memos are: the Department of Law, the agency that proposed the regulations, the members of the Administrative Regulations Review Committee, the President of the Senate, and the Speaker of the House.

[2] These new recipients would only receive a memo if the review was conducted under AS 24.20.105. In the situation Representative Johansen raised yesterday, where an individual legislator made a request for an opinion on proposed regulations under AS 24.20.100, the resulting opinion would only go to the legislator who requested it, and the fact that a particular legislator requested an opinion would remain confidential and legislative legal could not alert the sponsor of any newly enacted statute.

council that requests the review under (b)(2) of this section, and the state agency proposing the regulation change. **With respect to proposed regulations that implement newly enacted legislation as described in (b)(1) of this section, the assigned attorney may also consult with the prime sponsor of the legislation if the prime sponsor is a member of the legislature at the time of the review.** If the assigned attorney determines that the proposed **regulations fail** [ACTION FAILS] to meet the standards set out in (d) of this section, the assigned attorney shall notify, in writing, the Department of Law, the state agency, the Administrative Regulation Review Committee, the president of the senate, [AND] the speaker of the house of representatives**, and the committee or council, if any, that requested the review under (b)(2) of this section. If the review involves proposed regulations that implement newly enacted legislation as described in (b)(1) of this section and the prime sponsor of that legislation is a member of the legislature at the time of the review, the assigned attorney shall also notify the prime sponsor, in writing, if the proposed regulations fail to meet the standards set out in (d) of this section. If, after performing a review requested under (b)(2) of this section, the assigned attorney determines that the proposed regulations meet the standards set out in (d) of this section, the assigned attorney shall communicate that determination to the requester**.

The applicable court rule that applies to the keeping of confidences by attorneys appears in the Rules of Professional Conduct. It reads:

Rule 1.6. Confidentiality of Information.
(a) A lawyer shall not reveal a client's confidence or secret unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation and disclosures permitted by paragraph (b) below or Rule 3.3. For purposes of this rule, "confidence" means information protected by the attorney-client privilege under applicable law, and "secret" means other information gained in the professional relationship if the client has requested it be held confidential or if it is reasonably foreseeable that disclosure of the information would be embarrassing or detrimental to the client. In determining whether information relating to representation of a client is protected from disclosure under this rule, the lawyer shall resolve any uncertainty about whether such information can be revealed against revealing the information.
(b) A lawyer may reveal a client's confidence or secret to the extent the lawyer reasonably believes necessary:
(1) to prevent reasonably certain:
(A) death;
(B) substantial bodily harm; or

> (C) wrongful execution or incarceration of another;
> (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
> (3) to prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
> (4) to secure legal advice about the lawyer's compliance with these Rules;
> (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or
> (6) to comply with other law or a court order.
> (c) A lawyer must act competently to safeguard a client's confidences and secrets against inadvertent or unauthorized disclosure by the lawyer, by other persons who are participating in the representation of the client, or by any other persons who are subject to the lawyer's supervision. See Rules 1.1, 5.1, and 5.3. When transmitting a communication that includes a client's confidence or secret, the lawyer must take reasonable precautions to prevent this information from coming into the hands of unintended recipients.

Under existing AS 24.20.105(g), legislative legal is generally required to keep review information confidential. It reads:

> (g) Except as provided in this section, the Legislative Affairs Agency may not release any information regarding its review of a proposed regulation under this section.

The specific exceptions to this general rule of confidentiality in the existing and proposed statute do two things. First, the exceptions in AS 24.20.105(e) trigger the exception in Rule 1.6 of the Rules of Professional Conduct. Under Rule 1.6(b)(6), an attorney may release a document to comply with other law or a court order. Second, the exceptions of AS 24.20.105(e) act as a narrowly defined waiver of the attorney-client confidentiality between legislative legal counsel and the legislators. For these reasons, HB 169 does not conflict with the Rules of Professional Conduct in the Alaska Rules of Court, and the bill will not necessitate a court rule change.

I contacted Steve Van Goor, Bar Counsel at the Alaska Bar Association, and he concurred with my analysis of this issue. He added that the rule on organizations as clients, Rule 1.13 of the Rules of Professional Responsibility, also supports this position. He argued that the legislature is analogous to an organization, and legislators could be

considered the duly authorized officers of the legislative body with authority to waive confidentiality by legislation.

If you have further questions, feel free to contact us.

LMK:ljw
11-188.ljw

HB 169

Sec. 24.20.065. Examination of regulations and opinions. (a) The legislative council shall annually examine administrative regulations, published opinions of state and federal courts and of the Department of Law, and final decisions adopted under AS 44.62 (Administrative Procedure Act) that rely on state statutes or the common law of the state to determine if

(1) the courts and agencies are properly implementing legislative purposes;

(2) there are court or agency expressions of dissatisfaction with state statutes or the common law of the state;

(3) the opinions, decisions, or regulations indicate unclear or ambiguous statutes;

(4) the courts have modified or revised the common law of the state.

(b) The legislative council shall prepare a comprehensive report of the annual examination with recommendations and, at the start of each regular session, notify the legislature that the report is available. (§ 1 ch 72 SLA 1963; am § 1 ch 19 SLA 1989; am § 46 ch 21 SLA 1995)

Sec. 24.20.070. Revision of statutes. (a) The legislature may direct the council to revise the laws of the state in the form of a bulk formal revision. At the direction of the legislature and within the limit of appropriations made, the council may enter into contracts for the printing, annotating, indexing, and distribution of a revision of the laws of the state. The council receives sufficient copies of a revision for exchange with other states and jurisdictions. A revision prepared by the council under authority of this section shall be referred to the legislature for enactment or adoption.

(b) Statute revision is a continuing responsibility of the council. The general and permanent acts of each regular and special session of the legislature shall be integrated with and published as annual supplements to or replacement pamphlets for the Alaska Statutes. (§ 7 ch 17 SLA 1960; am § 5 ch 100 SLA 1963)

NOTES TO DECISIONS

Cited in Employment Sec. Comm'n v. Wilson, 461 P.2d 425 (Alaska 1969).

Sec. 24.20.075. Alaska Code Revision Commission. [Repealed, § 33 ch 23 SLA 1995.]

Sec. 24.20.080. Intergovernmental cooperation. The council may encourage and arrange conferences with officials of other states and nations and of other units of government and propose cooperation between this state and other states and nations. The council constitutes the Alaska Commission on Interstate Cooperation in participating in and carrying out the programs of the Council of State Governments as they apply to Alaska. The chairman of the council serves as chairman of the commission. (§ 8 ch 17 SLA 1960; am § 6 ch 126 SLA 1966; am § 1 ch 6 SLA 1972)

Sec. 24.20.090. Assignment of projects. The council may be assigned projects or subjects for study, reporting, or drafting. Assignment shall be by resolution. The council may determine a schedule of priorities for these and other assignments or requests based on feasibility, time, and the availability of funds and staff. (§ 9 ch 17 SLA 1960)

Sec. 24.20.100. Research and drafting services for legislators. Members of the legislature may utilize the research and bill drafting services of the Legislative Affairs Agency. Requests by members of the legislature are confidential. Staff services for members of the legislature shall be accomplished subject only to the priority of assignments determined by the council. (§ 10 ch 17 SLA 1960)

Sec. 24.20.105. Review of proposed regulations. (a) The Legislative Affairs Agency may review each proposed regulation that is subject to AS 44.62.010 — 44.62.30

(Administrative Procedure
be conducted by an attorn
(b) Reviews shall be c
priority:
(1) proposed regulation
(2) proposed regulation
the Administrative Regul
ing major policy developm
(c) Under AS 44.62.190
proposed regulation, shall
(1) Legislative Affairs A
(2) chairs of the standin
regulation;
(3) Administrative Reg
(4) legislative council.
(d) Within available st
Legislative Affairs Agenc
proposed regulations. The
(1) the legality and con
(2) whether the state a
to implement, interpret, r
(3) whether the propos
(e) In conducting its rev
the Department of Law, th
this section, and the sta
attorney determines that
this section, the assigned
state agency, the Admini
senate, and the speaker c
(f) In addition to the re
notify the Administrative
the speaker of the house
that may be inconsistent v
oversight as a result.
(g) Except as provided
any information regardin
(h) The process of revie
state agency's authority
Suggestions for changes t
are not binding on a stat
(i) No action may be br
a legal review under this
(j) The provisions of (b)
Board of Game or the Bo
(k) In this section, "pro
repeal of a regulation. (§

Cross references. — For
written notification provided ur

Sec. 24.20.110. Meeti
legislature and during ir
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appointment of its mem

Add'l relevant Statutes For HB 169

Article 4. Committees.

Section
182. Review of administrative regulations by standing committees of the legislature
184. Termination of interim committee membership

Sec. 24.05.182. Review of administrative regulations by standing committees of the legislature. (a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

(b) A standing committee conducting a review of a regulation under (a) of this section shall determine whether the regulation properly implements legislative intent.

(c) A standing committee shall conduct preliminary reviews under this section while the legislature is in session and during the interim between legislative sessions.

(d) If a standing committee determines that a regulation, amendment to a regulation, or repeal of a regulation does not properly implement legislative intent, the standing committee's findings shall be transmitted to the Administrative Regulation Review Committee. (§ 4 ch 1 SLA 1982)

Revisor's notes. — Enacted as AS 24.99.001. Renumbered as AS 24.37.010 in 1982. Renumbered again in 1985.

Cross references. — For provisions related to the Administrative Regulation Review Committee, see AS 24.20.400 — 24.20.460.

Sec. 24.05.184. Termination of interim committee membership. When a member of the legislature who serves on a committee created during a between-session interim by either house or its presiding officers, the legislative council or the Legislative Budget and Audit Committee, files a declaration of candidacy for an elective office other than that of member of either house of the legislature, and the member has not resigned from membership on the interim committee, the member's interim committee membership terminates on the date of filing. (§ 5 ch 11 SLA 1975)

Revisor's notes. — Formerly AS 24.05.087. Renumbered in 1985.

Article 5. Legislative Space.

Section
190. Control of legislative space

Sec. 24.05.190. Control of legislative space. (a) The state capitol, with the exception of the capitol space now occupied by the Office of the Governor, and space occupied in any other state building by the legislature or its agencies is under the control of and subject to assignment by the Legislative Affairs Agency as directed by the legislature. The Legislative Affairs Agency is responsible for the equitable allocation of parking spaces at the capitol according to the needs of the legislature and other agencies occupying capitol offices.

(b) Access to legislative space during sessions is generally governed by the uniform rules of the legislature and by (a) of this section. During a session of the legislature a person not a member or an authorized employee of the legislature or its agencies may not, without the invitation of the presiding officer or the house, enter upon the floor of either house while it is sitting, or enter upon the floor of either house during a recess or when adjourned for the day, without the invitation of a member of that house. (§ 21 ch 157 SLA 1959; am § 5 ch 47 SLA 1961; am § 3 ch 126 SLA 1966; am § 1 ch 10 SLA 1976)

Sec. 24.05.200. [Renumbered as AS 24.20.061.]

HB 169
Relevant
Statutes

Sec. 24.20.105. Review of proposed regulations.

(a) The Legislative Affairs Agency may review each proposed regulation that is subject to AS 44.62.010 - 44.62.300 (Administrative Procedure Act). A review of proposed regulations under this section must be conducted by an attorney employed by that agency.

(b) Reviews shall be conducted under (a) of this section in the following order of priority:

(1) proposed regulations that would implement newly enacted legislation;

(2) proposed regulations requested in writing to be reviewed by a standing committee, the Administrative Regulation Review Committee, or the legislative council as implicating major policy development.

(c) Under AS 44.62.190(a)(7), the notice of proposed action, along with a copy of the proposed regulation, shall be furnished electronically by the state agency to the

(1) Legislative Affairs Agency;

(2) chairs of the standing committees with jurisdiction over the subject of the proposed regulation;

(3) Administrative Regulation Review Committee;

(4) legislative council.

(d) Within available staff resources and priorities set by the legislative council, the Legislative Affairs Agency shall assign one or more attorneys to conduct a review of proposed regulations. The review shall evaluate

(1) the legality and constitutionality of the proposed regulation;

(2) whether the state agency has statutory authority to adopt the proposed regulation to implement, interpret, make specific, or otherwise carry out a statute; and

(3) whether the proposed regulation is consistent with the applicable statutes.

(e) In conducting its review under this section, the assigned attorney may consult with the Department of Law, the committee or council that requests the review under (b)(2) of this section, and the state agency proposing the regulation change. If the assigned attorney determines that the proposed action fails to meet the standards set out in (d) of this section, the assigned attorney shall notify, in writing, the Department of Law, the state agency, the Administrative Regulation Review Committee, the president of the senate, and the speaker of the house of representatives.

(f) In addition to the review specified in (d) of this section, the assigned attorney shall notify the Administrative Regulation Review Committee, the president of the senate, and the speaker of the house of representatives of any provision of the proposed regulation that may be inconsistent with legislative intent and appropriate for additional legislative oversight as a result.

(g) Except as provided in this section, the Legislative Affairs Agency may not release any information regarding its review of a proposed regulation under this section.

(h) The process of review of a proposed regulation under this section does not affect a state agency's authority to complete its proposed action regarding the regulation. Suggestions for changes to a proposed regulation made by the Legislative Affairs Agency are not binding on a state agency.

(i) No action may be brought for the failure of the Legislative Affairs Agency to conduct a legal review under this section.

(j) The provisions of (b) - (i) of this section do not apply to proposed regulations of the Board of Game or the Board of Fisheries.

(k) In this section, "proposed regulation" means a proposed adoption, amendment, or repeal of a regulation.

History -

(Sec. 2 ch 164 SLA 2004)

Cross References -

For provision exempting written notification provided under (e) of this section from the general right to inspect public records, see AS 40.25.120(a)(11).

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG

STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Carl Gatto, Chair
House Judiciary Committee

DATE: March 8, 2011

RE: Request for a hearing of HB 169

Enclosed is the committee packet for HB 169, "*an Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date*" also called "LAA Review of Proposed Regulations." I have included a sponsor statement, the original version of the bill, and a memo from Legal Services.

I would appreciate a hearing before the State Affairs Committee at your earliest convenience. I appreciate your time and look forward to your reply.

Please contact my staff member, Sarah Munson at 465-4990, with any questions or comments regarding this request.

Thank you for your consideration.

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
REPRESENTATIVE CARL GATTO, CHAIR

COMMITTEE MEMBERS:
REP. STEVE THOMPSON, VICE CHAIR
REP. BOB LYNN
REP. WES KELLER
REP. LANCE PRUITT
REP. LINDSEY HOLMES
REP. MAX GRUENBERG

STATE CAPITOL BUILDING, RM 120
JUNEAU, AK 99801-1182
PHONE: 907-465-4990
FAX: 907-465-2381
HOUSE_JUDICIARY@LEGIS.STATE.AK.US

Sponsor Statement
HB 169

"An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

HB 169 closes gaps in the regulation review statutes. The Legislative Affairs Agency (LAA) attorneys review proposed regulations, including those from newly enacted legislation and at the request of a standing committee, the Administrative Regulations Review Committee, and the Legislative Council. However, if the attorney finds that the proposed regulations fail to meet statutory standards, the only legislative entities they are allowed to notify are the Administrative Regulation Review Committee, the Speaker of the House, and the President of the Senate. Additionally, LAA cannot currently notify anyone if the regulation meets statutory standards.

HB 169 allows LAA to notify the committee or council that requested the review that the regulations do not meet statutory standards. In addition, if the proposed regulation implements newly passed legislation, LAA would be able to consult with and notify the prime sponsor of that legislation, if the prime sponsor is still a sitting legislator. Finally, HB 169 allows LAA to notify the requester of the review if the attorney determines that the regulations meet statutory standards.

HB 169 is a simple fix to two minor problems in an otherwise functioning review system. It will give the benefits of the review process to those who need it most.

Sarah Munson
(907) 465-4990
27-LS0559\A
03/08/11

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 18, 2011

SUBJECT: Review of Proposed Regulations by the Legislative Affairs Agency (Work Order No. 27-LS0559\A)

TO: Representative Carl Gatto
Chair of the House Judiciary Committee

FROM: Terri Lauterbach
Legislative Counsel

Enclosed is a draft of a bill you requested to "fix some flaws" in AS 24.20.105, as we discussed after the meeting of the Administrative Regulation Review Committee (ARRC) on Tuesday.[1]

Section 1. This section of the bill accomplishes several things:

(1) The new language on page 1 allows the reviewing attorney in LAA to consult with the prime sponsor of the relevant bill if the attorney is reviewing proposed regulations that implement newly enacted legislation. You only asked specifically for the prime sponsor to get copies of memos denoting possible legal flaws determined in these kinds of reviews, but I thought it was probably in keeping with your goal to also add this consultation aspect as well. Let me know if I erred in this regard and I can remove the language. Also, please note that I have limited this consultation requirement to situations when the prime sponsor is still a member of the legislature. In addition to the logistics that may be difficult when the prime sponsor is no longer a member, it seems to me in keeping with the confidential nature of these reviews that only sitting legislators be included in the review process under AS 24.20.105.

(2) The first two lines on page 2 allow LAA review memos to be sent to a standing committee or to the Legislative Council if they have requested a review of some proposed regulations because of their "major policy implications." Under current law,

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[1] Although I drafted the enclosed bill, Lisa Kirsch's name appears in the upper right-hand corner of page 1. This has been done so that, if you introduce the bill, legislators and staff will have a full-time attorney to call with questions or amendments related to the bill. As I mentioned at the ARRC meeting, I am only half-time. Lisa Kirsch reviewed proposed regulations under AS 24.20.105 for most of the past three years, and is knowledgeable about the issues addressed in this bill draft. Feel free to call either one of us about the draft.

these entities can request a review and that request is given priority status under AS 24.20.105(b)(2), but the law, through an oversight in the original legislation, does not allow them to get the memo that could result from the review. Current law allows these memos to go only to the Department of Law, the state agency proposing the regulations, the ARRC, the senate president, and the speaker of the house. (See AS 24.20.105(e) and the restriction on LAA's disclosure under AS 24.20.105(g).)

(3) Lines 3 - 7 on page 2 allow LAA review memos to be sent to the prime sponsor of the relevant legislation if a review of proposed regulations that implement newly enacted legislation shows legal problems of the type described in AS 24.20.105(d). As with the consultation requirement for prime sponsors described above in (1), I have limited this memo-sharing requirement to prime sponsors who are still sitting legislators.

(4) Lines 7 - 10 on page 2 require LAA to communicate to a standing committee or the Legislative Council the results of a review that was requested by either of them in situations where the reviewer has not found legal flaws. Currently, AS 24.20.105 only allows LAA to communicate with respect to reviews where legal flaws are perceived, and that makes sense with respect to the vast number of reviews, as the relevant entities would normally be interested only if the reviewing attorney sees problems. However, with respect to a review requested under AS 24.20.105(b)(2), it seems to me that it would make sense for LAA to be able to respond that a review has been completed but that no problems were found. I have deliberately not required this communication to be in writing so that a phone call could suffice; the requester, of course, could always request that the "no problems" response be in writing.

Sec. 2. This section clarifies that the new provisions of section 1 apply to any reviews ongoing in LAA at the time the bill takes effect even if the notice of proposed regulations was issued before the effective date of the bill.

Sec. 3. This section gives the bill an immediate effective date. There are no impediments I can think of that would keep LAA from immediately being able to implement any of the new provisions of section 1.

TML:LMK:ljw
11-115.ljw

Enclosure

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **HB 169**
() Publish Date

Identifier (file name): HB169-LEG-COU-03-10-2011
Title: "LAA Review of Proposed Regulations"
Sponsor: House Judiciary Committee
Requester: House State Affairs & House Judiciary Committees

Dept. Affected: Legislature
Appropriation: Legislative Council
Allocation: Legal and Research Services
OMB Component Number: 2028

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
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 (FY2011) cost _____

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Initial Version

Prepared by: Shane Miller, Finance Manager — Phone 465-6626
Division: Administrative Services Division — Date/Time 3/10/11 1:22 PM
Approved by: Pamela Varni, Executive Director — Date 3/10/2011
Legislative Affairs Agency

(Revised 12/29/2010 OMB)

Analysis

This fiscal note has zero impact on the Legislative Affairs Agency.

HB 176

<TARGET><BILL>HB 176</BILL><SUBJECT>HB 176</SUBJECT><COMM>HSTA27</COMM></TARGET>

5334
4316

Committee Action on Legislation

HOUSE RECORDS COMMITTEE SECRETARY: LORI ROLAND 15 MARCH 2011

HOUSE STATE AFFAIRS STANDING COMMITTEE PAGE 1 OF 1

# SHORT TITLE	ACTION TAKEN ON LEGISLATION
HB 169-LAA REVIEW OF PROPOSED REGULATIONS	____ Moved Out of Cmte ____ Moved CS (____)Out of Cmte ____ Moved HCS (____)Out of Cmte ✓ Heard and Held ____ Heard and Held; Assigned to Subcmte ____ Scheduled but not Heard ____ Failed to Move Out of Committee ____ Waived Out of Committee ____ Adopted Letter of Intent
# SHORT TITLE	ACTION TAKEN ON LEGISLATION
HB 176-PFD ALLOWABLE ABSENCE:DEFENSE WORKERS	____ Moved Out of Cmte ____ Moved CS (____)Out of Cmte ____ Moved HCS (____)Out of Cmte ✓ Heard and Held ____ Heard and Held; Assigned to Subcmte ____ Scheduled but not Heard ____ Failed to Move Out of Committee ____ Waived Out of Committee ____ Adopted Letter of Intent
# SHORT TITLE	ACTION TAKEN ON LEGISLATION
	____ Moved Out of Cmte ____ Moved CS (____)Out of Cmte ____ Moved HCS (____)Out of Cmte ____ Heard and Held ____ Heard and Held; Assigned to Subcmte ____ Scheduled but not Heard ____ Failed to Move Out of Committee ____ Waived Out of Committee ____ Adopted Letter of Intent

ALASKA STATE LEGISLATURE

REPRESENTATIVE BOB MILLER
State Capitol Building, Room 112
Juneau, Alaska 99801-2186
Phone (907) 465-6878
Fax: (907) 465-3883
Toll Free: (866) 465-4976
Rep.Bob.Miller@legis.state.ak.us

MEMORANDUM

To: Representative Bob Lynn,
Chair House State Affairs Committee

From: Representative Bob Miller

Date: March 08, 2011

Re: Request for a hearing of HB 176

Enclosed is the committee packet for HB 176, *An Act relating to an allowable absence for members of the Department of Defense Civilian Expeditionary Workforce for purposes of determining eligibility for permanent fund dividends; and for an effective date.*

I have included the required documents including the Sponsor Statement, the original version of the bill, and other supplemental information.

I would appreciate a hearing before your House State Affairs Committee as your earliest convenience.

Please contact my staff member, Troy Bouffard, at 465-6879 with any questions or comments regarding this request.

The main point of contact regarding the civilian workforce in Alaska's military is the following:

JULIE ANN GRATION, Capt, USAFR
julie.gration@elmendorf.af.mil
Legislative Liaison
ALCOM/JTF-AK
DSN 317.552.5625
CML 907.552.5625
CELL 907.229.1832

Thank you for your consideration

any given years — covers about 6 people per Miller.

WORK DRAFT WORK DRAFT WORK DRAFT

Keller Moved CS
Seaton objects for Discussion

27-LS0224\B
Kirsch
3/14/11

3/15/11 Heard & Held

CS FOR HOUSE BILL NO. 176( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MILLER, Thompson, Feige

A BILL

FOR AN ACT ENTITLED

"An Act relating to an allowable absence for members of the Civilian Expeditionary Workforce of the United States Department of Defense for purposes of determining 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 (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 in a combat zone, qualified hazardous duty area, or a danger pay post as a member of the Civilian Expeditionary Workforce while under orders to deploy;

(18) [(17)] 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 is amended by adding a new subsection to read:

(e) For purposes of (a)(17) of this section,

(1) "Civilian Expeditionary Workforce" means the program created in United States Department of Defense Directive 1404.10 (January 23, 2009);

(2) "combat zone" has the meaning given in 26 U.S.C. 112(c)(2) (Internal Revenue Code);

(3) "danger pay post" means a post so designated by the United States Secretary of State in the Department of State Standardized Regulations for purposes of danger pay under 5 U.S.C. 5928;

(4) "orders to deploy" means a letter of authorization or travel paper issued by the United States Department of Defense or a branch of the armed forces of the United States that requires the recipient to report for duty in a combat zone, qualified hazardous duty zone, or danger pay post;

(5) "qualified hazardous duty area" means an area that during the applicant's deployment is treated as if it were a combat zone for purposes of a federal

tax exemption under 26 U.S.C. 112 (Internal Revenue Code).

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Notwithstanding permanent fund dividend application procedures or deadlines, a person who qualifies for a 2010 or 2011 permanent fund dividend because of the enactment of AS 43.23.008(a)(17) in sec. 1 of this Act and the addition of AS 43.23.008(e) in sec. 2 of this Act may apply for the dividend by December 31, 2011. The Department of Revenue shall prepare a form for application under this section.

*** Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Sections 1 and 2 of this Act are retroactive to January 1, 2009.

*** Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

Guenberg
Why 2 years?
Wants an answer.

CS HB 176
Forms
Fiscal Note

Wilson Wants definition of combat areas clarified - danger pay posts?

Seaton/category of people
→ What jobs do they have
→ Why they are in this special group & not in the military

are they double dipping?
Seaton did not use those words but he referenced it.

ALASKA STATE LEGISLATURE

REPRESENTATIVE BOB MILLER

House Bill 176:

An Act relating to an allowable absence for members of the Department of Defense Civilian Expeditionary Workforce for purposes of determining eligibility for permanent fund dividends; and for an effective date

Sponsor Statement

"After retiring from the military, I was hired to work with the Ft. Wainwright Stryker Brigade as the Safety Officer. The regular deployments take me beyond the 180-day requirement and I am continuously unqualified for the PFD. As an Alaskan resident, that doesn't seem fair"

- Command Sergeant Major (Retired) Dean Phillips, US Army

Currently, there are over 7,000 civilians working as part of the Alaska Military Community. Of that, there are currently about 53 civilians that are part of the DoD Civilian *Expeditionary* Workforce; a category of civilians hired by the Defense Department, in accordance with DoD Directive 1404.10.

Paragraph d(1) of the directive spells out that these 53 civilians are considered Emergency Essential and the management offices track them specifically as "deployable" whereas the rest of the categories of the DoD Civilian Workforce are not deployable.

The vast majority of civilians that support operations in areas such as Iraq and Afghanistan are **not** part of the DoD Civilian Expeditionary Workforce. They make a purely economic choice concerning their employment. They do so without official orders and often work in self-employed or contracted positions as non-appropriated funds employees. Of the approximate 53 civilians, less than a dozen deploy more than 180 days annually.

The DoD Civilian Expeditionary Workforce is essentially personnel that are not allowed to wear the full uniform, but deploy on orders and work with service members side-by-side providing direct support during combat and support missions exposed to the same bullets and IED's as our service members.

These Alaskans undeniably deserve their PFD.

I urge you to join me in supporting House Bill 176.

January – April: State Capitol – Juneau, Alaska 99801 – (907) 465-6878 – 1 (866) 465-4976 – Fax (907) 465-3838
June – December: 1292 Sadler Way Ste 308 – Fairbanks, Alaska 99701 – (907) 452-6084 – Fax (907) 452-6096
Representative.Bob.Miller@legis.state.ak.us

SAMPLE

DEPARTMENT OF THE ARMY
99th REGIONAL READINESS COMMAND
99 Soldiers Lane
Coraopolis, Pennsylvania 15108

ORDERS 080-02 14 January 2006

Moore, Clayton M. 000-00-0000 MAJ DET 1 CORPS ENG RES (W116Y1) ALEXANDRIA, VA 22310-3320

You are deployed as a Temporary Change of Station (TCS) as shown below and are to return to your permanent station upon completion of the duties in support of this operation. You will submit a reviewed travel voucher for this travel to the finance office within 5 working days after return to home station.

Assigned to: HHC 201st Engineer Battalion (Para /Line) (W175AQ), Camp Phoenix, Kabul, APO AE 09356
Purpose: Deployment in support of **Operation Iraqi Freedom**
Temporary Duty: CRC, Ft Bliss, TX
Report Date TDY Station: NLT 1500, 15 February 2006
Number of days: Not to Exceed 545 Days
Will proceed date: 15 February 2006
Security clearance: Secret, Type - NAC, Dtd 15 January 2001 (verified by Ms. Ann Smith, Security Manager, Phone: 418-555-1234).
Accounting classification: (For both active and reserve component Soldiers, contact installation management command comptroller for fund cite)
Customer Identification Code (CIC): (See Chapter 4 of PPG for CIC information)
Movement designator code: PMO7 (officer), PME7 (enlisted)
Additional instructions: (This order is for Medical Processing prior to movement to CENTCOM or REFRAD).
a. WIAS Control Number –CT-OPEF-03020-01 (if applicable)
b. Dependents location - city state, zip code (if applicable)
c. This is Temporary Change of Station (TCS), soldiers will be attached to TCS duty stations. Normal PCS entitlements, allowances and relocation of family members are not authorized. Consolidated Personnel Policy Guidance (PPG) for Operations Iraqi Freedom, Iraq Freedom and Noble Eagle on the DCS, G-1 web site http://www.armyg1.army.mil/militarypersonnel/policy.asp
d. Soldiers must secure a reservation for the CONUS replacement center (CRC) in order to attend the mandatory training enroute to the CENTCOM AOR. MACOMs will call the Army Travelers Assistance Center (ATAC) at 1-800-582-5552 or send an e-mail to atac@hoffman.army.mil.
e. Temporary storage of HHG is authorized as provided by paragraph U4770–A, Joint Federal Travel Regulation, this may impact on the authorization for BAH. Contact the local transportation office for assistance.
f. Travel by POV is authorized if duty is in CONUS as not advantageous to the government; cost of transportation is limited to Official Directed Mode; reimbursement is limited to the government cost of transportation. POV Storage is authorized contact the local Installation Transportation (ITO) officer for assistance.
g. Temporary Duty (TDY) Household Goods (HHG) Weight allowance is authorized for CONUS and OCONUS based personnel that are on active duty for a period greater than 200-days, excluding those areas designated as Hostile Fire/Imminent Danger Pay areas.
h. For flights into and out of theater. Soldiers are authorized the shipment of 4 checked bags – one personal bag and three issued bags of OCIE (not to exceed 70 lbs/bag) and 1 standard carry-on bag on AMC/contracted flights. When AMC or contracted transportation is not available, reimbursement for excess baggage up to 4 checked bags weighing

SAMPLE ORDER

SAMPLE ORDER

more than 50lbs to a max of 70lbs per bag is authorized.
i. You will bring only those items specified in chapter 6 of the PPG or other appropriate authority. You will be provided a list of those items from your servicing personnel service center/company.
j. Soldier readiness processing will be accomplished prior to departure from losing installation/home station per chapter 4, AR 600–8–101. Losing installation commander will determine the extent of out-processing. Soldier will hand carry out-processing packet; field Military Personnel Records Jacket (MPRJ) along with associated transfer documents, records, and deployment packet to the gaining PSC or replacement activity.
k. Government quarters and dining facilities will be used at the replacement activity and during deployment. Essential Unit Mess (EUM) has been declared by Assistance Secretary of the Army (Manpower and Reserve Affairs) ASA(M&RA) for the mobilization and demobilization sites not to exceed (10) days. MOSQ location will provide quarters and mess. The Installation Commander will make separate determinations as the availability of mess and quarters and as a last resort will issue statement/certificate of non-availability. Per diem payable is $3.00 per day for CONUS and $3.50 per day for OCONUS. Per Diem will normally be paid for the travel to gaining station, or replacement activity unless prohibited by travel circumstances.
l. During period of deployment, gaining/deployed unit commander has responsibility for personnel service support to include awards and decorations, UCMJ, and all other forms of personnel and legal administration support.
m. Basic Allowance for Housing (BAH) for Regular active duty soldiers is based upon their permanent duty station. RC soldiers and retired soldiers called or ordered to active duty BAH is based on their principal place of residence when called or ordered to the tour of active duty.
n. Soldier may submit interim travel voucher if otherwise entitled to per diem and/or travel for the monthly payment of accrual travel payment. Care should be taken to keep all required documents to support payments/request for payments. All documents will be required upon final settlement voucher.
o. Use of leave during this deployment is recommended for all soldiers. A copy of the leave record will be submitted upon completion of this operation with the final settlement voucher. If unable to take leave taken during this period a payment of unused leave is authorized with no impact to career leave sell back of 60 days.
p. Additional movement requirements will be completed using amendment orders, format 700, movement to return to CONUS will also be completed using a format 700.
q. Soldiers will logon to the AKO web site at https://www.us.army.mil/portal/portal_home.jhtml and establish an AKO email account.

Format: 401

FOR THE COMMANDER

JACK A NICHOLSON
LTC, GS
Director, Military Personnel

DISTRIBUTION:
Indiv Con (10)
Field MPRJ (1)
IPERMS DEP/MOB Folders (1)

SAMPLE ORDER

REQUEST AND AUTHORIZATION FOR TDY TRAVEL OF DOD PERSONNEL

(Reference: Joint Travel Regulations (JTR), Chapter 3)
(Read Privacy Act Statement on back before completing form.)

1. DATE OF REQUEST *(YYYYMMDD)*: 20090128

REQUEST FOR OFFICIAL TRAVEL

2. NAME *(Last, First, Middle initial)*	3. SOCIAL SECURITY NUMBER	4. POSITION TITLE AND GRADE/RATING
Phillips, Dean C.	[redacted]	GS-11

5. LOCATION OF PERMANENT DUTY STATION (PDS)	6. ORGANIZATIONAL ELEMENT	7. DUTY PHONE NUMBER *(Include Area Code)*
		9073532004

8. TYPE OF ORDERS	9. TDY PURPOSE *(see JTR, Appendix H)*	10a. APPROX NO. OF TDY DAYS *(Including travel time)*	b. PROCEED DATE *(YYYYMMDD)*
AA-ROUTINE TDY/TAD	SPECIAL MISSION TRAVEL See next page	223	20090220

11. ITINERARY [X] VARIATION AUTHORIZED

FROM: RES: FAIRBANKS,AK
TO: MILITARY BASES NOT IN BAGHDAD,IR
RETURN TO: RES: FAIRBANKS, AK

12. TRANSPORTATION MODE

a. COMMERCIAL				b. GOVERNMENT			c. LOCAL TRANSPORTATION			
RAIL	AIR	BUS	SHIP	AIR	VEHICLE	SHIP	CAR RENTAL	TAXI	OTHER	PRIVATELY OWNED CONVEYANCE (Check one) RATE PER MILE: _____
	X									[ ] ADVANTAGEOUS TO THE GOVERNMENT

[ ] AS DETERMINED BY APPROPRIATE TRANSPORTATION OFFICER *(Overseas Travel only)*

[ ] MILEAGE REIMBURSEMENT AND PERDIEM IS LIMITED TO CONSTRUCTIVE COST OF COMMON CARRIER TRANSPORTATION AND PER DIEM AS DETERMINED AND TRAVEL TIME AS LIMITED PER JTR

13. [X] a. PER DIEM AUTHORIZED IN ACCORDANCE WITH JTR. [ ] b. OTHER RATE OF PER DIEM *(Specify)*

14. ESTIMATED COST

a. PER DIEM	b. TRAVEL	c. OTHER	d. TOTAL	15. ADVANCE AUTHORIZED
$ 2,225.00	$ 1,599.76	$	$ 3,824.76	$ 0.00

16. REMARKS *(Use this space for special requirements, leave, excess baggage, accommodations, registration fees, etc.)*

Traveler is non-exempt from the mandatory provisions of the TTRA.

The 'Travel and Transportation Reform Act of 1998' stipulates that the government-sponsored, contractor-issued travel card shall be used by all U.S. Government personnel (civilian and military) to pay for costs incident to official business travel unless specifically exempted by authority of the Administrator of General Services or the head of the agency.

Government travel cardholders shall obtain cash, as authorized, through automated teller machines (ATM), rather than obtaining cash advances from a DoD disbursing officer.

REMARKS continued on next page

17. TRAVEL-REQUESTING OFFICIAL *(Title and signature)*	18. TRAVEL-APPROVING/DIRECTING OFFICIAL *(Title and signature)*
	HAROLD E. SHARP YA-03

AUTHORIZATION

19. ACCOUNTING CITATION

095523^21^2009^2020^0000^9^82^1300^^^13519700000^^VIRQ^^21T2^CTDSRH^RHCTDS^^
^095523^^^^^^^^^ 3,821.76

20. AUTHORIZING/ORDER ISSUING OFFICIAL *(Title and signature)*	21. DATE ISSUED *(YYYYMMDD)*: 20090128
	22. TRAVEL ORDER NUMBER: DPMILITARYBAS022009 A03 01

DD FORM 1610, JAN 2001

PREVIOUS EDITION IS OBSOLETE

Submission of travel claims shall be submitted within five (5) working days of return to or arrival at the Permanent Duty Station (PDS). In the case of extended TDY/TAD (over 45 days), the traveler shall submit a claim for each 30-day period. That claim must be submitted within five (5) days after each 30-day period.

Traveler is non-exempt from the mandatory provisions of the TTRA.
The Travel and Transportation Reform ACT of 1998; stipulates that the government-sponsored, contractor-issed travel card shall be used by all US Government personnel (civilian and military) to pay for costs incident to official business travel unless specifically exempted by authority of the Administrator of General Services or the head of the agency.
Government Travel cardholders shall obtain cash, as authorized, through automated teller machines (ATM), rather than obtaining cash advances from a DOD disbursing officer.
Submission of travel clams shall be submitted within five (5) working days of return to or arrival at the Permanent Duty Station (PDS). In case extended TDY/TAD (over 45 Days), the traveler shall submit a clam for each 30 day period. That claim must be submitted with in five (5) days after each 30 day period.
Exchange and commissary privileges authorized OCONUS; additionally authorized at CONUS locations in route to AO. Medical and dental care is authorized IAW service regulations. Non-reimbursable care authorized at deployment site. Over time and compensatory time authorized at TDY site as required. Meals and incidentals authorized. TDY is under field conditions. You must carry a civilian ID card. You must submit a travel voucher for review within 5 days after completion of travel. Individual Government Travel card may be used to obtain cash needed for travel. Ticket to be purchased with a Centrally Billed Account. Taxi authorized for mission accomplishment.
If the trip itinerary is canceled or changed after tickets or transportation requests are issued to the traveler, the traveler is liable for their value until all ticket coupons have been used for official travel and/or all unused tickets or coupons are properly accounted for on the travel reimbursement voucher.

The use of a Government-Contracted Commercial Travel Office (CTO) to arrange official travel is mandatory. If the contracted CTO is not used to make official travel arrangements, the traveler must provide a statement in detail as to exactly why the CTO is not available or otherwise not being used.

In case conditions warrant deviation enroute to and from the TDY locations.
This trip currently uses a Centrally Billed Account (CBA) as the form of payment for Air or Rail tickets. The traveler is a Non-Exempt cardholder and must use their Individually Billed Account (IBA) - GTCC.

The AO must personally ensure that any use of a CBA by this traveler is authorized by local business rules and/or Service / Agency policy. The AO approval of this non standard use of a DEPARTMENT

removed if the CBA form of payment is changed.□civilian authorized travel□□□

PURPOSE OF TDY
To support 1/25 SBCT for OIF and Redeployment

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **HB176**
() Publish Date

Identifier (file name): HB176-DOR-PFD-3-12-11
Title: PFD Allowable Absence for Civilian Expeditionary Workforce
Sponsor: Representative Miller
Requester: State Affairs

Dept. Affected: Revenue
Appropriation: Taxation and Treasury
Allocation: Permanent Fund Dividend Division
OMB Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services	10.0						
Travel							
Services							
Commodities	25.0						
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**35.0**	**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							
1050 PFD Funds	35.0						
TOTAL	**35.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by: Deborah M. Bitney, Director — Phone: 465-4785
Division: Permanent Fund Dividend — Date/Time: 3/11/11; 10:33am
Approved by: Ginger Blaisdell, Director Administrative Services Division — Date: 3/12/11; 5:39pm
Department of Revenue

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB176

Analysis

House Bill 176 creates an allowable absences for members of the Civiliam Expeditionary Workforce of the United States Department of Defense for purposes of determining eligibility for permanent fund dividends.
It is estimated that a minimum of 200 hours of programmer time will be necessary to make these changes.

The application forms and instructions must be changed in order to accomodate a new absence reason. The cost of printing and distributing new instructions to the more than 280 distributions sites around Alaska is a direct increased cost to the division.

Estimated costs that the division would accommodate:
Programmer time: $10,000
70,000 instruction books print and postage: $20,000
Regulations: $5,000
Public inquiries: indeterminant

HB 178

<TARGET><BILL>HB 178</BILL><SUBJECT>HB 178</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 30, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 4-5-2011

The STATE AFFAIRS Committee considered: **HB 178**

HOUSE BILL NO. 178
"An Act relating to election practices and procedures; and providing for an effective date."
HB 178-ELECTION PROCEDURES

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 178 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	GOV		Y	

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	**Printed Last Name**	**DP**	**DNP**	**NR**	**AM**
Kelly Johansen	Johansen	X			
Peggy Wilson	WILSON				X
Wes Keller	Keller				X
Mark Greenberg	Greenberg				~
Paul R. Seaton	Seaton	X			
Chair: Bob	LYNN	X			
Chair:					

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 5, 2011

SUBJECT: Incorporation of a portion of amendment 27-LS0304\E.1 into CSHB 178(STA) (Work Order No. 27-LS0304\U)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Nancy Manly

FROM: Alpheus Bullard
Legislative Counsel

This memorandum accompanies the bill described above.

Earlier today, the House State Affairs Committee adopted a portion of amendment 27-LS0304\E.1 (E.1) as a conceptual amendment to the "R" version of the same bill. It was not a perfect fit. Not only was E.1 drafted to fit into a different version of the bill, but only a portion of E.1 was adopted as a conceptual amendment.

To make it work, and consistent with what I understand to be the intent of the committee, I deleted some new language that was contained in the conceptual amendment. The amendment provided, in pertinent part:

> AS 15.20.066(a) is amended to read:
>
> (a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must
>
> (1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;
>
> **(2) require the voter to comply with the same deadlines for applying for an absentee ballot as those set out for applying in person for an absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply to vote an absentee ballot by electronic transmission at any time during a calendar year** . . .

Existing, unamended AS 15.20.082 provides that AS 15.20.066, that is, the section amended by the conceptual amendment, does not apply to AS 15.20.082. See AS 15.20.082(e).

Amendment E.1 repealed and reenacted AS 15.20.082. Your bill does not. Consequently, I changed that portion of the amendment that read:

> **except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply** . . .

To read:

> **except that a qualified voter who is an absent uniformed services voter or an overseas voter may apply** . . .

As a result, while this bill will permit an absent uniformed services voter or an overseas voter to apply to vote an absentee ballot by electronic transmission at any time during the calendar year, it does not permit a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state to apply to vote an absentee ballot by electronic transmission at any time during a calendar year. It also does not change the law for voters in remote areas of the state.

Note also, that because the conceptual amendment used the terms "absent uniformed services voter" and "overseas voter," and because definitions for those terms were included in both amendment E.1 and amendment X.1, I added definitions for these terms to AS 15.80.010 (instead of defining them only for purposes of sec. 15.20.081(k), as X.1 did).

If you have questions, please do not hesitate to contact me.

TLAB:plm
11-221.pm

Enclosure

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol, #108
Juneau, AK 99801-1182

Phone: (907) 465-4931
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Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 Nmanly # of Pages (including cover): 4
Alaska State Capitol, room 104
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re FINAL CS for HB 178 (27-LS0304\R)

4/05/2011

HB 178 moved out of the House State Affairs Committee this morning with changes to Version ~~R~~ S. Please draft a final CS with the following amendments included:

Conceptual Amendment #1
27-LS0304\X.1

Conceptual Amendment #2
27-LS0304\E.1

Conceptual Amendment #3 (Wilson)
Failed

Conceptual Amendment #4 (Johansen)
Withdrawn

Please Note

Conceptual Amendment # 5 & 6 (Gruenberg)
Failed on both

PLEASE RUSH: Sponsor ask that this CS be a RUSH as they want to tighten the title in the Rules Committee.

27-LS0304\X.1
Bullard
3/23/11

passed Conceptual

AMENDMENT # 1 to version R

objected ~~Gruenberg~~ Wilson removed

OFFERED IN THE HOUSE

TO: CSHB 178( ), Draft Version "X"

Page 5, following line 16:

Insert a new bill section to read:

"* **Sec. 10.** AS 15.20.081(c) is amended to read:

(c) After receipt of an application, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. However, if the application requests that an absentee ballot for a state election be sent by electronic transmission, the director shall send the absentee ballot and other absentee voting material to the applicant by electronic transmission. **Except as provided in (k) of this section, the** [THE] absentee ballot and other absentee voting material shall be sent as soon as they are ready for distribution. If the absentee ballot and other absentee voting material are mailed to the applicant, the return envelope sent with the ballot and other materials shall be addressed to the election supervisor in the district in which the voter is a resident."

Renumber the following bill sections accordingly.

Page 6, following line 13:

Insert a new bill section to read:

"* **Sec. 13.** AS 15.20.081 is amended by adding a new subsection to read:

(k) In accordance with 42 U.S.C. 1973ff-1(a)(8)(A), if an application is received at least 45 days before an election and is from an absent uniformed services voter or an overseas voter, the director shall send an absentee ballot and other voting material to the applicant not later than 45 days before the election. If the absentee

ballot prepared under AS 15.20.030 is not ready for distribution under (c) of this section at least 45 days before an election, the director shall provide an alternative absentee ballot to an absent uniformed services voter or overseas voter who requested an absentee ballot at least 45 days before the election. The alternative absentee ballot shall be prepared in substantially the same form as an absentee ballot prepared under AS 15.20.030. In this subsection,

(1) "absent uniformed services voter" has the meaning given in 42 U.S.C. 1973ff-6;

(2) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6."

Renumber the following bill sections accordingly.

27-LS0304\E.1
Bullard
3.14.11

Passed conceptual

AMENDMENT #2 to version R

OFFERED IN THE HOUSE

TO: CSHB 178( ), Draft Version "E"

object Gruenberg removed

Page 3, following line 12:

Insert a new bill section to read:

"* **Sec. 7.** AS 15.20.066(a) is amended to read:

(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

(1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;

(2) require the voter to comply with the same deadlines for applying for an absentee ballot as those set out for applying in person for an absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply to vote an absentee ballot by electronic transmission at any time during a calendar year; and

(3) [(2)] ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process."

27-LS0304\X.1
Bullard
3/23/11

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 178( ), Draft Version "X"

Page 5, following line 16:

Insert a new bill section to read:

"* **Sec. 10.** AS 15.20.081(c) is amended to read:

(c) After receipt of an application, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. However, if the application requests that an absentee ballot for a state election be sent by electronic transmission, the director shall send the absentee ballot and other absentee voting material to the applicant by electronic transmission. **Except as provided in (k) of this section, the** [THE] absentee ballot and other absentee voting material shall be sent as soon as they are ready for distribution. If the absentee ballot and other absentee voting material are mailed to the applicant, the return envelope sent with the ballot and other materials shall be addressed to the election supervisor in the district in which the voter is a resident."

Renumber the following bill sections accordingly.

Page 6, following line 13:

Insert a new bill section to read:

"* **Sec. 13.** AS 15.20.081 is amended by adding a new subsection to read:

(k) In accordance with 42 U.S.C. 1973ff-1(a)(8)(A), if an application is received at least 45 days before an election and is from an absent uniformed services voter or an overseas voter, the director shall send an absentee ballot and other voting material to the applicant not later than 45 days before the election. If the absentee

ballot prepared under AS 15.20.030 is not ready for distribution under (c) of this section at least 45 days before an election, the director shall provide an alternative absentee ballot to an absent uniformed services voter or overseas voter who requested an absentee ballot at least 45 days before the election. The alternative absentee ballot shall be prepared in substantially the same form as an absentee ballot prepared under AS 15.20.030. In this subsection,

(1) "absent uniformed services voter" has the meaning given in 42 U.S.C. 1973ff-6;

(2) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6."

Renumber the following bill sections accordingly.

Patty Krueger

From: mark san souci [sansouci01@comcast.net]
Sent: Saturday, April 02, 2011 11:24 AM
To: Rep. Bob Lynn
Cc: Cecile Elliott
Subject: RE: CSHB 178 Department of Defense Support

Dear Chairman Lynn,

I hope all is continuing to go well for you this session and it was nice visiting with you back in February when I had the opportunity to fly up and testify on HB 28 for military spouse licensing. Thank you for passing that out of your committee, voting for it in full house, and ensuring the bill is well on its way to success.

I write to you today in support of CSHB 178, the Election Procedures bill that will ensure that Alaskan military and overseas voters who desire to vote will be able to obtain their ballots in a timely manner to execute their choices for office and return it in time to be counted. The 45 day transmittal time, the electronic transmission capabilities, and the witness requirement waiver will all be steps in guaranteeing those military folks fighting for our freedoms will be able to exercise the franchise they are out there fighting for in defending liberty and democracy around the world.

In watching the hearing on 178 this past Thursday March 31st, I noted the discussions by your committee members on varying areas of the bill, worked so diligently by Cecile Elliot, staff to Representative Thomas. There were many good questions and good points for you to consider, for sure.

As you decide to move the bill this week please know that as far as the Department of Defense, State Liaison Office is concerned, we support the bill AS IS. Whatever modification you determine you may need to make, we defer to your judgment, as long as the key aspects of 45 days, electronic transmission, and witness waivers remain. Those are the key provisions we think makes progress for Alaskans consistent with the MOVE Act of 2009, and help our military folks vote.

As a fellow Air Force retiree, once again I want to thank you for your service, and thank you immensely for your continued legislative support of our military families! I hope to see you at CSG West again this summer, this time in Hawaii!

Sincerely,
Mark

MARK B. SAN SOUCI
Regional Liaison Northwest (WA, AK, ID, OR)
Defense State Liaison Office
Office of the Deputy Assistant Secretary of Defense
DUSD (Military Community and Family Policy)
253-273-2214
www.usa4militaryfamilies.org
sansouci01@comcast.net

27-LS0304\E.1
Bullard
3/14/11

(2)

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 178( ), Draft Version "E"

Page 3, following line 12:

Insert a new bill section to read:

"* **Sec. 7.** AS 15.20.066(a) is amended to read:

(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

(1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;

(2) require the voter to comply with the same deadlines for applying for an absentee ballot as those set out for applying in person for an absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply to vote an absentee ballot by electronic transmission at any time during a calendar year; and

(3) [(2)] ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process."

HB 178 relevant Statutes

Title 15. Elections.

Chapter

05. Qualification of Voters (§§ 15.05.010 — 15.05.030)
07. Registration of Voters (§§ 15.07.010 — 15.07.200)
10. Election Districts, Election Officials, and Redistricting (§§ 15.10.010 — 15.10.300)
13. State Election Campaigns (§§ 15.13.010 — 15.13.400)
15. Elections and Ballots (§§ 15.15.010 — 15.15.480)
20. Special Procedures for Elections (§§ 15.20.010 — 15.20.910)
25. Nomination of Candidates (§§ 15.25.010 — 15.25.200)
30. National Elections (§§ 15.30.010 — 15.30.190)
35. State Elections (§§ 15.35.010 — 15.35.135)
40. Special Elections and Appointments (§§ 15.40.140 — 15.40.470)
45. Initiative, Referendum, and Recall (§§ 15.45.010 — 15.45.720)
50. Constitutional Amendments and Conventions (§§ 15.50.010 — 15.50.110)
56. Election Offenses, Corrupt Practices, and Penalties (§§ 15.56.012 — 15.56.199)
58. Election Pamphlet (§§ 15.58.010 — 15.58.090)
80. General Provisions (§§ 15.80.005 — 15.80.020)

Revisor's notes. — The provisions of this title were redrafted in 1988 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982, and in 1988, 2000, and 2010 to make other minor word changes.

In 1971 "secretary of state" was changed to "lieutenant governor" throughout the title in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Administrative Code. — For elections, see 6 AAC, part 1.

Legislative history reports. — For governor's transmittal letter for ch. 113, SLA 2003 (House Bill 266), see 2003 House Journal 965 — 969.

For governor's transmittal letter for ch. 2, FSSLA 2005 (HB 94), the basis of a number of the 2005 amendments to this title, see 2005 House Journal 118 — 125.

Chapter 05. Qualification of Voters.

Section

10. Voter qualification
11. Qualifications of overseas voters
12. Voter qualification for presidential election
14. Procedures in presidential elections
20. Rules for determining residence of voter
30. Loss and restoration of voting rights

Collateral references. — 25 Am. Jur. 2d, Elections, § 1 et seq.

29 C.J.S., Elections, §§ 14-35.

Sec. 15.05.010. Voter qualification. A person may vote at any election who

(1) is a citizen of the United States;

(2) is 18 years of age or older;

(3) has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election; and

(4) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction. (§ 1.01 ch 83 SLA 1960; am § 1 ch 125 SLA 1962; am § 1 ch 80 SLA 1963; am § 1 ch 211 SLA 1968; am § 1 ch 88 SLA 1969; am § 1 ch 15 SLA 1970; am § 1 ch 75 SLA 1972; am §§ 1, 38 ch 116 SLA 1972; am §§ 2, 3 ch 197 SLA 1975; am § 1 ch 100 SLA 1980; am § 27 ch 21 SLA 2000)

Cross references. — For moving from house district just before election, see AS 15.20.015; for time for registration, see AS 15.07.040.

Legislative history reports. — For report on ch. 83, SLA 1960 (CSHB 252), see 1960 House Journal, pp. 139, 140. For report on ch. 88, SLA 1969 (HB 100), see 1969 House Journal, p. 443. For report on ch. 15, SLA 1970 (CSHB 346), see 1970 House Journal, p. 131. Related House Joint Resolution No. 51 is also reported on p. 131.

Opinions of attorney general. — The qualifications of an absentee voter should be determined as of election day rather than the date the ballot is filled in and mailed. 1960 Op. Att'y Gen. No. 21.

If no judicial determination of unsound mind exists, and the person clearly wishes to register to vote, the division may not prevent the person from registering. August 28, 1992, Op. Att'y General.

NOTES TO DECISIONS

Equal right to vote. — A citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction. This "equal right to vote" is not absolute; the states have the power to impose voter qualifications, and to regulate access to the franchise in other ways. But, as a general matter, before that right to vote can be restricted, the purpose of the restriction and the assertedly overriding interests served by it must meet close constitutional scrutiny. Dunn v. Blumstein, 405 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972).

Denial of right must promote compelling state interest. — If a challenged statute grants the right to vote to some citizens and denies the franchise to others, the supreme court must determine whether the exclusions are necessary to promote a compelling state interest. Dunn v. Blumstein, 405 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972).

There is a difference between bona fide residence requirements and durational residence requirements. The states have the power to require that voters be bona fide residents of the relevant political subdivision. An appropriately defined and uniformly applied requirement of bona fide residence may be necessary to preserve the basic conception of a political community, and therefore could withstand close constitutional scrutiny. But durational residence requirements, representing a separate voting qualification imposed on bona fide residents, must be separately tested by the stringent standard. Dunn v. Blumstein, 405 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972).

Durational residence laws impermissibly condition and penalize the right to travel by imposing their prohibitions on only those persons who have recently exercised that right. Absent a compelling state interest, a state may not burden the right to travel in this way. Dunn v. Blumstein, 405 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972).

Durational residence laws which classify bona fide residents on the basis of recent travel, penalizing those persons, and only those persons, who have gone from one jurisdiction to another during the qualifying period, directly impinge on the exercise of a fundamental personal right, the right to travel. Dunn v. Blumstein, 405 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972).

All durational residency requirements are prima facie invalid as in contravention of the equal protection clause because they penalize the right to travel and the right to vote in elections on an equal basis with other citizens in the jurisdiction. The only durational residency requirements that will be countenanced are those which are absolutely necessary for administrative purposes. State v. Van Dort, 502 P.2d 453 (Alaska 1972).

And they must be measured by a strict equal protection test. They are unconstitutional unless the state can demonstrate that such laws are necessary to promote a compelling governmental interest. Dunn v. Blumstein, 405 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972).

But fixing a constitutionally acceptable period is surely a matter of degree. Dunn v. Blumstein, 405 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972); Marston v. Lewis, 410 U.S. 679, 93 S. Ct. 1211, 35 L. Ed. 2d 627 (1973).

50-day voter registration cutoffs upheld. — The United States supreme court upheld a 50-day voter registration cutoff where the state had offered evidence to establish the need for the 50-day period, given the vagaries and numerous requirements of the state election laws, although the 50-day period approached the outer constitutional limits in this area. Burns v. Fortson, 410 U.S. 686, 93 S. Ct. 1209, 35 L. Ed. 2d 633 (1973).

The United States supreme court upheld a 50-day durational voter residency requirement and a 50-day voter registration requirement where the state had demonstrated that 50 days rather than 30 days were necessary to promote the state's important interest in accurate voter lists. Marston v. Lewis, 410 U.S. 679, 93 S. Ct. 1211, 35 L. Ed. 2d 627 (1973).

30 days is the maximum permissible residency period in Alaska. State v. Van Dort, 502 P.2d 453 (Alaska 1972).

Communication deficiencies within Alaska do not justify a residency requirement of greater than 30 days. State v. Van Dort, 502 P.2d 453 (Alaska 1972).

An alien who is a permanent resident of Alaska may be precluded from voting in state elections. Park v. State, 528 P.2d 785 (Alaska 1974).

Under express language of Alaska Const., art. V, § 1, aliens are excluded from voting in the State of Alaska. Park v. State, 528 P.2d 785 (Alaska 1974).

Residence. — A post office box or private mail service address is clearly not a voter's fixed place of habitation and is therefore insufficient to fix a voter's residence within a voting district. Thus, any voter providing such an address as his or her residence would be ineligible to vote unless he or she provided additional information regarding that voter's residence. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Elmendorf Air Force Base is a bounded area wholly within Senate District H. Thus, merely listing "Elmendorf Air Force Base" is sufficient to fix a voter's residence to a specific locale within District H. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Requirement for residency in district. — Votes for state representative cast by voters in an election district from which they had moved were not counted, where, even though they had failed to reregister in their new district, election officials had written notice

of a change in their residency. Cissn P.2d 363 (Alaska 1996).

Overseas voters. — A voter who tered pursuant to AS 15.05.011 may nc race, but a person living outside the U not required to register pursuant to A may vote by absentee ballot in Alaska otherwise qualified pursuant to this

Collateral references. — Validity tal requirement of oath as applied to v 329.

State voting rights of residents of establishment. 34 ALR2d 1193.

Sec. 15.05.011. Qualificat the United States may regist

(b) Before registering a per person

(1) was domiciled in the st

(2) meets the qualification

(3) has not established a United States since leaving t

(4) is not registered to vote of the United States since le

(5) has a valid passport, ca under the authority of the Ur with the requirements of thi

(c) Lack of a place of abode disqualify a person who qual

(d) A person registered un (§ 2 ch 100 SLA 1980)

Cross references. — For house person is to be registered, see AS 1

A voter who actually registe this section may not vote in a person living outside the United Sta to register pursuant to this sectior absentee ballot in Alaska if that p qualified pursuant to AS 15.05.(questioned absentee voter listed

Sec. 15.05.012. Voter q otherwise qualified under A district in which the perso presidential election is entit candidates. (§ 1 ch 69 SLA

Sec. 15.05.014. Proced Voting Rights Act of 1965 (I the following procedures ap of the United States:

(1) registration and abse section, shall be identical t

of attorney general. — The qualifica-
osentee voter should be determined as of
rather than the date the ballot is filled in
1960 Op. Att'y Gen. No. 21.
al determination of unsound mind exists,
on clearly wishes to register to vote, the
not prevent the person from registering.
992, Op. Att'y General.

test. They are unconstitutional unless
demonstrate that such laws are neces-
ote a compelling governmental interest.
nstein, 405 U.S. 330, 92 S. Ct. 995, 31 L.
(972).
g a constitutionally acceptable pe-
rely a matter of degree. Dunn v.
05 U.S. 330, 92 S. Ct. 995, 31 L. Ed. 2d
Marston v. Lewis, 410 U.S. 679, 93 S. Ct.
d. 2d 627 (1973).
ter registration cutoffs upheld. —
States supreme court upheld a 50-day
ation cutoff where the state had offered
stablish the need for the 50-day period,
aries and numerous requirements of the
laws, although the 50-day period ap-
outer constitutional limits in this area.
son, 410 U.S. 686, 93 S. Ct. 1209, 35 L.
973).
l States supreme court upheld a 50-day
ter residency requirement and a 50-day
ation requirement where the state had
l that 50 days rather than 30 days were
promote the state's important interest in
r lists. Marston v. Lewis, 410 U.S. 679,
1, 35 L. Ed. 2d 627 (1973).
the maximum permissible residency
laska. State v. Van Dort, 502 P.2d 453
).
ation deficiencies within Alaska do not
dency requirement of greater than 30
Van Dort, 502 P.2d 453 (Alaska 1972).
who is a permanent resident of
be precluded from voting in state
k v. State, 528 P.2d 785 (Alaska 1974).
ess language of Alaska Const., art. V,
e excluded from voting in the State of
v. State, 528 P.2d 785 (Alaska 1974).
. — A post office box or private mail
ss is clearly not a voter's fixed place of
d is therefore insufficient to fix a voter's
hin a voting district. Thus, any voter
h an address as his or her residence
igible to vote unless he or she provided
formation regarding that voter's resi-
r v. Stout, 741 P.2d 217 (Alaska 1987).
Air Force Base is a bounded area wholly
e District H. Thus, merely listing
r Force Base" is sufficient to fix a voter's
specific locale within District H. Fischer
P.2d 217 (Alaska 1987).
ent for residency in district. — Votes
esentative cast by voters in an election
which they had moved were not counted,
hough they had failed to reregister in
rict, election officials had written notice

of a change in their residency. Cissna v. Stout, 931 P.2d 363 (Alaska 1996).

Overseas voters. — A voter who actually registered pursuant to AS 15.05.011 may not vote in a state race, but a person living outside the United States is not required to register pursuant to AS 15.05.011, but may vote by absentee ballot in Alaska if that person is otherwise qualified pursuant to this section. Where every questioned absentee voter listed a presumptively valid Alaska residence within District H and was otherwise qualified and no evidence was produced rebutting the presumption of residence, these ballots were properly counted in a state senate election. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Stated in Green v. State, 462 P.2d 994 (Alaska 1969).

Collateral references. — Validity of governmental requirement of oath as applied to voters. 18 ALR2d 529.

State voting rights of residents of federal military establishment. 34 ALR2d 1193.

Right of married woman to use maiden surname. 67 ALR3d 1266.

Sec. 15.05.011. Qualifications of overseas voters. (a) A person residing outside the United States may register and vote absentee by qualifying under this section.

(b) Before registering a person under this section, the director shall determine that the person

(1) was domiciled in the state immediately before leaving the United States;

(2) meets the qualifications established in AS 15.05.010(1) and (2);

(3) has not established a domicile in another state, territory, or possession of the United States since leaving this state;

(4) is not registered to vote and has not voted in another state, territory, or possession of the United States since leaving this state;

(5) has a valid passport, card of identity and registration, or other identification issued under the authority of the United States Secretary of State, and identification complying with the requirements of this title.

(c) Lack of a place of abode in the state or lack of intent to return to the state does not disqualify a person who qualifies under (b) of this section.

(d) A person registered under this section may vote in a federal election in this state. (§ 2 ch 100 SLA 1980)

Cross references. — For house district in which a person is to be registered, see AS 15.07.030.

NOTES TO DECISIONS

A voter who actually registered pursuant to this section may not vote in a state race, but a person living outside the United States is not required to register pursuant to this section and may vote by absentee ballot in Alaska if that person is otherwise qualified pursuant to AS 15.05.010. Where every questioned absentee voter listed a presumptively valid Alaska residence within District H and was otherwise qualified and no evidence was produced rebutting the presumption of residence, these ballots were properly counted in a state senate election. Fischer v. Stout, 741 P.2d 217 (Alaska 1987).

Cited in O'Callaghan v. State, 826 P.2d 1132 (Alaska 1992).

Sec. 15.05.012. Voter qualification for presidential election. A person who is otherwise qualified under AS 15.05.010 but who has not been a resident of the house district in which the person seeks to vote for at least 30 days preceding the date of a presidential election is entitled to register and vote for presidential and vice-presidential candidates. (§ 1 ch 69 SLA 1967; am § 2 ch 116 SLA 1972; am § 28 ch 21 SLA 2000)

Sec. 15.05.014. Procedures in presidential elections. In accordance with the Voting Rights Act of 1965 (P.L. 89-110; 79 Stat. 437; 42 U.S.C. 1973 et seq.), as amended, the following procedures apply to elections for the office of President and Vice-President of the United States:

(1) registration and absentee voting procedures, except as otherwise provided in this section, shall be identical to the procedures established in this title;

Additional Documents

for

HB 178

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 2, 2011

SUBJECT: Legal summary of sec. 1 of CSHB 178(CRA)
(Work Order No. 27-LS0304\R)

TO: Representative Bill Thomas
Attn: Cecile Elliott

FROM: Alpheus Bullard
Legislative Counsel

You have asked me to provide a legal summary of what sec. 1 of CSHB 178(CRA) does. Section one provides:

> * **Section 1.** AS 15.05.011 is amended by adding a new subsection to read:
> (e) Notwithstanding (b)(1) of this section, a person residing outside the United States may register and vote absentee if
> (1) the parent or legal guardian of the person was domiciled in the state immediately before leaving the United States;
> (2) the director determines that the person meets the requirements of (b)(2) - (5) of this section.[1]

---

[1] AS 15.05.011 provides:

> **Sec. 15.05.011. Qualifications of overseas voters.** (a) A person residing outside the United States may register and vote absentee by qualifying under this section.
> (b) Before registering a person under this section, the director shall determine that the person
> (1) was domiciled in the state immediately before leaving the United States;
> (2) meets the qualifications established in AS 15.05.010(1) and (2) [*AS 15.05.010(1) and (2) require that a voter be a United States citizen and be 18 years or older*];
> (3) has not established a domicile in another state, territory, or possession of the United States since leaving this state;
> (4) is not registered to vote and has not voted in another state, territory, or possession of the United States since leaving this state;
> (5) has a valid passport, card of identity and registration, or other identification issued under the authority of the United States

The addition of this subsection permits a United States citizen, who is 18 years or older and who has never been a resident of another state, territory, or possession of the United States, to register to vote in the state so long as the person's parent or legal guardian was domiciled in the state before last leaving the United States. A person registered under this subsection may only vote in federal elections.

The addition of this subsection expands the voting franchise to certain persons who have never been domiciled in the state. This section does not restrict the ability of a voter who is qualified to vote under AS 15.05.010 and who is outside the United States from voting by absentee ballot in a state election.

If you have questions, please do not hesitate to contact me.

TLAB:ljw
11-212.ljw

Secretary of State, and identification complying with the requirements of this title.

(c) Lack of a place of abode in the state or lack of intent to return to the state does not disqualify a person who qualifies under (b) of this section.

(d) A person registered under this section may vote in a federal election in this state.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **CSHB 178 (C&RA)**
() Publish Date

Identifier (file name): HB178CS(CRA)-OOG-DOE-4-2-11
Title: "An Act relating to election practices and procedures"
Sponsor: Representatives Thomas, Feige and Tuck
Requester: House State Affairs Committee

Dept. Affected: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by: Gail Fenumiai, Director — Phone: 465-2644
Division: Division of Elections — Date/Time: 4/2/2011, 9:57pm
Approved by: Linda Perez, Administrative Director — Date: 4/2/2011
Office of the Governor

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSHB 178 (C&RA)

Analysis

This bill changes the date of the primary, candidate withdrawal and replacement deadlines for the primary and general election to ensure that military and overseas voters will be mailed ballots at least 45 days before each federal election. This legislation will allow the division to modernize the method of electronically transmitting ballots, which is currently limited to fax transmission. Absentee ballots will no longer require witnessing. It will also allow children,who turn 18, while residing overseas, to register to vote if their parent was domiciled in the state immediately before leaving the United States.

This legislation will require no fiscal appropriation for the division.

SECTIONAL ANALYSIS CSHB 178 (CRA)

REVISED – PLEASE REPLACE WITH ONE IN YOUR BILL PACKET

REPRESENTATIVE BILL THOMAS
ALASKA STATE LEGISLATURE DISTRICT 5
e-mail: Representative.Bill.Thomas@legis.state.ak.us
webpage: www.akrepublicans.org/thomas/

State Capitol
Juneau AK, 99801-1182
907-465-3732
888-461-3732
FAX 907-465-2652

SECTIONAL ANALYSIS CSHB 178 (CRA)

"Election Practices and Procedures"

SECTION 1

Adds, under "Qualifications for overseas voters", a child whose parents lived in Alaska and comes of voting age overseas, will be granted the opportunity to register to vote absentee for a federal election in the state of Alaska.

SECTION 2,5,7,8,9, 10 & 12

Removes the witnessing requirement for absentee ballots.

SECTION 3

Adds the designation of a municipal clerk as an absentee voting official.

SECTION 4 & 6.

Adds that absentee ballots are available in regional offices 22 days before the election.

SECTION 7.

Adds email as a form of electronic transmission for delivery of ballots and information.

SECTION 11 & 13.

Removes language referencing the receipt of a ballot 15 days post election as it a provision of this bill is to change this to 10 days.

SECTION 14.

Moves primary by two weeks, from the fourth, to the second Tuesday in August.

SECTION 15.

Declaration of candidacy is public record

SECTION 16.

If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision within 15 days and the director must respond to the challenge within 15 days.

SECTION 17.

Changes the time frame from 48 to 52 days for the withdrawal of a candidate's name from the primary ballot.

SECTION 18,19, 21 & 22 .

Changes the timeframes for replacement of candidate by party petition.

SECTION 20.

Letter of intent is public record.

SECTION 23.

All statements in a petition are public record

SECTION 24.

Changes the date of name withdrawal of judges to 64 days before the general election.

SECTION 25.

Adds that municipal clerk may serve as an absentee voting official for the purposes of distributing absentee ballots.

SECTION 26.

Repeals the provision that the absentee ballot application is valid for the next two general elections (15.20.081(i)).

Repeals the allowance for Military and Oversees absentee ballots to be received 15 days post Election Day (15.20.081(h)).

Repeals the provision pertaining to the conduct of a witness (15.20.160).

SECTION 27.

Establishes the effective date of January 1, 2012.

REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

e-mail: Representative.Bill.Thomas@legis.state.ak.us

webpage: www.akrepublicans.org/thomas/

State Capitol

Juneau AK, 99801-1182

907-465-3732

888-461-3732

FAX 907-465-2652

Sponsor Statement CSHB 178

"An Act relating to election practices and procedures; and providing for an effective date."

In 2009 Congress passed the MOVE Act which outlines procedures that make it easier for overseas military and civilians to use our electoral system. Overseas military personnel and civilians represent 61,000 of Alaska's eligible voters. These voters face a myriad of challenges when pursuing their fundamental right to vote. Additionally, those who live in remote areas of the state experience similar challenges. In 2010 approximately 41,000 voters voted absentee in Alaska. CSHB178 increases the accessibility of our electoral system for these voters by expanding absentee voting.

CSHB 178:

- Moves the primary back 2 weeks, allowing for more time for voters to receive information. One of the greatest concerns for military and overseas voters is the amount of time to receive and return their ballot. (This assists the Department in accommodating the 45 day requirement established under MOVE)
- Removes witnessing requirements alleviating the burden of our military voters from finding a witness when stationed remotely.
- Establishes "email" in statute as a form of electronic transmission allowing for the delivery of ballots and information to be distributed via email. This is another provision that addresses the challenges of the voter to get the ballot in a timely manner and returned.
- Changes the deadline for overseas voters to 10 days aligning it with the 10 day deadline for domestic absentee ballots. It also allows more time for the department to finalize ballots and send them out to our military and overseas voters. (Further assisting the accommodation of the 45 day MOVE ballot distribution time for military and overseas voters).
- Provides for the city clerk to administer absentee ballots. This further expands access options for our rural and remote voters to receive and return their absentee ballot.
- Provides the opportunity for a person who comes of age, overseas, to vote. If the parents lived in Alaska prior to going overseas their child who comes of age overseas may apply to vote absentee for federal elections in Alaska.
    - CHANGES MADE IN COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
- If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision within 15 days and the director must respond to the challenge within 15 days.
- All information on a declaration of candidacy, letter of intent, nominating petition is open to public inspection.

These outlined changes align our state statutes with the MOVE act as well as improve absentee voter access within our own state.

All voters deserve, and are required to have, equal access to our electoral system. CSHB 178 accomplishes this by bringing our statues in line with federal law and greatly improving access and ease to our absentee voting system.

I urge your support of CSHB 178.

2012 Election Time
Based on Current Law

Primary Filing Deadline AS 15.25.040	Primary 60 Days Prior AS 15.20.082	Primary 48 Days Prior AS 15.25.055	Primary 47 Days Prior	Primary 45 Days Prior MOVE Act	Primary 25 Days Prior Established Time by DOE	Primary 15 Days Prior AS 15.20.061	Primary AS 15.25.020	Primary 10 Days After AS 15.20.081(e)	General 60 Days Prior AS 15.20.082	Primary 15 Days After AS 15.20.081(h)	Primary 24 Days After AS 15.20.220	General 48 Days Prior AS 15.25.110	General 47 Days Prior	General 45 Days Prior MOVE Act	Primary 42 Days Prior AS 15.20.430	Primary 41 through 38 Days Prior	Primary 40 Days Prior AS 15.20.540	Primary 34 Days Prior AS 15.20.510	General 25 Days Prior	General 15 Days Prior	General	General 10 Days After	General 15 Days After	General 27 Days After
June 1	June 29	July 11	July 13	July 14	Aug 3	Aug 13	Aug 28	Sept 7	Sept 7	Sept 12	Sept 19	Sept 19	Sept 20	Sept 22	Sept 24	Sept 25-28	Sept 29	Oct 3	Oct 12	Oct 22	Nov 6	Nov 16	Nov 21	Dec 3
AS 15.25.040	Candidate Filing Deadline																							
AS 15.20.082	Mailing of Special Advance Ballots																							
AS 15.25.055	Candidate Withdrawal Deadline																							
Based off Withdrawal Deadline	Ballot Layout Sent to Printer																							
MOVE Act	Deadline to Mail UOCAVA Ballots																							
Established by DOE	Target Day to Mail Absentee By-Mail Ballots																							
AS 15.20.061	Absentee By Fax and In Person Voting Starts																							
AS 15.25.020	Election Day																							
AS 15.20.081(e)	Deadline for Domestic Absentee Ballots																							
AS 15.20.082	Special Advance Ballots Mailed																							
AS 15.20.081(h)	Deadline for Overseas Absentee Ballots																							
AS 15.20.220	Target Date for State Review Board Completion																							
AS 15.25.110	Candidate Withdrawal Deadline and Filling of Vacancies by Party Petition																							
Based off Withdrawal Deadline	Ballot Layout Sent to Printer																							
MOVE Act	Deadline to Mail UOCAVA Ballots																							
AS 15.20.430	Deadline to File Recount Application																							
	Recount Prepared for and Conducted																							
AS 15.20.540	Deadline for Election Contest Application																							
AS 15.20.510	Recount Appeal Deadline to Courts																							
Established by DOE	Target Day to Mail Absentee By-Mail Ballots																							
AS 15.20.061	Absentee By Fax and In Person Voting Starts																							
Constitution	Election Day																							
AS 15.20.081(e)	Deadline for Domestic Absentee Ballots																							
AS 15.20.081(h)	Deadline for Overseas Absentee Ballots																							
AS 15.20.220	Target Date for State Review Board Completion																							

2012 Election Time Line
Based on Proposed Changes

Primary Filing Deadline	Primary 60 Days Prior	Primary 52 Days Prior	Primary 51 Days Prior	45 Days Prior	Primary 25 Days Prior	Primary 22 Days Prior	Primary 15 Days Prior	Primary	Primary 10 Days After	Primary 20 Days After	General 64 Days Prior	General 63 Days Prior	Primary 62 Days Prior	Primary 61 through 58 Days Prior	General 60 Days Prior	Primary 57 Days Prior	Primary 53 Days Prior	General 45 Days Prior	General 25 Days Prior	Primary 15 Days Prior	General 22 Days Prior	General	General 10 Days After	General 22 Days After
June 1	June 15	June 22	June 23	June 30	July 20	July 23	July 30	Aug 14	Aug 24	Aug 31	Sept 3	Sept 4	Sept 5	Sept 6 - 9	Sept 7	Sept 10	Sept 14	Sept 22	Oct 12	Oct 22	Oct 15	Nov 6	Nov 16	Nov 28
AS 15.25.040	Candidate Filing Deadline																							
AS 15.20.082	Mailing of Special Advance Ballots - Remote Alaska Only																							
Proposed Change	Candidate Withdrawal Deadline																							
Based off Withdrawl Deadline	Ballot Layout Sent to Printer																							
MOVE Act	Deadline to Mail UOCAVA Ballots																							
Established by DOE	Target Day to Mail Absentee By-Mail Ballots																							
Proposed Change	Early/Absentee In Person Voting Starts in Regional Elections Offices																							
AS 15.20.061	Absentee In Person Voting Starts in Other Locations Statewide																							
Proposed Change	Election Day																							
Proposed Change - Overseas	Deadline for All Absentee Ballots																							
AS 15.20.220	Target Date for State Review Board Completion																							
Proposed Change	Candidate Withdrawal Deadline and Filling of Vacancies by Party Petition																							
Based off of Withdrawl Deadline	Ballot Layout Sent to Printer																							
AS 15.20.430	Deadline to File Recount Application																							
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Constitution	Election Day																							
Proposed Change - Overseas	Deadline for All Absentee Ballots																							
AS 15.20.220	Target Date for State Review Board Completion																							

Director's Office
PO Box 110017
Juneau, Alaska 99811-0017
907.465.4611 907.465.3203 FAX
elections@alaska.gov

Regional Offices
Anchorage 907.522.8683
Fairbanks 907.451.2835
Juneau 907.465.3021
Nome 907.443.5285

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

September 3, 2010

Sent via facsimile transmission (202) 307-3961 and U.S. mail

Mr. Chris Herren
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
1800 G St., N.W.
Washington, DC 20006

RE: Withdrawal of MOVE Act Waiver

Dear Mr. Herren:

As you requested in our conference call yesterday, I am submitting to you the division's proposal for compliance with the 45-day ballot transit time.

As we discussed, the state was able to formulate a plan to comply with the MOVE Act ballot transit time, and so Alaska no longer needs a waiver from the 45-day deadline. Under the new plan, the division will complete the state review board process on an expedited schedule, and expedite other elements of the election certification process. The division has increased the number of members of the state review board in order to expedite the election certification process.

As you are aware, there are two very close state legislative races in House District 12 and 18. Two teams of the state review board will begin their review with these districts in order to certify the House District races on September 9, 2010.

The division will request candidates for these two districts to submit a request for recount immediately versus waiting for the maximum five day period allowed for by state law. The division will conduct the recount within two days of receipt of the recount application. Both recounts would be able to be conducted on the same day and completed in one day.

The absentee office will begin UOCAVA ballot mailing preparation the week of September 13. Envelopes will be labeled and all absentee related documents will be inserted, with the exception of the ballot.

The last day to withdraw from the general election ballot is September 15. The division plans to certify the primary election on September 15 or 16. As soon as certification is

complete, the division will produce .pdf versions of all forty house district ballots. These ballots will include all races applicable to the house district, including all federal races. The absentee office will copy ballots and complete the ballot mailing for delivery to the U.S. Postal Service on September 18, 2010.

The absentee office will also fax ballots to UOCAVA voters that have requested their ballot be sent by fax on September 18, 2010.

As new requests for absentee ballots are received from UOCAVA voters, the division will continue to mail or fax the .pdf version of the ballot to UOCAVA voters until the official ballot becomes available.

Although the state does not believe it is required I commit to providing your office with updates as deadlines are met. These updates will include certification dates for the two close house district races, date of recount, date of recount completion, date of certification for the remainder of races and ballot propositions, and date ballots are provided to the absentee office.

I will also provide you with the number of ballots mailed and faxed to UOCAVA voters on September 18, 2010.

The division is pleased that Alaska is able to meet the 45 day ballot transit time and no longer needs a waiver from this deadline.

If you have any questions, please do not hesitate to contact me at 907-465-2644.

Sincerely,

Gail Fenumiai
Director

cc: Hon. Craig Campbell, Lieutenant Governor
John Cramer, Chief of Staff, Lieutenant Governor's Office
Sarah Felix, AAG, Labor and State Affairs Section, Juneau
Mike Barnhill, AAG, Labor and State Affairs Section, Juneau
Lynn C. Simpson, Director, Human Capital and Resource Management
Bob Carey, Director, Federal Voting Assistance Program

Director's Office
[redacted]

Regional Offices
Anchorage
Fairbanks
Juneau
[redacted]

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

May 5, 2010

Mr. Robert Carey, Director
Federal Voting Assistance Program
Department of Defense
[redacted]

Re: MOVE Act Hardship Exemption Request

Dear Director Carey:

On October 28, 2009 President Barack Obama signed into law the National Defense Authorization Act. Subtitle H of that law, known as the Military and Overseas Voter Empowerment Act (MOVE), amended parts of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The State of Alaska is contacting you regarding the amendment 42 USC § 1973ff-1 (a)(8)(A) requiring states to transmit absentee ballots to UOCAVA voters no later than 45 days prior to a federal election, effective November 1, 2010.

In accordance to 42 USC § 1973ff-1 (g), a state may seek a hardship exemption. Pursuant to this section, the State of Alaska hereby submits its application for a waiver from the requirement of (a)(8)(A) set below:

42 USC § 1973ff (g)(1)(A) requires states demonstrate "a recognition that the purpose of such subsection is to allow absentee uniformed services voters and overseas voters enough time to vote in an election for Federal office:"

The State of Alaska recognizes the purpose of 42 USC § 1973ff-1(g)(1)(A) is to provide uniformed services and overseas voters enough time to vote in an election for Federal office. The State of Alaska understands the importance of ensuring that uniformed and overseas voters have sufficient time to vote. Alaska will continue to mail special advance ballots beginning on the 60th day prior to an election through the 28th day prior to the election to overseas military and overseas citizens. The special advance ballot is a blank

[redacted]

ballot that contains the names of the races to be voted on but does not contain candidate names. The appropriate candidate list is sent along with the special advance ballot as well as instructions for the voter to follow for voting the ballot.

Alaska law allows for voted ballots to be received by the division of elections, when mailed domestically, 10 days after Election Day and, when mailed from overseas, 15 days after Election Day.

42 USC § 1973ff-1 (g)(1)(B) requires that states provide "an explanation of the hardship that indicates why the State is unable to transmit absentee uniformed services voters and overseas voters an absentee ballot in accordance with such sections;"

The State of Alaska's primary election date prohibits it from complying with (a)(8)(A). Under state law, primary elections are to be held the fourth Tuesday in August in every even-numbered year. Alaska law allows for absentee ballots to be received up to 15 days after Election Day when mailed from overseas. The certification process of the Primary Election does not begin until after the 15th day following the election and can take up to two weeks. The division anticipates a target certification date for the 2010 Primary Election of September 17, as shown in the timeline below:

Primary Election Day	August 24
Last day to receive absentee ballots mailed from overseas	September 8
Final count of ballots	September 9
Candidate withdrawal deadline for general election	September 15
Target Date for certification of Primary Election	September 17
Deadline to request recount	September 21
General Election Ballot Certified for printing (depending on recount)	September 17 - 22
45th day prior to General Election	September 18

As you can see from the above timeline, the 45-day deadline to mail ballots to military and overseas voters does not provide Alaska with adequate time to meet the requirement. The 45-day deadline would give Alaska only three days from the candidate withdrawal deadline and only one day from the primary certification date to get the official ballot

Lieutenant Governor Mead Treadwell
STATE OF ALASKA

MEMORANDUM

FROM: Lieutenant Governor Mead Treadwell

TO: John Burns, Attorney General
Gail Fenumiai, Division of Elections Director

RE: Election law and procedures review

DATE: January 24, 2011

As you know, we agreed after the 2010 General Election to conduct a thorough review of our election laws and procedures, including, but not limited to those procedures and laws specific to write-in candidates. From public input received so far, the following is my proposed outline for a comprehensive review of Alaska's election law and procedures. We expects the review of sections I through IV to be complete within 45 days. We appreciate the cooperation between the Division of Elections and the Department of law this review will entail.

I. Summary of 2010 Election
   a. Polling place procedures and election worker training
   b. Impacts on process as it relates to distribution of write-in candidate list
   c. Processes and procedures used to separate and count individual write-in votes, including timeframe to count write-in ballots
   d. Successes
   e. Issues for Improvement
   f. Statistics, analysis and trends
      i. How many people voted
      ii. How many people cast write-in ballots
      iii. Cost and length of time to count write-ins

II. Issues potentially requiring legislation
   a. Should voter intent be included as part of the rules for counting write-in votes?

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Anchorage Office: 550 West 7th Avenue, Suite 1700 • Anchorage, Alaska 99501 • 907.269.7450 voice • 907.269.0263 fax
ltgov.events@alaska.gov • www.ltgov.alaska.gov

b. Should there be continued requirements for individuals to declare their intent to be a write-in candidate and if so, what is realistic time requirement for filing such intention?
c. What additional precautions, if any, are necessary to prevent felons from voting?
d. Does the interval between Alaska's primary and general election allow compliance with the MOVE Act in the case of an election dispute, when primary results can be delayed and, by law, general election ballots must be mailed 45 days before an election?
e. With the passage of the MOVE ACT, should Alaska eliminate the 60-day special advance ballot and expand electronic voting to allow the division to transmit blank ballots to voters via email?
f. Should voters be required by law to show their IDs, and what proof of citizenship should be necessary to register?

III. Issues potentially requiring administrative action or AG's legal opinion

a. Should the ground rules defining an election contest be revised to consider that an election can be challenged before certification takes place?
b. What voter assistance is allowable?
c. What publicly available information on voters may be used to update voter lists?
d. Can we offer "real-time" updates on which voters have voted?
e. Can we offer the public post-election statistical analysis, i.e., cross-cutting tabulations of ballots? (i.e., voters for candidate A supported candidate B, etc.)
f. How do we ensure that political parties have full participation in and access to the election process?

IV. Justice Department Review

a. What pending changes in Alaska election law or procedure require Justice Department review?

V. Issues that may require 3rd party review

a. Election Security – review and follow-up of the 2007 & 2008 University of Alaska Institute of Social and Economic Research Election Security Reports Phases I and II, and launch phases III-V if appropriate.
b. Are there other measures necessary to enhance ballot security?

Report: One-third of overseas voters couldn't cast a ballot last fall

By LEO SHANE III
Stars and Stripes
Published: February 10, 2011

WASHINGTON — Nearly one-third of overseas voters surveyed by a voting rights advocacy group could not cast a ballot in last November's election, but officials say that's actually an improvement from previous election cycles.

According to a new survey by the Overseas Vote Foundation, about 18 percent of voters living abroad who tried to cast an absentee ballot never received one, and nearly 13 percent did not receive the forms in time to successfully vote in the mid-term election.

But the foundation called that encouraging. In 2008, nearly half of all overseas voters surveyed said they did not vote in the presidential election, most because their ballots arrived just a few days before the deadline to submit them.

"We're seeing more voters sending their ballots back successfully, so that's definitely a better trend," said Claire Smith, director of research for the group.

The report, which surveyed nearly 5,300 overseas voters, only includes a small percentage of military personnel stationed outside the United States. Official numbers won't be available until spring on how successful absentee voting efforts were among troops last fall.

And nearly 70 percent of those surveyed by the group tried to vote in the 2010 elections, well above the 40 percent voter participation rate among stateside citizens.

But the foundation's numbers point to significant improvements in the process for both civilian and military voters abroad, many of whom have a window of just a few days to participate in elections.

Smith noted that last year all 50 states had some electronic transmission options for voter registration or absentee ballot delivery, either through fax, e-mail or online forms. In 2008, only 20 states offered those options.

In addition, 40 states sent out their absentee ballots to overseas voters at least 45 days before the 2010 election, and the remaining 10 extended their deadlines for return of those ballots to ensure better participation.

Those changes came as a result of a mandate from Congress following the 2008 election, after many state election officials admitted that ballots were mailed too late for overseas voters to participate.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 178**
() Publish Date

Identifier (file name) HB178-OOG-DOE-3-12-11
Title "An Act relating to election practices and procedures"
Sponsor Representatives Thomas, Feige and Tuck
Requester House Community and Regional Affairs Committee

Dept. Affected Office of the Governor
Appropriation Elections
Allocation Elections
OMB Component Number 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**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 (please identify)							
TOTAL	**0.0**	***	***	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Gail Fenumiai, Director — Phone 465-2644
Division Division of Elections — Date/Time 3/12/2011, 12:45pm
Approved by Linda Perez, Administrative Director — Date 3/12/2011
Office of the Governor

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 178

Analysis

The implementation of a new method to deliver ballots electronically may result in a cost to the division. The amount at this time is indeterminate.

The division intends to use prior funding received from the Help America Vote Act (HAVA) to cover the expenes incurred from this legislation.

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SECTIONAL ANALYSIS CSHB 178 (CRA)

"Election Practices and Procedures"

SECTION 1

Adds, under "Qualifications for overseas voters", a child whose parents lived in Alaska and comes of voting age overseas, will be granted the opportunity to register to vote absentee for a federal election in the state of Alaska.

SECTION 2,5,7,8,9, 10 & 12

Removes the witnessing requirement for absentee ballots.

SECTION 3

Adds the designation of a municipal clerk as an absentee voting official.

SECTION 4 & 6.

Adds that absentee ballots are available in regional offices 22 days before the election.

SECTION 7.

Adds email as a form of electronic transmission for delivery of ballots and information.

SECTION 11 & 13.

Removes language referencing the receipt of a ballot 15 days post election as it a provision of this bill is to change this to 10 days.

SECTION 14.

Moves primary by two weeks, from the fourth, to the second Tuesday in August.

SECTION 15.

Declaration of candidacy is public record

SECTION 16.

If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision within 15 days and the director must respond to the challenge within 15 days.

SECTION 17.

Changes the time frame from 48 to 52 days for the withdrawal of a candidate's name from the primary ballot.

SECTION 18,19, 20,21 & 22 .

Changes the timeframes for replacement of candidate by party petition.

SECTION 23.

Declaration of candidacy is public record.

SECTION 24.

Changes the date of name withdrawal of judges to 64 days before the general election.

SECTION 25.

Adds that municipal clerk may serve as an absentee voting official for the purposes of distributing absentee ballots.

SECTION 26.

Repeals the provision that the absentee ballot application is valid for the next two general elections (15.20.081(i)).

Repeals the allowance for Military and Oversees absentee ballots to be received 15 days post Election Day (15.20.081(h)).

Repeals the provision pertaining to the conduct of a witness (15.20.160).

SECTION 27.

Establishes the effective date of January 1, 2012.

HB

180

<TARGET><BILL>HB 180</BILL><SUBJECT>HB
180</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 18, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 3-31-2011

The STATE AFFAIRS Committee considered: **HB 180**

HOUSE BILL NO. 180
"An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."
HB 180-VETERAN DESIGNATION ON DRIVER'S LICENSE

Recommends it be replaced with [ ] HCS *or* [X] CS for HB180 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[X] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____ Committee
[ ] Letter of Intent _____ Committee

3/31/11 CI from Londi. The title did change from the orig version. I checked it against the MLV version but should have checked against original version

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin	↘		

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero
	MLV	↘		

4-1-11 Per Londi if a new fiscal note replaces an existing fiscal note, you don't add the 1st one as a previous, only as a "New"

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	Johansen				X
Peggy Wilson	WILSON				X
[illegible]	Gruenberg	✓			
Paul R Seaton	Seaton	X			
Pete Peterson	PETERSEN	X			
Chair: [signature]	LYNN	X			
Chair:					

CS FOR HOUSE BILL NO. 180(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SADDLER, Feige, Herron, Fairclough, Lynn

A BILL

FOR AN ACT ENTITLED

"An Act authorizing the Department of Administration to note a person's status as a retired veteran or a veteran discharged under honorable conditions on the person's driver's license or identification card and to provide certain information to the Department of Military and Veterans' Affairs; and providing for an effective date."

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

*** Section 1.** AS 18.65.310 is amended by adding a new subsection to read:

(*l*) The department shall provide a designation on an identification card identifying the person as a retired veteran or a veteran of the armed forces of the United States discharged under honorable conditions. The department may not charge a fee solely for the designation. To receive a veteran designation, the person shall provide proof of veteran status that shows the person is retired or discharged under honorable conditions. The department shall provide the name and address of a person receiving a veteran designation under this subsection to the Department of Military and Veterans' Affairs.

* **Sec. 2.** AS 28.15.111 is amended by adding a new subsection to read:

(c) The department shall provide a designation on a license identifying the driver as a retired veteran or a veteran of the armed forces of the United States discharged under honorable conditions. The department may not charge a fee solely for the designation. To receive a veteran designation, the driver shall provide proof of veteran status that shows that the person is retired or discharged under honorable conditions. The department shall provide the name and address of a driver receiving a veteran designation under this subsection to the Department of Military and Veterans' Affairs.

* **Sec. 3.** This Act takes effect March 1, 2012.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
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Re FINAL CS for HB 180 (27-LS0589\I)

3/31/2011

HB 180 moved out of the House State Affairs Committee this morning with changes to Version I. Please draft a final CS with the following amendment included:

Conceptual Amendment #1 (Seaton)
Withdrawn

Conceptual Amendment #2 (Johansen)
Page 1 Line 11 after the word "provide" *delete "a United States Department of Defense form DD-214 or DD-215 or a National Guard Bureau form NGB-22 to the department as"*

Page 2 Line 6 after the word "provide" *delete "a United States Department of Defense form DD-214 or DD-215 or a National Guard Bureau form NGB-22 to the department as"*

So it would now read: …shall provide proof of veteran status that shows…

HOUSE BILL NO. 180

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SADDLER

Introduced: 3/9/11
Referred:

A BILL

FOR AN ACT ENTITLED

"An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."

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

*** Section 1.** AS 28.15.111 is amended by adding a new subsection to read:

(c) The department shall provide a designation on a license identifying the driver as a veteran of the armed forces of the United States. The department may not charge a fee for the designation. To receive a veteran designation, the driver shall provide a United States Department of Defense form DD-214 or DD-215 to the department as proof of veteran status. The department shall provide the name and address of a driver receiving a veteran designation under this subsection to the Department of Military and Veterans' Affairs.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE DAN SADDLER

Explanation of Changes in CSHB 180

"An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."

We want to expand the bill to apply to address issuance of driver's licenses **or** state identification cards, to accommodate veterans who may not drive. Identification cards are addressed in Section 1 *(l);* driver's licenses are addressed in Section 2 (c).

We have clarified that veterans seeking to obtain the veteran-designated driver's licenses or identification cards would have to be retired or discharged under honorable conditions.

We want to emphasize that there would be no fee for the veteran designation; however, the standard fees for a renewal or duplicate license or identification card would still apply.

We have expanded the references to military Certificates of Release or Discharge to include the National Guard form NGB-22, its version of the DD-214 or DD-215.

At the request of the Division of Motor Vehicles, we have included an effective date of March 1, 2012 to accommodate the division's scheduled workload.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE DAN SADDLER

Sponsor Statement HB 180

House Bill 180 seeks to help Alaska veterans receive more of the benefits they have earned through their sacrifice and service in uniform, and to which they are entitled by law and custom. It would allow the Division of Motor Vehicles (DMV) to add information to state drivers' licenses or identification cards signifying the holder's status as a veteran, and would allow DMV to share that information with the state's veterans benefit office.

Alaska is among the most veteran-friendly states in the Union. Many businesses and organizations demonstrate their appreciation by offering various discounts, preferences and other benefits to *bona fide* veterans. However, veterans must usually prove they qualify by presenting certified copies of their discharge documents – the DD-214, DD-215, or NGB-22 forms, exposing these critical documents to wear, damage or loss.

By giving veterans a way to carry reliable and convenient proof of their status on state-issued cards, this bill would help them more easily enjoy the full range of personal, business and social benefits offered to them by a grateful state.

HB 180 could also help relieve the situation in which tens of thousands of Alaska veterans may be missing out on significant government benefits, because they have no contact with the state's Office of Veterans Affairs. The bill would allow the DMV to provide the names and addresses of those who are issued veteran-designated driver's licenses or ID cards to the state veterans' office. That office could then reach out to make more veterans aware of programs available to them, and to help them receive any benefits owed to them.

I respectfully request your support for House Bill 180.

Thank you.

Alaska Decoration of Honor

The Alaska Decoration of Honor was created to recognize Alaskan service members who have been killed in action or in support of combat. The medal is awarded on behalf of the people of the State of Alaska to show our gratitude to the families of those who gave the ultimate sacrifice in serving our state and nation.

Jon Van Zyle, a local and nationally renowned artist and Vietnam veteran, donated his time and talents in designing the Alaska Decoration of Honor medal. His design (shown on front cover) has many symbolic elements:

Raven - is symbolic of life and is important in all Alaska Native cultures. The raven, which lives in Alaska year round, is shown in the shape of a cross to signify faith.

Northern Lights - represents of the souls of the departed

North Star - represents Alaska

Forget-me-not - is Alaska's state flower and was chosen for the term "forget-me-not"

Circle design – indicates "never ending"

It was Mr. Van Zyle's hope that when the families of these soldiers look up in the sky and see a raven, the Northern Lights, or the North Star, they will be reminded of their loved one.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **CSHB 180(MLV)\I**
() Publish Date

Identifier (file name): CSHB180-DOA-DMV-03-25-11
Title: Veteran Designation on Driver's License
Sponsor: Representative(s) Saddler, Feige, Herron, Fairclough, Lynn
Requester: House State Affairs

Dept. Affected: Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services	57.2		0.0	0.0	0.0	0.0	0.0
Commodities	8.3		17.9	0.0	0.0	0.0	0.0
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**65.5**		**17.9**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES 1005 GF/PR	**154.0**		**308.0**	**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	65.5		17.9	0.0	0.0	0.0	0.0
1037 GF/Mental Health							
Other (please identify)							
TOTAL	**65.5**		**17.9**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, piease note as such)

1) Provided additional information on programming costs.
2) Reduced the estimated percentage of qualifying veterans who opt for the designation from 75% to 50%, based on comments made in the House Military & Veterans' Affairs committee meeting. This reduces both the cost for duplicate cards and the revenue from providing duplicates.
3) Allocation of costs and revenue between FY12 and FY13 resulting from the change in effective date.

Prepared by: Whitney Brewster, Director — Phone: 907-269-5574
Division: Motor Vehicles — Date/Time: 3/25/11 12:30 PM
Approved by: John Cramer, Deputy Commissioner — Date: 3/25/2011
Department of Administration

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSHB 180(MLV)\I

Analysis

Expenditures

1) The Division of Motor Vehicles' (DMV) antiquated database is almost 30 years old; the way it was programmed makes it difficult to effect even minor changes.
   a) Add a 'veteran' field to DMV's database - 160 contract hours
      The field must be added to 40-50 programs within the database; each program will have to be tested prior to deployment. Since DMV shares data with Dept of Public Safety, a field will also need to be added to the shared program, then tested and deployed.
   b) Redesign the driver's licenses and ID cards to accommodate the designation - 160 contract hours
      With the current license/ID design, there is no space to add a designation. Either the font will need to be reduced and/or items rearranged to accommodate the veteran designation. DMV issues 40 different types of licenses and IDs. Each type will have to be modified, tested, and deployed.
   c) Create a reporting feature for notification to DMVA - 80 contract hours
      The bill does not specify exactly what would be required. The 80 hour estimate is based on producing a scheduled weekly mainframe report showing additions only.

   Estimated hours: 400
   Cost per hour: $143 (this is the contract rate per the State's task order system for IT professional services)
   Total programming cost: 400 x $143 = $57,200

2) Cost to produce duplicate licenses/IDs for existing population of Alaska veterans. DMV anticipates that 50% of qualified veterans will opt for the designator within the first year. Of those who opt for the designation in the first 12 months after the March 1, 2012 effective date, approximately one-fifth will have licenses/IDs that expire within those first 12 months; DMV will be required to issue duplicate licenses/IDs to the remaining four-fifths of veterans opting for the disignator within the first 12 months.

77,000	Quantity of veterans in Alaska as of 09/30/10 per U.S. Dept. of Veterans Affairs
x 50%	Estimated percentage of veterans opting for the designator in the first 12 months
38,500	Quantity of veterans opting for the designation
x 80%	Percentage of veterans who will obtain duplicate licenses/IDs (the designation will be added on the license/ID of 20% when the veteran comes in for renewal during the first 12 months)
30,800	Quantity of veterans obtaining duplicate licenses/IDs in the first 12 months
x $.85	Cost per license/ID for printer ribbon, laminate, and card
$ 26,180	Total cost to produce duplicate driver's licenses /IDs in the first 12 months (03/01/12-02/28/13)
$ 8,268	Cost to produce duplicate cards in **FY12** (03/01/12-06/30/12)
$ 17,912	Cost to produce duplicate cards in **FY13** (07/01/12-02/28/13)

Revenue

30,800	Quantity of veterans obtaining duplicate licenses in the first 12 months
x $15	Duplicate license fee
$ 462,000	Estimated additional revenue collected in the first 12 months (03/01/12-02/28/13)
$ 154,000	Estimated additional revenue collected in **FY12** (03/01/12-06/30/12)
$ 308,000	Estimated additional revenue collected in **FY13** (07/01/12-02/28/13)

Performance Measures

DMV currently produces about 270,000 driver's licenses and identification cards each year. The anticipated additional 30,800 customers in the twelve months following implementation will impact DMV's ability to meet the performance measure of serving customers in an average of 20 minutes or less.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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The House State Affairs Committee has agreed to waive the State Affairs referral for HB 180, "*Veterans Designation on Driver's License*". The signature and agreement to waive does not constitute support or opposition to the bill, nor obligate the member to a specific vote on the House Floor.

Rep. Bob Lynn, Chair

Rep. Wes Keller, Vice Chair

Rep. Paul Seaton

Rep. Peggy Wilson

Rep. Kyle Johansen

Rep. Max Gruenberg

Rep. Pete Petersen

HB

182

<TARGET><BILL>HB 182</BILL><SUBJECT>HB 182</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 9, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 1-19-2012

The STATE AFFAIRS Committee considered: **HB 182**

HOUSE BILL NO. 182
"An Act relating to distribution of annual reports by state agencies."
HB 182-ELECTRONIC DISTRIBUTION OF AGENCY REPORTS

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 182 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	All		↘	

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Pegg Wilson	WILSON	X			
Kelle	Kelle				X
Gruenberg	Gruenberg				—
Pete Peterson	PeTerSeN	X			
Kyle Johansen	JOHANSEN	X			
Paul W. Seaton					✓
Chair: Bob Lynn	LYNN	X			
Chair:					

Johansen moved amend # 1

Gruenberg objects to 1A

PROPOSED DRAFT
AMENDMENT #1
1A – 1E

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE
TO: HB 182

Gruenb removed object to 1A

Page 1, line 12:
Delete "reports unless requested under AS 44.99.370"
Insert "reports, except as
(1) required
(A) under AS 14.56.120;
(B) by agreement; or
(C) by federal law; or
(2) requested under AS 44.99.370."

1-A adopted

Time 8:31:53 38

Seaton concept amendment to amend 1A insert after on line 11 D) or specifically approved by the comissioner of the dept.

Page 1, line 13: Johansen
Delete "(b) Notwithstanding conflicting provisions of law"
Insert "(b) Except as provided in (a) of this section"

1B adopted adopted

Page 1, line 14: Johansen Gruenberg objects removed
Following "obligation in":
Insert "state"

1C adopted

Page 2, lines 1-5: Johansen Gruenberg objects removed
Delete all material and insert:
"**Sec. 44.99.370. Print copy requests.** A person may obtain a print copy of an annual report from the state library distribution and data access center under AS 14.56.170."

1D adopted

Page 2, line 6: Johansen Gruenberg Obj
Delete "sections 44.99.360 - 44.99.390,"
Insert "AS 44.99.360 – 44.99.390,"

1E adopted

MEMORANDUM

State of Alaska
Department of Law

January 18, 2012

To: Representative Kyle Johansen

From: Cori Badgley, Assistant Attorney General (465-2132)
Alan Birnbaum, Assistant Attorney General (269-5100)

Re: Proposed amendments to HB 182, relating to distribution of annual reports by state agencies.

Last year, the Department of Law had discussions with your office regarding HB 182. In light of those conversations, the department would like to propose the attached amendments to the bill, which are also summarized below:

- Subsection (a) of AS 44.99.360 of the bill would be amended to allow agencies to produce print copies of annual reports under the following circumstances: as required under AS 14.56.120 (i.e., to the State Library Distribution and Data Access Center) and under federal law, or if print copies must be provided pursuant to an agreement. This amendment would insure that the State Library Distribution and Data Access Center continues to receive copies for the public to review, as required by statute, as well as insure that there are no conflicts with federal law or agreements entered into by the state.

- AS 44.99.370 of the bill would be amended to eliminate the reference to the Alaska Public Records Act and simply provide that a print copy of the annual report will be provided by the State Library Distribution and Data Access Center upon request. Under AS 14.56.170, the State Library Distribution and Data Access Center is already required to provide print copies of publications upon request; accordingly, this amendment would simplify the statute, while still allowing those lacking access to a computer to easily obtain a copy.

Alan Birnbaum would be happy to discuss these proposed amendments with you and assist you in achieving your goal of eliminating unnecessary printing. He will also be attending the House State Affairs Committee meeting tomorrow and available to answer questions.

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 20, 2012

SUBJECT: State Affairs CS: Intent for commissioner exception to rule against printing reports, correction of conflicting statutory references to publication. (CSHB 182(STA) - Work Order No. 27-LS0573\D)

TO: Representative Bob Lynn
Attn: Nancy Manly

FROM: Lisa Moritz Kirsch
Legislative Counsel

In drafting the enclosed State Affairs CS it occurred to me that not all of the entities included in the definition of agency in AS 44.99.390 are under the immediate control of a commissioner. It was not clear to me whether the committee's intent was to allow non-commissioners like the President of the University of Alaska, or the Adjutant General of the Department of Military and Veterans' Affairs to make an exception, or that only a commissioner of a department could make exceptions.

Another consideration is those entities with independent management that are nonetheless included in a department--for example, the railroad and the Alaska Housing Finance Corporation. Under the attached committee substitute, the Commissioner of Commerce, Community, and Economic Development would need to approve an exception for the Alaska Railroad Corporation, and only the Commissioner of Revenue could approve an exception for the Alaska Housing Finance Corporation. Again, I do not know if it was the committee's intent to limit exceptions for these entities to those approved by a commissioner.

Another issue is the deletion of the "notwithstanding conflicting provisions of law" from proposed subsection AS 44.99.360(b). As the sponsor pointed out, there are many references in existing law to reports produced or published by agencies. By eliminating the qualifying term "annual" from "annual reports," the number of reports and the related statutory references has been increased.[1] Without the "notwithstanding" language a specific law directing an agency to print a report may take precedence.[2] As much as it

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[1] Also, it is possible that "reports" may now include such things as DPS laboratory reports, which are "distributed," though not to the public at large. See AS 12.45.084.

[2] Under the rules of statutory interpretation, a specific law will take precedence over a general law.

pains me to say it, to make this act effective, all provisions requiring printing of agency reports should be identified and specifically amended.[3]

LMK:plm
12-035.plm

Enclosure

[3] Unfortunately, these extensive amendments could not be achieved through the regular revisor's bill.

CS FOR HOUSE BILL NO. 182(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JOHANSEN, Kerttula, Hawker, Peggy Wilson, Petersen

A BILL

FOR AN ACT ENTITLED

"An Act relating to distribution of reports by state agencies."

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

*** Section 1.** AS 44.99 is amended by adding new sections to read:

Article 3A. Distribution of Agency Reports.

Sec. 44.99.360. Electronic distribution. (a) A state agency required by statute to produce and distribute a report shall, if the agency has the technological capability to do so, provide copies electronically and post the report on the agency's Internet website in a manner accessible to the public. An agency may not produce print copies of reports except as

(1) required

(A) under AS 14.56.120;

(B) by agreement;

(C) by federal law; or

(2) requested under AS 44.99.370 or specifically approved by the commissioner of the department.

(b) Except as provided in (a) of this section, electronic distribution and electronic posting on a state agency's Internet website fulfills any obligation in state law to publish, prepare, present, or submit a report.

Sec. 44.99.370. Print copy requests. A person may obtain a print copy of a report from the state library distribution and data access center under AS 14.56.170.

Sec. 44.99.390. Definition. In AS 44.99.360 - 44.99.390, "state agency" means a department, institution, board, commission, division, authority, public corporation, committee, or other administrative unit of the executive branch of state government, including the University of Alaska, the Alaska Railroad Corporation, the Alaska Permanent Fund Corporation, and the Alaska Housing Finance Corporation.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 2
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re HB 182 - Draft Final CS 27-LS0573\M

1/19/2012

HB 182 moved from the House State Affairs Committee with some amendments. Please draft a final CS with the amendments as follows:

Amendment #1 (Johansen) was broken out to 1A to 1E as follows: (see attached)

Conceptual Amendment #1 to Amendment #1A (Seaton): Line 11 after AS 44.99.370
insert **or specifically approved by the Department.**

Amendment #1B, #1C, #1D and #1E (Johansen) Approved as written

Amendment #2 (Johansen)
Strike Section 1

Conceptual Amendment #3 (Johansen)
Delete "Annual" everywhere it is located in the bill

Conceptual Amendment #4 (Johansen)
Page 2 Line 9 ***insert***: **Alaska Permanent Fund Corp. and Alaska Housing Finance Corp**.

Johansen

PROPOSED DRAFT
AMENDMENT #1

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE
TO: HB 182

Page 1, line 12:

1A Delete "reports unless requested under AS 44.99.370"
Insert "reports, except as
(1) required
(A) under AS 14.56.120;
(B) by agreement; or
(C) by federal law; or
(2) requested under AS 44.99.370."

Amendment 1A was Amended

Page 1, line 13:

1B Delete "(b) Notwithstanding conflicting provisions of law"
Insert "(b) Except as provided in (a) of this section"

Page 1, line 14:

1C Following "obligation in":
Insert "state"

Page 2, lines 1-5:

Delete all material and insert:

1D "**Sec. 44.99.370. Print copy requests.** A person may obtain a print copy of an annual report from the state library distribution and data access center under AS 14.56.170."

Page 2, line 6:

1E Delete "sections 44.99.360 - 44.99.390,"
Insert "AS 44.99.360 – 44.99.390,"

Nancy Manly

From: Nancy Manly
Sent: Thursday, January 19, 2012 11:40 AM
To: Will Vandergriff; Jeremiah Campbell
Subject: COMMITTEE ACTIVITY - House State Affairs Committee 1/19/2012

1/19/2012

The House State Affairs Committee heard and moved two pieces of legislation from committee today. They were:

HB 182 (Johansen) – Electronic Distribution of Agency Reports. MOVED FROM COMMITTEE with a number of amendments. The bill changes the publication requirements for all departments and state agencies from a printed document to an electronic format that is posted on the agencies website and is easily accessible to the public.

HB 216 (Wilson) – Regulations: Informative Summary Bills. MOVED FROM COMMITTEE with several amendments. HB 216 addresses problems related to the slow manner in which regulations are sometimes implemented and the confusing language of regulations. HB 216 would require that the legislature set up a time to have regulations completed and ready to implement and require agencies to provide descriptive summaries of proposed changes to regulations.

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

SSA CS

27-LS0573\M

HOUSE BILL NO. 182

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHANSEN, Kerttula, Hawker, Peggy Wilson, Petersen

Introduced: 3/9/11
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to distribution of annual reports by state agencies."

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

Strike [

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

SHORT TITLE. This Act may be known as the Paperwork Reduction Act.

*** Sec. 2.** AS 44.99 is amended by adding new sections to read:

Article 3A. Distribution of Annual Reports.

Sec. 44.99.360. Electronic distribution. (a) A state agency required by statute to produce and distribute an [annual] (cut) report shall, if the agency has the technological capability to do so, provide copies electronically and post the [annual] (cut) report on the agency's Internet website in a manner accessible to the public. An agency may not produce print copies of [annual] (cut) reports unless requested under AS 44.99.370.

(b) Notwithstanding conflicting provisions of law, electronic distribution and electronic posting on a state agency's Internet website fulfills any obligation in law to publish, prepare, present, or submit an [annual] (cut) report.

New Text Underlined *[DELETED TEXT BRACKETED]*

Sec. 44.99.370. Print copy requests. A person may order printed copies of an [annual] cut report from a state agency under AS 40.25.100 - 40.25.295. Appropriate printing or copying fees shall be determined under AS 40.25.110. A state agency may reduce or waive a fee when the state agency determines that the reduction or waiver is in the public interest.

Sec. 44.99.390. Definition. In sections 44.99.360 - 44.99.390, "state agency" means a department, institution, board, commission, division, authority, public corporation, committee, or other administrative unit of the executive branch of state government, including the University of Alaska, ~~and~~ the Alaska Railroad Corporation, the Alaska Permanent Fund Corporation, and the Alaska Housing Finance Corporation.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 182**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB182-GOV-OMB-1-13-2012
Dept. Affected: All
Title: An Act relating to distribution of annual reports by state agencies.
Appropriation:
Allocation:
Sponsor: Johansen
Requester: House State Affairs
OMB Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services	***	***	***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	***	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		***	***	***	***	***	***	***

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated for the 2012 legislative session and the analysis section.

Prepared by: Arnold Liebelt, Policy Analyst — Phone: 907-465-4676
Division: Office of Management and Budget — Date/Time: 1/13/12 11:30 PM
Approved by: Karen Rehfeld, Director — Date: 1/13/2012
Office of Management and Budget

(Revised 1/10/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 182

Analysis

This Legislation requires that annual reports of all state agencies may only be made available electronically. An agency may not produce printed copies of annual reports unless specifically requested by an individual or if conflicts exist with provisions of law.

This legislation will overall result in a cost savings to the state, but the amount of the savings is inconclusive. The estimated cost for printing state agency annual reports is $150,000. This includes over 23,000 copies from agencies that currently print and distribute annual reports. Several departments currently distribute annual reports only electronically and do not realize contracted printing costs. These include the Department of Law, the Alaska Judicial Council, the Department of Corrections, and the Alaska Court System. Most Departments already post annual reports as PDF documents on their websites. Other agencies, such as the Alaska Commission on Judicial Conduct, send notifications informing people that their reports can be downloaded from their website and that a report will only be sent to them if requested.

It's worth noting that producing annual reports is not linear. The fewer reports that are produced the greater the cost per report. So if at least one report needs to be produced, the cost of that one report could be quite high.

27-LS0573\I
Kirsch
4/11/11

CS FOR HOUSE BILL NO. 182( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JOHANSEN, Kerttula, Hawker, Peggy Wilson

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*** Sec. 2.** AS 44.99 is amended by adding new sections to read:

Article 3A. Distribution of Annual Reports.

Sec. 44.99.360. Electronic distribution. (a) A state agency required by statute to produce and distribute an annual report shall, if the agency has the technological capability to do so, provide copies electronically and post the annual report on the agency's Internet website in a manner accessible to the public. An agency may not produce print copies of annual reports unless required under AS 14.56.120(a) or requested under AS 14.56.170.

(b) Notwithstanding conflicting provisions of law, electronic distribution and electronic posting on a state agency's Internet website fulfills any obligation in law to

publish, prepare, present, or submit an annual report.

(c) In this section, "state agency" means a department, institution, board, commission, division, authority, public corporation, committee, or other administrative unit of the executive branch of state government, including the University of Alaska and the Alaska Railroad Corporation.

HB 182, Changes to CS

*Section 2 - exempts AS 14.56.120(a) and AS 14.56.170 from the print restrictions in this bill. 56.120 allows the State Library to continue to receive 4 copies of every state agency publication and 56.170 is in compliance with distribution of state publications and research data.

Additional Documents

for

HB 182

27-LS0573\B
Kirsch
4/4/11

CS FOR HOUSE BILL NO. 182( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JOHANSEN, Kerttula, Hawker, Peggy Wilson

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Sec. 44.99.370. Print copy requests. A person may order printed copies of an annual report from a state agency under AS 40.25.100 - 40.25.295. Appropriate printing or copying fees shall be determined under AS 40.25.110. A state agency may reduce or waive a fee when the state agency determines that the reduction or waiver is in the public interest.

Sec. 44.99.390. Definition. In AS 44.99.360 - 44.99.390, "state agency" means a department, institution, board, commission, division, authority, public corporation, committee, or other administrative unit of the executive branch of state government, including the University of Alaska and the Alaska Railroad Corporation.

HB 182, Changes to CS

The CS work draft makes a change on pg. 1, lines 12-13 where it exempts AS 14.56.120 from the print restrictions in this bill. This allows the State Library to continue to receive its 4 copies of every state agency publication.

These printed documents are valuable to the library because they distribute them to the library depository system, this way people all over the state and in Washington DC can request to borrow a printed copy if they desire one.

House Bill 182
As it relates to the Alaska State Library and Alaska's Depository Program (AS 14.56)

Benefits of the Bill

1. It gives the state an opportunity to examine the status of its government document publishing methods and take time to develop a plan that will be positive for expanding access, preserving digital content effectively, and using funding wisely.
2. It is a chance to highlight the significance of the Alaska State Library's and State Archives' roles in caring for government information.
3. It gives the Division of Libraries, Archives & Museums a chance to provide expert advice on how people retrieve and use government information and the optimum preservation methods.
4. It is perhaps an opportunity to review funding for and/or establish multi-agency alliances to cover the costs of a comprehensive, digital preservation program.

Concerns that Arise

1. Accurate assessment of costs of paper vs. electronic document preservation is needed. Since digital preservation is still an emerging field, there is some debate over costs differences over both the short-term and long-term (see cost section below). Digital-born documents are firmly entrenched in our present and future; within the funding available to the State Library, we are already making significant attempts to preserve digital content.
2. No single agency (e.g., the State Library) should bear the brunt of printing costs and staff time previously associated with the individual agencies. Requiring each agency to produce a document that can be easily posted to the web and easily printed out by the agency so that they can send eight copies to the Depository Program would be ideal. Over time, the State Library's digital preservation programs may develop enough that the need for the print copies could diminish, but currently, given media longevity concerns, print has a much longer shelf life than electronic documents (see longevity section below). The other advantage to a print-ready document is that other users, at home or in libraries, can easily print out the publication if they choose to do so.
3. Not all graphics show up well online or in black-and-white print. If the publication has color graphics and/or pages of varying sizes, the agency will need to adjust its printing methods to accommodate these variations.
4. It is a significant challenge for the State Library to search out all government publications in order to add them to its collection. Development of a practical system for the agencies to fulfill their obligation to provide the library with copies of the publication would be helpful. If the state does eventually develop a site similar to the Online Public Notice system for posting all State of Alaska publications, that may create a database of electronic documents that the State Library could then crawl and harvest for digital preservation purposes.
5. Not all Alaskans have easy access to a computer with reliable Internet. Nor do all Alaskans have the computer literacy skills necessary to access online publications. Providing a handful of copies in print

to the State Publications Program will go far to meet the needs of these individuals and remove some of the burden on public libraries to print all or part of the materials. Alaska's interlibrary loan system can delivers publications to libraries both within and outside the state when necessary.

6. Storage of electronic documents in either the State Library or State Archives has its challenges including costs (see cost section below) and media longevity issues (see longevity section below). It will take considerable effort and funding to develop and maintain a digital preservation program that would effectively put into place the plans, tools and staffing necessary to regularly manage ingestion of documents/records, provide portals of access that meet user needs, back up the data in case of disaster, and transfer the material as technology become obsolete.
7. Digital material, on government agency websites as well as others, is often precarious and ephemeral. Perhaps with the best of intentions, it is often removed or "fixed" with no notice and no preservation of the original.

Alaska State Library, Management of State Publications

Alaska State Publications Program

The Alaska State Library (ASL) currently manages the Alaska State Publications Program found at http://library.state.ak.us/asp/asp.html. This program is mandated by Alaska Statute 14.56, the State Library Distribution and Data Access Center. Although the statute states that four copies are minimum, it allows for more. To assure the needed public access to the materials and to preserve the content, ASL requests that agencies send eight copies; these are distributed to Alaskan depository libraries and to the Library of Congress. At least one copy is available for interlibrary loan requests. The benefits of the program to state government are numerous:

- State publications are cataloged and these records are web-searchable through individual library catalogs and a national database, www.worldcat.org, which makes the contents readily available.
- Agencies can refer public requests for these materials to libraries, particularly when the publications are out-of-print and not online.
- Depository library staff is trained on how to properly handle, store and retrieve the items when needed.
- State agencies regularly contact ASL to access historic materials they no longer hold in their offices. Sometimes the material is available online and sometimes it is in print.
- State agency annual reports have been produced since the beginning of statehood and are one of the most frequently used state government publications. They provide important details on the accomplishments and goals of an agency.

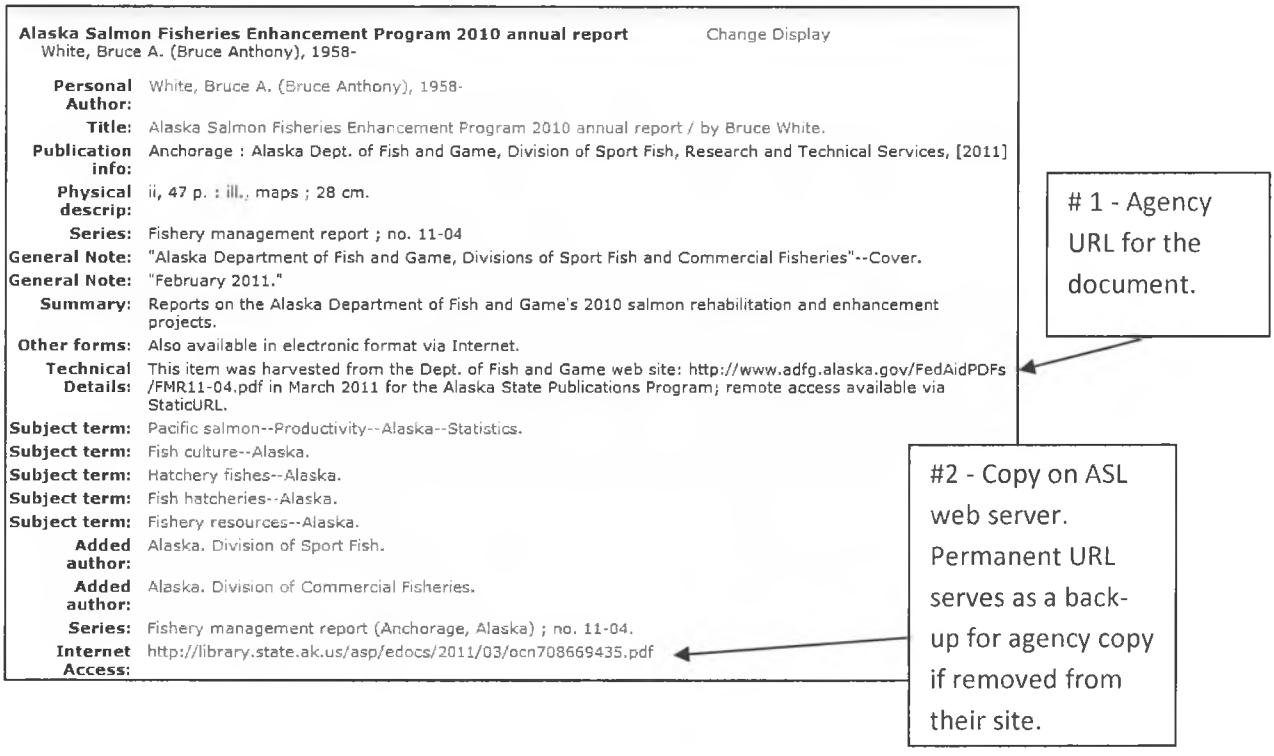
Electronic documents are important for widespread public access and search capabilities. Note that generally whenever ease of access increases, the life expectancy of the media decreases (*From distribution to preservation of digital documents* by Christian Rossi at http://eprints.rclis.org/bitstream/10760/13219/1/preservation.html). Therefore, ASL actively works with digital documents, but takes a conservative approach to best ensure the longevity of the publications. No preservation method is ***the*** solution, so ASL has chosen to invest in multiple methods in

order to fully capture and preserve electronic material produced by the state. In addition to the physical documents received from state agencies, ASL preserves digital content in the following ways:

LOCKSS

LOCKSS stands for *Lots of Copies Keep Stuff Safe* (http://lockss.stanford.edu/lockss/Home).
When ASL receives a print document from a state agency, the cataloger adds the new document to the catalog and checks to see if there is an electronic version on the agency's website. If there is, she adds the URL to the catalog record (see #1 below) and she downloads a copy of the document, usually a PDF, onto the ASL web server in a file organized by fiscal year and month. Each copy is assigned a unique number and is then accessible on the Internet via a web browser search or via a catalog search as she adds this new URL into the catalog as well (see #2 below). The LOCKSS method is used to "back up" these copies by crawling ASL web files and storing them on a server that is set up for the materials. The beauty of the LOCKSS program is that other libraries have chosen to store ASL content on their own servers (AKA boxes) via a mirror system. This system compares data in each of the boxes and if a file somehow disappears or is corrupted, that file will be corrected. Ideally, you need at least six LOCKSS sites; ASL has about forty, so a solid system is in place.

A Fish and Game document record in ASL catalog:



Archive-It

ASL realizes that not all publications are sent to the Depository Program and some valuable state agency information is contained on the web in a non-traditional publication format. As such, it uses a system

called Archive-It to capture, archive, index and make publically accessible State agency websites. ASL Archive-It content is found online at http://archive-it.org/public/partner.html?id=305. You will see search box in the upper left where you can search the full-text of the majority of website content. Some content is not captured due to the file types, preventative code, etc. Another way to access the archived materials is via the Internet Archives wayback machine at http://www.archive.org/web/web.php. Simply enter a State of Alaska URL and you will see the capture dates that will lead you to the sites.

Longevity of Various Media

Putting a report on a CD does not assure that the information is preserved or that it will be publically available long-term. The average CD-R has a life expectancy of ten years or less because popularity of storage mediums change quickly, thus rendering formats obsolete. To get a feel for materials that died a quick death or are at risk, visit the University of Michigan's Chamber of Horrors at http://www.icpsr.umich.edu/dpm/dpm-eng/oldmedia/chamber.html. Compare a CD's ten-year life expectancy with:

- Properly stored microfilm that will last 500 years or more (see NDCC *Microfilm and Microfiche* leaflet at http://www.nedcc.org/resources/leaflets/6Reformatting/01MicrofilmAndMicrofiche.php
- Paper that can last up to several hundred years (see *The Nature of Permanence* article at http://cool.conservation-us.org/byorg/abbey/napp/perman.html)

Overviews on Digital Preservation

1. *Digital Preservation Management: Implementing Short-Term Strategies for Long-Term Problems*. Excellent tutorial by experts in the field.
   http://www.icpsr.umich.edu/dpm/dpm-eng/introduction.html
   A weighty quote from their tutorial: "Even with optimal media selection, potential physical damage to all hardware components must be evaluated, acknowledged, and considered carefully and safeguards in terms of equipment, policies and procedures, and expertise must be incorporated.

   "Furthermore, media selection and hardware integrity are only part of the complex chain of considerations to ensure long-term preservation. Storage media that is physically intact is only useful if the data it contains can be accessed and rendered into a human-readable form. For now, obsolescence is a clear and present danger to digital information, and proactive plans for handling the issue must be a part of any digital preservation program."

2. North Carolina's Digital Preservation page for State Employees. Helps provide background on digital preservation. http://digitalpreservation.ncdcr.gov/index.html

3. Library of Congress, Leading the way on significant digital preservation efforts
   http://www.digitalpreservation.gov/

Digital Preservation Costs

1. *Sustainable Economics for a Digital Planet: Ensuring Long-Term Access to Digital Information*
   http://brtf.sdsc.edu/biblio/BRTF_Final_Report.pdf

2. *Keeping research data safe: JISC research data digital preservation costs study* http://discovery.ucl.ac.uk/9034/

3. Lifeshare Case Study found that digitizing "a collection of monographs in-house is the most cost efficient method of preserving it over time, despite being several hundred percent more expensive than physical conservation in the first instance." http://lifeshareproject.wordpress.com/2011/02/02/physical-conservation-vs-digital-preservation-a-cost-comparison/

Other Considerations

Digital Authentication will not apply to annual reports, but will come into play with other documents if the online version is chosen as the authoritative, legal and trusted version. Leading the way is the U.S. Government Printing Office with their explanation about digital signatures on PDF at http://www.gpoaccess.gov/authentication/.

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Alaska Statutes.
Title 14. Education, Libraries, and Museums
Chapter 56. State and Community Libraries
Section 120. Deposit of Publications and Research Data.

previous: Section 110. Regulations.
next: Section 123. Liaison With Center.

AS 14.56.120. Deposit of Publications and Research Data.

(a) Each state agency shall deposit, upon release, at least four copies of each of its state publications in the center. Additional copies of each publication may be requested by the center for deposit in quantities necessary to meet the needs of the depository library system and to provide inter-library service to those libraries not having depository status.

(b) Each state agency shall notify the center of the creation of all data published or compiled by or for it at public expense, including automated data bases, and provide for its accessibility through the center unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the agency is otherwise prohibited by law from doing so.

(c) The center is also a depository for publications of municipalities and regional educational attendance areas, including surveys and studies produced by a municipality or regional educational attendance area or produced for it on contract. Four copies of each publication produced for a municipality or regional educational attendance area may be deposited with the center for record and distribution purposes.

(d) Each municipality or regional educational attendance area may notify the center of the creation of all data published or compiled by or for it at public expense and provide for its accessibility through the center, unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the municipality or regional educational attendance area is otherwise prohibited by law from doing so.

(e) When a research project or study is conducted for a person by a state agency, a municipality, or a regional educational attendance area, even though no state funding is involved, the state agency, municipality, or regional educational attendance area shall request that person for permission to make copies of its final report available to the center under AS 14.56.090 - 14.56.180. If permission is granted, the report shall be deposited with the center.

amend HB 182 to exclude copies listed under AS 14.56.120

Does go to AK State Library - asl@alaska.gov

Alaska State Legislature

Interim:
50 Front Street, Suite 203
Ketchikan, AK 99901
Phone: (907) 247-4672
Fax: (907) 225-7157

Session:
State Capitol, Room 114
Juneau, AK 99801-1182
Phone: (907) 465-3424
Fax: (907) 465-3793

Representative Kyle Johansen
House District 1

DATE: March 9, 2011

TO: Rep Bob Lynn, Chair, House State Affairs Committee

FROM: Rep. Kyle Johansen KBJ

RE: Hearing request for HB 182, "An Act relating to distribution of annual reports by state agencies."

I kindly request a hearing for HB 182 in the House State Affairs Committee. Additionally, I request that the Ketchikan LIO be teleconferenced for the hearing.

Alaska State Legislature

Interim:
50 Front Street, Suite 203
Ketchikan, AK 99901
Phone: (907) 247-4672
Fax: (907) 225-7157

Session:
State Capitol, Room 114
Juneau, AK 99801-1182
Phone: (907) 465-3424
Fax: (907) 465-3793

Representative Kyle Johansen
House District 1

HB 182 - "An Act relating to distribution of annual reports by state agencies."

Under AS 44.99.200, state agencies are required to produce a published annual report, where "published" means printed on paper. The purpose of publishing the report is to "promote simplicity, low cost, and consistency."

This bill changes the publication requirements for all departments and state agencies, including the University of Alaska and the Alaska Railroad, from a printed document to an electronic format that is posted on the agency's website and is easily accessible to the public.

Most of the statutes that provide for a printed document were written long before the advent of the modern technology that makes the reports accessible online today. The printed publishing of reports costs Alaska taxpayers over $1.6 million annually. These reports cost $12-$25 per copy and are automatically delivered to all 60 legislative offices and many other offices in the government system. The vast majority of these reports go unused as the information is readily accessible in an online format.

Some groups or people in specific areas of the state may not have internet access and Section 44.99.370 of this bill allows for the request of a printed report. Common practice has been to provide individual copies free of charge, but if a large quantity were ordered the appropriate fee is determined under AS 40.25.110.

LEGISLATIVE RESEARCH REPORT

NOVEMBER 3, 2005

REPORT NUMBER 06.032

ANNUAL REPORT DISTRIBUTION REQUIREMENTS

PREPARED FOR REPRESENTATIVE MAX GRUENBERG

BY BECKY TAYLOR, LEGISLATIVE ANALYST

You asked about annual report distribution by state agencies and departments. Specifically, you wished to know what the distribution requirements are for these reports, whether the law requires reports to be printed, and if distributing reports electronically would be more cost effective.

DISTRIBUTION REQUIREMENTS FOR ANNUAL REPORTS

As you know, Alaska laws require certain state agencies to produce annual reports. These laws often establish what information the report must contain, and to whom it must be distributed. Distribution requirements vary; however, often agencies must distribute reports to the Legislature, the Governor, and the public. The majority of statutes on the subject do not specify what form an annual report must take, and we were unable to identify any general requirement that all agencies produce a printed report. AS 44.99.200 authorizes the Department of Administration to establish standards for the production of state publications, which are outlined in the publication section of the Alaska Administrative Manual (AAM 83). These standards are focused on printing methods and do not address distribution requirements or methods. AS 44.99.200 does state that the standards "shall be designed to promote simplicity, low cost, and consistency." Many of the statutes and regulations regarding annual reports may have been written before electronic distribution was a possibility.[1]

We identified a number of specific instances in which an organization is required by law or regulation to produce an annual report in a certain format. For example, AS 41.08.030 requires the Division of Geological and Geophysical Surveys to print and publish their annual report. Pursuant to 23 AAC 40.010, the Office of Victim's Rights must post an annual report on their web

[1] Personal Communication from Vern Jones, chief procurement officer, Division of General Services, Department of Administration. Mr. Jones can be reached at (907) 465-5684.

site. Many statutes contain language that is not specific about the format of the report, such as the following section of AS 37.13.170, relating to the Permanent Fund Corporation:

> By September 30 of each year, the board shall publish a report of the fund for distribution to the governor and the public. The board shall notify the legislature that the report is available. The report shall be written in easily understandable language.[2]

The only statute that we identified that applies generally to the distribution of annual reports is the requirement under AS 14.56.120 that state agencies submit several copies of any publication they produce to the Alaska State Library (ASL) for the State Publication Program. The State Library then distributes these documents to Alaska Depository Libraries in Juneau, Anchorage, Fairbanks, and Washington, D.C. One of the goals of the program is to ensure that state publications are accessible to all Alaskans. Alaskans can request to have materials sent to their local library through inter-library loan. The Publication Program also maintains older state documents that an agency may no longer be able to provide.[3]

According to ASL personnel, the library distribution requirement can be satisfied with electronic documents. One librarian, nevertheless, expressed concern that digital materials may be more difficult to preserve, and that some constituents who request materials through inter-library loan may have difficulty with the format.[4]

THE IMPACT OF TECHNOLOGY

Many organizations that are mandated by Alaska law to produce annual reports already post the documents on-line. Agencies that post their annual reports on-line may also produce a printed copy, but some agencies appear to be cutting back on the number of printed copies they generate. According to Michael Matthews, with the Alaska Bureau of Vital Statistics, his agency has reduced the number of printed copies they produce as more people have started using the Internet.[5] The Regulatory Commission of Alaska (RCA) has cut the number of annual reports that it prints in half in recent years. The RCA still mails printed copies of their annual report to all Alaska Legislators, although AS 42.05.211 and AS 42.06.220 appear to require that the agency only, "notify" the legislature that the report is available.[6]

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[2] The word "publish" is frequently included in similar statutes. While "publish" may imply print, the relevant definition in *Black's Law Dictionary* is simply, to "distribute" copies of a work to the public. Bryan A. Garner, ed., *Black's Law Dictionary*, 8th ed., St. Paul, MN, West, 2004, p. 1268.

[3] For more information about the Alaska State Publications Program, see the Alaska State Library website at *http://www.library.state.ak.us/asp/*.

[4] Personal communication from Daniel Cornwall, government publications librarian, Alaska State Library. Mr. Cornwall can be reached at (907) 465-2927.

[5] Personal communication from Michael Matthews, research analyst, Bureau of Vital Statistics, Alaska Department of Health and Social Services. Mr. Matthews can be reached at (907) 465-8602.

[6] Personal communication from Grace Salazar, chief of Consumer Protection & Information, Regulatory Commission of Alaska. Ms. Salazar can be reached at (907) 263-2134.

A number of agencies are saving money by reducing the number of printed copies they produce. For example, printing costs for the RCA annual report are as follows:

Regulatory Commission of Alaska Annual Report Printing Costs			
Fiscal Year	Reports Printed	Cost per Copy	Total Cost
2003	400	$11.09	$4,436
2004	200	$6.62	$1,324
		Cost Reduction	$3,112

Source: Cost per copy is included in the FY2003 and FY2004 annual reports available at http://www.state.ak.us/rca/AnnualReport/. The number of copies produced was provided by Grace Salazar.

Similarly, we show printing costs for the Alaska Permanent Fund Corporation (APFC) below:

Alaska Permanent Fund Corporation Annual Report Printing Costs			
Fiscal Year	Reports Printed	Cost per Copy	Total Cost
2004	2,500	$7.85	$19,625
2005	1,500	$7.24	$10,860
		Cost Reduction	$8,765

Source: Cost per copy is included in the FY2004 and FY 2005 annual reports available at http://www.apfc.org/publications/AnRptArch.cfm. The number of copies produced was provided in a personal communication from Laura Achee, director of communications, Alaska Permanent Fund Corporation. Ms. Achee can be reached at (907) 465-2047.
Note: Costs for printing the APFC annual report are paid with Permanent Fund earnings, and do not come out of the general fund.

The Alaska Housing Finance Corporation (AHFC) posts the annual report on-line, and distributes the document on compact discs (CDs) which are easy to circulate, and can also be used as a marketing tool. The AHFC estimates that switching from printed reports to CDs has saved $10,000 to $15,000 a year. A printed annual report costs $8 to $12 to produce, while producing a CD and cover costs only $1.70. Corporate communications officer, Sherrie Simmonds, notes that because of the large file size, sending the extensive report by email would not be feasible. The AHFC will print a hard copy of the annual report in-house for anyone who requests one; however, they only receive one or two requests a year for paper copies.[7] The Alaska Division of Oil & Gas also mails copies of its annual report on CD to individuals who are not able to download the large files from the division's website.[8]

In addition to reducing printing costs, increased use of technology may be helping to reduce postage costs as well. Some agencies are shortening their mailing lists in response to the increased use of on-line documents. For example, The RCA stopped routinely mailing annual reports to regulated utilities several years ago; now they only mail reports to utilities that

[7] Personal communication from Sherrie Simmonds, corporate communications officer, Alaska Housing Finance Corporation. Ms. Simmonds can be reached at (907) 330-8447.

[8] Personal communication from Brian Havelock, natural resources specialist, Division of Oil & Gas, Alaska Department of Natural Resources. Mr. Havelock can be reached at (907) 269-8807.

specifically request a printed copy.[9] According to personnel in several agencies we contacted, while the use of electronic distribution can help reduce printing and postage costs, the majority of the cost of generating an annual report is the amount of staff time needed to gather and arrange all of the information.

CHALLENGES TO ELECTRONIC DISTRIBUTION

Electronic distribution could be more cost effective than printing and mailing documents for state agencies that already possess the technological resources necessary to send files by email or post them on their website. Indeed, it seems that several state agencies have recognized the opportunity to cut costs by relying more heavily on technology in their distribution of reports. Electronic distribution, however, could potentially be more costly for recipients of the documents, particularly in rural areas that may rely on slow, long distance dial up services. Distributing annual reports on CD provides a way around the challenge of opening large documents with a slow Internet service, but still requires recipients to have computer access. The consumer would also bear any printing cost.

Some agencies expressed concern that switching to electronic distribution exclusively would prevent certain constituents from having access to the reports, or make the reports difficult to read. For example, the Bureau of Vital Statistics sends copies of its annual report to rural health care facilities, many of which may have slow, unreliable Internet connections.[10] Laura Achee, the director of communications for the APFC, commented as follows:

> State law directs us to "publish the report for distribution to . . . the public." Not every Alaskan has easy access to a computer and printer, so we will always have to have print copies available for those who request one. State law also directs us to write the report in "easily understood language." I think following the spirit of that means we should also be able to provide the report in an easily accessible format for each Alaskan, which for many may be print. The size and complexity of the document can make it difficult to review online.

A number of agencies already use electronic distribution to reduce printing costs. It appears that state agencies could distribute reports solely in electronic form; however, this could transfer printing and access costs from the agency to the recipient, and may adversely impact residents who lack the necessary technology.

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

[9] Grace Salazar.

[10] Michael Matthews.

LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
research@legis.state.ak.us

Memorandum

TO: Representative Kyle Johansen
FROM: Chuck Burnham, Legislative Analyst
DATE: February 23, 2011
RE: State Agency Report Distribution Requirements
LRS Report 11.183

You asked for an update of a report by this agency on statutory requirements regarding the printing and distribution of reports by agencies of the State of Alaska.

As you know Legislative Research Services Report 06.032, which this agency published in November of 2005, provided information on statutory printing and distribution requirements for the reports of state agencies in Alaska.[1] As you'll recall, that report concluded that many state agencies are required to prepare and publish reports for the Legislature, Governor, and/or the public but, in the vast majority of cases, the statutes requiring those reports do not mandate the production of printed copies. Our research indicates that this is still largely the case today.

The general standards for state publications are provided in AS § 44.99.200, which reads as follows:

> The publications of a state agency shall be produced at a private sector facility located in the state when practicable. The Department of Administration shall establish standards for the production of publications by state agencies, except that the Board of Regents of the University of Alaska shall establish the standards for the university. The standards shall be designed to promote simplicity, low cost, and consistency.[2]

Although this statute generally requires publications to be "produced" in state, neither it nor the section of the Alaska Administrative Manual (AAM) promulgated under its authority, appear to include a requirement for said publications to be printed.[3] The only overarching statute that we identified that requires reports to be printed was AS §14.56.120, which requires all state agencies to provide the Alaska State Library Distribution and Data Access Center with at least four copies of each of its publications.

In the research we conducted for this update, we identified three statutory requirements for the printing of specific reports.[4] Those requirements are as follows: statutes, regulations, and annual reports of the Department of Labor and Workforce Development (AS § 23.20.050), the Department of Administration's annual state financial report (AS § 37.05.210), and annual and special topics reports by the state geologist (AS § 41.08.030). To put this in context, a report by this agency in May, 2010, found 153 reports of state agencies that are statutorily required to be provided to the Legislature.[5] Clearly the majority of these reports are printed for Legislators' review; however, there is no specific requirement that those reports, or most other statutorily required reports, be printed for a wider audience. Instead, statutory language typically calls for reports to be published, prepared, produced, or made available without reference to the format of those documents.

In our previous report on this topic, we provided information on printing costs for three agencies that are statutorily required to produce an annual report. Those agencies were the Alaska Housing Finance Corporation (AHFC), Alaska Permanent Fund

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[1] That report is available online at *http://w3.legis.state.ak.us/laa/research/public.cgi*.

[2] We include a copies of AS § 44.99.200 and the remainder of the statutes cited in this report as Attachment A.

[3] Chapter 83 of the AAM, which delineates the Executive Branch's policies on publications, can be accessed online at *http://fin.admin.state.ak.us/dof/ak_admin_manual/resource/83.pdf*.

[4] Although we believe our research to be thorough, there may be additional reports that are statutorily required to be printed that we did not identify due to variations in the wording and construction of applicable statutes.

[5] "State Agencies' Reports to the Legislature Required by Alaska Statute," LRS Report 10.251, Legislative Research Services, May 20, 2010; *http://archives2.legis.state.ak.us/PublicImageServer.cgi?lra/2010/10-251m.pdf*.

Corporation (APFC), and the Regulatory Commission of Alaska (RCA). Table 1 compares printing costs for those agencies in fiscal year (FY) 2010 to those from our previous report.

Table 1: Publishing Costs of Annual Reports of Selected State Agencies in Alaska

Agency	Previously Reported Costs per Copy	Number of Copies	Previously Reported Total Costs	Fiscal Year 2010 Costs per Copy	Number of Copies	Total FY 10 Cost
Alaska Housing Finance Corporation	$12.00	Not available		$12.00	2,000	$24,000
Regulatory Commission of Alaska	$6.62	200	$1,324	$23.30	150	$3,495
Alaska Permanent Fund Corporation	$7.24	1,500	$10,860	$18.92	1,500	$28,374

Notes: Previously reported costs are from FY 2004 for the Regulatory Commission of Alaska and FY 2005 for the Alaska Housing Finance and Permanent Fund Corporations.
Sources: Personal communications from Sherrie Simmonds, Corporate Communications Director, Alaska Housing Finance Corp., (907) 330-8447; Joyce McGowan, Administrative Officer II, Regulatory Commission of Alaska, (907)263-2132; and Laura Achee, Director of Communications, Alaska Permanent Fund Corp., (907) 796-1522.

In our previous report, Sherrie Simmonds, Corporate Communications Director for the AHFC, explained that the Corporation had begun providing its annual report largely in the form of a digital compact disc (CD), which had substantially reduced the overall costs of publishing the report. The AHFC subsequently became concerned that the substance of the report was not being as widely absorbed in the CD format as was the case with the printed version. As a result, in 2007 the Corporation reverted to printed reports while providing its financial information on CD.[6]

Electronic Distribution

In our previous report on this topic, we discussed concerns voiced by Laura Achee with the APFC, and others, that there were significant challenges associated with electronic distribution of reports as the sole method of publication. Prominent among those concerns was the lack of access to computers, printers, and/or the Internet for both individual Alaskans and in significant geographic areas of the state. Since our previous report was published in 2006, broadband Internet access has been expanded and, according to recent research, is now available to nearly 86 percent of households. Including mobile, wireless Internet access, broadband service is available to almost 91 percent of such Alaska homes.[7] Nonetheless, Ms. Achee and others remain concerned over the equity of producing state agencies' reports strictly in electronic format, and continue to advocate for providing Alaskans the option of at least requesting a printed report.

We hope this is helpful. If you have questions or need additional information, please let us know.

[6] Ms. Simmonds can be reached at (907) 330-8447.

[7] These figures represent the availability of broadband access rather than the actual percentage of households that have subscribed to that service. Connect Alaska is a non-profit group operating under grant funding by the U.S. Department of Commerce's State Broadband Data & Development Program. More information on the organization and access to its research is available online at *http://www.connectak.org/*.

Attachment A

AS § 14.56.120

AS § 23.20.050

AS § 37.05.210

AS § 41.08.030

AS § 44.99.200

LEXSTAT AS 14.56.120

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TITLE 14. EDUCATION, LIBRARIES, AND MUSEUMS
CHAPTER 56. STATE AND COMMUNITY LIBRARIES
ARTICLE 2. STATE LIBRARY DISTRIBUTION AND DATA ACCESS CENTER

Go to the Alaska Code Archive Directory

Alaska Stat. § 14.56.120 (2011)

Sec. 14.56.120. Deposit of publications and research data

(a) Each state agency shall deposit, upon release, at least four copies of each of its state publications in the center. Additional copies of each publication may be requested by the center for deposit in quantities necessary to meet the needs of the depository library system and to provide inter-library service to those libraries not having depository status.

(b) Each state agency shall notify the center of the creation of all data published or compiled by or for it at public expense, including automated data bases, and provide for its accessibility through the center unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the agency is otherwise prohibited by law from doing so.

(c) The center is also a depository for publications of municipalities and regional educational attendance areas, including surveys and studies produced by a municipality or regional educational attendance area or produced for it on contract. Four copies of each publication produced for a municipality or regional educational attendance area may be deposited with the center for record and distribution purposes.

(d) Each municipality or regional educational attendance area may notify the center of the creation of all data published or compiled by or for it at public expense and provide for its accessibility through the center, unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the municipality or regional educational attendance area is otherwise prohibited by law from doing so.

(e) When a research project or study is conducted for a person by a state agency, a municipality, or a regional educational attendance area, even though no state funding is involved, the state agency, municipality, or regional educational attendance area shall request that person for permission to make copies of its final report available to the center under *AS 14.56.090 -- 14.56.180*. If permission is granted, the report shall be deposited with the center.

HISTORY: (§ 1 ch 2 SLA 1970; am § 4 ch 27 SLA 1979; am § 9 ch 200 SLA 1990)

20 of 27 DOCUMENTS

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TITLE 37. PUBLIC FINANCE
CHAPTER 05. FISCAL PROCEDURES ACT
ARTICLE 2. UNIFORM ACCOUNTING

Go to the Alaska Code Archive Directory

Alaska Stat. § 37.05.210 (2011)

Sec. 37.05.210. Fiscal reporting and statistics

(a) The Department of Administration shall

(1) file with the governor and with the legislative auditor before December 16 a report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that year, prepared in accordance with generally accepted accounting principles and audited by the legislative auditor in accordance with generally accepted audit standards, with comments and supplementary data that the Department of Administration considers necessary; this report shall be printed for the information of the legislature and the public;

(2) compile statistics necessary for the budget and other statistics required by the governor;

(3) file a travel and compensation report with the legislature by January 31 of each year containing detailed information for the previous calendar year of the salaries, per diem, travel expenses, relocation expenses, and any additional allowances for

(A) the governor, the lieutenant governor, and the chiefs of staff of the governor and lieutenant governor;

(B) the president and vice-president of the University of Alaska and the chancellors of the individual campuses of the university;

(C) the commissioners or other executive heads of the principal departments in the executive branch of state government, and the deputy commissioners and division directors in those departments; and

(D) the executive heads of public corporations created by law, including the Alaska Railroad Corporation.

(b) By January 21 of each year, the University of Alaska and each public corporation shall provide the information related to salaries, per diem, travel expenses, relocation expenses, and any additional allowances to the Department of Administration in the form and manner prescribed by the department.

HISTORY: (§ 8 art III ch 82 SLA 1955; am § 5 ch 186 SLA 1957; am § 1 ch 11 SLA 1965; am § 79 ch 63 SLA 1993; am § 14 ch 126 SLA 1994; am §§ 3, 4 ch 83 SLA 1999)

LEXSTAT AS 44.99.200

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TITLE 44. STATE GOVERNMENT
CHAPTER 99. MISCELLANEOUS PROVISIONS AND POLICIES
ARTICLE 3. STATE PUBLICATIONS

Go to the Alaska Code Archive Directory

Alaska Stat. § 44.99.200 (2011)

Sec. 44.99.200. Production of publications

The publications of a state agency shall be produced at a private sector facility located in the state when practicable. The Department of Administration shall establish standards for the production of publications by state agencies, except that the Board of Regents of the University of Alaska shall establish the standards for the university. The standards shall be designed to promote simplicity, low cost, and consistency.

HISTORY: (§ 1 ch 100 SLA 1990; am § 12 ch 88 SLA 1991; am § 140 ch 4 FSSLA 1992; am § 5 ch 59 SLA 1994)

NOTES: REVISOR'S NOTES. --Enacted as AS 44.99.130. Renumbered in 1990.

NOTES APPLICABLE TO ENTIRE TITLE

REVISOR'S NOTES. --The provisions of this title were redrafted in 1984 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982, and in 1984, 1989, 1993, and 2004 to make other minor word changes.

Statewide - Publications Spreadsheet
AS 44.99.220
February 28, 2011

	Department	Total Cost of Production	Quantity Produced	Number of Publications	
1	Administration	$380,174	604,739	37	
2	Commerce	$95,215	108,598	42	
3	Corrections	$0	0	3	
4	Education	$0	278,840	146	
5	Environmental	$4,750	295	6	
6	Fish and Game	$267,500		188	
7	Health	$61,381	94,569	219	
8	Labor	$198,747	417,437	72	
9	Law	$0	201	3	
10	Military	$0	6,000	2	
11	Natural Resources	$39,697	11,850	27	
12	Public Safety	$172,750	12,408	213	
13	Revenue	$33,532	9,853	20	
14	Transportation	$77,484	46,890	94	
15	AK Judicial Council/Commission on Judicial Conduct	$2,217	500	2	
16	* Alaska Court System	$0	0	39	
17	University	$321,930	377,853	57	
	Grand Total	**$1,655,376**	**1,970,033**	**1,170**	
*	All publications are posted on line and all are produced in house.				

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Administration	Alaska Public Office Commission	Biennial Report	Biennial	$0.00	7
2	Administration	Alaska Public Office Commission	Directory of Registered Lobbyists	As needed	$0.00	8
3	Administration	Alaska Public Office Commission	APOC Disclosure Laws Manuals	As needed	$0.00	20
4	Administration	Alaska Public Office Commission	APOC Newsletter	Quarterly	$0.00	6
5	Administration	Victim of Crimes Compensation Board	Annual Report	Annual	$0.00	100
6	Administration	General Services	Procurement Report	Biennial	$250.00	1
7	Administration	Finance	Comprehensive Annual Financial Report	Annual	$7,643.25	315
8	Administration	Finance	Travel and Compensation Report	Annual	$0.00	Online
9	Administration	Finance	Checkbook Online Spreadsheet of Expenditures	Annual	$0.00	Online
10	Administration	Finance	Pocket Guide to Travel Regulations	Updated as needed	$0.00	Online
11	Administration	Finance	Alaska Administrative Manual	Updated as needed	$0.00	Online
12	Administration	Finance	Payroll Procedures Manual	Updated as needed	$0.00	Online
13	Administration	Finance	Accounting Procedures Manual	Updated as needed	$0.00	Online
14	Administration	Finance	AKSAS Handy Guide	Updated as needed	$0.00	Online
15	Administration	Risk Management	Annual Report	Annual	$336.00	12
16	Administration	Risk Management	Acturial Report	Annual	$0.00	The actuarial report is provided as part of a professional services contract for the annual actuarial study. There is no additional cost for the production of the report.
17	Administration	Office of Administrataive Hearings (OAH)	Annual Report	Annual	$0.00	Triplicate originals are printed in house-report is web posted for reference by others
18	Administration	Retirement & Benefits	Affirmative Action Plan	Annual	$694.00	30
19	Administration	Personnel & Labor Relations	Workplace Profile	Annual	$0.00	Online
20	Administration	Personnel & Labor Relations	Progress Report on Equal Employment Opportunity and Affirmative Action in State Government	Annual	$1,205.00	110
21	Administration	Motor Vehicles	Driver Manual	As needed	$31,150.00	10,000
22	Administration	Motor Vehicles	Motorcycle Manual	As needed	$3,206.25	15,000
23	Administration	Motor Vehicles	Commercial Driver License Manual	As needed	$15,412.80	24,000
24	Administration	Motor Vehicles	Disability Parking is a Privilege	As needed	$87.50	5,000
25	Administration	Motor Vehicles	Provisional Licenses for Teens	As needed	$1,024.00	8,000

26	Administration	Motor Vehicles	Customer Survey Cards	As needed	$266.00	7,000
27	Administration	Motor Vehicles	Hazmat Brochure	As needed	$216.00	5,000
28	Administration	Motor Vehicles	DUI Tickets are Bad & Costly	As needed	$1,259.00	10,000
29	Administration	Motor Vehicles	Online Skills Testing Schedule	As needed	$175.00	10,000
30	Administration	Motor Vehicles	Mandatory Ins/Financial Responsibility	As needed	$1,002.00	60,000
31	Administration	Motor Vehicles	No Hassle Flyers	As needed	$4,400.00	440,000
32	Administration	Motor Vehicles	Commercial Motor Vehicle Info	As needed	$200.00	10,000
33	Administration	Retirement & Benefits	Comprehensive Annual Financial Report - TRS	Annual	$1,600.00	65
34	Administration	Retirement & Benefits	Comprehensive Annual Financial Report - PERS	Annual	$1,600.00	65
35	Administration	Retirement & Benefits	Misc Brochures**	Ongoing as needed	$40,000.00	**Statute requires positive notification that an information handbook for each plan in the system be published. This line includes brochures applicable to plans we administer.
36	Administration	Retirement & Benefits	Misc Newsletters - Employers Edge, Newsbreak PERS, Newsbreak TRS, HealthMatters AlaskaCare, Health Matters, Soc Sec, 1099-R	monthly, quarterly, trimester, one yearly	$231,500.00	**Statute requires positive notification that an information handbook for each plan in the system be published. This line includes brochures applicable to plans we administer.
37	Administration	Retirement & Benefits	Misc Handbooks and Booklets**	Ongoing as needed	$36,947.50	**Statute requires positive notification that an information handbook for each plan in the system be published. This line includes brochures applicable to plans we administer.
				Total:	**$380,174**	**604,739**

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Commerce Community & Economic Development	Alaska Aerospace Development Corporation	Annual Report	Annually	$12,954	1000
2	Commerce Community & Economic Development	Alaska Energy Authority	Capital Reserve Fund shortfall	Annually	$0	
3	Commerce Community & Economic Development	Alaska Energy Authority	Annual report	Annually	$18,835	1500
4	Commerce Community & Economic Development	Alaska Industrial Development and Export Authority	Capital Reserve Fund shortfall	Annually	$0	75
5	Commerce Community & Economic Development	Alaska Industrial Development and Export Authority	Annual review of assets	Annually	$0	75
6	Commerce Community & Economic Development	Alaska Industrial Development and Export Authority	Annual report	Annually	$14,290	1500
7	Commerce Community & Economic Development	Alaska Seafood Marketing Institute	Annual report	annual	$5,000	1200
8	Commerce Community & Economic Development	Banking, Securities and Corporations	BIDCO report of economic growth.	Annually	$0	
9	Commerce Community & Economic Development	Banking, Securities and Corporations	Comparative statement of banks and credit unions in Alaska		$0	
10	Commerce Community & Economic Development	Banking, Securities and Corporations	Alaska Directory of Banks and Financial Institutions	spring/fall	$0	
11	Commerce Community & Economic Development	CBPL	Disciplinary Actions	Monthly	$0	
12	Commerce Community & Economic Development	CBPL	Annual Performance Reports	Annual	$0	
13	Commerce Community & Economic Development	CBPL	Disciplinary Actions	Annual	$0	
14	Commerce Community & Economic Development	CBPL	Disciplinary Actions	As needed	$0	13
15	Commerce Community & Economic Development	Regional Affairs	Alaska Taxable	annually	$1,075	250
16	Commerce Community & Economic Development	Regional Affairs	NPR-A Impact Mitigation Grant Program	annually	$728	100
17	Commerce Community & Economic Development	Regional Affairs	Local Boundary Commission annual report	annually	$1,115	95
18	Commerce Community & Economic Development	Regional Affairs	Fuel Prices Across Alaska	twice yearly	$0	
19	Commerce Community & Economic Development	Regional Affairs	Lien Watch	Bi-Monthly	$0	
20	Commerce Community & Economic Development	Regional Affairs	RUBA Program Report	Quarterly	$0	By Request
21	Commerce Community & Economic Development	Regional Affairs	Community Development Resource	annually	$0	By Request
22	Commerce Community & Economic Development	Regional Affairs	Title 29	annually	$4,355	400
23	Commerce Community & Economic Development	Insurance	Director's Annual Report	annual	$1,510	200
24	Commerce Community & Economic Development	Insurance	Auto Rating Guide	Annually	$119	50
25	Commerce Community & Economic Development	Insurance	Homeowners Rating Guide	Annually	$636	300

26	Commerce Community & Economic Development	Insurance	Medicare Supplement Rating Guide	As needed	$0	
27	Commerce Community & Economic Development	Insurance	Consumer Guide	As needed (last printed in 2010)	$17,625	99,800
28	Commerce Community & Economic Development	Insurance	A Consumer Guide to Choosing an Insurance Company	As needed	$0	
29	Commerce Community & Economic Development		State Loans report	Annually	$0	2 The Speaker and Senate President receive a letter from the Commissioner with this information
30	Commerce Community & Economic Development		Reinstatements report	Annually	$0	2 The Speaker and Senate President receive a letter from the Commissioner with this information
31	Commerce Community & Economic Development		Establishing a Business in Alaska	Annually	$0	N/A
32	Commerce Community & Economic Development		Fisheries Enhancement Program Overview	Every 3 years	$0	
33	Commerce Community & Economic Development		Operating Budget Handout	Annually	$70	75
34	Commerce Community & Economic Development	Statistics for Loan Servicing		monthly	$0	
35	Commerce Community & Economic Development		Alaska Economic Performance report	annually	$120	120
36	Commerce Community & Economic Development		ARDOR report	annually	$0	5
37	Commerce Community & Economic Development		Alaska Film Office report	annually	$0	80
38	Commerce Community & Economic Development		Cruise Ship Head Tax report	Annually	$0	60

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Corrections		Prisoner Handbook			
2	Corrections		Re-entry Manuals			
3	Corrections		Annual Offender Profile			

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Education & Early Development	Alaska Student Loan Corporation	Meeting Minutes	with each meeting		2
2	Education & Early Development	Alaska Student Loan Corporation	Annual audit	annually		10
3	Education & Early Development	Alaska Commission on Postsecondary Education	Directory of Authorized Institutions in Alaska	Following each Commission meeting		
4	Education & Early Development	ESS	Capital Improvement Project Grant Schedule	Annual		100
5	Education & Early Development	ESS	Minimum Expenditure for Instruction	Annual		1
6	Education & Early Development	Arts Council	Reports	Not Specified, generally every other year		100
7	Education & Early Development	Professional Teaching Practices Commission	Annual Report	Annual		80
8	Education & Early Development	Professional Teaching Practices Commission	Newsletter	2-3 times a year		2300
9	Education & Early Development	Professional Teaching Practices Commission	Handbook for Alaska Educators	when requested		600
10	Education & Early Development	Administrative Services Division	Annual Budget	Annual		20
11	Education & Early Development	Mount Edgecumbe High School	The Channel Light (student newspaper)	Annual		500
12	Education & Early Development	Mount Edgecumbe High School	MEHS Student Handbook	Annual		500
13	Education & Early Development	Mount Edgecumbe High School	MEHS Parent Handbook	Annual		500
14	Education & Early Development	Mount Edgecumbe High School	MEHS Admissions Packet	Annual		450
15	Education & Early Development	Mount Edgecumbe High School	MEHS Application Packet	Annual		500
16	Education & Early Development	Mount Edgecumbe High School	MEHS Viewbook	Annual		2500
17	Education & Early Development	Mount Edgecumbe High School	MEHS Informational Brochure	Annual		1500
18	Education & Early Development	Mount Edgecumbe High School	MEHS Endowment Brochure	Annual		1500
19	Education & Early Development	Mount Edgecumbe High School	MEHS Yearbook	Annual		450
20	Education & Early Development	Alaska Commission on Postsecondary Education	Agency Annual Report	Annual		500
21	Education & Early Development	Alaska Commission on Postsecondary Education	Agency Loan Info Cards	Annual		10000

22	Education & Early Development	Alaska Commission on Postsecondary Education	*Going to College in Alaska* Magazine	Annual		22000
23	Education & Early Development	Alaska Commission on Postsecondary Education	Alaska career information system (AKCIS) newsletter	Annual		1000
24	Education & Early Development	Alaska Commission on Postsecondary Education	*What's Your Story?* Middle School Newspaper-Fall/Spring Editions	Annual		30000
25	Education & Early Development	Alaska Commission on Postsecondary Education	Alaska Performance Scholarship high schools postcards	Annual		10000
26	Education & Early Development	Alaska Commission on Postsecondary Education	College Goal Sunday Postcards	Annual		11000
27	Education & Early Development	Alaska Commission on Postsecondary Education	*College is 4 U* middle school posters	Annual		3000
28	Education & Early Development	Alaska Commission on Postsecondary Education	Agency calendars	Annual		4000
29	Education & Early Development	Alaska Commission on Postsecondary Education	College & Career high school prep checklist	Annual		8000
30	Education & Early Development	Alaska Commission on Postsecondary Education	AKCIS Student Brochure	Annual		15000
31	Education & Early Development	Alaska Commission on Postsecondary Education	AKCIS Teacher Brochure	Annual		1000
32	Education & Early Development	Alaska Commission on Postsecondary Education	Lower Your College Costs flyer	Annual		3000
33	Education & Early Development	Alaska Commission on Postsecondary Education	Understanding Your Credit flyer	Annual		2500
34	Education & Early Development	Teaching & Learning Support	Alaska's Public Schools: A Report Card to the Public	Annual		
35	Education & Early Development	Teaching & Learning Support	DIASA Handbook	Annual		
36	Education & Early Development	Teaching & Learning Support	Fall OASIS Data Handbook	Annual		
37	Education & Early Development	Teaching & Learning Support	Fall OASIS Data Handbook File Specs	Annual		
38	Education & Early Development	Teaching & Learning Support	Summer OASIS Data Handbook	Annual		

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Environmental Conservation	Water	Alaska Clean Water Fund Report to the Legislature	Biennial	$100	10
2	Environmental Conservation	Spill Prevention and Response	State Master Plan Revisions	Whenever the State Master Plan is revised	$2,500	90 copies @ $52.12 each Total Cost $4,691
3	Environmental Conservation	Spill Prevention and Response	Regional Master Plan Revisions (Subarea Contingency Plans)	Whenever the Regional Master Plan is revised	$1,500	100 copies @ $48.50 each Total Cost $4,850
4	Environmental Conservation	Spill Prevention and Response	Oil & Hazardous Substance Release Prevention & Response Fund Biennial Report	Biennial	$500	75 copies @ $8.40 each Total Cost $630
5	Environmental Conservation	Air Quality	Emission Fee Report	Every four years	$50	20
6	Environmental Conservation	Water	APDES Status	Annual	$100	10
				Total:	**$4,750.00**	**295**

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Fish & Game	Administrative Services	Fish and Game Fund Analysis	Annual	$0	
2	Fish & Game	Boards	Board of Fisheries Summary of Actions	After board meetings	$0	
3	Fish & Game	Boards	Board of Game Summary of Actions	After board meetings	$0	
4	Fish & Game	Commercial Fisheries	Alaska Salmon Enhancement Program Annual Report	Annual	$1,500	
5	Fish & Game	Commercial Fisheries	Annual fishery management reports	Annual	$8,000	
6	Fish & Game	Commercial Fisheries	Annual Mariculture Report	Annual	$1,000	
7	Fish & Game	Commercial Fisheries	Federal Grant Semi-Annual and Annual Performance Reports	Annually and semi-annually	$1,000	
8	Fish & Game	Commercial Fisheries	Fish and Game Fund Project Expenditures	Annual	$0	
9	Fish & Game	Commercial Fisheries	Reports to the Alaska Board of Fisheries	Reports from each fishery management area are	$10,000	
10	Fish & Game	Commercial Fisheries	Various scientific and technical reports on fishery management field projects, data collection projects,	Not specified, but often annually	$10,000	
11	Fish & Game	Commercial Fisheries Entry Commission	Limited entry	Annual	$0	
12	Fish & Game	Habitat	Anadromous Waters Catalog and Atlas	Annual	$15,000	
13	Fish & Game	Habitat	Annual Report to the Board of Forestry	Annual	$0	
14	Fish & Game	Habitat	Critical Habitat Areas	Annual	$0	
15	Fish & Game	Habitat	Various technical reports on monitoring projects associated with development activities	Annual or at a fixed end point	$2,000	
16	Fish & Game	Sport Fisheries	Sport Fishing Regulation Booklets	Annual	$109,000	
17	Fish & Game	Sport Fisheries	Fish and Game Fund Project Expenditures	Annual	$0	
18	Fish & Game	Subsistence	Annual & Performance Reports	Twice per year for each project	$0	
19	Fish & Game	Subsistence	Research Reports and Technical Papers	As needed to report research results from division projects	$0	
20	Fish & Game	Wildlife Conservation	Endangered species	Every two years	$0	
21	Fish & Game	Wildlife Conservation	Fish and Game Fund Project Expenditures	Annual	$0	

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Health & Social Services	Commissioner's Office	Improving Health, Protecting Alaskans - Annual Report 2009	Annual	$1,722.50	2,500
2	Health & Social Services	Governor's Council on Disabilities & Special Education	News on disability issues around the state	Quarterly		Deployed digitally - 4 issues per year
3	Health & Social Services	Public Assistance	Life without limits	Quarterly		Deployed digitally - 4 issues per year
4	Health & Social Services	Health Information Technologies	Alaska Electronic Health Record (EHR) Survey for health care professional providers and hospitals - flyer, web site			
5	Health & Social Services	Office of Children's Services	Community Café logo design + posters		$520.25	500
6	Health & Social Services	Office of Children's Services	Reach out Foster a Child brochure		$2,486.25	25,000
7	Health & Social Services	Office of Children's Services	Strengthening Families Campaign - flyers, tradeshow posters		$1,002.32	350
8	Health & Social Services	Office of Children's Services	Invitations to Foster Family event		$281.00	400
9	Health & Social Services	Office of Children's Services	Stepping Ahead Books	As needed	$4,159.00	5,000
10	Health & Social Services	Governor's Council on Disabilities & Special Education	Annual Report	Annual	$0.00	Printed in-house as needed
11	Health & Social Services	Governor's Council on Disabilities & Special Education	Where to Turn		$0.00	0
12	Health & Social Services	Office of Children's Services	Residential Youth Care Facilities		$0.00	0
13	Health & Social Services	Office of Children's Services	The Pipeline, Newsletter	Monthly	$0.00	Deployed digitally, 12 copies per year
14	Health & Social Services	Commissioner's Office	Summer Update	Bi-Annual	$3,437.37	2,500
15	Health & Social Services	Commissioner's Office	Winter Update	Bi-Annual	$3,684.00	2,500
16	Health & Social Services	Commissioner's Office	Streamline	5 issues per year	$0.00	Deployed digitally - 5 issues a year
17	Health & Social Services	Governor's Council on Disabilities & Special Education	DD, ED, Leg Committee Brochures		$1,698.00	6,000
18	Health & Social Services	Behavioral Health	DBH Plan to Reduce & Prevent Underage Drinking		$3,840.00	1,000
19	Health & Social Services	Senior & Disability Services	ADRC Brochure and Poster		$0.00	Printed in-house
20	Health & Social Services	Office of Children's Services	Program and Mission Statements			
21	Health & Social Services	Governor's Council on Disabilities & Special Education	AADSC Recruitment Manual		$3,618.00	2,000
22	Health & Social Services	Governor's Council on Disabilities & Special Education	AADSC Rack Cards		$1,738.00	14,000
23	Health & Social Services	Office of Children's Services	Family to Family Newsletter	Quarterly	$0.00	Digitally delivered - Quarterly

24	Health & Social Services	Senior & Disabilities Services	Aging & Disability Resource Centers		$0.00	0
25	Health & Social Services	Governor's Council on Disabilities & Special Education	AADSC Totes, Pens, Banner			
26	Health & Social Services	Health Care Services	MMIS E-News		$0.00	0
27	Health & Social Services	Office of Children's Services	Infant Learning Program, IFSP Guidelines booklet			
28	Health & Social Services	Commissioner's Office	SHARE Campaign	Annual	$0.00	0
29	Health & Social Services	Governor's Council on Disabilities & Special Education	Career Exploration Day	Annual	$0.00	0
30	Health & Social Services	Office of Children's Services	Statistical Information	Monthly	$0.00	0
31	Health & Social Services	Office of Children's Services	Engaging with Parents Self-Study Guid			
32	Health & Social Services	Office of Children's Services	Guidelines for the Alaska Individualized Family Services Plan			
33	Health & Social Services	Office of Children's Services	EI/ILP Parent Brochures, Rackcards, Posters			
34	Health & Social Services	Office of Children's Services	Alaska 's Families Need You		$0.00	0
35	Health & Social Services	Office of Children's Services	E-Announcement		$0.00	0
36	Health & Social Services	Office of Children's Services	Children's Trust annual			
37	Health & Social Services	Office of Children's Services	Practice Model		$0.00	0
38	Health & Social Services	Commissioner's Office	Peak Performance Awards	Annual	$0.00	0

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Labor & Workforce Development	Commissioner's Office	Alaska Labor Relations Agency Annual Report	Annual	$80.00	55
2	Labor & Workforce Development	Administrative Services	NonResidents Working in AK	Annual	$1,170.00	300
3	Labor & Workforce Development	Administrative Services	Population Overview	Bi-annual	$6,752.40	1,020
4	Labor & Workforce Development	Administrative Services	Unemployment Insurance Actuarial	Annual	$1,210.00	200
5	Labor & Workforce Development	Administrative Services	AK Economic Trends	Monthly	$44,075.00	36,500
6	Labor & Workforce Development	Workers' Compensation	Guide for Preparing Reemployment Eligibility Evaluations	Upon Request		
7	Labor & Workforce Development	Workers' Compensation	Do you need Workers' Compensation Insurance?	Upon Request	$800.00	2,000
8	Labor & Workforce Development	Workers' Compensation	Workers' Compensation and You	Upon Request		
9	Labor & Workforce Development	Workers' Compensation	Simplified Claims Process	Upon Request		
10	Labor & Workforce Development	Workers' Compensation	Fishermen's Fund Brochure	Upon Request	$1,115.00	3,000
11	Labor & Workforce Development	Workers' Compensation	Workers' Compensation Rate Tables	Annual		
12	Labor & Workforce Development	Workers' Compensation	Workers' Compensation Cost of Living Multipliers	Once every three years		
13	Labor & Workforce Development	Workers' Compensation	Workers' Compensation Annual Report	Annual		
14	Labor & Workforce Development	Workers' Compensation	Workers' Compensation Medical Fee Schedule	Annual (If HB13 passes)	Unknown	Unknown
15	Labor & Workforce Development	Workers' Compensation	2010 Annual Report - Alaska Workers' Compensation Appeals Commission	Annual		

16	Labor & Workforce Development	Workers' Compensation	Instructions for Pro Se Litigants, Appellant Packet - Alaska Workers' Compensation Appeals Commission	As appeal procedures change	Unknown	
17	Labor & Workforce Development	Workers' Compensation	Instructions for Pro Se Litigants, Appellee Packet - Alaska Workers' Compensation Appeals Commission	As appeal procedures change	Unknown	
18	Labor & Workforce Development	Labor Standards and Safety	Alaska Occupational Safety and Health Annual Report and Annual Plan	Annual		
19	Labor & Workforce Development	Labor Standards and Safety	Youth Safety brochure		$829.00	1,000
20	Labor & Workforce Development	Labor Standards and Safety	Know Your Rights brochure		$1,444.00	13,000
21	Labor & Workforce Development	Labor Standards and Safety	Summary of Wage and Hour Act poster		$482.36	5,000
22	Labor & Workforce Development	Labor Standards and Safety	Pamphlet 200 - Employment of Children		$2,950.00	4,000
23	Labor & Workforce Development	Labor Standards and Safety	Pamphlet 400 - Public Contracts		$1,781.00	1,500
24	Labor & Workforce Development	Labor Standards and Safety	Pamphlet 100 Employment Practices and Working Conditions		$4,840.00	3,000
25	Labor & Workforce Development	Labor Standards and Safety	Employee Most Frequently Asked Questions		$425.00	5,000
26	Labor & Workforce Development	Labor Standards and Safety	Pamphlet 600 - Laborers' & Mechanics Minimum Rates of Pay		$825.00	1,000
27	Labor & Workforce Development	Labor Standards and Safety	Summary of Alaska Child Labor Law poster		$750.00	2,500
28	Labor & Workforce Development	Labor Standards and Safety	Alaska Online Payroll Filing system brochure		$1,049.00	2,500
29	Labor & Workforce Development	Employment Security	Unemployment Insurance General Info Brochure		$905.00	1,500
30	Labor & Workforce Development	Employment Security	Unemployment Insurance Tax Newsletter	Quarterly	$1,663.00	18,300
31	Labor & Workforce Development	Employment Security	Unemployment Insurance Handbook		$16,965.00	90,000

32	Labor & Workforce Development	Employment Security	Unemployment Insurance Tax First Time Filers manual		$2,494.00	5,000
33	Labor & Workforce Development	Employment Security	Unemployment Insurance Tax Employer Handbook		$2,991.00	1,000
34	Labor & Workforce Development	Employment Security	How to File Unemployment Insurance Cards		$996.00	25,000
35	Labor & Workforce Development	Employment Security	Unemployment Insurance Facts & Figures card (1/09-12/09)	Bi-annual	$381.00	350
36	Labor & Workforce Development	Employment Security	Unemployment Insurance Quality Control Employer Brochure		$1,014.00	1,500
37	Labor & Workforce Development	Employment Security	Unemployment Insurance Quality Control Claimant Brochure		$726.00	500
38	Labor & Workforce Development	Employment Security	Workforce Investment Act Grievance Brochure	Various	$1,053.00	2,000

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Law	Civil	Uniform Law commissioner's report	Annual	$0.00	1
2	Law	Civil/Criminal	Annual Report	Annual	$0.00	200
3	Law	Civil	Landlord and tenant rights	As Usefull or Necessary	$0.00	
				Total:	**$0**	**201**

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Military and Veteran's Affairs		Warrior Magazine	Quarterly		5,000
2	Military and Veteran's Affairs		Annualy Report	Annually		1,000
				Total:	**$0**	**6,000**

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Natural Resources	Division of Oil and Gas	5 year plan Div. of Oil and Gas		$2,100	200
2	Natural Resources	Division of Oil and Gas	ACMP Analysis		$560	100
3	Natural Resources	Division of Oil and Gas	Best Interest Findings		$4,325	100
4	Natural Resources	Division of Oil and Gas	Notice Sales		$166	550
5	Natural Resources	Division of Oil and Gas	AK peninsula & Cook Inlet Call for new information		$480	795
6	Natural Resources	Division of Oil and Gas	AK Facts and Figures		$50	150
7	Natural Resources	Div of Geological & Geophysical Surveys	Alaska Division of Geological & Geophysical Surveys Annual Report		$2,810	300
8	Natural Resources	Div of Geological & Geophysical Surveys	Alaska's mineral industry 2008 (produced in cooperation with Division of Economic Development;		$8,520	1500
9	Natural Resources	Agriculture	Alaska Farmers Market Resource Manual/Fed Grant			
10	Natural Resources	Agriculture	Alaska Peony Growers Association Pamphlet/Federal Grant			
11	Natural Resources	Agriculture	Peony Rack Card display cards/Federal Grant			
12	Natural Resources	Agriculture	Plant Materials Center (PMC) Revegetation Manual/Fed Grant			
13	Natural Resources	Agriculture	PMC Coastal Revegetation & Erosion Control Guide/Fed Funding			
14	Natural Resources	Agriculture	PMC Native Plant Directory/Fed Funding			
15	Natural Resources	Agriculture	PMC Plant Flyers: Use and Cultivation/ Fed Funding			
16	Natural Resources	Agriculture	Alaska Brand Book/general funds			
17	Natural Resources	Agriculture	Alaska Grown Source Book/general funds			
18	Natural Resources	Division of Coastal and Ocean Mgmt	Annual Calendar/Fed grant	Annual	$3,924	
19	Natural Resources	Division of Coastal and Ocean Mgmt				
20	Natural Resources	Alaska Gas Pipeline Coordinator's Office	Semi-annual report to the legislature	Bi-Annual	$2,800	
21	Natural Resources	State Pipeline Coordinators Office	SPCO Annual Report	Annual	$4,000	280
22	Natural Resources	MiningLandWtr, Land Sales and Contract Admin	Sealed Bid Auction Brochure	Annual	$3,126	3250
23	Natural Resources	MiningLandWtr, Land Sales and Contract Admin	Remote Recreational Cabin Sites brochure	Annual	$3,076	4500
24	Natural Resources	MiningLandWatr, Resource Dev & Assessment Section	land use or management plans, $20-30 each plan	Every two years	$3,000	125
25	Natural Resources	Parks	Park restrictions	Annual	$0	
26	Natural Resources	Parks	Campsite permits for disabled vets	Annual	$760	
27	Natural Resources	MiningLandWtr		Annual	$0	
				Total:	**$39,697**	**11,850**

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Public Safety		"Fire in Alaska"		$1,000.00	50
2	Public Safety		"Portable Fire Extinguisher Permit Program"		$0.00	None
3	Public Safety		"History of the Division of Fire Prevention"		$0.00	None
4	Public Safety		"Training Program Accreditation & Course Approval Manual"		$0.00	None
5	Public Safety		"Carbon Monoxide Alarms"		$0.00	None
6	Public Safety		Assisted Living Home Checklist"		$0.00	None
7	Public Safety		"Fire Flyer"		$0.00	None
8	Public Safety		"Raven Island"		$0.00	None
9	Public Safety		"Selecting a Safe Assisted Living Home"		$0.00	None
10	Public Safety		"What's On Your Wall?"		$0.00	None
11	Public Safety		"Alaska Home Fire Safety"		$0.00	None
12	Public Safety		"Home Fire Safety Improvement Project"		$0.00	None
13	Public Safety		"Fair and Exhibition Fire Safety Improvement Project"		$0.00	None
14	Public Safety		Various division press releases		$0.00	None
15	Public Safety		DFLS Standard Operating Guidelines		$500.00	39
16	Public Safety		"List of Fire Extinguisher Permit Holders"		$0.00	None
17	Public Safety		"List of Fire System Permit Holders"		$0.00	None
18	Public Safety		"List of Approved Fire Protection Systems"		$0.00	None
19	Public Safety		"Fire Department Directory"		$0.00	None
20	Public Safety		Application for Certification		$360.00	1200
21	Public Safety		Airport Firefighter Certification Program		$12.50	5
22	Public Safety		Airport Firefighter Training Record		$0.00	None
23	Public Safety		Airport Firefighter Skill Sheets		$0.00	None
24	Public Safety		Alaska Standard for Live Fire Training Evolutions		$0.00	None
25	Public Safety		Apprentice Firefighter Certification Program		$0.00	None
26	Public Safety		Apprentice Firefighter Skill Sheets		$0.00	None
27	Public Safety		Certified Fire Investigator Program		$12.50	5
28	Public Safety		Certified Fire Investigator Training Record		$0.00	None
29	Public Safety		Certified Fire Investigator Skill Sheets		$0.00	None
30	Public Safety		Emergency Vehicle Driver Certification Program		$0.00	None
31	Public Safety		Emergency Vehicle Driver Training Record		$0.00	None
32	Public Safety		Emergency Vehicle Driver Instructor Program		$0.00	None
33	Public Safety		Basic Firefighter Certification Program		$0.00	None
34	Public Safety		Basic Firefighter Skill Sheets		$0.00	None
35	Public Safety		Basic Firefighter Training Record		$0.00	None
36	Public Safety		Firefighter Certification Program		$30.00	12
37	Public Safety		Firefighter I Skill Sheets		$48.00	60
38	Public Safety		Firefighter I Training Record	**Total:**	$0.00	None

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Revenue	Permanent Fund Dividend Division	Charitable Contributions	Annually	$0.00	3
2	Revenue	Alaska Permanent Fund Corp.	Annual Report	Annually	$6.64	1,500
3	Revenue	Alaska Mental Health Trust Authority	Annual Report to the Governor	Annually	$1.02	6,000
4	Revenue	Treasury Division	Annual Debt Report	Annually	$0.00	On-line only
5	Revenue	Treasury Division	CBRF Balance Report to the Legislature	Annually	$0.00	
6	Revenue	Alaska Municipal Bond Bank Authority	Annual Report	Annually	$6,974.00	200
7	Revenue	Alaska Retirement Management Board	Quarterly Updates on Investments	Quarterly	$0.00	
8	Revenue	Alaska Retirement Management Board	Reporting Requirement Fulfilled by Retirement and Benefits	Annually	$0.00	
9	Revenue	Alaska Natural Gas Development Authority	Financial Reports	Annually	$50.00	On-line only
10	Revenue	Alaska Natural Gas Development Authority	Quarterly Financial Reports	Quarterly		
11	Revenue	Tax Division	Revenue Source Book	Annually	$1,500.00	150
12	Revenue	Tax Division	Annual Report	Annually	$0.00	As Requested
13	Revenue	Tax Division	Annual Production Tax Report	Annually	$0.00	On-line only
14	Revenue	Tax Division	Gaming Report	Annually	$0.00	On-line only
15	Revenue	Tax Division	Education Credit Report	Annually		
16	Revenue	Tax Division	Commercial Passenger Vessel and Gambling Tax Report	Annually		
17	Revenue	Tax Division	Salmon Price and Products Report	Annually	$0.00	On-line only
18	Revenue	Tax Division	Shared Taxes	Annually	$0.00	On-line only
19	Revenue	Tax Division	Prevailing values for ANS, Cook Inlet Gas	Annually	$0.00	On-line only
20	Revenue	Alaska Housing Finance Corporation	Revolving Fund-Complete Accounting of all Assets.	Annually	$25,000.00	2,000
				Total:	**$33,532**	**9,853**

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Transportation	Statewide Aviation	AK Airports & Aviation Annual Report	annually	Printed in-house	500
2	Transportation	Fairbanks International Airport	FAI Flight Lines	quarterly	$0	
3	Transportation	Anchorage International Airport	Economic Engine Brochure	TBD	$1,500	2,000
4	Transportation	Anchorage International Airport	Quarterly Newsletter	Quarterly	$0	N/A
5	Transportation	Anchorage International Airport	News Bulletin	Quarterly	$0	N/A
6	Transportation	Alaska Int'l Airports System	Audited Financial Statements	annual	$225	50
7	Transportation	Alaska Int'l Airports System	Passenger Facilities Charges Audited Report	annual	$113	25
8	Transportation	Alaska Int'l Airports System	Bond Issuance Official Statements	in conjunction with debt issuance	$1,250	50
9	Transportation	AK Marine Hwy System	Annual Financial Report	Annual	$1,300	150
10	Transportation	AK Marine Hwy System	Annual Traffic Volume Report	Annual	$1,700	150
11	Transportation	AK Marine Hwy System	New Employee Handbook	Annual	$800	100
12	Transportation	AK Marine Hwy System	Ticket Jackets	Annual	$12,000	30,000
13	Transportation	AK Marine Hwy System	Schedules	Semi-Annual	None	130,000 Summer/Fall 40,000 Winter/Spring
14	Transportation	AK Marine Hwy System	Military Direct Mail	Annual	$3,337	6,900
15	Transportation	AK Marine Hwy System	30% Off Brochure	Annual	$1,654	3,100
16	Transportation	AK Marine Hwy System	Umbrella Brochure	Annual	$2,575	2,575
17	Transportation	Administrative Services/Finance	Executive Compensation & Travel Report	annual		
18	Transportation	Administrative Services/Finance	Cash Management Improvement Act (CMIA): Percentage of Personal Services to Total Expenditures on FAA, FHWA (including AMHS) funded projects.	annual		
19	Transportation	Administrative Services/Finance	Cash Management Improvement Act (CMIA): report on payments that the state received either late or prematurely	annual		
20	Transportation	Administrative Services/Finance	Indirect Cost Allocation Plan	annual		
21	Transportation	Administrative Services/Finance	FAA Airport Financial Reports	annual		
22	Transportation	Administrative Services/Finance	Federal and State Pass Thru Report	annual		
23	Transportation	Administrative Services/Finance & State	Highway Equipment Working Capital Fund (HEWCF)	annual		
24	Transportation	Administrative Services/Finance	Capital Asset Report	annual		
25	Transportation	Administrative Services/Finance	Loan Receivable & Accrued Interest Report	annual		
26	Transportation	Administrative Services/Finance	Capital and Operating Lease Report	annual		

27	Transportation	Administrative Services/Finance	Petty Cash and Change Fund Report	annual		
28	Transportation	Administrative Services/Budget & OMB	Capital Appropriation Status Report (CASR)	Annual		
29	Transportation	Administrative Services/Information Technology	Annual Information Technology Plan	annual		
30	Transportation	Administrative Services/Budget	Fee Report	annual		
31	Transportation	Administrative Services/Budget & Planning/Program Development	Capital Budget	annual		
32	Transportation	Administrative Services/Budget	Operating Budget	annual		
33	Transportation	Administrative Services	Performance Measurement	beginning of session and semi-		
34	Transportation	Administrative Services/Budget	10 Year Fiscal Plan	annual		
35	Transportation	Administrative Services/Finance	Comprehensive Annual Financial Report (CAFR)	annual		
36	Transportation	KABATA	Knik Arm Bridge and Toll Authority Annual Report (KABATA)	annually		
37	Transportation	Program Development; Statewide Plan	*Let's Get Moving 2030* Alaska Statewide Transportation Policy Plan 2030 (2008)	At least every 4 years;		
38	Transportation	Program Development; Statewide Plan	Non-Metropolitan Local Official Consultation Process (2011)	At least every 4 years;		

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	Courts		Profile of the Alaska Court System (blue)			
2			Bail (blue)			
3			What is a Guardian Ad Litem? (peach)			
4			Anchorage Traffic Court (tan)			
5			Child In Need of Aid Proceedings (gray)			
6			Mental Health Commitments (blue)			
7			Misdemeanor Arraignments (goldenrod)			
8			DUI (green)			
9			Depositing Your Will (red)			
10			What is Mediation (gray)			
11			Child Custody and Visitation Investigations (tan)			
12			Grievance Procedures (yellow cvr)			
13			Minor Offense Pamphlet (tan)			
14			How to Represent Yourself in Alaska's Domestic Violence Protective Order Process (cherry cvr)			
15			Como Representarse En El Proceso De Una Orden De Proteccion De Violencia Domesitca De Alaska (yellow cvr)			
16			Child in Need of Aid Mediation and Family Conferencing Program (bl)			
17			Child Custody and Visitation Mediation Program (peach)			
18			Judicial Independence (gray)			
19			Boney Courthouse Artwork (tan)			
20			Alaska Landlord and Tenant Act (white)			
21			Rabinowitz Courthouse Artwork (buff)			
22			Teaching Kids About Court (buff)			
23			Connecting Courts and Community (blue)			
24			Nesbett Courthouse Artwork (ivory)			
25			Guardianship and Conservatorship Mediation Program (ivory)			

26			Alaska State Court Library (natural)			
27			Poster: How the Clerk's Can & Cannot Help You			
28			Helping You Child Through Divorce/Separation – Workshop for Parents (Fairbanks only)			
29			Helping Your Child Through Divorce/Separation – A Guide for Parents (Juneau only)			
30			Anchorage Coordinated Resource Project			
31			Palmer Coordinated Resource Project			
32			Anchorage Felony DUI Court			
33			Anchorage Felony Drug Court			
34			Anchorage Wellness Court			
35			Ketchikan Therapeutic Court			
36			Juneau Therapeutic Court			
37			Bethel Therapeutic Court			
38			Anchorage Family Care Court			

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	University of Alaska	Statewide	University of Alaska Report to the Legislature	Annual	$140	20
2	University of Alaska	Statewide	Alaska's University of Alaska's Schools	Annual	$1,000	30
3	University of Alaska	Statewide	Approved Operating and Capital Budgets (Yellowbook)	Annual	$1,593	150
4	University of Alaska	Statewide	UA in Review	Annual	$2,684	280
5	University of Alaska	Statewide	UAR Executive Review	Annual	$2,601	50
6	University of Alaska	Statewide	Budget Books	Annual	$313	8
7	University of Alaska	Statewide	BOR Operating & Capital Budget Request (Redbook)	Annual	$1,041	150
8	University of Alaska	Statewide	Gov.'s Proposed Operating & Capital Budget Request	Annual	$1,097	200
9	University of Alaska	Statewide	President's Report	Annual	$3,872	1,000
10	University of Alaska	Statewide	Foundation Report	Annual	$12,220	2,500
11	University of Alaska	Statewide	Budget Summary	Annual	$995	500
12	University of Alaska	Statewide	Many Traditions	Annual	$1,721	500
13	University of Alaska	Statewide	System Directory	Annual	$4,084	1,400
14	University of Alaska	Anchorage	Accolades Fall 2010	Annual	$22,397	35,400
15	University of Alaska	Anchorage	Accolades Spring 2011 (est'd)	Annual	$24,300	36,000
16	University of Alaska	Anchorage	Impact of Giving	Annual	$3,491	3,200
17	University of Alaska	Anchorage	UAA Fast Facts	Annual	$1,133	1,000
18	University of Alaska	Anchorage	College of Business and Public Policy Networker	Annual	$3,078	6,100
19	University of Alaska	Anchorage	CAS Arts & Sciences newsletter Fall 2010	Annual	$1,964	12,000
20	University of Alaska	Anchorage	College of Education newsletter Aug 2010	Annual	$1,360	5,200
21	University of Alaska	Anchorage	Reprints of CoE newsletter (Aug 2010 ed.)	Annual	$390	200
22	University of Alaska	Anchorage	Athletics Wolftracks newsletter Oct 2010	Annual	$1,081	2,000
23	University of Alaska	Anchorage	School of Engineering newsletter Nov 2010	Annual	$1,154	2,200
24	University of Alaska	Anchorage	School of Nursing Vitals newsletter Sept 2010	Annual	$1,094	3,600
25	University of Alaska	Anchorage	Campus Security & Fire Report	Annual	$1,629	450
26	University of Alaska	Anchorage	Students of Concern & Their Behavior Report	Annual	$157	60
27	University of Alaska	Anchorage	Sanction Completion Guides	Annual	$257	200
28	University of Alaska	Anchorage	Student Code of Conduct Brochures	Annual	$692	500
29	University of Alaska	Anchorage	21st Birthday Cards	Annual	$392	1,200
30	University of Alaska	Anchorage	Counselor Handbill	Annual	$466	1,000
31	University of Alaska	Anchorage	Students in Crisis or Conflict brochure	Annual	$745	250

32	University of Alaska	Anchorage	Navigation Guides	Annual	$4,769	13,000
33	University of Alaska	Anchorage	Career Clusters	Annual	$23,069	52,300
34	University of Alaska	Anchorage	View Books	Annual	$3,400	5,000
35	University of Alaska	Anchorage	Domestic Tri-folds	Annual	$9,928	26,000
36	University of Alaska	Anchorage	Fact Finder	Annual	$16,900	7,000
37	University of Alaska	Anchorage	Guide to Living on Campus	Annual	$5,300	1,200
38	University of Alaska	Anchorage	Student Showcase Journal	Annual	$3,310	350

	Department	Division	Name of Report	Frequency of Report	Cost of Report	Number of Copies Produced
1	AK Judicial Council		Annual Report	Annually	$1,516.50	450
2	Alaska Commission on Judicial Conduct		Annual Report	Annually	$700.00	50
					$2,216.50	500

HB 190

<TARGET><BILL>HB 190</BILL><SUBJECT>HB 190</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 20, 2012 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-14-12

The STATE AFFAIRS Committee considered: **SSHB 190**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190
"An Act relating to allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

HB 190 PFD ALLOWABLE ABSENCE

Recommends it be replaced with [ ] HCS *or* [X] CS for HB 190 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Rev			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	**Printed Last Name**	**DP**	**DNP**	**NR**	**AM**
Kyle B Johnson	JOHANSEN			X	
Bryce Wilson	WILSON	↘			
Wes Keller	Keller	✓			
Max Gruenberg	Gruenberg	✓			
Paul K Seaton	Seaton	✓			
Pete Petersen	PETERSEN	X			
Chair:	LYNN	X			
Chair:					

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

SPONSOR STATEMENT HB 190

An Act relating to the allowable absence for active duty service members of the armed forces for purposes of permanent fund dividend eligibility.

With great dismay, on February 13, 2011, I, along with other members of the legislature, received an e-mail from Lt. Cmdr. Tiko Crofoot about the denial of his Permanent Fund Dividend. An Alaskan, who joined the U.S. Navy, Lt. Cmdr. Crofoot has been stationed outside of Alaska for more than ten years. Military service is an allowable absence for continuation of eligibility of a Permanent Fund Dividend. The justification for the denial occurs only because Lt. Cmdr. Crofoot and others have sacrificed not just three, five, or seven years serving our country, but have made a career serving our country in the armed forces.

According to current statute, anyone on an approved absence from the state, except members of Congress, congressional staff, and their families, is denied a permanent fund dividend after ten years of absence from the state.

Although these individuals choose to serve in the Armed Forces of the United States, once they are sworn into service, they do not have the option to choose to be physically present in Alaska.

It is time to correct this injustice and allow Alaska residents who decide to join the military the opportunity to continue to receive their deserved Permanent Fund Dividend.

We sleep soundly in our beds because rough men stand ready in the night to visit violence on those who would do us harm.

Winston Churchill

Email: Representative.Eric.Feige@legis.state.ak.us

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Herron, Peggy Wilson, Johnson, Muñoz, Lynn

A BILL

FOR AN ACT ENTITLED

"An Act relating to 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)**, and (e)** 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 (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) 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) - (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) - (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) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

*** Sec. 2.** AS 43.23.008 is amended by adding new subsections to read:

(e) After an individual has been absent from the state for more than 180 days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. Subject to the limitation in (c) of this section, the individual may rebut this presumption by providing proof to the department that establishes, by clear and convincing evidence, that

(1) the individual was physically present in the state for at least 30 cumulative days during the past five years; and

(2) the individual is a state resident as defined in AS 43.23.095(7).

(f) To determine whether an individual intends to return and remain in the state indefinitely, the factors the department shall consider include

(1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;

(2) the frequency and duration of voluntary return trips to the state during the past five years;

(3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control, such as the financial circumstances of the individual or the ability of the individual to find employment in the state;

(4) the ties the individual has established with the state or another jurisdiction, as demonstrated by

(A) maintenance of a home;

(B) payment of resident taxes;

(C) registration of a vehicle;

(D) registration to vote and voting history;

(E) acquisition of a driver's license, business license, or professional license; and

(F) receipt of benefits under a claim of residency in the state or another jurisdiction;

(5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel;

(6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in or return to the state.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Sections 1 and 2 of this Act are retroactive to January 1, 2012.

*** Sec. 4.** 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 14, 2012

SUBJECT: Ambiguity introduced when AS 43.23.008(c) retained and AS 43.23.008(e) added (CSSSHB 190(STA))
(Work Order No. 27-LS0564\O)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Nancy Manly

FROM: Lisa Moritz Kirsch
Legislative Counsel

I have prepared the final House State Affairs Committee substitute you requested. I spoke with Ms. Manley on the phone about retaining the word "consider" in the first amendment on page 3, line 23. I believe the committee's intent was not that the department include documents, but to make clear that the department would consider a range of documents, including those on the list.

Another issue is the retention of existing subsection AS 43.23.008(c) while adding subsection AS 43.23.008(e). This creates a tension between a five year presumption of non-residency and the ten year bar to allowable absences other than those of members of congress and congressional staff.

The logical way to harmonize these two subsections would be to apply the five year presumption between years five and ten. However, it is possible that a person with a ten year absence might argue that after ten years the presumption of non-residency could still be rebutted under new subsection (e) because subsection (e) was enacted after subsection (c).

If this is not your intent, you may want to add language such as "subject to the limitation in AS 43.23.008(c)" to new subsection (e) to prevent this argument.

LMK:ljw
12-127.ljw

Enclosure

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Herron, Peggy Wilson, Johnson, Muñoz, Lynn

A BILL

FOR AN ACT ENTITLED

"An Act relating to 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)**, and (e)** 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 (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) 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) - (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) - (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) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

* **Sec. 2.** AS 43.23.008 is amended by adding new subsections to read:

(e) After an individual has been absent from the state for more than 180 days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. The individual may rebut this presumption by providing proof to the department that establishes, by clear and convincing evidence, that

(1) the individual was physically present in the state for at least 30 cumulative days during the past five years; and

(2) the individual is a state resident as defined in AS 43.23.095(7).

(f) To determine whether an individual intends to return and remain in the state indefinitely, the factors the department shall consider include

(1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;

(2) the frequency and duration of voluntary return trips to the state during the past five years;

(3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control, such as the financial circumstances of the individual or the ability of the individual to find employment in the state;

(4) the ties the individual has established with the state or another jurisdiction, as demonstrated by

(A) maintenance of a home;

(B) payment of resident taxes;

(C) registration of a vehicle;

(D) registration to vote and voting history;

(E) acquisition of a driver's license, business license, or professional license; and

(F) receipt of benefits under a claim of residency in the state or another jurisdiction;

(5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel;

(6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in or return to the state.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Sections 1 and 2 of this Act are retroactive to January 1, 2012.

* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
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Re CS for SS190 - Draft Final CS 27-LS0564\R

2/14/2012

CS SSHB 190 moved from the House State Affairs Committee this morning with some amendments. Please draft a final CS and incorporate these amendments. Thanks.

Conceptual Amendment #1 (Gruenberg)
Page 3 Line 23 after "the" ***insert*** factors; ***delete*** ~~"consider"~~ and ***insert*** "include" so the sentence reads like this: state indefinitely, the factors the department shall ~~include~~. consider include;

Amendment #2 (Gruenberg)
Page 3 Line 17 ***delete*** "documentation" and **insert** "proof"

Amendment #3 (Seaton)
Amendment Withdrawn

Conceptual Amendment #4 (Seaton)
Retain the current 10-year limit on allowable absences

Conceptual Amendment #5 (Seaton)
Amendment Failed

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

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HB 190 – Version Change Summary

Comparison of versions of HB 190 on a sectional or comparison basis is impossible because there is no similarity between the language used in each version.

Version M
The original bill read across the floor was "An Act relating to the allowable absence for activity duty service members of the armed forces for purposes of permanent fund dividend eligibility." The bill amended AS 43.23.008(c) to expand the exemption so that the ten year rule did not apply to individuals that were in the military and were eligible for a dividend for three years immediately preceding induction into the armed forces.
Due to concerns raised over Constitutional issues and previous court rulings, this method of addressing the issue was abandoned.

Version X
Introduced as a sponsor substitute, this bill addressed "allowable absences from the state for purposes of eligibility for permanent fund dividends." It changed the 10 year bright line rule to 20 years by amending AS 43.23.008(c). The result was a method whereas anyone, including members of the armed forces, could receive a dividend under an allowable absence for 20 years, presuming they met the qualifications in statute and regulation. This version has not been heard by the committee.

Version R
Presented as a committee substitute, this version still addresses "allowable absences from the state for purposes of eligibility for permanent fund dividends." Instead of providing specific exemptions, it strengthens what is currently in regulation creating a presumption that, if someone is absent from the state for five years, they do not have an intent to return. The bill also puts into law the criteria the Permanent Fund Division uses to allow someone to rebut the presumption that they will not return. A sectional analysis of the Version R is available.

Email: Representative.Eric.Feige@legis.state.ak.us

Additional Documents
for
HB 190

- 10-Year Numbers Memo

Alaska State Legislature

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

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House of Representatives

M E M O R A N D U M

To: House State Affairs Committee

From: Michael Paschall, Office of Rep. Eric Feige

Date: February 13, 2012

Re: HB 190 Follow-up to 10 year rule

During the House State Affairs hearing on HB 190, a question was asked about the number of dividends denied by the 10 year rule. Below is a table provided by the Permanent Fund Division showing the number of applications denied as a result of the 10 year rule for the years shown.

Dividend Year	# Denied/Applications	Dividend Amt		Dividend Liability
2009	116	$1,305		$151,380
2010	187	$1,281		$239,547
2011	160	$1,174		$187,840
Totals	463			$578,767

Email: Representative.Eric.Feige@legis.state.ak.us

Conceptual
pg 3 line 23
Shall include

Withdrawn
Amendment #3

Conceptual Amendment
Seaton
retain current 10 yr limit on allowable absences

Failed

Conceptual
Amend #5 and expand ~~#13~~ to include Congressional
that to

Staff:
that also have
a 10 yr limit

Johansen
made a motion
to divide the
Question

Gruenberg
Petersen objects

Johansen NO
P Wilson NO
Keller Yes
Lynn NO
Gruenberg NO
Seaton Yes
Petersen NO

2 yea
5 Nay

Conceptual
Amend #4 Seaton
retain current 10 yr limit

Passed

~~Amend #5~~

27-LS0564\R
Kirsch
2/3/12

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Herron, Peggy Wilson, Johnson, Muñoz, Lynn

Closed Public Testimony on 2/7/12
Open again 2/9/12
2/14 closed public testimony

A BILL

FOR AN ACT ENTITLED

"An Act relating to 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 **(e)** [(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 (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) 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) - (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) - (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) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

*** Sec. 2.** AS 43.23.008 is amended by adding new subsections to read:

(e) After an individual has been absent from the state for more than 180 days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. The individual may rebut this presumption by providing documentation to the department that establishes, by clear and convincing evidence, that

(1) the individual was physically present in the state for at least 30 cumulative days during the past five years; and

(2) the individual is a state resident as defined in AS 43.23.095(7).

(f) To determine whether an individual intends to return and remain in the state indefinitely, the department shall consider

(1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;

(2) the frequency and duration of voluntary return trips to the state during the past five years;

(3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control, such as the financial circumstances of the individual or the ability of the individual to find employment in the state;

(4) the ties the individual has established with the state or another jurisdiction, as demonstrated by

(A) maintenance of a home;

(B) payment of resident taxes;

(C) registration of a vehicle;

(D) registration to vote and voting history;

(E) acquisition of a driver's license, business license, or professional license; and

(F) receipt of benefits under a claim of residency in the state or another jurisdiction;

(5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel;

(6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in or return to the state.

*** Sec. 3.** AS 43.23.008(c) is repealed.

*** Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICATION FOR THE 2012 PERMANENT FUND DIVIDEND FOR CERTAIN INDIVIDUALS. (a) Notwithstanding the application deadline of AS 43.23.011, an individual who was ineligible for a 2012 dividend under former AS 43.23.008(c), repealed by sec. 3 of this Act, and who is otherwise eligible, may apply for the 2012 permanent fund dividend within 90 days after the effective date of this Act.

(b) The repeal of AS 43.23.008(c) by sec. 3 of this Act and the enactment of AS 43.23.008(e) by sec. 2 of this Act may not be applied to make ineligible any person otherwise eligible for a 2012 dividend under AS 43.23 as it read December 31, 2011.

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

RETROACTIVITY. Sections 1 - 4 of this Act are retroactive to January 1, 2012.

*** Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

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Sectional Analysis

HB 190 – 27-LS0564\R

Sec. 1 – Contains conforming language changing the reference in AS 43.23.008(a) pertaining to allowable absences from (c), which is appealed in Sec. 3 of this bill, to (e), which is established in Sec. 2 of this bill.

Sec. 2 – Establishes in law a presumption that someone who is absent from the state for more than 180 days in each of the previous five years does not plan to return to the state and thus, not eligible to receive a Permanent Fund Dividend. This section also provides a method for an individual who is denied a Permanent Fund Dividend because of this presumption to rebut the presumption.

Sec. 3 – Repeals the current ten year bright line rule that eliminates allowable absences after ten years and the exemption from the bright line rule for members of Congress and their staff and families.

Sec. 4 – Allows someone who was previously denied a dividend under the ten year bright line rule to apply for a 2012 dividend during the 90 days following the enactment of this bill into law.

Sec. 5 – Makes the new law retroactive to Jan. 1, 2012.

Sec. 6 – Makes the bill effective immediately.

Prepared by the office of Rep. Eric Feige, February 3, 2012

Email: Representative.Eric.Feige@legis.state.ak.us

04603

Alaska Department of Revenue
Permanent Fund Dividend Division

PFD Division Use Only

20110

2011 Extended Absence Questionnaire

For individuals who were absent from Alaska more than 180 days for five or more consecutive years.

First Name	M.I.	Last Name	Social Security Number	Date of Birth

Address	Daytime phone number	Message phone number

City	State	Zip Code	E-mail Address

Your Permanent Fund Dividend application has been selected for an eligibility determination because you have not lived in Alaska for at least 6 months in over five years. In accordance with 15 AAC 23.163(f) an individual with an absence totaling more than five years is presumed not to have the intent to return to Alaska and remain indefinitely in Alaska. You are not eligible for the 2011 dividend unless you provide documentation that demonstrates, to the department's satisfaction an intent at all times during your absence to return to Alaska and remain indefinitely.

The department will give greater weight to the claim of an individual who makes frequent return trips to Alaska for noncompulsory reasons than that of an individual who did not. An individual who has not been present in Alaska for 30 cumulative days in the past five years has generally not demonstrated the continuous intention to return to Alaska and remain indefinitely.

If you could not return to Alaska due to unavoidable circumstances, attach an explanation and supporting documentation.

1. **List the longest period of time you physically lived in Alaska before departing on your absence.**

   I lived in Alaska **From:** ____/____/____/ **To:** ____/____/____

2. **List the dates below when you physically returned to Alaska during your absence. Begin with the most recent dates you were here and proceed backward to your departure.**

If you completed this form last year and reported absences last year, include only returns in 2010.

Returned to Alaska			Left Alaska			Returned to Alaska			Left Alaska		
Month	Day	Year	Month	Day	Year	Month	Day	Year	Month	Day	Year

3. **Is your ultimate return to Alaska to remain indefinitely conditioned upon future events such as securing employment in Alaska or receiving an assignment to Alaska by your employer?** ☐ Yes ☐ No

4. **Have you sought employment in Alaska?** ☐ Yes ☐ No

Complete both sides

04603

Confidential

If yes, list the specific employer(s) who you contacted in Alaska and when you contacted them.

Name	
Address	Date Contacted
Telephone	____/____/____
Name	
Address	Date Contacted
Telephone	____/____/____

5. Have you sought employment outside of Alaska? ☐ Yes ☐ No

If yes, explain how your seeking employment outside of Alaska is consistent with your statement that you intend to return to Alaska to remain indefinitely.

6. Have you maintained a home outside of Alaska since your departure? ☐ Yes ☐ No

If yes, do you own this home? ☐ Yes ☐ No

7. Have you maintained a home in Alaska since your departure? ☐ Yes ☐ No

If yes, do you own this home? ☐ Yes ☐ No

If you own this home, do you lease or rent it to someone? ☐ Yes ☐ No

If you do not own this home, explain who owns this home and why you consider it your home.

8. If you are employed by the State of Alaska or the U.S. Armed Forces outside of Alaska, have you requested to be returned to Alaska by your employer? ☐ Yes ☐ No

If yes, attach a copy of your request.

If no, explain why you have not submitted a request even though you have stated that you intend to return to Alaska to remain indefinitely.

9. Is your choice of careers one which does not allow you to reside or return to Alaska until retirement or until you make a personal choice to change careers in order to return to Alaska? ☐ Yes ☐ No

10. Explain below why your absence should be considered allowable, and how you have demonstrated that your intent, at all times during your absence, has been to return to Alaska to remain indefinitely.

Attach additional pages if necessary.

I certify under penalty of law that to the best of my knowledge and belief, all the information on this questionnaire, including any attachments, are true and complete.

Signature	Date

15 AAC 23.143. Establishing and maintaining Alaska residency

Statute text

(a) An individual's intent to establish residency, remain indefinitely in Alaska, or to return to Alaska and remain indefinitely is demonstrated through the establishment and maintenance of customary ties indicative of Alaska residency and the absence of those ties elsewhere. Acts that are required by law or contract or are routinely performed by temporary residents of Alaska are not by themselves evidence of residency. In evaluating whether an individual claiming Alaska residency has demonstrated an intent to remain indefinitely in Alaska, the department will consider whether or not an individual has:

(1) taken steps to establish Alaska residency and sever residency in a previous state or country;

(2) ties to another state or country that indicate continued residency in the other state or country; and

(3) taken other action during the qualifying year, through the date of application, that is inconsistent with an intent to remain in Alaska indefinitely.

(b) An individual may not become a resident while absent from Alaska.

(c) Physical presence in Alaska is not, by itself, sufficient to establish residency. Before January 1 of the qualifying year, an individual must have taken at least one step beyond physical presence in Alaska to establish residency. The department will not consider external indicators, including those listed in 15 AAC 23.173(g), established less than six months before December 31 of the qualifying year as evidence of the establishment of Alaska residency in time to qualify for the current year dividend.

(d) An individual is not eligible for a dividend if, at any time from January 1 of the qualifying year through the date of application, the individual has

(1) maintained the individual's principal home in another state or country, regardless of whether the individual spent a majority of time at that home, except while absent for a reason listed

(A) in AS 43.23.008(a)(1) - (3), (9) - (11), or (16); or

(B) in AS 43.23.008(a)(13), if the eligible resident whom the individual accompanies is absent for a reason listed in (A) of this paragraph;

(2) claimed or maintained a claim of residency in another state or country in the individual's employment personnel records; if the individual claims an error or a delay was made in processing by the personnel office, the individual must submit

(A) from the personnel office, a certified copy of the individual's request to change the individual's state of legal residence; or

(B) a sworn statement from the personnel officer who has specific knowledge that the personnel office made an error, or caused a delay, in processing the individual's personnel

records; the personnel officer must state the exact date the records show the original request was received and why the request was not processed timely;

(3) claimed a non-resident motor vehicle tax exemption in Alaska;

(4) accepted full-time, permanent employment in another state or country except while on an absence listed

(A) in AS 43.23.008(a)(1) - (3), (9) - (11), or (16); or

(B) in AS 43.23.008(a)(13), if the eligible resident whom the individual accompanies is absent for a reason listed in (A) of this paragraph;

(5) filed a resident or part-year resident income, excise, or personal property tax return in another state or country and the claim of residency on the return is for any period of time beginning January 1 of the qualifying year through the date of application, unless the individual

(A) was required by the other state or country to file a return claiming resident tax status in that state or country even though the individual was a state resident as defined in AS 43.23.095; or

(B) files in the other state or country an amended return claiming nonresident tax status and provides proof to the department that the amended return was actually filed in the other state or country;

(6) claimed or maintained a claim of a homestead or homeowner's property tax exemption in another state or country, that required the individual to be a resident of that state or country, unless the individual

(A) files an amended homestead or homeowner's property tax exemption claim deleting the claim of residency; and

(B) provides evidence from the other state or country that the individual filed an amended homestead or homeowner's property tax exemption claim deleting the claim of residency;

(7) applied for or received an education loan from another state or country that required an individual to be a resident of that state or country;

(8) disclosed in a court proceeding or affidavit that the individual is a resident of another state or country;

(9) executed a will that described residency in another state or country;

(10) moved from Alaska,

(A) for a reason other than one listed

(i) in AS 43.23.008(a)(1) - (3), (9) - (11), or (16); or

(ii) in AS 43.23.008(a)(13), if the eligible resident whom the individual accompanies is absent for a reason listed in (i) of this subparagraph; and

(B) claiming moving expenses as a deduction on the individual's federal income tax return, unless the individual

(i) files an amended federal income tax return deleting the claimed moving expenses as a deduction; and

(ii) provides proof from the Internal Revenue Service that the individual filed an amended return;

(11) accepted admission under resident tuition provisions to a college or university in another state or country, unless

(A) there was no difference between resident and nonresident tuition;

(B) nonresident tuition was waived as part of an interstate exchange agreement such as the Western Interstate Commission for Higher Education (WICHE) student exchange program or the Washington Wyoming Alaska Montana Idaho (WWAMI) medical education program; or

(C) the individual was granted admission under resident tuition provisions for any other reason that did not require the individual to be a resident of the state or country in which the college or university is located;

(12) registered to vote in another state or country, except if the individual

(A) registered to vote in another state no more than 60 days before a presidential election solely for the purpose of voting in that election and did not vote in any other election in another state other than for president of the United States; or

(B) registered to vote in another country for which the individual was not required to claim residency of the country in order to register to vote;

(13) voted in another state's or country's state, country, or local election, except if the individual voted in an election described in this paragraph and the individual was not required to claim residency in order to vote;

(14) obtained a resident hunting, fishing, or trapping license from another state or country;

(15) filed for divorce, dissolution, or legal separation in another state or country that required the individual to be a resident of that state or country in order to file the action;

(16) repealed 1/1/2010;

(17) obtained any other benefit or benefits as a result of establishing or maintaining any claim of residency in another state or country or by disclaiming Alaska residency, except that the department will not deny a dividend to an individual solely because the individual received Medicaid benefits from another state if the individual's application for Medicaid was consistent with the intent to maintain residency in Alaska.

(e) Regardless of alienage, a child born outside Alaska to an eligible resident on an allowable absence, adopted by an eligible resident, or whose adoption by an eligible resident is pending during the qualifying year, establishes Alaska residency in the child's own right immediately upon the child's arrival in Alaska if the child's custodial parent or guardian is an eligible resident at the time of the child's arrival in Alaska.

(f) An individual absent from Alaska as a dependent of an eligible resident who as soon as reasonably possible, as determined by the department, after emancipation does not return to Alaska and establish Alaska residency as an adult is not eligible for a dividend. A newly emancipated individual who was absent from Alaska as a dependent of an eligible resident who returns to Alaska as soon as reasonably possible, as determined by the department, after emancipation and who establishes external indicators of Alaska residency as an individual is not subject to the six month physical presence requirements of 15 AAC 23.163(b).

(g) A resident who marries a nonresident while physically present in Alaska is considered to have the intent to remain indefinitely in Alaska until the resident takes steps or actions to depart Alaska.

(h) An individual who on the date of application knows the individual will be moving from Alaska at a specific time to a specific destination for a reason other than one allowed by AS 43.23.008(a) does not have the intent to remain indefinitely in Alaska and is not eligible for a dividend.

(i) The eligibility of a resident who marries a nonresident while absent from Alaska is not changed by the marriage, so long as the resident is absent for the resident's own allowable reason.

(j) The fact that an individual's spouse has not declared Alaska residency does not establish a presumption that an individual is not a resident.

(k) Repealed 1/1/2000.

15 AAC 23.163. Allowable absences

(a) Except as provided in AS 43.23.005(c), an individual who has never been physically present in Alaska may not claim an allowable absence under AS 43.23.008.

(b) An individual who was absent from Alaska for more than 180 days is not eligible for a dividend if the individual

(1) was not a state resident for at least 180 days immediately before departure from Alaska;

(2) repealed 1/1/2000.

(c) For purposes of

(1) AS 43.23.008(a)(1), receiving secondary or postsecondary education on a full-time basis means enrollment and attendance in good standing as a full-time student where participation requires absence from this state

(A) at an academic institution for any of the 7th - 12th grades consistent with (d) of this section;

(B) for the purpose of pursuing a vocational certificate, associate, baccalaureate, or graduate degree, as a full-time student at a college, university, junior or community college, or postsecondary vocational institution accredited by an accrediting agency that the United States Secretary of Education recognizes under 34 C.F.R. Part 602, or full-time participation in an internship program if the internship is required by the college or university as part of the student's academic program; for the purposes of this subparagraph, an individual in the last academic year before graduation who was carrying enough credits to graduate, but fewer than full-time credits for any one term, semester, or quarter, is considered to have been a full-time student at that time; or

(C) for the purpose of pursuing a vocational certificate, associate, baccalaureate, or graduate degree, as a full-time student

(i) at a Title IV institution recognized under 20 U.S.C. 1001 - 1155 (The Higher Education Act of 1965) and 34 C.F.R., Part 600; or

(ii) at a non-accredited college or university if students attending the college or university may qualify as eligible to receive a student loan from Nellie Mae, or if the college or university's credits or degrees are accepted by at least three Title IV institutions recognized under 20 U.S.C. 1001 - 1155 (the Higher Education Act of 1965) and 34 C.F.R., Part 600;

(D) for the purposes of completing an internship or residency program at a hospital or medical clinic;

(2) AS 43.23.008(a)(2), receiving vocational, professional, or other specific education on a full-time basis means attending a program for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state at an educational institution eligible to participate in financial aid programs administered by the Alaska Commission on Postsecondary Education.

(d) An individual clearly demonstrates that the primary reason for the individual's absence is to obtain a secondary education by living at a boarding school while attending grades 7 - 12 at an out-of-state institution. An individual who lives with an ineligible parent or ineligible permanent legal guardian while attending an out-of-state institution has not demonstrated that the primary reason for the individual's absence is to obtain a secondary education.

(e) Repealed 10/8/94.

(f) An individual whose absence or combination of absences, under a provision of AS 43.23.008 other than AS 43.23.008(a)(9) - (10) and (13), if the eligible resident whom the individual accompanies is absent for a reason specified in AS 43.23.008(9) or (10), totals more than five consecutive years is presumed not to have the intent to return to Alaska and remain indefinitely in Alaska. In such a case, the individual is not eligible for a dividend payment unless the individual provides, with the individual's application or in a timely response to a request by the department, documentation that demonstrates to the department's satisfaction an intent at all times during the absence or absences to return to Alaska and remain indefinitely in Alaska.

(g) When considering whether an individual who has been absent for more than five years has rebutted the presumption that the individual does not have the intent to return to Alaska and remain indefinitely in Alaska, the department will consider one or more of the following factors, as applicable:

(1) the length of the individual's absence compared to the time the individual spent in Alaska before departing on the absence;

(2) the frequency and duration of return trips to Alaska during the absence; the fact that the individual has returned to Alaska in order to meet the physical presence requirement of AS 43.23.005(a)(4) is not sufficient in itself to rebut the presumption of ineligibility;

(3) whether the individual's intent to return or remain is conditioned upon future events beyond the individual's control, such as economics or finding a job in Alaska;

(4) any ties the individual has established outside Alaska, such as maintenance of homes, payment of resident taxes, vehicle registrations, voter registration, driver's licenses, or receipt of benefits under a claim of residency in another state;

(5) the priority the individual gave Alaska on an employment assignment preference list, such as those used by military personnel;

(6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in Alaska or return to Alaska; and

(7) any ties the individual has maintained in Alaska, such as ownership of real and personal property, voter registration, professional and business licenses, and any other factors demonstrating the individual's intent.

(h) When considering whether an individual who has been absent for more than five years has rebutted the presumption that the individual does not have the intent to return to Alaska and remain indefinitely in Alaska,

(1) the department will give greater weight to the claim of an individual who makes frequent voluntary return trips to Alaska during the period of the individual's absence than to the claim of an individual who does not;

(2) the department will generally consider that an individual who has not been physically present in Alaska for at least 30 cumulative days during the past five years has not rebutted the presumption; however, this consideration does not apply if the individual shows to the department's satisfaction that unavoidable circumstances prevented that individual from returning for at least 30 cumulative days during the past five years.

(i) Repealed 1/1/2000.

(j) The department will count whole days when determining the number of days an individual was absent from Alaska. The department will count the day an individual arrives or returns to Alaska as a day absent unless the individual previously left Alaska that same day. The department will count the day an individual leaves Alaska as a day an individual was in Alaska, unless the individual previously arrived or returned to Alaska that same day.

(k) For the purposes of AS 43.23.008(c), an individual is not considered otherwise eligible if the individual was absent from the state for more than 180 days in each of the preceding 10 qualifying years.

Permanent Fund Dividend
Allowable Absences

Allowable Absence 1982

- Sec. 43.23.095. DEFINITIONS.
- (7) "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state or, if the individual is not physically present in the state, intends to return to the state and is absent only for any of the following reasons:
- (A) vocational, professional, or other specific education for which a comparable program was not reasonably available in the state;
- (B) secondary or postsecondary education;
- (C) military service;
- (D) medical treatment;
- (E) service in Congress; or
- (F) other reasons which the commissioner may establish by regulation;

Allowable Absence 1997

- Sec. 43.23.095. Definitions.
- (8) "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, intends to return to the state and remain permanently in the state under the requirements of AS 01.10.055, and is absent only for any of the following reasons:
- (A) vocational, professional, or other specific education for which a comparable program was not reasonably available in the state;
- (B) secondary or postsecondary education;
- (C) military service;
- (D) medical treatment;
- (E) service in Congress;
- (F) other reasons which the commissioner may establish by regulation;
- (G) service in the Peace Corps;
- (H) to care for the individual's terminally ill parent, spouse, sibling, child, or stepchild;
- (I) for up to 220 days to settle the estate of the individual's deceased parent, spouse, sibling, child, or stepchild; or
- (J) to 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;

Allowable Absence 1997

- Sec. 01.10.055. Residency.
- (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.
- (b) A person demonstrates the intent required under (a) of this section
- (1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and
- (2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.
- (c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state.

Allowable Absence 1998

- Sec. 43.23.095. Definitions.
- (7) "state resident" means an individual who is physically present in the state with the intent to remain indefinitely in the state under the requirements of AS 01.10.055 or, if the individual is not physically present in the state, intends to return to the state and remain indefinitely in the state under the requirements of AS 01.10.055;

Allowable Absence 1998

Sec. 43.23.008. Allowable absences.

- (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;

Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- (4) receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician that treated the illness if the treatment or convalescence is not based on a need for climatic change;
- (5) 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;
- (6) providing care for the individual's terminally ill parent, spouse, sibling, child, or stepchild;
- (7) settling the estate of the individual's deceased parent, spouse, sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

Allowable Absence 1998

- Sec. 43.23.008. Allowable absences. *(continued)*
- (8) serving as a member of the United States Congress;
- (9) serving on the staff of a member from this state of the United States Congress;
- (10) serving as an employee of the state in a field office or other location;
- (11) accompanying a minor who is absent under (4) of this subsection;
- (12) accompanying another eligible resident who is absent for a reason permitted under this subsection as the spouse, minor dependent, or disabled dependent of the eligible resident;

Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- (13) 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 if the individual is not claiming an absence under (1) - (12) of this subsection;
  - (B) 120 days in addition to any absence or cumulative absences claimed under (1) or (2) of this subsection if the individual is not claiming an absence under (3) - (12) of this subsection; or
  - (C) 45 days in addition to any absence or cumulative absences claimed under (1) - (12) of this subsection.

Allowable Absence 1998

Sec. 43.23.008. Allowable absences. *(continued)*

- (b) An individual may not claim an allowable absence under (a)(1) - (12) of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state.
- (c) An otherwise eligible individual who has been eligible for the immediately preceding 10 dividends despite being absent from the state for more than 180 days in each of the related 10 qualifying years is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This subsection does not apply to an absence under (a)(8) or (9) of this section or to an absence under (a)(12) of this section if the absence is to accompany an individual who is absent under (a)(8) or (9) of this section.

Allowable Absence 2011

- Sec. 43.23.008. Allowable absences.
- (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;

Allowable Absence 2011

Sec. 43.23.008. Allowable absences. *(continued)*

- (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;

Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (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;

Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (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;

Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (17) 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) - (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) - (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) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

Allowable Absence 2011

- Sec. 43.23.008. Allowable absences. *(continued)*
- (b) An individual may not claim an allowable absence under (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.
- (c) An otherwise eligible individual who has been eligible for the immediately preceding 10 dividends despite being absent from the state for more than 180 days in each of the related 10 qualifying years is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This subsection does not apply to an absence under (a)(9) or (10) of this section or to an absence under (a)(13) of this section if the absence is to accompany an individual who is absent under (a)(9) or (10) of this section.
- (d) For purposes of (a)(7) of this section, "family member" means a person who is
- (1) legally related to the individual through marriage or guardianship; or
- (2) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences.
- (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;

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (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;

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (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;

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (13) accompanying another eligible resident who is absent for a reason permitted under (1), (2), (5) - (12), (16), or (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;

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (17) 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) - (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) - (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) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (b) An individual may not claim an allowable absence under (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.
- (d) For purposes of (a)(7) of this section, "family member" means a person who is
- (1) legally related to the individual through marriage or guardianship; or
- (2) the individual's sibling, parent, grandparent, son, daughter, grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (e) After an individual has been absent from the state for more than 180 days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. The individual may rebut this presumption by providing documentation to the department that establishes, by clear and convincing evidence, that
- (1) the individual was physically present in the state for at least 30 cumulative days during the past fie years; and
- (2) the individual is a state resident as defined in AS 43.23.095(7).

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (f) To determine whether an individual intends to return and remain in the state indefinitely, the department shall consider
- (1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;
- (2) the frequency and duration of voluntary return trips to the state during the past five years;
- (3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control, such as the financial circumstances of the individual or the ability of the individual to find employment in the state;

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (4) the ties the individual has established with the state or another jurisdiction, as demonstrated by
- (A) maintenance of a home;
- (B) payment of resident taxes;
- (C) registration of a vehicle;
- (D) registration to vote and voting history;
- (E) acquisition of a driver's license, business license, or professional license; and
- (F) receipt of benefits under a claim of residency in the state or another jurisdiction;

Allowable Absence After HB 190

- Sec. 43.23.008. Allowable absences. *(continued)*
- (5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel;
- (6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in or return to the state.

library

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **SSHB 190**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB190SS-DOR-PFD-2-07-12
Title: PFD Allowable Absence
Sponsor: Representative Feige
Requester: House State Affairs

Dept. Affected: Revenue
Appropriation: Tax and Treasury
Allocation: Permanent Fund Dividend Division
OMB Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated for new bill version X.

Prepared by: Deborah M. Bitney, Director — Phone: 465-4785
Division: Permanent Fund Dividend — Date/Time: 2/7/12 1:56pm
Approved by: Jerry Burnett, Director Administrative Services Division, Department of Revenue — Date: 2/7/2012

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SSHB 190

Analysis

Repeal of the 10 year rule reduces the number of cases that require eligibility determinations each year.

Additionally, moving the 5 year presumption * in 15 AAC 23.163(f) to statute makes clear the requirements needed to overcome it and makes determining eligibility less subjective.

*The 5 year presumption of 15 AAC 23.163(f) presumes that an individual who has been absent from Alaska for more than 180 days in the preceding 5 years does not intend to return.

Programming is not required since a similar 5 year presumption is already being applied. Minimal changes are anticipated to division publications.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **SSHB 190**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB190SS-DOR-PFD-2-2-12
Title: PFD Allowable Absence
Sponsor: Representative Feige
Requester: House State Affairs

Dept. Affected: Revenue
Appropriation: Tax and Treasury
Allocation: Permanent Fund Dividend Division
OMB Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated for Sponsor substitute.

Prepared by: Debbie Bitney, Director — Phone 465-4785
Division: Permanent Fund Dividend — Date/Time 2/2/12 5:15 PM
Approved by: Jerry Burnett, Director Administrative Services — Date 2/2/2012
Department of Revenue

(Revised 1/17/2012 OMB)

new updated
one 2/7/12

FISCAL NOTE

STATE OF ALASKA **BILL NO.** SSHB 190
2012 LEGISLATIVE SESSION

Analysis

Repeal of the 10 year rule reduces the number of cases that require eligibility determinations each year.

Additionally, moving the 5 year presumption * in 15 AAC 23.163(f) to statute makes clear the requirements needed to overcome it clearer and makes determining eligibility less subjective.

*The 5 year presumption of 15 AAC 23.163(f) presumes that an individual who has been absent from Alaska for more than 180 days in the preceding 5 years does not intend to return.

Programming is not required since a similar 5 year presumption is already being applied. Minimal changes are anticipated to division publications.

27-LS0564\R
Kirsch
2/3/12

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Herron, Peggy Wilson, Johnson, Muñoz, Lynn

A BILL

FOR AN ACT ENTITLED

"An Act relating to 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 **(e)** [(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 (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) 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) - (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) - (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) - (16) of this subsection if the individual is claiming an absence under (4) - (16) of this subsection.

* **Sec. 2.** AS 43.23.008 is amended by adding new subsections to read:

(e) After an individual has been absent from the state for more than 180 days in each of the five preceding qualifying years, the department shall presume that the individual is no longer a state resident. The individual may rebut this presumption by providing documentation to the department that establishes, by clear and convincing evidence, that

(1) the individual was physically present in the state for at least 30 cumulative days during the past five years; and

(2) the individual is a state resident as defined in AS 43.23.095(7).

(f) To determine whether an individual intends to return and remain in the state indefinitely, the department shall consider

(1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;

(2) the frequency and duration of voluntary return trips to the state during the past five years;

(3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control, such as the financial circumstances of the individual or the ability of the individual to find employment in the state;

(4) the ties the individual has established with the state or another jurisdiction, as demonstrated by

(A) maintenance of a home;

(B) payment of resident taxes;

(C) registration of a vehicle;

(D) registration to vote and voting history;

(E) acquisition of a driver's license, business license, or professional license; and

(F) receipt of benefits under a claim of residency in the state or another jurisdiction;

(5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel;

(6) whether the individual made a career choice or chose a career path that does not allow the individual to reside in or return to the state.

* **Sec. 3.** AS 43.23.008(c) is repealed.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICATION FOR THE 2012 PERMANENT FUND DIVIDEND FOR CERTAIN INDIVIDUALS. (a) Notwithstanding the application deadline of AS 43.23.011, an individual who was ineligible for a 2012 dividend under former AS 43.23.008(c), repealed by sec. 3 of this Act, and who is otherwise eligible, may apply for the 2012 permanent fund dividend within 90 days after the effective date of this Act.

(b) The repeal of AS 43.23.008(c) by sec. 3 of this Act and the enactment of AS 43.23.008(e) by sec. 2 of this Act may not be applied to make ineligible any person otherwise eligible for a 2012 dividend under AS 43.23 as it read December 31, 2011.

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

RETROACTIVITY. Sections 1 - 4 of this Act are retroactive to January 1, 2012.

* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

Sectional Analysis

HB 190 – 27-LS0564\R

Sec. 1 – Contains conforming language changing the reference in AS 43.23.008(a) pertaining to allowable absences from (c), which is appealed in Sec. 3 of this bill, to (e), which is established in Sec. 2 of this bill.

Sec. 2 – Establishes in law a presumption that someone who is absent from the state for more than 180 days in each of the previous five years does not plan to return to the state and thus, not eligible to receive a Permanent Fund Dividend. This section also provides a method for an individual who is denied a Permanent Fund Dividend because of this presumption to rebut the presumption.

Sec. 3 – Repeals the current ten year bright line rule that eliminates allowable absences after ten years and the exemption from the bright line rule for members of Congress and their staff and families.

Sec. 4 – Allows someone who was previously denied a dividend under the ten year bright line rule to apply for a 2012 dividend during the 90 days following the enactment of this bill into law.

Sec. 5 – Makes the new law retroactive to Jan. 1, 2012.

Sec. 6 – Makes the bill effective immediately.

Prepared by the office of Rep. Eric Feige, February 3, 2012

Email: Representative.Eric.Feige@legis.state.ak.us

Nancy Manly

From: Michael Paschall
Sent: Monday, January 30, 2012 9:42 AM
To: Nancy Manly
Subject: RE: HB 190

Nancy,

We will want to bring the bill back before the committee. I am meeting again with the PFD Division today on new language that addresses the constitutional issues that were brought up last year. We will want to do a substitute for the bill with the new language. I'll be in touch later this week.

Mike

Michael Paschall
Office of Rep. Eric Feige
House District 12

Office (907) 465-5446
Toll Free (888) 465-4859
Cell (907) 460-8629

Room 126 – State Capitol
120 4th St.
Juneau, Alaksa 99801

From: Nancy Manly
Sent: Monday, January 30, 2012 8:56 AM
To: Michael Paschall
Subject: RE: HB 190

Michael – if your boss wants to bring this back before the committee, let me know when.

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: Michael Paschall
Sent: Thursday, January 19, 2012 3:25 PM
To: Sue Wright; Liz Clement; Rebecca Rooney; Erin Shine; Terry Harvey
Cc: Nancy Manly
Subject: HB 190

Due to issues raised last year concerning HB190, Rep. Feige has prepared a sponsor substitute for the bill. Instead of providing a specific exemption for military personnel, the new bill simply increases the length of time for allowable absence from ten years to twenty.

Although the change doesn't completely solve the issue that the original bill was designed to address, it does solve the immediate problem. According to the PFD Division, only a small number of families are impacted by this type of change. They are researching accurate numbers.

The draft of the bill is attached. Please pass along to your bosses.

Mike

Michael Paschall
Office of Rep. Eric Feige
House District 12

Office (907) 465-5446
Toll Free (888) 465-4859
Cell (907) 460-8629

Room 126 – State Capitol
120 4th St.
Juneau, Alaksa 99801

Nancy Manly

From: Michael Paschall
Sent: Thursday, January 19, 2012 3:25 PM
To: Sue Wright; Liz Clement; Rebecca Rooney; Erin Shine; Terry Harvey
Cc: Nancy Manly
Subject: HB 190
Attachments: HB 190 Sponsor Supstitute 27-LS0564X.pdf

Categories: Important

Due to issues raised last year concerning HB190, Rep. Feige has prepared a sponsor substitute for the bill. Instead of providing a specific exemption for military personnel, the new bill simply increases the length of time for allowable absence from ten years to twenty.

Although the change doesn't completely solve the issue that the original bill was designed to address, it does solve the immediate problem. According to the PFD Division, only a small number of families are impacted by this type of change. They are researching accurate numbers.

The draft of the bill is attached. Please pass along to your bosses.

Mike

Michael Paschall
Office of Rep. Eric Feige
House District 12

Office (907) 465-5446
Toll Free (888) 465-4859
Cell (907) 460-8629

Room 126 – State Capitol
120 4th St.
Juneau, Alaksa 99801

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 3
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re HB 190 27-LS0564\D

4/13/2011

HB 190 was heard and amended in the HSTA Committee yesterday. The bill is still in Committee so just draft a blank CS to version D incorporating these amendments. Thanks.

Amendment #1 (Gruenberg)
27.LS0564\D.1 (see attached)

Amendment #2 (Keller)
27.LS0564\D.2 (as amended)

Amendment #1 to Amendment #2 (Keller)
Amending 27.LS0564\D.2
Line 5 *delete* the word "waive" and *insert* **adopt regulations to establish** so it will read: …the department may adopt regulations to establish the requirement of those paragraphs.

27-LS0564\D.1
Kirsch
4/4/11

Passed #1 by Gruenberg

AMENDMENT

Johansen objects

OFFERED IN THE HOUSE

TO: CSHB 190( ), Draft Version "D"

Page 2, following line 5:

Insert a new bill section to read:

"* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

PERMANENT FUND DIVIDEND APPLICATIONS. Notwithstanding permanent fund dividend application procedures or deadlines, an individual who qualifies for a dividend for 2009, 2010, or 2011 because of the amendment to AS 43.23.008(c) made in sec. 1 of this Act, may apply for the dividend by January 1, 2015. The Department of Revenue shall prepare a form for applications under this section."

Renumber the following bill section accordingly.

Page 2, following line 11:

Insert a new bill section to read:

"* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Section 1 of this Act is retroactive to January 1, 2009."

Keller moved

27-LS0564\D.2
Kirsch
4/11/11

AMENDMENT #2

OFFERED IN THE HOUSE BY REPRESENTATIVE Keller for Fiege

TO: CSHB 190( ), Draft Version "D"

Page 2, following line 5:

Insert a new bill section to read:

"*** Sec. 2.** AS 43.23.008 is amended by adding a new subsection to read:

"(e) If insufficient documentation is available to establish the nature of an absence, as required under (c)(1) and (2) of this section, the department may ~~waive~~ adopt regulations to establish ~~alternate~~ compliance ~~determination methods~~ ~~concepts~~ the requirement of those paragraphs."

Keller amend 1 to amend # 2

~~compliance~~

Renumber the following bill section accordingly.

Gruenberg
Conceptual amend 1 to amend # 2
If their is insufficient docs the dept. may adopt regs allowing alternative proof to establish those facts

- Peterson
- Seaton
- Gruenberg
- Lynn
- Keller
- Wilson
- Johansen

27-LS0564\D
Kirsch
3/28/11

CS FOR HOUSE BILL NO. 190( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Herron, Peggy Wilson, Johnson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the allowable absence for active duty service members of the armed forces for purposes of permanent fund dividend eligibility."

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

* **Section 1.** AS 43.23.008(c) is amended to read:

(c) An otherwise eligible individual who has been eligible for the immediately preceding 10 dividends despite being absent from the state for more than 180 days in each of the related 10 qualifying years is only eligible for the current year dividend if the individual was absent 180 days or less during the qualifying year. This subsection does not apply to an absence under (a)(9) or (10) of this section or to an absence under (a)(13) of this section if the absence is to accompany an individual who is absent under (a)(9) or (10) of this section. **This subsection does not apply to an absence under (a)(3) of this section if the individual was eligible for a dividend for the three dividends immediately preceding induction into the armed forces, and, during each of those three qualifying years**

New Text Underlined *[DELETED TEXT BRACKETED]*

(1) the individual was absent from the state not more than 180 days; or

(2) if the individual was absent from the state for more than 180 days, the absence was caused by the individual's receiving secondary or postsecondary education on a full-time basis.

*** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Under AS 01.10.030, if the sentence added to AS 43.23.008(c) by sec. 1 of this Act, or the application of it to any person or circumstance, is held invalid, the remainder of AS 43.23.008(c) and the application to other persons or circumstances are not affected.

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

Changes to HB 190 CS Draft D

We have added additional language to HB 190 that will preclude individuals that are dependents who are on excused absences and join the military from receiving the PFD after ten years, unless the individual was on an excused absence to receive secondary or postsecondary education on a full-time basis.

This change limits the bill to those that the original version was intended to address – those individuals that live in Alaska and leave due to induction into the Armed Forces.

Email: Representative.Eric.Feige@legis.state.ak.us

Nancy Manly

From: Nancy Manly
Sent: Tuesday, April 12, 2011 4:32 PM
Subject: Legal Memo for HB 190
Attachments: -07 HB 190 Legal Memo Lisa Kirsch 3-18-11.pdf

During the HSTA Committee Meeting this morning on HB 190, a Legal Memo was mentioned but the committee did not have a copy. So, I'm attaching a copy of the Legal Memo. Please file with HB 190. Thank you!

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

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, 2011

SUBJECT: Equal Protection Concerns -- HB 190
(Work Order No. 27-LS0564\M)

TO: Representative Eric Feige
Attn: Michael Paschall

FROM: Lisa Moritz Kirsch
Legislative Counsel

I spoke to Michael Paschall on the phone about equal protection concerns for this bill. After I spoke with him about the possible problems I did additional research. Equal protection is an area where judges often disagree (I have noted an unusually high number of concurring and dissenting opinions), which makes it difficult to predict the outcome in specific cases. However, I believe the requirement that service members receive dividends for three years in order to get the benefit of the exception to the ten-year rule may create problems.

Under the state equal protection clause, a statute is evaluated on a sliding scale under which the goal of the legislation and the importance of the individual rights affected are considered.[1] As the importance of the individual rights affected increases, then the burden increases on the state to show that the state's goal justifies the intrusion on the individual's interests in equal treatment and that the state's goal is substantially related to the means chosen to achieve the goal. An individual's interest in receiving a permanent fund dividend is accorded a low level of protection under the state equal protection clause, because only an economic interest is implicated and that interest is not based on the need of the applicant.[2] At the low end of the scale, the state must show the enactment is fairly and substantially related to a legitimate state interest.

The primary state concern in granting PFDs is that the recipient of a PFD is a bona fide resident of the state. To be an Alaska resident a person must have the intent to remain in Alaska indefinitely. The state has a legitimate interest in preventing temporary residents motivated by the financial benefit from making false claims of residency. To separate these two groups, the state currently uses various indicia of residency including a

---

[1] *State v. Anthony*, 810 P.2d 155 (Alaska 1991); *State, Dept. of Transportation v. Enserch Alaska Const., Inc.*, 787 P.2d 624 (Alaska 1990).

[2] *Underwood v. State*, 881 P.2d 322 (Alaska 1994).

durational residency requirement of one year to determine whether an applicant has the intent to remain.[3]

The statutory change in HB 190 creates two applicant classes who are treated differently: (1) applicants who qualify for allowable absences, but are subject to the ten-year limit, (2) active duty service members who received three dividends in Alaska before being inducted into the military, who are not subject to the ten-year limit, and continue to receive PFDs based on allowable absences. The question here is whether the state's interest in granting PFDs only to residents with a genuine intent to remain in the state is fairly and substantially related to a limitation of ten years for allowable absences unless you are on active duty or in Congress, or the spouse, dependent, or staff of someone in Congress or on active duty.

Arguably, members of Congress and active duty military are somewhat unique in that their career choices put them in the position of serving government in a place other than their chosen state of residence. Also, Congressional and military service are more likely to span a term longer than a decade when compared with education or illness related absences. This particular question of differential treatment for members of Congress has not been addressed by the courts, and although the result of a court's equal protection analysis is particularly difficult to predict, at this low level of scrutiny it seems likely that the nexus between the state's purpose of excluding long absent residents who no longer intend to return and the means of providing the exception to members of the military and Congress is sufficiently close to be found constitutional.

However, there is also an equal protection issue raised by the requirement that military members were residents long enough to receive three PFDs before they were inducted. The issue of durational residency has been addressed by the courts. In *Zobel v. Williams*, the United States Supreme Court invalidated a prior scheme of PFD distribution rewarding residents incrementally higher dividends based on the length of their residency in Alaska.[4] That Court held that the state could not distinguish between old and new residents in this way without violating the federal equal protection clause.[5]

In *Zobel,* the Court did not invalidate a threshold waiting period like the one proposed in this bill or under existing AS 43.23.005(3), and the concurring opinions in *Zobel* acknowledge that some durational residency requirements may be constitutional.[6] In other cases, residency requirements appear to be generally disfavored, but have been upheld where the individual interest is less significant and the state interest bears a

---

[3] AS 43.23.005.

[4] *Zobel v. Williams*, 102 U.S. 2309, 72 L.Ed.2d 672 (1982).

[5] *Zobel v. Williams*, 102 U.S. at 2315.

[6] *Zobel* at 2318 and 2322, n. 8.

substantial relationship to the requirement.[7] Although I have not done exhaustive research, there appears to be a general trend to limit durational requirements to one year. For example, in an unreported opinion Judge Dana Fabe (now an Alaska Supreme Court Justice) disallowed a two-year residency requirement, but upheld a one-year requirement.[8] In this opinion she found that:

> The problematic provision of this statute is the two-year residency requirement. One-year residency requirements have been found to be rationally related to a state's purpose to establish bona fide residency. The United States Supreme Court has affirmed a one-year residency or waiting requirement for in-state tuition, upholding lower court findings that it is reasonable to presume that a person who has not resided within a state for a year is a non-resident[.][9]

Although the majority rejected the argument, an alternative constitutional argument addressed in the concurring opinions in *Zobel* was that durational residency requirements ran afoul of the privileges and immunities clause, or "the right to travel." It seems unlikely that the right to travel could be applied here because both classes affected by the exception to the ten-year rule are residents, and the impairment of rights can be cured whereas the invalidated distinctions between residents in *Zobel* were permanent.[10]

Here it could be argued that a three-year durational requirement is substantially related to the state's legitimate interest in establishing that a service member who has been out of the state for half of the year for ten years still has the intention to return. A service member who was well established in Alaska through several years of residency before joining the military may have lasting contacts that will induce permanent residency. The state has a legitimate interest in preventing fraudulent claims of residency, but whether three years of dividend eligibility to establish intent to return after ten years of long

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[7] *Church v. State, Dept. of Revenue*, 973 P.2d 1125 (1999); *Schikora v. State, Dept. of Revenue*, 7 P.3d 938 (Alaska 1991) (no more than 180 days out of state upheld); *Sosna v. Iowa*, 419 U.S. 393, 95 S.Ct. 553 (1975) (one year residency for divorce jurisdiction upheld), *But see, State v. Adams*, 522 P.2d 1125 (Alaska 1974) (one year residency found unconstitutional; state interests in regulating divorce did not outweigh litigant's interest in access to the courts).

[8] *Lindley v. Malone*, 3AN-90-2821 CI (July 18, 1990).

[9] Citing, *Starns v. Milkerson*, 401 U.S. 985 (1971); *Sturgis v. Washington*, 414 U.S. 1057 (1973).

[10] For example, residents present in the state at statehood would have received a larger PFD forever.

absences will justify the infringement of the rights of a service member with only two years of eligibility and thwart an equal protection challenge is unclear.[11]

Please feel free to contact me if you have questions, or want me to draft an amendment to remove the three-year eligibility requirement.

LMK:plm
11-160.plm

[11] It is worth noting that service members must qualify for the initial dividend, so a member who has received a PFD for three years has four years of residency.

3/31 Heard & Held

27-LS0564\D
Kirsch
3/28/11

3/31/11
(1) Seaton moved to adopt
(2) Gruenberg objects for discussion
4-12-11 Gruenberg removed objection

Back date to 2009?

CS FOR HOUSE BILL NO. 190( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Herron, Peggy Wilson, Johnson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the allowable absence for active duty service members of the armed forces for purposes of permanent fund dividend eligibility."

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

*** Section 1.** AS 43.23.008(c) is amended to read:

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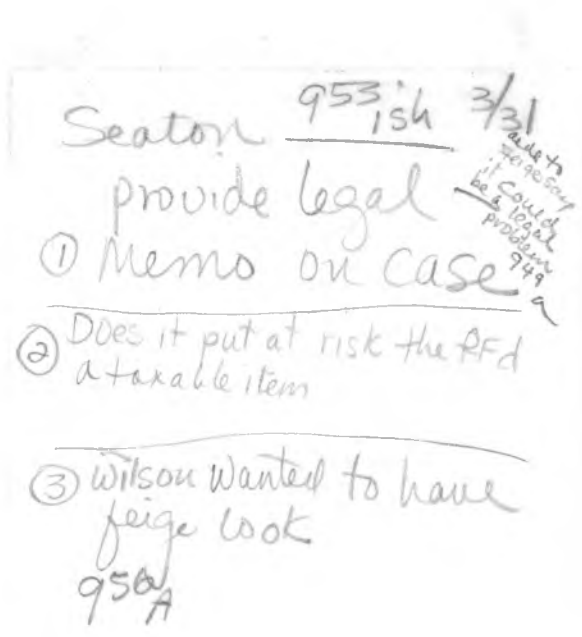
*** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Under AS 01.10.030, if the sentence added to AS 43.23.008(c) by sec. 1 of this Act, or the application of it to any person or circumstance, is held invalid, the remainder of AS 43.23.008(c) and the application to other persons or circumstances are not affected.



REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
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Changes to HB 190 CS Draft D

We have added additional language to HB 190 that will preclude individuals that are dependents who are on excused absences and join the military from receiving the PFD after ten years, unless the individual was on an excused absence to receive secondary or postsecondary education on a full-time basis.

This change limits the bill to those that the original version was intended to address – those individuals that live in Alaska and leave due to induction into the Armed Forces.

Email: Representative.Eric.Feige@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version **HB 190**
() Publish Date

Identifier (file name) HB190-DOR-PFD-3-24-11
Title PFD Allowable Absence for Certain Armed Forces Members
Sponsor Representative Feige
Requester House State Affairs

Dept. Affected Revenue
Appropriation Taxation and Treasury
Allocation Permanent Fund Dividend Division
OMB Component Number 981

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services	5.0						
Travel							
Services							
Commodities	25.0						
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**30.0**	**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							
1050 PFD Funds	30.0						
TOTAL	**30.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial fiscal note

Prepared by Deborah M. Bitney, Director — Phone 465-4785
Division Permanent Fund Dividend — Date/Time 3/25/11; 10:23am
Approved by Ginger Blaisdell, Director Administrative Services Division — Date 3/25/11; 12:07pm
Department of Revenue

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 190

Analysis

House Bill 190 changes the allowable absence rules for certain members of the armed forces for the purpose of determining eligiblity for permanent fund dividends. It exempts those who received three dividends prior to entering the armed forces from the rule that would disqualify them automatically after absence from Alaska of 10 years. It is estimated that 100 hours of programmer time will be necessary to make these changes.

The Information & Instruction books must be changed in order to reflect changes to eligibility rules. The cost of printing and distributing new Information & Instruction books to the more than 280 distribution sites around Alaska is a direct increased cost to the division.

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
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Juneau, Alaska 99801-1182
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Fax (907) 465-3799
1-888-465-4859

MEMORANDUM

TO: Rep. Bob Lynn, Chair, House State Affairs Committee

FROM: Rep. Eric Feige EAF

RE: Committee Hearing, HB 190

DATE: March 14, 2010

I am requesting that HB 190, which has been referred to the House State Affairs Committee be heard before that committee.

Attached is the current version of the bill, sponsor statement, and other related information.

My staff member assigned to handle the bill is Michael Paschall, his direct number is 465-5446.

Email: Representative.Eric.Feige@legis.state.ak.us

DENALI BOROUGH

P. O. Box 480 • Healy, Alaska 99743
Phone (907) 683-1330 • Fax (907) 683-1340
dbgovt@mtaonline.net
www.denaliborough.govoffice.com

David M. Talerico, Mayor

March 14, 2011

Representative Eric Feige
State Capitol Room 126
Juneau, Alaska 99801

Dear Representative Feige,

It is my privilege to write this letter of support for House Bill 190. I have personal knowledge of someone who was recently denied his Permanent Fund Dividend although he is a 1997 graduate of Tri-Valley High School in Healy, Alaska, and has dedicated over a decade of his life serving our country as a NAVY SEAL.

After graduation, this fine young man went on to college and has since committed his life to defend our freedom, but Alaska is still his home.

I can think of very few who deserve the courtesy of receiving a PFD more than this fine individual. If HB190 can accomplish this task, I encourage everyone's wholehearted support.

Thank you for sponsoring this bill.

Sincerely,

David M Talerico

David M Talerico, Mayor
Denali Borough

HB 204

<TARGET><BILL>HB 204</BILL><SUBJECT>HB 204</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 23, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 3-29-11

The STATE AFFAIRS Committee considered: **HB 204**

HOUSE BILL NO. 204

"An Act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of persons who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, and writings; and providing for an effective date."

HB 204-STATE PROCUREMENT CODE

Recommends it be replaced with [ ] HCS *or* **[ ] CS** *for* _____ (_____)

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin			✓

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Peter Peterson	PETERSON	X			
Paul Seaton	Seaton	X			
Max Gruenberg	Gruenberg	–			
Wes Keller	Keller	X			
Peggy Wilson	WILSON	X			
Kyle Johansen	JOHANSEN			X	
Chair: Bob	LYNN	X			
Chair:					

27th Legislature(2011-2011)

Bill History/Action for 27th Legislature

BILL: HB 204 **SHORT TITLE:** STATE PROCUREMENT CODE

BILL VERSION:

CURRENT STATUS: (H) STA THEN FIN **STATUS DATE:** 03/23/11

SPONSOR(s): REPRESENTATIVE(s) FAIRCLOUGH, Neuman

HEARING: (H) STA Mar 29 8:00 AM CAPITOL 106 TELECONFERENCE

TITLE: "An Act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of persons who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, and writings; and providing for an effective date."

Bill Number: Search Bills Next Bill

Full Text

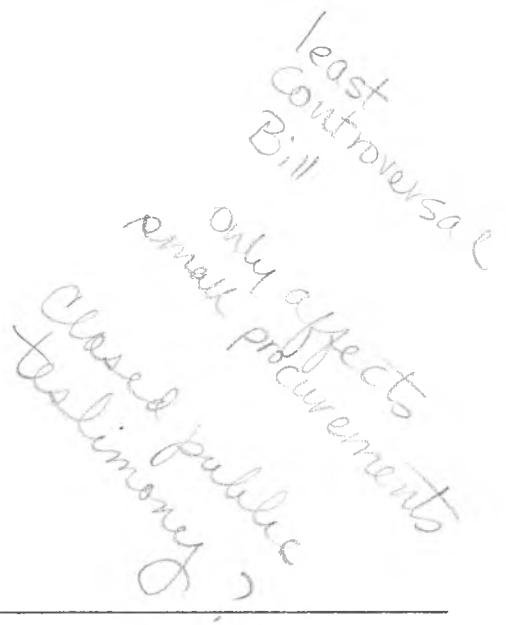
Sponsor Statement

Display Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
03/23/11	0552	(H) READ THE FIRST TIME - REFERRALS
03/23/11	0552	(H) STA, FIN
03/23/11	0552	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

BUSINESS
COMMUNICATIONS
CONSTRUCTION
CONTRACTS
DATA PROCESSING
INTERNET
LEASES
LICENSING
PROCUREMENTS



Bill Number: Display Bill

Next Bill

Return to Basis Main Menu (27th Legislature)

HOUSE BILL NO. 204

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FAIRCLOUGH, Neuman

Introduced: 3/23/11
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of persons who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, and writings; and providing for an effective date."

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

*** Section 1.** 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. 2.** 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 **to qualify as an Alaska bidder under AS 36.30.170 and 36.30.175. 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 the bidder does not qualify as an Alaska bidder under AS 36.30.170 and 36.30.175**. 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. 3.** 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. 4.** 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, **not** [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. 5.** 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 **to qualify as an Alaska bidder under AS 36.30.170 and 36.30.175. If an offeror does not have a valid Alaska business license at the time designated in the request for proposals for opening of the proposals, the offeror shall provide proof that the offeror has a valid Alaska business license before the contract may be awarded, but does not qualify as an Alaska bidder under AS 36.30.170 and 36.30.175**.

* **Sec. 6.** AS 36.30 is amended by adding a new section to article 4 to read:

Sec. 36.30.290. Electronic bids and proposals. 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. 7.** AS 36.30.320(a) is amended to read:

3/29/11 Gruenberg 919A

(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. 8.** 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. 9.** AS 36.30.990 is amended by adding new paragraphs to read:

(25) "in writing" has the meaning given to "written" in this section;

(26) "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. 10.** AS 36.30.050 is repealed.

* **Sec. 11.** 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 or amendments 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. 12.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

Representative Anna Fairclough – House District 17

Sponsor Statement

House Bill 204

"An Act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of persons who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, signatures, and writings; and providing for an effective date."

House Bill 204 makes 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.

This legislation would clarify Alaska business license requirements for competitive sealed bids and proposals and qualification for the Alaska bidder preference, which should reduce the number of bids and proposals the state currently disqualifies on technical grounds.

The dollar threshold for informal or small procurements is increased, which will simplify many purchases that are now procured via time consuming and more complex formal procurement rules.

HB 204 updates our Procurement Code and provides tools and techniques to our employees. The bill allows for electronic receipt of bids and signatures. The bill also eliminates the requirement to maintain outdated vendor lists in a time when commerce is moving online.

It has been many years since our procurement code has been modernized. These changes will position us to become more efficient and effective in our purchasing and contracting.

I appreciate your support and consideration of this legislation.

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Representative_Anna_Fairclough@legis.state.ak.us

HOUSE BILL NO. 204

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE FAIRCLOUGH

Introduced: 3/23/11
Referred:

A BILL

FOR AN ACT ENTITLED

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(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

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Sec. 36.30.290. Electronic bids and proposals. 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).

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(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.

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* **Sec. 9.** AS 36.30.990 is amended by adding new paragraphs to read:

(25) "in writing" has the meaning given to "written" in this section;

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* **Sec. 10.** AS 36.30.050 is repealed.

* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to read:

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(2) procurement contracts entered into before the effective date of this Act, including extensions or amendments 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. 12.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

Representative Anna Fairclough – House District 17

HB 204 - Sectional Analysis

*** Section 1:** 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 7.

*** Section 2:** 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 3:** 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, consistent with section 9.

*** Section 4:** Amends AS 36.30.210(b)

Clarifies construction contractor registration requirements, now explicitly requiring registration before award of a contract.

*** Section 5:** 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 2.

*** Section 6:** 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.

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* **Section 7:** 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.

* **Section 8:** 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, consistent with section 9.

* **Section 9:** Amends AS 36.30.990

Adds new definitions for "in writing" and "written."

* **Section 10:** Repeals statute establishing the vendor list.

* **Section 11:** Amends the uncodified law of the State of Alaska

Clarifies the application of the procurement act to pending solicitations during transition period.

* **Section 12:** Effective Date

Language making the procurement act effective immediately.

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HB204

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nstruction services necessary
90; am § 11 ch 168 SLA 1990;
h 94 SLA 1992; am § 111 ch
ch 137 SLA 1996; am §§ 1, 2
LA 2004; am § 1 ch 177 SLA

amendment, effective October 24,
ection (j).
4 amendment, effective July 1, 2005,
ntence to subsection (d).
dment, effective July 28, 2005, in
stituted "Alaska Retirement Man-
r "Alaska State Pension Investment
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. — Under § 146, ch. 9, FSSLA
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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 AS 36.30.170(b). (§ 2 ch 106 SLA 1986; am § 7 ch 181 SLA 1990; am § 5 ch 75 SLA 1994; am § 6 ch 137 SLA 1996; am § 4 ch 72 SLA 2006)

Effect of amendments. — The 2006 amendment, effective July 1, 2006, inserted the third and fourth sentences.

Sec. 36.30.040. Procurement regulations. (a) The commissioner shall adopt regulations governing the procurement, management, and control of supplies, services, professional services, and construction by agencies. The regulations 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 regulations 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 commissioner may audit and monitor the implementation of the regulations and the requirements of this chapter with respect to using agencies.

(b) The commissioner shall adopt regulations pertaining to

(1) suspension, debarment, and reinstatement of prospective bidders and contractors;

(2) bid protests;

(3) conditions and procedures for the procurement of perishables and items for resale;

(4) conditions and procedures for the use of source selection methods authorized by this chapter, including single source procurements, emergency procurements, and small procurements;

(5) the opening or rejection of bids and offers, and waiver of informalities in bids and offers;

(6) confidentiality of technical data and trade secrets submitted by actual or prospective bidders or offerors;

(7) partial, progressive, and multiple awards;

(8) storerooms and inventories, including determination of appropriate stock levels and the management of agency supplies;

(9) transfer, sale, or other disposal of supplies;

(10) definitions and classes of contractual services and procedures for acquiring them;

(11) providing for conducting price analysis;

(12) use of payment and performance bonds in connection with contracts for supplies, services, and construction;

(13) guidelines for use of cost principles in negotiations, adjustments, and settlements;

(14) conditions under which an agency may use the services of an employment program;

(15) a bidder's or offeror's duties under this chapter; and

(16) the elimination and prevention of discrimination in state contracting because of race, religion, color, national origin, sex, age, marital status, pregnancy, parenthood, disability, or political affiliation. (§ 2 ch 106 SLA 1986; am § 1 ch 102 SLA 1989; am §§ 7, 8 ch 137 SLA 1996; am § 18 ch 25 SLA 2006; am § 5 ch 72 SLA 2006)

Effect of amendments. — The first 2006 amendment, effective May 10, 2006, substituted "disability" for "handicap" in paragraph (b)(16).

The second 2006 amendment, effective July 1, 2006, inserted the second and third sentences of subsection (a).

Sec. 36.30.050. Lists of contractors. (a) Except for persons debarred or suspended

under AS 36.30.635 — 36.30.655, the commissioner shall establish and maintain current lists of persons who desire to provide supplies, services, professional services, or construction services to the state.

(b) A person who desires to be on a list shall submit to the commissioner evidence of a valid Alaska business license. A biennial fee may be established by regulation in an amount reasonably calculated to pay the costs of administering this section. A construction contractor shall also submit a valid certificate of registration as a contractor issued under AS 08.18. The commissioner, by regulation, may require submission of additional information.

(c) The lists may be used by the chief procurement officer or an agency when issuing invitations to bid or requests for proposals under this chapter. The lists may be used by the legislative council, the court system, and the Alaska Railroad Corporation.

(d) *[Repealed, § 24 ch 65 SLA 1987.]* (§ 2 ch 106 SLA 1986; am §§ 3, 24 ch 65 SLA 1987; am § 112 ch 4 FSSLA 1992; am § 9 ch 137 SLA 1996; am § 36 ch 134 SLA 2003)

Effect of amendments. — The 2003 amendment, effective July 10, 2003, inserted "as a contractor" in the next-to-last sentence in subsection (b).

Sec. 36.30.060. Specifications. (a) The commissioner shall adopt regulations governing the preparation, revision, and content of specifications for supplies, services, professional services, and construction required by an agency. The commissioner shall monitor the use of these specifications.

(b) Specifications for construction of highways must conform as closely as practicable to those adopted by the American Association of State Highway and Transportation Officials.

(c) The commissioner may obtain expert advice and assistance from personnel of using agencies in the development of specifications. Specifications must promote overall economy for the purposes intended and encourage competition in satisfying the state's needs, and may not be unduly restrictive. The requirements of this subsection regarding the purposes and nonrestrictiveness of specifications apply to all specifications, including those prepared by architects, engineers, designers, and other professionals.

(d) In this section, "specification" means a description of the physical or functional characteristics, or of the nature of a supply, service, professional service, or construction project; it may include requirements for licensing, inspecting, testing, and delivery. (§ 2 ch 106 SLA 1986)

Opinions of attorney general. — While the Alaska Energy Authority may execute contracts for construction of power projects, it probably cannot execute a project labor agreement that prefers the hire of employees who are members of a labor union (based upon the equal protection concern of favoring one group of similarly situated workers over another). But see 1999 Op. Att'y Gen. No. 12, which, based upon the decision in Laborers Local # 942 v. Lampkin, 956 P. 2d. 422 (Alaska 1998), rescinded the portion of this opinion which addressed the equal protection concerns raised by the use of project labor agreements. The portion of this opinion which addressed the possible illegality of project labor agreements under state procurement regulations remains in effect. Jan. 19, 1990 Op. Att'y Gen.

Sec. 36.30.070. Supply management. The commissioner shall adopt regulations governing the

(1) management of supplies during their entire life cycle;

(2) sale, lease, or disposal of surplus supplies by public auction, competitive sealed bidding, or other appropriate method;

(3) purchase of surplus supplies by an employee of the using or disposing agency; and

(4) transfer of excess supplies. (§ 2 ch 106 SLA 1986)

Sec. 36.30.080. Leases. (a) The department shall lease space for the use of the state or an agency wherever it is necessary and feasible, subject to compliance with the requirements of this chapter. A lease may not provide for a period of occupancy greater than 40 years. An agency req through the department.

(b) *[Repealed, § 11 ch 75 S*

(c) If the department, the l council, or the supreme court an annual rent to the depart court that is anticipated to e $2,500,000 for the full term c in the lease, the department court shall provide notice to annual lease obligation amou The department, the Board may not enter into or renew

(1) requiring notice under lease has been approved by t during the initial period of t approval of the proposed leas

(2) under this subsection i lease exceeds the original te options.

(d) When the department i shall consider, in addition to l public convenience, planning

(e) When the department i whether leasing is likely to b

(f) When the department department may procure the under AS 36.30.320, providin area. (§ 2 ch 106 SLA 1986; §§ 2, 3 ch 73 SLA 1992; am ch 137 SLA 1996)

Editor's notes. — Section 3, c provides that the 1990 amendment t by § 1, ch. 58, SLA 1990 "applies to a is entered into on or after June 5, 19 apply to a lease or to the renewal of a

Lease-purchase agreement be ment of Natural Resources and System. — This section (prior to § 38.05.035, and § 12, ch. 75, SLA 1 Department of Natural Resources enter into a lease-purchase agreem Court System for the purchase of Gottstein Properties v. State, 899 1995).

Sec. 36.30.083. Lease ex vision of this chapter, the dep the legislative council, or th entered into under this chap 10 percent below the market would be achieved on the re

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neurological disorders, para-

plegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, or end stage renal disease; in this subparagraph, "neurological disorders" include stroke and epilepsy; or

(B) is a disability or combination of disabilities that are not identified in (A) of this paragraph and that are determined on the basis of an evaluation of rehabilitation potential to cause substantial functional limitation comparable to a disability identified in (A) of this paragraph; and

(3) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time. (§ 2 ch 106 SLA 1986; am §§ 7 — 9 ch 65 SLA 1987; am §§ 6, 18 ch 102 SLA 1989; am § 3 ch 175 SLA 1990; am §§ 1 — 3 ch 114 SLA 1992; am § 14 ch 137 SLA 1996; am §§ 1, 2 ch 53 SLA 1997; am § 33 ch 58 SLA 1999; am §§ 1, 2 ch 71 SLA 2000; am § 43 ch 56 SLA 2005; am § 26 ch 12 SLA 2006; am § 1 ch 45 SLA 2010)

Revisor's notes. — Subsection (i) was formerly AS 36.30.850(e). Renumbered in 1992. Subsection (k) was enacted as (i); relettered in 1992 as (j) and relettered again in 1996. Subsection (j) was enacted as (k); relettered in 1996. In 1996, in subsection (b), "AS 36.30.337" was substituted for "AS 36.30.339" to reflect the 1996 renumbering of AS 36.30.339.

Effect of amendments. — The 2000 amendment, effective May 23, 2000, in paragraph (b)(4) inserted "is a limited liability company organized under AS 10.50 and all members are residents of the state,"; inserted "under AS 32.05 or AS 32.11" in paragraphs (b)(4) and (e)(2); and added present paragraph (e)(3) and made related stylistic changes.

The 2005 amendment, effective June 25, 2005, updated section references in paragraph (b)(4).

The 2006 amendment, effective April 4, 2006, substituted "former AS 32.05, AS 32.06" for "AS 23.05" in paragraph (2) of subsection (e).

The 2010 amendment, effective September 2, 2010, in (a), added "AS 36.30.175 and" following "Except as provided in".

Editor's notes. — AS 32.05, referred to in paragraphs (b)(4) and (e)(2), was repealed by § 8, ch. 115, SLA 2000. For present comparable provisions, see AS 32.06.

Opinions of attorney general. — An agent will be considered the bidder only if the agent is in fact a principal with the power to convey a leasehold interest in its own right. Otherwise, he is not entitled to the bidder preference. July 1, 1989 Op. Att'y Gen.

NOTES TO DECISIONS

Quoted in State v. Johnson, 779 P.2d 778 (Alaska 1989); Lakloey, Inc. v. Univ. of Alaska, 157 P.3d 1041 (Alaska 2007).

Collateral references. — Validity, construction, and effect of requirement under state statute or local ordinance giving local or locally qualified contractors a percentage preference in determining lowest bid. 89 ALR4th 587.

Sec. 36.30.175. Alaska veterans' preference. (a) Notwithstanding a provision in AS 36.30.170 to the contrary, if a bidder qualifies under AS 36.30.170(b) as an Alaska bidder and is a qualifying entity, a five percent bid preference shall be applied to the bid price. The preference may not exceed $5,000. In this subsection, "qualifying entity" means a

(1) sole proprietorship owned by an Alaska veteran;

(2) partnership under AS 32.06 or AS 32.11 if a majority of the partners are Alaska veterans;

(3) limited liability company organized under AS 10.50 if a majority of the members are Alaska veterans; or

(4) corporation that is wholly owned by individuals and a majority of the individuals are Alaska veterans.

(b) A preference under this section is in addition to any other preference for which the bidder qualifies.

(c) To qualify for a preference under this section, a bidder must add value by the bidder itself actually performing, controlling, managing, and supervising a significant part of

the services provided, or the bidder must have sold supplies of the general nature solicited to other state agencies, governments, or the general public.

(d) In this section, "Alaska veteran" means an individual who is a

(1) resident of this state; and

(2) veteran; in this paragraph, "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. (§ 2 ch 45 SLA 2010)

Effective dates. — Section 2, ch. 45, SLA 2010, which enacted this section, took effect September 2, 2010.

Sec. 36.30.180. Purpose. The legislature finds that there exists in the state continuing high unemployment, underutilization of resident construction and supply firms, and high costs unfavorable to the welfare of Alaskans and to the economic health of the state. 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. (§ 1 ch 70 SLA 1985)

Revisor's notes. — Formerly AS 37.05.225. Renumbered in 1988.

Sec. 36.30.190. Multi-step sealed bidding. When it is considered impractical to initially prepare a definitive purchase description to support an award based on price, the procurement officer may issue an invitation to bid requesting the submission of unpriced technical offers to be followed by an invitation to bid limited to the bidders whose offers are determined to be technically qualified under the criteria set out in the first solicitation. (§ 2 ch 106 SLA 1986)

Article 3. Competitive Sealed Proposals.

Section

200. Conditions for use
210. Request for proposals
220. Standard overhead rate
230. Disclosure of proposals; return of proposals
240. Discussion with responsible offerors and revisions to proposals
250. Award of contract
260. Contract contents
265. Multi-step sealed proposals
270. Architectural, engineering, and land surveying contracts

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Administrative Code. — For competitive sealed proposals, see 2 AAC 12, art. 4.

For competitive sealed proposals for architect, engineer, or land surveying services, see 2 AAC 12, art. 5.

Sec. 36.30.200. Conditions for use. (a) Except as otherwise provided in this chapter, or unless specifically exempted by law, an agency contract shall be awarded by competitive sealed proposals if it is not awarded by competitive sealed bidding.

(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 d competitive sealed proposal bidding, a contract may be

(c) When the commission advantageous to the state, requesting the submission provided by the offeror. T submitted contain a single p § 15 ch 137 SLA 1996)

Cited in Gunderson v. Univers P.2d 229 (Alaska 1996).

Sec. 36.30.210. Reques als must contain the date, t of the supplies, construction contract, and the terms und services are to be provided.

(b) An offeror for a con registration as a contract construction contract, exce offeror, no later than five w to the state is identified, performance of the construc under AS 36.30.115(a). T construction contractor or a tive sealed proposals for c tracts.

(c) A request for proposa submit a proposal or conta included with the request. T be considered by the proc including the relative impo

(d) Notice of a request f under AS 36.30.130. The appropriate to notify prosp competitive sealed proposal

(e) The offeror must have request for proposals, for o

(f) In this section, "const (§ 2 ch 106 SLA 1986; am ch 137 SLA 1996; am §§ 3,

Effect of amendments. — The effective July 10, 2003, inserted " the first sentence in subsection (b

Cited in Gunderson v. Univers P.2d 229 (Alaska 1996).

Sec. 36.30.220. Standa another agency under a c

overhead rate. If an agency submits a proposal in response to a request for competitive sealed proposals, the agency must include its standard overhead rate within its proposal.

(b) In this section, "standard overhead rate" means a charge established for services and professional services from an agency that is designed to compensate the agency for administration and support services incidentally provided with the services contracted for. (§ 2 ch 106 SLA 1986)

Sec. 36.30.230. Disclosure of proposals; return of proposals. (a) The procurement officer shall open proposals so as to avoid disclosure of contents to competing offerors before notice of intent to award a contract is issued. A register of proposals containing the name and address of each offeror shall be prepared in accordance with regulations adopted by the commissioner. The register and the proposals are open for public inspection after the notice of intent to award a contract is issued under AS 36.30.365. To the extent that the offeror designates and the procurement officer concurs, trade secrets and other proprietary data contained in the proposal documents are confidential.

(b) If a solicitation is cancelled under AS 36.30.350 after proposals are received but before a notice of intent to award a contract has been issued under AS 36.30.365, a protest of the solicitation or of the cancellation of the solicitation has not been filed by an interested party under AS 36.30.560, and the time specified in AS 36.30.565(a) for filing such a protest has expired, the procurement officer may return a proposal to the offeror that made the proposal. The procurement officer shall keep a list of returned proposals in the file for the solicitation. (§ 2 ch 106 SLA 1986; am §§ 17, 18 ch 137 SLA 1996)

Sec. 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. (§ 2 ch 106 SLA 1986)

Sec. 36.30.250. Award of contract. (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. Other factors and criteria may not be used in the evaluation. The contract file must contain the basis on which the award is made.

(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, or qualifies for a preference under AS 36.30.170(e) or (f) or 36.30.175. (§ 2 ch 106 SLA 1986; am § 9 ch 102 SLA 1989; am § 4 ch 114 SLA 1992; am § 3 ch 45 SLA 2010)

Effect of amendments. — The 2010 amendment, effective September 2, 2010, in (b), added "or 36.30.175" at the end of the subsection.

Award upheld. — Provider of p failed to prove that Department c curement officer involved in assigni operation of an adult community re a competing lower bidder acted i biased, or lacked impartiality. KI Dep't of Admin., 876 P.2d 1102 (Ala

Qualified immunity. — State

Sec. 36.30.260. Contract proposals must contain

(1) a statement of the amo

(2) the date for the supplie professional services to begin

(3) a description of the sup provided; and

(4) certification by the proj contracting agency, or a design be encumbered for the amount 1996)

Sec. 36.30.265. Multi-step initially prepare a definitive p selection criteria, the procurem the submission of unpriced tech limited to the offerors whose offi criteria set out in the expressio

Sec. 36.30.270. Architectur (a) Notwithstanding conflicting officer shall negotiate a contract or person of demonstrated comp services. The procurement office reasonable compensation as deter the estimated value of the serv professional nature of the servic firm or person, the procurement

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(2) employment practices of the

(b) If negotiations with the mos section are not successful, the pro qualified firms or persons of demo procurement officer may reject all

(c) This section does not apply t if the procurement officer certifies

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to compensate the agency for
with the services contracted

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prepared in accordance with
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contract is issued under AS
procurement officer concurs,
the proposal documents are

ɜr proposals are received but
under AS 36.30.365, a protest
ɔn has not been filed by an
l in AS 36.30.565(a) for filing
turn a proposal to the offeror
a list of returned proposals in
7, 18 ch 137 SLA 1996)

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regulations adopted by the
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and responsiveness to, the
of being selected for award
ny opportunity for discussion
after submissions and before
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36.30.170(b), is offering the
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89; am § 4 ch 114 SLA 1992;

NOTES TO DECISIONS

Award upheld. — Provider of professional services failed to prove that Department of Corrections' procurement officer involved in assigning contract for the operation of an adult community residential center to a competing lower bidder acted in bad faith, was biased, or lacked impartiality. KILA, Inc. v. State, Dep't of Admin., 876 P.2d 1102 (Alaska 1994).

Qualified immunity. — State procurement officials were entitled only to qualified, not absolute, immunity with regard to a tort claim arising from bid evaluation; their limited discretion under this section, and the rarity of such lawsuits tipped the balance in favor of qualified immunity, although the availability of adequate remedies under AS 36.30.585 in the bid protest process weighed in favor of absolute immunity. Weed v. Bachner Co., 230 P.3d 697 (Alaska 2010).

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

(1) a statement of the amount of the contract;

(2) the date for the supplies to be delivered or the dates for construction, services, or professional services to begin and be completed;

(3) a description of the supplies, construction, services, or professional services to be provided; and

(4) certification by the project director for the contracting agency, the head of the contracting agency, or a designee that sufficient money is available in an appropriation to be encumbered for the amount of the contract. (§ 2 ch 106 SLA 1986; am § 19 ch 137 SLA 1996)

Sec. 36.30.265. Multi-step sealed proposals. When it is considered impractical to initially prepare a definitive purchase description to support an award based on listed selection criteria, the procurement officer may issue an expression of interest requesting the submission of unpriced technical offers, and then later issue a request for proposals limited to the offerors whose offers are determined to be technically qualified under the criteria set out in the expression of interest. (§ 10 ch 102 SLA 1989)

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

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

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

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

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

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

Sec. 36.30.335. Relationship to other product preferences. This chapter does not modify AS 36.15.010 and 36.15.020 regarding preference for Alaska forest products, or AS 36.15.050 and 36.15.060 regarding preference for Alaska agricultural and fisheries products, except as provided in AS 36.30.170(b), (c), (e) — (h), 36.30.175, and 36.30.337. (§ 29 ch 137 SLA 1996; am § 4 ch 45 SLA 2010)

Revisor's notes. — In 1998, "AS 36.30.337" was substituted for "AS 36.30.339" in this section to reflect the 1996 renumbering of AS 36.30.339.

Effect of amendments. — The 2010 amendment, effective September 2, 2010, added "36.30.175," preceding "or 36.30.337".

Sec. 36.30.336. Application. Notwithstanding other provisions of this chapter, AS 36.30.322 — 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). (§ 2 ch 106 SLA 1986; am § 3 ch 62 SLA 1987; am § 16 ch 65 SLA 1987)

Sec. 36.30.337. Procurement preference for recycled products. (a) In the evaluation of a bid or proposal for an agency procurement of products, the agency shall decrease the bid or proposal by five percent if the bid or proposal indicates that the products being purchased will be recycled products.

(b) A decrease made under (a) of this section is in addition to other preferences allowed for the procurement.

(c) The department shall establish the minimum percentage of recycled content that will qualify a product as a recycled product under (a) of this section. (§ 4 ch 175 SLA 1990)

Revisor's notes. — Formerly AS 36.30.339. Renumbered in 1996 under § 49, ch. 137, SLA 1996.

Sec. 36.30.338. Definitions. In AS 36.30.322 — 36.30.338,

(1) "Alaska product" means a product of which not less than 25 percent of the value, as determined in accordance with regulations adopted under AS 36.30.332(a), has been added by manufacturing or production in the state;

(2) "produced or manufactured" means processing, developing, or making an item into a new item with a distinct character and use through the application within the state of materials, labor, skill, or other services;

(3) "product" means materials or supplies but does not include gravel and asphalt;

(4) "recycled Alaska product" means an Alaska product of which not less than 50 percent of the value of the product consists of a product that was previously used in another product, if the recycling process is done in the state. (§ 2 ch 106 SLA 1986; am § 17 ch 65 SLA 1987; am § 6 ch 63 SLA 1988)

Revisor's notes. — Reorganized in 1986 to alphabetize the defined terms.

Sec. 36.30.339. [Renumbered as AS 36.30.337.]

Article 6. Contract Formation and Modification.

Section

340. Review and approval by the Attorney General
350. Solicitation cancellation, bid and proposal rejection, and delay of opening bid or proposal
360. Determination of nonresponsibility
362. Award of a contract to a nonresident
365. Notice of intent to award a contract
370. Permissible types of contracts
380. Contract term and cancellation
400. Required cost and pricing data and contract provisions
410. Right to inspect plant
420. Right to audit records
430. Contract clauses
460. Modification of standard clauses
470. Fiscal effects of construction contract modifications

HB

205

<TARGET><BILL>HB 205</BILL><SUBJECT>HB 205</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 23, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 3-29-11

The STATE AFFAIRS Committee considered: **HB 205**

HOUSE BILL NO. 205
"An Act relating to state and public entity procurement, including the State Procurement Code, procurement preferences, and contract awards; relating to the meaning of 'Alaska bidder'; and providing for an effective date."

HB 205-PUBLIC PROCUREMENT

Recommends it be replaced with [ ] HCS *or* **[ ] CS** *for* _____ (_____)
*For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR*_____ [ ] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin			↘

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Pete Peterson	Peterson	X			
Paul R Seaton	SEATON	X			
Mary Greenberg	Greenberg	✓			
Wes Keller	Keller	X			
Peggy Wilson	WILSON	X			
Kyle B Johansen	JOHANSEN			X	
Chair:	LYNN	X			
Chair:					

HOUSE RECORDS COMMITTEE SECRETARY: LORI ROLAND 29 MARCH 2011

HOUSE STATE AFFAIRS STANDING COMMITTEE PAGE 2 OF 2

# SHORT TITLE	ACTION TAKEN ON LEGISLATION
HB 205-PUBLIC PROCUREMENT	✓ Moved Out of Cmte
	____ Moved CS (____)Out of Cmte
	____ Moved HCS (____)Out of Cmte
	____ Heard and Held
	____ Heard and Held; Assigned to Subcmte
	____ Scheduled but not Heard
	____ Failed to Move Out of Committee
	____ Waived Out of Committee
	____ Adopted Letter of Intent

# SHORT TITLE	ACTION TAKEN ON LEGISLATION
	____ Moved Out of Cmte
	____ Moved CS (____)Out of Cmte
	____ Moved HCS (____)Out of Cmte
	____ Heard and Held
	____ Heard and Held; Assigned to Subcmte
	____ Scheduled but not Heard
	____ Failed to Move Out of Committee
	____ Waived Out of Committee
	____ Adopted Letter of Intent

# SHORT TITLE	ACTION TAKEN ON LEGISLATION
	____ Moved Out of Cmte
	____ Moved CS (____)Out of Cmte
	____ Moved HCS (____)Out of Cmte
	____ Heard and Held
	____ Heard and Held; Assigned to Subcmte
	____ Scheduled but not Heard
	____ Failed to Move Out of Committee
	____ Waived Out of Committee
	____ Adopted Letter of Intent

Alaska State Legislature

Representative Anna Fairclough – House District 17

Sponsor Statement

House Bill 205

"An Act relating to state and public entity procurement, including the State Procurement Code, procurement preferences, and contract awards; relating to the meaning of 'Alaska bidder'; and providing for an effective date."

House Bill 205 makes 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 for the state's business partners as well as our employees conduct procurements.

Streamlining is accomplished by simplifying the application of our many preferences, which is currently complex and confusing for employees and vendors requiring a certain level of expertise. The bill makes application of the preferences uniform – currently, preferences do not contain the same language so they must be applied differently. It also clarifies which preferences are cumulative and those that may not be combined.

House Bill 205 would add a new section to the procurement code consolidating the Alaska bidder preference, Alaska veterans' preference, and other preferences formerly at AS 36.30.170(b). This section also simplifies the qualification for the disability and employment program preferences and eliminates the seldom used employers of people with disabilities preference.

With the passage of this legislation, our procurement process will be simplified and more user friendly to Alaska business owners and our state workers.

I appreciate your support and consideration of this legislation.

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Representative_Anna_Fairclough@legis.state.ak.us

Alaska State Legislature

Representative Anna Fairclough – House District 17

HB 205 - 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)

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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*** 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 36.30.170

Updates a citation to reflect the renumbering of the Alaska bidder preference.

*** Section 11:** Amends AS 36.30 by adding a new section 36.30.321

Adds a new section consolidating the Alaska bidder preference, Alaska veterans' preference, and other preferences formerly at AS 36.30.170(b). This section also simplifies the qualification for the disability and employment program preferences and eliminates the seldom used employers of people with disabilities preference.

*** Section 12:** 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 13:** Amends AS 36.30.336 by repealing and reenacting

Clarifies which preferences are cumulative and which may not be combined. (example: bidders can not claim both an employment program preference and a disabled bidder preference)

*** Section 14:** Amends AS 36.30.990 by adding a new paragraph

Moves the definition for "Alaska bidder" (formerly contained in 36.30.170(b).

*** Section 15:** Amends AS 36.90.049(a)

Updates a citation to reflect the renumbering of a preference.

*** Section 16:** Amends AS 38.35.017(a)

Updates a citation to reflect the renumbering of a preference.

*** Section 17:** Repeals statute establishing the veteran preference because it has been relocated to AS 36.30.321(f). Also repeals employment program language (not the preference itself) and relationship to other preferences.

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* **Section 18:** Amends the uncodified law of the State of Alaska

Clarifies the application of the procurement act to pending solicitations during transition period.

* **Section 19:** Effective Date

Language making the procurement act effective immediately.

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HOUSE BILL NO. 205

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE FAIRCLOUGH

Introduced: 3/23/11
Referred:

A BILL

FOR AN ACT ENTITLED

"An Act relating to state and public entity procurement, including the State Procurement Code, procurement preferences, and contract awards; relating to the meaning of 'Alaska bidder'; 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 comply with **the five percent preference for bidders under AS 36.30.321(a)** [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 36.30.170 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. 11.** 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 five percent preference shall be applied to the price in the bid or proposal.

(b) Except as otherwise provided in (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) 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. To qualify for a preference under (d) of this section, a person must be on the list at the time the bid or proposal is opened.

(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) 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, other 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. 423 or 1381 - 1383f (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 - 8480; or

(E) division of vocational rehabilitation in the Department of Labor and Workforce Development using disability standards under 42 U.S.C. 1381 - 1383f (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. 12.** 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. 13.** 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(h) and AS 36.30.322(b).

* **Sec. 14.** AS 36.30.990 is amended by adding a new paragraph 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 appearing on the person's current Alaska business license;

(C) has maintained a place of business in 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.

* **Sec. 15.** 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. 16.** 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. 17.** AS 36.30.175, 36.30.250(b), and 36.30.335 are repealed.

* **Sec. 18.** 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 or amendments 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. 19.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

Representative Anna Fairclough – House District 17

DATE: March 23, 2011

TO: Representative Bob Lynn
Chair, House State Affairs Committee

FROM: Representative Anna Fairclough

RE: Hearing Request

I am requesting a hearing for two bills I have introduced this legislative session. They are bills that the legislature heard last year relating to the state procurement code. I would like both bills to move along in the process together, therefore I am requesting the bills to be scheduled for the same committee hearing.

HB 204- "An act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of person who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, and writings; and providing for an effective date."

HB 205- "An act relating to state and public entity procurement, including the State Procurement Code, procurement preferences and contract awards; relating to the meaning of 'Alaska bidder'; and providing for an effective date."

Thank you for your consideration and attention to my legislation. Should you have any questions please contact Laura Pierre in my office at 465-4695.

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Representative_Anna_Fairclough@legis.state.ak.us

HB

212

<TARGET><BILL>HB 212</BILL><SUBJECT>HB 212</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 29, 2011

FURTHER REFERRALS: Transportation Finance

Date of Committee Action: 3-13-2012

The STATE AFFAIRS Committee considered: **HB 212**

HOUSE BILL NO. 212
"An Act relating to requirements for persons holding provisional drivers' licenses."
HB 212-PROVISIONAL DRIVER'S LICENSE STICKER

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB212 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN	X			
[illegible]	Keller	X			
[illegible]	Brinkley			✓	
Paul N Seaton	Seaton			✓	
Pete Peterson	PETERSEN	X			
Chair: [illegible]				X	
Chair:					

CS FOR HOUSE BILL NO. 212(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MILLETT BY REQUEST

A BILL

FOR AN ACT ENTITLED

"An Act relating to requirements for persons holding provisional drivers' licenses."

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

*** Section 1.** AS 28.15.055 is amended by adding new subsections to read:

(b) A person holding a provisional driver's license shall display in the rear window of each vehicle operated by the person a sticker issued by the department that identifies that the vehicle is operated by a provisional licensee. The department may charge a fee for the issuance of a sticker. Failure to display a sticker as required by this subsection is an infraction and may be punished by a fine of not more than $300. However, a person charged with violating this section may not be convicted if the person

(1) has not previously been arrested, charged, or cited for a violation of this section; and

(2) produces in court proof that the person has obtained and affixed the sticker required by this subsection.

(c) Notwithstanding any other provision of law, a peace officer may not stop

or detain a motor vehicle to determine compliance with (b) of this section, or issue a citation for a violation of (b) of this section, unless the peace officer has probable cause to stop or detain the motor vehicle other than for a violation of (b) of this section.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
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To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
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Re CS for HB 212 - Draft Final 27-LS0738\M

3/13/2012

HB 212 Version M moved from Committee this morning with one amendment. Please draft a final CS for HB 212 Version M as amended. Thanks.

Conceptual Amendment #1 (Seaton)
Withdrawn

Conceptual Amendment #2 (Gruenberg)
Cannot be a primary stop by law enforcement just because a person doesn't display the sticker.

Alaska Legislature
Representative Charisse Millett

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District 30

Sponsor Statement - House Bill 212

"An Act relating to requirements for persons holding provisional drivers' licenses."

The Alaska Graduated License Program is a three-step program that is designed to develop safe driving habits as well as slowly introduce young drivers to the Alaskan road system. One of the steps in the program is graduating from an Instructional Permit to a Provisional License. There are some restrictions that follow having a Provisional License. Some examples are; You may not carry passengers unless one of the passengers is a person at least 21 years of age, You may carry passengers under the age of 21 only if they are your siblings, and you may not operate a motor vehicle between the hours of 1:00 am and 5:00 am unless accompanied by a person at least 21 years of age. Even though these restrictions are in place for young drivers, many choose to ignore these limitations that are there to provide safety to them and other Alaskan's.

Every year, teen drivers account for about 20 percent of the fatalities and major injuries that occur on Alaskan roads and highways. Many teen drivers fail to comply with the rules of the Graduated License Program. This is a problem that many schools in Alaska's urban school districts face. Teen drivers with their provisional license will take other passengers from their schools and choose not to abide by this law. This is not only a problem in the schools', but across Alaska in general.

In order to reduce the number of accidents caused by teen drivers, and to provide safety to Alaskan roads, a solution to this problem would be to issue a sticker with each Provisional License and to place the sticker in the rear window of a motor vehicle that is being operated by a Provisional License driver. This sticker would make other drivers aware that there is a newly licensed driver on the road, and it would assist law enforcement officers with identifying teen drivers who are breaking the law. The result of this solution is HB 212.

The Alaska Department of Motor Vehicles will determine the design of the sticker, and the licensee will pay the cost.

HB 212 was referred to the House State Affairs, Transportation and Finance Committees. For more information, contact Rep. Millett at (907) 465-3879.

Prepared by Jessica Luiken for Rep. Millett on March 31, 2011

PROVIDED BY NCSL

Missouri

V.A.M.S. 302.130

302.130. Issuance of temporary instruction permit, when--requirements-- duration--permit driver sticker or sign issued, when--rulemaking authority

1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program who has a valid driver's license. An applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning January 1, 2007, no permit shall be granted pursuant to this subsection unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in subsection 2 of this section, will provide a minimum of forty hours of behind-the-wheel driving instruction, including a minimum of ten hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling between sunset and sunrise. The forty hours of behind-the-wheel driving instruction that is completed pursuant to this subsection may include any time that the holder of an instruction permit has spent operating a motor vehicle in a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or by a qualified instructor of a private drivers' education program. If the applicant for a permit is enrolled in a federal residential job training program, the instructor, as defined in subsection 5 of this section, is authorized to sign the application stating that the applicant will receive the behind-the-wheel driving instruction required by this section.

2. In the event the parent, grandparent or guardian of the person under sixteen years of

age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on August 28, 1998, are exhausted.

3. The director, upon proper application on a form prescribed by the director, in his or her discretion, may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education even though the applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such permit in his or her immediate possession, to operate a motor vehicle on the highways, but only when a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education is occupying a seat beside the driver.

4. The director, in his or her discretion, may issue a temporary driver's permit to an applicant who is otherwise qualified for a license permitting the applicant to operate a motor vehicle while the director is completing the director's investigation and determination of all facts relative to such applicant's rights to receive a license. Such permit must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

5. In the event that the applicant for a temporary instruction permit described in subsection 1 of this section is a participant in a federal residential job training program, the permittee may operate a motor vehicle accompanied by a driver training instructor who holds a valid driver education endorsement issued by the department of elementary and secondary education and a valid driver's license.

6. A person at least fifteen years of age may operate a motor vehicle as part of a driver training program taught by a driver training instructor holding a valid driver education

endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program.

7. Beginning January 1, 2003, the director shall issue with every temporary instruction permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the director by regulation. Every applicant issued a temporary instruction permit and sticker on or after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle whenever the holder of the instruction permit operates a motor vehicle during his or her temporary permit licensure period.

8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction permit issued under this section is lawfully present in the United States before accepting the application. The director shall not issue an instruction permit for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any permit issued under this section.

9. The director may adopt rules and regulations necessary to carry out the provisions of this section.

New Jersey

Passed in 2009

N.J.S.A. 39:3-13.2a

New Jersey Statutes Annotated Currentness
39:3-13.2a. Special learner's permit; duration

a. Any person to whom a special learner's permit has been issued pursuant to section 1 of P.L.1950, c. 127 (C.39:3-13.1), upon successful completion of a State approved written examination, eye examination and an approved minimum six-hour behind-the-wheel driving course, shall be entitled to retain the special learner's permit in his own possession. The special learner's permit shall be validated by the commission for the purpose of driving a motor vehicle on a public highway in this State after the holder has successfully met the necessary examination requirements, and upon the successful

completion of a behind-the-wheel driving course. Such person may operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 p.m. and 5:00 a.m. while in the company and under the supervision, from the front passenger seat, of a licensed motor vehicle driver of this State who is over 21 years of age and has been licensed to drive a passenger automobile for at least three years. Such special permit shall be valid until such person's seventeenth birthday or until he qualifies for a probationary license. Except during an instructional period of a behind-the-wheel driving course, the holder of a special permit shall operate a passenger automobile with only the following passengers: (1) the supervising passenger; (2) any parent, guardian, or dependent of the special permit holder; and (3) one additional passenger . The holder of the special learner's permit shall not use any hand-held or hands-free interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any hand-held or hands-free interactive wireless communication device or operating its keys, buttons, or other controls. All occupants of the automobile shall be secured in a properly adjusted and fastened seat belt or child restraint system.

The chief administrator shall provide the holder of a special learner's permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of a special learner's permit. The decals shall be designed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of a special learner's permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's special learner's permit period has ended.

b. When notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c. 512 (C.39:4-50.4a); P.L.1992, c. 189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator determines to be significant and applicable pursuant to regulation, and in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the holder's special learner's permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder, regardless of age, satisfactorily completes a remedial training course of not less than four hours which may be given by the commission, a driving school licensed by the chief administrator pursuant to section 2 of P.L.1951, c. 216 (C.39:12-2), or any Statewide safety organization approved by the chief administrator. The course shall be administered pursuant to rules and regulations promulgated by the chief administrator and subject to oversight by the commission. The authority of the chief administrator to suspend, revoke, or deny

issuance of an initial or renewal license to operate a driving school or an instructor's license, and to assess fines, pursuant to P.L.1951, c. 216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course. The permit holder shall also remit a course fee prior to the commencement of the course. If, after completion of the remedial training course, the chief administrator is notified by a court of competent jurisdiction that the special learner's permit holder has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c. 512 (C.39:4-50.4a); P.L.1992, c. 189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation, the chief administrator, without the exercise of discretion or a hearing, shall also postpone the issuance of a basic license for 90 days. When the chief administrator is notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and he is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the special learner's permit for six months.

N.J.S.A. 39:3-13.2a

Ohio

passed this in 2004

Sec. 4507.232. When the registrar of motor vehicles or a deputy registrar issues a temporary instruction permit under this chapter, the registrar or deputy registrar also shall issue to the applicant a sticker or banner that reads "student driver." When the holder of the temporary instruction permit operates a motor vehicle, the sticker or banner may be displayed on the motor vehicle to inform other motor vehicle operators that the motor vehicle is being operated by a holder of a temporary instruction permit, but such display is not required.

The sticker or banner may be displayed on a side window or the rear window of the motor vehicle notwithstanding section 4513.24 and division (F) of section 4513.241 of the Revised Code or any rule adopted thereunder.

The registrar shall determine the size of the sticker or banner, which shall not exceed four inches in height by twelve inches in length, and the material and all other properties of the sticker or banner, but shall select a material so that the sticker or banner can be transferred readily from one motor vehicle to another.

New Driver Safety

Safer Alaskan Roads for Alaskan Drivers

Teenage Drivers Are the Leading Cause in Automobile Accidents

- Young people age 15-24, represent only 14% percent of the US population. However they account for 30% (19 billion) of the total cost of motor vehicle injuries.
- In the United States, the crash rate per mile driven by 16-19 year olds is 4 times the risk for older driver
- Insurance rates for 16-25 are higher and premium increases of 50 to 100 percent are not unheard of.

Leading cause of death among teenagers by gender in 2006

Cause of Death	Male	Female	Total
Motor Vehicles	3,415	1,744	5,159
Homicide	2,106	337	2,443
Suicide	1,370	348	1,718
Malignant neoplasm's	515	345	860

Alaska Statistics for Drivers 14-16
2004-2008

Motor Vehicle Traffic Crashes Involving Drivers age 14-16, 2004-2008

	2004	2005	2006	2007	2008
Crashes	692	592	477	441	437
Property Damage Only	428	377	307	270	288
Minor Injury Crashes	222	191	146	137	127
Major Injury Crashes	37	22	19	28	15
Fatal Crashes	5	2	5	6	7
Non-Fatal Injuries	398	321	256	264	223
Minor Injuries	348	296	228	230	201
Major Injuries	50	25	28	34	22
Fatal Injuries	5	2	5	7	8
Occupants Not Injured	1830	1361	1195	987	1070

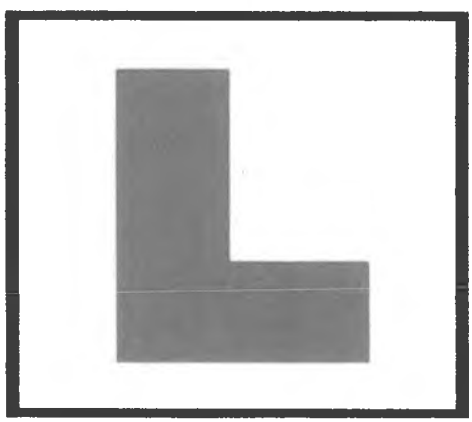
Source: State of Alaska, Department of Transportation and Public Facilities, Highway Analysis System (HAS)

New Teen Drivers

- Teenage drivers with their Instructional Permit are more likely to be a hazard due to:
  - Lack of experience
  - Inclement weather conditions
  - Apprehension
  - Alaska has no Driver's Education requirement

Solution

- Require that all persons acquiring a Instructional Permit be required to place a “L” magnet representing Learner on the back and front of the vehicle that they are driving.



Why This Solution?

- This solution will provide safety to other Alaskan drivers.
- It will provide other drivers and police officers awareness of the type of driver that they are dealing with.
- Impress other driver's to be more cautious driving around the new teen driver

Points

- If a teen driver with an Instructional permit is found not using their car magnet on the back and front, then they will be subject to accumulating 1 point on their record.

Procedures

- The state of Alaska will supply the Department of Motor Vehicles with magnets to distribute those persons acquiring an Instructional permit
- Those acquiring an Instructional permit will pay for the magnets as part of the permitting process.
- Magnets will be placed on the front and back of their vehicle when the permit holder is the primary driver

Legislative Actions

- Ask legislative staff for assistance in writing a bill
- Ask Representative to introduce this bill for consideration during this legislative session
- Seek support from other legislative sponsors of this bill
- Seek comments from DOT&PF, DPS, DOA/DMV

Summary

- Teen drivers with only Instructional Permits new to Alaskan roads are hazardous to themselves and other Alaskans
- Provide a requirement to new drivers so that Alaskan driver may be aware of who is on Alaskan roads
- Reduce the number of accidents in Alaska and help save young Alaskan lives

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB212**
Fiscal Note Number:
() Publish Date:

Identifier (file name)	HB212-DOA-DMV-3-8-12	Dept. Affected	Administration
Title	Provisional Driver License Sticker	Appropriation	Motor Vehicles
		Allocation	Motor Vehicles
Sponsor	Representative Millett		
Requester	House State Affairs	OMB Component Number	2348

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version

Prepared by	Whitney Brewster, Director	Phone	907-269-5559
Division	Motor Vehicles	Date/Time	3/8/12 1:00 PM
Approved by	John Cramer, Deputy Commissioner	Date	3/8/2012
	Department of Administration		

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB212

Analysis

This bill would require provisional drivers to adhere a sticker to the vehicle that they are operating that designates them as a provisional driver's license holder. It would also make it an infraction with a fine of not more than $300 for failure to display the sticker. This bill will have a minor fiscal impact on the Division of Motor Vehicles (DMV) for producing the provisional stickers. DMV will absorb the costs in its operating budget and therefore submits a zero fiscal note.

scheduling email

Nancy Manly

To: Jeff Turner
Subject: RE: hearing for HB 212

Okay, I'll pencil in for that date. Thanks.

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: Jeff Turner
Sent: Wednesday, February 22, 2012 3:18 PM
To: Nancy Manly
Subject: RE: hearing for HB 212

Nancy,

March 6th will not work for us. I guess it will need to take place on the 13th or after.

Thanks,

Jeff Turner
Office of Rep. Charisse Millett
Dist. 30
Alaska Legislature
907-465-6588

If you would like to get Rep. Millett's electronic newsletter, just reply with the word "subscribe" in the subject line.

From: Nancy Manly
Sent: Wednesday, February 22, 2012 3:16 PM
To: Jeff Turner
Subject: FW: hearing for HB 212
Importance: High

Jeff: Next week's schedule is already planned. We are hearing the Governor Appointments on the 1st of March and already have two bills on the schedule for Tuesday the 28th, one of which is going to take the whole committee meeting and then some. The following week is Energy Council Week. IF we have enough members on Tuesday, the 6th to even hold a meeting, I can pencil it in for that day, otherwise we are looking at Tuesday March 13. Just want to give you a heads up on the scheduling.

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: Jeff Turner
Sent: Wednesday, February 22, 2012 2:31 PM

To: Nancy Manly
Subject: FW: hearing for HB 212
Importance: High

Nancy,

FYI – Here is what Jessica sent me.

Jeff Turner
Office of Rep. Charisse Millett
Dist. 30
Alaska Legislature
907-465-6588

If you would like to get Rep. Millett's electronic newsletter, just reply with the word "subscribe" in the subject line.

From: Jessica Luiken [mailto:jlluiken@gmail.com]
Sent: Wednesday, February 22, 2012 9:01 AM
To: Jeff Turner
Subject: Re: hearing for HB 212
Importance: High

Mr. Turner,

I will be out of town February 24th to March 4th. If the hearing is during that time I will call in. If the hearing is not on those dates, then I will try to fly in for the hearing.

Respectfully,

Jessica Luiken

On Feb 21, 2012, at 1:50 PM, Jeff Turner wrote:

Hi Jessica,

We might be getting a hearing for HB 212. Would you able to travel to Juneau to testify on the bill or are you going to call in?
Please let me know ASAP.

Thanks,

Jeff Turner
Office of Rep. Charisse Millett
Dist. 30
Alaska Legislature
907-465-6588

If you would like to get Rep. Millett's electronic newsletter, just reply with the word "subscribe" in the subject line.

Teleconferencing/Equipment Request for HB 212
House State Affairs Committee

1) Jessica Luiken (Jessica will present the bill. It was submitted for her on behalf of Rep. Millett)

2) Whitney Brewster, Director, Alaska Division of Motor Vehicles (available to answer questions)

Equipment:

Laptop computer for PowerPoint presentation

Prepared by Jeff Turner on February 21, 2012

Alaska Legislature
Representative Charisse Millett

Session:
State Capitol Building, Room 13
Juneau, AK 99801
Phone (907) 465-3879
Fax (907) 465-2069
Toll Free (888) 269-3879

Interim:
Anchorage LIO
716 W 4th Ave., Room 630
Anchorage, AK 99501
Phone (907) 269-0222
Fax (907) 269-0223

MEMORANDUM

To: Rep. Bob Lynn
From: Rep. Charisse Millett
Subject: Scheduling request for HB 212
Date: Friday, February 21, 2012

I respectfully request a hearing before the House State Affairs Committee on House Bill 212.

All the necessary documents are included with this request.

Jeff Turner is the staffer assigned to this legislation and he can be reached at (907) 465-6588.

###

HOUSE BILL NO. 212

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MILLETT BY REQUEST

Introduced: 3/29/11
Referred: State Affairs, Transportation, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to requirements for persons holding provisional drivers' licenses."

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

*** Section 1.** AS 28.15.055 is amended by adding a new subsection to read:

(b) A person holding a provisional driver's license shall display in the rear window of each vehicle operated by the person a sticker issued by the department that identifies that the vehicle is operated by a provisional licensee. The department may charge a fee for the issuance of a sticker. Failure to display a sticker as required by this subsection is an infraction and may be punished by a fine of not more than $300. However, a person charged with violating this section may not be convicted if the person

(1) has not previously been arrested, charged, or cited for a violation of this section; and

(2) produces in court proof that the person has obtained and affixed the sticker required by this subsection.

HB 216

<TARGET><BILL>HB 216</BILL><SUBJECT>HB 216</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 30, 2011 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 1-19-2012

The STATE AFFAIRS Committee considered: **HB 216**

HOUSE BILL NO. 216
"An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation."
HB 216-REGULATIONS: INFORMATIVE SUMMARY/BILLS

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 216 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ [X] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	ALL		X	

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Peggy Wilson	WILSON	X			
Mike Keller	Keller				X
Max Gruenberg	Gruenberg				-
Paul W. Seaton	Seaton				X
Pete Petersen	PETERSEN				X
Chair: Bob	LYNN	X			
Chair:					

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 3
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re HB 216 - Draft Final CS 27-LS0701\B

1/19/2012

HB 216 moved from the House State Affairs Committee with some amendments. Please draft a final CS with the amendments as follows:

Amendment #1 (Wilson)
B.2 (attached)

Amendment #2 (Wilson)
B.1 (attached)

Conceptual Amendment #3 (Wilson)
Withdrawn

Conceptual Amendment #4 (Wilson)
Withdrawn

27-LS0701\B.2
Bannister
1/18/12

AMENDMENT #1

OFFERED IN THE HOUSE

TO: HB 216

Page 2, lines 4 - 5:

Delete "**include a summary of the existing regulation as well as a summary of the change proposed by the amendment or repeal**"

Insert "**also describe how the amendment or repeal will change the existing regulation**"

27-LS0701\B.1
Bannister
1/18/12

AMENDMENT #2

OFFERED IN THE HOUSE

TO: HB 216

Page 2, line 7, following "**understand**":

Insert "**without following Internet links to the Alaska Administrative Code**"

Nancy Manly

From: Nancy Manly
Sent: Friday, January 20, 2012 8:23 AM
To: Sheila Finkenbinder; Arthur Martin
Subject: CSHB 216 (STA) and Legal Memo
Attachments: Scan001.PDF

Sheila - attached is the Committee Substitute for HB 216 (STA) that we got back from Legal yesterday afternoon. The two amendments that passed are included in this bill draft. I'll be delivering the file to the Chief Clerk's office this morning. I did look it over and everything looks good. If you do see any problems though, let me know. If you have questions on the memo, call and talk with legal directly.

Thanks,

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

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 19, 2012

SUBJECT: CSHB 216(STA) relating to regulations
(Work Order No. 27-LS0701\I)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Nancy Manly

FROM: Terry Bannister
Legislative Counsel

This memo accompanies the bill described above.

Please note that a court is unlikely to void a bill for violating AS 24.08.045, added by sec. 1. The question of what a bill must include is a matter of legislative procedure, which may be determined by each legislature under art. II, sec. 12 of the state constitution. Therefore the courts will not interfere, even when the legislature violates a procedural statute. Abood v. League of Women Voters, 743 P.2d 333 (Alaska 1987).

If I may be of further assistance, please advise.

TLB:ljw
12-030.ljw

Enclosure

CS FOR HOUSE BILL NO. 216(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE PEGGY WILSON

A BILL

FOR AN ACT ENTITLED

"An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation."

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

* **Section 1.** AS 24.08 is amended by adding a new section to read:

Sec. 24.08.045. Bills authorizing regulations. A bill that directs an agency to adopt regulations must set a specific time by which the regulations must be adopted.

* **Sec. 2.** AS 44.62.200(a) is amended to read:

(a) The notice of proposed adoption, amendment, or repeal of a regulation must include

(1) a statement of the time, place, and nature of proceedings for adoption, amendment, or repeal of the regulation;

(2) reference to the authority under which the regulation is proposed and a reference to the particular code section or other provisions of law that are being

implemented, interpreted, or made specific;

(3) an informative summary of the proposed subject of agency action; **if the proposed agency action is to amend or repeal an existing regulation, the informative summary must also describe how the amendment or repeal will change the existing regulation; the informative summary shall be written in clear, easily readable language that a person without a legal background is able to understand without following Internet links to the Alaska Administrative Code;**

(4) other matters prescribed by a statute applicable to the specific agency or to the specific regulation or class of regulations;

(5) a summary of the fiscal information required to be prepared under AS 44.62.195.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 24.08.045, enacted by sec. 1 of this Act, applies to bills that are filed on or after the effective date of this Act.

Nancy Manly

From: Nancy Manly
Sent: Thursday, January 19, 2012 11:40 AM
To: Will Vandergriff; Jeremiah Campbell
Subject: COMMITTEE ACTIVITY - House State Affairs Committee 1/19/2012

1/19/2012

The House State Affairs Committee heard and moved two pieces of legislation from committee today. They were:

HB 182 (Johansen) – Electronic Distribution of Agency Reports. MOVED FROM COMMITTEE with a number of amendments. The bill changes the publication requirements for all departments and state agencies from a printed document to an electronic format that is posted on the agencies website and is easily accessible to the public.

HB 216 (Wilson) – Regulations: Informative Summary Bills. MOVED FROM COMMITTEE with several amendments. HB 216 addresses problems related to the slow manner in which regulations are sometimes implemented and the confusing language of regulations. HB 216 would require that the legislature set up a time to have regulations completed and ready to implement and require agencies to provide descriptive summaries of proposed changes to regulations.

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

recommendations and the accompanying fiscal notes. There being no objection, HCS SB 93(STA) was reported out of the House State Affairs Standing Committee.

HB 216-REGULATIONS: INFORMATIVE SUMMARY/BILLS

9:03:57 AM

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 216, "An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation."

9:04:36 AM

The committee took a one-minute at-ease.

9:05:36 AM

REPRESENTATIVE P. WILSON presented HB 216 as sponsor. She said the bill would address two problems related to changes in state regulations: the slow manner in which regulations are sometimes implemented and the confusing language of regulations.

9:07:26 AM

REPRESENTATIVE P. WILSON said Section 1 of the proposed legislation would require that the legislature set up a time to have regulations completed and ready to implement. She said this information is important to legislators when deciding when to set the effective date of proposed legislation. Section 2, she noted, would require agencies to provide descriptive summaries of proposed changes to regulations. She said this will help legislators to better understand the proposed changes, as well as aid in the public's understanding of those changes, thereby increasing the public's participation in government process. She said the descriptions need not be lengthy and would not be legally binding.

REPRESENTATIVE P. WILSON pointed to a note [included in the committee packet] from Theresa Bannister of Legislative Legal and Research Services. Representative P. Wilson said that based on Ms. Bannister's comments, she realizes that the courts are unlikely to void a bill for violating the requirements under HB 216, and amendments may be necessary to make the proposed legislation more viable. However, she expressed her belief that

there is a great need for improvement in the legislative process, which is the intent of HB 216. She said she open to suggestions from the committee.

9:10:05 AM

REPRESENTATIVE JOHANSEN expressed appreciation to Representative P. Wilson for bringing the proposed legislation forward, but said he thinks a lot of discussion would be required to address issues including the timeline of public process, the complexities of implementing statute, and the difficulty departments have in implementing initiatives.

9:11:41 AM

REPRESENTATIVE KELLER thanked Representative P. Wilson for sponsoring HB 216, concurred with Representative Johansen that the bill needs further consideration, and offered to help the sponsor with the legislation over the interim.

9:12:30 AM

REPRESENTATIVE GRUENBERG mentioned a proposed bill heard a few weeks ago regarding the waiver of attorney client privilege, and said there had been discussion about how rule making under the Administrative Procedure Act (APA) is working. He said he thinks "that would be a ... good project for this committee in the interim." He asked Representative P. Wilson if she would allow HB 216 to be used as a vehicle in considering any necessary changes to the rule-making process.

REPRESENTATIVE P. WILSON answered yes.

9:13:57 AM

REPRESENTATIVE PETERSEN said he likes the concept of HB 216, but expressed concern about the subjective nature of ["**easily readable language that a person without a legal background is able to understand**" - page 2, lines 6-7].

9:14:24 AM

REPRESENTATIVE P. WILSON noted that the sponsor statement singles out the Department of Health & Social Services in the example given of the length of time taken to adopt a regulation. She emphasized that her intent had not been to insult that entity, and said she would revise the sponsor statement.

9:15:54 AM

WARD HURLBURT, Director and Chief Medical Officer, Division of Public Health, Department of Health & Social Services, in response to the bill sponsor, related that the department had failed to expeditiously publish regulations following the passage of House Bill 277. He assured the committee that the department takes its responsibilities seriously, and he said he would help to ensure such a lapse does not recur. He added that the department has no official position regarding HB 216.

9:17:57 AM

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

9:18:18 AM

REPRESENTATIVE SEATON said this is an important issue, and he expressed his appreciation that the committee is addressing it.

[HB 216 was held over.]

HB 182-ELECTRONIC DISTRIBUTION OF AGENCY REPORTS

9:18:47 AM

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 182, "An Act relating to distribution of annual reports by state agencies."

REPRESENTATIVE JOHANSEN, as sponsor, reported that he is working on a committee substitute and is responding to feedback regarding the need for clarification. He said he plans to work on the bill during the interim and hopes it will be heard again at the start of session in January 2012.

REPRESENTATIVE KELLER opined that [HB 182] is a good bill.

[HB 182 was held over.]

HB 190-PFD ALLOWABLE ABSENCE: MILITARY

9:19:39 AM

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 25, 2011

SUBJECT: Bill relating to regulations (Work Order No. 27-LS0701\M)

TO: Representative Peggy Wilson
Attn: Sheila Finkenbinder

FROM: Theresa Bannister
Legislative Counsel

This memo accompanies the bill described above.

Alternate regulation procedures. Certain entities are not covered by AS 44.62.200 in sec. 2 of this bill. They are covered by their own procedures for adopting regulations. The ones that I have located are the Alaska Aerospace Corporation at AS 14.40.871(b), the Alaska Housing Finance Corporation at AS 18.56.088, the Knik Arm Bridge and Toll Authority at AS 19.75.111, and the Alaska Permanent Fund Corporation at AS 37.13.206. These statutes do refer to summaries, and they could be amended to include the language that you are adding in sec. 2 of the bill. If you would like to amend these statutes in the bill, please advise.

Note that a court is unlikely to void a bill for violating AS 24.08.045, added by sec. 1. Aside from constitutional requirements, the question of what a bill must include is a matter of legislative procedure, which may be determined by each legislature under art. II, sec. 12 of the state constitution. Therefore the courts will not interfere, even when the legislature violates a procedural statute. Abood v. League of Women Voters, 743 P.2d 333 (Alaska 1987).

If I may be of further assistance, please advise.

TLB:plm
11-180.pm

Enclosure

ALASKA STATE LEGISLATURE

Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 406
Juneau, AK 99801-1182
Phone: (907) 465-3824
1-800-686-3824
Fax: (907) 465-3175

REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT
House Bill 216

"An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation."

HB 216 will accomplish two goals relating to changes to state regulations; increasing the speed with which regulations are written, and describing in plain, easy-to-understand language all regulations that are adopted, amended or repealed.

Legislators and the public have often been frustrated by the fact that months, or even years, sometimes pass between the time that a bill is passed by the legislature and the time the regulation is implemented. The result is Alaska residents, businesses and legislators who are confused, and sometimes unable to plan, because they are not clear about what regulations are currently in effect. As an example: as we were looking at the governor's House Bill 110, on oil taxes, we didn't have proof of what regulations were currently being enforced because the ACES regulations hadn't even been written – three years after we passed the legislation. The same confusion can impact individuals who are unclear about when, or if, new regulations concerning their business or recreational activities take effect. HB 216 states that any bill requiring creation or modification of any regulation must include a regulation completion deadline.

The other problem addressed by this bill is the confusion and lack of understanding of many proposed regulation changes or new additions. This confusion is caused by the legalese used to describe proposed regulations. This language, while accurately and legally describing proposed regulations, is difficult to understand by the average individual. HB 216 will require that all proposed regulation changes include descriptions, in plain English, of what the original regulation does and what the proposed change will do.

Passage of this legislation will encourage public participation in the regulation review process, as people find it easier to understand what the regulations mean to them. It will also help speed passed legislation to implementation when regulations are completed on a recommended schedule set in statute.

ALASKA STATE LEGISLATURE

Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 406
Juneau, AK 99801-1182
Phone: (907) 465-3824
1-800-686-3824
Fax: (907) 465-3175

REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

MEMORANDUM

Date: April 5, 2011

To: Representative Bob Lynn, Chair, State Affairs Committee

From: Representative Peggy Wilson PW

RE: **HB 216 "Regulations: Informative Summary/Bills"**

I respectfully request a hearing in the State Affairs Committee for HB 216, "An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation".

If you have any questions, please call me at 465-3824 or my staff, Sheila Finkenbinder, at 465-6887.

Thank you for considering this important piece of legislation.

library

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 216**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB216-GOV-OMB-1-13-2012
Title: Deadlines in bills for the Adoption of Regulations
Sponsor: P. Wilson
Requester: House State Affairs

Dept. Affected: All
Appropriation:
Allocation:
OMB Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services	***	***	***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	***	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		***	***	***	***	***	***	***

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated for the 2012 legislative session.

Prepared by: Arnold Liebelt, Policy Analyst
Division: Office of Management and Budget
Phone: 907-465-4676
Date/Time: 1/13/12 12:30 PM

Approved by: Karen Rehfeld, Director
Office of Management and Budget
Date: 1/13/2012

(Revised 1/10/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 216

Analysis

HB 216 sets out to accomplish two objectives.

1. Requires bills to include language that establishes a date when regulations must be implemented;

2. Requires that all proposed regulation changes include descriptions in plain English that is easily understood by the public, of what the existing regulation does and what the proposed change will do.

Based on the language of the bill, the extent of the fiscal impact cannot be quantified for every agency, but we do believe the impact would be extensive, and that it would be statewide. With regards to objective 1, fiscal notes for bills introduced will need to consider the cost associated with the time required to implement regulations. Depending on the nature and the complexity of the bill, the fiscal impact could include the need for additional staff or a consultant to assist with implementing the regulations within the time allowed. Departments such as Health & Social Services, Environmental Conservation, Fish & Game, Commerce Community and Economic Development, and Natural Resources have historically had more complex legislation than other departments and as such, could be impacted to a higher degree. Quantifying this impact is not possible.

The second objective of this bill will raise the amount departments need to pay for public notices as they would be required to print a summary of the existing regulation as well as a summary of the proposed change. This will need to be written in clear, easily readable language that can be understood by those without a legal background. The additional amount of information that will need to be written will have a fiscal impact, and the cost of framing the regulation without legal language could also have an immediate fiscal impact and a long term fiscal impact if the language needs legal interpretation in the future.

FISCAL NOTE

STATE OF ALASKA cost ≠ codes
2012 LEGISLATIVE SESSION

Bill Version **HB 216**
Fiscal Note Number 1
Publish Date 3/30/2011

Identifier (file name) HB216-GOV-OMB-10-7-2011
Title Deadlines in Bills for the Adoption of Regulations
Sponsor WILSON
Requester House State Affairs

Dept. Affected All
Appropriation
Allocation
OMB Component Number

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	***	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		***	***	***	***	***	***	***

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Arnold Liebelt, Senior Policy Analyst
Division Office of Management and Budget
Approved by Karen Rehfeld, Director
Office of Mangement and Budget

Phone 907-465-4676
Date/Time 10/7/11 9:00 AM
Date 10/7/2011

(Revised 8/17/2011 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB 216
2012 LEGISLATIVE SESSION

Analysis

HB 216 sets out to accomplish two objectives.

1. Requires bills to include language that establishes a date when regulations must be implemented;

2. Requires that all proposed regulation changes include descriptions in plain English that is easily understood by the public, of what the existing regulation does and what the proposed change will do.

Based on the language of the bill, the extent of the fiscal impact cannot be quantified for every agency. Depending on the nature and the complexity of the bill, the fiscal impact could include the need for additional staff or a consultant to assist with implementing the regulations within the time allowed. Departments such as Health & Social Services, Environmental Conservation, Fish & Game, Commerce Community and Economic Development, and Natural Resources have historically had more complex legislation than other departments and as such, could be impacted to a higher degree. Quantifying this impact is not possible at this time.

The second objective of this bill will raise the amount departments need to pay for public notices as they would be required to print a summary of the existing regulation as well as a summary of the proposed change. This will need to be written in clear, easily readable language that can be understood by those without a legal background. The additional amount of information that will need to be written will have a fiscal impact, and the cost of framing the regulation without legal language could also have an immediate fiscal impact and a long term fiscal impact if the language needs legal interpretation in the future.

HB 219

<TARGET><BILL>HB 219</BILL><SUBJECT>HB 219</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 2, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 3-20-12

The STATE AFFAIRS Committee considered: **HB 219**

HOUSE BILL NO. 219
"An Act exempting certain emergency medical and fire department services from regulation as insurance."
HB 219-FIRE AND EMERGENCY MEDICAL SERVICES

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 219 **(** STA **)**
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	DCCED/Ins			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
K. Lee B. Johansen	JOHANSEN			X	
Kelly Keller	Keller	X			
Wagoner Gruenberg	Gruenberg	–			
Paul Seaton	Seaton	✓			
Pete Peterson	PETERSEN	X			
Chair: Bob Lynn	LYNN	X			
Chair:					

CS FOR HOUSE BILL NO. 219(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Guttenberg, Thomas

A BILL

FOR AN ACT ENTITLED

"An Act exempting certain activities of ambulance, emergency, and fire department services from regulation as insurance."

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

*** Section 1.** AS 21.03.021 is amended by adding new subsections to read:

(g) This title does not apply to a solicitation or a voluntary agreement to provide ambulance and emergency services by a municipality or by a community-based nonprofit organization formed to provide ambulance and emergency services under the terms of an agreement with a prospective recipient of the services in the community.

(h) This title does not apply to a solicitation or a voluntary agreement to provide fire protection services by a municipality or by a community-based nonprofit organization formed to provide fire protection services under the terms of an agreement with a prospective recipient of the services in the community.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 N Manly # of Pages (including cover): 1
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re CS for HB 219 - Draft Final 27-LS0638/D

3/20/2012

HB 219 Version D moved from the House State Affairs Committee this morning with no amendments. Please draft a final CS for HB 219 Version D as written. Thanks.

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

Changes between HB 219 Ver. B to I

The two subsections of this bill were renumbered from (f) and (g) to (g) and (h).

Language has been inserted in both (g) and (h) to expand the provisions to not only a solicitation but also an agreement to provide services.

Subsection (g) has been expanded to include "community-based" to limit the provisions of the bill to only locally based organizations.

Prepared by M. Paschall, Office of Rep. Eric Feige, March 14, 2012

Email: Representative.Eric.Feige@legis.state.ak.us

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

Changes between HB 219 Ver. I to D

Language has been inserted in both (g) and (h) Line 5 and Line 10 to add the word "voluntary" before the word "agreement."

Language has been inserted in both (g) and (h) Line 8 and Line 13 to add the word "in the community" following the word "services."

Prepared by M. Paschall, Office of Rep. Eric Feige, March 19, 2012

Email: Representative.Eric.Feige@legis.state.ak.us

27-LS0638\I
Bailey
3/8/12

CS FOR HOUSE BILL NO. 219( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Guttenberg, Thomas

A BILL

FOR AN ACT ENTITLED

"An Act exempting certain activities of ambulance, emergency, and fire department services from regulation as insurance."

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

* **Section 1.** AS 21.03.021 is amended by adding new subsections to read:

(g) This title does not apply to a solicitation or an agreement to provide ambulance and emergency services by a municipality or by a community-based nonprofit organization formed to provide ambulance and emergency services under the terms of an agreement with a prospective recipient of the services.

(h) This title does not apply to a solicitation or an agreement to provide fire protection services by a municipality or by a community-based nonprofit organization formed to provide fire protection services under the terms of an agreement with a prospective recipient of the services.

27-LS0638\D
Bailey
3/15/12

adopted

Keller moved version D its before the Committee

CS FOR HOUSE BILL NO. 219( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FEIGE, Guttenberg, Thomas

A BILL

FOR AN ACT ENTITLED

"An Act exempting certain activities of ambulance, emergency, and fire department services from regulation as insurance."

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

*** Section 1.** AS 21.03.021 is amended by adding new subsections to read:

(g) This title does not apply to a solicitation or a voluntary agreement to provide ambulance and emergency services by a municipality or by a community-based nonprofit organization formed to provide ambulance and emergency services under the terms of an agreement with a prospective recipient of the services in the community.

(h) This title does not apply to a solicitation or a voluntary agreement to provide fire protection services by a municipality or by a community-based nonprofit organization formed to provide fire protection services under the terms of an agreement with a prospective recipient of the services in the community.

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

SPONSOR STATEMENT – HB 219

HB 219 allows local fire and emergency medical agencies to solicit funding as a form of prepayment for services. This type of program has been successful in allowing such organizations to raise needed operating funds while limiting financial risk to those that may need the agency's services.

In a typical scenario, an individual or family pays a set fee to the local emergency medical service on an annual basis. The agency will then provide services to the individual or family member without additional charge to the individual.

Under current statute, it is the opinion of the Division of Insurance that this type of activity is deemed insurance and is regulated by that division in some situations. HB 219 will clarify that this type of program is not insurance and is not regulated by the division.

Email: Representative.Eric.Feige@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 219**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB219-DCCED-INS-02-10-12
Title: Fire and Emergency Medical Services
Sponsor: Representative Feige
Requester: House Community and Regional Affairs

Dept. Affected: DCCED
Appropriation: Insurance
Allocation: Insurance
OMB Component Number: 354

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
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
Services	0.0		0.0	0.0	0.0	0.0	0.0
Commodities	0.0		0.0	0.0	0.0	0.0	0.0
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by: Linda Hall, Director — Phone: 907-465-2560
Division: Insurance — Date/Time: 2/10/12 8:30 AM
Approved by: JoEllen Hanrahan, Director Administrative Services — Date: 2/10/2012
Commerce, Community, and Economic Development

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 219

Analysis

HB 219 makes two exemptions from the Insurance title: the solicitation by a municipality or nonprofit organization to provide ambulance and emergency services under the terms of an agreement; and a solicitation by a municipality or nonprofit fire department registered with the state fire marshal to provide fire protection services under an agreement.

No fiscal impact is anticipated by the division as a result of this legislation.

STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT
Division of Insurance

Sarah Palin, Governor
Emil Notti, Commissioner
Linda S. Hall, Director

RECEIVED
SEP 12 2008
GUESS & RUDD

September 9, 2008

Mr. James D. DeWitt
Guess & Rudd P.C.
100 Cushman Street, Suite 500
Fairbanks, AK 99701-4659

Dear Mr. DeWitt:

Thank you for your May 28, 2008, letter addressed to Director Hall asking whether a fire service subscription program is insurance.

After review of this letter describing the fire protection subscription service, we have determined that the program as described falls within the scope of the definition of insurance in Title 21 of the Alaska Statutes. Alaska Statute 21.90.900(25) defines insurance to be a contract whereby one undertakes to indemnify another or pay or provide a specified or determinable amount or benefit upon determinable contingencies. While the fire protection subscription does not indemnify or compensate the resident or business for their loss, it does provide a specified benefit (fire service) upon determinable contingencies (fire).

If you have supplementary information that might provide further insight into the program you describe, we would, of course, be willing to review that material. Additional information might include any plan documents, plan implementation descriptions, models such as other municipality or state plans upon which the plan you describe was based or any other relevant material.

Thank you for contacting the Division of Insurance.

Sincerely,

Sarah McNair-Grove, FCAS, MAAA
Actuary

P.O. Box 110805, Juneau, Alaska 99811-0805
Telephone: (907) 465-2515 Fax: (907) 465-3422 Text Telephone: (907) 465-5437
Email: insurance@commerce.state.ak.us Website: http://www.commerce.state.ak.us/insurance/

ALASKA FIRE CHIEF'S ASSOCIATION

2358 Bradway Road, North Pole, Alaska 99705
Phone: (907) 488-3400 FAX: (907) 488-6118

February 27, 2012

Rep. Eric Feige
State Capitol Room 126
Juneau, Alaska 99801-1182

Reference: HB219 "An Act exempting certain emergency medical and fire department services from regulation as insurance."

Dear Rep. Feige,

I am writing today on behalf of the Alaska Fire Chiefs Association in support of HB219 "An Act exempting certain emergency medical and fire department services from regulation as insurance."

In some of our smaller communities across the State of Alaska raising funds to provide for Fire and EMS services is difficult at best. They are not supported through local taxation and survive through donations and other fund raising means.

A model that has been used nationally is for the local Fire or EMS agency to charge a subscription or fee to provide services to an individual or family. The revenue generated by these fees goes directly to support the operations of the Emergency Service Provider.

We feel that HB219 makes clear that these agencies are not providing insurance and should not be regulated as such.

Sincerely,

Jeff Tucker, Fire Chief
AFCA Legislative Committee Chair

Few participate in Tri-Valley volunteer ambulance plan
by Kris Capps / For the News-Miner

DENALI PARK - The annual ambulance plan for the Tri-Valley Volunteer Fire Department is a better bargain than I thought.

I mistakenly reported last week that it costs $100. In fact, the cost is only $75. The funds are used for maintenance of fire and rescue equipment.

Surprisingly, participation in this program is very low — less than 20 percent of the population chooses to sign up.

Here's how it works: If you need an ambulance anytime during the coming year, and you are on this plan, you will not be charged. This includes emergency medical services for any family members who live in the household.

If you are uninsured, this cost is covered. If you are insured, your insurance company is billed and any outstanding balance is forgiven.

I also look at it as my annual donation to this important local organization.

I would suggest it is well worth supporting.

Even if you don't sign up, be sure to update the department on information about your residence, in case they are ever called in an emergency: your physical address, number of people living in your home and any special needs they may have. Email the information to tvvfd@mtaonline.net.

REPRESENTATIVE
ERIC FEIGE
House District 12
House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature

House of Representatives

During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

MEMORANDUM

To: Rep. Bob Lynn, Chair, House State Affairs Committee

From: Rep. Eric Feige

Date: March 5, 2012

Re: Hearing Request, HB 219

I am requesting a hearing on HB 219 that is currently referred to the House State Affairs Committee. Attached you will find the following documents:

1. Current bill version 27-LS0638\B.
2. Sponsor Statement.
3. Fiscal Note HB219-DCCED-INS-02-10-12.
4. Division of Insurance Letter indicating current practice is insurance and regulated by the division.
5. Alaska Fire Chiefs Association letter of support.
6. News Miner article about program in Tri-Valley that may be deemed insurance by the division.

If you have any questions, or need additional information, please feel free to contact me or Michael Paschall on my staff. He may be reached directly at 465-5446 or 460-8629.

E-Mail: Representative.Eric.Feige@legis.state.ak.us

HB 239

<TARGET><BILL>HB 239</BILL><SUBJECT>HB 239</SUBJECT><COMM>HSTA27</COMM></TARGET>

Representative Lindsey Holmes

Sponsor Statement

HB 239 – Professional Services in State Funded Contracts

The State of Alaska currently requires that designers of state public works projects be selected using qualifications-based criteria – choosing the most qualified firms, based on experience, before negotiating price. Similarly, the federal government requires qualifications-based selection for professional services on projects that accept federal funds.

House Bill 239 extends state qualifications-based selection contract requirements for architectural, engineering and land surveying services to projects that receive state funding.

The qualifications-based methodology differs from the lowest-bid method, which is standard during the construction phase of public projects. A higher standard of selecting the most qualified people for the design of projects lowers the chances of multiple redesigns and project cost overruns.

Under HB 239, if the state participates in funding a project, the entity receiving state funds will select the highest ranked professionals to design the project. After that selection, the entity negotiates for cost of services. If negotiations fail, the entity goes to the second highest ranked firm to negotiate, and so on down the line in order of ranking until an agreement is reached.

This legislation lowers the chance that entities receiving state funds for projects will come back to the state asking for more funds to cover design errors.

Alaska statutes related to architectural, engineering, and land surveying contract requirements for State of Alaska projects.

Sec. 36.30.270. Architectural, engineering, and land surveying contracts.

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

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

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

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

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

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

(e) This section does not apply to a contract that incorporates both design services and construction.

– prepared by Mike Coumbe, staff to Rep. Lindsey Holmes, 3/1/12

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 239**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB239-DOT-AS-3-12-12
Title: Procurement of Architectural, Engineering or Land
Sponsor: Rep. Holmes
Requester: H (STA)

Dept. Affected: Transportation
Appropriation: Administration and Support
Allocation: Contracting and Appeals
OMB Component Number: 2355

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by: Brenda Hewitt, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/12/12 10:00 AM
Approved by: Marc Luiken — Date 3/12/2012
Commissioner

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 239

Analysis

This bill requires entities receiving state funds, such as municipalities or school districts, to follow similar procurement policies utilized by the State of Alaska in regards to professional contracts with architects, engineers or land surveyors which allow for selection of the most qualified versus the lowest bidder.

The agency does not anticipate any fiscal impact from the passage of this bill.

THE AMERICAN INSTITUTE OF ARCHITECTS

Issue Brief

The American Institute of Architects • Government Advocacy • Current Issue Position and Analysis

Qualifications Based Selection

Key Points:

- *The American Bar Association endorses QBS in its "Model Procurement Code for State and Local Governments."*
- *48 states follow QBS procedures for procuring A/E services.*
- *In recent polling, only 11 percent of voters said they agreed with the viewpoint that "architects and engineers who are hired by government agencies to design and construct public buildings like schools, court houses, hospitals, airports, and prisons should always be awarded to the lowest bidder in order to save money."*
- *88 percent agreed with the statement, "Because public health and safety is at stake, these contracts should be awarded by selecting the best qualified architects and engineers and then negotiating the best possible fee."*
- *Every major voter group registered over 80 percent support for the QBS concept.*

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Qualifications Based Selection

AIA Position

The American Institute of Architects strongly supports Qualifications Based Selection (QBS) for procuring professional design services for public projects. QBS is required for federal projects as described by the Brooks Architect/Engineer Act (Public Law 92-582, 40 U.S.C. 541 et seq.).

Action Sought

The AIA urges state legislators to support the use of Qualifications Based Selection for procuring architectural services.

Explanation and Justification

QBS stands for Qualifications Based Selection. QBS provides owners with a selection process that is not only straightforward and easy to implement, but is objective and fair. It recognizes that design professionals play a critical role in the public building process.

As QBS is predicated on the notion that qualifications, not price, should be the determining factor in selecting an architect, it places fee negotiation at the end of the selection process. While price may have its place within the selection process, it alone should not be the determining factor.

The reason for this is clear: Projects that are contracted solely on price do not take into account the myriad additional factors that go into architectural design. Architectural design is an evolving process and much goes into it after the drawings are signed, sealed and delivered. In fact, one of an architect's principal duties is to ensure that the construction process goes smoothly.

It is an architect's experience, expertise and ability to resolve unforeseen problems creatively that will keep a construction project moving forward. These intangibles are common throughout the process. As a result, owners who rely only on a submitted bid as the project cost may be placed in a difficult position if the final cost is significantly higher.

QBS helps resolve the projected vs. final cost dilemma by negotiating the project's cost with the most qualified firm among the applicants. QBS also fosters a collaborative environment, so the roles of all stakeholders are known, documented and understood. Finally, because the selection process is well-documented, decisions the owner makes are more likely to stand up to public scrutiny.

For more information contact the State and Local Affairs team at 202-626-7507 or govaffs@aia.org.

Updated: December 2005

AMERICAN CONSULTING
ENGINEERS COUNCIL

BIDDING IS NOT THE SOLUTION

CASE STUDIES IN BIDDING

Prepared by ACEC's Professional Procurement Committee

"It is unwise to pay too much, but it's worse to pay too little. When you pay too little, you sometimes lose everything because the thing you bought was incapable of doing the thing you bought it to do."

"The common law of business balance prohibits paying a little and getting a lot—it can't be done."

John Ruskin (1819-1900)

"Price has no meaning except in terms of the quality of the product."

Dr. W. Edwards Deming (1900-1993)

BIDDING IS NOT THE SOLUTION

Why is the hiring of a design professional to design a project any different from hiring a general contractor to construct a project? As a Purchasing Agent, don't I have a responsibility to get the most I can for the least amount of money spent, or an obligation when purchasing goods or services with public dollars to see that the lowest price is obtained? Why is the likelihood of the success of a project reduced simply because the services of the design professional for the project are obtained through the bidding process?

Design professionals do not sell a commodity, but rather their knowledge. Architectural and engineering design work is a highly skilled and personally distinctive service. Because of this, design professionals encourage owners to select them on the basis of their experience and qualifications to do the work.

EXAMPLE #1: *ROOF COLLAPSE*

SAV-ON FOODS STORE
BURNABY, BRITISH COLUMBIA

On April 23, 1987, shortly after the official opening of the new mega Sav-On Foods Store at Station Square in Burnaby, British Columbia, an area of the building roof-top parking lot of approximately 6400 square feet collapsed into the food store, injuring 20 people. A Commissioner's Inquiry by the Canadian Government determined that one of the major factors that led to the ultimate collapse of the structure was the selection of the Structural Engineer on the basis of competitive bidding, with the structural design being done by lesser skilled staff of the Structural Engineer, and much of the detailing of the connections being done by the subcontractor of the steel erector.

Although competitive bidding bids were required, the structural engineering work had been awarded to the third lowest bidder for the $5.4 million Sav-On Foods building. Unfortunately, this bidder's fee was subsequently negotiated down by the building's development manager. In the Commissioner's Report, it was stated that:

> *"with tendering [bidding], relatively intense competition has driven fee levels down, and this has raised questions about the quality of professional services in this environment."*

The Commissioner's Report went on to state that *"bidding for Professional Services...caused a great deal of concern."*
The report stated that one approach to correcting the situation was to *"pressure the owner of the building to provide sufficient compensation to permit the Engineer to do the work properly."*

EXAMPLE: *SKYWAY COLLAPSE*

KANSAS CITY HYATT REGENCY
KANSAS CITY, MISSOURI

In July of 1981, two elevated walkways over the lobby of the Kansas City Hyatt Regency Hotel collapsed during a party, killing 111 people and injuring 188 others. The engineering services on this structure had been awarded on the basis of low bid, and the design professional services were limited by contract. In order to keep his fees low, and because of the *"practices of the industry at the time and past dealings with the fabricator, the Engineer had specified that the detailing of the rod connections of the two walkways to the building be done by the fabricator."*

Had a properly qualified and experienced design professional carefully designed and detailed these rod assemblies, this disaster may have been averted.

A 1984 U.S. House of Representatives Subcommittee report on Structural Failures in Public Facilities (House Report 98-621), stated that one of the six factors of critical importance in causing the structural failures in this particular project was the selection of architects and engineers based on bid. When such selection is generally made on a *"low bid"* basis, the report stated as one of its findings:

> *"...there is a tendency to unrealistically reduce the price when price is known to be the primary basis for the contract award...use of "low bid" procedure has frequently resulted in insufficient funds allocated to a project to adequately verify the accuracy of design and to thoroughly check plans before construction...selection of*

an Architect or Engineer solely on price-competition basis provides the potential for reductions in quality due to initial underestimation of the costs and resources required to adequately perform the work."

The recommendations of that same report went on to say:

"Federal procurement practices that lead to or promote the selection of Architects and Engineers on a 'low-bid' basis should be changed to require...greater consideration given to prior related experience and past performance of the parties seeking the contract award."

THE REALITY OF BIDDING

If an architect or engineer is asked at the outset for a price, coupled with the knowledge that the contract will be awarded to the lowest bidder, severe limitation will be placed on how much creative talent, exploration of alternatives and other efforts that design professionals can bring to the project. Architects and engineers who know that low price is the only way that will get them the work have no incentive to provide great value or service.

A system that simply seeks the cheapest design cost is bound to produce lower quality projects—not every time, but most of the time. A design firm's approach to a project must change when fee becomes a major criteria for selection. These firms develop a means of cutting their time on a project by minimizing the level of service such as:

- *Using less experienced personnel and evaluating fewer alternatives.*
- *Developing plans with minimal details that often require much layout and decision-making in the field by the contractor.*
- *Selecting systems that are easiest to design as opposed to selecting those that are the most economical and cost-effective for the owner over the life of the project.*
- *On a structural project, designing only the most heavily loaded members, and then repeating these conservative member sizes throughout, resulting in oversizing of most members.*
- *Providing minimal review of the drawings and observation of the work during construction, leaving the owner with lower quality construction and higher maintenance costs.*

QUALIFICATIONS IS THE SOLUTION

The procurement of engineering and architectural services is one of the most important parts of the process of ensuring quality in the constructed project. A qualifications-based selection (QBS) process allows the owner to choose the firm determined to be most qualified by objective criteria, whereas selecting design professionals by low bid takes this process out of the hands of the owner.

The owner's challenge is to get a good "return" on the investment in design services. This may be achieved by selecting a qualified A/E and negotiating the appropriate scope and compensation to permit the A/E to work toward a successful constructed project. The impact of the A/E's efforts on innovative design, exploration of alternatives, life cycle costs, construction costs and liability exposure to the public client is critical to a project's success.

The design professional is in a unique position to assist the owner with both the scope of the project and the services required to fulfill the owner's needs. The only way to develop a complete scope of work that fully meets the owner's needs is through interaction between the selected design professional and the owner. QBS has the advantages that:

- a well qualified firm is selected
- a scope of work satisfactory to both parties is negotiated
- a mutually agreed-upon price is paid for the services
- a team approach (partnership) between the owner and consultant can be developed so that both parties have an interest in the project's success.

Mr. Ben Watts, P.E., the Secretary of Transportation for the State of Florida, one of the recipients of the National Society of Professional

Engineers 1996 QBS Award, made the following remarks about the Qualifications Based Selection process:

> *"The (QBS) process is open, the process is fair, and the process is honest. It is a simple process...you do good work, you get more work. And, if you do poor work, it is the end of the partnership (with the Florida DOT). I think that is what the public is demanding of us more and more each day.*
>
> *"I would hate to think that I would be lying on the operating table and the doctor came in with the low bid competitive system, and he scrubbed up and he looked at me and said... 'Well, you know we do this by low bid, Mr. Watts, and things have been a little slow and I really needed this job...now, I have never done one of these before, but I am fairly certain that I can handle it...'*
>
> *"We as engineers need to help every citizen to understand that when they ride across a bridge structure or they drive on the interchange or traffic signal phasing, or whatever it is, it is just as important an impact on that individual as what that doctor could be doing, and then they will understand this (QBS) system much better."*

The QBS process is a legal, fair and objective process. Used successfully since the Civil War, QBS is the most widely endorsed method by which public owners select design professionals. Particularly because of concerns for public health and safety, the QBS process is endorsed by the American Institute of Architects (AIA) and the National Society of Professional Engineers (NSPE), as well as public organizations such as the American Public Works Association (APWA) and the American Water Works Association (AWWA). The process is also strongly supported by the American Bar Association (ABA) and the Associated General Contractors of America (AGC).

This process is mandated on federally funded projects as outlined in Public Law 92-582 (Brooks Architectural and Engineering Act). At least 34 states have adopted a statute requiring the QBS process on publicly funded state projects.

FOR FURTHER INFORMATION CONTACT:

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Other publications available through ACEC. Please contact our Bookshop:

- *Negotiating for Design Professional Services:* Estimating, Negotiating, Contracting
  #235-97
- *Design/Build:* Understanding and Implementing
  #306
- *A Guide to Qualifications Based Selection of Design Professionals:* A Key to Quality
  #354
- APWA's "Red Book"
  Selection and Use of Engineers, Architects and Professional Consultants: Guidelines for Public Agencies
  (Ask by name)
- *Qualifications Based Selection of Design Professionals by Public Owners:* Video Series
  #746-V

QBS Products Disclaimer
Nothing in this product is intended or should be intended to prohibit any member of the American Consulting Engineers Council (ACEC) from submitting price quotations at any time during the design professional selection process or to suggest that to do so is unethical, unprofessional or contrary to ACEC policy. Nor should this document be read as in any way prohibiting any project owner from requesting such submissions.

\ACEC does, however, advocate that public owners voluntarily adopt the qualifications-based approach when not mandated by law to select design professional services. Conversely, private non-governmental owners may wish to consider the QBS process as one means to procure such design professional services.

Any revisions, reviews, or other alterations to this document should be reviewed by ACEC's General Counsel's office before being disseminated.

THE AMERICAN
INSTITUTE OF
ARCHITECTS

SELECTING ARCHITECTS AND ENGINEERS FOR PUBLIC BUILDING PROJECTS: AN ANALYSIS AND COMPARISON OF THE MARYLAND AND FLORIDA SYSTEMS

EXECUTIVE SUMMARY AND CONCLUSIONS

THE AMERICAN INSTITUTE OF ARCHITECTS

Executive Summary

Introduction

Design professionals play a critical role in the public building process. The quality of the design services provided by the architect or engineer is the single most important factor in determining the overall construction costs and life-cycle costs of a building. Since design services represent only a small percentage of the initial construction budget, it is in the best interest of the taxpayer to insure that the most qualified firms are selected for public projects.

Recognizing the need for a qualification-based approach to procuring design services, the U.S. Congress established as federal law in 1972 (P.L. 92-582, commonly referred to as the "Brooks Act") the requirement that architects and engineers be selected for projects on the basis of their qualifications subject to negotiation of fair and reasonable compensation. Most states and numerous local jurisdictions also use Brooks Act procedures relying on the traditional selection method of negotiating a contract with the firm most qualified to provide the services. Should negotiation fail between the public owner and the highest-ranked firm, negotiations are terminated with that firm. Negotiations then take place with the second-most-qualified firm and so on down the line in order of their ranking until an agreement is reached.

A/E Selection in Maryland and Florida

This study compares the experience of Maryland's Department of General Services, which selects architects and engineers (A/Es) on the basis of price and other factors, with that of Florida's Department of General Services and State University System, which emphasize technical qualifications in the selection process and, thereafter, negotiate a "fair and reasonable" fee. A study of the Maryland public building procurement process was prompted by Maryland's advocacy of price competition in the A/E selection process and the belief of Maryland officials that a system based on price and other factors is more cost-effective than the traditional qualifications-based system. Florida, which uses the traditional Brooks Act approach, was selected for comparison with Maryland because, until price enters the process in Maryland, the A/E selection procedures in both states are similar.

Maryland. The 1974 law governing the selection of architects and engineers in Maryland requires that both price and professional qualifications be considered during the A/E selection process. The process involves the following key steps: 1) the state develops a comprehensive project program that provides A/Es with "a clear understanding of the problem and the requested solution"; 2) a request for professional services is published in the Maryland Register; 3) those judges most qualified on the basis of Standard Form (SF) 254 and 255 submissions (forms setting forth the A/Es' qualifications) are placed on a short list and asked to submit price and technical proposals; 4) price and technical proposals are evaluated and firms are ranked; and 5) an award is made with "neither the

price proposal nor the technical proposal becoming the sole criterion for selection." The law applies only to projects with estimated design services over $50,000.

Florida. The method of procuring architectural an engineering services in Florida is governed by the 1973 Consultants' Competitive Negotiation Act. The act establishes a qualifications-based system of selecting A/E services that involves the following steps: 1) public announcement of projects requiring A/E services, including general descriptions of the projects; 2) selection of a short-list of firms based on the submitted SF 254 forms and Professional Qualifications Supplement; 3) interviewing and final ranking of at least three firms based on the A/Es' understanding of the specific project requirements and the A/Es' approach and method; and 4) negotiation of a fair and reasonable fee with the selected A/E.

Conclusions

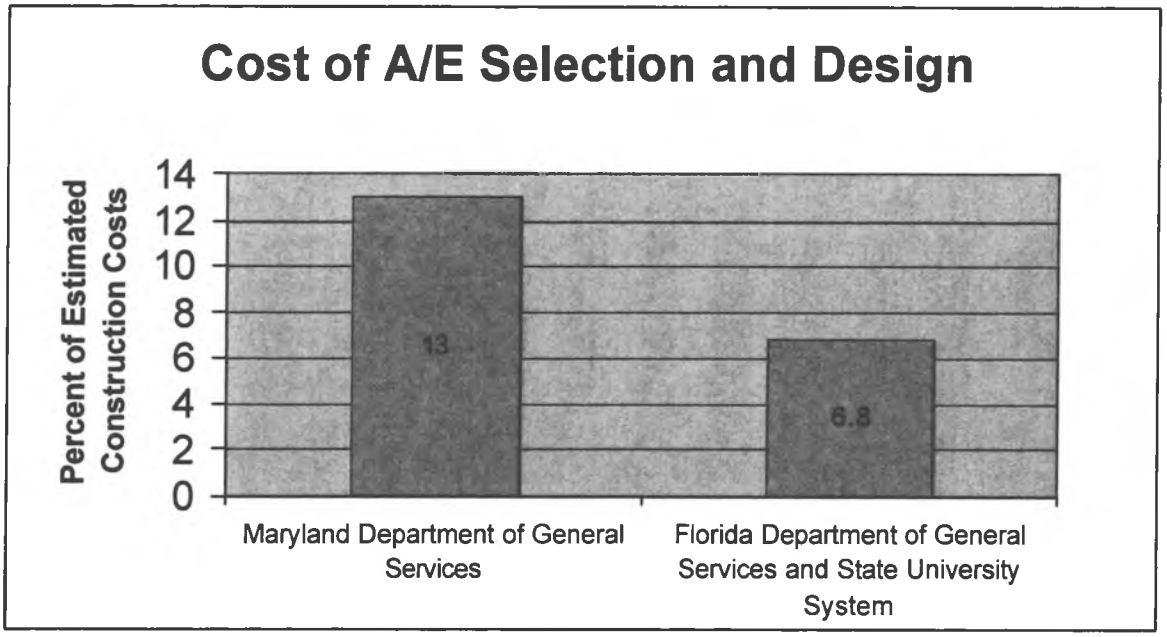
The following conclusions are based on an analysis of information and data supplied by the Maryland Department of General Services, Florida's Department of General Services and the State University System of Florida. (The Maryland Department of General Services handles both general public building construction and university system construction.)

1. Maryland's A/E selection process is significantly more time-consuming and expensive than Florida's. In Maryland, the necessity of preparing detailed programs on which A/Es can base price proposals results in added expense to the state in the form of administrative staff, time delays and consultant costs. These additional system costs are unique to the Maryland process.

Total cost of the A/E portion of Maryland's capital construction process average 13 percent of estimated construction costs. Total costs in Florida average 6.7 percent of estimated construction costs for the Florida Department of General Services and 7.3 percent for the State University System. A/E fees are lower in Maryland than in Florida; however, the added costs of the Maryland process far outweigh the savings in A/E fees that result from a process in which the state develops detailed programs and A/E selections are made on the basis of both price and technical competence.[1]

[1] Development of detailed programs in Maryland is done in-house or by consultants prior to the A/E selection process. In Florida, programs are developed jointly by the state and the selected A/Es.

The following chart shows the comparative costs of the A/E portion of the capital construction process in Maryland and Florida.



The Maryland A/E selections system, because of its requirement that competing firms submit elaborate technical proposals accompanied by fixed prices, also results in extraordinary cost to the A/E firms that compete but are not awarded contracts. Although not direct costs to the state, as operating expenses of the firms, those costs are eventually passed on to consumers of A/E services.

a. Maryland's A/E selection process requires a significantly larger administrative staff and budget than Florida's. The increased administrative costs in Maryland result from the necessity of preparing detailed programs on which A/Es can submit price proposals.

Since Maryland's law requiring selection based on price and technical proposals went into effect, there has been an 11.6 percent increase in personnel and a 17.9 percent increase in the budget (in constant dollars) of the DGS Office of Engineering and Construction, which participates in the A/E selection and capital construction process. In 1983, with a total of 96 personnel and a budget of $2.5 million, the Maryland DGS' Office of Engineering and Construction administered a capital construction program that averages $65 million in estimated construction costs annually.[2]

[2] This figure represents the average annual dollar value in estimated construction costs of projects for which A/E selections were made between 1975 and 1983. At any one time, the state agency would be administering projects in all phases of the planning; design and

In comparison, the Florida Department of General Services, which, like the Maryland DGS, administers procurements for many state agencies, had a total of 51 personnel and an annual budget of $1.6 million in 1983 to handle a capital construction program that averages over $100 million.[3] In the 1975-83 period, the Maryland DGS awarded 174 A/E contracts on projects worth a total of $518 million in estimated construction costs; in the same time period the Florida DGS awarded 1,166 contracts on projects totaling $875 million in estimated construction costs.

Florida's State University System, unlike Maryland's university system, administers its capitol construction program independently. The size of Florida's University System program ($64 million) is roughly the same as the Maryland DGS' program, but the administrative staff and budget of Florida's University System is only one-tenth the size of Maryland's. In the period between 1980 (when the University System began procuring A/E services independently) and 1983, the State University System of Florida awarded 74 A/E contracts on projects totaling $191 million in estimated construction costs.

In terms of the effectiveness of administration, both the Maryland and Florida A/E procurement processes appear to be open and well-managed.

The chart on the next page illustrates the administrative budget of Maryland's and Florida's capital construction programs.

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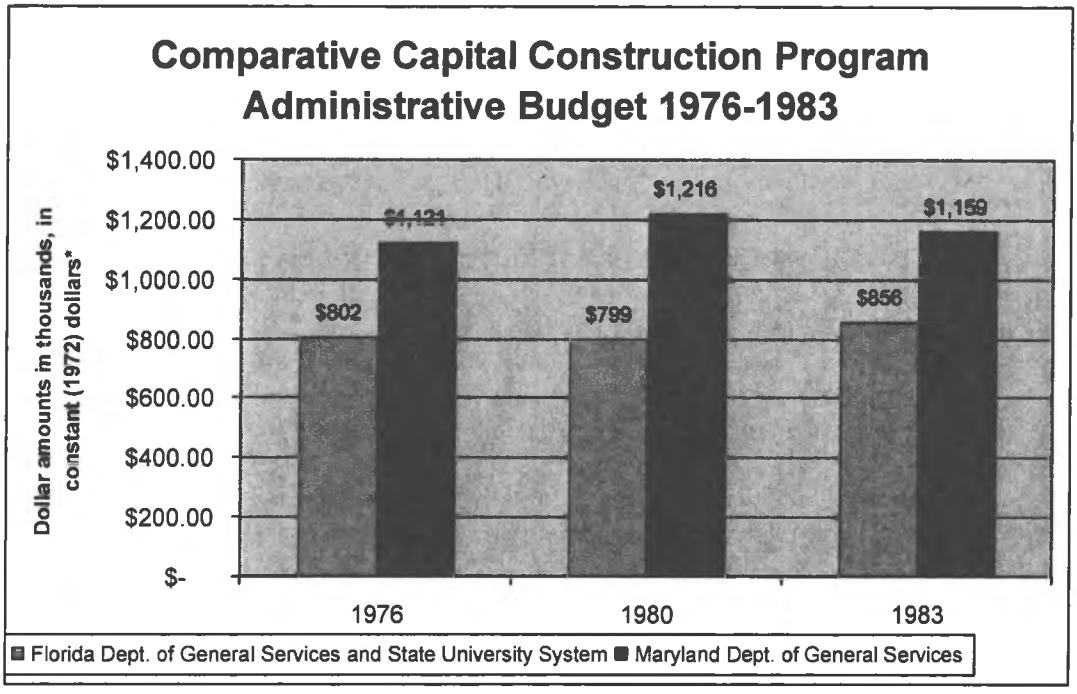
construction process, and the total estimated construction costs of all of those projects would be much greater.

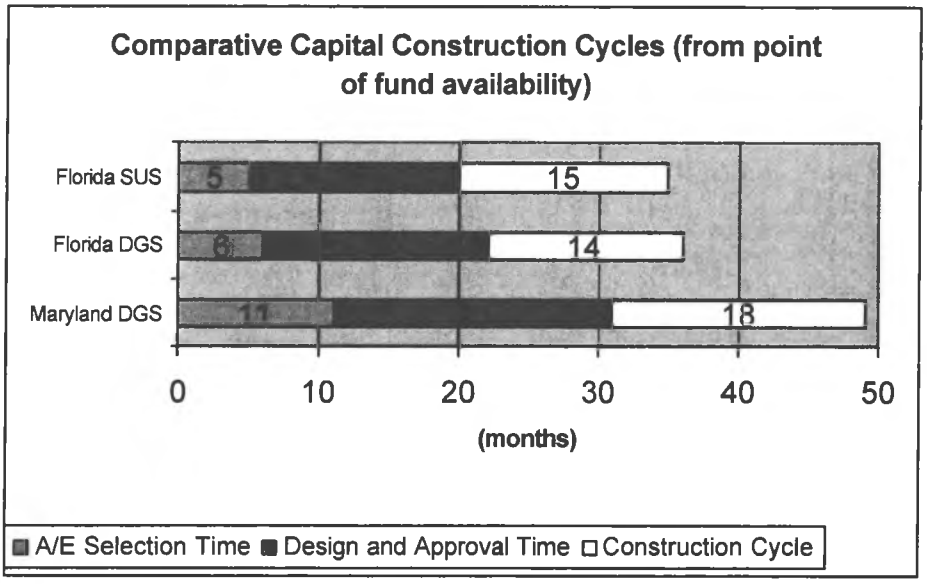
[3] This figure represents the average annual dollar value in estimated construction costs of projects for which A/E selections were made between 1975 and 1983. At any one time, the state agency would be administering projects in all phases of the planning; design and construction process, and the total estimated construction costs of all of those projects would be much greater.



b. Maryland's A/E selection process takes considerably longer to complete than Florida's. The total delay relating to the A/E portion of the capital construction process in Maryland is almost 10 months. The delay occurs while the detailed program descriptions are being prepared, during the actual selection process and during the design and approval phase.

The Maryland Department of General Services completes the A/E portion of the capital construction process, from the point that funds are approved to the beginning of the actual construction cycle, in 31 months. The same steps are completed in 22 months by the Florida Department of General Services and in 20 months by the State University System of Florida. From the point that funds are approved in Maryland, it takes 11 months to prepare program descriptions and select the A/E.

The comparative capital construction cycles in Maryland and Florida are detailed in the following chart.



2. Florida selects A/Es on the basis of technical competence; contrary to Maryland law, price appears to be the dominant selection factor in Maryland. In Florida's traditional qualifications-based selection process, initial A/E selection is made on the basis of demonstrated qualifications and competence. The agencies then negotiate an equitable fee with the most qualified firm, relying heavily on fee schedules.

By law, Maryland considers both price ant technical competence in the award of state contracts, but it appears that price is becoming the dominant factor. Of the last 40 projects awarded by the Maryland Department of General Services prior to June 1983, 33 (83%) went to the firm with the lowest price proposal.

3. User agencies in both states are generally pleased with their state's A/E selection process, but A/Es in Maryland are resentful of the system. Most A/Es who design state projects in Maryland dislike the system, which they feel rewards them inadequately. Accordingly, Maryland state projects are not attractive to many firms, who view them as work of last resort.

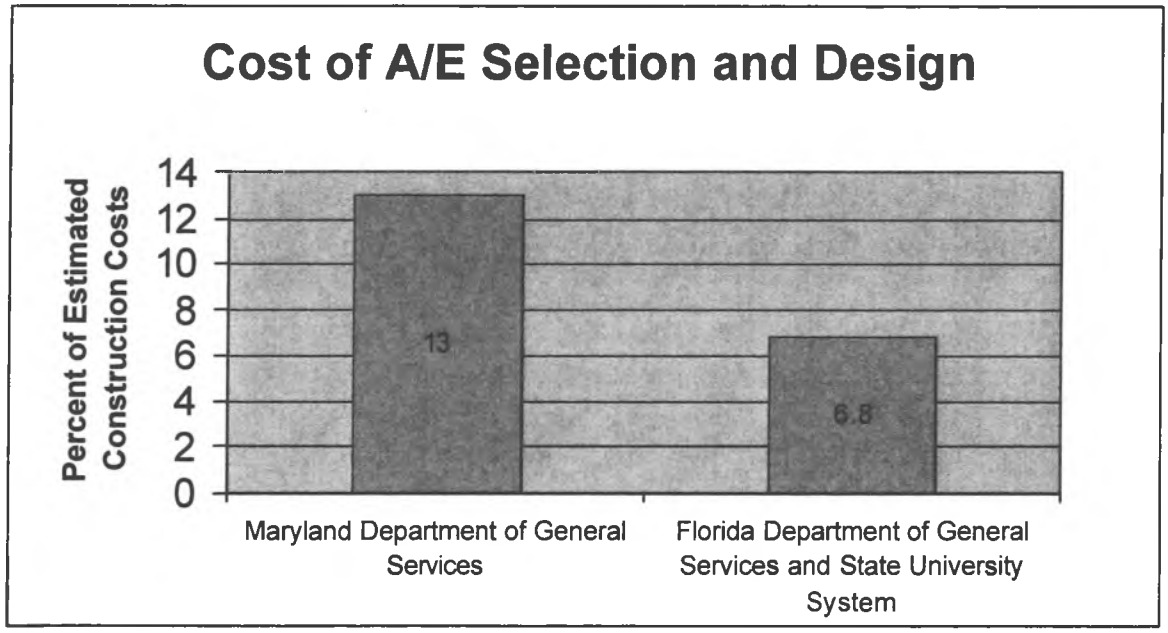
User agencies in both states are generally pleased with both the A/E selection system and the A/Es' work.

CONCLUSIONS: A/E SELECTIONS IN MARYLAND AND FLORIDA

1. Maryland's A/E selection process is significantly more time-consuming and expensive than Florida's. In Maryland, the necessity of preparing detailed programs on which A/Es can base price proposals results in added expense to the state in the form of administrative staff, time delays and consultant costs. These additional system costs are unique to the Maryland process.

Total cost of the A/E portion of Maryland's capital construction process average 13 percent of estimated construction costs. Total costs in Florida average 6.7 percent of estimated construction costs for the Florida Department of General Services and 7.3 percent for the State University System. A/E fees are lower in Maryland than in Florida; however, the added costs of the Maryland process far outweigh the savings in A/E fees that result from a process in which the state develops detailed programs and A/E selections are made on the basis of both price and technical competence.

The following chart shows the comparative costs of the A/E portion of the capital construction process in Maryland and Florida.



The Maryland A/E selection system, because of its requirement that competing firms submit elaborate technical proposals accompanied by fixed prices, also results in extraordinary cost to the A/E firms that compete but are not awarded contracts. Although not direct costs to the state, as operating expenses of the firms, those costs are eventually passed on to consumers of A/E services.

a. Maryland's A/E selection process requires a significantly larger administrative staff and budget than Florida's. The increased administrative costs in Maryland result from the necessity of preparing detailed programs on which A/Es can submit proposals.

Since Maryland's law requiring selection based on price and technical proposals went into effect, there has been an 11.6 percent increase in the budget (in constant dollars) of the DGS Office of Engineering and Construction which participated in the A/E selection and capital construction process. In 1983, with a total of 96 personnel and a budget of $2.5 million, the Maryland DGS' Office of Engineering and Construction administered a capital construction program that averages $65 million[4] in estimated construction costs annually. In comparison, the Florida Department of General Services which, like the Maryland DGS, administers procurements for many state agencies had a total of 51 personnel and an annual budget of $1.6 million in 1983 to handle a capital construction program that averages over $100 million.[5] In the 1975-83 period, the Maryland DGS awarded 174 A/E contracts on projects worth a total of $518 million in estimated construction costs; in the same time period the Florida DGS awarded 1,166 contracts on projects totaling $875 million in estimated construction costs.

Florida's State University System, unlike Maryland's university system, administers its capitol construction program independently. The size of Florida's University System program ($64 million) is roughly the same as the Maryland DGS' program, but the administrative staff and budget of Florida's University System is only one-tenth the size of Maryland's. In the period between 1980 (when the University System began procuring A/E services independently) and 1983, the State University System of Florida awarded 74 A/E contracts on projects totaling $191 million in estimated construction costs.

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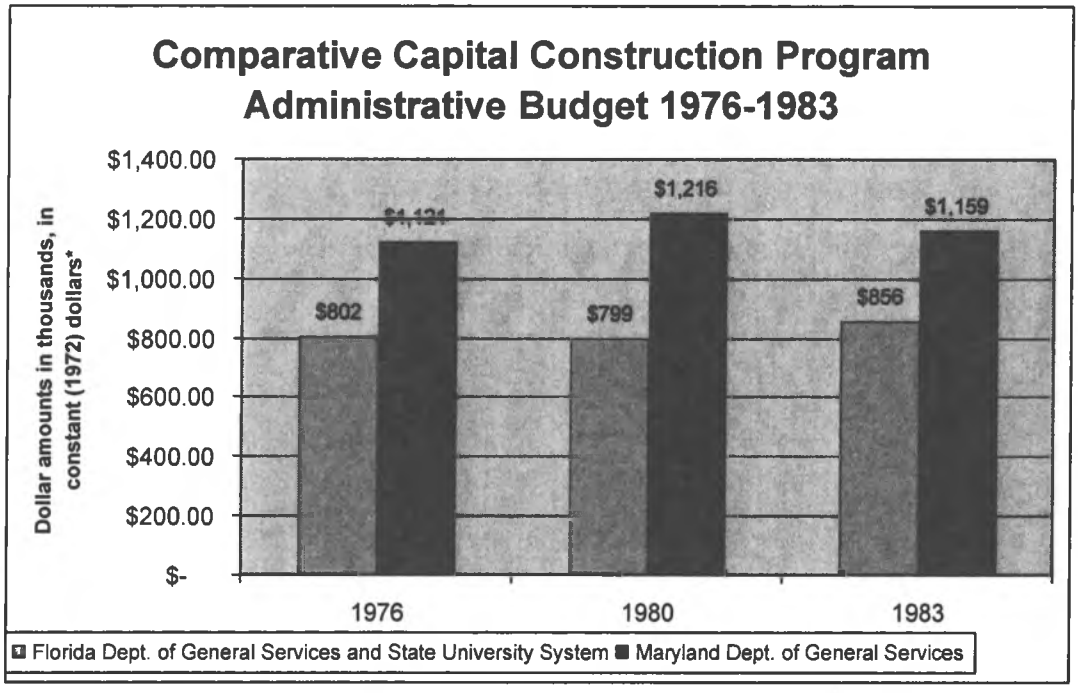
[4] This figure represents the average annual dollar value in estimated construction costs of projects for which A/E selections were made between 1975 and 1983. At any one time, the state agency would be administering projects in all phases of the planning; design and construction process, and the total estimated construction costs of all of those projects would be much greater.

[5] This figure represents the average annual dollar value in estimated construction costs of projects for which A/E selections were made between 1975 and 1983. At any one time, the state agency would be administering projects in all phases of the planning; design and construction process, and the total estimated construction costs of all of those projects would be much greater.

In terms of the effectiveness of administration, both the Maryland and Florida A/E procurement processes appear to be open and well-managed.

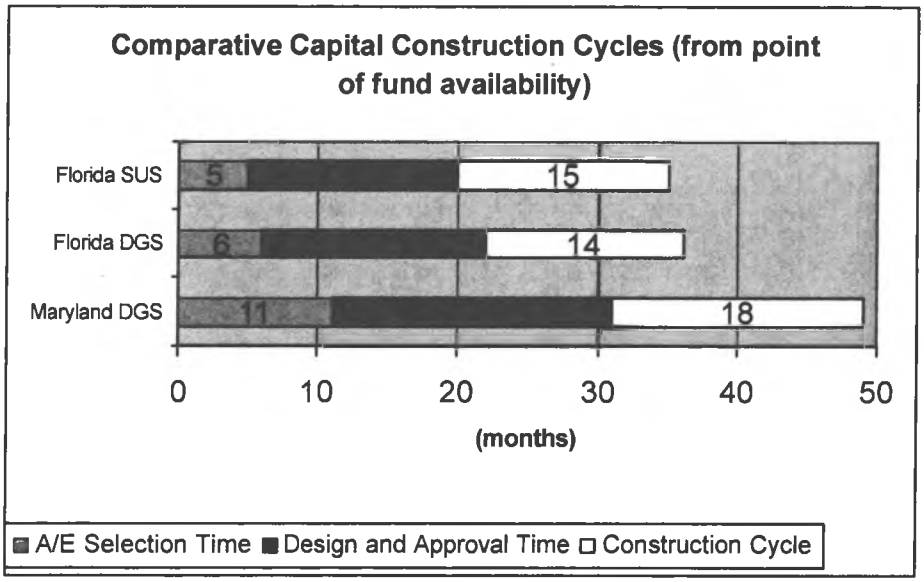
The following chart illustrates the administrative budget of Maryland's and Florida's capital construction programs.



b. Maryland's A/E selection process takes considerably longer to complete than Florida's. The total delay relating to the A/E portion of the capital construction process in Maryland is almost 10 months. The delay occurs while the detailed program descriptions are being prepared, during the actual selection process and during the design and approval phase.

The Maryland Department of General Services completes the A/E portion of the capital construction process, from the point that funds are approved to the beginning of the actual construction cycle, in 31 months. The same steps are completed in 22 months by the Florida Department of General Services and in 20 months by the State University System of Florida. From the point that funds are approved in Maryland, it takes 11 months to prepare program descriptions and select the A/E.

The comparative capital construction cycles in Maryland and Florida are detailed in the following chart.



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User agencies in both states are generally pleased with both the A/E selection system and the A/Es' work.

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MEMORANDUM

TO: Chris Hladick
Unalaska City Manager

FROM: Brooks W. Chandler
City Attorney

RE: HB 239

DATE: January 24, 2011

This is written in response to your request for our review and comment on HB 239. In summary we do not believe the legislation is appropriate as discussed in greater detail below.

We begin by summarizing what the bill requires and how it changes current law. Under current law, rules regarding how local governments need to procure surveying and professional design services when using state grants to pay for those services are contained either in regulations of the department of state government administering the grant or in specific grant agreements. For example, design services for construction of school facilities (but not surveying services) must be competitively procured with specific notice requirements and awarded to the "most qualified" offeror. 4 AAC 31.065(a).

The proposed bill does not simply take existing requirements and codify them as state statutes. Instead it significantly adds to those requirements in the following ways:

1. It requires compensation to be "fair and reasonable" .
2. It eliminates the option of rebidding if negotiations with the "most qualified" professional person are not successful.

3. It prohibits awards based on the lowest price. In fact, this statute prohibits even considering price as a "factor" in awarding a contract except in circumstances involving "repetitious" services and "measurable and objective" standards regarding the work to be done.

4. It mandates that consideration of "proximity to the project site of the office of the professional person" be considered in award of a contract.

Here are the concerns I believe the city should have with this legislation:

1. "If it ain't broke don't fix it." There is no evidence in my experience that the current regulations are generating substandard public works projects. Certainly Unalaska has successfully constructed literally hundreds of millions of dollars of exemplary public facilities under the current rules.

2. Local governments should be free to choose for themselves how they weigh factors when awarding contracts for design services. Price should most definitely always be a consideration. Existing state licensing laws and the typical play of the free market should be allowed to function without state interference.

3. It is a stretch in my view to include surveying work in the same category as architectural and engineering work. Certainly this is professional work but it involves much less "creativity" to delineate existing boundaries than to design a new school. Price based procurement of surveying services is fairly logical.

4. It is not logical that a design or engineering firm from Fairbanks should be at a competitive disadvantage from an Anchorage firm when proposing to do work for Unalaska yet that is what this bill requires.

5. The relatively imprecise language "fair and reasonable", "repetitious", "measurable and objective" could lead to disputes.

6. The language creates additional barriers for young professionals who may be extremely talented but relatively less experienced. They are precluded from competing for work using lower prices thereby restricting competition and driving prices up for work covered by the statute. In this regard, the bill smacks of "good old boy" protection for existing firms which may not be in the best interests of the citizens of Unalaska. The City typically uses well established firms for our public works projects but it does not make sense to eliminate an option to use a less experienced but impressive young professional especially on a smaller project.

Rural Alaska Community Action Program, Inc.

P.O. Box 200908, Anchorage, AK 99520-0908
(907) 279-2511 ◈ Fax: (907) 278-2309
www.ruralcap.com

March 7, 2012

Representative Bob Lynn, Chair
House State Affairs Committee
Alaska State Capitol Building – Room 108
Juneau, Alaska 99801-1182

Re: HB 239 "An Act relating to the procurement of architectural, engineering, or land surveying contracts funded by money from the state."

Dear Representative Lynn and Members of the Committee:

The Rural Alaska Community Action Program (RurAL CAP) is a diverse statewide non-profit organization with services ranging from early childhood education, to supportive housing, community wellness and home weatherization. Serving lower-income Alaskans since 1965, RurAL CAP employs over 900 persons annually, and has developed many capital facilities that support its programs, including supportive housing projects and early childhood education centers.

We are pleased to see legislation introduced that would extend the process the state uses itself in procuring professional development-related services to organizations that receive state funds for capital projects. We have found that issuing a Request for Qualifications allows us to identify and select a development team that is the best fit for our projects, and helps to bring projects to the construction stage more quickly, avoiding lost time and material cost increases.

However, we have two areas of concern that we would encourage the Legislature to consider: 1) preference based on the proximity of the professional to the project site; and 2) coordination with federal funding requirements.

A preference based on proximity to the project site may result in an inadequate pool of professionals from which to choose within a particular discipline. Further, many state-funded projects are sponsored and undertaken by entities (like RurAL CAP) who are themselves removed from the project site - it is generally more cost-effective for the sponsor and the professional to be located in the same geographic area. We have found that it works well for us to have our design team members located nearby to us, which does not preclude the participation of local stakeholders in the design and development process, nor the design team's boots-on-the-ground familiarity with project site. An alternative might be for the legislation to call for a preference for professionals who have specific experience with projects in the location of the proposed project site.

Many projects these days combine state and federal funding; the bill contains a clause that provides for exemption in the case of prohibition by federal law. Unfortunately, not all of the challenges with

coordination of state and federal funding stem from federal law, but are the products of a complex set of regulations, policies and practices that often differ from one federal agency to the next. We believe that the bill would be improved by instead inserting a clause that these requirements are superseded by any contracting and/or procurement requirements imposed by federal agencies providing additional funding for the project.

Thank you for the opportunity to provide our comment on this bill. If you have any questions, please feel free to contact me at (907) 865-7370.

Very truly yours,

Mitzi C. Barker, FAICP
Director, Planning and Construction Division

March 9, 2012

Representative Bob Lynn
Chairman, Administrative Committee
State Capitol Building, Room 108
Juneau Alaska 99801

Re: HB 239, Quality Based Selection Hearing

Dear Representative Lynn:

It is my understanding that you had or may still have some concerns about scheduling a hearing for the Quality Based Selection bill (HB 279). I also understand the hearing is now scheduled for Tuesday morning March 12, at 8:00 AM and I would like to thank you for the opportunity to provide input on the bill. I am a professional designer and past president of the Alaska Professional Design Council, which represents Architects, Landscape Architects, Engineers, and Surveyors in our state.

As you may know, projects directly funded by the Federal Government, the State of Alaska, and most of the larger cities in Alaska require a Quality Based Selection for design services. There is good reason for this and I will get to that shortly, but the issue this bill addresses arises when the State of Alaska passes money through to non-profit organizations or other smaller communities who in turn seek to bid design services. This is a relatively small fraction of the dollars spent on public facilities and it is often done by organizations or individuals with limited experience in selecting or using design professionals. The issue is not generally one of public safety, but rather fairness in contracting and obtaining best value. If these same non-profit organizations or communities wish to hire design services using their own funds through a bid process, this bill will not hinder them. The State of Alaska, however, has already determined that quality based selection is the best means of fairly acquiring design services and this bill will provide some assurance that state funds are used wisely and fairly at the community level.

We most often bid construction projects and selection of the low bidder ensures we are paying a competitive price for the work required. For a construction project, there are often drawing sets of a hundred or more sheets and specifications of several hundred pages. Construction projects are very clearly spelled out and even then there are often change-orders as a result of misunderstandings. In recent years, even construction contractors are more frequently being selected based on their qualifications, instead of just price. By contrast, designers are selected through a "Request for Proposal" (RFP) process. An RFP is seldom longer than 20 pages and of that, the actual project description may be a page or less. As you might imagine, the ability to accurately bid design services for a public building

when the description of that building is only a page or so long is virtually impossible. As a designer, the best strategy when pursuing a bid project is to simply put in an unrealistically low bid based on a variety of assumptions or conditions that cannot be met. Once the project is awarded, the low bidder has free reign to begin requesting changes based on unforeseen circumstances. For the owner, there is little recourse but to pay for the changes because the project has not been accurately defined. The fairness issue arises because the more ethical designer, knowing what is really required to complete the work can be easily underbid by an individual or group who will seek realistic pay for the work through change orders. It has strong implications for the owner because the actual cost of design may be far higher than what is seen at a bid opening.

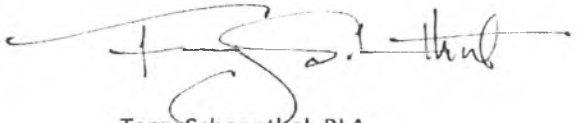
The Army Corps of Engineers and the State of Alaska have bid design services as part of design build projects. These projects would be exempt from the requirements of this bill, but the reason it works for the Corps of Engineers is that the RFP is often more than 1,000 pages in length and the scope of the services is very clearly delineated. Even the number of meetings is identified in these types of projects.

Cost can be included as a factor in selecting designers. The City and Borough of Juneau and other communities do this now by asking design firms to submit the hourly rates of the designers who will be working on the project. It can be argued whether or not this actually results in lower design fees for projects, but it is an acceptable comparison. Additionally, if an agency encounters difficulty in negotiating a fee with a design firm, they have the alternative of ending negotiations and entering into discussions with the next most qualified firm.

In summary, we support this bill because quality-based-selection is a fair means of hiring design expertise in most conditions. When it comes to design, qualifications and references are a far stronger indicator of a designer or firm's capability than cost. In most cases, where program and other aspects of the proposed building are not clearly defined, an award to the lowest bidder has little meaning. The negotiation process still allows checks and balances to ensure a financially responsible selection.

I am planning to be at the hearing on Tuesday Morning and I would respectfully request three minutes to address the hearing and answer any questions that may arise.

Yours Sincerely,



Terry Schoenthal, RLA
USKH Inc.
2515 A Street
Anchorage Ak 99503

HB

244

<TARGET><BILL>HB 244</BILL><SUBJECT>HB
244</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE BILL NO. 244

"An Act providing that for-profit corporations and limited liability companies organized in this state are not persons for purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls."

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

*** Section 1.** AS 06.05.301(b) is amended to read:

(b) The provisions of AS 10.06 (Alaska Corporations Code) apply to state banks, except those provisions inconsistent with this chapter.

The provisions inconsistent with this chapter include **AS 10.06.010(a)(4) - (8)** [AS 10.06.010(4) - (8)], 10.06.105(a) and (d), 10.06.325, 10.06.356, 10.06.358 - 10.06.360, 10.06.370, 10.06.385 - 10.06.388, 10.06.420(i), 10.06.430, 10.06.453, 10.06.460(b), 10.06.485, 10.06.522 - 10.06.868, 10.06.915, 10.06.960, and 10.06.990(31) and (37).

*** Sec. 2.** AS 10.06.010 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section or another provision of this chapter to the contrary, a corporation organized under this chapter is not considered a person for the purpose of influencing the outcome of

(1) an election for public office; or

(2) an initiative, a referendum, or a recall.

*** Sec. 3.** AS 10.50 is amended by adding a new section to read:

Sec. 10.50.920. Public office elections. Notwithstanding another provision of this chapter to the contrary, a limited liability company organized under this chapter is not considered a person for the purpose of influencing the outcome of

(1) an election for public office; or

(2) an initiative, a referendum, or a recall.

Representative Scott Jiu Wo Kawasaki

Alaska State Legislature — District 9 Fairbanks

MEMORANDUM

Date: Friday, March 02, 2012

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Representative Scott Kawasaki

RE: House Bill 244

I respectfully request that you schedule a hearing this session in the House State Affairs Committee for House Bill 244 "An Act providing that for-profit corporations and limited liability companies organized in this state are not persons for purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls."

A current version of the bill, a sponsor statement and pertinent background information is included. This packet is deficient of any fiscal notes, and a sectional analysis at this time.

There are several people who may wish to testify from various locations around the state and nation. Please provide teleconferencing capabilities in Fairbanks, Anchorage and Mat-Su Legislative Information Offices.

If you have any questions or need additional information, please call Mindy O'Neall directly at 465-6249.

In Juneau ○ State Capitol Juneau, Alaska 99801
In Fairbanks ○ 1292 Sadler Way Fairbanks, Alaska 99701
Juneau ○ (907) 465-3466 ○ Fax (907) 465-2937 ○ **Fairbanks** ○ (907) 456-7423 ○ Fax (907) 451-9293
Email: Representative_Scott_Kawasaki@legis.state.ak.us

Representative Scott Jiu Wo Kawasaki

Alaska State Legislature District 9 Fairbanks

HB 244 Sponsor Statement
Corporations Not "Persons" in Elections

"An Act providing that for-profit corporations and limited liability companies organized in this state are not persons for purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls."

House Bill 244 will prohibit corporations from contributing to elections. This bill will amend state law that allows corporations to be recognized as persons and therefore contribute to campaigns with unlimited financial contributions.

In a 5-4 decision announced on January 21st, the US Supreme Court ruled that corporations have the same rights as "people" to influence elections. That ruling reversed decades of settled Supreme Court precedent saying states could limit the election spending of corporations. If HB 244 was enacted tomorrow, this court case would not apply to the Alaska campaign laws.

The people of Alaska expect a fair and due process of elections. Large corporations with large financial resources can disproportionately affect elections by saturating media with advertisements for candidates and ballot questions that support their business position. To prevent corporations from unduly affecting elections, Alaska state law should reflect the people's rights first.

As recently as 2006, Alaskan voters overwhelmingly supported a ballot measure on campaign finance reform that restricted the financial amount of donors. With the *Citizens United* ruling, the Federal government bypassed this initiative, ignoring Alaskans' right to fair and accessible campaigns. Passage of similar legislation by a majority of states could strengthen a future challenge to the Supreme Court's decision that corporations are "persons" under election financing laws.

HB 244 leaves corporations with all other rights to conduct business in Alaska, and only states that corporations cannot be regarded by the courts as persons for purposes of campaign contributions.

Only actual individuals and groups of actual individuals would be able to make contributions with the passage of HB 244, preventing corporations from influencing election for their business purposes.

January 30, 2012

Representative Bob Lynn, Chairman
Alaska House State Affairs Committee
Capitol Room 108
Juneau, AK 99801

Re: Support for HB 244

Dear Chairman Lynn and Committee Members:

We, the undersigned, stand united in full support of House Bill No. 244, "An Act providing that for-profit corporations and limited liability companies organized in this state are not persons for purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls." We, the undersigned, thank Representative Scott Kawasaki of Fairbanks, along with the co-sponsors of this bill, for standing up for the citizens of the state of Alaska with this legislation. We, the undersigned, believe corporations are not persons; therefore, should not be allowed to contribute enormous sums of money to political campaigns as it can and does impact the way our legislators conduct the state's business. We, the undersigned, encourage this committee's full support and backing of HB 244 as it is the right and moral thing for the citizens of the state of Alaska.

Thank you for taking the time to read this letter and our petition plus signatures. May God bless and keep our great state of Alaska!

Sincerely,
Citizens of the Central Kenai Peninsula

CC: Representative Peggy Wilson

We, the People of the Central Kenai Peninsula, place our signatures to support Representative Kawasaki's House Bill 244 ("An Act Providing that for-profit corporations and limited liability companies organized in this state are not persons for purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls.") for the 27th State Legislature of 2011-2012. This is a wonderful bill for the People of Alaska and it needs to be passed. Thank you!

FULL NAME	SIGNATURE	ADDRESS (city, state, zip code)	EMAIL	PHONE
Michele Vasquez	Michele Vasquez	POBox 1150 Kenai AK 99611	Michele.So.simmons@gmail.com	260-6782
Katharine Veh	Katharine Veh	34506 Commerce St. Soldotna, AK 99669	heyoyveh@yahoo.com	252-4530 260
Gina Beard	Gina D Beard	48625 Prairie Ave. Soldotna AK 99669	ginadawn@aol.com	260-1645
Joy Falls	Joy Falls	117 Deepwood ct Kenai, AK 99611	JFalls@ACS ALASKA.NET	283-5028
Debbie McKay	Debbie McKay	55441 Chinook Rd, Kenai 99611	trouba93@gmail.com	776-5745
Dale Pass	Dale Pass	PO Box 877 Kenai 99611	mazy73@live.com	394-6860
Dan Chay	Dan Chay	37306 Cetacea Ln Kenai AK 99611	dmchay@gmail.com	283-9227
Leigh High	Leigh High	1245 Chinook Dr Kenai AK 99611		301-1747
Daniel L. Lynch	Daniel L. Lynch	44755 Sterling hwy. #29 Soldotna, AK 99669		
Steve Schoonmaker	Steve Schoonmaker	Box 218 Kasilof AK 99610		907 253-6700
Patrick J. Koivisto	Patrick J Koivisto	805 Peninsula Ave. #30 Kenai, AK 99611		907 394-7200
KRISTA L TIMLIN	Krista L Timlin	48395 Johns Rd Soldotna, AK 99669	kristatimlin@hotmail.com	260-5277
Phillip North	Phillip North	3810 Wildrose Ave Kenai AK 99611	panorth@alaska.net	283-2644
Amanda North	Amanda North	3810 Wildrose Ave Kenai, AK 99611	panorth@alaska.net	283-2641

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FULL NAME	SIGNATURE	ADDRESS (city, state, zip code)	EMAIL	PHONE
HARRY HAGELUND		PO Box 131, KASILOF, AK 99610	HSAK13@GMAIL.COM	394-6316
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Willow King		P.O. Box 855 Kasilof AK 99610	happinessislocated@yahoo.com	394-5883
Sheila Brooks		34926 Kimmsin Soldotna AK	moralturpitude@yahoo.com	262-8808
Roberta V. Tanguy		PO Box 34 Soldotna	rivelue@yahoo.com	260-6284
Nancy Schrag		312 Princess, Kenai		
Mark Schrag		312 Princess, Kenai		283-9382
Arlene Tabb		Box 304 Sterling	ajaskypersonal@yahoo.com	260-3782
Eric W. Zuber		Box 304 Sterling	rickzuber@hotmail	260-3782
HEIDI CHAY		P.O. Box 553 Kenai	heidichay@gmail.com	283-9277
DAN CHAY		" "		
Tom Ellis		54932 Burdock Rd Kasilof	edwardkellis@yahoo.com	2622824
Reuben Rull		Po box 2597 Soldotna, AK	akry4@hotmail	262-0447

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FULL NAME	SIGNATURE	ADDRESS (city, state, zip code)	EMAIL	PHONE
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Eliza Eller		54932 Burdock Rd Kasilof	ellers@ionia.org	907-262-7824
Celia Harrison		131 Shady LN #E	celia.harrison@yahoo.com	907-399-4091
JOERAY SKEHA THANKS EVERYONE (CREDIT CARD)		2455 KENAI, AK 99611	JOERAY@MCRSA.NET	907-283-7100
Eric Sandberg		Box 544 Sterling AK 99672		907 262 1919
Andrew Henderson		48395 [illegible]	zobgulo@hotmail	260-5277
Linda Price Albers		4412 N. Dogwood Kenai AK	"	"
Steve Albers		4412 N. Dogwood Kenai, AK	dandelion_acres@yahoo.com	335-0515
Rhys Durham		Kenai, AK 99611 ~~5841 E Kenai Spur Hwy~~		9076902236

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FULL NAME	SIGNATURE	ADDRESS (city, state, zip code)	EMAIL	PHONE
KAY McNALLY	Kay McNally	PO BOX 544, Sterling AK 99672	mcnallysandberg@gmail.com	262-1919
Margaret Moran	Margaret E Moran	PO Box 317 Kenai, AK 99611		
Leigh Tacey	Leigh Tacey	" "		
BETSY NIXON	Betsy A Nixon	P.O. 2226 Soldotna AK 99669		
David E. Athons	David E Athons	PO Box 3521 Soldotna 99669	dathons@alaska.net	2033745

Nancy Manly

From: Rep. Bob Lynn
Sent: Thursday, January 26, 2012 9:31 AM
To: Nancy Manly
Subject: FW: Support for HB 244

Categories: Red Category

From: Familie Veh [mailto:heyovveh@yahoo.com]
Sent: Thursday, January 26, 2012 9:28 AM
To: Rep. Bob Lynn
Subject: Support for HB 244

Dear Rep. Lynn;

I support House Bill No. 244 "An Act providing that for-profit corporations and limited liability companies organized in this state are not persons for purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls." I believe this legislation would be great for the people of Alaska, since corporations are not persons and should not be allowed to contribute enormous sums of money to political campaigns. Please support this bill!

Thank you!

Sincerely,

Kate Veh
Soldotna, Alaska
260-4669

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, January 24, 2012 12:24 PM
To: Nancy Manly
Subject: FW: I support HB 244

From: barbara@alaskabike.com [mailto:barbara@alaskabike.com]
Sent: Tuesday, January 24, 2012 12:14 PM
To: Rep. Bob Lynn
Subject: I support HB 244

Dear Representative Lynn,

I would like to express my support for the House Bill 244 introduced by Rep. Scott Kawasaki. It is my very strong belief that corporations, no matter what their structure, are NOT people, and should NOT enjoy the latitude of influencing our elections. Please represent the liberty-minded people of this state and let us come to our own conclusions about our candidates and elected officials.

Thank you!

Barbara Rowland
Anchorage
223-2327

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, January 24, 2012 11:08 AM
To: Nancy Manly
Subject: FW: HB 244

From: Sallie Dodd Butters [mailto:salliewax@gmail.com]
Sent: Tuesday, January 24, 2012 11:04 AM
To: Rep. Bob Lynn
Subject: HB 244

HELP!!!!!! Go forth and prosper...

--
Motley Farm
PO 1223.Homer.Alaska.99603
907-235-5994
cell:907-299-4393

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, January 24, 2012 12:26 PM
To: Nancy Manly
Subject: FW: HB 244

From: River Song [mailto:riversong6@gmail.com]
Sent: Tuesday, January 24, 2012 12:25 PM
To: Rep. Bob Lynn; Rep. Peggy Wilson
Subject: HB 244

Honorable Representatives Lynn and Wilson,

I am writing you to express my wholehearted support for HB 244.

Simply put, I believe that considering corporations as people for the purposes of influencing elections is a violation of the democratic principles our country and state were founded on.

For what it is worth, I'd be amenable to including non-profit corporations, trade unions, and religious institutions as well.

Please know that I am asking all my friends, acquaintances and family to also support this bill, posting it to my Facebook page, and generally am trying to generate the grass roots support and political cover you need to make this a reality.

Thank you very much,

Douglas A. Stephens
11611 Trails End Road
Anchorage, AK 99507

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, January 24, 2012 10:40 AM
To: Nancy Manly
Subject: FW: HB244

-----Original Message-----
From: hrhays@alaska.net [mailto:hrhays@alaska.net]
Sent: Monday, January 23, 2012 5:32 PM
To: Rep. Bob Lynn
Subject: HB244

I support HB244 sponsored by Rep. Kawasaki. Hugh R. Hays, PhD
PO 3626 Soldotna, Alaska 99669 907-262-3908 hrhays@alaska.net

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, January 24, 2012 10:40 AM
To: Nancy Manly
Subject: FW: House Bill 244

-----Original Message-----
From: Emily Jurgens [mailto:e-jurgens@hotmail.com]
Sent: Monday, January 23, 2012 9:47 PM
To: Rep. Peggy Wilson; Rep. Bob Lynn
Subject: House Bill 244

I support House Bill No. 244. This bill is vital to protecting the democratic process, the faith of voters in their government, and the right of the people to the state constitution's promise that "All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole."
Sincerely,
Emily Jurgens
690 Avalon Drive
Fairbanks, AK 99712

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, January 24, 2012 10:10 AM
To: Nancy Manly
Subject: FW: HB 244

From: Sue Christiansen [mailto:suechristiansen@yahoo.com]
Sent: Tuesday, January 24, 2012 8:56 AM
To: Rep. Bob Lynn
Subject: HB 244

Kate Veh

Dear Representative Bob Lynn,
Currently HB 244 is in your committee of State Affairs. This bill is what is vitally needed to reform elections. I support it whole heartedly and hope you will as well. It is an important bill to people throughout this state. We appreciate your service to all the people of Alaska. Thank you for your time and committment in making sure this critical bill gets passed.
Sue Christiansen

Bill Text 27th Legislature
http://www.legis.state.ak.us/basis/get_bill_text.asp?hsid=HB0244A&session=27

Nancy Manly

From: Patty Krueger
Sent: Tuesday, January 24, 2012 10:11 AM
To: Nancy Manly
Subject: FW:

From: sarah thomas [mailto:stotherah@yahoo.com]
Sent: Tuesday, January 24, 2012 9:23 AM
To: Rep. Bob Lynn
Subject:

I wanted to commend you and show my strong support for House Bill No. 244. Thank you for taking a stand for the people.

Sarah Thomas

27th Legislature(2011-2012)

Bill History/Action for 27th Legislature

BILL: HB 244

SHORT TITLE: CORPORATIONS NOT "PERSONS" IN ELECTIONS

BILL VERSION:

CURRENT STATUS: (H) STA
THEN JUD

STATUS DATE: 01/17/12

SPONSOR(s): REPRESENTATIVE(s) KAWASAKI, TUCK, GARDNER, GARA, Miller, Kerttula

TITLE: "An Act providing that for-profit corporations and limited liability companies organized in this state are not persons for purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls."

Bill Number: [ ] [Search Bills] [Next Bill]

[Full Text]

[Sponsor Statement]

[Display Committee Action with Bill History]

Jrn-Date	Jrn-Page	Action
01/17/12	1335	(H) PREFILE RELEASED 1/6/12
01/17/12	1335	(H) READ THE FIRST TIME - REFERRALS
01/17/12	1335	(H) STA, JUD
01/17/12	1335	(H) REFERRED TO STATE AFFAIRS
01/18/12	1365	(H) COSPONSOR(S): KERTTULA

michelle
HB244 VASQUEZ
100% favor
Soldotna
1-23-12

Similar Subject Match or Exact Subject Match
CAMPAIGNS
CORPORATIONS
ELECTIONS

Bill Number: [ ] [Display Bill]
[Next Bill]

Return to Basis Main Menu (27th Legislature)

-----Original Message-----
From: Hal Gage [mailto:halgage@alaska.net]
Sent: Friday, January 13, 2012 11:30 AM
To: Sen. Johnny Ellis
Subject: End Corporate Personhood

Towns, cities, and organizations across the country are demanding an end to corporate personhood and the system of election buying, among the other abuses it allows. Montana bans corporate election spending despite the 'Citizens United' ruling. We need the U.S. Constitution amended to state what its original framers considered too obvious to include: human rights are only for humans. Examples of useful bills to support in the U.S. Congress are S.J.Res.33, H.J.Res.90, H.J.Res.88, and H.J.Res.78. This is our top priority, and we expect you to introduce or cosponsor the necessary legislation.

Sincerely,

Hal Gage
2526 Galewood St
Anchorage, AK 99508

Mindy ONeall

From: Sue Sprinkle <suesprinkle@alaska.net>
Sent: Wednesday, February 08, 2012 8:37 PM
To: Rep. Scott Kawasaki
Subject: Corporate Personhood

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

I heartily support your introduction of HB244 and HJR33 to stymie "Corporate Personhood" in Alaska politics.

Since the decision in Citizens United v. Federal Election Commission, instead of creating a fair and level playing field for all, our government is becoming the agent of the powerful and privileged. Only popular outrage/resistance can prevent the richest economic interests from buying our democratic process.

We had a taste of that with the Murkowski versus Miller election when the when the Super PAC, Alaskans Standing Together, created by Alaska's Native regional corporations, threw a half million dollars into an ad campaign and suppressed a debate that would have included all 3 Senate candidate during AFN in Fairbanks, Alaska.

No other nation on earth has given in its constitution the right of corporate personhood. I think we should be the first state to say, "NO! We won't be bought"

"Just as they have adorned our athletic stadiums and multiple places of public assembly with their logos, corporations can officially put their brand on the government of the United States as well as the executive, legislative, and judicial branches of the fifty states." Bill Moyers

Sincerely,

Sue Sprinkle
Design Partner

5th Avenue Design & Graphics, Inc.
1222 Well Street #3, Fairbanks, AK 99701
PH: (907) 452-4166 | FX: (907) 452-4106

Mindy ONeall

From: Dale Toy <argost4c@yahoo.com>
Sent: Tuesday, February 07, 2012 10:47 PM
To: Rep. Scott Kawasaki
Subject: End Corporate Personhood

Towns, cities, states, and organizations across the country are demanding an end to corporate personhood and the system of election buying, among the other abuses it allows. Montana bans corporate election spending despite the 'Citizens United' ruling. We need the U.S. Constitution amended to state what its original framers considered too obvious to include: human rights are only for humans. Examples of useful bills to support in the U.S. Congress are H.J.Res100, S.J.Res.33, H.J.Res.90, H.J.Res.88, and H.J.Res.78. This is our top priority, and we expect you to introduce or cosponsor the necessary legislation. President Obama now supports this goal. It's time for action.

Sincerely,

Dale E. Toy

Dale Toy
P.O. Box 84836
Fairbanks, AK 99708

PENINSULA CLARION

Thursday, Feb. 2, 2012

Corporations should not be treated as people

By Michele Vasquez
Kenai

3 comments »
Latest by spwright 4 weeks 23 hours ago

I am a staunch supporter of HB 244, which was introduced in the Alaska House by Rep. Scott Kawasaki. The bill reads: "An act providing that for-profit corporations and limited liability companies organized in this state are not persons for the purposes of influencing the outcomes of public office elections, initiatives, referendums, or recalls. We do not believe that corporations are people nor should they have the ability to influence our elections."

In my opinion, the Citizens United decision by the Supreme Court is the worst decision by the high court in recent history. We are living, breathing humans who can feel, eat, drink and walk into a voting booth and vote. A corporation is not a human being, cannot feel, cannot eat, drink or walk into a voting booth to vote. Money (aka "speech") does not equal the voice of a human being. The Supreme Court has given large, multinational corporations the legal right to spend unlimited amounts of money, anonymously, to buy American elections. The Supreme Court gave corporations all the rights of citizens without the responsibility and obligations of being a true human citizen. Legislators are no longer elected to office by citizens because corporations, through anonymous, large donations, choose who is elected. We were given the right to vote for and elect our public officials, but that has been stolen from the American citizen.

The corporation was created to protect the public interest. The corporation of today has one purpose; to make money, and in order to make money, the corporations need to elect certain officials who will pass or not pass certain pieces of legislation. Corporations were stopped in recent years from doing harm to our environment, to the health of our citizens; not to mention the illegal activities many have participated in. There are now laws in place to protect the environment and our health. Even so, powerful corporations wield money, which affords power, in the halls of Congress and state legislatures to influence pending legislation or change laws already in existence. Then, the Supreme Court decides to go a step further by granting corporations the right of speech (money), which will absolutely corrode and destroy the election process in this country. Elections are no longer about which candidate

is best; it is about which candidate can raise the most money to win an election. This is not a partisan issue; it is an American citizen issue. Millions of dollars are pouring into campaigns via multinational corporations, so it is likely foreign countries are having a "say" in who is elected in this country!

As a citizen of this state and the U.S., I stand behind HB 244! Corporations are not persons; money is not speech, and corporations should not be able to give unlimited, anonymous donations to political campaigns. The Supreme Court's decision on Citizens United must be overturned. I urge everyone to contact all members of the State House Affairs Committee (**http://www.legis.state.ak.us/basis/get_com_info.asp?comm=HSTA=27**) and tell them you support HB 244.

0 0

3 comments »

Latest by spwright 4 weeks 23 hours ago

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Mindy ONeall

From: Michael Caulfield
Sent: Monday, February 13, 2012 9:00 AM
To: Mindy ONeall
Cc: Rep. Scott Kawasaki
Subject: HB244 LTE

Follow Up Flag: Follow up
Flag Status: Flagged

Author:
MERRIMAN, HARRY E
445 LONE PINE DR
FAIRBANKS AK 99709-6511
District: 07-225 Party: N Sex: M

Limit rights
by Harry E. MerrimanFairbanks Daily News Miner
Feb 12, 2012 | 1037 views | 23 | 3 | |
Feb. 7, 2012

To the editor:

Boy, did the Sunday, Feb. 5, News Miner editorial writer get their underwear all bunched up over the Alaska House Bill 244 that states corporations cannot be regarded by the courts as persons for purposes of influencing the outcomes of public office elections, initiatives, referendums or recalls. Beginning with uncited quotations and quickly claiming the News-Miner might lose First Amendment rights, it then illogically concludes the result would be government censorship and elimination of free speech rights of corporations. Baloney.

The real issue here is whether corporations should have limited rights as compared to real people. The drafters of the U.S. Constitution certainly thought corporate rights should be quite limited and so did former justices. Chief Justice Marshall in 1819 wrote: "Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly, or as incidental to its very existence."

American law gives corporations special legal status: limited liability, special rules for the accumulation of assets and the ability to live forever. These rules put corporations in a privileged position in producing profits and aggregating wealth.

For more than 100 years Congress had banned corporations from contributing to federal political campaigns, a ban the Supreme Court had repeatedly upheld. These limitations are more important today than ever before because of corporations' immense wealth, clout, off-shore ownership and influence with elected officials.

In 2010 the Supreme Court, in a 5-4 ruling led by George W. Bush's appointees, overruled more than100 years of legal and moral precedent by overturning the 2002 Bipartisan Campaign Reform Act, commonly known as the McCain-Feingold Act, a bizarre ruling coming from supposedly conservative bloc judges, especially considering their often-proclaimed devotion to the text of the U.S. Constitution. Now the only way to correct this abomination and repair damage to our democracy is through passage by many states of legislation such as Alaska House Bill 244 or amending the U.S. Constitution for the 28th time, an option many Americans are considering.

Harry E Merriman

print

Limit corporations

by Marilyn Russell
02.26.12 - 12:01 am
Feb. 24, 2012

To the editor:

I support two important pieces of legislation filed in Juneau to keep large corporations out of local elections.

HJR 33 urges the U.S. Congress and the president to work to amend the Constitution to prohibit entities from making unlimited expenditures supporting or opposing candidates for public office. HB 244 provides that for-profit corporations in Alaska are not "people" for purposes of influencing the outcomes of public office elections etc.

The next campaign election is already steaming up, and consumers of mainstream media will be subjected to a main stream of money pouring into the laps of candidates and against candidates. This demeans my voice, and my neighbors' voice, and takes away the concept of one voice, one vote. It downplays the rights of people and the faith they have for a fair and democratic process. Corporations cannot breathe, they exist to make money and it is clear they do not belong in local elections to spend carte blanche, when, in comparison, I can hardly be heard due to the imbalance in monetary resources.

Please contact Rep. Gara and Rep. Kawasaki and let them know you support keeping corporations out of local elections.

Marilyn Russell

Fairbanks

© newsminer.com 2012

Mindy ONeall

From: Michele Vasquez <michele.s.simmons@gmail.com>
Sent: Tuesday, January 17, 2012 10:07 PM
To: Rep. Scott Kawasaki
Subject: re: Thank you ahead of time on HB 244!!!

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Kawasaki:

I am not in your district, but I wanted to let you know how thrilled I was to see that you have filed HB 244 ahead of the opening of the legislature. As you are aware, the SCOTUS decision on Citizen's United is probably the worst decision made in countless years! We already see the ramifications of it in the 2012 election cycle.

I don't know if other legislators in other states have filed similar bills, but somehow, I think you are not alone. We have seen cities like Portland and NYC approve resolutions declaring that corporations are not people. Several U.S. Senators and Representatives have introduced legislation to amend the Constitution to overturn CU, including our very own Senator Begich.

It was particularly exciting to read that the Attorney General of Montana, Steve Bullock, was able to get the Supreme Court in his state to uphold a 1912 decision that prohibits direct contributions by corporations into political elections. I don't know if Alaska has any old laws, but since we haven't been a state for as long as Montana, I somehow doubt it. However, you could make history with your legislation. I believe you will find the majority of Alaskans side with you on this issue regardless of party affiliation. This is NOT about party affiliation, in my opinion; it is about the fundamental fairness in our election process.

For years, I have watched money become the make or break in elections; this is NOT the way it should be! I think we should go back to federally funded elections...period. I believe the last one was Reagan/Carter. Money should NOT choose our legislators and president. Money should NOT be a part of our political process ever! Elections are decided today not by the voters, but by which candidate has the most money to spend and that money comes from corporations funneled in from wherever to Super Pacs. This must end!! I applaud your efforts and you have my support!

Sincerely,

Michele S. Vasquez

Mindy ONeall

From: barbara@alaskabike.com
Sent: Tuesday, January 24, 2012 3:08 PM
To: Rep. Scott Kawasaki; Rep. Berta Gardner; Rep. Les Gara
Subject: HB 244 support

Dear Representatives,

I just heard a bill had been introduced that I believe many Alaskans can get behind, the HB 244 to exclude corporations from the elective process. I am excited to hear the ball is starting to roll on this issue!

However, I'm slightly concerned with specific word identifying companies "...organized in this state..." that are not persons. Do you suppose that verbage will only dissadvantage Alaskan companies and not at all dissuade Outside companies/PACs from pouring money into local elections? I would love to get 100% behind this if I knew we could keep Outside corporate money from influencing elections here, as well as local firms.

I look forward to your response. Thank you, and good work!

Barbara Rowland
Anchorage
223-2327

Mindy ONeail

From: Terry Snyder <tisterryak@gmail.com>
Sent: Thursday, January 19, 2012 7:32 PM
To: Rep. Scott Kawasaki
Subject: HB 244

Bravo for your sponsorship of HB 244 "not persons in elections" !

Can you tell me the first committee date and time it will be heard on the House side?

Thanks for your help!

Terry Snyder

Mindy ONeall

From: Lynn Wilbur <kalei.lw@gmail.com>
Sent: Tuesday, January 24, 2012 12:01 PM
To: Rep. Scott Kawasaki
Subject: [web] HB 244

To: Representative Scott Kawasaki

From:
Lynn Wilbur
kalei.lw@gmail.com

Message:
Thank you for sponsoring this bill!

Sent from (ip address): 209.112.189.130 (209.112.189.130)
Date/Time: January 24, 2012 9:00 pm
Coming from (referer):
http://akdemocrats.org/rep_kawasaki/contact-me/
Using (user agent): Mozilla/5.0 (Windows NT 6.1; WOW64; rv:9.0.1)
Gecko/20100101 Firefox/9.0.1

Mindy ONeall

From: Michelle Putz <mupere@alaska.net>
Sent: Monday, January 23, 2012 7:49 PM
To: Rep. Scott Kawasaki
Subject: [web] Support and thanks for HB 244

To: Representative Scott Kawasaki

From:
Michelle Putz
mupere@alaska.net

Message:
THANK YOU for sponsoring HB 244! As these elections get underway, I fully agree that corporations are not people and should not have the rights of people in any matters. I support you and will ask Peggy Wilson to do the same.

Sent from (ip address): 216.67.81.162
(216-67-81-162-rb1.sit.dsl.dynamic.acsalaska.net)
Date/Time: January 24, 2012 4:49 am
Coming from (referer):
http://akdemocrats.org/rep_kawasaki/contact-me/
Using (user agent): Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 5.2; Win64; x64; Trident/4.0; GTB7.1; .NET CLR 2.0.50727; .NET CLR 3.0.04506.648; .NET CLR 3.0.4506.2152; .NET CLR 3.5.30729)

Mindy ONeall

From: Rep. Les Gara
Sent: Tuesday, January 24, 2012 4:18 PM
To: Rep. Scott Kawasaki
Subject: FW: HB 244 support

Follow Up Flag: Follow up
Flag Status: Flagged

She may be right about the organized in this state language. I told her she was off base on Citizens United on PACs. Sponsor substitute?

From: barbara@alaskabike.com [mailto:barbara@alaskabike.com]
Sent: Tuesday, January 24, 2012 3:08 PM
To: Rep. Scott Kawasaki; Rep. Berta Gardner; Rep. Les Gara
Subject: HB 244 support

Dear Representatives,

I just heard a bill had been introduced that I believe many Alaskans can get behind, the HB 244 to exclude corporations from the elective process. I am excited to hear the ball is starting to roll on this issue!

However, I'm slightly concerned with specific word identifying companies "...organized in this state..." that are not persons. Do you suppose that verbage will only dissadvantage Alaskan companies and not at all dissuade outside companies/PACs from pouring money into local elections? I would love to get 100% behind this if I knew we could keep Outside corporate money from influencing elections here, as well as local firms.

I look forward to your response. Thank you, and good work!

Barbara Rowland
Anchorage
223-2327

Cities, states pass resolutions against corporate personhood

Several cities and states are passing resolutions against corporate personhood. The resolutions are the result of Supreme Court decision, *Citizens United v. Federal Election Commission* which gave corporations the same first amendment rights as individuals and thereby opening the floodgates for money in politics in the US. Cities and states with rules governing political contributions on the books and even some without are hoping that these resolutions will curb the impact of that decision or provide momentum to overturn it completely.

Los Angeles, Oakland, Albany and Boulder have all passed city council resolutions invalidating the concept of corporate personhood. New York City voted this afternoon to join them, with a resolution creating clear dividing lines between the rights of corporations and citizens in Manhattan. The New York decision is notable for both the size of Manhattan but also the size of its business community and the potential impact of such a resolution. Cities across the country are looking at similar resolutions in attempt to restore order in their localities as Super Political Action Committees (PACs) make unprecedented forays into local elections.

On Friday, Montana's Supreme Court restored a 100-year old provision banning corporate spending in local politics. According to the court, even though the Supreme Court ruling strikes federal spending limits, it does not specifically prohibit state spending laws. The court held that the state's Corrupt Practices Act, thus complies with the U.S. Supreme Court's January 2010 ruling in Citizens United v. Federal Elections Commission.

Vermont introduced a measure in the state legislature last week that calls on Congress to create a constitutional amendment separating the rights of individuals from those of corporations. California is expected to be the next state to take up a state-level resolution calling for a constitutional amendment to overturn the Citizens United decision.

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January 12, 2012

America Isn't a Corporation

By **PAUL KRUGMAN**

"And greed — you mark my words — will not only save Teldar Paper, but that other malfunctioning corporation called the U.S.A."

That's how the fictional Gordon Gekko finished his famous "Greed is good" speech in the 1987 film "Wall Street." In the movie, Gekko got his comeuppance. But in real life, Gekkoism triumphed, and policy based on the notion that greed is good is a major reason why income has grown so much more rapidly for the richest 1 percent than for the middle class.

Today, however, let's focus on the rest of that sentence, which compares America to a corporation. This, too, is an idea that has been widely accepted. And it's the main plank of Mitt Romney's case that he should be president: In effect, he is asserting that what we need to fix our ailing economy is someone who has been successful in business.

In so doing, he has, of course, invited close scrutiny of his business career. And it turns out that there is at least a whiff of Gordon Gekko in his time at Bain Capital, a private equity firm; he was a buyer and seller of businesses, often to the detriment of their employees, rather than someone who ran companies for the long haul. (Also, when will he release his tax returns?) Nor has he helped his credibility by making untenable claims about his role as a "job creator."

But there's a deeper problem in the whole notion that what this nation needs is a successful businessman as president: America is not, in fact, a corporation. Making good economic policy isn't at all like maximizing corporate profits. And businessmen — even great businessmen — do not, in general, have any special insights into what it takes to achieve economic recovery.

Why isn't a national economy like a corporation? For one thing, there's no simple bottom line. For another, the economy is vastly more complex than even the largest private company.

Most relevant for our current situation, however, is the point that even giant corporations sell the great bulk of what they produce to other people, not to their own employees — whereas even small countries sell most of what they produce to themselves, and big countries like America are overwhelmingly their own main customers.

Yes, there's a global economy. But six out of seven American workers are employed in service industries, which are largely insulated from international competition, and even our manufacturers sell much of their production to the domestic market.

And the fact that we mostly sell to ourselves makes an enormous difference when you think about policy.

Consider what happens when a business engages in ruthless cost-cutting. From the point of view of the firm's owners (though not its workers), the more costs that are cut, the better. Any dollars taken off the cost side of the balance sheet are added to the bottom line.

But the story is very different when a government slashes spending in the face of a depressed economy. Look at Greece, Spain, and Ireland, all of which have adopted harsh austerity policies. In each case, unemployment soared, because cuts in government spending mainly hit domestic producers. And, in each case, the reduction in budget deficits was much less than expected, because tax receipts fell as output and employment collapsed.

Now, to be fair, being a career politician isn't necessarily a better preparation for managing economic policy than being a businessman. But Mr. Romney is the one claiming that his career makes him especially suited for the presidency. Did I mention that the last businessman to live in the White House was a guy named Herbert Hoover? (Unless you count former President George W. Bush.)

And there's also the question of whether Mr. Romney understands the difference between running a business and managing an economy.

Like many observers, I was somewhat startled by his latest defense of his record at Bain — namely, that he did the same thing the Obama administration did when it bailed out the auto industry, laying off workers in the process. One might think that Mr. Romney would rather not talk about a highly successful policy that just about everyone in the Republican Party, including him, denounced at the time.

But what really struck me was how Mr. Romney characterized President Obama's actions: "He did it to try to save the business." No, he didn't; he did it to save the industry, and thereby to save jobs that would otherwise have been lost, deepening America's slump. Does Mr. Romney understand the distinction?

America certainly needs better economic policies than it has right now — and while most of the blame for poor policies belongs to Republicans and their scorched-earth opposition to anything constructive, the president has made some important mistakes. But we're not going to get better policies if the man sitting in the Oval Office next year sees his job as being that of engineering a leveraged buyout of America Inc.

HB

247

<TARGET><BILL>HB 247</BILL><SUBJECT>HB 247</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 25, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 1-26-2012

The STATE AFFAIRS Committee considered: **HB 247**

HOUSE BILL NO. 247
"An Act establishing July 30 each year as Alaska National Guard Day."
HB 247 ALASKA NATIONAL GUARD DAY

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	Adm			X
2	MLV			X

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	JOHANSEN	X			
	Keller	X			
	Gruenberg	–			
	SEATON	V			
	Peterson	X			
Chair:	LYNN	X			
Chair:					

(1) HB 24-7 ! ! !

From the snowdrifts of Cordova to the battlefields of Iraq, the Alaska National Guard has been there, to serve and protect our citizens and interests, here and abroad. The National Guard honors Alaska, and we should honor the National Guard with a special day of recognition. That's what this bill is all about.

When Cordova was buried under record snowfalls recently, the Guard answered the call ... sending more than 50 members, supplies and equipment.

It was a typical Guard response to a call for help.

The 4,000 or so Guard members are guardians who respond quickly and efficiently to the state's call in emergency and disaster relief missions.

Here are some examples of headlines:

Guard provides rescue support for Hurricane Irene

Guard unit deploys to Afghanistan

Guard diverts training mission to assist lost hunter

Guard helps woman in medical distress

Guard rescues three from downed aircraft

Guard brings Operation Santa Claus to remote villages

(2)

The Alaska National Guard can't be mentioned in the same sentence without the words assist, deploy, help, perform, rescue, respond, save or serve.

The Guard, with a presence in more than 75 communities throughout Alaska, promotes positive values and activities. One example is its highly effective Alaska Counterdrug Support Program.

Since 2003, roughly 1500 of our guard members have deployed overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan.

HB 247 recognizes the value and dedication of the Guard and its role in the viability, economy, security, and overall well-being of our state and country.

We should honor the Alaska National Guard with a day of its own each year on July 30, the same day in 1948 when the Guard was officially authorized by Congress. Your passage of HB 247 is respectfully requested.

My staffer, Mike Sica, is present if you have questions about the bill.

Lt Gen. Craig Campbell, former head of the Guard, is planning to testify, as well as Cordova city manager Mark Lynch, former Cordova mayor Tim Joyce, who served as a public information officer during the recent snow emergency in his town, and Jennifer Gibbins, the newspaper editor of the Cordova Times.

HOUSE STATE AFFAIRS COMMITTEE PACKET

January 26, 2012

1 **HB 247**
Alaska National Guard Day
(Pending Referral)

2 **SCR 11**
Walter Hickel
Day of the Arctic

3 **HB 77**
Nonpartisan Blanket Primary Election

4 **HB 287**
Absentee Voting

5

6

7

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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House Bill 247 "Alaska National Guard Day"

"An Act establishing July 30 each year as Alaska National Guard Day"

House Bill 247 establishes Alaska National Guard Day on July 30 each year to honor the men and women of our Alaska National Guard for their tremendous bravery, sacrifice, and commitment to our communities, to our state, and to our nation.

Since its authorization on July 30, 1948, the Alaska National Guard has grown, changed and modernized to help in its role of protecting life and property both at home and abroad.

The Alaska National Guard (AKNG or The Guard) has a unique dual mission with both federal and state responsibilities and is the military arm of the Governor. In times of emergency, the guard stands ready to immediately respond when the Governor calls for help with local or state-wide emergencies. In addition, the President of the United States can activate the Alaska National Guard to participate in Federal missions. For example many of our Alaska Guard units have deployed to support operations in Iraq, Afghanistan and other places. Sadly, many have given their lives as well.

The Alaska National Guard soldiers and airmen always stand ready to protect the citizens of this state and have earned a well-deserved reputation for excellence. It's important to set aside a day each year to honor them.

Thank you for your support of House Bill 247.

Contact: Mike Sica, 907-465-4965 **Revised: January 18, 2012**

HOUSE BILL NO. 247

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES LYNN, THOMPSON, AND SADDLER, Fairclough, Costello, Petersen

Introduced: 1/17/12
Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

"An Act establishing July 30 each year as Alaska National Guard Day."

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

*** Section 1.** AS 44.12 is amended by adding a new section to article 2 to read:

Sec. 44.12.125. Alaska National Guard Day. Alaska National Guard Day is established on July 30 of each year to honor the Alaska National Guard. Alaska National Guard Day may be observed by suitable observances and exercises by the Alaska National Guard, civic groups, and the public.

Relevant Statutes

HB 247 Alaska National Guard Day

Article 02. DESIGNATED DAYS OF HONOR

Sec. 44.12.030. Wickersham Day.

August 24 is designated Wickersham Day in honor of James Wickersham, and is the occasion for school assemblies with appropriate programs, and other suitable observances and exercises by civic groups and the public in general.

Sec. 44.12.040. Anthony J. Dimond Day.

November 30 is designated Anthony J. Dimond Day in honor of "Tony" Dimond, and shall be observed by appropriate school assemblies and programs, and other suitable observances and exercises by civic groups and the public at large.

Sec. 44.12.045. Martin Luther King Day. [Repealed, Sec. 3 ch 109 SLA 1989].

Repealed or Renumbered

Sec. 44.12.050. Ernest Gruening Day.

Ernest Gruening Day is established on February 6 of each year to honor Ernest Gruening, doctor, editor, and statesman, for a lifetime of service to the territory and state of Alaska and the nation. Ernest Gruening Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.055. Bob Bartlett Day.

Bob Bartlett Day is established on April 20 of each year to honor E.L. "Bob" Bartlett, the "architect of Alaska statehood," for a lifetime of public service to Alaska and the nation. Bob Bartlett Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.060. William A. Egan Day.

William A. Egan Day is established on October 8 of each year to honor William "Bill" Egan, the first governor of the state of Alaska, for a lifetime of service to the territory and state of Alaska. William A. Egan Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.065. Elizabeth Peratrovich Day.

Elizabeth Peratrovich Day is established on February 16 of each year to honor Elizabeth Peratrovich, past Grand President of the Alaska Native Sisterhood, for her courageous, unceasing efforts to eliminate discrimination and bring about equal rights in Alaska. Elizabeth Peratrovich Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.066. Susan Butcher Day.

Susan Butcher Day is established on the first Saturday of March of each year, the traditional start date of the Iditarod Trail Sled Dog Race, to honor Susan Butcher, a loving mother, devoted wife, world-class athlete, determined competitor, true Alaskan, and four-time Iditarod Trail Sled Dog Race champion. Susan Butcher Day may be observed by school assemblies, sporting events, and other suitable observances and exercises by civic groups and the public to remember the life of Susan Butcher, an inspiration to Alaskans and to millions around the world.

Sec. 44.12.067. Ted Stevens Day.

Ted Stevens Day is established on the fourth Saturday of July each year to honor Theodore F. "Ted" Stevens, whose long record of public service includes 40 years as a United States senator from Alaska, for his service to the state and the nation. Ted Stevens Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.070. Alaska Flag Day.

Alaska Flag Day is established on July 9 of each year to honor the creation of the design of the official flag of the state by Benny Benson and its importance as a symbol of the state. Alaska Flag Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.072. Alaska Day of Prayer.

The Alaska Day of Prayer is established on the first Thursday in May each year as an opportunity for residents of all faiths to join in united prayer to give thanks for blessings received, to request healing for wounds endured, to ask divine guidance for our leaders, and to bring wholeness to the citizens of our state and our nation.

Sec. 44.12.075. Family day and family preservation month.

Family Day is established on May 1 of each year to celebrate the institution of the family. The month of May each year is established as Preservation of the

Family Month to encourage the preservation of the institution of the family. Family Day and Preservation of the Family Month may be observed by suitable observances by families, such as a family discussion of the role of families, the rights and responsibilities of children and parents, and appropriate methods for the resolution of violent feelings in family conflict, and by exercises by civic groups and the public. In observance of Family Preservation Month, the Department of Health and Social Services shall encourage the prevention of child abuse and neglect in Alaska families.

Sec. 44.12.076. Prisoners of War and Missing in Action Recognition Days.

(a) Former Prisoners of War Recognition Day is established on April 9 of each year to recognize and honor all former prisoners of war (POWs) from our nation's wars who have returned home. These POWs repeatedly demonstrated their devotion to duty, honor, and country, despite enduring captivity and sometimes brutal treatment by their captors. The governor shall issue a proclamation to commemorate the day, and the POW/MIA flag shall be flown that day at sites identified by the governor. Former POW Recognition Day may be observed by suitable observances and exercises by civic groups and the public.

(b) Prisoners of War and Missing in Action Recognition Day is established on the third Friday of September each year to honor all prisoners of war (POWs) and those missing in action (MIAs), unaccounted for from all our nation's wars or who died in captivity. These POWs and MIAs repeatedly demonstrated their devotion to duty, honor, and country, despite enduring captivity and sometimes brutal treatment by their captors. The fate of those unaccounted for and missing in action from our nation's wars causes considerable uncertainty for their families, friends, fellow soldiers, and veterans. This day is also an occasion for Alaskans to remember our country's enormous responsibility to do everything possible to account for those still missing in action. The governor shall issue a proclamation to commemorate the day, and the POW/MIA flag shall be flown that day at sites identified by the governor. POW and MIA Recognition Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.078. Women Veterans Day.

Women Veterans Day is established on November 9 of each year to acknowledge and commemorate the sacrifices endured and valor displayed by American women veterans and to recognize their increasing role in the military. The governor shall issue a proclamation to commemorate Women Veterans Day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.080. Pearl Harbor Remembrance Day.

Pearl Harbor Remembrance Day is established on December 7 of each year to commemorate the attack on Pearl Harbor on December 7, 1941, and to honor the individuals who died as a result of the attack. The governor shall issue a proclamation to commemorate the day and shall direct that the Alaska flag be flown at half-mast on that day. Pearl Harbor Remembrance Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.083. Alaska Territorial Guard Day.

Alaska Territorial Guard Day is established on October 18 of each year to acknowledge and commemorate the service of the members of the Alaska Territorial Guard in defense of Alaska and the United States during World War II. The governor shall issue a proclamation to commemorate Alaska Territorial Guard Day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.085. Dutch Harbor Remembrance Day.

Dutch Harbor Remembrance Day is established on June 3 of each year to commemorate the attack on Dutch Harbor on June 3, 1942, and to honor the individuals who died as a result of the attack and those inhabitants of Attu and Kiska who fell into enemy hands three days later and were held captive in Japan until the end of World War II. On Dutch Harbor Remembrance Day the many servicemen who died in 1943 while recapturing Attu and Kiska from the Japanese are also honored for their diligent service to the United States and to the state. The governor shall issue a proclamation to commemorate Dutch Harbor Remembrance Day and shall direct that the Alaska flag be flown at half-mast on that day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.090. Juneteenth Day.

Juneteenth Day is established on the third Saturday in June each year to commemorate the abolition of slavery throughout the United States and its territories in 1865. The governor shall issue a proclamation to commemorate the day. On Juneteenth Day, citizens of the state are urged to reflect on the suffering endured by early African-Americans and to appreciate the unique freedom and equality enjoyed by all state citizens today.

Sec. 44.12.092. Alaska History Week.

The first week of March of each year is established as Alaska History Week to celebrate the contributions and experiences that comprise the past development of The Great Land. Alaska History Week may be observed by

school assemblies, programs, and other suitable observances and exercises by civic groups and the public.

Sec. 44.12.095. Drunk Driving Victims Remembrance Day.

Drunk Driving Victims Remembrance Day is established on July 3 of each year to commemorate the victims of drunk driving. The governor shall issue a proclamation to commemorate the day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.098. Avalanche Awareness Month.

The month of November each year is established as Avalanche Awareness Month. Avalanche Awareness Month may be observed by schools, community groups, and other public and private agencies and individuals with appropriate activities that increase the public's awareness of avalanche dangers, how to respond to avalanches, and the use of appropriate equipment in avalanche areas.

Sec. 44.12.100. Older Alaskans' Day.

The second Wednesday of September of each year is established as Older Alaskans' Day to honor residents of the state who are 60 years of age or older for the many contributions made by older Alaskans to the state. The day may be celebrated by public ceremonies and by quiet appreciation.

Sec. 44.12.105. Alaska Agriculture Day.

Alaska Agriculture Day is established on the first Tuesday in May each year in order to recognize the many contributions of the agricultural industry in Alaska. Alaska Agriculture Day may be observed by celebratory events, projects, and activities directed at or involving people of all ages to increase their awareness and appreciation of Alaska agriculture and agriculture in general.

Sec. 44.12.110. Marmot Day.

Marmot Day is established on February 2 of each year. The day may be observed by suitable observances and exercises by school programs, the Alaska Zoo, civic groups, and the public.

Sec. 44.12.115. Purple Heart Day.

Purple Heart Day is established on August 7 of each year to honor recipients of the Purple Heart. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.118. Motorcycle and Motor Scooter Awareness Month.

The month of May each year is established as Motorcycle and Motor Scooter Awareness Month. Motorcycle and Motor Scooter Awareness Month may be observed by schools, community groups, and other public and private agencies and individuals with appropriate activities that increase the public's awareness of the presence of motorcycles and motor scooters on roads and highways in the state and that remind motor vehicle drivers to be aware of the presence of motorcycles and motor scooters when driving.

Sec. 44.12.120. Alaska Public Gardens Day.

Alaska Public Gardens Day is established on the Saturday immediately preceding Memorial Day each year to commemorate the state's public gardens and the role the gardens play in promoting environmental stewardship, the economy, a healthy food supply, education, plant conservation, recreation, and research.

Alaska National Guard (extracted from: Annual Report, State of Alaska, Department of Military Affairs, Office of the Adjutant General, 1977)

In 1977 the National Guard celebrated its 341st birthday, dating its history to the citizen's militia that was voluntarily formed at Plymouth, Massachusetts by the colonists for their mutual protection.

This was some 100 years before the Russians first settled in Alaska and approximately 140 years before Alaska became a possession of the United States.

But from these earliest territorial days, residents of Alaska have banded together when regular Army forces were not available in times of unrest. The Alaska National Guard, however, had its real beginning in 1917 when the Governor advised officials in Washington that "a local organization has been formed for home protection in the absence of an organized militia. " The Territorial Legislature appropriated funds for home guard units and two months later the War Department formally authorized the formation of a National Guard in Alaska.

After World War I, interest in the Guard units dwindled and by 1923 there were no active National Guard units here.

When threats of a second world war appeared on the horizon in 1929, the National Guard returned to Alaska. The first battalion of the 297th Infantry was allotted to the Territory and later received Federal recognition, a unit at a time. It was short lived, however, as a Territorial militia because two years later its personnel were inducted into federal service. Again, Alaska was without a National Guard.

This remained the case until early 1942 when the colorful and now famous Alaska Territorial Guard was formed as part of the Alaska Defense Command.

The Territorial Guard ultimately became the Scout Battalions of the Alaska National Guard as we know it today. That happened some three years after World War II ended and officials recognized the importance of having teams of Eskimo Scouts within hailing distance of Eskimo villages in the Soviet Union.

Since its authorization on July 30, 1948, the Alaska National Guard has grown, changed and modernized. For example, the snow machine has replaced the sled dog as a means of transportation. An engineer company, maintenance company, and mechanized reconnaissance battalion has been added. A new 207th Arctic Reconnaissance Group has been formed to streamline command, control and communications. Plans ate underwav for the formation of additional units suited to the skills prevalent in southeastern Alaska.

The Alaska Military Academy graduated its first class in 1977 and with the additional officers, the Army National Guard would be able to place greater emphasis on training its personnel in the skills which place our citizen-soldiers on a par with the regular forces.

Maj. Gen. Tom Katkus
Commissioner,
Adjutant General
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Press Release

OFFICE OF PUBLIC AFFAIRS

FOR IMMEDIATE RELEASE
August 1, 2011
By: Lt. Bernie Kale

Alaska Air National Guardsmen Deploy to Iraq

CAMP DENALI, Alaska – More than 30 Guardsmen from the Alaska Air National Guard's 168th Air Refueling Wing, based out of Eielson Air Force Base, will depart the United States today to begin a six-month deployment in Iraq.

The Guard members from the 168th Security Forces Squadron are finishing their pre-deployment training on air bases in Florida and Nevada to prepare them for situations they may face while at Camp Victory in Baghdad, Iraq.

"You always want more training," said Lt. Col. Jeff Elliot, 168th Security Forces Squadron commander. "While it's been strenuous, we are as prepared as can be and are ready to get our boots on the ground."

The primary mission of the deploying members will be to provide air base defense and entry control-point security.

"The security they are providing is vital to the accomplishment of the mission," said Col. Timothy O'Brien, 168th Air Refueling Wing commander, Alaska Air National Guard. "They have been training for this type of environment, and I am confident they will succeed."

The members left Alaska in early July to begin their training at Cheech Air Force Base, Nev., and Eglin Air Force Base, Fla.

Some of the pre-deployment training included battle drills, entry control-point training, weapons systems, land navigation and terrain reading.

"We are extremely proud of our Airmen," O'Brien said. "They are serving our country and representing the state of Alaska with honor."

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Maj. Gen. Tom Katkus
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Press Release

OFFICE OF PUBLIC AFFAIRS

For Immediate Release
November 26, 2011
By Maj. Guy Hayes

Alaska Army National Guard unit deploying to Afghanistan

Cutlines:

111126-F-ZH346-001/002/004

A departure ceremony for family and friends to say goodbye to Alaska Army National Guardsmen of B Company, 1st Battalion, 143rd Infantry (Airborne) Regiment was held today at the Alaska National Guard Armory on Joint Base Elmendorf-Richardson. In Afghanistan, the Soldiers of the 1-143rd will provide Security Forces Operations (SECFOR) for Provincial Reconstruction Teams (PRT). The PRT operates in potentially dangerous areas to rebuild infrastructure, assist with agriculture, build wells and provide healthcare. Photo By Maj Guy Hayes, Alaska National Guard Public Affairs

111126-F-ZH346-005

Sen. Mark Begich speaks to Alaska Army National Guardsmen of B Company, 1st Battalion, 143rd Infantry (Airborne) Regiment today at the Alaska National Guard Armory on Joint Base Elmendorf-Richardson. Begich also went around to shake the hand of every Soldier deploying to Afghanistan. Photo By Maj Guy Hayes, Alaska National Guard Public Affairs

111126-F-ZH346-006

Pfc. Coleman Wenke (left) smiles with his father Col. Scott Wenke, Alaska Air National Guard 176th Wing commander, following the deployment ceremony for B Company, 1st Battalion, 143rd Infantry (Airborne) Regiment today at the Alaska National Guard Armory on Joint Base Elmendorf-Richardson. Pfc. Wenke is deploying for a year with the Soldiers of the 1-143rd to provide Security Forces Operations (SECFOR) for Provincial Reconstruction Teams (PRT). The PRT operates in potentially dangerous areas to rebuild infrastructure, assist with agriculture, build wells and provide healthcare. Photo By Maj Guy Hayes, Alaska National Guard Public Affairs

Maj. Gen. Tom Katkus
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Press Release

OFFICE OF PUBLIC AFFAIRS

FOR IMMEDIATE RELEASE
January 7, 2011
By: Maj. Guy Hayes

Alaska National Guard responding to Alaska community buried in snow

CAMP DENALI, Alaska— The Alaska National Guard is responding to personnel and equipment requests for support in Cordova after weeks of record snowfall have left the city covered in more than 18 feet of snow.

Personnel in the Alaska National Guard's Joint Operation Center are responding to a resource request from the State Emergency Operation Center to send more than 50 Guard members, supplies and equipment to Cordova Sunday, weather permitting, to provide much needed support.

"We have called upon the Alaska National Guard to help the community with emergency snow removal that will protect public buildings and residences," said John Madden, director of the Division of Homeland Security and Emergency Management. "Their ability to rapidly deploy large numbers of Guardsmen anywhere in state is a great resource."

Isolated off the state highway system and having the sea and airport as the only means of transportation in or out of the small Alaskan community, Cordova residents have worked hard to clear snow, including 42 inches in the most recent storm, but conditions continue to worsen, posing a serious safety issue to the citizens.

"Cordova is continuing their outstanding job responding to several weeks of intense snowfall," Madden said. "Cordova utilized all of their snow management resources to maintain emergency access, but now face a new round of storms that will bring heavy snow and perhaps rain."

With more snow and rain expected, avalanche danger remains very high in Cordova and some buildings have collapsed due to heavy snow loads. This makes the Alaska National Guard the right resource to assist the citizens of Alaska during this emergency.

"Alaska has significant challenges and the National Guard has the manpower skill and equipment to meet those demands and quickly respond in support of civilian authorities when called upon," said Maj. Gen. Thomas H. Katkus, adjutant general of the Alaska National Guard. "Our Soldiers and Airmen will move forward and support the people of

Maj. Gen. Tom Katkus
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Press Release

OFFICE OF PUBLIC AFFAIRS

FOR IMMEDIATE RELEASE
August 26, 2011
By: Maj. Guy Hayes

Alaska Air National Guard to provide rescue support for Hurricane Irene

CAMP DENALI, Alaska- The Alaska Air National Guard is ramping up this afternoon to send crews and equipment to Charleston, W. Va. to provide search and rescue assets in response to Hurricane Irene.

A U.S. Air Force C-17 Globemaster III flown by members of the Alaska Air National Guard's 249th Airlift Squadron are currently scheduled to depart Joint Base Elmendorf-Richardson Saturday with approximately 45 personnel from the 176th Wing for a two week deployment.

"We are sending two Pave Hawk helicopters with four flight crews, eight 'Guardian Angels' and 20 maintenance and support personnel to support the mission," said Lt. Col. Blake Gettys, 176th Wing Operations Group commander, Alaska Air National Guard. "We'll also be working with Guardian Angels from Kentucky and special tactics squadron personnel from Portland."

The C-17 is expected to depart Joint Base Elmendorf-Richardson at 10 a.m. with the goal to be on the ground ready to support rescue operations by Sunday.

"We are prepared and committed to support our fellow Americans in their time of need," said Governor Sean Parnell. "Our Alaska National Guardsmen are unparalleled in their experience in saving lives and they are the perfect choice to assist civilian authorities during this potential national emergency. As Alaskans we understand what it's like to live through disasters, so when called upon, we will be ready to aid communities and Governors of states that need our support."

The Alaska Air National Guard supported relief efforts in 2008 following hurricanes Gustav, Hannah and Ike in the Gulf Coast region saving 16 lives, while flying 22 missions during a 16-day deployment.

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Media: If you are interested in attending the departure, please contact Maj. Guy Hayes at 382-5189.

Press Release

OFFICE OF PUBLIC AFFAIRS

FOR IMMEDIATE RELEASE
December 12, 2011
By: Master Sgt. Shannon Oleson, 176th Wing Public Affairs

Alaska National Guard brings Operation Santa Claus to Wales

WALES, Alaska – Santa, Mrs. Claus and 35 helpers brought Operation Santa Claus and holiday cheer on an Alaska National Guard C-130 to the small, remote Alaska village of Wales Dec. 9.

The Alaska Air National Guard C-130 landed on the village's airstrip and was warmly greeted by community members on snowmachines. The temperature, in the teens, was chilly but not cold by Wales' standards.

Operation Santa Claus volunteers and community members quickly off-loaded boxes from the aircraft and onto sleds tied to the snowmachines for the mile ride to the Wales school.

"It's a great time of year and unique way for us to get out and support Alaska citizens," said Col. Mike Bridges, director of logistics for the Alaska Army National Guard. "I've probably been on at least 20 Operation Santa Claus trips and each one is a special experience."

While boxes were unpacked in the school's gym, members of Alaska Brass, a brass and percussion ensemble from the U.S. Air Force Band of the Pacific, began to play festive holiday tunes while the gym filled with nearly everyone from the village.

Following the festive music, a prayer of thanks was given by Alaska Air National Guard Chaplain Brian Musselman before a warm meal, made and donated by Pentagon North, Inc. of Anchorage, was served.

To the delight of everyone, ice cream sundaes were also provided by Tastee Freez, while village youth performed a dance for the audience and their guests.

And then the moment everyone was waiting for, Santa and Mrs. Claus arrived.

"I enjoy visiting with the elders and veterans of the community, while they see their kids interact with Santa Claus," Bridges said. "It's a great time for everyone involved."

One by one, each child had a chance to visit Santa and receive a gift. They were also given a new backpack filled with a couple of pieces of fresh fruit, books, a toothbrush and other incidentals.

"This event was incredible," said Roxie Quick, the Wales School principal. "It was a great way to show the children a lesson in sharing and about the volunteer spirit."

###

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB247**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB247-DOA-FAC-1-21-12
Title: Alaska National Guard Day
Sponsor: Representatives Lynn, Thompson, Saddler
Requester: House Military and Veterans Affairs

Dept. Affected: Administration
Appropriation: General Services
Allocation: Facilities
OMB Component Number: 2429

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by: Vern Jones, Director — Phone: 465-5684
Division: Division of General Services — Date/Time: 1/20/12 10:00 a.m.
Approved by: John Cramer, Deputy Commissioner — Date: 1/21/2012
Department of Administration

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB247

Analysis

The Department of Administration, Division of General Services does not anticipate any fiscal impact from the proposed legislation.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HB247**
Fiscal Note Number
() Publish Date

Identifier (file name) HB247-MVA-CO-1-20-12
Title Alaska National Guard Day
Sponsor Rep LYNN, THOMPSON, SADDLER, Fairclough, Costello
Requester (H) Military and Veterans Affairs Committee

Dept. Affected Dept of Military & Veterans Affairs
Appropriation Military and Veterans Affairs
Allocation National Guard Military Headquarters
OMB Component Number 2135

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by McHugh Pierre, Deputy Commissioner
Division Deputy Commissioner, DMVA
Approved by Maj. Gen. Thomas H. Katkus
Commissioner, DMVA

Phone (907) 428-6003
Date/Time 1/21/12 12:00 PM
Date 1/21/2012

(Revised 11/18/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB247

Analysis

This bill establishes July 30 each year as Alaska National Guard Day.

There is no fiscal impact of this bill.

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB247

Witness List

HB 247

HB 247 Alaska National Guard Day By Rep. Bob Lynn

House State Affairs Committee
Tues, Jan. 26 at 8 a.m. in Capitol Room 106

Witnesses using toll free teleconference phone number:

Gen. Craig Campbell, retired Commissioner of Department of Military and Veterans' Affairs and commanding general of Alaska National Guard
Contact: McHugh Pierre, 321-2179

Jennifer Gibbins, editor of Cordova Times
Phone: 907-424-7181
Email: editor@thecordovatimes.com

Witness at Cordova LIO:

Mark Lynch, city manager for city of Cordova
907-424-6200 (office), 907-253-6224 (cell)

Tim Joyce, former Mayor and PIO for snow emergency, City of Cordova
Contact: 907-253-5152 (cell), 907-424-7575 (home)

Contact: Mike Sica, 465-4965, Staff for Rep. Bob Lynn

HB 254

<TARGET><BILL>HB 254</BILL><SUBJECT>HB 254</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 17, 2012 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-21-2012

The STATE AFFAIRS Committee considered: **HB 254**

HOUSE BILL NO. 254
"An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."
HB 254 ALASKA NATIVE LANGUAGE COUNCIL

Recommends it be replaced with [ ] HCS *or* **[X] CS for** HB 254 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	DCCED	X		

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN				X
Bryan Wilson	WILSON				X
Wes Keller	Keller			X	
Max F Gruenberg	Gruenberg				V
Paul K Seaton	Seaton	X			
Chair: Bill	LYNN			X	
Chair:					

CS FOR HOUSE BILL NO. 254(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES DICK AND MUÑOZ, Kerttula

A BILL

FOR AN ACT ENTITLED

"An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

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:

LEGISLATIVE FINDINGS. The legislature finds that the preservation of Alaska Native languages is a critical component in the sustenance of cultural identity. The legislature further finds that Alaska Native languages are the foundation of cultures and are vital in maintaining traditional knowledge and understanding.

*** Sec. 2.** AS 44.33 is amended by adding a new section to read:

Article 7A. Alaska Native Language Preservation and Advisory Council.

Sec. 44.33.530. Alaska Native Language Preservation and Advisory Council. (a) The Alaska Native Language Preservation and Advisory Council is

established in the department for the purpose of recommending the establishment or reorganization of programs to support the preservation, restoration, and revitalization of Alaska Native languages.

(b) The council established under this section shall

(1) advise both the governor and legislature on programs, policies, and projects to provide for the cost-effective preservation, restoration, and revitalization of Alaska Native languages in the state;

(2) meet at least twice a year to carry out the purposes of the council; members may participate in meetings telephonically; and

(3) prepare reports of its findings and recommendations for the governor's and the legislature's consideration on or before January 1 of each even-numbered year.

(c) The governor shall appoint to the council established in this section five voting members who represent diverse regions of the state, three of whom are professional Alaska Native language revitalization experts and two of whom are fluent in an Alaska Native language and engaged in revitalization efforts. In addition, one member of the senate appointed by the president of the senate and one member of the house of representatives appointed by the speaker of the house of representatives shall serve on the council as nonvoting members. In appointing the nonvoting members of the council, the president of the senate and the speaker of the house of representatives shall appoint a member of the bush caucus, if a bush caucus exists. In this subsection, "bush caucus" means a group of legislators that represents rural areas of the state.

(d) The members appointed by the governor shall serve at the pleasure of the governor.

(e) Members of the council shall serve without compensation but are entitled to per diem and travel expenses as provided under AS 39.20.180.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT; APPOINTMENTS. (a) Notwithstanding AS 44.33.530(b)(3), the first report under AS 44.33.530(b)(3), added by sec. 2 of this Act, is due on or before July 1, 2014.

(b) The governor shall make the appointments required by AS 44.33.530(c), added by

sec. 2 of this Act, on or before December 1, 2012.

Sec. 44.64.200. Definitions.

In this chapter,

(1) "administrative hearing" means a quasi-judicial hearing before an agency; it does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing;

(2) "administrative law judge" means a hearing officer who is retained or employed by the office;

(3) "agency" means an agency of the executive branch of state government, including an officer, a division, or another subunit of an agency, a board or commission, a public corporation, and the University of Alaska;

(4) "hearing officer" means an individual who presides over the conduct of an administrative hearing and who is retained or employed by an agency for that purpose;

(5) "office" means the office of administrative hearings established in AS 44.64.010.

27-LS1145\A.2
Mischel
2/10/12

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE : Keller

TO: HB 254

Page 2, line 14:

Delete "who are professional language experts and"

Page 2, line 15, following "state":

Insert ", three of whom are professional Alaska Native language revitalization experts and two of whom are fluent in an Alaska Native language and who are engaged in revitalization efforts"

Alaska Native Language Revitalization

Prepared for the

Alaska State Legislature

HB 254 Alaska Native Language and Advisory Council

By

Rosita Kaahaní Worl, Ph.D.

Sealaska Heritage Institute

Juneau, Alaska 99801

February 16, 2012

In honor of my ancestors and in respect to this committee, I am privileged to tell you who I am:

> Lingít x̲'eináx̲ Yéideiklats'ok̲ ka Kaahaní ax̲ saayí.
>
> Shangukeidí k̲a Cháak' naa x̲at sitee.
>
> Kawdliyaayi Hit áyá x̲át.
>
> Luk̲aax.adi yádi áyá x̲át.

> My Tlingit names are Yéideilats'ok and K̲aahaní
>
> I am of the Thunderbird Clan and the Eagle Moiety.
>
> I am from the House Lowered from the Sun of Klukwan.
>
> I am a Child of the Sockeye Clan.

My Tlingit names embody my social identity and cultural values. They establish a bond between me and my ancestors, and they create a responsibility to our future generations. My social identity reflects our world view and our relationship to our land and environment.

My English name is Rosita Worl, and I serve as President of the Sealaska Heritage Institute (SHI), whose mission is to perpetuate and enhance the cultures of the Tlingit, Haida, and Tsimshians. SHI has been engaged in language restoration efforts for the last twelve years.

I am here today to testify in support of House Bill 254, "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the Preservation, Restoration, and Revitalization of Alaska Native languages." I would also like to commend you in this noble effort to support the rich linguistic and cultural diversity of this State.

I will not dwell on the historical reasons and circumstances as to why Native languages are on the verge of extinction. Rather, I will focus on the positive results that the adoption of this bill and language revitalization can bring to Alaska Natives and to the State of Alaska.

First, it is important to briefly outline the status of Alaska Native languages today. Unless remedial action is initiated, most all of Alaska Native languages will join their already extinct linguistic relative, the Eyak, within a few short decades. According to a UNESCO report on endangered languages, Inupiaq in the North Slope and Kotzebue and the Gwich'in Athabaskan languages are "severely endangered," meaning that the languages are spoken by grandparents and older generations. While the parent generations may understand Inupiaq and Gwich'in Athabaskan, they do not generally speak these languages to children or among themselves. Aleut and the Southeast Alaska Native languages are "critically endangered" meaning that the youngest speakers are grandparents and older, and they speak the language partially and infrequently. Yup'ik, which is the healthiest indigenous language in

Alaska, is classified as "vulnerable." This means that most children speak the language; but it may be restricted to certain domains such as in the home. I note with deep regret that Eyak is extinct.

In the 1990s, Alaska Natives began to advocate in earnest for the revitalization of indigenous languages. Sealaska was successful in advancing an amendment to the Native American Languages Esther Martinez Act of 1992 that provided for language revitalization programs in Alaska based on the status of our language restoration efforts at that time. I am enclosing a report prepared by the Sealaska Heritage Institute that provides an overview of the language programs administered by Alaska Native organizations today. We apologize that it may be an incomplete record, but it should provide for you the range and the limitations of the programs that are operating in the state. To my knowledge, state funding is not available for language restoration programs. The unfortunate reality is that the federal funding level has been woefully inadequate with something like $4 million in competitive grants available annually for all tribes throughout the United States. The gains we made in federal funding through aggressive advocacy on our part have been offset by the shrinking federal appropriations in the last few years, and we are yet struggling to ensure that funding for the Alaska Native Education Equity Act continues. Thus, the state's effort to support the preservation, restoration, and revitalization of Alaska Native languages becomes even more critically imperative.

It is also important to briefly review the work of the Alaska Native Language Center in the event it might be suggested that its work may be duplicated by the proposed Alaska Native Language and Advisory Council. The ANLC was established by state legislation in 1972, and it has focused on the documentation of Alaska Native languages. While the study of Native languages is important, documentation, which has been the primary focus on the ANLC, does not by itself, lead to restoration of a language. Documentation does not include the development of curriculum or the training of teachers to provide instruction on Native languages. Native language curricula and Native language teachers are critical in language revitalization. Rather than documentation, the heart of the Council's work will be to "advise the governor and the legislature on programs, policies, and projects for cost effective preservation, restoration, and revitalization of Alaska Native languages in the state." This work together with the necessary funding can ensure that one of our most significant resources in the state survives.

Native organizations have the capacity to implement language revitalization programs as reflected by the report I am submitting to you. Native Peoples have been staunch advocates of language revitalization efforts, and I would stress that it is essential that Native organizations be eligible recipients of state funds. Michael Krauss, the foremost linguist in the state, recognized the importance of Native American organizations and tribes as applicants for funding in his testimony supporting the Native American Languages Act of

1992. He stated "you cannot from outside inculcate into people the will to revive or maintain their languages" (Hinton 2001).

I would further recommend that the legislature and administration adopt interim measures to immediately support revitalization language projects for the most critically endangered languages. However, I also want to assure you that I am of the firm opinion that the legislation to establish the Alaska Native Language Preservation and Advisory Council must be adopted if we are to ensure the survival of Native languages. The Council must formulate policies that support the revitalization of Native languages and identify barriers that threaten the survival of Native language.

Significantly, one of the most immediate effects of the legislation is that it would serve to reverse the perception that the State of Alaska is adverse to linguistic diversity. It would further send a powerful message that Alaska sees indigenous languages as a part of its heritage to be protected. Unfortunately, the adoption of the English-Only legislation in 1998[1] was interpreted by many, and certainly by the Alaska Native population, as an effort to suppress Native languages. Although this may not have been the intent, I would hope that one

[1] The legislation restricted the state from conducting business in any language other than English with limited exceptions. In 2002, a superior court ruled that the law violates free speech rights, striking the law down. In 2007, the state Supreme Court issued a 4-1 split decision, ruling that the first section of the law (requiring English to be the only language used for government functions) is unconstitutional, and the second part (requiring English for all government documents and records) is constitutional as long as duplicates can be made in other languages.

of the first recommendations that the Council advances is a proposal to the legislature and the governor that Alaska join Hawaii in declaring that the state is officially multi-lingual.

The adoption of this legislation could also send a powerful message that indigenous languages are not evil or inferior to English. Children growing up with the perception that their language and culture are inferior more often develop low self-esteem, and studies have revealed that low self-esteem is a major factor in failure at school.

Conversely, a positive self-identity is a prerequisite to academic achievement. However, the emotional benefit of a positive self-identity must be accompanied by real changes in the classroom that provide for the teaching of Native language and culture. This will require considerable work and funding.

Sealaska Heritage Institute has consistently conducted evaluations of our programs in which Native language and culture are taught in schools. The curricula we have developed and the professional development workshops we have offered to teachers are oriented towards the instruction of Native language and culture. Equally important, our objectives have been to improve the academic status of our students by advancing critical thinking, knowledge and science. Our evaluations reveal that students do better academically when they are taught Native language and culture. We are preparing a longitudinal

study of students who have participated in the demonstration project we initiated in the Juneau schools, and we will be pleased to share the report with the committee when it is complete. We are confident that the study will demonstrate the academic achievement which results from the incorporation of Native language and cultural studies into the classroom. However, we have grave concerns that the school district will not be able to sustain their minimal efforts they have provided in teaching Native languages.

I believe that the legislature understands the social and economic costs to a society and to the state when a significant percent of the population has a poor education. It is my hope that our society will come to accept and understand that the incorporation of Native language and culture into our schools leads to improved academic success that ultimately benefits the individual students as well as our state and society.

Native languages contain intellectual wealth accumulated through thousands upon thousands of years. They have conveyed how Native people see and use the land. The difference in world views among different Alaska Native cultural groups was readily apparent to me when I was conducting field work in the North Slope studying whale hunting. I absolutely could not see the grey patches on the horizon that my companion hunters saw that signified open water. Neither did I know the over eighty terms they had in their language to distinguish the different types of ice (Nelson 1969). Knowledge of ice is critical

to the survival of the hunters who harvest whale, marine mammals and fowl on the sea ice. The 3,300 Tlingit place names that Sealaska Heritage will be publishing in a cultural geographic atlas provide knowledge about our environment and land in Southeast Alaska. Interestingly, these names may also provide information about climate change through thousands of years. Language is a uniquely a human gift central to our experience of being human and Alaska Natives. This knowledge and the differing world views are worthy of protection and transmittal to future generations. Linguistic and cultural diversity is a benefit to society.

Unfortunately Native languages are on the road to extinction unless we initiate immediate efforts to rectify this trend. I urge that the legislature act immediately to adopt HB 254, "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the Preservation, Restoration, and Revitalization of Alaska Native languages."

I would like to dedicate my testimony to the late Dr. Bill Demmert of Klawock, who served as a Professor of Education at the University of Alaska Southeast. He was the first and only Native to serve as Commissioner of the State of Alaska Department of Education. He was an educator with national prominence and was instrumental in the passage of the Indian Education Act. He was also a staunch advocate of Native language restoration and studied how Native language contributes to academic success. We were fortunate to

have him serve on the Board of Trustees of the Sealaska Heritage Institute. I would also like to respectfully recommend that the state legislature consider incorporating his name into the title of HB 254 "The Bill Demmert Act establishing the Alaska Native Language Preservation and Advisory Council." It would be a tribute to all who have worked tireless to revitalize Alaska Native languages.

Gunulchéesh

References

Hinton, Leanne.
2001. "Federal Language Policy and Indigenous Languages in the United States." In Hinton, L. and Ken Hale. 2001. The Green Book of Language Revitalization in Practice. Academic Press. San Diego. pp. 39-48.

Nelson, Richard.
1969. Hunters of the Northern Ice. Chicago: University of Chicago Press.

Sealaska Heritage Institute

Alaska Native Language Programs

January 2012

Alaska Natives are comprised of seven linguistic groups including the Inupiat, Yup'ik, Aleut, Athabascan, Tlingit, Haida and Tsimshian. Each has or had its own indigenous language. But today, no group is producing new speakers with Native as their first language. Many have language revitalization efforts in which students learn many nouns, some verbs, some greetings and introductions. None are producing fluent or even proficient speakers. Most programs are for beginners and a few are for intermediate learners. Very few programs are for advanced learners. Many communities have singing and dancing groups where individuals learn songs in their Native language and may or may not know the meaning of the words they are singing. At this time, many young Native individuals have expressed great interest in learning their language. Native language acquisition formerly occurred in the homes. Because of many factors, parents today do not know their Native language and are unable to teach the language to their children. The challenge of teaching Native languages has largely been left to schools and community organizations. This paper provides a brief summary of programs offered around the state. Not all regions responded to the request from Sealaska Heritage Institute (SHI) for information about their language programs. We received responses from seven regions. The Arctic Slope and Aleutian Pribiloff provided SHI the most detailed information. Other language revitalization programs may exist in Alaska of which we are not aware.

From Barrow to Metlakatla, community organizations and school districts are offering language programs. In the Arctic Slope, the schools teach the four dialects of Iñupiaq throughout the 12 schools in the district. The Iñupiaq Education program has created VIVA (Visual Iñupiaq Vocabulary Acquisition) online language units. Each unit contains its own assessment and scoring—students' keep track of their own progress. Once a unit is completed, the students practice their verbal pronunciation with a fluent speaker—the district employs fourteen fluent Iñupiaq speakers. This program is noteworthy for several reasons: sequential units based on the Greymorning method, scoring contained within each unit; emphasis on hearing the language tied with images rather than words and pronunciation work with fluent speakers. Classes are held 3-5 times per week in the elementary school and are available as electives

in the middle and high schools. Production of the VIVA units requires a full-time curriculum developer. The units are recorded in four Iñupiaq dialects. The North Slope Borough School District (NSBSD) is also working with cultural units and developing a math program based on the traditional Iñupiaq number system.

Nome is adapting its language program based on the NSBSD materials. They are receiving training from the curriculum developer on how to create their own programs using 'flash'. This region has a web-based vocabulary development game. They are recording fluent speakers of the different Iñupiaq dialects. Their record demonstrates the benefits of sharing resources, materials and staff knowledge to maximize the language revitalization efforts in our state.

In the northwest Arctic, 14% of residents are fluent in Iñupiaq. Of these speakers, 92% are over the age of 65.[2] Despite the disheartening statistics, communities are taking action to ensure the language survives. NANA Regional Corporation entered into a unique partnership with Rosetta Stone to produce an interactive computer learning program as part of the Rosetta Stone Endangered Language Program. Software for the two predominant dialects in the region was made available to the head of household for each family of shareholders and is available for sale. An additional effort to perpetuate the language in the region is the immersion school in Kotzebue, Nikaitchuat Ilisagviat. For 13 years, approximately 20 students age 3 through first grade have been learning all subjects solely in Iñupiatun. The Nikaitchuat staff hope to someday offer more grades at the school. The University of Alaska Fairbanks Chukchi Campus based in Kotzebue, offers an Iñupiaq A.A.S. degree and certificate program. Classes are available online so students in the villages are able to participate. Finally, the Aqqaluk Trust is a non-profit organization with the mission: "Empowering the Iñupiat people through language, culture and education." The Aqqaluk Trust coordinates the regional Iñupiaq Language Commission and conducts Camp Sivunniigvik each summer, at which children from across the region spend one week sessions on the banks of the Kobuk River enveloped in Iñupiaq traditions, values and the Iñupiaq language.

Bethel has operated an immersion school for more than 17 years. They have produced many materials including Big Books in their Yup'ik language.

Other regions are also making use of technology. The Kodiak area has produced an online audio dictionary and electronic Aluutiq flashcards. They

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[2] Survey of Residents of the Northwest Arctic Borough conducted by the Aqqaluk Trust and the Native Village of Kotzebue in 2005.

also have a Stories and Lost Words project and are in a consortium with Port Lions and the Aluuttiq Museum. Today there are only 45 fluent speakers of the Alutiiq language, the traditional language of the Native people of the Kodiak Archipelago, only 11 of which can speak the Northern Dialect, the traditional language of the *Ag'uanermiut* (people of Afognak). All the speakers are Elders. Alutiiq, like so many Alaska Native languages, struggles for survival. Afognak Native Corporation has funded a language program operated by the Native Village ofAfognak and Native Village of Port Lions to create innovative language learning tools. See Alutiiq Language Website: http://www.ktuu.com/features/assignmentak/learning-alutiiqonline-20120112,0,5807593.story and Alutiiq iPhone Application: http://www.ktuu.com/videobeta/80965544-341f-44e4-8e14-5210bac33c9b/News/Afognak-Alutiiq-Connect-iPhone-app-intro. Through the joint efforts of the Alaska Native Corporations and Tribes in the Kodiak Archipelago and the Alutiiq Museum, language restoration efforts are underway.

The Chugach Region has produced many posters, videos and books. They also teach Aluutiq at Spirit Camp each summer.

The Aleutian Pribilof Islands region is the only one of the seven regions who reported that Native language still spoken in the home although we suspect this is also the case in Yup'ik villages. The village of Atka reports that Unangam Tunuu (Aleut) is still spoken in one-fourth of the homes. They report that there are 124 fluent speakers still living representing 3.5% of the enrolled tribal members. Two of the 12 schools in the region offer language and culture classes in the curriculum. Ten schools offer limited exposure to language and culture. In Atka, where ¼ of the homes still speak Unangam Tunuu (Aleut), a fluent speaker teaches language classes one hour/day. In St. Paul, a certified teacher is also a fluent Unangam Tunuu speaker. She teaches one language class, five days per week. There is an active singing and drumming group. Youth and elders collaborate to write lyrics for new songs. At community gatherings elders speak Unangam Tunuu. Three culture camps are held during the summer months. The region is seeking $1,000,000 to create a Rosetta Stone product for Unangam Tunuu. The corporation board of directors has committed themselves to one hour of language lessons during each of the three annual meetings.

Southeast Alaska has many and varied programs. Throughout the region, "language learners," who are teachers and who are yet learning their Native

language, teach with few exceptions all language classes in some cases in collaboration with fluent speakers. Yakutat has federal funding to write children's stories in Tlingit and develop learning materials for the stories. Local students and artists illustrate the stories. The core language staff work with fluent speakers on a weekly basis. Classes are taught outside the school system. Klukwan classes are taught in the school while in Haines, language classes are taught in the local museum. In Juneau, the Goldbelt Heritage Foundation is developing curriculum and working with teachers and fluent speakers to develop lessons using the Tlingit Verb Index. The region-wide entity, Sealaska Heritage Institute, produces curriculum and provides teacher training on a region-wide basis. SHI is concentrating on the Developmental Language Process (DLP) and has produced curriculum materials for academic content areas (math, science, social studies and literature), as well as Tlingit, Haida, and Tsimshian DLP units. SHI has also published Tlingit, Haida and Tsimshian dictionaries and has highly popular interactive language programs on its website. SHI sponsors summer basketball camps in which Native language instruction is integrated into basketball training. Both Goldbelt Heritage and SHI sponsor summer camps for youth. The camps feature language classes but are not conducted in the language. Other communities in Southeast have Tlingit language classes in the schools (Hoonah, Sitka and Kake). Wrangell and Ketchikan have programs after school.

In addition to offering classes, Ketchikan Indian Community has devoted time and grant money to improve advanced learner skills. One Haida, Tsimshian and Tlingit advanced learner is teamed with fluent speakers. They spend a significant amount of their week with the fluent speakers. The goal is to increase the learners' skills to proficiency. This is the only program in the state with that stated goal although others may be doing the same work.

University of Alaska Southeast has offered Tlingit classes at beginners and intermediate levels, as well as studies of oral literature and narratives. UAS also offers mentor-apprentice classes. The University of Alaska Anchorage and Fairbanks also offer Native language classes.

In summary, a significant effort is being expended in the state to revitalize Native languages. The programs focus on using technology to teach vocabulary. Most regions are recording fluent speakers. Some regions are sharing resources and adapting materials for their own dialects. None of the regions reported stability in their Native language. Fluent speakers are passing on with no new speakers replacing them. Hundreds of learners of all ages are

learning nouns, verbs, greetings and introductions. Few progress to proficiency.

The major expressed needs are:

- Programs to support teacher language learners to work with fluent speakers to increase their own language proficiency. Mentor apprentice programs appear to be very effective.
- Programs to recruit more language learners into the teaching of the language.
- Stable funding for these programs so that teacher/learners know they can count on their program continuing.
- Curriculum development at all levels and ongoing, teacher training workshops.

Alaska State Legislature

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Representative Alan Dick

House District 6

Witness List
House Bill 254: Alaska Native Language Council

Annette Kreitzer, Staff to Representative Alan Dick, Sponsor
Rosita Worl, Sealaska Corp. (JNU)
Annette Evans Smith, Alaska Native Heritage Center (offnet 330-8000)
Scott Ruby, Director Community & Regional Affairs (DCC&ED)
Byron Mallott, Sealaska Board member (offnet)
Liz Medicine Crow, First Alaskans (offnet 952-7990)

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Representative Alan Dick

House District 6

REQUEST FOR HEARING

TO: Representative Bob Lynn, Chairman
House State Affairs Committee

FROM: Representative Alan Dick

DATE: February 6, 2012

RE: HB 254: ALASKA NATIVE LANGUAGE & ADVISORY COUNCIL

I respectfully request that the House State Affairs Committee schedule HB 254 for a hearing at its earliest convenience.

HB 254 establishes the Alaska Native Language Preservation and Advisory Council in the Department of Commerce, Community and Economic Development. The Council is to advise the governor and legislature on cost-effective preservation, restoration and revitalization of Alaska Native languages in the state.

Its first report of findings and recommendations would be due July 1, 2014, with further reports due in even-numbered years.

For questions related to this bill, please either contact me or my staff, Annette Kreitzer at 465-4936.

27-LS1145\M
Mischel
2/20/12

Keller Moved
Gruenberg objects
& removed (11)

CS FOR HOUSE BILL NO. 254( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Bob Closed Public testimony

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES DICK AND MUÑOZ, Kerttula

A BILL

FOR AN ACT ENTITLED

"An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

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:

LEGISLATIVE FINDINGS. The legislature finds that the preservation of Alaska Native languages is a critical component in the sustenance of cultural identity. The legislature further finds that Alaska Native languages are the foundation of cultures and are vital in maintaining traditional knowledge and understanding.

* **Sec. 2.** AS 44.33 is amended by adding a new section to read:

Article 7A. Alaska Native Language Preservation and Advisory Council.

Sec. 44.33.530. Alaska Native Language Preservation and Advisory Council. (a) The Alaska Native Language Preservation and Advisory Council is

established in the department for the purpose of recommending the establishment or reorganization of programs to support the preservation, restoration, and revitalization of Alaska Native languages.

(b) The council established under this section shall

(1) advise both the governor and legislature on programs, policies, and projects to provide for the cost-effective preservation, restoration, and revitalization of Alaska Native languages in the state;

(2) meet at least twice a year to carry out the purposes of the council; members may participate in meetings telephonically; and

(3) prepare reports of its findings and recommendations for the governor's and the legislature's consideration on or before January 1 of each even-numbered year.

(c) The governor shall appoint to the council established in this section five voting members who represent diverse regions of the state, three of whom are professional Alaska Native language revitalization experts and two of whom are fluent in an Alaska Native language and engaged in revitalization efforts. In addition, one member of the senate appointed by the president of the senate and one member of the house of representatives appointed by the speaker of the house of representatives shall serve on the council as nonvoting members. In appointing the nonvoting members of the council, the president of the senate and the speaker of the house of representatives shall appoint a member of the bush caucus, if a bush caucus exists. In this subsection, "bush caucus" means a group of legislators that represents rural areas of the state.

(d) The members appointed by the governor shall serve at the pleasure of the governor.

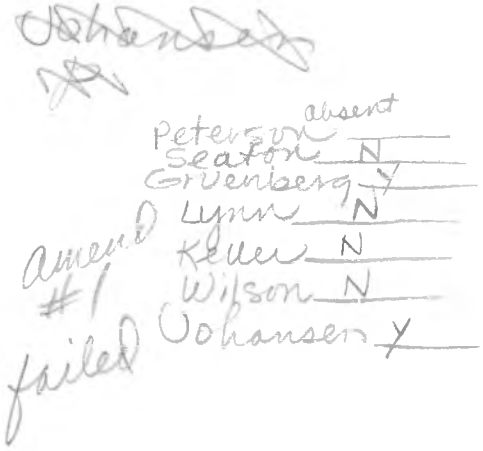
(e) Members of the council shall serve without compensation but are entitled to per diem and travel expenses as provided under AS 39.20.180.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT; APPOINTMENTS. (a) Notwithstanding AS 44.33.530(b)(3), the first report under AS 44.33.530(b)(3), added by sec. 2 of this Act, is due on or before July 1, 2014.

(b) The governor shall make the appointments required by AS 44.33.530(c), added by

sec. 2 of this Act, on or before December 1, 2012.



27-LS1303\M.1
Martin
2/17/12

passed

AMENDMENT #1 Keller

Wilson objects & removes objection

OFFERED IN THE HOUSE

TO: CSHJR 34(MLV)

Page 4, lines 26 - 28:

Delete "icebreakers, including charging for icebreaker escorts, the option to lease rather than own the icebreakers needed in the Arctic, and selling our aging icebreakers to the private sector for refurbishment"

Insert "the refurbishment of our current polar class icebreakers, the acquisition of new icebreakers, and the long-term maintenance funding of the United States Coast Guard icebreaker fleet and Arctic facilities"

Amend 1 to amend 1 Gruenberg
Withdrawn

HOUSE BILL NO. 254

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES DICK AND MUÑOZ, Kerttula

Introduced: 1/17/12
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

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:

LEGISLATIVE FINDINGS. The legislature finds that the preservation of Alaska Native languages is a critical component in the sustenance of cultural identity. The legislature further finds that Alaska Native languages are the foundation of cultures and are vital in maintaining traditional knowledge and understanding.

*** Sec. 2.** AS 44.33 is amended by adding a new section to read:

Article 7A. Alaska Native Language Preservation and Advisory Council.

Sec. 44.33.530. Alaska Native Language Preservation and Advisory Council. (a) The Alaska Native Language Preservation and Advisory Council is

established in the department for the purpose of recommending the establishment or reorganization of programs to support the preservation, restoration, and revitalization of Alaska Native languages.

(b) The council established under this section shall

(1) advise both the governor and legislature on programs, policies, and projects to provide for the cost-effective preservation, restoration, and revitalization of Alaska Native languages in the state;

(2) meet at least twice a year to carry out the purposes of the council; members may participate in meetings telephonically; and

(3) prepare reports of its findings and recommendations for the governor's and the legislature's consideration on or before January 1 of each even-numbered year.

(c) The governor shall appoint to the council established in this section five voting members who are professional language experts and who represent diverse regions of the state. In addition, one member of the senate appointed by the president of the senate and one member of the house of representatives appointed by the speaker of the house of representatives shall serve on the council as nonvoting members. In appointing the nonvoting members of the council, the president of the senate and the speaker of the house of representatives shall appoint a member of the bush caucus, if a bush caucus exists. In this subsection, "bush caucus" means a group of legislators that represents rural areas of the state.

(d) The members appointed by the governor shall serve at the pleasure of the governor.

(e) Members of the council shall serve without compensation but are entitled to per diem and travel expenses as provided under AS 39.20.180.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT; APPOINTMENTS. (a) Notwithstanding AS 44.33.530(b)(3), the first report under AS 44.33.530(b)(3), added by sec. 2 of this Act, is due on or before July 1, 2014.

(b) The governor shall make the appointments required by AS 44.33.530(c), added by sec. 2 of this Act, on or before December 1, 2012.

ALASKA STATE LEGISLATURE
REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

[redacted]ska State Capitol
Juneau, Alaska 99801
Representative_Alan_Dick@legis.state.ak.us

(907) 465-4527
1-800-491-4527
(907) 465-2197 Fax

"STRONG VALUES IN UNCERTAIN TIMES"

Alatna
Allakaket
Alcan
Aniak
Anvik
Arctic Village
Beaver
Beluga
Bettles
Birch Creek
Boundary
Central
Chalkyitsik
Chandalar
Chandalar Lake
Chicken
[redacted]ochina
[redacted]ntina
Chuathbaluk
Circle
Coldfoot Camp
Copper Center
Crooked Creek
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Evansville
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
[redacted] Cross
[redacted]es

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takotna
Tanacross
Tanana
Tazlina
Telida
Tetlin
Tok
Tonsina
Tyonek
Venetie
Wiseman

Sponsor Statement
HB 254
Alaska Native Language & Advisory Council

Alaska Native Languages (ANL's) are threatened by extinction. The intent of HB 254 is to preserve and maintain these languages. Indigenous languages are the most critical components in preservation of cultural ideas and traditions and serve as the backbone of all cultural elements.

HB 254 establishes the Alaska Native Language Preservation and Advisory Council to assess the state of ANL's and re-evaluate programs within the state and make recommendations to the Governor and the Legislature to provide for the cost-effective continuity of ANL's.

According to the Alaska Native Language Center's *Population and Speaker Statistics* published in 2007, only 22 percent of Alaska Natives statewide can speak their native language. More specifically, only 29 percent of the Eskimo Aleut population, less than two percent of the Tsimshian and Haida, and less than five percent of the Athabascan and Tlingit communities combined are fluent speakers. The Eyak language recently lost its last native fluent speaker. (Krauss, Michael E. 2007. Native languages of Alaska. In: *The Vanishing Voices of the Pacific Rim*).

The preservation and restoration of Alaska's important cultural heritage of Native Languages is one important component of our collective history. We are all richer for maintaining this vital knowledge.

ALASKA STATE LEGISLATURE
REPRESENTATIVE ALAN DICK

HOUSE DISTRICT 6

...ska State Capitol
Juneau, Alaska 99801
Representative_Alan_Dick@legis.state.ak.us

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1-800-491-4527
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"STRONG VALUES IN UNCERTAIN TIMES"

Alatna
Allakaket
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Arctic Village
Beaver
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Birch Creek
Boundary
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Chalkyitsik
Chandalar
Chandalar Lake
Chicken
...tochina
Chitina
Chuathbaluk
Circle
Coldfoot Camp
Copper Center
Crooked Creek
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Evansville
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Gakona
Galena
Georgetown
Grayling
Gulkana
Healy Lake
... Cross
...nes

Sectional Analysis
HB 254
Alaska Native Language & Advisory Council

Section 1:
Legislative finding language explaining the importance and criticality of protecting Alaska Native Languages from further extinction.

Section 2:
Establishes the Alaska Native Language Preservation and Advisory Council in the Department of Commerce, Community and Economic Development. Section 2 further defines the role of the Council to:

(1) advise the governor and legislature on programs, policies, and projects to provide for the cost-effective preservation, restoration, and revitalization of Alaska Native languages in the state;
(2) meet at least twice a year to carry out the purposes of the council; and
(3) prepare reports of its findings and recommendations for the governor's and the legislature's consideration in January of even-numbered years. However, the first report is due on or before July 1, 2014 (section 3).

Governor appoints five voting members who are professional language experts and who represent diverse regions of the state. In addition, one member of the senate and one member of the house of representatives who are Bush Caucus members shall serve on the council as nonvoting members.

Section 3:
Appointments by the Governor are to be made on or before December 1, 2012.

Huslia
Kaltag
Kennicott
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mentasta Lake
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Ophir
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Slana
Sleetmute
Stevens Village
Stony River
Takotna
Tanacross
Tanana
Tazlina
Telida
Tetlin
Tok
Tonsina
Tyonek
Venetie
Wiseman

27-LS1145\A.2
Mischel
2/10/12

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE :

TO: HB 254

Page 2, line 14:

Delete "who are professional language experts and"

Page 2, line 15, following "state":

Insert ", three of whom are professional Alaska Native language revitalization experts and two of whom are fluent in an Alaska Native language and who are engaged in revitalization efforts"

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 254**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB254-DCCED-ANLC-02-10-12
Title: Alaska Native Language Council
Sponsor: Representatives Dick and Munoz
Requester: House State Affairs

Dept. Affected: DCCED
Appropriation: Communtiy and Regional Affairs
Allocation: Community and Regional Affairs
OMB Component Number: 2879

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services	168.7		168.7	168.7	168.7	168.7	168.7
Travel	16.5		16.5	16.5	16.5	16.5	16.5
Services	30.0		30.0	30.0	30.0	30.0	30.0
Commodities	25.0		1.0	1.0	1.0	1.0	1.0
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**240.2**	**0.0**	**216.2**	**216.2**	**216.2**	**216.2**	**216.2**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	240.2		216.2	216.2	216.2	216.2	216.2
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**240.2**	**0.0**	**216.2**	**216.2**	**216.2**	**216.2**	**216.2**

POSITIONS							
Full-time	**2**		2	2	2	2	2
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by: Scott Ruby, Director — Phone: 269-4569
Division: Community and Regional Affairs — Date/Time: 2/10/12 9:30 AM
Approved by: JoEllen Hanrahan, Director Administrative Services — Date: 2/10/2012
Commerce, Community, and Economic Development

(Revised 11/28/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 254

Analysis

HB 254 will establish the Alaska Native Language Preservation and Advisory Council for the purpose of preserving, restoring, and revitalizing Alaska Native languages.

The Council will consist of five voting members appointed by the Governor and two non-voting members, one from the State Senate and one from the House of Representatives. The Council must meet a minimum of twice a year and may meet telephonically.

Personal Services includes two full time staff, a Research Analyst range 18 and Administrative Assistant III range 15.

Travel includes airfare, per diem, hotel, and miscellaneous costs for seven members and the two support staff to have two face-to-face meetings annually. The estimate assumes one meeting will be in Fairbanks and the other in a rural hub such as Bethel.

Services include support for core service costs, communications, advertising, and other costs for research and reporting.

Commodities include one-time start up costs for cubicle, equipment, desk, chair, shelving, and on-going supplies.

EXECUTIVE BOARD
Annie Conger
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Philip Farson
Past-President

Agatha John-Shields
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Karen Waters,
Secretary

Treasurer/Membership

Elmer Goodwin
Elder

SPECIAL INTEREST GROUPS

Early Childhood

Bertha Pavian-Lockuk
Parent Advocacy

Shelby Fisther-Salmon
Student Advocacy

Fanny Parker
English-As-a-Second-Language

Tim Argetsinger
lative Language and Culture Retention

Robert Charlie
Adult Higher Education

Moses Dirks
Linguistics and Research

REGIONAL REPRESENTATIVES

Pribilof/Aleutians

Beverly Hugo
North Slope

Northwest

Rachel Panamarioff
Southcentral

Susan Paskvan
Interior

Paul A Paul
Western

Haifa Sadighi
Southeast,

Urban
Maureen Cronin-WmsComelius
Anchorage
Fairbanks

Alaska Association for Bilingual Education
An Affiliate of TESOL and NABE

Dear Alaska State Senators,

I am writing in support of Senate Bill 130 on behalf of the Alaska Association for Bilingual Education Alaska Native Language and Culture Retention Special Interest Group. The Alaska Native Language and Culture Retention Special Interest Group (ANLCR SIG) is comprised of a cross section of volunteer Native language educators, advocates, and activists working to protect, promote, and revitalize Native languages. As the only statewide Native language advocacy body, the ANLCR SIG carries out this work through conferencing and workshops, networking best practices, and advocating for institutional and governmental support for Native language revitalization initiatives. As a volunteer body our resources and ability to be effective are strained, however, which is why in 2010 the ANLCR SIG sought the creation of a statewide Alaska Native Languages Commission through Alaska Federation of Natives Resolution 10-34. It is for this reason that the ANLCR SIG enthusiastically supports SB 130.

SB 130 will help provide the political advocacy, human and financial resources Alaska Native language advocates, activists, and educators need to craft policies and projects that will contribute to the protection, promotion, and revitalization of Alaska Native languages. Such support is urgently needed at a time when all 19 indigenous languages still spoken in Alaska are endangered or critically endangered. The passing in 2008 of Marie Smith Jones, the last fluent speaker of Eyak, underscores the vulnerability of Alaska Native languages and the urgency with which we must undertake this vital work.

Native languages and the rich cultures they make possible constitute an invaluable contribution to the diversity and richness of our State, and are together an essential component of Alaska's identity. Indeed, there is nothing more Alaskan than Alaska Native languages, and future generations of Alaskans deserve the opportunity to experience and speak them.

Sincerely,

Timothy Aqukkasuk Argetsinger
Chair, AK Native Language and Culture Retention SIG

ALASKA
NATIVE
HERITAGE
CENTER

January 20, 2012

Senate State Affairs Committee
Alaska State Legislature
State Capital
Juneau, Alaska 99801

Honorable Alaska State Legislators:

On behalf of the Alaska Native Heritage Center, and the many cultural and language bearers we serve and represent, I ardently express my support for Senate Bill 130 and House Bill 254 in the second session of the Twenty-Seventh Legislature, both entitled "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

The Alaska Native Heritage Center (ANHC) is a 501(c) 3, non-profit organization whose mission is to serve as a gathering place for sharing, perpetuating and preserving Alaska's unique indigenous cultures, languages, traditions and values through celebration and education. Our 15-member Board of Directors is currently governed by members of the 13 Alaska Native Claims Settlement Act (ANSCA) Regions including Cook Inlet Region Inc., Chugach Alaska Corporation, Bristol Bay Native Corporation, NANA Regional Corporation, Arctic Slope Regional Corporation, Bering Straits Native Corporation, Koniag, Inc., Sealaska Corporation, and Ahtna, Inc.

As Alaska Native people, our indigenous languages fulfill a vital role in perpetuating cultural traditions and values. It is our sincere belief that it is critical to take proactive measures now to strengthen our languages while language speakers in each of the Alaska Native culture groups still exist, and the interest and aspiration to revitalize our languages for future generations is strong. At our core, we recognize that indigenous language learning promotes increased self-esteem and confidence for Alaska Natives, particularly youth, and a strong cultural identity and knowledge of self translates into a stronger person overall. In a recent early childhood development study (McIvor 2005), University of Victoria, B.C. researchers and speech pathologists working with Canadian First Nations have documented strong linkages between indigenous children who have a strong traditional cultural and linguistic background and academic and overall well-being.

Our vision is to promote intergenerational learning from within the indigenous Alaskan community. ANHC has sought to advocate for active language learning by hosting learning sessions for several Alaska Native languages, including Unangax (Aleut), Sugstun (Alutiiq), Iñupiaq, Tlingit, and Yup'ik, while the most thorough instructional efforts have been for Dena'ina Athabascan. Further efforts are underway as ANHC seeks Administration for Native

ALASKA
NATIVE
HERITAGE
CENTER

Americans (ANA) grant funds, through the United States Department of Health and Social Services. The project will assess and identify local and statewide resources and partnerships that could be made available to Alaska Natives living in Anchorage, for teaching languages within the Eskimo-Aleut speaking, Athabascan speaking, and Tlingit/Haida/Tsimshian/Eyak speaking nations.

Progressively, ANHC is working to develop programs on site at the Center to provide indigenous language learning opportunities in a full immersion environment. Such opportunities are urgently needed at a time when all 19 indigenous languages still spoken in Alaska are endangered or critically endangered. The passing in 2008 of Chief Marie Smith Jones, the last fluent speaker of Eyak, underscores the vulnerability of Alaska Native languages.

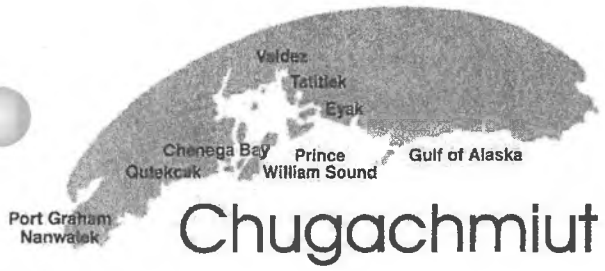
SB 130 / HB 254 will help provide the much-needed political infrastructure, as well as resources both human and financial, to build and follow policies within and outside the state government, to promote sustainable Alaska Native language efforts. Meaningful investment by the State of Alaska in the cultural strengthening of Alaska Native languages will not only contribute to a stronger Alaska Native society, but a stronger Alaska as a whole, and therefore warrants the highest legislative priority.

I am available to discuss this matter, and provide verbal or written testimony to further provide evidence for these facts, in my vehement support for SB 130 / HB 254.

Sincerely,

Annette Evans Smith, President & CEO
Alaska Native Heritage Center

8800 HERITAGE CENTER DRIVE ANCHORAGE, ALASKA 99504-6100 • PHONE 907 330-8000 • FAX 907 330-8030



Chugachmiut

January 18, 2012

Senator Donald Olson
Alaska State Capitol Room 508
Juneau, Alaska 99801

Dear Senator Olson:

Chugachmiut appreciates your introduction of SB 130 for the purpose of establishing an Alaska Native Language and Advisory Council within the State of Alaska. We fully support the bill and encourage the legislature to adopt it this year.

As I reflect on the Suqpiaq language spoken in our area, and how close it came to extinction, I am comforted that federal language grants have given us an opportunity to preserve it and teach a new generation of speakers. Yet we are losing our teachers at a very rapid rate. One of our few Elder speakers passed away recently and we feel the loss deeply. We relied extensively on him to help guide our language restoration efforts.

Our tribes are clear and focused on preservation of Suqpiaq and teaching our youth. Nanwalek has struggled for years to support an immersion school. We are now finding some acceptance for language instruction in our public schools. Chugachmiut has collaborated with the 2 school districts with schools in our villages over the past 2 years and we hope to see more in the future.

An Alaska Native Language and Advisory Council as proposed in your bill would be extremely beneficial to our language preservation effort. Please let us know what we can do to support it.

Respectfully,

Patrick M. Anderson
Executive Director

1840 Bragaw Street, Suite 110 / Anchorage, AK 99508-3463 / (907) 562-4155 / Fax (907) 563-2891
A Tribal Organization Serving the Chugach Native Peoples of Alaska

TAMAMTA PIGPET
"All of Ours"

January 18, 2012

Senator Donald Olson
Community and Regional Affairs Committee Chair
State of Alaska
State Capitol Building Rm 508
Juneau, AK 99801

Honorable Senator Olson:

I am writing to convey my support for Senate Bill 130, a bill to establish an Alaska Native Language and Advisory Council. The creation of such a council is desperately needed and is long overdue.

In recognition of the languages of the Alaska Native peoples being treasures, and in support of our own efforts, as indigenous peoples, to maintain and develop our languages, it is my belief that the State of Alaska should make it a policy to act and assist the effort to revitalize, maintain, and development of the languages of Alaska's indigenous people with the creation of an Alaska Native Language and Advisory Council.

In addition to a making a shift from a past colonial government policies which have devastated languages and cultures of Alaska's indigenous peoples, and current policies which have perpetuated their decline, significant resources should also be applied to implement the initial and on-going activities of the Council. Time is of the essence as we continue to have elders and best indigenous language speakers pass on. As our languages are restored and valued for the treasures that they are Alaska will become a richer place for all.

I understand you are compiling a list of people to provide testimony during the first committee hearing with State Affairs which is chaired by Senator Wielechowski. I am willing to testify by phone during the committee hearing which is scheduled for Tuesday, January 24th at 9:30am. I could be available to call in at about 9:15 if I am provided the opportunity.

Thank you for sponsoring this legislation and for your support of the Alaska Native peoples of Alaska.

Shesh t'qe\ani,

Jonathon S. Ross
President and Principle Consultant

19933 Tulwar Drive Chugiak, AK 99567 T. 907.227.1856 • 907.230.1457 I tsiltan@gmail.com

TSILTAN management group

23 January 2012

Honorable Donny Olson, Senator
Alaska State Legislature
Alaska State Capitol, Rm. 508
Juneau, Alaska 99801

Dear Senator Olson:

It brings me gratification to see the introduction of Senate Bill 130 - Alaska Native Language & Advisory Council, "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration and revitalization of Alaska Native Languages."

I have been working in the field of language preservation and perpetuation for nearly 40 years and have seen first hand the extreme decline of the Iñupiaq language. A handful of our people have devoted their lives to teaching it in the hopes of reversing this loss. Much remains to be done.

I write in support of the bill and urge passage. Having an Advisory Council whose responsibility would be to advocate for Native languages across the state will go a long ways towards creating an atmosphere where we can realize a shift in language priorities in Alaska. It is high time the state recognize the importance of perpetuating the languages of its indigenous peoples.

Quyanaq.

Respectfully yours,

Jana Harcharek, Director
Iñupiaq Education

A NATIVE CORPORATION
SEALASKA

January 20, 2012

Senator Donald Olson
State Capitol Building
Room 508
Juneau, AK 99801

RE: Support of SB 130, Alaska Native Language Preservation and Advisory Council

Dear Senator Olson:

In the majestic forests of Southeast Alaska, along the coastlines of *Haa Aani* (Our Land), our people have gathered in the clan houses and told our stories for thousands of years, passing down the wisdom of Elders and the richness of our culture for generations. This oral history stood unbroken for centuries, but now the languages of the Alaska Native people face extinction. It is imperative that these languages be preserved and with them, the foundation of Alaska Native cultures and ancient traditional knowledge.

Sealaska Corporation offers its overwhelming support of SB 130, An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages. Sealaska urges the Alaska State Legislature and Governor of Alaska to also champion an allocation of funds to programs that restore Alaska Native Languages.

We can all be part of a solution to address the many challenges facing Alaska Natives. Native youth have been shown to improve academic performance when taught in their Native tongue; healthy self-esteem has been linked to a strong sense of identity; and thriving communities are built on the foundation of strong family relationships and lines of communication.

Please share this letter of support to any extent that it might encourage others to vote for the passage of SB 130, and secure funding for programs to restore the words of our ancestors.

Sincerely,

Albert M. Kookesh

Albert Kookesh, Board Chair
SEALASKA CORPORATION

One Sealaska Plaza, Suite 400 • Juneau, AK 99801-1276 • Phone (907) 586-1512 • Fax (907) 586-2304

CITY OF BARROW

"Farthest North Incorporated City"

21 January 2012

Senator Donald C. Olson
Alaska State Legislature
Alaska State Capitol, Room 508
Juneau, AK 99801 FAX: 907-465-4821

SUBJECT: Resolution in Support of Senate Bill 130

Good afternoon, Senator Olson:

The Administration, Council and I personally, wish to commend you on the introduction of Senate Bill 130, Alaska Native Language & Advisory Council, in the Alaska State Legislature. We understand that the first hearing on this bill will be presented in hearing tomorrow, 24 January 2012, in the Committee for State Affairs. Because of our short notice on this hearing, please submit and accept this letter as the City of Barrow's unqualified but interim support in this effort.

For the Barrow City Council meeting this Thursday, 26 January 2012, I have submitted a formal resolution indicating the City's unqualified endorsement of this legislation for Council ratification. On Friday of this week, I will send you a copy of that ratified endorsement for your files.

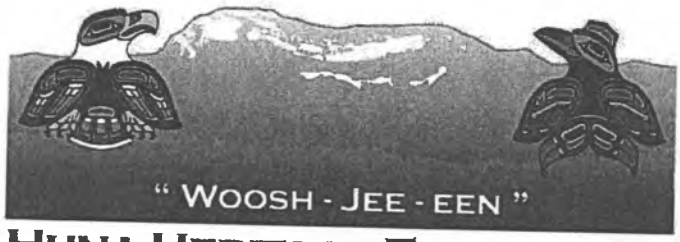
Senator Olson, I commend you on taking the initiative of introducing this long-overdue and necessary piece of legislation. I look forward in discussing its progress through the legislature with you. If there is any way that the City of Barrow can assist in facilitating its passage, please do not hesitate to contact me. I also look forward to visiting you in Juneau during the second week in February.

Cordially,

Bob Harcharek

Bob Harcharek, Mayor

Cc: Mayor Charlotte Brower, NSB
Barrow City Council
Su[illegible]
Jana Harcharek, Director Bilingual Education NSBSD
Jana Harcharek, Director Bilingual Education NSBSD
Files



HUNA HERITAGE FOUNDATION

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January 23, 2012

Senator Donald C. Olson
Alaska State Capitol Rm 508
Alaska State Legislature
Juneau, AK 99801

The Huna Heritage Foundation wholeheartedly supports Senate Bill 130 which would establish the Alaska Native Language and Advisory Council to assess the State of Alaska Native Languages and re-evaluate the programs within the state and make recommendations to the Governor and Legislature to establish new programs or reorganize the current programs.

SB 130 would help to preserve and maintain Alaska Native Languages which are critical to the preservation and cultural ideas and traditions of all Alaska Natives.

We believe that SB130 would support indigenous languages and help stem the tide of language extinction within the great state of Alaska.

Sincerely,

Marlene Johnson

Marlene Johnson
Board President
Huna Heritage Foundation

HB

260

<TARGET><BILL>HB 260</BILL><SUBJECT>HB 260</SUBJECT><COMM>HSTA27</COMM></TARGET>

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Juneau, Alaska 99811-0017
907.465.4611 907.465.3203 FAX
elections@alaska.gov

Regional Offices
Anchorage 907.522.8683
Fairbanks 907.451.2835
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Nome 907.443.5285

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

HB260

February 3, 2012

The Honorable Bob Lynn, Chair
House State Affairs Committee
Alaska State Legislature
State Capitol, Room 108
Juneau, Alaska 99801

Dear Representative Lynn:

At the February 2, 2012, House State Affairs committee hearing on HB 260, you inquired about the number of absentee by-mail ballots applied for and voted. I am providing you with this information for the 2008 and 2010 primary and general elections.

The detailed information you requested is reflected in the table below.

2010 General Election Absentee By-Mail Ballots Issued and Returned	
Total Issued:	30,401
Total Returned	22,135
Percentage:	72.80%

2010 Primary Election Absentee By-Mail Ballots Issued and Returned	
Total Issued:	16,650
Total Returned	8,562
Percentage:	51.40%

2008 General Election Absentee By-Mail Ballots Issued and Returned	
Total Issued:	45,769
Total Returned	36,662
Percentage:	80.00%

2008 Primary Election Absentee By-Mail Ballots Issued and Returned	
Total Issued:	13,402
Total Returned	10,533
Percentage:	78.50%

There were also questions from the committee regarding the state's list maintenance process. The state's list maintenance process is governed by AS 15.07.130. An outline of the process is below:

1. Send a notice by nonforwardable mail to voters whose mail from the division has been returned as undeliverable in the two years immediately preceding the examination of the register; who has not contacted the division in the two years immediately preceding

the examination of the register; who has not voted or appeared to vote in the two general elections immediately preceding the examination of the register.

2. If a voter has not, within the preceding four calendar years contacted the division, voted or appeared to vote and the notice sent above is returned undeliverable, the voter is sent a second notice by forwardable mail advising them their registration will be inactivated unless they respond to the notice in 45 days.
3. Failure to return the second notice results in the voter's record being inactivated.
4. The voter's record will be cancelled if the voter does not contact the division during, or vote or appear to vote in an election held during a four year period from the date the notice was mailed.

Enclosed is an information sheet showing purge statistics.

If you have further questions or need additional information, please let me know.

Sincerely,

Gail Fenumiai
Director

Enclosure

cc: House State Affairs Committee Members

STATE OF ALASKA
DIVISION OF ELECTIONS

PURGE STATISTICS

Purge Notice First Mailing	Purge Notice Second Mailing	Purged	First Notice Delivery Status Unknown (1)	Inactive Records Removed from System
02/04/1986: 22,420		05/05/1986: 16,578		
02/23/1987: 51,409		05/28/1987: 41,909		
01/25/1988: 15,920		05/05/1988: 12,039		
01/25/1989: 38,721		05/02/1989: 30,933		
01/29/1990: 18,228		05/17/1990: 13,827		05/17/1990: 18,734
01/25/1991: 44,308		06/13/1991: 34,597		07/02/1991: 50,433
01/18/1992: 19,518		04/17/1992: 15,192		04/17/1992: *0
04/04/1993: 31,707		07/09/1993: 25,652		07/09/1993: 37,915
		06/06/1994: 10,873		06/06/1994: *0
03/20/1999: 53,422		07/27/1999: 23,368		
12/01/1999: 32,241		03/29/2000: 10,641		
01/17/2001: 49,370		05/31/2001: 33,163		
01/15/2002: 37,815		03/05/2002: 19,557		
11/25/2002: 30,478		03/07/2003: 12,026		03/07/2003: 72,720
11/05/2003: 45,388		02/12/2004: 23,814		
01/11/2005: 52,615		06/01/2005: 17,795		
01/03/2006: 28,674		03/02/2006: 14,486		
12/04/2006: 15,655	01/08/2007: 5,192	03/02/2007: 5,089	9,757	
12/03/2007: 36,872	01/03/2008: 15,599	03/03/2008: 15,151	20,238	03/28/2008: 16,419
11/20/2008: 59,817	01/07/2009: 28,174	03/03/2009: 27,405	30,262	01/02/2009: 27,218
11/23/2009: 38,600	01/06/2010: 11,888	03/04/2010 11,521	25,306	01/07/2010: 32,044
11/19/2010: 50,738	1/5/2011 18,700	03/02/2011 18,331	30,919	1/4/2011: 16,842

[1]This column reflects notices that were not completed and returned by the voter nor returned to the Division of Elections by U.S.P.S. as undeliverable by the time the second notice was mailed.

[2]When reviewing absentee and questioned ballots, we can count ballots if the person voting was registered in one of the last two General Elections. In late 1989, the "delete" code was initiated to delete inactive voters completely, after no activity in the past *two* General Elections. The first time it was used was in the 1990 purge.

In the 1990 purge, voters with no activity since 1985 were deleted because we only needed to keep the records for the 1986 and 1988 elections. In the 1991 purge, voters with no activity since 1986 and 1987 were deleted because we only needed to keep the records for the 1988 and 1990 elections. Therefore, in the 1992 purge, no voters were deleted because for the 1992 elections, we needed to know if A/Q voters were registered from the 1988 and 1990 elections.

In 1998 legislation was passed to enable the division to perform list maintenance that was acceptable to the federal government. No list maintenance was performed between 6/94 and 6/99.

Alaska State Legislature

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Representative Pete Petersen
Serving Northeast Anchorage and Muldoon

List of Invited Testimony

January 30, 2012

To: Rep. Bob Lynn
Chair, House State Affairs Committee

From: Rep. Pete Petersen

Re: List of Invited Testimony

Please see the following list of individuals that we have invited to testify on HB 260.

Larry Benson, Midnight Sun Area Local 2756 President, American Postal Workers Union

Please feel free to contact me, or my aide Monica Southworth, at 465-4939 with any questions, thoughts, or ideas.

HOUSE BILL NO. 260

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE PETERSEN

Introduced: 1/13/12
Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

"An Act establishing a permanent absentee voting option for qualified voters; and providing for an effective date."

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

*** Section 1.** AS 15.07.127 is amended by adding a new subsection to read:

(b) The director shall maintain the list under (a) of this section so that the names of persons who have the status of permanent absentee voters under AS 15.20.085 may be readily identified.

*** Sec. 2.** AS 15.07.130(e) is amended to read:

(e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

(1) the voter is present at a polling place or at an absentee voting station at a time when the polling place or absentee voting station is operating, for the purpose of casting a vote;

(2) the voter applies to the division

(A) to obtain an absentee ballot**; or**

(B) for permanent absentee voter status under AS 15.20.085; or

(3) in an election conducted by mail under AS 15.20.800, a voter who has not received a ballot by mail makes a timely request to the division for a ballot.

* **Sec. 3.** AS 15.20 is amended by adding a new section to read:

Sec. 15.20.085. Permanent absentee voting. (a) A qualified voter may apply to the director for permanent absentee voting status in the same manner as provided for applying for an absentee ballot under AS 15.20.081, except that another individual may not apply for permanent absentee voting status on behalf of a qualified voter.

(b) A person may supply a permanent absentee voting application to a voter. However, the provisions of AS 15.20.081(a) that apply to the supplying and submission of an absentee ballot application also apply to the supplying and submission of a permanent absentee voting application.

(c) For each state primary, general, and special election, and each other election for which the state has responsibility for the conduct of the election, the director or an election supervisor shall send an absentee ballot to each voter designated as a permanent absentee voter for that election and who is otherwise qualified to vote in that election. The director or election supervisor shall send the ballot to the permanent mailing address set out on the official registration list unless the voter has notified the director or an election supervisor of a different address to which the ballot should be sent. The director or an election supervisor shall send the absentee ballots

(1) by first class, nonforwardable mail;

(2) not later than the 15th day before the election; and

(3) with an accompanying explanation of the absentee voting procedure under AS 15.20.020 and notice that the voter's permanent absentee voting status will be removed if the voter does not vote or appear to vote in a primary, special, or general election for a period of four calendar years.

(d) The director shall make available a change of address form for permanent absentee voters.

(e) Nothing in this section requires the director or an election supervisor to send an absentee ballot under (c) of this section to a permanent absentee voter after the

director or election supervisor receives actual notice that mail sent to the voter's permanent mailing address or a different address provided by a voter under this section is undeliverable to the voter at the address.

(f) A permanent absentee voter to whom a ballot is provided under this section may cast the ballot under AS 15.20.081(d) and (e).

(g) Ballots voted under this section shall be reviewed under procedures established for the review of absentee ballots under AS 15.20.201 and 15.20.203.

(h) Nothing in this section limits a voter's eligibility to vote

(1) in person at a precinct under AS 15.15.195 or 15.15.198;

(2) in person before an absentee voting official under AS 15.20.061;

(3) early under AS 15.20.064; or

(4) by electronic transmission under AS 15.20.066.

(i) If a voter designated as a permanent absentee voter under this section does not vote or appear to vote in a primary, special, or general election for a period of four calendar years, the director shall remove the voter's permanent absentee voter status.

(j) In this section, "appear to vote" has the meaning given in AS 15.07.130(e).

* **Sec. 4.** AS 15.56.030(a) is amended to read:

(a) A person commits the crime of unlawful interference with voting in the first degree if the person

(1) uses, threatens to use, or causes to be used force, coercion, violence, or restraint, or inflicts, threatens to inflict, or causes to be inflicted damage, harm, or loss, upon or against another person to induce or compel that person to vote or refrain from voting in an election;

(2) knowingly pays, offers to pay, or causes to be paid money or other valuable thing to a person to vote or refrain from voting in an election;

(3) solicits, accepts, or agrees to accept money or other valuable thing with the intent to vote for or refrain from voting for a candidate at an election or for an election proposition or question;

(4) violates AS 15.20.081(a) **or 15.20.085(b)** by knowingly supplying or encouraging or assisting another person to supply to a voter **a permanent absentee voting or** [AN] absentee ballot application form with a political party or group

affiliation indicated if the voter is not already registered as affiliated with that political party or group, and the person has been previously convicted of unlawful interference with voting in the second degree under AS 15.56.035(a)(5);

(5) knowingly designs, marks, or encourages or assists another person to design or mark **a permanent absentee voting or** [AN] absentee ballot application in a manner that suggests choice of one ballot over another as prohibited by AS 15.20.081(a) **or 15.20.085(b).** and the person has been previously convicted of unlawful interference with voting in the second degree under AS 15.56.035(a)(6); or

(6) knowingly submits or encourages or assists another person to submit **a permanent absentee voting or** [AN] absentee ballot application to an intermediary who could control or delay the submission of the application to the division of elections or who could gather data from the application form as prohibited by AS 15.20.081(a) **or 15.20.085(b),** and the person has been previously convicted of unlawful interference with voting in the second degree under AS 15.56.035(a)(7).

* **Sec. 5.** AS 15.56.035(a) is amended to read:

(a) A person commits the crime of unlawful interference with voting in the second degree if the person

(1) has an official ballot in possession outside of the voting room unless the person is an election official or other person authorized by law or local ordinance, or by the director or chief municipal elections official in a local election;

(2) makes, or knowingly has in possession, a counterfeit of an official election ballot;

(3) knowingly solicits or encourages, directly or indirectly, a registered voter who is no longer qualified to vote under AS 15.05.010[,] to vote in an election;

(4) as a registration official

(A) knowingly refuses to register a person who is entitled to register under AS 15.07.030; or

(B) accepts a fee from an applicant applying for registration;

(5) violates AS 15.20.081(a) **or 15.20.085(b)** by knowingly supplying or encouraging or assisting another person to supply to a voter **a permanent absentee voting or** [AN] absentee ballot application form with a political party or group

affiliation indicated if the voter is not already registered as affiliated with that political party or group;

(6) knowingly designs, marks, or encourages or assists another person to design or mark **a permanent absentee voting or** [AN] absentee ballot application in a manner that suggests choice of one ballot over another as prohibited by AS 15.20.081(a) **or 15.20.085(b)**; or

(7) knowingly submits or encourages or assists another person to submit **a permanent absentee voting or** [AN] absentee ballot application to an intermediary who could control or delay the submission of the application to the division of elections or who could gather data from the application form as prohibited by AS 15.20.081(a) **or 15.20.085(b)**.

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

TRANSITIONAL PROVISIONS: REGULATIONS. The director of elections may adopt or amend regulations as necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulations.

*** Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

*** Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2013.

Alaska State Legislature

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Anchorage, AK 99501-2133
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Representative Pete Petersen

Serving Northeast Anchorage and Muldoon

An Act establishing a permanent absentee voting option for qualified voters; and providing for an effective date.

This act will streamline the absentee voting process for Alaskans by giving voters the option to register for permanent absentee voting status for state elections. Once a voter is on the permanent absentee voter roll, they will not have to fill out an absentee request form for each election cycle. Instead, an absentee ballot will be automatically sent to them by the Division of Elections.

This act will expedite the absentee voting process for Alaskans who vote absentee as their primary avenue of voting. This bill will reduce paperwork for the Division of Elections and will increase access to voting. This act will affect Alaskans across the board from rural Alaskans to college students to senior citizens who choose to vote from home.

Currently, absentee voting solely consists of "early and in-person voting", and "voting by mail and fax." This act does not change voting rights. Voters can still request a one-time absentee ballot vote at their regular voting places, just as they do now.

This act does not change any of the security or evaluation procedures that are already in place in Alaska statutes for handling absentee ballots; all of the provisions currently in place for absentee ballots would apply to permanent absentee ballots. This act includes a provision for removal from the permanent absentee roll if the Division of Elections receives notice that mail sent to the voter's address is undeliverable.

This act only applies only to primary, general and special elections, not local elections, and any election for which the state has the responsibility for the conduct of the election.

Thank you for your consideration.

Alaska State Legislature

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Sectional Analysis of HB 260

Section 1 of this bill amends AS 15.07.127 by adding a new subsection (b) that states "the director shall maintain the list under (a) of this section so that the names of persons who have the status of permanent absentee voters under AS 15.20.085 may be readily identified."

Section 2 of this bill amends AS 15.07.130(e) by adding (b) which states that a voter who applies to the Division of Elections for a permanent absentee voter status qualifies as a voter who "appears to vote" under (b) and (d) of this section.

Section 3 Amends AS 15.20 by adding a new section (15.20.085) that:

(a) enables Alaskan voters to apply to the Division of Elections for permanent absentee voting status;

(b) allows a person to provide a voter with a permanent absentee voting application form with a political party or group affiliation only if that voter is already registered with the political party or group indicated. This paragraph also sets forth requirements that only the voter may mark the application form, indicate their choice of primary ballot and submit the application to the Division of Elections on a form prescribed by the Director of the Division of Elections;

(c) requires the Division of Elections to send an absentee ballot to each voter designated as a permanent absentee voter for each state primary, general and special election and any other election for which the state has the responsibility for conducting the election; and establishes the timeline and manner in which the ballots will be sent;

(d) requires the Director of the Division of Elections to make change of address forms available for permanent absentee voters;

(e) allows the Director of the Division of Elections to not send an absentee ballot if the Division has received notice that mail sent to an address is undeliverable;

(f) allows a permanent absent voter to cast the ballot under AS 15.20.081(d), which lists persons who are authorized to witness the casting of a ballot, and AS 15.20.081(e), which lists the dates by

Alaska State Legislature

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which the ballot must be cast and the means by which it must be returned to the Division of Elections;

(g) requires that ballots voted under this section be reviewed under the procedures that are established for the review of absentee ballots in AS 15.20.201 and AS 15.20.203;

(h) establishes that nothing in this section prohibits a person from voting early, or in person at a precinct, or in person before an absentee voting official, or by electronic submission as provided by AS 15.15.195, AS 15.15.198, AS 15.20.061, AS 15.20.064 and AS 15.20.066..

Section 4 amends AS 15.56.030(a) by making the provisions that govern the unlawful interference with voting in the first degree apply to permanent absentee voting.

Section 5 amends AS 15.56.035(a) by making the provisions that govern the unlawful interference with voting in the second degree apply to permanent absentee voting.

Section 6 authorizes the Director of the Division of Elections to adopt regulations to implement the changes made in this act.

Section 7 provides for an immediate effective date for section 6, which will allow the Division of Elections to adopt regulations to implement the changes made in this act.

Section 8 provides for a January 1, 2013 effective date for all other provisions of this act.

American Postal Workers Union, AFL-CIO

Anchorage, Bethel, Chugiak, Copper Center, Cordova, Eagle River, Girdwood, Glennallen, Homer, Kenai, Palmer, Seward, Soldotna, Sutton, Talkeetna, Valdez, Wasilla, Willow

Midnight Sun Area Local 2756
1111 East 80th Avenue, Suite 3
Anchorage, Alaska 99518

January 18, 2012

Representative Pete Petersen
Alaska State Legislator
State Capitol Building Room 422
Juneau, Alaska 99801

Dear Pete,

The American Postal Workers Union supports HB 260; we see this as a way to simplify the voter process and we believe that a greater return in votes cast would result.

Currently Alaskans can apply for an absentee ballot which is valid for one year. HB 260 would allow voters to receive an absentee ballot in perpetuity or until the voter fails to vote in one election cycle, at which point the voter would revert back to the original voter roll.

Permanent absentee vote by mail increases voter turnout and results in more citizens having a stake in their government, provides greater procedural integrity, favors neither of the political parties, saves taxpayer money, and enhances the democratic process.

Receiving a ballot in the mail two weeks before an election reminds voters an election is imminent. Vote by mail allows voters to study and research candidates and issues and vote at their convenience instead of within the voting booth.

In Alaska weather conditions may cause voters to miss an election, with vote by mail voters will still be able to cast their votes.

With the transient nature of the state, permanent absentee vote by mail would be beneficial. Alaska has fishermen, miners, slope workers, shift workers and construction workers that would have a better opportunity to cast votes as a result of HB 260. HB 260 would also be of benefit to the disabled, seniors and working families who face challenges in casting their vote at the polls.

A University of Oregon study shows that demographically young people aged 26-38 voted 44% more often, homemakers vote 51% more often, disabled and unable to work vote 48% more often, and across all demographics voters vote 29% more often.

In 2004, 40% of New Mexico voters used vote by mail, In 2006, nearly 90% of Washington State voters used vote by mail. Oregon passed vote by mail in 1998 with 69% for the Initiative and by 2003 had an approval rate of 81%.

Voting by mail provides a paper trail for each vote cast unlike electronic voting machines which are susceptible to computer hackers and have no such safeguards. Vote by mail provides for accurate cleansing of registration rolls. When the ballot is returned because the voter has moved, their registration can be updated and a new ballot can be mailed to the new address.

County clerks in Oregon report that vote by mail elections cost about 30% less than traditional polling place elections

The sanctity of the ballot is paramount to the process. The United States Postal Service has been delivering vital documents for over two hundred years. The US Postal Service workforce is background checked; drug screened, and held to the US government code of conduct and ethics laws. Additionally the US Postal Service has internal enforcement agencies that work closely with the Federal Bureau of Investigations to protect the public from mail fraud. The US Postal Service is currently the only delivery service to handle absentee ballots and would like to continue as such.

For the above reasons the American Postal Workers Union supports "Voting by Mail"

Sincerely,

Larry Benson
President

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January 31, 2012

Honorable Bob Lynn, Chair
House State Affairs Committee
Alaska Capitol, Room 108
Juneau, AK 99801-1182

Dear Chair Lynn:

RE: HB 260 (Peterson, Tuck, Kawasaki, Miller, Gara)--Support

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the House State Affairs Committee to support HB 260, authored by your Committee colleague Representative Pete Peterson and Representatives Chris Tuck, Scott Kawasaki, Bob Miller and Les Gara.

HB 260 would allow qualified citizens to have permanent absentee voting status. AARP believes the right to vote is the most basic of all political rights.

Normal aging and disabilities often interfere with a citizen's ability to exercise his or her right to vote. If someone has a permanent problem that prevents their ability to vote on a regular basis, it will be much easier if they can be given permanent absentee voting rights.

AARP recommends an "AYE" vote on HB 260.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

Marie Darlin

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Wes Keller
Representative Peggy Wilson
Representative Paul Seaton
Representative Max Gruenberg
Representative Pete Peterson
Representative Kyle Johansen
Representative Chris Tuck
Representative Scott Kawasaki
Representative Bob Miller
Representative Les Gara

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB260**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB260-DOE-OOG-1-28-12
Title: "An Act establishing a permanent absentee voter option for qualified voters"
Sponsor: Representatives Petersen, Tuck, Kawasaki...
Requester: House State Affairs Committee

Dept. Affected: Office of the Governor
Appropriation: Division of Elections
Allocation: Division of Elections
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services	21.0		20.0		20.0		20.0
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**21.0**	**0.0**	**20.0**	**0.0**	**20.0**	**0.0**	**20.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	21.0		20.0		20.0		20.0
1005	#REF!							
1037	#REF!							
1178	#REF!							
TOTAL		**21.0**	**0.0**	**20.0**	**0.0**	**20.0**	**0.0**	**20.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by: Gail Fenumiai, Director — Phone 465-2644
Division: Division of Elections — Date/Time 1/28/2012, 11:52am
Approved by: Guy Bell, Administrative Director — Date 1/28/2012
Administrative Services, Office of the Governor

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB260

Analysis

This legislation will allow for a qualified voter to apply for permanent absentee voter status. A voter may request on an absentee by-mail application to be designated to receive absentee by-mail ballots for all future elections in which they are qualified to vote. In order to track permanent absentee voters in the division's absentee module of the statewide voter registration system, programming modifications will be required.
The division estimates this cost to be $21.0.
In order to ensure the integrity of the process, the division would send confirmation notices at the beginning of each election year to all voters designated as permanent absentee voters to ensure the address on file is still accurate. The division estimates postage and printing costs of $20.0. This amount would be a recurring cost during each election year.

n.

HB

287

<TARGET><BILL>HB 287</BILL><SUBJECT>HB 287</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 17, 2012 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 2-2-2012

The STATE AFFAIRS Committee considered: **HB 287**

HOUSE BILL NO. 287
"An Act relating to absentee voting."

HB 287 ABSENTEE VOTING

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 287 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Elections	X		

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle R Johansen	JOHANSEN			X	
Bryce Wilson	WILSON			X	
Wes Keller	Keller		X		
Max Gruenberg	Gruenberg	-			
Paul R Seaton	Seaton	X			
Pete Petersen	PETERSEN	X			
Chair: Bob Lynn	LYNN			X	
Chair:					

CS FOR HOUSE BILL NO. 287(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GRUENBERG

A BILL

FOR AN ACT ENTITLED

"An Act providing that an absentee ballot application submitted by a voter or on behalf of a voter is valid through the following two general elections; providing that an absentee ballot application for a voter who submits an absentee ballot application and then votes an absentee ballot is valid through the two general elections following the election at which the ballot is cast; and providing for an effective date."

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

* **Section 1.** AS 15.20.081(i) is repealed and reenacted to read:

(i) An absentee ballot application submitted by a qualified voter or on behalf of a qualified voter is valid through the next two regularly scheduled general elections following the date the application is submitted. If a voter casts an absentee ballot in accordance with (d) - (f) of this section that was received by the voter as a result of an absentee ballot application, the voter's application remains valid through the next two regularly scheduled general elections following the election in which the ballot was

cast. However, nothing in this subsection requires the director or an election supervisor to send an absentee ballot to a voter after the director or election supervisor has received actual notice that mail sent to the permanent mailing address of the voter, or a different address provided by the voter, is undeliverable to the voter at that address.

* **Sec. 2.** This Act takes effect January 1, 2013.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re HB 287 - Draft Final CS 27-LS121\D

2-2-2012

Conceptual Amendment #1 (Gruenberg)
Narrow the title to the text of the bill.

Conceptual Amendment #2 (Gruenberg)
Change the effective date to 1/1/13

Member

Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
Fax: (907) 269-0124

Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Max F. Gruenberg, Jr.

DATE: January 18, 2012

RE: HB 287: Absentee Voting

****

Please consider this memorandum as a request for the House State Affairs Committee to schedule a hearing on House Bill 287. Accompanying this memo are the following documents:

- Sponsor Statement
- Sectional Analysis
- House Bill 287 (27-LS1211\B)
- List of Expected witnesses

Thank you for considering my request for a hearing on House Bill 287. Please contact my legislative aide, Ted Madsen, at 465-2840 with any questions.

Alaska State Legislature

House of Representatives

Member
Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
Fax: (907) 269-0124

Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

House Bill 287[1]:
An Act Relating to Absentee Voting
Sponsor Statement

Currently, most voters must request a ballot each time they vote absentee. Under AS 15.20.081(i) uniformed service members and qualified overseas voters receive a ballot for the following two general elections after they apply for an absentee ballot. This bill will extend the same right to all Alaskans. Under the bill, an absentee ballot application from a qualified voter will be valid through the next two general elections. Furthermore, each time the voter casts an absentee ballot, the application will continue to be valid through the next two general elections. However, if the absentee ballot is returned to the Division of Elections as "undeliverable," the division will need no longer send a ballot to that voter at that address.

[1] On the recommendation of the Department of Revenue, Section 1 of the bill has been removed in a blank CS.

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 18, 2012

SUBJECT: Sectional Summary for HB 287 (Work Order No. 27-LS1211\B)

TO: Representative Max Gruenberg
Attn: Ted Madsen

FROM: Alpheus Bullard TLAB
Legislative Counsel

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

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 AS 15.20.081(g) to require the director of elections to submit to the commissioner of revenue a list of voters who cast absentee ballots.

Section 2. Requires that an absentee ballot application be valid through the two regularly scheduled elections following the date that the application is submitted. Provides that, if a person casts an absentee ballot as a result of an absentee ballot application, the application will remain valid through the two regularly scheduled general elections after the election at which that ballot was cast.

TLAB:ljw
12-024.ljw

library

AARP Alaska
3601 C Street
Suite 1420
Anchorage, AK 99503

T 1-866-227-7447
F 907-341-2270
TTY 1-877-434-7598
www.aarp.org/ak

January 31, 2012

Honorable Bob Lynn, Chair
House State Affairs Committee
Alaska Capitol, Room 108
Juneau, AK 99801-1182

Dear Chair Lynn:

RE: HB 287 (Gruenberg)--Support

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the House State Affairs Committee to support HB 287, authored by your Committee colleague Representative Max Gruenberg.

HB 287 would allow qualified citizens to have absentee voting status for a period of two elections. AARP believes the right to vote is the most basic of all political rights.

Normal aging and disabilities often interfere with a citizen's ability to exercise his or her right to vote. If someone has a physical problem that prevents their ability to vote on a regular basis and they qualify for an absentee ballot, it will be much easier if they can be given absentee voting rights for two more elections, if they so choose.

AARP recommends an "AYE" vote on HB 287.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

Marie Darlin

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Wes Keller
Representative Peggy Wilson
Representative Paul Seaton
Representative Max Gruenberg
Representative Pete Peterson
Representative Kyle Johansen

27-LS1211\D
Bullard
1/27/12

CS FOR HOUSE BILL NO. 287( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GRUENBERG

A BILL

FOR AN ACT ENTITLED

"An Act relating to absentee voting; and providing for an effective date."

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

*** Section 1.** AS 15.20.081(i) is repealed and reenacted to read:

(i) An absentee ballot application submitted by a qualified voter or on behalf of a qualified voter is valid through the next two regularly scheduled general elections following the date the application is submitted. If a voter casts an absentee ballot in accordance with (d) - (f) of this section that was received by the voter as a result of an absentee ballot application, the voter's application remains valid through the next two regularly scheduled general elections following the election in which the ballot was cast. However, nothing in this subsection requires the director or an election supervisor to send an absentee ballot to a voter after the director or election supervisor has received actual notice that mail sent to the permanent mailing address of the voter, or a different address provided by the voter, is undeliverable to the voter at that address.

*** Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

House of Representatives

Member
Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
Fax: (907) 269-0124

Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

House Bill 287:
An Act Relating to Absentee Voting
Explanation of Changes from "B" version to "D" version

Section 1 of the "B" version has been deleted on the recommendation of the Department of Revenue. This was accomplished through an amendment to the "B" version during the first committee hearing on this bill.

Section 2 of the "B" version (now section 1 of the "D" version) has been modified to allow for the repeal and reenactment of that subsection to remove language that would otherwise be redundant.

Section 3 of the "D" version has been added to provide an immediate effective date. This allows the new absentee ballot system to be used in the 2012 primary election.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB287**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB287-DOE-OOG-1-27-12
Title: "An Act relating to absentee voting."
Sponsor: Representative Gruenberg
Requester: House State Affairs Committee

Dept. Affected: Office of the Governor
Appropriation: Division of Elections
Allocation: Division of Elections
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services	21.0		20.0		20.0		20.0
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**21.0**	**0.0**	**20.0**	**0.0**	**20.0**	**0.0**	**20.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	21.0		20.0		20.0		20.0
1005	#REF!							
1037	#REF!							
1178	#REF!							
TOTAL		**21.0**	**0.0**	**20.0**	**0.0**	**20.0**	**0.0**	**20.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

After further review of the requirement to extend an absentee by-mail application following the act of voting, the division has determined tha programming modifications will be required in the statewide voter registratation system. This amount is $21.0. In order to ensure the integrity of the process, the division would send confirmation notices at the beginning of each election year to all voters designated as permanent absentee voters to ensure the address on file is still
accurate. The division estimates postage and printing costs of $20.0. This amount would be a recurring cost during each election year.

Prepared by: Gail Fenumiai, Director — Phone 465-2644
Division: Division of Elections — Date/Time 1/27/2012, 6:20pm
Approved by: Guy Bell, Administrative Director — Date 1/27/2012
Administrative Services, Office of the Governor

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB287

Analysis

This bill proposes to allow an absentee by-mail ballot application from a qualified voter be valid for the next two regularly scheduled general elections. If a voter casts an absentee by-mail ballot the application would remain valid through the next two regularly scheduled general elections.
Currently state law allows an absentee by-mail application for absent uniformed services or absent overseas voters to be valid for the next two regularly scheduled general elections. Voting an absentee ballot does not currently extend their by-mail application.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HB287**
Fiscal Note Number
() Publish Date

Identifier (file name) HB287-DOE-OOG-1-22-12
Title "An Act relating to absentee voting."
Sponsor Representative Gruenberg
Requester House State Affairs Committee

Dept. Affected Office of the Governor
Appropriation Division of Elections
Allocation Division of Elections
OMB Component Number 21

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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	#REF!							
1037	#REF!							
1178	#REF!							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by Gail Fenumiai, Director — Phone 465-2644
Division Division of Elections — Date/Time 1/22/2012, 10:50am
Approved by Guy Bell, Administrative Director — Date 1/22/2012
Administrative Services, Office of the Governor

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB287

Analysis

This bill proposes to allow an absentee by-mail ballot application from a qualified voter be valid for the next two regularly scheduled general elections. If a voter casts an absentee by-mail ballot the application would remain valid through the next two regularly scheduled general elections.

Currently state law allows an absentee by-mail application for absent uniformed services or absent overseas voters to be valid for the next two regularly scheduled general elections. Voting an absentee ballot does not currently extend their by-mail application.

This bill has no fiscal impact on the Division of Elections.

MEMORANDUM

DATE: January 19, 2012

FROM: Deborah M. Bitney, Permanent Fund Dividend Division Director

TO: Representative Gruenberg

SUBJECT: HB 287

Thank you for the opportunity to comment on the proposed amendment to HB 287. I assume that the purpose of the proposed amendment to AS 15.20.081(g) is to supply the PFD Division with a list to be used in cross reference with PFD applicants for an audit.

Absence from Alaska for up to 180 days a year is allowed for any reason consistent with maintaining Alaska residency, including vacation. Alaskans are only required to report absences if they exceed 90 days during the qualifying year.

Annually, the division performs the following audits:

- Registered to vote in another state (As reported to us by Division of Elections)
- Applications received from out of state, filed both online and by paper claiming to be in Alaska when they filed.
- Alaska Court System list of those who decline jury duty claiming not to be residents of Alaska.
- Applications for which we receive a fraud tip.
- Applicants who permanently change their address with the USPS to another state or country through the National Change of Address Registry and claim to be residents of Alaska.

If an applicant is identified as an exception to an audit, they are required to provide additional information/documentation to prove their eligibility. We are currently creating two new audits using data elements that had not previously been collected (physical address and immigration status/visa expiration). These data elements are now required in order to receive a dividend.

Identifying and establishing new audits is a priority for this administration. After investigating the possibility of using absentee voter lists, I found that many Alaskans who vote absentee do so while remaining in Alaska. Also, snowbirds vote absentee, which is perfectly acceptable. I appreciate your interest in assisting the division with our audit process, but don't see this particular approach producing the desired result. I am happy to work with your office to investigate other avenues for identifying PFD fraud.

AlaskansforAlaskaElfinCove

A new voice for our Citizens and State

February 2012

"It's just one vote. What difference will that make?"

Do you know how much your vote is worth?
Much more than you might think. When a small village or town is taken over by out-of-state business owners, the value of that one vote increases dramatically.

When a corporate LLC or a partnership, made up of people who actually live in another state, takes over the control of a local government, our true Alaskan citizens have their vote diluted so much, there is no longer any power behind that vote.

By claiming a business address as a local residential address, these business owners obtain multiple benefits reserved for Alaskan citizens. These benefits include fishing and hunting licenses, permanent fund eligibility and the right to vote in Alaska. These business owners don't live here. These lodges and other businesses are not their domiciles.

They don't hang their family treasures on the walls, or keep their important papers at these seasonal dwellings, nor do their children attend school in Alaska. They don't live in the PO Boxes and they don't live at their business addresses. They come to Alaska, run their business operations for 3-4 months of the year, and then they return to their true homesteads…in other states.

Is this happening in your community too?

Voting rights are extended to non-residents.
By using their corporate or business addresses as personal residence addresses, out-of-state business owners are obtaining Alaskan voting rights. A state voter's card then allows these non-residents to vote in elections for the Community of Elfin Cove Non-profit Association – our local governing board. This infiltration has allowed outside parties to gain positions of power and to make major decisions for a community they don't even live in. Oftentimes, these decisions are made with little or no input from the legal Alaskan residents living here.

Additionally, the monies from grants have been used to the benefit of these businesses, rather than to the benefit of the community at large. One example, State DOT grant monies were used to rebuild a fire-damaged boardwalk to a former CECNPC BOD member, Gordy Wrobel's property after his lodge was destroyed by fire. As another example, a fish processing and freezing float is hardwired to the new State and Federally funded electric system on the state dock. The float is used by current CECNPC Director Joe Kulavik for his two LLC charter fishing operations.

We need to enforce our voting laws. We need to take control of our state's destiny and in how our monies are used in our own communities.

Please join us in stopping the corporate takeover of our community. Talk to your state legislators. Talk to your local business owners. Talk to your neighbors about these issues. United, our voices can make a difference and our votes will once again have strength.

Take a look at some of our community's out-of-state business owners and see where their domiciles, their homesteads are actually located. This list contains the out of state lodge owners who currently hold a voter registration card from the State of Alaska.

Gordy Wrobel – CECNPC BOD 2003-2009

Joe Kulavik – CECNPC BOD 2005-2012

Dennis Meier – CECNPC Chairman 2009-2012

Contact Us

Alaskans For Alaska Elfin Cove
PO Box 93
Elfin Cove, Alaska 99825

Email: alaskansforalaska@gmail.com
Web: www.AlaskansforAlaskans.com

The Cove Lodge, Inc.
Gordy Wrobel
The Cove Lodge, Inc. (Co-owner)
PO Box 17, Elfin Cove, AK 99825
http://commerce.alaska.gov/CBP/Main/CorporationDetail.aspx?id=50378D

Ocean Market Gardens, LLC (Owner)
PO Box 17, Elfin Cove, AK 99825
http://commerce.alaska.gov/CBP/Main/CorporationDetail.aspx?id=10000348

Cove Mooring, LLC (Owner)
PO Box 17, Elfin Cove, AK 99825
http://commerce.alaska.gov/CBP/Main/CorporationDetail.aspx?id=103340

Wrobel and Associates, Inc. (CEO)
1991 to present
961 Nebraska Ave. W., St. Paul, MN 55117
http://rrinfo.co.ramsey.mn.us/public/characteristic/HistTaxValueStmt.asp?pin=232923240133&it=1&year=2011&seq=1

HOMESTEAD EXEMPTION CLAIMED in 2011 at
961 Nebraska Ave. St. Paul, MN 55117

Dorothy Wrobel (past Co-Owner)
The Cove Lodge, Inc.
961 Nebraska Ave. St. Paul, MN 55117

Axis, Inc. and Axis Alternatives, Inc. (CEO)
2345 Rice St., Suite 112
Roseville, MN *55113*
651-489-8260

The Cove Lodge, Inc. (co-owner)
PO Box 17, Elfin Cove, AK 99825
http://commerce.alaska.gov/CBP/Main/CorporationDetail.aspx?id=50378D

Elfin Cove Charters– owner
PO Box 17, Elfin Cove, AK 99825
http://commerce.alaska.gov/CBP/Main/BLDetail.aspx?id=952374

Charlie Fannin – owner
Jacqueline Fannin, wife
427 Evening Shade Walk
Mineral Bluff, GA 30559-7148
Phone 706-900-6131
http://qpublic7.qpublic.net/qa_display.php?county=qa_fannin&KEY=0029++++01408
HOMESTEAD EXEMPTION CLAIMED 2011

North Star Lodge
Stewart W. Willis – owner
PO Box 24, Elfin Cove, AK 99825
7101 NE 255th St Battle Ground, WA 98604
http://gis.clark.wa.gov/gishome/Property/?action=ACCOUNT&account=227628000#

Tanaku Lodge – A Partnership
PO Box 72, Elfin Cove, AK 99825
http://commerce.alaska.gov/CBP/Main/BLDetail.aspx?id=260076

Dennis Meier – partner
Susan Benton Meier – partner
PO Box 72, Elfin Cove, AK 99825
2637 231st PL SE *Sammamish*, WA 98075-9459
http://info.kingcounty.gov/Assessor/eRealProperty/Detail.aspx?ParcelNbr=0305000470
425-837-8683 425-557-7958

James "Jim" Benton – partner
Christine "Christy" Benton – partner
PO Box 74, Elfin Cove, AK 99825
65345 Gerking Market Rd *Bend, OR 97701-5253*
http://w3.deschutes.org/orcats/TaxStatements/2011/132137.pdf?tax_id=132137&submit=Get+2011+property+tax+statement+for+this+property
541-388-7522

Hugh Benton – Tanaku Lodge
Diane Benton – Tanaku Lodge
Hugh and Diane Benton Trust
PO Box 62, Elfin Cove, AK 99825
1941 Poipu Rd., Koloa, HI 96756-8555
PO Box 862, *Koloa, HI 96756-0862*
808-742-2711

2651 Puuone St., *Koloa, HI 96756-9570*
1901 Poipu Rd., Unit 124 *Koloa, HI 96756-8530*
1401 Sycamore Dr., SE Issaquah, WA 98027
425-392-7837

http://info.kingcounty.gov/Assessor/eRealProperty/Dashboard.aspx?ParcelNbr=8163300040

http://info.kingcounty.gov/Assessor/eRealProperty/Detail.aspx?ParcelNbr=8163300040

Cross Sound Lodge, LLC
7419 NE 14th St., Vancouver, WA 98664-1046
http://commerce.alaska.gov/CBP/Main/BLDetail.aspx?id=950202

http://commerce.alaska.gov/CBP/Main/CorporationDetail.aspx?id=105556

Elfin Cove Eagle Charters Alaska, LLC
PO Box 77, Elfin Cove, AK 99825
http://commerce.alaska.gov/CBP/Main/CorpDocumentViewer.aspx?r=42407&v=278842&d=329780

http://commerce.alaska.gov/CBP/Main/CorporationDetail.aspx?id=63246D

Joseph "Joe" Kulavik – owner
Marilyn Kulavik – owner
PO Box 77, Elfin Cove, AK 99825
7419 NE 14th St, Vancouver, WA 98664-1046
http://gis.clark.wa.gov/gishome/Property/?action=ACCOUNT&account=37912866
360-314-6011 360-750-1336

AlaskansforAlaskaElfinCove

A new voice for our Citizens and State

State of Alaska – Residency Requirements for Benefits and Privileges

PLEASE NOTE: *The State of Alaska provides a searchable database for the Administrative Code and Statutes at the following location. A warning is provided on this page about the accuracy of the infobase. For a current version, please refer to the official printed version.*

http://www.legis.state.ak.us/basis/folio.asp

The Alaska Administrative Code
http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://wwwinu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac

General Definition of Residency: AS Sec. 01.10.055 Residency

(a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.

(b) A person demonstrates the intent required under (a) of this section

(1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and

(2) by providing other proof of intent as may be or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state. required by law

(c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory, or country, or performs other acts or is absent under circumstances that are inconsistent with the intent required under (a) of this section to remain a resident of this state.

Title 5: Fish and Game: 5 AAC 39.975. Definitions

30) "domicile" means the same as in AS 16.05.940 ; evidence of a person's domicile may include, but is not limited to, the following:

A. statements made to obtain a license to drive, hunt, fish, or engage in an activity regulated by a government entity;

B. affidavit of the person, or of other persons who may know of that person's domicile;

C. place of voter registration;

D. location of residences owned, rented, or leased;

E. location of storage of household goods;

F. location of business owned or operated;

G. residence of spouse and minor children or dependents;

H. governments to which taxes are paid;

I. whether the person has claimed residence in another location for the purpose of obtaining benefits provided by the governments in that location.

Alaska Department of Fish and Game: Statewide Definitions

http://www.adfg.alaska.gov/index.cfm?adfg=fishregulations.sfdefinitions

Statewide Definitions – continued

- **Domicile** means the true and permanent home of a person from which the person has no present Intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game.
- **Resident** means (A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residency is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country. (B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation. (C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; (D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; (E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country.

Alaska Department of Fish and Game – Residency Definitions
http://www.adfg.alaska.gov/index.cfm?adfg=license.residency
http://www.adfg.alaska.gov/static/license/pdfs/residency_infosheet.pdf

Fish & Game - Hunting/Trapping Licenses & Permits:
http://www.adfg.alaska.gov/index.cfm?adfg=huntlicense.residency

Fish & Game – Sport Fishing License
http://www.adfg.alaska.gov/index.cfm?adfg=sportlicense.residency

Department of Administration, Division of Motor Vehicles – Residency defined
http://doa.alaska.gov/dmv/akol/original.htm#resident

Division of Elections – Voter's Registration requirements
http://www.elections.alaska.gov/vi_vr_how.php
http://www.elections.alaska.gov/doc/forms/C03.pdf

Permanent Fund Dividend Division – Title 43. REVENUE AND TAXATION
Sec. 43.23.005 – defining eligibility
http://www.legis.state.ak.us/basis/statutes.asp?title=43#43.23
http://www.pfd.state.ak.us/eligibility/index.aspx
http://www.pfd.state.ak.us/eligibility/establishingResidency.aspx
http://www.pfd.state.ak.us/forms/StatsAndRegs/15AAC23-143-d-11.pdf

Alaska Medicaid Eligibility – Residency Defined
http://dpaweb.hss.state.ak.us/manuals/adltc/513/513_alaska_residency.htm

Education – Residency defined for in-state tuition
http://www.uaa.alaska.edu/futurestudents/residency.cfm

Contact us:

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Web:

www.AlaskansforAlaska.com

Alaskans for Alaska Elfin Cove is a 501(c)3 pending organization committed to education and advocacy on a range of environmental, fiscal, economic and good governance issues that affect Alaska and its residents.

Our grassroots organization works to protect local communities, the environment and public health; enhance corporate and governmental transparency and accountability; and enhance participation in civic and democratic processes.

Travis Lewis
Vice President
907-988-0532

AlaskansforAlaska

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Elfin Cove, AK 99825
alaskansforalaska@gmail.com

alaskansforalaska.com

CFEC Permit History

Gordon Wrobel Dennis Meier Joseph Kulavik

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2012	S05B	98158	H	Permanent	01	01R	SALMON, HAND TROLL, STATEWIDE	2012-01-01	Current	Permit holder	WROBEL	GORDON			BOX 17	ELFIN COVE	AK	99825	R	729687	22627
2011	S05B	98158	H	Permanent	02	02B	SALMON, HAND TROLL, STATEWIDE	2011-05-16	2011-12-31	Permit holder	WROBEL	GORDON			BOX 17	ELFIN COVE	AK	99825	R	729687	22627
2012	B06B	22507	E	Interim-Use	01	01E	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2012-02-03	Current	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2011	B06B	22507	E	Interim-Use	01	01U	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2011-01-01	2011-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2010	B06B	22507	E	Interim-Use	01	01L	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2010-01-26	2010-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2009	B06B	22507	E	Interim-Use	01	01P	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2009-03-06	2009-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2008	B06B	22507	E	Interim-Use	01	01H	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2008-04-07	2008-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2007	B06B	22507	E	Interim-Use	01	01X	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2007-03-30	2007-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2006	B06B	22507	E	Interim-Use	01	02H	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2006-01-10	2006-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2005	B06B	22507	E	Interim-Use	01	02X	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2005-01-06	2005-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
2004	B06B	22507	E	Interim-Use	01	01W	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2004-08-11	2004-12-31	Permit holder	MEIER	DENNIS	A		BOX 72	ELFIN COVE	AK	99825	R	992179	70662
1992	B06B	16796	A	Interim-Use	01	01C	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1992-09-02	1992-12-31	Permit holder	MEIER	DENNIS	A		BOX 62	ELFIN COVE	AK	99825	N	992179	59869
2012	S05B	98314	N	Permanent	02		SALMON, HAND TROLL, STATEWIDE			Permit holder	KULAVIK	JOSEPH	R		7419 NE 14TH	VANCOUVER	WA	98664	N	421875	75851

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Alaska Commercial Fisheries Entry Commission
http://www.cfec.state.ak.us/plook/

Alaskans for Alaska
P.O. Box 93, Elfin Cove, AK 99825
E-mail: AlaskansforAlaska@gmail.com
AlaskansforAlaska.com

Permit History - James Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suff	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2012	B06B	33094	Q	Interim-Use	01	01P	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2012-01-04	Current	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2012	C06B	33095	K	Interim-Use	01	01U	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2012-01-04	Current	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2011	B06B	33094	Q	Interim-Use	01	01H	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2011-01-01	2011-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2011	C06B	33095	K	Interim-Use	01	01L	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2011-01-01	2011-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2010	B06B	33094	Q	Interim-Use	01	01X	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2010-03-01	2010-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2010	C06B	33095	K	Interim-Use	01	01C	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2010-03-01	2010-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2009	B06B	33094	Q	Interim-Use	01	01C	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2009-01-05	2009-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2009	C06B	33095	K	Interim-Use	01	01H	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2009-01-05	2009-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2008	B06B	33094	Q	Interim-Use	01	01S	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2008-01-07	2008-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2008	C06B	33095	K	Interim-Use	01	01X	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2008-01-07	2008-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2007	B06B	33094	Q	Interim-Use	01	01K	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2007-01-02	2007-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2007	C06B	33095	K	Interim-Use	01	01O	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2007-01-02	2007-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2006	B06B	33094	Q	Interim-Use	01	01B	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2006-01-10	2006-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2006	C06B	33095	K	Interim-Use	01	01G	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2006-01-10	2006-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2005	B06B	33094	Q	Interim-Use	01	01R	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2005-01-06	2005-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2005	C06B	33095	K	Interim-Use	01	01W	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2005-01-06	2005-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662

Permit History - James Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suff	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2004	B06B	33094	Q	Interim-Use	01	01J	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2004-01-06	2004-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2004	C06B	33095	K	Interim-Use	01	01N	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2004-01-06	2004-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2003	B06B	33094	Q	Interim-Use	01	01A	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2003-01-01	2003-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2003	C06B	33095	K	Interim-Use	01	01F	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2003-01-01	2003-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2002	B06B	33094	Q	Interim-Use	01	01Q	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2002-03-12	2002-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2002	C06B	33095	K	Interim-Use	01	01V	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2002-03-12	2002-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	70662
2001	B06B	33094	Q	Interim-Use	01	01I	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2001-03-21	2001-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
2001	C06B	33095	K	Interim-Use	01	01M	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2001-03-21	2001-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
2000	B06B	33094	Q	Interim-Use	01	01Z	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2000-01-01	2000-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
2000	C06B	33095	K	Interim-Use	01	01E	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2000-01-01	2000-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1999	B06B	33094	Q	Interim-Use	01	01R	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1999-01-07	1999-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1999	C06B	33095	K	Interim-Use	01	01W	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	1999-01-07	1999-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1998	B06B	33094	Q	Interim-Use	01	01J	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1998-03-03	1998-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1998	C06B	33095	K	Interim-Use	01	01N	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	1998-03-03	1998-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208

Permit History - James Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suff	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
1998	S15B	58579	E	Permanent	01		SALMON, POWER TROLL, STATEWIDE			Permit holder; permanently transferred permit away	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1997	B06B	33094	Q	Interim-Use	01	01A	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1997-01-01	1997-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1997	C06B	33095	K	Interim-Use	01	01F	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	1997-01-01	1997-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1997	S15B	58579	E	Permanent	01	01B	SALMON, POWER TROLL, STATEWIDE	1997-01-01	1997-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1996	B06B	33094	Q	Interim-Use	01	01Q	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1996-02-01	1996-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1996	C06B	33095	K	Interim-Use	01	01V	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	1996-02-01	1996-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1996	S15B	58579	E	Permanent	01	01R	SALMON, POWER TROLL, STATEWIDE	1996-02-01	1996-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1995	B61B	37965	B	Interim-Use	01	01Z	HALIBUT, LONGLINE VL OVER 5 TON, STATEWIDE	1995-01-01	1995-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1995	C61B	37966	U	Interim-Use	01	01E	SABLEFISH, LONGLINE VL OVER 5 TON, STATEWIDE	1995-01-01	1995-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1995	S15B	58579	E	Permanent	01	01J	SALMON, POWER TROLL, STATEWIDE	1995-01-01	1995-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1994	B61B	37965	B	Interim-Use	01	01Q	HALIBUT, LONGLINE VL OVER 5 TON, STATEWIDE	1994-04-25	1994-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1994	C61B	37966	U	Interim-Use	01	01J	SABLEFISH, LONGLINE VL OVER 5 TON, STATEWIDE	1994-04-25	1994-12-31	Permit holder	BENTON	JAMES	H		BOX 74	ELFIN COVE	AK	99825	R	372270	38208
1989	B06B	32332	W	Interim-Use	01	01F	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1989-06-08	1989-12-31	Permit holder	BENTON	JAMES	H		BOX 62	ELFIN COVE	AK	99825	N	372270	58842

CFEC Permit History - Christine Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suff	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2011	B06B	17089	R	Interim-Use	01	01J	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2011-06-29	2011-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2010	B06B	17089	R	Interim-Use	01	01A	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2010-07-13	2010-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2009	B06B	17089	R	Interim-Use	01	01F	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2009-02-03	2009-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2008	B06B	17089	R	Interim-Use	01	01V	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2008-01-07	2008-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2007	B06B	17089	R	Interim-Use	01	01M	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2007-01-02	2007-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2006	B06B	17089	R	Interim-Use	01	01E	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2006-05-01	2006-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2005	B06B	17089	R	Interim-Use	01	01U	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2005-01-06	2005-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2004	B06B	17089	R	Interim-Use	01	01L	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2004-01-06	2004-12-31	Permit holder	BENTON	CHRISTINE			BOX 74	ELFIN COVE	AK	99825	R	249229	70662
2003	B06B	17089	R	Interim-Use	01	01C	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2003-01-01	2003-12-31	Permit holder	BENTON	CHRISTINE			3340 MEANDER WAY	JUNEAU	AK	99801	R	249229	70662
2002	B06B	17089	R	Interim-Use	01	01S	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2002-04-15	2002-12-31	Permit holder	BENTON	CHRISTINE			3340 MEANDER WAY	JUNEAU	AK	99801	R	249229	70662

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Permit History - Hugh Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2012	B06B	11482	M	Interim-Use	01	01X	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2012-01-04	Current	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2012	C06B	22670	B	Interim-Use	01	01E	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2012-01-04	Current	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2012	S05B	97923	W	Permanent	01	01Z	SALMON, HAND TROLL, STATEWIDE	2012-01-04	Current	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2011	B06B	11482	M	Interim-Use	01	01O	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2011-01-01	2011-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2011	C06B	22670	B	Interim-Use	01	01U	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2011-01-01	2011-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2011	S05B	97923	W	Permanent	01	01P	SALMON, HAND TROLL, STATEWIDE	2011-01-01	2011-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2010	B06B	11482	M	Interim-Use	01	01G	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2010-01-06	2010-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2010	C06B	22670	B	Interim-Use	01	01L	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2010-01-06	2010-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2010	S05B	97923	W	Permanent	01	01H	SALMON, HAND TROLL, STATEWIDE	2010-01-06	2010-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2009	B06B	11482	M	Interim-Use	01	01K	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2009-01-05	2009-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2009	C06B	22670	B	Interim-Use	01	01P	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2009-01-05	2009-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2009	S05B	97923	W	Permanent	01	01L	SALMON, HAND TROLL, STATEWIDE	2009-01-05	2009-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662

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P.O. Box 63, Elfin Cove, AK 99825
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Permit History - Hugh Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2008	B06B	11482	M	Interim-Use	01	01B	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2008-01-04	2008-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2008	C06B	22670	B	Interim-Use	01	01H	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2008-01-04	2008-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2008	S05B	97923	W	Permanent	01	01C	SALMON, HAND TROLL, STATEWIDE	2008-01-04	2008-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2007	B06B	11482	M	Interim-Use	01	01R	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2007-01-01	2007-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2007	C06B	22670	B	Interim-Use	01	01X	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2007-01-01	2007-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2007	S05B	97923	W	Permanent	01	01S	SALMON, HAND TROLL, STATEWIDE	2007-01-01	2007-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2006	B06B	11482	M	Interim-Use	01	01J	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2006-01-11	2006-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2006	C06B	22670	B	Interim-Use	01	01O	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2006-02-07	2006-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2006	S05B	97923	W	Permanent	01	01K	SALMON, HAND TROLL, STATEWIDE	2006-01-11	2006-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2005	B06B	11482	M	Interim-Use	01	01A	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2005-01-06	2005-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2005	C06B	22670	B	Interim-Use	01	01G	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2005-01-06	2005-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2005	S05B	97923	W	Permanent	01	01B	SALMON, HAND TROLL, STATEWIDE	2005-01-06	2005-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842

Permit History - Hugh Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2004	B06B	11482	M	Interim-Use	01	01Q	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2004-01-01	2004-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2004	C06B	22670	B	Interim-Use	01	01W	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2004-01-01	2004-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2004	S05B	97923	W	Permanent	01	01R	SALMON, HAND TROLL, STATEWIDE	2004-01-01	2004-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
2003	B06B	11482	M	Interim-Use	01	01I	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2003-01-01	2003-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2003	C06B	22670	B	Interim-Use	01	01N	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2003-01-01	2003-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2003	S05B	97923	W	Permanent	01	01J	SALMON, HAND TROLL, STATEWIDE	2003-01-01	2003-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
2002	B06B	11482	M	Interim-Use	01	01Z	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2002-01-08	2002-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2002	C06B	22670	B	Interim-Use	01	01F	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2002-01-08	2002-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2002	S05B	97923	W	Permanent	01	01A	SALMON, HAND TROLL, STATEWIDE	2002-01-08	2002-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
2001	B06B	11482	M	Interim-Use	01	01P	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2001-01-10	2001-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2001	C06B	22670	B	Interim-Use	01	01V	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2001-01-10	2001-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2001	S05B	97923	W	Permanent	01	01Q	SALMON, HAND TROLL, STATEWIDE	2001-01-10	2001-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842

Permit History - Hugh Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
2000	B06B	11482	M	Interim-Use	01	01H	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	2000-01-14	2000-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2000	C06B	22670	B	Interim-Use	01	01M	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	2000-01-14	2000-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
2000	S05B	97923	W	Permanent	01	01I	SALMON, HAND TROLL, STATEWIDE	2000-01-14	2000-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1999	B06B	11482	M	Interim-Use	01	01A	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1999-01-01	1999-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
1999	C06B	22670	B	Interim-Use	01	01G	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	1999-01-01	1999-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
1999	S05B	97923	W	Permanent	01	01B	SALMON, HAND TROLL, STATEWIDE	1999-01-01	1999-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1998	B06B	11482	M	Interim-Use	01	02J	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1998-01-01	1998-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
1998	C06B	22670	B	Interim-Use	01	02O	SABLEFISH, LONGLINE VL UNDER 60 FEET, STATEWIDE	1998-01-01	1998-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	70662
1998	S05B	97923	W	Permanent	01	01R	SALMON, HAND TROLL, STATEWIDE	1998-01-01	1998-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1997	B06B	11482	M	Interim-Use	01	01I	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1997-01-01	1997-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1997	S05B	97923	W	Permanent	01	01J	SALMON, HAND TROLL, STATEWIDE	1997-01-01	1997-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1996	B06B	11482	M	Interim-Use	01	01Z	HALIBUT, LONGLINE VL UNDER 60 FEET, STATEWIDE	1996-01-09	1996-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842

Permit History - Hugh Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
1996	C61B	21897	Z	Interim-Use	01	01N	SABLEFISH, LONGLINE VL 60 FEET OR OVER, STATEWIDE	1996-02-05	1996-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	38208
1996	M06B	39727	I	Interim-Use	01	01O	MISCELLANEOUS SALTWATER FINFISH, LONGLINE VL UNDER 60 FEET, STW	1996-01-09	1996-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1996	S05B	97923	W	Permanent	01	01A	SALMON, HAND TROLL, STATEWIDE	1996-01-09	1996-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1996	Y61A	21898	Z	Interim-Use	01	01R	DEMERSAL SHELF ROCKFISH, LONGLINE VL 60 FEET OR OVER, SOUTHEAST	1996-01-09	1996-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1995	B06B	11482	M	Interim-Use	01	01P	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1995-01-01	1995-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1995	C61B	21897	Z	Interim-Use	01	01F	SABLEFISH, LONGLINE VL OVER 5 TON, STATEWIDE	1995-04-10	1995-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	38208
1995	M06B	39727	I	Interim-Use	01	02X	MISCELLANEOUS SALTWATER FINFISH, LONGLINE VL UNDER 5 TON, STW	1995-01-01	1995-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1995	P09B	21899	A	Interim-Use	01	01N	SHRIMP, POT GEAR VL 50 FEET OR LESS, STATEWIDE	1995-04-10	1995-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	38208
1995	S05B	97923	W	Permanent	01	01Q	SALMON, HAND TROLL, STATEWIDE	1995-01-01	1995-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842
1995	Y61A	21898	Z	Interim-Use	01	01J	DEMERSAL SHELF ROCKFISH, LONGLINE VL OVER 5 TON, SOUTHEAST	1995-04-10	1995-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	R	309294	58842

Permit History - Hugh Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
1994	B06B	11482	M	Interim-Use	01	01O	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1994-04-05	1994-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1994	M06B	39727	I	Interim-Use	01	01P	MISCELLANEOUS SALTWATER FINFISH, LONGLINE VL UNDER 5 TON, STW	1994-04-05	1994-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1994	S05B	97923	W	Permanent	01	01Q	SALMON, HAND TROLL, STATEWIDE	1994-04-05	1994-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1993	B06B	11482	M	Interim-Use	01	01X	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1993-01-11	1993-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1993	M06B	39727	I	Interim-Use	01	01N	MISCELLANEOUS SALTWATER FINFISH, LONGLINE VL UNDER 5 TON, STW	1993-01-11	1993-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1993	S05B	97923	W	Permanent	01	01Z	SALMON, HAND TROLL, STATEWIDE	1993-01-11	1993-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1992	B06B	11482	M	Interim-Use	01	01O	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1992-04-27	1992-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1992	M06B	39727	I	Interim-Use	01	01F	MISCELLANEOUS SALTWATER FINFISH, LONGLINE VL UNDER 5 TON, STW	1992-04-27	1992-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1992	S05B	97923	W	Permanent	02	01P	SALMON, HAND TROLL, STATEWIDE	1992-05-28	1992-12-31	Permit holder	BENTON	HUGH	H	3	BOX 62	ELFIN COVE	AK	99825	N	309294	58842
1991	B06B	11482	M	Interim-Use	01	01G	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1991-03-13	1991-12-31	Permit holder	BENTON	HUGH	H	3	1401 SYCAMORE DR SE	ISSAQUAH	WA	98027	N	309294	59869
1990	B06B	11482	M	Interim-Use	01	01W	HALIBUT, LONGLINE VL UNDER 5 TON, STATEWIDE	1990-04-05	1990-12-31	Permit holder	BENTON	HUGH	H	3	1401 SYCAMORE DR SE	ISSAQUAH	WA	98027	N	309294	59869

Permit History - Hugh Benton

Year	Fishery #	Permit Serial #	Permit Serial Check-Digit	Permit Type	Seq. #	Seq. # Check Digit	Fishery Description	Start Date	End Date	Permit Status	Last Name	First Name	MI	Suffix	Street	City	State	Zip Code	Residency	CFEC ID	ADFG #
1989	S05B	97923	W	Permanent	01		SALMON, HAND TROLL, STATEWIDE			Permit holder; permanently transferred permit away	BENTON	HUGH	H	3	1401 SYCAMORE DR SE	ISSAQUAH	WA	98027	N	309294	55731
1988	S05B	97923	W	Permanent	03		SALMON, HAND TROLL, STATEWIDE			Permit holder	BENTON	HUGH	H	3	1401 SYCAMORE DR SE	ISSAQUAH	WA	98027	N	309294	55731

HB 304

<TARGET><BILL>HB 304</BILL><SUBJECT>HB 304</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 30, 2012 **FURTHER REFERRALS: Finance**

Date of Committee Action: 2-21-2012

The STATE AFFAIRS Committee considered: **HB 304**

HOUSE BILL NO. 304
"An Act relating to the membership of the Alaska Fire Standards Council."
HB 304-ALASKA FIRE STANDARDS COUNCIL

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Pub Safety	X		

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Bryce Wilson	WILSON	X			
Wes Keller	Keller			X	
Max F Gruenberg	Gruenberg	✓			
Paul R Seaton	Seaton	✓			
Pete Petersen	Petersen	✓			
Chair: Bob Lynn	LYNN	X			
Chair:					

State of Alaska
Department of Public Safety

Sean Parnell, Governor
Joseph A. Masters, Commissioner

March 5, 2012

The Honorable Bob Lynn, Chair
House State Affairs Committee
State Capitol Room 108
Juneau, AK 99801-1182

Dear Representative Lynn:

During a House State Affairs Committee meeting on February 21, 2012, several questions were asked that pertain to the Alaska fire service personnel fund under AS 18.70.360. The responses to those questions are being submitted per your request.

Q: What does the Fire Services Personnel Fund do?
A: The fire services personnel fund under AS 18.70.360 was established to allow the Alaska Fire Standards Council (AFSC) to receive appropriations from the legislature related to insurance premium fees, or a tax credit for donations under AS 21.89.075, to support funding for fire services programs (i.e., standardized industry training and certification requirements).

Q: Is this personnel fund operating?
A: No. The insurance premium fee was never implemented and there have been no insurance company donations under AS 21.89.075 for appropriation to this fund.

Q: Is there any money in the fund and if so, how much?
A: No.

Q: Has there ever been any money in the fund?
A: No.

Q: What is the Alaska Fire Standards Council's policy on expending these funds?
A: If funding were appropriated for the Fire Services Personnel Fund, the AFSC would consider expenditures that would have the greatest impact related to improving fire service training and performance standards for the Alaska fire service.

Q: Why has it never been implemented?
A: When the statutes creating the AFSC were enacted in 1998 there was no initial support to appropriate funds for insurance premiums specific to the AFSC. Additionally, no donations for insurance tax credits have ever been made for legislative consideration towards appropriations under AS 18.70.360.

Office of the Commissioner
5700 E. Tudor Road – Anchorage, AK 99507 – Voice (907) 269-5086 – Fax (907) 269-4543
Juneau Office – Voice (907) 465-4322 – Fax (907) 465-4362

The AFSC will review AS 18.70.360 at its next meeting in the Fall of 2012 to determine whether to forward a formal recommendation regarding any repeal of or amendment to that statute.

Sincerely,

Kelly Howell

Kelly Howell
Legislative Liaison

Cc: Gordon Descutner, Executive Director, AFSC (via email)
Bryan (Buddy) Lane, Chair, AFSC (via email)

Office of the Commissioner
5700 E. Tudor Road – Anchorage, AK 99507 – Voice (907) 269-5086 – Fax (907) 269-4543
Juneau Office – Voice (907) 465-4322 – Fax (907) 465-4362

Nancy Manly

From: Erin Shine
Sent: Monday, February 20, 2012 10:51 AM
To: Nancy Manly
Subject: RE: HB 304 Call In's

Hi Nancy,

I've got another one for teleconference tomorrow to answer questions:

- Gordon Descutner, Administrator for the Alaska Fire Standards Council

Thanks!

Erin Shine
Office of Representative Craig Johnson
Anchorage House District 28
Phone: 907-465-6871

From: Nancy Manly
Sent: Monday, February 20, 2012 9:46 AM
To: Erin Shine
Subject: RE: HB 304 Call In's

Thank you! ☺

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: Erin Shine
Sent: Monday, February 20, 2012 8:52 AM
To: Nancy Manly
Subject: HB 304 Call In's

Hi Nancy,

The following people will be online to help answer questions for HB 304:

- Jeff Tucker; Alaska Fire Chiefs Association
- Tom Westcott; Alaska Professional Fire Fighters Association

I am still trying to lineup a person from the Alaska Fire Standards Council. Once I hear back from them and know who will be call in I will let you know.

Thanks!

Erin Shine
Office of Representative Craig Johnson
Anchorage House District 28

Nancy Manly

From: Erin Shine
Sent: Monday, February 20, 2012 8:52 AM
To: Nancy Manly
Subject: HB 304 Call In's

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- Tom Westcott; Alaska Professional Fire Fighters Association

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Thanks!

Erin Shine
Office of Representative Craig Johnson
Anchorage House District 28
Phone: 907-465-6871

Alaska House of Representatives
Representative Craig Johnson
House Rules Chairman

Session Contact
State Capitol Room 216
Juneau AK, 99801
Phone: 907-465-4993
Fax: 907-465-3872

Interim Contact
716 W. 4th Ave. Suite 300
Anchorage AK, 99501-2133
Phone: 907-269-0200
Fax: 907-269-0204

Sponsor Statement for House Bill 304
Alaska Fire Standards Council

"An Act relating to the membership of the Alaska Fire Standards Council."

House Bill 304 makes two changes to the membership of the Alaska Fire Standards Council (the Council): it designates an existing seat to a member of the Alaska Professional Fire Fighters Association and it adds a seat that must be filled by a member of the Alaska Fire Chiefs Association.

The mission of the Council is to establish (1) professional standards for fire service personnel and (2) curriculum requirements for the certification of training programs. The 11-member Council must include:

- two chief administrative officers or fire chiefs of local governments;
- four representatives of fire fighters (including at least one fire fighter administrative officer from the Alaska State Fire Fighters Association);
- two volunteer fire fighters (one from a community of less than 2,500; one from a community of greater than 2,500);
- two members of the public at-large (one from a community of less than 2,500; one from a community of greater than 2,500);
- The State Fire Marshall or his/her designee.

The Alaska Professional Fire Firefighters Association (APFFA), which is the Alaska affiliate of the International Association of Fire Fighters, represents roughly 500 professional career fire fighters throughout the state.

The mission of the Alaska Fire Chiefs Association (AFCA) is to serve the people of the State of Alaska by influencing fire and emergency service programs and legislation; advancement of fire and emergency services professionals; and providing for the safety and well-being of fire fighters and their communities.

Under HB 304, the Governor appoints one member of the APFFA and one member of the AFCA to the Council from "a list of at least three nominees submitted by each association."

The intent of HB 304 is to ensure that the APFFA and the AFCA are represented on the Alaska Fire Standards Council and to guarantee that the designees from these two important statewide fire firefighting groups can speak with the full confidence of their respective associations.

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 14, 2012

SUBJECT: Sectional summary of HB 304 (Work Order No. 27-LS0957\I)

TO: Representative Craig Johnson
Attn: Erin Shine

FROM: Lisa Moritz Kirsch
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. Adds a new member to the Alaska Fire Standards Council who must be a chief administrative officer or a fire chief.

Adds a requirement that at least one of the three members who are a chief administrative officer or a fire chief must be nominated by the Alaska Fire Chiefs Association under new subsection AS 18.70.330(c).

Replaces the existing requirement that one of the firefighter members be a "firefighter administrative officer" with the new requirement that at least one firefighter member of the council be a member of the Alaska Professional Fire Fighters Association nominated under new subsection AS 18.70.330(c).

Section 2. Creates new subsection AS 18.70.330(c), which requires that the governor appoint members of the associations referred to in subsection AS 18.70.330(b) from a list of at least three nominees submitted to the governor by the associations.

Allows the governor to reject a list and request a new list of nominees.

Section 3. Aids transition by exempting existing members from the new requirements by applying the new requirements only to appointments after the effective date of the Act.

LMK:ljw
12-125.ljw

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About Us

What does the AFCA do?

Educate

We strongly support quality training for our firefighters. During the late 90's we were successful in getting the Fire Standards Council approved by the state legislature.

Our support of education does not stop with firefighters. We are also advocates of public education.

Train

Twice annually we have the opportunity to train together. We have the Alaska Fire Conference (fall) and Leadership Summit (spring) conference during which we offer a wide variety of training for chief level officers.

Network

We have numerous opportunities to discuss our problems and concerns with our peers. The Department of Veteran and Military Affairs has, for years now, graciously allowed us to use the First Class e-mail system. The majority of our members are taking advantage of this.

We also have monthly teleconferences where we make decisions on the direction of our organization. Frequently, neighboring departments will gather and share the expense of the teleconference.

Finally, we get to meet in person, twice a year, at our conferences. This is a great time to learn from and share with our fellow chief officers.

Lobby

Every spring we travel to Juneau for the Leadership Summit to take our concerns to the legislature. This is a great opportunity to get some of your community issues brought forth as well. We generally spend two afternoons "on the hill" talking with the legislators. The rest of the time is spent training.

Goals

In 1971 the State of Alaska had 1,081 actual fires that resulted in 33 fire fatalities, which was also the ten year average for fire fatalities in Alaska at that time. In that year, the Alaska Fire Chiefs Association was established. Now, just over a third of a century later, we find that there where 2,758 actual fires resulting in 12 fire fatalities. Our current ten year fire fatality average is 16.

The over 50% reduction in the 10 year fire fatality average rate has been the result of the combined efforts of the Alaska State Fire Marshal office, the Alaska State Firefighters Association, and the Alaska Fire Chiefs Association. In 2005 we welcomed the Alaska

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The goals for our Alaska Fire Chiefs Association are:

Long term

1. Zero fire fatalities.
2. A sustainable funding source for the Alaska Fire Standards Council.

Short Term

3. Passage of a Fire Safe Self-Extinguishing Cigarette bill.
4. A statewide assistance program to assist registered fire departments with matching requirements for federal grants.
5. Assist registered fire departments with training and equipment needs.

Upcoming Events

2012 LEADERSHIP SUMMIT REGISTRATION
2012 Leadership Summit Conference Schedule

Quick Links

Lighthouse Uniform Company
With All Due Respect
Fire Service Bookstore
Daily Dispatch
Fire Service Library
Western Fire Chiefs

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PublicAware

AFFILIATE LOCALS

Anchorage Fire Fighters Union
Local 1264

Fairbanks Fire Fighters Association
Local 1324

Ketchikan Fire Fighters Association
Local 2761

Juneau Career Firefighters Assoc.
Local 4303

North Pole Fire Fighters
Local 4505

Visit our Website . . .
alaskapffa.org

Officers & Contact Information

President:
Mark Drygas
Fairbanks Local 1324
907-322-7808
drygas@alaskapffa.org

Secretary/Tresaurer:
Matt McSorley
Anchorage Local 1264
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Vice-President, Northern Region:
Dominic Lozano
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Vice President, Southcentral Region:
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paulson@alaskapffa.org

Vice-President, Southeast Region:
Dave Boddy
Juneau Local 4303
907-789-2702
boddy @alaskafppa.org

Legislative Coordinator
Jeff Briggs
Anchorage Local 1264
907-441-2469
briggs@alaskapffa.org

Mailing Address

Post Office Box 111222
Anchorage, Alaska 99511

International Fire Fighter Magazine and AKPFFA Newsletter

ALASKA PROFESSIONAL FIRE FIGHTERS ASSOCIATION

affiliated with the

International Association of Fire Fighters
AFL-CIO, CLC

Respecting Tradition . . .
. . . Embracing the Future

ALASKA PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Alaska Professional Fire Fighters Association was chartered by the International Association of Fire Fighters in 2004, bringing together nearly 500 professional, career fire fighters into a statewide organization.

Though our State Association is relatively new, our goals and objectives have been in place for many years with Anchorage Local 1264 and Fairbanks Local 1324 being chartered when Alaska was still a territory, 1957 and 1959 respectively. By uniting our efforts with Ketchikan Local 2761 , Juneau Local 4303, and recently North Pole Local 4505 we present a united voice for professional fire fighters throughout the state. Our members respond to 75% of fire and EMS 911 calls in Alaska.

By combining forces we have already had an impact on the legislature in Juneau. This led to the recent passage of Alaska's Presumptive Disability Law, providing the presumption of job related illness for certain cancers and heart and lung disease contracted by fire fighters. We will actively work for legislation that supports the needs of career fire fighters and will fiercely oppose any proposed legislation that negatively affects the safety or welfare of our members.

To be effective in Juneau we must be active in the election process. We identify candidates for the House, Senate and Governor offices that support the goals and objectives of career fire fighters. We reach across party line and support candidates solely on their positions on issues that affect career fire fighters and their families.

The AKPFFA works with other state and provincial associations through our membership in the Federation of State and Provincial Professional Fire Fighters and in May 2008 hosted a conference in Anchorage for the federation.

We work with our International Association to provide training for our affiliate locals and provide leadership assistance when requested. Our annual convention provides an opportunity for professional fire fighters from across Alaska to meet and share information important to our future.

The International Association of Fire Fighters

IAFF

The IAFF was established on Feb. 28, 1918, for the sole benefit of rank-and-file fire fighters in the United States and Canada. It was on this date that 36 fire fighter delegates attended the first IAFF Convention and adopted the IAFF Constitution and By-Laws. The objectives incorporated into that Constitution remain in its preamble to this day.

Throughout the last 90 years, the members and staff of the IAFF have worked tirelessly to fulfill each of these charges. As a result of their work, the IAFF was the driving force behind nearly every advance in the fire and emergency services in the twentieth century, from the introduction of shift schedules early in the century to the enactment of the 2-in/2-out safety regulation near its close. With extremely active political and legislative programs, and with recognized experts in the fields of occupational health and safety, fire-based emergency medical services and hazardous materials training, the IAFF has long occupied a special place in the North American fire service.

Today, the IAFF is the primary advocate for providing fire fighters and paramedics with the tools they need to perform their jobs. The union also provides a strong voice in the development and implementation of new training and equipment, and has worked hard to advance the proper staffing of fire and EMS departments.

At the founding meeting in 1918, the delegates decided to dedicate their union to the following objectives (modified only slightly over time):

- *To organize all fire fighters and emergency medical or rescue workers;*
- *To secure just compensation for their services and equitable settlement of their grievances;*
- *To promote as safe and healthy a working environment for fire fighters as is possible through modern technology;*
- *To promote the establishment of just and reasonable working conditions;*
- *To place the members of the Association on a higher plane of skill and efficiency;*
- *To promote harmonious relations between fire fighters and their employers;*
- *To encourage the formation of local unions, state and provincial associations and joint councils;*
- *To encourage the formation of sick and death benefit funds;*
- *To promote the research and treatment of burns and other related health problems common to fire fighters;*
- *To encourage the establishment of schools of instruction for imparting knowledge of modern and improved methods of fire fighting and prevention; and*
- *To cultivate friendship and fellowship among its members.*

From the Preamble of the Constitution and By-Laws of the International Association of Fire Fighters

Delegates to the 1918 Founding Convention

ALASKA FIRE CHIEF'S ASSOCIATION

2358 Bradway Road, North Pole, Alaska 99705
Phone: (907) 488-3400 FAX: (907) 488-6118

February 12, 2012

To: Representative Johnson

Reference: House Bill 304, "An Act relating to the membership of the Alaska Fire Standards Council."

Dear Rep. Johnson,

On behalf of the Alaska Fire Chief's Association I want to thank you for sponsoring House Bill 304. HB 304 will allow the Alaska Fire Chief's Association and the Alaska Professional Fire Fighters Association to join with the Alaska State Firefighters Association in contributing to the success of the Alaska Fire Standards Council.

The Alaska Fire Standards Council's mission is: "To establish professional standards for fire service personnel, and curriculum requirements for the certification of training programs." The mission of the Standards Council's compliments the mission of the Alaska Fire Chief's Association which is: "To serve the people of the State of Alaska by influencing fire and emergency service programs and legislation; advancement of fire and emergency services professionals; and providing for the safety and well-being of firefighters and their communities."

Each of our associations works to improve the fire service in Alaska. The Fire Standards Council has a direct impact on how we provide those services to our residents and visitors. By having a seat on the Council we each would have a representative who would speak for all of the members of our associations and would allow us to better work with the Fire Standards Council in order to accomplish its mission.

The Fire Standards Council and its members unanimously support the inclusion of the Alaska Fire Chief's and Alaska Professional Fire Fighters Associations on the Council and we encourage all legislators to support HB 304.

I would like to again thank you for your support.

Sincerely,

Jeff Tucker, Fire Chief
Chair, Alaska Fire Chief's Association Legislative Committee

State of Alaska
Department of Public Safety
Fire Standards Council

Sean Parnell, Governor
Joseph A. Masters, Commissioner

April 4, 2011

Alaska Fire Chief's Association
Chief Jeff Tucker- President
2358 Bradway Road
North Pole, AK 99705

Dear Chief Tucker,

On January 31, 2011 the Alaska Fire Chief's Association (AFCA) solicited support from the Alaska Fire Standards Council (AFSC) for a designated seat on the Council. The AFSC recently reconvened for consideration of this request and passed a motion to support the AFCA in establishing a designated seat. This support is specific to the proposal for the designation of an additional seat (under AS 18.70.330 [b] {1}) for a representative of the AFCA.

The mission of the AFSC is to provide fire service personnel within the state of Alaska realistic and attainable standards to safely and effectively serve Alaskan communities. As the AFSC continues to establish training and performance standards for Alaska's Fire Service, we have a vision that includes maintaining the highest level of professional standards and comprehensive certification program requirements. Overall, we strive to have the greatest positive impact toward the safety and welfare of fire service personnel and their communities

In review of your request we have concluded that the AFCA would augment our ability to fulfill our mission. This decision is based on the AFCA's continued efforts to enhance fire service leadership, its longstanding support of the AFSC, and its commitment for continued support of the mission of the AFSC. As such, the AFSC endorses the AFCA efforts for the addition of a seat on the Council that is designated for a representative of the AFCA.

Sincerely,

Gordon Descutner	Buddy Lane	Greg Coon
AFSC Executive Director	*AFSC Chairman*	*AFSC Vice Chairman*

State of Alaska
Department of Public Safety
Fire Standards Council

Sean Parnell, Governor
Joseph A. Masters, Commissioner

April 4, 2011

Alaska Professional Fire Fighters Association
Thomas Wescott- President
PO Box 111222
Anchorage, AK 99511-1222

Dear Mr. Wescott,

On January 31, 2011 the Alaska Professional Fire Fighters Association (AKPFFA) solicited support from the Alaska Fire Standards Council (AFSC) for a designated seat on the Council. The AFSC recently reconvened for consideration of this request and passed a motion to support the AKPFFA in establishing a designated seat. This support is specific to the proposal for designation of an existing seat (AS 18.70.330 [b] {3}) for a representative of the AKPFFA.

The mission of the AFSC is to provide fire service personnel within the state of Alaska realistic and attainable standards to safely and effectively serve Alaskan communities. As the AFSC continues to establish training and performance standards for Alaska's Fire Service, we have a vision that includes maintaining the highest level of professional standards and comprehensive certification program requirements. Overall, we strive to have the greatest positive impact toward the safety and welfare of fire service personnel and their communities

In review of your request we have concluded that the AKPFFA would augment our ability to fulfill our mission. This decision is based on the AKPFFA's history of active participation in statewide fire service issues and its commitment to support the mission of the AFSC. As such, the AFSC endorses the AKPFFA effort to seek seat designation within an existing seat on the Council.

Sincerely,

Gordon Descutner	Buddy Lane	Greg Coon
AFSC Executive Director	*AFSC Chairman*	*AFSC Vice Chairman*

ALASKA PROFESSIONAL FIRE FIGHTERS ASSOCIATION

PO Box 111222 Anchorage, Alaska 99511-1222
www.alaskapffa.org
North Pole – Ketchikan – Fairbanks – Anchorage – Kotzebue – Juneau – Shemya

Honorable Craig Johnson
Alaska House of Representatives
State Capital Room
Juneau AK 99801

Representative Johnson:

My name is Tom Wescott and I'm the President of the Alaska Professional Firefighters Association. The AKPFFA represents roughly 500 firefighters from Kotzebue to Ketchikan and on behalf of these hard workingmen and women I'm writing you today to encourage our Alaska State legislators to support HB 304.

HB 304 will reassign a seat on the Alaska Fire Standards Council to the Alaska Professional Fire Fighters Association (AKPFFA). We feel the importance behind this reassignment is to better coordinate with the International Association of Fire Fighters (IAFF), the parent organization to the AKPFFA, to which the Council references training and certification standards for education here in Alaska. The IAFF has a vast well-respected library of training modules and proven standards that they have compiled for the fire service since 1918. This relationship will open up those paths making it easier for the Council to access this information along with education towards receiving grants that can assist smaller departments with training needs, an obvious benefit for our small town Alaska fire departments.

The seat that the AKPFFA is asking to reassign to their organization is a seat that is represented by a city consisting of a population greater than 2,500. This seat historically has been filled by a firefighter from either the city of Fairbanks or the city of Anchorage, both to which our organization represents.

The AKPFFA has had extensive meetings and discussions with the Standards Council on this legislation. The council is positive on this reassignment knowing it will bring a voice to the table not only representing roughly 500 Alaskan Fire Fighters from some of Alaska's largest cities, but also a valuable tool with international resources for training and standards education.

Thanks for your support on this legislation,

Thomas A. Wescott
President AKPFFA
PO Box 111222
Anchorage, AK 99511

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HB304**
Fiscal Note Number
() Publish Date

Identifier (file name) HB304-DPS-FSC-02-17-12
Title ALASKA FIRE STANDARDS COUNCIL
Sponsor Representative Johnson
Requester (H) STA

Dept. Affected Public Safety
Appropriation Alaska Fire Standards Council
Allocation Alaska Fire Standards Council
OMB Component Number 2428

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel	2.2		2.2	2.2	2.2	2.2	2.2
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**2.2**	**0.0**	**2.2**	**2.2**	**2.2**	**2.2**	**2.2**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	2.2		2.2	2.2	2.2	2.2	2.2
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**2.2**	**0.0**	**2.2**	**2.2**	**2.2**	**2.2**	**2.2**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Gordon Descutner, Council Administrator — Phone (907) 269-5061
Division Fire Standards Council — Date/Time 2/16/12 7:26 AM
Approved by Joseph A. Masters, Commissioner — Date 2/17/2012
Department of Public Safety

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB304

Analysis

This bill will add one seat to the Alaska Fire Standards Council (AFSC) and designate one existing firefighter seat under AS 18.70.330(b)(3) to the Alaska Professional Firefighters Association (AKPFFA).

The addition of one seat will increase travel costs related to AFSC meeting attendance. Costs for attendance per AFSC member includes airfare, lodging, ground transportation, and per diem. The average travel cost per attendee is $1,100 per meeting.

The AFSC meets twice per year; therefore, the increased annual costs of $2,200 is reflected in this fiscal note.

ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
REPRESENTATIVE CRAIG JOHNSON, CHAIRMAN
State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4993, (907) 465-3872 Fax
716 W. 4th Ave., Ste. 300, Anchorage, AK 99501 (907) 269–0200, (907) 269-0204 Fax

MEMORANDUM

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Craig Johnson, Chair
House Rules Committee

DATE: February 13, 2012

SUBJECT: Scheduling Request for HB 304

I respectfully request that HB 304 "An Act relating to the membership of the Alaska Fire Standards Council" be considered for scheduling in your committee at your earliest convenience.

If you have any questions or need additional information, feel free to contact me or my staff, Erin Shine, at 465-6871.

Thank you for your consideration of this request.

HB 311

<TARGET><BILL>HB 311</BILL><SUBJECT>HB 311</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 1, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 2-9-12

The STATE AFFAIRS Committee considered: **HB 311**

HOUSE BILL NO. 311
"An Act relating to certain information filed with the Alaska Public Offices Commission; and providing for an effective date."

HB 311- REPORTS TO APOC

Recommends it be replaced with [ ] HCS *or* **[X] CS** *for* HB 311 (STA)
*For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR*_____ [ ] Same Title [X] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEG			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSON				X
Bob Wilson	WILSON	X			
Wes Keller	Keller	X			
~~Lynn~~	~~LYNN~~	~~X~~			
Pete Peterson	PETERSEN	X			
Paul K Seaton	Seaton	X			
Chair: Bob L	LYNN	X			
Chair:					

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 2
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re HB 311- Draft Final CS 27-LS1233\B

2-7-2012

HB 311 moved from the House State Affairs Committee this morning. Please prepare a final CS incorporating one amendment:

Amendment #1 (Gruenberg)
(see attached)

AMENDMENT #1

OFFERED IN THE HOUSE BY Rep Gruenberg

TO: House Bill 311(27-LS1233\B)

Page 2, line 7, following "within"

Delete "10"

Insert "two working"

Passes Version D

AMENDMENT # 1

OFFERED IN THE HOUSE BY Keller

TO: CS HB 311 () [Work Draft 27-LS1233\D]

Page 2, line 15, following "subsection":

DELETE "'campaign period' means the period beginning on the date that a candidate files a declaration of candidacy under AS 15.25.030 or letter of intent under AS 15.25.105 and ending on the date that a report must be filed under AS 15.13.110(a)(4)."

INSERT "'campaign period' means the period beginning on the date that a candidate becomes eligible to receive campaign contributions under this chapter and ending on the date that a final report for ~~the~~ that same campaign must be filed."

Wilson objects
Withdrawn

Keller moved HB 311 From Committee
Johansen Objects

Johansen N
Wilson Y
Keller Y
Lynn Y
Seaton Y
Peterson Y

5 Yea
1 Nay

27-LS1233\D
Bullard
2/8/12

CS FOR HOUSE BILL NO. 311( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Johanson moved & Version D is adopted

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to the filing of information with the Alaska Public Offices Commission; and providing for an effective date."

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

*** Section 1.** AS 15.13.040 is amended by adding a new subsection to read:

(r) Notwithstanding the requirement in (a) of this section that a candidate shall make a full report upon a form prescribed by the commission, the commission shall accept information submitted electronically by a candidate if the information is

(1) entered onto a version of a form accessed on the Internet website of the commission; or

(2) in the form of an electronic spreadsheet or data file that contains field names and data types that conform to a standard defined by the commission.

*** Sec. 2.** AS 15.13.110(c) is amended to read:

(c) All reports required by this chapter shall be filed with the commission's central office and shall be kept open to public inspection. **The commission shall keep**

a report filed on paper under AS 15.13.040(m) open to public inspection by scanning the report and posting a copy of the scanned image on the commission's Internet website within two working days after the report is filed. The [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 **must** [SHALL] use uniform categories of reporting. **Summaries for reports filed**

(1) electronically shall be made available within 30 days after the report is filed; and

(2) on paper shall be made available within 30 days after each election.

*** Sec. 3.** AS 15.13.110 is amended by adding a new subsection to read:

(i) During a campaign period, the commission may not change the manner or format in which reports required of a candidate under this chapter must be filed. In this subsection, "campaign period" means the period beginning on the date that a candidate files a declaration of candidacy under AS 15.25.030 or a letter of intent under AS 15.25.105 and ending on the date that a report must be filed under AS 15.13.110(a)(4).

*** Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TEMPORARY EXCEPTION TO ELECTRONIC FILING REQUIREMENT. Notwithstanding AS 15.13.040(m), until February 16, 2013, the commission may request that a candidate submit information required under AS 15.13 electronically but shall accept any information required of a candidate under AS 15.13 that is typed 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.

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

TRANSITION. Notwithstanding AS 15.13 and the rules of the Alaska Public Offices Commission, a candidate who has submitted information electronically in a format allowed under AS 15.13.040(r), enacted by sec. 1 of this Act, or on paper in a format approved by the

commission, is not subject to a civil penalty under AS 15.13.390 for failure properly to file a report under AS 15.13.040 if the information was filed after December 1, 2011, and before the effective date of sec. 1 of this Act.

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

RETROACTIVITY. Sections 1 and 4 of this Act are retroactive to December 1, 2011.

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

AMENDMENT

OFFERED IN THE HOUSE BY

TO: CS HB 311 () [Work Draft 27-LS1233\D]

Page 2, line 15, following "subsection":

DELETE "'campaign period' means the period beginning on the date that a candidate files a declaration of candidacy under AS 15.25.030 or letter of intent under AS 15.25.105 and ending on the date that a report must be filed under AS 15.13.110(a)(4)."

INSERT "'campaign period' means the period beginning on the date that a candidate becomes eligible to receive campaign contributions under this chapter and ending on the date that a final report for the campaign must be filed."

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 311**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB 311
Title: Reports to APOC
Sponsor: House Rules
Requester:

Dept. Affected:
Appropriation:
Allocation:
OMB Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

None

Prepared by: House State Affairs Committee
Division: Representative Bob Lynn, Chair
Approved by:

Phone: (907) 465-2794
Date/Time: 02/06/12 2:07pm
Date: 02/06/12

(Revised 11/18/2011 OMB)

library

Additional Documents
for
HB 311

- New CS *(to follow – not yet available)*
- CS Version I (amended version that moved from committee on 2/7/2012 – this action needs to be rescinded.
- Memo from Legal Services – Alpheus Bullard concerning the application of HB 311 Version I (as amended in committee on 2/7/2012)
- Relevant Statutes
- Email answering member questions from Paul Dauphinais, Executive Director of APOC

27-LS1233\I

CS FOR HOUSE BILL NO. 311(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE

Amended Version that moved from Committee on 2/7/12

A BILL

FOR AN ACT ENTITLED

"An Act relating to certain information filed with the Alaska Public Offices Commission; and providing for an effective date."

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

*** Section 1.** AS 15.13.040(m) is repealed and reenacted to read:

(m) The commission may request that the information required under this chapter be submitted electronically but shall accept any information required under this chapter that is typed 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 and that is filed with the commission. When information is submitted electronically, the commission shall accept information

(1) entered onto a version of the form accessed on the Internet website of the commission; or

(2) submitted to the commission in the form of an electronic spreadsheet or data file that contains field names and data types that conform to a

standard defined by the commission.

*** Sec. 2.** AS 15.13.110(c) is amended to read:

(c) All reports required by this chapter shall be filed with the commission's central office and shall be kept open to public inspection. **The commission shall keep a report filed on paper under AS 15.13.040(m) open to public inspection by scanning the report and posting a copy of the scanned image on the Internet within two working days after the report is filed. The** [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 **must** [SHALL] use uniform categories of reporting. **Summaries for reports filed**

(1) electronically shall be made available within 30 days after the report is filed; and

(2) on paper shall be made available within 30 days after each election.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. Notwithstanding AS 15.13 and the rules of the Alaska Public Offices Commission, a person who has submitted information electronically in a format allowed under AS 15.13.040(m), as repealed and reenacted by sec. 1 of this Act, or on paper in a format approved by the commission, is not subject to a civil penalty under AS 15.13.390 for failure properly to file a report under AS 15.13.040 if the information was filed after December 1, 2011, and before the effective date of this Act.

*** Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Sections 1 and 2 of this Act are retroactive to December 1, 2011.

*** Sec. 5.** 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 7, 2012

SUBJECT: Application of AS 15.13.040(m) (CSHB 311(STA)
(Work Order No. 27-LS1233\I)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Nancy Manly

FROM: Alpheus Bullard TLAB
Legislative Counsel

You asked who AS 15.13.040(m) applies to. The subsection applies to "information required under this chapter" (AS 15.13), both in the existing AS 15.13.040(m), and 15.13.040(m) as it would read if CSHB 311(STA) were enacted. AS 15.13 requires information from certain individuals, candidates, groups, persons making independent expenditures, delegates to a constitutional convention, judges seeking retention, political parties, political groups, nongroup entities, and in certain instances, the state, state agencies, state corporations, the University of Alaska and its Board of Regents, municipalities, school districts, regional attendance areas, and other political subdivisions of the state.

If you have further questions, please do not hesitate to contact me.

TLAB:plm
12-080.plm

Relevant Statutes

Chapter 15.13. STATE ELECTION CAMPAIGNS

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 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. 15.13.110. Filing of reports.

(a) Each candidate, group, and nongroup entity shall make a full report in accordance withAS 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.

Nancy Manly

From: Dauphinais, Paul R (DOA) <paul.dauphinais@alaska.gov>
Sent: Wednesday, February 08, 2012 1:11 PM
To: Rep. Bob Lynn; Nancy Manly
Subject: Questions regarding HB 311

Dear Representative Lynn,

This e-mail responds to questions from the State Affairs Committee regarding APOC during the committee meeting of February 7, 2012.

Question from Representative Gruenberg regarding postmarks as the date of filing. Representative Gruenberg's statement that the postmark on a filing sent via mail is considered the date of filing is correct. The postmark on a filing sent to APOC via mail is considered the date of filing.

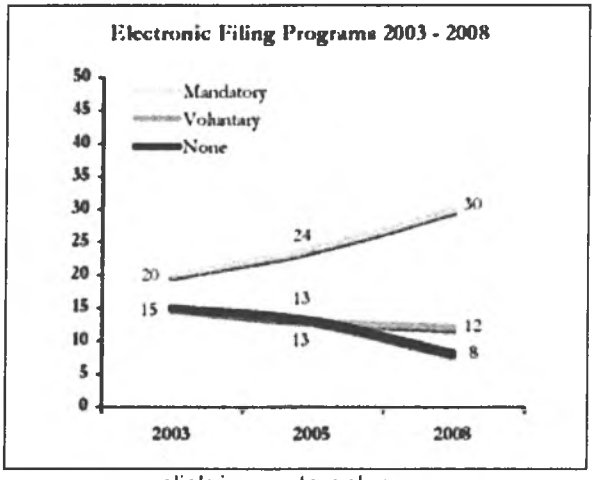
Question from Representative Keller regarding states that have mandatory requirements to file campaign disclosure electronically. Below please find an article from the Campaign Disclosure Project that provides the information requested in a relatively brief format. Additionally, an article grading Alaska's public disclosure laws and another article regarding electronic filing at the national level are included in this e-mail. Since this is somewhat dated, I would have to think that there are currently more than 30 states with required electronic reporting requirements—for instance Wyoming just recently mandated electronic filing. Attention is invited to the grade for Alaska's electronic filing program--F ranking it 42 of 50 states.

If I can provide further information please call upon me at any time.

Paul Dauphinais

Electronic Filing Programs

Grading State Disclosure 2008 offers a clear contrast to the findings presented in *Grading State Disclosure 2003* in both the quality and quantity of states' programs for filing campaign finances electronically. In 2003, there were 35 states with electronic filing programs as compared to 42 today, including Kansas and Montana, which implemented new programs in 2008. Twenty-four states earned grades in the A range in 2008, up from just eight in 2003.



click image to enlarge

The higher performance in the electronic filing category stems from more states making electronic filing mandatory for at least some candidates. In 2003, just twelve states required both statewide and legislative candidates to file electronically; today, 24 states have mandatory programs for all statewide and

legislative candidates, including South Carolina, which began its mandatory electronic filing program for legislative candidates since the last assessment. Further, four states have passed laws to implement or expand mandatory electronic filing over the next several years (Alaska in 2009; and Iowa, Louisiana, and Wyoming in 2010).

Along with the 24 As, four states earned Cs in 2008 and two earned Ds; the remaining 20 states failed this category. Because of the value placed on mandatory electronic filing requirements by this assessment, twelve states that operate electronic filing programs that are voluntary for all candidates are also among the failing states.

Electronic Filing: from Fs to As, 2003 to 2008

- Colorado
- Maine
- Michigan
- New Jersey
- New Mexico
- Oklahoma
- South Carolina
- Tennessee

- States with the strongest electronic filing programs, all receiving an A+ and tied for first place in this category, are: Arizona; Colorado; Florida; Georgia; Hawaii; Illinois; Maryland; Massachusetts; Michigan; Missouri; New York; Ohio; Oregon; Rhode Island; South Carolina; Texas; and Washington.

- States with no electronic filing (all tied for the last place rank) are: Alabama; Idaho; Mississippi; Nebraska; North Dakota; South Dakota; Vermont; and Wyoming.

Significant 2008 findings:

- 42 states have an electronic filing program for candidate campaign finance reports;
- 30 states have a mandatory electronic filing requirement;
- 24 of these states require electronic filing by candidates for both statewide and legislative office;
- 6 states require electronic filing for statewide candidates only;
- 12 states have voluntary electronic filing for statewide and legislative candidates;
- 39 states reported having adequate funds to administer their electronic filing program and 3 reported inadequate funding; and
- 8 states have no electronic filing program.

Significant changes since 2007:

- 1 state added a mandatory electronic filing program for legislative candidates (South Carolina);
- 2 states added voluntary electronic filing programs (Kansas and Montana);
- 1 state passed legislation to require legislative candidates to file electronically beginning in 2010 (Louisiana); and
- 1 state passed legislation to require both statewide and legislative candidates to file electronically beginning in 2010 (Wyoming).

Types of Electronic Filing Programs

Mandatory electronic filing programs offer the public the best access to campaign finance data by ensuring greater numbers of candidates' filings are easily and quickly posted online. States vary in terms of which candidates are required to file electronically, with 30 states requiring at least some candidates to do so. Most states' electronic filing mandates are triggered when candidates reach a certain

fundraising or spending threshold, with the threshold amount ranging from zero (Hawaii) to $250,000 (Connecticut). The average threshold for statewide candidates is approximately $20,000, while legislative thresholds are closer to $10,000 nationally on average.

While mandatory filing requirements are the ideal, and weighted heavily in this study, twelve states currently maintain electronic filing programs that are voluntary for candidates. It is important to note that these states, while receiving Fs in this category, are outperforming and rank higher than those states with no electronic filing program. Because electronic filing offers an easy and accurate way of complying with disclosure requirements, it is becoming more popular with candidates. Disclosure agencies continue to report increased use of voluntary programs, with participation rates for statewide candidates reported at 54 percent and 43 percent for legislative candidates, up from 25 percent and 27 percent in 2005, respectively.

Eight states do not currently have an electronic filing program for candidates. Wyoming's new mandatory program is scheduled to be online in 2010. Idaho, Mississippi, Nebraska, and Vermont reportedly have programs in development while Alabama, North Dakota, and South Dakota have not reported any progress.

Electronic Filing Programs in the States

Mandatory: Statewide & Legislative Candidates		Mandatory: Statewide Candidates	Voluntary: All Candidates	No E-filing
24 States:		6 States:	12 States:	8 States:
Arizona	New Jersey	Connecticut	Alaska ➲	Alabama
California	New Mexico	Indiana	Arkansas	Idaho ▷▷▷
Colorado	New York	Louisiana ➲	Delaware	Mississippi ▷▷▷
Florida	Ohio	North Carolina	Iowa ➲	North Dakota
Georgia	Oklahoma	Virginia	Kansas	Nebraska ▷▷▷
Hawaii	Oregon	West Virginia	Kentucky	South Dakota
Illinois	Rhode Island		Minnesota	Vermont ▷▷▷
Maine	South Carolina		Montana	Wyoming ➲
Maryland	Tennessee		Nevada	
Massachusetts	Texas		New Hampshire	
Michigan	Wisconsin		Pennsylvania	
Missouri	Washington		Utah	

➲ State has adopted or expanded mandatory electronic filing to begin after 2008
▷▷▷ State has reported plans for an electronic filing program

Electronic Filing Methods

States offer electronic filing programs through the use of software, web-based systems, or both. Currently, all state electronic filing programs are operated at no charge to candidates, with 34 states operating web-based programs, 15 providing software, and seven offering both options. Thirty-three states have developed a standard filing format (technical specifications) for filers, ensuring that electronically-filed reports are compatible with the disclosure agency's computer system and software, regardless of the filing method or software used. All 42

states with an electronic filing program offer training (such as classroom sessions and help desks) to assist electronic filers.

Funding and Support for Electronic Filing Programs

Adequate funding is a critical component of successful electronic filing programs; in addition to the resources necessary to establish a new program, disclosure agencies also need funding for hardware and software maintenance and upgrades, and to provide support and training to candidates. Most states recognize the need to continue to provide a stable funding stream that anticipates both program growth and the need to stay technologically current. The *Grading State Disclosure 2008* survey showed that of the 42 states currently operating electronic filing programs, 39 (93 percent) reported having adequate funding for their existing electronic filing programs (Alaska, California, and North Carolina did not). However, the study also found that money is a barrier keeping 15 states from expanding or improving their existing programs.

The *Grading State Disclosure 2008* survey also inquired about the level of technical support available to state disclosure agencies, as well as whether that support comes from "in house" or outside staff. Ninety-five percent of state disclosure agencies reported having access to "adequate" or "strong" technical support, up from 83 percent in 2007, with 73 percent reporting strong support. Of the states reporting strong technical support, 83 percent received either all or a portion of their technical support from within their own agency or department.

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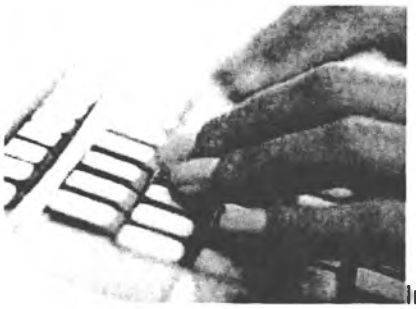
report the name and address of their contributors and, for those contributing $250 or more, occupation and employer data. Subvendor disclosure is not required, but candidates must report the name of the recipient, and the purpose for, and date of, all expenditures made or accrued. Independent expenditure disclosure remains a weak point in the law as last-minute expenditures are not disclosed prior to Election Day. Currently, electronic filing is optional in Alaska, and just 15 percent of candidates do so voluntarily. With the passage of House Bill 109 in 2007, electronic filing will be mandatory for all statewide and legislative candidates regardless of the amount raised or spent starting in 2009. To handle the transition, the Alaska Public Offices Commission (APOC) is developing a new online filing system for candidates.

Access to campaign finance records has not changed in Alaska in the last year and the state earned a B- again in the Disclosure Content Accessibility category in 2008. The APOC's web site features electronically-filed disclosure reports and reports filed on paper that have been data-entered by agency staff. The disclosure site features searchable databases of campaign contributions and expenditures, and data can be sorted online or downloaded for offline analysis. As noted in the 2007 assessment, the site's best feature, a comprehensive database search tool, might be missed by site visitors since it is last on a list of eleven search options and presented with a non-descript label of "Ad Hoc Query".

The APOC's web site has been redesigned since the 2007 assessment and usability testers responded favorably, returning the state to the B range in the usability category. The site reorganization allows for easier navigation and includes a helpful "How Do I ...?" menu that offers choices for both the public and candidates. The site also contains helpful contextual information such as campaign finance rules and regulations, and the index of a candidate's reports clearly displays the reporting period and whether reports have been amended. To further enhance the usability of the site, specific instructions could be added to describe the capabilities of the searchable databases, and how to extract data from them.

XXXX



In this Internet Age, 81 senators have Twitter accounts for lightning-fast bursts of communication. Yet only a handful of them typically file their campaign finance reports electronically.

In recent days, only eight senators voluntarily fast-tracked their campaign finance numbers by electronically sending them to the Federal Election Commission, according to an analysis by the Center for Responsive Politics.

Those eight were Sens. Barbara Boxer (D-Calif.), Thad Cochran (R-Miss.), John Cornyn (R-Texas), Kirsten Gillibrand (D-N.Y.), Patrick Leahy (D-Vt.), Richard Lugar (R-Ind.), Bernie Sanders (I-Vt.) and Jon Tester (D-Mont.).

Until recently, Sen. Dianne Feinstein (D-Calif.) frequently had sent in her campaign finance reports electronically, but she has not done so since July. The reason for the change is unclear, but the Feinstein campaign's former treasurer, Kinde Durkee, was arrested last September and has been accused of embezzling millions of dollars from the campaign accounts of Feinstein and other California legislators.

Unlike politicians seeking the presidency or a spot in the U.S. House of Representatives, senators and U.S. Senate candidates are not required to submit their campaign finance records electronically.

E-filing makes the reports available to the public almost instantly, whereas it takes the FEC several weeks to process paper reports and make them available digitally.

Several senators, led by Tester, are trying to change the rules to make e-filing the land of the law for senators as well.

At the start of the 112th Congress in January of last year, Tester introduced a bill called the Senate Campaign Disclosure Parity Act (S.219).

"This legislation provides all Americans quick access to information that is critical for a functioning democracy," Tester has said the e-filing legislation.

Among the voluntary e-filers, Cochran, Feinstein, Gillibrand, Leahy, and Lugar are sponsors of S.219, along with seventeen other senators who still file only on paper.

In addition to the co-sponsors, more than a dozen independent organizations, including the Center for Responsive Politics, have voiced support for Tester's bill.

Proponents of the legislation point to benefits in addition to rapid government transparency, including the fact that the FEC spends about $250,000 in taxpayer money each year to transfer the paper reports over into an online database. The Sunlight Foundation has stated that six tons of trees are used up each year due to the current Senate rules on reporting campaign finances.

Despite the outside support, the number of senators willing to co-sponsor electronic filing legislation has fallen. When then-Sen. Russ Feingold (D-Wis.) introduced a version of the Senate Campaign Disclosure Parity Act in 2009, he gathered 41 co-sponsors. Tester's bill, however, has only 22 co-sponsors.

At the same time, a handful of U.S. Senate candidates have also embraced the voluntary e-filing of their year-end campaign finance reports.

As of press time, those candidates included Democrat Joe Donnelly of Indiana, Republican Gary Glenn of Michigan, Republican Joe Arwood of Minnesota and Republican Denny Rehberg of Montana, who is challenging Tester.
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FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HB311**
Fiscal Note Number
() Publish Date

Identifier (file name) HB311-DOA-APOC-2-3-12
Title Reports to APOC
Sponsor Rules
Requester House State Affairs

Dept. Affected Administration
Appropriation Alaska Public Offices Commission
Allocation Alaska Public Offices Commission
OMB Component Number 70

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services	62.8		62.8	62.8	62.8	62.8	62.8
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**62.8**	**0.0**	**62.8**	**62.8**	**62.8**	**62.8**	**62.8**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	62.8		62.8	62.8	62.8	62.8	62.8
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**62.8**	**0.0**	**62.8**	**62.8**	**62.8**	**62.8**	**62.8**

POSITIONS							
Full-time	1		1	1	1	1	1
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

2-7-12 HSTA not adopted

Prepared by Paul Dauphinais — Phone 907-276-4176
Division Alaska Public Offices Commission — Date/Time 2/3/12 2:45 PM
Approved by John Cramer, Deputy Commissioner — Date 2/3/2012
Department of Administration

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB311
2012 LEGISLATIVE SESSION

Analysis

HB 311 requires that APOC continue to accept reports filed via paper indefinitely and to a larger population. This is a departure from the previously required transition to all electronic filing. As worded, HB 311 expands the ability of all state and municipal filers to file on paper by extending the current municipal exemption for municipalities under 15,000 to all municipal and state-wide candidates. This creates additional work for APOC staff by requiring scanning and manual transcription of reports, sometimes hand written, to an electronic form for all state-wide and municipal candidates from areas with populations over 15,000. This would add 600 to 1200 reports received annually by APOC in other than web format. Additionally, there will be more personally executed transactions as the public will have only limited access to information that was previously accessible electronically. This bill may require revision of newly enacted regulations.

Assumptions

More staff time will be required to perform the data entry operations of scanning and manual typing as well as providing more face-to-face transactions with the public.

Program Summary

Positions: 1 full time Law Office Assistant I, pay grade 11A, salary and employer costs per pay period $2,620.62. This position will engage in the activities required by this bill; namely scanning, manual data input, and direct customer service.

The need for a full time position:

1) APOC's candidate reporting requirements are for multiple elections which require multiple reporting dates. Seasonal or temporary employees are not suitable for this work as it is on-going in nature throughout the year:

February-State candidate and group year start reports
Anchorage municipal election candidate and group year start report
March-- Anchorage municipal election candidate and group 30 day reports
POFD/LFD filing deadline, not all POFD's are submitted electronically
Anchorage municipal election candidate and group 7 day reports
July-- Anchorage municipal election candidate and group 105 day reports
State candidate and group 30 day reports (primary)
August-- State candidate and group 24 hour reporting period begins (primary)
State candidate and group 7 day report (primary)
Sept-- State municipal election 30 day report
State municipal election 24 hour reports
State municipal election 7 day reports
Oct-- State general election 30 day reports
State general election 7 day reports
State general election 24 hour reports
Nov-- End of municipal candidates' ability to accept contributions
Other-- 105 day reports come in from unsuccessful candidates and successful candidates at varying times after each election.
Ballot initiative groups file a report each quarter until certified.
Groups may file final reports (end of existence) when purpose is fulfilled.

ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
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State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4993, (907) 465-3872 Fax
716 W. 4th Ave., Ste. 300, Anchorage, AK 99501 (907) 269–0200, (907) 269-0204 Fax

SPONSOR STATEMENT

House Bill 311

"An Act relating to certain information filed with the Alaska Public Offices Commission; and providing for an effective date."

The Alaska Public Offices Commission (APOC) has an important mission, part of which is ensuring accountability between elected officials and the public. Open and transparent campaign finance reporting enables voters to make informed decisions and is a critical step in establishing and maintaining credibility between elected officials and the people. It is paramount that the public has timely access to accurate information. It is equally important that this is not accomplished in a way that is so restrictive that any Alaskan is ever discouraged or prohibited from seeking public office

House Bill 311 establishes clear guidelines allowing each candidate to provide APOC the most accurate, timely information possible. APOC can encourage candidates to use their online reporting system; however, candidates would also be able to upload an electronic file in a format that meets APOC's technical requirements. APOC would import those files into its database, in an efficient process that eliminates the chance of data re-entry errors. House Bill 311 also allows the option of paper filing for Alaskans who want to serve in public office, but may not have access to a computer or a reliable Internet connection.

Our state is proud to have a citizen legislature, where any Alaskan can stand for election. House Bill 311 allows every candidate to reasonably comply with Alaska's rigorous campaign finance reporting laws in the most accurate and efficient way possible, protecting the public's rights to that information.

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House Bill 311
Sectional Analysis

Section 1: Requires the Alaska Public Offices Commission (APOC) to accept campaign finance reports submitted in the following formats:

- Typed or legibly printed on a paper form provided by the commission;
- Submitted electronically through the commission's website; or
- Submitted electronically in a standardized spreadsheet or data file defined by the commission.

Section 2: Requires APOC to publish a report submitted on paper within ten days by scanning and posting the report on its website. Accelerates the deadline for APOC to prepare a summary for an electronic report to 30 days after the report is filed; paper report summaries would continue to have the deadline of 30 days after each election.

Section 3: Provides safe harbor transition language for reports that are filed after December 1, 2011 and before the effective date of this act.

Section 4: Establishes a retroactive effective date to December 1, 2011.

Section 5: Immediate effective date.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB311**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB311-DOA-APOC-2-3-12
Title: Reports to APOC
Sponsor: Rules
Requester: House State Affairs

Dept. Affected: Administration
Appropriation: Alaska Public Offices Commission
Allocation: Alaska Public Offices Commission
OMB Component Number: 70

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services	62.8		62.8	62.8	62.8	62.8	62.8
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**62.8**	**0.0**	**62.8**	**62.8**	**62.8**	**62.8**	**62.8**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	62.8		62.8	62.8	62.8	62.8	62.8
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**62.8**	**0.0**	**62.8**	**62.8**	**62.8**	**62.8**	**62.8**

POSITIONS							
Full-time	**1**		1	1	1	1	1
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by: Paul Dauphinais — Phone: 907-276-4176
Division: Alaska Public Offices Commission — Date/Time: 2/3/12 2:45 PM
Approved by: John Cramer, Deputy Commissioner — Date: 2/3/2012
Department of Administration

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB311
2012 LEGISLATIVE SESSION

Analysis

HB 311 requires that APOC continue to accept reports filed via paper indefinitely and to a larger population. This is a departure from the previously required transition to all electronic filing. As worded, HB 311 expands the ability of all state and municipal filers to file on paper by extending the current municipal exemption for municipalities under 15,000 to all municipal and state-wide candidates. This creates additional work for APOC staff by requiring scanning and manual transcription of reports, sometimes hand written, to an electronic form for all state-wide and municipal candidates from areas with populations over 15,000. This would add 600 to 1200 reports received annually by APOC in other than web format. Additionally, there will be more personally executed transactions as the public will have only limited access to information that was previously accessible electronically. This bill may require revision of newly enacted regulations.

Assumptions

More staff time will be required to perform the data entry operations of scanning and manual typing as well as providing more face-to-face transactions with the public.

Program Summary

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MEMORANDUM

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Craig Johnson, Chair
House Rules Committee

DATE: February 1, 2012

SUBJECT: Scheduling Request for HB 311

I respectfully request that HB 311 "An Act relating to certain information filed with the Alaska Public Offices Commission; and providing for an effective date" be considered for scheduling in your committee at your earliest convenience.

Representative Hawker and Representative Kerttula will be presenting the bill in committee.

If you have any questions or need additional information, feel free to contact me or Juli Lucky, at 465-3733.

Thank you for your consideration of this request.

HB 316

<TARGET><BILL>HB 316</BILL><SUBJECT>HB 316</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 17, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 2-28-2012

The STATE AFFAIRS Committee considered: **HB 316**

HOUSE BILL NO. 316
"An Act relating to military facility zones in the state; relating to the development of housing in military facility zones; relating to the financing of projects in military facility zones; and providing for an effective date."
HB 316-MILITARY FACILITY ZONES

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	DCCED-Aidea			X
	DMVA-MVA			X
	DOR-AHFC			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B. Johansen	JOHANSEN	X			
Pete Petersen	PETERSEN	X			
Bryce Wilson	WILSON	X			
Wes Keller	Keller	X			
Mark Neuman	Gruenberg			✓	
Paul R. Seaton	Seaton				✓
Chair: [signature]	CYNN	X			
Chair:					

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON
DISTRICT 10

MEMORANDUM

To: House State Affairs Committee

From: Representative Steve Thompson

Date: February 29, 2012

Re: Questions on House Bill 316

Please find the question and answers from the Committee hearing held on Tuesday, February 28, 2012.

1. **Does the Bill give advantage of one community over another in a Military Facility Zone?**
    a. No, the Bill does not delineate or distinguish between communities that are in a Military Facility Zone. The Bill is silent on this issue.

2. **Are National Guard and Reserve facilities included in this Bill?**
    a. Yes, all Military facilities are included. (See page 6 Section 26.30.900(3))

3. **What States have enacted legislation similar to HB 316?**
    a. Virginia, Alabama, Texas, Maryland, and Arizona.

4. **What states have included U.S. Coast Guard in similar Bills?**
    a. Alaska is the first State to include Coast Guard Assets in a military Bill of this nature.

5. **Is this Bill a proactive approach the offset BRAC?**
    a. The Bill was introduced prior to the latest BRAC talks. However, this bill is proactive in that vein.

E-Mail: Representative.Steve.Thompson@legis.state.ak.us
Website: www.akrepublicans.org/thompson/

6. **The Fiscal Note from Ted Leonard, AIDEA, states that there would be five (5) military effectiveness zones in rural Alaska. What are those five zones and do they preclude urban areas from the Bill?**
    a. The Fiscal Note provided by Mr. Leonard was drafted from the draft version of the bill. Mr. Leonard has since provided a zero Fiscal Note that reflects no limitation on the number of zones or their location within the State.

7. **Benefits of a Military Facility Zone: Does a municipality or business located in Military Facility Zone have priority over non-Military Facility Zone municipalities and businesses?**
    a. It may, The Department of Military and Veterans' Affairs or any other State program MAY give priority consideration for financial assistance to municipalities and businesses located in a Military Facility Zone. The prioritization would expedite the process for funding. AIDEA and AHFC do not give priority to one over the other. (See Page 5 Line 25 Section 26.30.060(b))

8. **Does this Bill mean that all municipalities and boroughs that apply to be a Military Facility Zone all be approved?**
    a. No, only those areas that meet the criteria in Section 26.30.020 may be approved the Adjutant General.

9. **Is the 60 day timeframe stated in Section 26.30.030, sufficient for the Adjutant General to make a decision determining if an areas application to be a Military Facility Zone meets the criteria in Section 26.30.020?**
    a. Yes, that timeframe was specifically approved by the Adjutant General and the Department of Military and Veteran's Affairs.

10. **Where does this provide that individual project must be approved by the Adjutant General instead of the city or military facility zone authority?**
    a. The Bill speaks to the Adjutant General designating, determining, and prioritizing areas as Military Facility Zones. The Bill does not address individual projects within a Military Facility Zone requiring the approval of the Adjutant General.

11. **Where does the Bill state that a municipality or business must be a direct contractor with DOD to be eligible for designation as a Military Facility Zone?**
    a. The Bill addresses the criteria for designation as a Military Facility Zone in Section 26.30.020. The Bill does not speak to having direct contracts; it does speak to directly supporting the military application of a facility. (section 26.20.020(a)(2)) MOST applications involving DOD are under contract to DOD; however not all applications that support the military facility are direct contractors to DOD. Page 7 Section 26.30.900, Section AS 44.62.175(a)(9) defines in broad terms the definition of a project, the Bill is silent on a requirement to be a direct contractor.

12. **Where does the Bill address that each Military Facility Zone will have a Liaison Committee? Where does it specifically say that?**
    a. The Bill calls for a Military Facility Zone Authority on page 5 Section 26.30.060. That is what was referred to when the term committee was inadvertently used.

E-Mail: Representative.Steve.Thompson@legis.state.ak.us
Website: www.akrepublicans.org/thompson/

13. **Does the Bill require that a Military Facility Zone authority be established?**
    a. No, the Bill states that a municipality may create a Military Facility Zones Authority or if more than one municipality is included in a Military Facility Zone they may, by agreement, create a Military Facility Zone Authority. Page 5 Section 26.30.050(a)(b).

14. **There is a fear that the Bill would be used to limit or exclude parties from gaining from this Bill. How does the Bill protect those interests?**
    a. Section 26.30.010(d)(1) – (5) has placed safeguards into the bill to avoid that from happening through the Public Notice System (AS 44.62.175)

15. **Does AIDEA and AFHC need to have broadened or extended authority as it relates to this Bill?**
    a. No, during the final meeting in the course of the drafting of this Bill AIDEA and AFHC were present and stated that they had the ability to support this Bill as written.

It needs to be remembered that the Department of Military and Veterans' Affairs and the Adjutant General still have to draft the regulations to carry out the provisions of this Bill.

E-Mail: Representative.Steve.Thompson@legis.state.ak.us
Website: www.akrepublicans.org/thompson/

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON
DISTRICT 10

SPONSOR STATEMENT HB 316

"An act relating to military facility zones in the state; relating to the development of housing in military facility zones; relating to the financing of projects in military facility zones; and providing for an effective date."

House Bill 316 gives statutory authority to the Department of Military and Veterans' Affairs to establish "military facility zones" within the State of Alaska. Military facility zones are designated areas in close proximity to a military base (facility) where industrial or economic development will directly enhance the base's ability to fulfill its mission.

Military facility zones are successfully employed in other states as vehicles to obtain and administer funds for business development specifically relating to military activities. Funding for such zones in Alaska may be available from the Alaska Industrial Development and Export Authority (AIDEA) and/or the Alaska Housing Finance Corporation (AHFC), or from federal New Market Tax Credits. Federal, state, or local public or private funding sources, credit, or guarantee programs can be made available directly to municipalities and boroughs that are working on specifically approved projects within a military facility zone.

Military facility zones create opportunities for significant benefits to Alaska and the nation. They will enhance economic activity near military installations and thereby facilitate economic growth and development in the state, especially where local governments are working in close partnership with their military counterparts. The zones promote expansion of infrastructure to benefit both military and civilian objectives, such as civil defense, homeland security and emergency response. They will enhance the nation's military capabilities by helping bases operate more effectively and efficiently.

Finally, military facility zones in Alaska will clearly demonstrate the state's continuing and substantive support for the armed services, and help defend against the negative impacts on Alaska's regional economies and military communities that might occur should Congress choose to implement the federal Base Realignment and Closure Act (BRAC).

E-mail Representative_Steve_Thompson@legis.state.ak.us

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REPRESENTATIVE STEVE THOMPSON
DISTRICT 10

House Bill 316 - Sectional Analysis

"An Act relating to military facility zones in the state; relating to the development of housing in military facility zones; relating to the financing of projects in military facility zones; and providing for an effective date."

Section 1. This adds a new chapter to AS 26, Chapter 30 Military Facility Zones.

26.30.005. Establishes Military Facility Zones

26.30.010. Establishes application for a Military Facility Zone

26.30.020. Establishes the criteria for designating Military Facility Zones.

26.30.030. Establishes the designation of Military Facility Zone

26.30.040. Establishes for expansion of a Military Facility Zone

26.30.050. Establishes Military Facility Zone authorities.

26.30.060. Establishes benefits in a Military Facility Zone.

26.30.070. Establishes that regulations may be adopted to carry out the provisions of this chapter.

26.30.900. Establishes definitions

Section 2. This amends AS 44.62.175(a) to add an online public notice system maintained on the State's internet site.

E-mail Representative_Steve_Thompson@legis.state.ak.us

Section 3. This amends AS 44.88.909(9) to define the word "project" as used in conjunction with this chapter

Section 4. This adds a new section to the uncodified law of the State of Alaska to include TRANSITION: REGULATIONS may immediately adopt regulations necessary to implement the changes made by this Act.

Section 5. States Section 4 of this Act takes effect immediately under AS 01.10.070(c).

Section 6. States that theAct takes effect July 1, 2012 except as provided in Section 5 of this Act.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 316**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB316-DCCED-AIDEA-02-10-12
Title: Military Facility Zones
Sponsor: Rep. Thompson
Requester: House Military & Veterans' Affairs

Dept. Affected: DCCED
Appropriation: Authority
Allocation: Authority
OMB Component Number: 1234

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
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
Services	0.0		0.0	0.0	0.0	0.0	0.0
Commodities	0.0		0.0	0.0	0.0	0.0	0.0
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by: Ted Leonard, Executive Director — Phone 907-771-3000
Division: Alaska Industrial Development & Export Authority — Date/Time 02/10/11 10:00am
Approved by: JoEllen Hanrahan, Director Administrative Services — Date 2/10/2012
Commerce, Community, and Economic Development

(Revised 11/18/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 316

Analysis

This legislation allows DMVA to designate up to five military effectiveness zones in rural areas in the state. With respect to AIDEA it permits the authority to provide financing in these areas which could be beneficial. AIDEA currently has the authority to invest in federal facilities, which can include military buildings. This legislation would create an incentive for such financing, but would not require the creation of new programs within AIDEA.

There is no foreseeable fiscal impact to AIDEA as a result of this legislation.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB316**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB 316-DMVA-MVA-CO-02-13-12
Title: Military Facility Zones
Sponsor: THOMPSON,Saddler,Feige,Chenault,Herron,T.Wilson,Lynn
Requester: (H) Military and Veterans Affairs

Dept. Affected: Dept. of Military & Veterans Affairs
Appropriation: Military and Veterans Affairs
Allocation: Office of the Commissioner
OMB Component Number: 414

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
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1005	GF/Prgm (DGF)							
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1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by: McHugh Pierre, Deputy Commissioner
Phone: (907) 428-6003
Division: Office of the Commissioner, DMVA
Date/Time: 2/13/12 3:00 PM
Approved by: Major General Thomas H. Katkus
Commissioner, DMVA
Date: 2/13/2012

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB316

Analysis

This bill modifies AS 26 to allow the establishment of military zones in the state.

There is no fiscal impact to DMVA for this bill.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB316**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB316-DOR-AHFC-02-10-2012
Title: Military Facility Zone
Sponsor: Representative Thompson
Requester: (H) MLV

Dept. Affected: Revenue
Appropriation: Alaska Housing Finance Corp.
Allocation: AHFC Operations
OMB Component Number: 110

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE		(Thousands of Dollars)						
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1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version.

Prepared by: Cary Bolling, Officer Governmental Relations & Public Affairs
Phone: 907-350-2479
Division: Alaska Housing Finance Corporation
Date/Time: 1:05pm; 2/10/2012
Approved by: Dan Fauske, CEO
Alaska Housing Finance Corporation
Date: 1:05pm; 2/10/2012

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB316

Analysis

The bill gives statutory authority to the Alaska Department of Military and Veterans' Affairs to establish "Military Facility Zones" (MFZ) within the State of Alaska which are designated areas in close proximity to a military base (facility) where industrial or economic development will directly enhance the base's ability to fulfill its mission. The MFZ includes zoning for residential use. A municipality in which a military facility zone is located or a military facility zone authority may receive financing for one or more projects from the Alaska Housing Finance Corporation.

The bill does not provide any additional advantage to AHFC's current ability to provide financing to municipalities or the military for housing development. It may prove advantageous to other entities. Zero fiscal note from AHFC for this bill.

HB 333

<TARGET><BILL>HB 333</BILL><SUBJECT>HB 333</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 20, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 3-15-2012

The STATE AFFAIRS Committee considered: **HB 333**

HOUSE BILL NO. 333
"An Act relating to public office expense term accounts and public office expense term account reserves."
HB 333-PUBLIC OFFICE EXPENSE TERM ACCOUNTS

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 333 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Admin/APOC			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	**Printed Last Name**	**DP**	**DNP**	**NR**	**AM**
Kyle B Johnson	JOHANSON			X	
Wes Keller	Keller	X			
~~Bob Lynn~~ Mary Kay Thomas	Greenberg	✓			
Paul R Seaton	Seaton	✓			
Pete Petersen	PETERSEN	X			
Chair:					
Chair:					

CS FOR HOUSE BILL NO. 333(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HAWKER, Gruenberg

A BILL

FOR AN ACT ENTITLED

"An Act relating to the disposition of certain unused campaign contributions; and relating to public office expense term accounts and public office expense term account reserves."

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

*** Section 1.** AS 15.13.116(a) is amended to read:

(a) A candidate who, after the date of the general, special, municipal, or municipal runoff election or after the date the candidate withdraws as a candidate, whichever comes first, holds unused campaign contributions shall distribute the amount held on February 1 for a general election or within 90 days after a special election. The distribution may only be made to

(1) pay bills incurred for expenditures reasonably related to the campaign and the winding up of the affairs of the campaign, including a victory or thank you party, thank you advertisements, and thank you gifts to campaign employees and volunteers, and to pay expenditures associated with post-election fund

raising that may be needed to raise funds to pay off campaign debts;

(2) make donations, without condition, to

(A) a political party;

(B) the state's general fund;

(C) a municipality of the state; or

(D) the federal government;

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

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

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

(A) to all contributors;

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

(C) to contributors who have made larger contributions;

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

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

(A) $50,000, if the transfer is made by a candidate for governor or lieutenant governor;

(B) $10,000, if the transfer is made by a candidate for the state senate;

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

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

(8) transfer all or a portion of the unused campaign contributions to a public office expense term account [OR TO A PUBLIC OFFICE EXPENSE TERM ACCOUNT RESERVE IN ACCORDANCE WITH (d) OF THIS SECTION]; a transfer under this paragraph is subject to the following:

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

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

(C) all amounts expended from the public office expense term account shall be annually accounted for under AS 15.13.110(a)(4); [AND]

(D) a transfer under this paragraph is limited to $5,000 multiplied by the number of years in the term to which the candidate is elected plus any accumulated interest; and

(E) unused campaign contributions transferred under this paragraph must be disposed of as provided in (2), (3), or (5) of this subsection at the end of the term of office immediately following the campaign for which the contributions were received; and

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

(A) the authority to transfer is limited to candidates who are elected to municipal office, including a municipal school board;

(B) the municipal office account established under this paragraph may be used only for expenses associated with the candidate's serving as mayor or as a member of the assembly, city council, or school board;

(C) all amounts expended from the municipal office account shall be annually accounted for under AS 15.13.110(a)(4); [AND]

(D) a transfer under this paragraph is limited to $5,000**; and**

(E) unused campaign contributions transferred under this paragraph must be disposed of as provided in (2), (3), or (5) of this

subsection at the end of the term of office immediately following the campaign for which the contributions were received.

*** Sec. 2.** AS 15.13.116(d) is repealed.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISION. A candidate for the state legislature who was elected to the state legislature before the effective date of this Act and who holds funds in a public office expense term account reserve shall transfer those funds to a public office expense term account before January 1, 2013.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
Juneau, AK 99801-1182

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Anchorage, AK 99501-2133

Phone: (907) 269-0205
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FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 2
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re CS for HB 333 - Draft Final 27-LS1289\B

3/15/2012

HB 333 Version B moved from the House State Affairs Committee this morning with one amendment. Please draft a final CS for HB 333 Version B as amended. Thanks.

Amendment #1 (Seaton)
27-LS1289\B.2

27-LS1289\B.2
Bullard
3/6/12

Passed

AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVE SEATON

TO: CSHB 333( ), Draft Version "B"

Lynn objects removed

Page 1, line 1, following "**Act**":

Insert "**relating to the disposition of certain unused campaign contributions; and**"

Page 3, line 27:

Delete "and"

Insert "[AND]"

Page 3, line 28, following "$5,000":

Insert "**; and**

(E) unused campaign contributions transferred under this paragraph must be disposed of as provided in (2), (3), or (5) of this subsection at the end of the term of office immediately following the campaign for which the contributions were received"

HB 333

Ted Madsen

From: Dauphinais, Paul R (DOA) <paul.dauphinais@alaska.gov>
Sent: Wednesday, March 14, 2012 4:02 PM
To: Ted Madsen
Cc: Wilson, Kimberley (DOA)
Subject: 2013 LFD question

Mr. Madsen,

Earlier this afternoon you asked about next year's LFD. Specifically, you asked about next year's from automatically repopulating fields filed in this year. I have been assured by our programmer that will be the case. You will only need to press "start a new form" and the fields should automatically repopulate with the existing data. You will need to verify that the numbers are correct and that all the activities are the same. Any new activities will need to be entered manually.

Hopefully this answers your question. Should you have other questions please feel free to contact me.

Paul Dauphinais

"Practical men, who believe themselves to be quite exempt from any intellectual influences, are normally the slaves to some defunct economist." John Maynard Keynes

Paul Dauphinais
Executive Director
Alaska Public Offices Commission
2221 E. Northern Lights, 128
Anchorage, AK 99508
907-276-4176 Voice
907-276-7018 FAX

www.doa.alaska.gov/apoc/

27-LS1289\B.2
Bullard
3/6/12

AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVE SEATON

TO: CSHB 333( ), Draft Version "B"

Page 1, line 1, following "**Act**":

Insert "**relating to the disposition of certain unused campaign contributions; and**"

Page 3, line 27:

Delete "and"

Insert "[AND]"

Page 3, line 28, following "$5,000":

Insert "**; and**

(E) unused campaign contributions transferred under this paragraph must be disposed of as provided in (2), (3), or (5) of this subsection at the end of the term of office immediately following the campaign for which the contributions were received"

27-LS1289\B
Bullard
2/24/12

CS FOR HOUSE BILL NO. 333( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HAWKER, Gruenberg

A BILL

FOR AN ACT ENTITLED

"An Act relating to public office expense term accounts and public office expense term account reserves."

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

*** Section 1.** AS 15.13.116(a) is amended to read:

(a) A candidate who, after the date of the general, special, municipal, or municipal runoff election or after the date the candidate withdraws as a candidate, whichever comes first, holds unused campaign contributions shall distribute the amount held on February 1 for a general election or within 90 days after a special election. The distribution may only be made to

(1) pay bills incurred for expenditures reasonably related to the campaign and the winding up of the affairs of the campaign, including a victory or thank you party, thank you advertisements, and thank you gifts to campaign employees and volunteers, and to pay expenditures associated with post-election fund raising that may be needed to raise funds to pay off campaign debts;

(2) make donations, without condition, to

(A) a political party;

(B) the state's general fund;

(C) a municipality of the state; or

(D) the federal government;

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

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

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

(A) to all contributors;

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

(C) to contributors who have made larger contributions;

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

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

(A) $50,000, if the transfer is made by a candidate for governor or lieutenant governor;

(B) $10,000, if the transfer is made by a candidate for the state senate;

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

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

(8) transfer all or a portion of the unused campaign contributions to a

public office expense term account [OR TO A PUBLIC OFFICE EXPENSE TERM ACCOUNT RESERVE IN ACCORDANCE WITH (d) OF THIS SECTION]; a transfer under this paragraph is subject to the following:

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

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

(C) all amounts expended from the public office expense term account shall be annually accounted for under AS 15.13.110(a)(4); [AND]

(D) a transfer under this paragraph is limited to $5,000 multiplied by the number of years in the term to which the candidate is elected plus any accumulated interest; and

(E) unused campaign contributions transferred under this paragraph must be disposed of as provided in (2), (3), or (5) of this subsection at the end of the term of office immediately following the campaign for which the contributions were received; and

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

(A) the authority to transfer is limited to candidates who are elected to municipal office, including a municipal school board;

(B) the municipal office account established under this paragraph may be used only for expenses associated with the candidate's serving as mayor or as a member of the assembly, city council, or school board;

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

(D) a transfer under this paragraph is limited to $5,000.

*** Sec. 2.** AS 15.13.116(d) is repealed.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISION. A candidate for the state legislature who was elected to the state legislature before the effective date of this Act and who holds funds in a public office expense term account reserve shall transfer those funds to a public office expense term account before January 1, 2013.

Representative Mike Hawker
Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:
716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

House District 32:
Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

House Bill 333
Sponsor Statement

"An Act relating to public office expense term accounts and public office expense term account reserves."

House Bill 333 eliminates the reserve account for a legislator's Public Office Expense Term (POET) account, streamlining recordkeeping and removing barriers to when POET funds may be spent. Statutory limitations on POET funds, themselves, are unchanged, including how much can be transferred from a campaign account, how the funds can be spent and how any unused funds are disposed at the end of a legislator's term of office. There would also be no change to the accounting or reporting requirements.

The process in current statute is cumbersome, requiring the legislator to transfer anything more than $5,000 as a lump sum from the campaign account to a POET *reserve* account, then annually transfer a limited amount to the POET account. Since expenditures from the POET account are restricted to office expenses and publicly reported each year, repealing the POET *reserve* removes an unnecessary hurdle and duplicate accounting without compromising accountability to the public for the legitimate use of those funds.

Staff Contact: Juli Lucky 465-3733 3/1/2012

House Bill 333
Public Office Expense Term Accounts
Sectional Analysis

Section 1: Removes a reference to the Public Office Expense Term (POET) account reserve, which is repealed in section 2 of this bill. Also, outlines the accepted uses of any funds remaining in the POET account at the end of a legislator's term of office, which are currently outlined in language repealed by section 2 of this bill.

Section 2: Repeals AS 15.13.116(d), which codifies the POET account reserve.

Section 3: Transitional provision for legislators who have funds in a POET account reserve, which is repealed by section 2 if this bill.

Prepared by Rep. Mike Hawker's Office 3/1/12

House Bill 333
Background: Referenced Statutes

Sec. 15.13.116. Disbursement of campaign assets after election.

(a) A candidate who, after the date of the general, special, municipal, or municipal runoff election or after the date the candidate withdraws as a candidate, whichever comes first, holds unused campaign contributions shall distribute the amount held on February 1 for a general election or within 90 days after a special election. The distribution may only be made to

(1) pay bills incurred for expenditures reasonably related to the campaign and the winding up of the affairs of the campaign, including a victory or thank you party, thank you advertisements, and thank you gifts to campaign employees and volunteers, and to pay expenditures associated with post-election fund raising that may be needed to raise funds to pay off campaign debts;

(2) make donations, without condition, to

(A) a political party;

(B) the state's general fund;

(C) a municipality of the state; or

(D) the federal government;

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

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

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

(A) to all contributors;

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

(C) to contributors who have made larger contributions;

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

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

(A) $50,000, if the transfer is made by a candidate for governor or lieutenant governor;

(B) $10,000, if the transfer is made by a candidate for the state senate;

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

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

(8) transfer all or a portion of the unused campaign contributions to a public office expense term account or to a public office expense term account reserve in accordance with (d) of this section; a transfer under this paragraph is subject to the following:

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

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

(C) all amounts expended from the public office expense term account shall be annually accounted for under AS 15.13.110(a)(4); and

(D) a transfer under this paragraph is limited to $5,000 multiplied by the number of years in the term to which the candidate is elected plus any accumulated interest; and

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

(A) the authority to transfer is limited to candidates who are elected to municipal office, including a municipal school board;

(B) the municipal office account established under this paragraph may be used only for expenses associated with the candidate's serving as mayor or as a member of the assembly, city council, or school board;

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

(D) a transfer under this paragraph is limited to $5,000.

(b) After a general, special, municipal, or municipal runoff election, a candidate may retain the ownership of one computer and one printer and of personal property, except money, that was acquired by and for use in the campaign. The current fair market value of the property retained, exclusive of the computer and printer, may not exceed $5,000. All other property shall be disposed of, or sold and the sale proceeds disposed of, in accordance with (a) or (c) of this section. Notwithstanding any other provision of this chapter,

(1) a candidate may (A) retain a bulk mailing permit that was paid for with campaign funds, and (B) use personal funds, campaign funds, or unused campaign contributions transferred to a public office expense term account under (a)(8) of this section to pay the continuing charges for the permit after the election; money used to continue the life of the permit is not considered to be a contribution under this chapter; in addition to any other use permitted under this chapter, during the candidate's term of office, the candidate may use the bulk mailing permit for mailings associated with service in the office to which the candidate was elected; during the candidate's term of office, if the candidate files a declaration of candidacy or the document necessary to permit the candidate to incur election-related expenses under AS 15.13.100 for the same or a different elective office, the candidate may also use the bulk mailing permit in that election campaign;

(2) a candidate may retain campaign photographs and use the photographs for any purpose associated with service in the office to which the candidate was elected;

(3) a candidate may retain seasonal greeting cards purchased with campaign funds; and

(4) campaign signs prepared for an election that has already taken place have no monetary value and may be retained or disposed of at the candidate's discretion.

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

(d)** After a general or special election, a candidate for the state legislature who has been elected to the state legislature in that election may, from the amount retained in the public office expense term account reserve under this subsection, transfer to a public office expense term account not more than $5,000 each calendar year for use only for expenses associated with the candidate's serving as a member of the legislature, except that a senator serving a two-year term may transfer not more than $10,000 each calendar year. A candidate for the senate may transfer up to $20,000 from unused campaign contributions to a public office expense term account reserve. A candidate for the house of representatives may transfer up to $10,000 from unused campaign contributions to a public office expense term account reserve. The public office expense term account reserve may only be used to make transfers to the public office expense term account. At the end of the candidate's term of office, a balance in the public office expense term account reserve must be disposed of as provided in (a) of this section but may not be disposed of as provided in (a)(1), (4), or (6) - (9) of this section. All amounts expended under this subsection shall be annually accounted for under AS 15.13.110 (a)(4).

*****House Bill 333 repeals AS 15.13.116(d)***

MEMORANDUM

State of Alaska
DEPARTMENT OF ADMINISTRATION
ALASKA PUBLIC OFFICES COMMISSION

TO: Representative Max Gruenberg
FROM: Martha Tansik, Associate Attorney II
CC: Representative Mike Hawker
Paul Dauphinais, Executive Director
Jerry Anderson, Associate Director
Heather Hebdon, Paralegal II
DATE: February 24, 2012
SUBJECT: Public Office Expense Term Accounts and HB 333

The following memorandum responds to questions regarding the Public Office Expense Term accounts and HB 333. It was drafted at the request of Representative Gruenberg.

Purpose of POET Accounts

The POET account is intended to provide an opportunity to legislators to use excess campaign funds to cover costs reasonably associated with their service as a legislator. It appears that the POET reserve was created to avoid tax liability.

Legislative History of the POET Account

Since the 1996 Campaign Finance Reform, creating the account, the POET account portion of the disbursement statute (AS 15.13.116) has been amended twice: 1998, and 2002.

In 1996, (19 ch 48 SLA 1996) an option was added to campaign disbursement options to allow successful candidates to transfer a portion of leftover campaign assets into a single account to help provide for their legislative duties.

In 1998, SB 275 (8-10 ch 14 SLA 1988) SB 273 changed the name of the account presently known as the "POET" account from its original name "Legislative Office Account." This change was intended to clarify the confusion between this account created as part of Campaign Finance Reform and the account controlled by Legislative Affairs. February 12, 1998, an amendment was presented to the House State Affairs Committee (having been entered by Senator Donley) and the account was split into the POET Account and the POET Reserve Account. This was later clarified as being "to prevent negative tax consequences…can create a public office expense term reserve and then transfer [the funds] in there..."[1] and "to allow funding to be transferred at $5 thousand dollars a year to minimize the tax debt."[2]

---

[1] Minutes, AK House State Affairs Committee Hearing on SB275, 20th Legislature Reg. Session (Apr. 04, 1998) (Number 0229.)
[2] Minutes, AK House Finance Committee Hearing on SB275, 20th Legislature Reg. Session (Apr. 24, 1998)

At the same time, language within the bill was changing to ensure that money could not be funneled back into one's campaign if it was not spent on costs reasonably related to one's service in office.[3] "...the bill closes that loophole, and any money that was sitting in my public office expense term reserve at the end of my term can only be used for charitable donations or to repay contributors."[4]

In 2001, the Legislature again considered the POET account and its reserve. There was considerable discussion about the purpose and nature of the two accounts. At that time, APOC Staff reaffirmed that the creation of the two accounts was not at the suggestion of the Commission and that it was Staff's understanding the it was created for tax liability purposes. APOC Staff reaffirmed that there appeared to be no reason to have the double accounts.[5] At the next reading the accounts had been unified and remained so until the bill reached the House Rules Committee on April 19, 2001. However, upon leaving the House Rules Committee and going to Conference Committee on May 6, 2001, the language had reverted to the split accounts. POET funds have remained bifurcated ever since.

APOC Staff position on HB 333

APOC staff takes no position on this proposed legislation. However, there has long been concern regarding the ability to roll POET account funds back into one's campaign. For this reason, the excess funds in POET reserve (and POET account per APOC Advisory Opinion 12-01-CD) are only permitted to be distributed to a subset of the options of campaign funds (AS 15.13.116 (2), (3), and (5)) and can only be dispersed **at** the end of a legislator's term. The legislative term ends after the General election and this disbursement caveat prevents unintentional rolling of funds from the POET account into the election.

HB 333, as currently written, appears to allow distribution of POET funds at any point until the end of the Legislator's term. This may allow money to be donated from a POET account to a political party, interest group, or former contributor, only to have it returned immediately as a campaign contribution or in some way be perceived as a benefit to the candidate. However, preventing the disbursement of the POET funds until the end of a Legislator's term, after the election, maintains the policy of preventing POET funds from potentially becoming campaign contributions

APOC Staff respectfully recommends that the word "by" be reverted to "at" in order to close the potential loophole.

---

[3] Minutes, AK House State Affairs Committee Hearing on SB275, 20th Legislature Reg. Session (Feb. 12, 1998) (Number 0622.)
[4] Minutes, AK House State Affairs Committee Hearing on SB275, 20th Legislature Reg. Session (Apr. 04, 1998) (Number 0229.)
[5] Minutes, AK Senate State Affairs Committee Hearing on SB275, 22th Legislature Reg. Session (Feb. 22, 2001) (Number 0359.)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB333**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB333-DOA-APOC-3-10-12
Title: Public Office Expense Term Accounts
Sponsor: Representative Hawker and Gruenberg
Requester: House State Affairs

Dept. Affected: Administration
Appropriation: Alaska Public Offices Commission
Allocation: Alaska Public Offices Commission
OMB Component Number: 70

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by: Paul Dauphinais
Phone: 907-276-4176
Division: Alaska Public Offices Commission
Date/Time: 3/10/12 1:23 PM
Approved by: John Cramer, Deputy Commissioner
Department of Administration
Date: 3/10/2012

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB333

Analysis

Analysis
HB 333 describes how to deal with POET account funds at the end of a state legislator's term.

Assumptions
As written it applies only to state legislators and not to municipal office holders who also have POET accounts.

Program Summary
This bill has no fiscal impact on APOC.

Nancy Manly

From: Juli Lucky
Sent: Thursday, March 01, 2012 12:02 PM
To: Nancy Manly
Subject: House Bill 333 Hearing Request
Attachments: HB 333 Hearing Request H STA.pdf; HB0333A.pdf; HB 333 Sponsor Statement.pdf; HB 333 Sectional Analysis.pdf; HB 333 Background Materials.pdf; HB 333 CS v. B.pdf

Nancy,

Please find attached the following documents relating to House Bill 333:

- Hearing Request
- Bill Text
- Sponsor Statement
- Sectional Analysis
- Background Materials

I have also included a blank CS incorporating the change recommended by APOC in their memo (see background materials for details). To be perfectly honest, this was a drafting error that I didn't understand the significance of – I sent over a request for language identical to what is in statute (which uses "at"), legal rewrote the section to be more clear and changed it to "by" for some reason. I requested a CS to fix it and have had APOC review the draft to ensure that it is correct. If you'd prefer an amendment to a CS, please let me know and I can get that drafted. If you'd like a clean copy of the CS or a hard copy of any of the attached materials, please let me know and I'll have them delivered to you.

Thanks!

--
Juli Lucky
Office of Rep. Mike Hawker
716 W. 4th Ave., Ste. 610
Anchorage, Alaska 99501
(907) 269-0244; fax: 269-0248
Juneau extension: (907) 465-3733

Representative Mike Hawker
Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
907 465-4949 office
907 465-4979 fax

Interim:
716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

House District 32
Eagle River
Anchorage
Glen Alps
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

TO: Representative Bob Lynn, Chairman
House State Affairs Committee

FROM: Representative Mike Hawker

DATE: February 29, 2012

RE: House Bill 333

I request that House Bill 333, which would eliminate the *reserve* for the Public Office Expense Term (POET) account, be scheduled for a hearing at your earliest convenience.

I have attached a Sponsor Statement, copy of the bill, sectional analysis, and background information.

The Alaska Public Offices Commission has requested an amendment to ensure that the disbursement timeline for any unused POET funds conforms to current statute and regulation. I do not oppose the change.

Please feel free to contact me if you need any additional information. You can also call my legislative aide Juli Lucky at 465-3733.

HB 345

<TARGET><BILL>HB 345</BILL><SUBJECT>HB 345</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 28, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 4-3-12

The STATE AFFAIRS Committee considered: **HB 345**

HOUSE BILL NO. 345
"An Act relating to regulations adopted by the Department of Administration waiving the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience."
HB 345-WAIVE CDL SKILL TEST FOR CERTAIN VETERANS

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	~~Admin~~			~~X~~

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	Admin			X

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN	X			
Bryce Wilson	WILSON	X			
Wes Keller	Keller	X			
Mark Neuenberg	Gruenberg	–			
Paul Seaton	Seaton	Y			
Pete Petersen	Petersen	X			
Chair: Bob Lynn	LYNN	X			
Chair:					

HOUSE BILL NO. 345

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES SADDLER, Thomas, Feige, Costello, Petersen, Lynn

Introduced: 2/22/12
Referred: Transportation, State Affairs

Keller moved Bill from Committee

4/3 951 a Public Testimony Closed

A BILL

FOR AN ACT ENTITLED

"An Act relating to regulations adopted by the Department of Administration waiving the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience."

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

*** Section 1.** AS 28.05.011(b) is amended to read:

(b) The commissioner of administration shall, unless otherwise provided by statute, adopt regulations in compliance with AS 44.62 (Administrative Procedure Act) necessary to carry out the provisions of this title whose administration is vested in the Department of Administration. The regulations must include, but are not limited to,

(1) registration, titling, and transfer of vehicles;

(2) licensing of drivers of vehicles and procedures for obtaining limited license privileges;

(3) financial responsibility relating to vehicles other than commercial

motor vehicles;

(4) management of records of the Department of Administration required for that department's administration of this title and its regulations adopted under this title, including provisions for ensuring the accuracy of information contained in automated and manual information retrieval systems;

(5) definitions of words and phrases used in this title and in regulations adopted under this title unless otherwise provided by statute;

(6) registration of motor vehicle, trailer, and semi-trailer dealers;

(7) regulations necessary to implement a commercial motor vehicle driver's licensing program**; regulations adopted under this paragraph must provide for a waiver of the driving skills test for drivers with recent military commercial vehicle driving experience as allowed by federal law**.

ALASKA STATE LEGISLATURE

Session:
State Capitol, Room 409
Juneau, AK 99801-1182
Phone: (907) 465-3783
Fax: (907) 465-2293
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REPRESENTATIVE DAN SADDLER

Chairman, Chugiak-Eagle River Delegation

SPONSOR STATEMENT

House Bill 345

"An Act relating to regulations adopted by the Department of Administration waiving the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience."

HB 345 allows the state of Alaska to waive the commercial driver's license road skills test for Alaska military personnel who earned their driving experience operating commercial-grade vehicles in the armed services.

The modern U.S. military is a highly mobile force, depending on skilled drivers operating a wide range of vehicles, under often harsh conditions. Impending budget cuts and troop reductions mean thousands of Alaska service members, including active duty, Guard and Reserve, will soon be hanging up their uniforms to seek civilian jobs.

In Alaska, where many trades and occupations involve transportation of goods and people across challenging landscapes, a commercial driver's license (CDL) is a valuable credential that can offer a significant boost to those seeking to enter the civilian work force, whether in tourism, commercial fishing, construction, oil field services or other industries.

HB 345 seeks to help returning Alaska military personnel find good jobs, and to help Alaska businesses find qualified and credentialed employees, by acknowledging that many military drivers already possess the skills they need to be safe, productive civilian drivers.

HB 345 directs the Department of Administration to adopt regulations in accordance with Federal Motor Carrier Safety Administration guidelines, allowing the Alaska Division of Motor Vehicles to waive the road test in accordance with federal law.

To be eligible for a waiver, a driver must have spent the last two years or more driving the kind of equipment he expects to use in a civilian job, must have worked in the past 90 days as a military driver and must meet federal exemption requirements outlined in CFR 383.77. He/she also cannot have ever had any license suspended or revoked, had more than one minor traffic violation, been convicted of any driving offense involving drugs or alcohol, or been convicted for any serious traffic violation involving an accident.

Alaskans who honed their driving skills while in service to our nation deserve to have that experience validated and honored in the civilian world. HB 345 is an important tool to help them get the credentials they need to land good civilian jobs, and to help Alaska employers hire skilled and motivated employees.

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Alaska Statutes.
Title 28. Motor Vehicles
Chapter 33. Commercial Motor Vehicles
Section 100. License to Drive Commercial Motor Vehicle.

previous: Section 33. Presumptions and Chemical Analysis of Breath or Blood.
next: Section 110. Notification Requirements For Drivers of Commercial Motor Vehicles.

AS 28.33.100. License to Drive Commercial Motor Vehicle.

(a) A person may not drive a commercial motor vehicle until the person applies for and is issued a license for that purpose under AS 28.15.041. The department may not issue a license to drive a commercial motor vehicle unless the applicant

(1) is at least 19 years of age, to operate in intrastate commerce, or at least 21 years of age, to operate in interstate commerce;

(2) has held a valid driver's license at least one year before the date of application or meets the experience qualifications established by the department;

(3) has successfully completed all required driving tests and written and physical examinations;

(4) either does not have a driver's license issued by another jurisdiction or surrenders all driver's licenses issued by other jurisdictions; and

(5) is domiciled in this state.

(b) In addition to the information required under AS 28.15.111 , a commercial driver's license shall

include information determined by the United States Secretary of Transportation to be appropriate to identify the licensee.

(c) A person who has been a state resident for 30 days or longer may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(d) The licensing requirements of this section are in addition to the requirements imposed on a school bus driver under AS 28.15.046 .

(e) The department shall disqualify a person for a period of 60 consecutive days, and shall reevaluate the person's application or license to drive a commercial motor vehicle, if the department determines that the person knowingly provided false information required under

(1) this section or AS 28.15 in an application to the department for a commercial driver's license; or

(2) AS 28.33.110 (c) in an application for employment.

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Note to HTML Version:

This version of the Alaska Statutes is current through December, 2007. The Alaska Statutes were automatically converted to HTML from a plain text format. Every effort has been made to ensure their accuracy, but this can not be guaranteed. *If it is critical that the precise terms of the Alaska Statutes be known, it is recommended that more formal sources be consulted.* For statutes adopted after the effective date of these statutes, see, Alaska State Legislature If any errors are found, please e-mail Touch N' Go systems at E-mail. We hope you find this information useful.

This page has been updated: 08/26/2011 15:52:29

Skip to main content

Alaska Department of Administration
Division of Motor Vehicles

COMMERCIAL DRIVER LICENSE (CDL)

Endorsements | Medical / Vision | Transferring a CDL | Type

You must be domiciled in the State of Alaska in order to obtain or renew an Alaska CDL. (Domicile = ALASKA MUST be your true, fixed and permanent home, and principal residence to which you intend to return whenever you are absent.)

If you live in **RURAL** Alaska, please **CLICK HERE** for additional information.

Transportation Worker Identification Credentials (TWIC) are issued by the Department of Homeland Security and are not available through DMV.

- Commercial Driver Manual

ORIGINAL ALASKA COMMERCIAL DRIVER LICENSE (CDL)

A background check is required if you wish to obtain a hazardous materials endorsement or renew a CDL with a hazardous materials endorsement.

A commercial driver license (CDL) is required for a resident of Alaska who is driving a vehicle intrastate (19 & above) or interstate (21 & above) with a gross vehicle weight rating (GVWR) of 26,001 pounds or more. If you will be driving a vehicle designed to carry 16 or more passengers, or transporting hazardous materials, regardless of the GVWR, a CDL is required. A commercial driver may have only one license and that license must be issued by their home state. Those exempted from the commercial driver licensing requirements include drivers of recreational, military and emergency vehicles. Farm vehicles are exempt if controlled and operated by a farmer, used to transport agricultural products or machinery to and from a farm, not used in for-hire or contract carrier operations, and if driven no further than 150 miles from the farm.

Your social security number is required to obtain a CDL. The commercial driver license fee is $100.00. There is a $25.00 non-refundable fee for those requiring a road test. Road test appointments may be scheduled in any State DMV office or using our Online Services. In the Municipality of Anchorage, commercial tests are administered by the Center for Employment Education (CEE). Call 279-8451 for an appointment. Outside the Municipality of Anchorage, please contact your local DMV, schedule your road test online or click HERE for additional 3rd Party Testers.

An applicant must be at least twenty-one years of age at the time of application and must have held a valid driver license for at least one year. For an intrastate license, the applicant must be at least nineteen years of age. An applicant must pass the road, vision and written test prior to issuance of the CDL. For further information about obtaining a commercial driver license, please address your questions to: E-mail ALASKA DMV

TRANSFERRING A CDL FROM ANOTHER STATE

Welcome to Alaska! Please be sure to obtain an Alaska license within 30 days of your arrival if you intend to make Alaska your home. If you do not have any intention of becoming a resident of Alaska (Seasonal worker, etc.) you must have a valid CDL from your home state in order to drive a Commercial Motor Vehicle in Alaska.

To transfer a CDL from another state to Alaska, you must:

- Complete an **Application for Alaska Driver License, Permit or State Identification** (Form 413) and an **Application for Commercial Driver License** (Form 415).
- Provide proof of the following: Date of birth, legal name, social security number and your physical address IN ALASKA.
- Surrender your valid license from another state. (Cannot be expired for over 1 year.)
- Pass the written "Rules of the Road" test to convert to an Alaska license. (20 questions)
- Pass the "Hazardous Materials" test if you have that endorsement and wish to keep it.

  Effective January 31, 2005, you are required to pass a background check in order to obtain or retain a hazardous materials endorsement.
- Pass any knowledge tests for endorsements that you wish to add to your license and do not have on your current license. Some endorsements require a road test.
- Pass a vision test.
- Pay the $100.00 fee for an ALASKA CDL.

Note: If your CDL from another state has been expired **over <u>one</u> year**, you must pass ALL written tests that apply to the type of license you wish to obtain. A road test is required if the license has been expired over five years.

NEW CDL MEDICAL CARD & VISION REQUIRMENTS

Please see the following for information on CDL Medical Cards.

FMCSA New Medical Certification Requirements
Guide for Commercial Driver's License (CDL) Holders
General Information and Frequently Asked Questions (FAQs)

Medical Report: DOT FORMS

Vision requirements for a CDL are 20/40 or better. If you do not meet the requirements, you *may* be eligible for a waiver for INTRASTATE, ONLY. Vision Waiver Application

TYPES OF COMMERCIAL DRIVER LICENSE'S AND ENDORSEMENTS:

- **Class A/CDL** - May operate a combination of a motor vehicle and one or more other vehicles with a GCWR of greater than 26,000 pounds where the combined GVWR of the vehicle or vehicles being towed is greater than 10,000 pounds; a holder of a Class A/CDL license may also operate a Class B/CDL, Class C/CDL, or Class D vehicle. (Examples: 18 wheelers, log trucks)
- **Class B/CDL** - May operate a motor vehicle with a GVWR of greater than 26,000 pounds, or a motor vehicle with a GVWR of greater than 26,000 pounds that is towing a vehicle with a GVWR of 10,000 pounds or less; a holder of a Class B/CDL license may also operate a Class C/CDL or Class D vehicle. (Examples: dump trucks, cement mixer, box trucks, motor coaches)
- **Class C/CDL** - May operate any single motor vehicle, or a combination of a motor vehicle and one or more other vehicles not meeting the definitions of Class A/CDL or B/CDL, but is either designed to transport 16 or more passengers, including the driver, or is placarded under hazardous materials regulations in 49 C.F.R. Part 172, Subpart F, revised as of October 1, 2009; a holder of a Class C/CDL may also operate a Class D vehicle.

ENDORSEMENT CODE, TEST REQUIREMENTS & ENDORSEMENT TYPE

H - Knowledge & Background Check (Background check - Effective 1/31/05)
Hazardous material in placardable amounts.

N - Knowledge - Hauling liquids in bulk (Tank)

P - Knowledge & Skills (road test) - Transporting more than 15 passengers

S - Knowledge & Skills (road test) - School Bus

T - Knowledge - Double or Triple Trailers

X - Knowledge & Background Check (Background check - Effective 1/31/05)
Combination of N and H endorsements

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49 CFR 383.113 - REQUIRED SKILLS.

There is 1 rule appearing in the Federal Register. Select the Currency tab below to view.

CFR Currency Authorities (U.S. Code) Rulemaking

prev | next

(a) Basic vehicle control skills. All applicants for a CDL must possess and demonstrate basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills should include the ability to start, to stop, and to move the vehicle forward and backward in a safe manner.

(b) Safe driving skills. All applicants for a CDL must possess and demonstrate the safe driving skills for their vehicle group. These skills should include proper visual search methods, appropriate use of signals, speed control for weather and traffic conditions, and ability to position the motor vehicle correctly when changing lanes or turning.

(c) Air brake skills. Except as provided in § 393.95, all applicants shall demonstrate the following skills with respect to inspection and operation of air brakes:

(1) Pre-trip inspection skills. Applicants shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:

(i) Locate and verbally identify air brake operating controls and monitoring devices;

(ii) Determine the motor vehicle's brake system condition for proper adjustments and that air system connections between motor vehicles have been properly made and secured;

(iii) Inspect the low pressure warning device(s) to ensure that they will activate in emergency situations;

(iv) Ascertain, with the engine running, that the system maintains an adequate supply of compressed air;

(v) Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

(vi) Operationally check the brake system for proper performance.

(2) Driving skills. Applicants shall successfully complete the skills tests contained in § 383.113 in a representative vehicle equipped with air brakes.

(d) Test area. Skills tests shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

(e) Simulation technology. A State may utilize simulators to perform skills testing, but under no circumstances as a substitute for the required testing in on-street conditions.

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49 CFR 383.77 - SUBSTITUTE FOR DRIVING SKILLS TESTS.

There is 1 rule appearing in the Federal Register. Select the Currency tab below to view.

CFR Currency Authorities (U.S. Code) Rulemaking

prev | next

At the discretion of a State, the driving skill test as specified in § 383.113 may be waived for a CMV operator who is currently licensed at the time of his/her application for a CDL, and substituted with either an applicant's driving record and previous passage of an acceptable skills test, or an applicant's driving record in combination with certain driving experience. The State shall impose conditions and limitations to restrict the applicants from whom a State may accept alternative requirements for the skills test described in § 383.113. Such conditions must require at least the following:

(a) An applicant must certify that, during the two-year period immediately prior to applying for a CDL, he/she:

(1) Has not had more than one license (except in the instances specified in § 383.21 (b));

(2) Has not had any license suspended, revoked, or canceled;

(3) Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in § 383.51(b) ;

(4) Has not had more than one conviction for any type of motor vehicle for serious traffic violations; and

(5) Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he/she was at fault; and

(b) An applicant must provide evidence and certify that:

(1) He/she is regularly employed in a job requiring operation of a CMV, and that either:

(2) He/she has previously taken and passed a skills test given by a State with a classified licensing and testing system, and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or

(3) He/she has operated, for at least 2 years immediately preceding application for a CDL, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

[53 FR 27649, July 21, 1988, as amended at 55 FR 25606, June 22, 1990; 67 FR 49760, July 31, 2002]

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Department of Motor Vehicles

CDL Skills Test Exemption for Military Applicants

Active duty, recently separated (within 90 days of application), or reservist military personnel may be allowed an exemption from the CDL driving skills test based on their holding of a military license, which authorizes operation of military vehicles that are representative of a commercial motor vehicle of a similar class.
Military personnel described above will be granted an exemption from the CDL skills test provided he or she meets all criteria required under Federal Motor Carrier Safety Regulations (FMCSR). This exemption applies only to the CDL skills test and does not include any testing requirements for public transportation, school bus, or hazardous material.
All applicants must pass the required knowledge test(s) based on the type of vehicle to be driven. Knowledge tests will be provided at no fee if the applicant is in active duty status, or meets the current military fee exemption criteria. Applicants must also provide information on all states where they were previously licensed during the past 10-years.
All applicants must present the following:

- Valid Connecticut operator's license
- Valid Form OF-346 (U.S. Government Motor Vehicle Operator Identification Card)
- Military Identification Card or DD-214 if recently separated
- Letter from commanding officer indicating which CMV class (A, B, or C) is representative of the military vehicle the applicant is licensed to operate
- Medical certification dated within 2 years (actual physical or medical certification card)
- Completed DMV Forms B-88 (fee waiver) and R-229A (application for CT license)
- Color Photograph (passport-size)
- Social Security card or proof of SSN
- Certification Form (will be issued at the branch office)

The US Government license must indicate the type of vehicle(s) and the vehicle capacity that the applicant is qualified to operate. In order to qualify for the exemption, the capacity must be at least 26,001 lbs. GVWR.
The applicant must certify the following:

- They have operated a vehicle representative of the commercial motor vehicle that they currently operate or expect to operate for at least two (2) years immediately preceding this application for the CDL. Evidence must be included such as: a letter from the applicant's employer; or test results from another state.

OR

- They are regularly employed in a job requiring operation of a CMV and have either previously taken and passed a skills test given by a State with a classified licensing and testing system and that the test was behind the wheel in a representative vehicle for the applicant's license classification.

AND

- They do not have more than one (1) license; have not had any license suspended, revoked, or cancelled; have not had a conviction in any type of motor vehicle for the **disqualifying offenses*** found in 383.51(b); have not had more than one (1) conviction for **serious traffic violations**** in any type of motor vehicle; have not had any conviction for a violation of State or local law relating to motor vehicle or traffic control (other than a parking violation) arising in connection with any traffic accident and have no record of an accident in which they were at fault.

*** 383.51 – Disqualifying Offenses- Conviction for:**

- being under the influence of alcohol while operating a CMV

- being under the influence of a controlled substance
- having a alcohol concentration of 0.04 or greater while operating a CMV
- refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in 383.72
- leaving the scene of an accident
- using the vehicle to commit a felony
- driving a CMV while the driver's CDL is revoked, suspended, or cancelled or the driver is disqualified from operating a CMV
- causing a fatality through negligent operating of a CMV, including, but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide
- using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance

****Serious Traffic Violations – Conviction for:**

- speeding in excess of fifteen miles per hour or moreover the posted speed limit
- reckless driving
- following too closely
- improper or erratic lane changes
- driving a CMV without a valid CDL
- failure to carry a CDL
- failure to have proper class of license or endorsement or violation of a license restriction
- in connection with an accident related to operation of a CMV and which resulted in a fatality
- failure to stop at a railroad crossing while operating a CMV

A certification form will be given to the applicant at the branch office for completion. The current CT license must be surrendered and the licensing fee paid, if applicable.

Content Last Modified on 11/17/2009 12:51:45 PM

New York State Department of Motor Vehicles

CDL CERTIFICATION FOR MILITARY WAIVER OF SKILLS TEST

Waiver is available for ONLY up to ninety (90) days after discharge or for active military and active duty New York National Guard.

(bring copy of your DD-214 or NGB-22 military discharge or military ID card to DMV)

PART 1 - APPLICANT CERTIFICATION (please print)

Name: _____
Last First Middle

Social Security Number: _____ Date of Birth: _____ License ID Number: _____

I certify that during the 2-year period immediately preceding this date:

I have not had more than one driver's license in more than one jurisdiction at one time.

I have not had my license suspended, revoked, cancelled or denied.

I have not had any convictions for any of the disqualification offenses listed below:

- Any alcohol or drug related offenses
- Leaving the scene of an accident
- Commission of a felony involving the use of a motor vehicle
- Driving a commercial motor vehicle (CMV) when, as a result of prior violations committed operating a CMV, the driver's commercial driver license (CDL) is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV
- Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide
- Use of a motor vehicle in a felony involving the manufacturing, distribution or dispensing of a controlled substance
- Violations of state or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident and have no record of an accident in which I was at fault

I have not had more than one (1) conviction for any of the serious violations listed below:

- Following a vehicle ahead too closely
- Reckless driving
- Improper or erratic lane changes
- Excessive speeding (15 mph or more above the posted speed limit)
- Any violation for Railroad Highway Grade Crossing
- Driving a CMV without obtaining a CDL
- A violation arising in connection with a fatal accident
- Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported
- Driving a CMV without a CDL in the driver's possession (Any individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, shall not be guilty of this offense.)

I also certify that:

- I have not had my license or privilege to drive a motor vehicle suspended, revoked or cancelled during the immediately preceding 4 years.
- I have not been convicted of a violation of NRS 484.37955 (vehicular homicide).
- I have not been convicted during the immediately preceding 7 years of a violation of driving under the influence of alcohol or drugs.
- I have not had three (3) or more convictions of moving traffic violations during the immediately preceding 4 years.
- I have not been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years (pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations).

I also certify that:

- I am regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle; and
- For at least two years immediately preceding this date if actively serving, or the date of my military discharge, I operated a vehicle of the same class and type as the one I want to be licensed to drive.

I certify I am qualified for the waiver of my driving skills under the conditions above, and that the information I have given is true. **IMPORTANT: Making a false statement in any license or non-driver ID card application, or in any proof or statement in connection with it, or deceiving or substituting, or causing another person to deceive or substitute in connection with such application, may subject you to criminal prosecution for a misdemeanor or felony under the Vehicle and Traffic Law and/or the Penal Law.**

Signature: _____ Date: _____

PART 2 - COMMANDING OFFICER'S CERTIFICATION

Name of CO: _____

Address: _____

Telephone: (_____) _____

Applicant's Date of Qualification: from _____ to _____

Mark a "✓" in the box for the class(es) of vehicle(s) that the applicant operates and for the applicable endorsements:

Vehicle Class: ☐ A ☐ B ☐ C Endorsements: ☐ T ☐ P ☐ N ☐ H ☐ X

Experience Operating Commercial Motor Vehicles

Mark a "✓" in the box for the type(s) of vehicles the applicant has been driving:

☐ Tractor-trailer ..... Air brake equipped? ..... ☐ Yes ☐ No

☐ Truck-trailer (truck over 26,000 lbs.) ..... Air brake equipped? ..... ☐ Yes ☐ No

☐ Truck-trailer (truck does not exceed 26,000 lbs.) ..... Air brake equipped? ..... ☐ Yes ☐ No

☐ Single Vehicle ..... Air brake equipped? ..... ☐ Yes ☐ No

☐ Vehicle designed to transport 16 or more persons including the driver .... Air brake equipped? ..... ☐ Yes ☐ No

☐ Vehicle designed to transport 8 - 15 persons including the driver ..... Air brake equipped? ..... ☐ Yes ☐ No

Class A Vehicle - Any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of the vehicle being towed is in excess of 10,000 pounds GVWR. This includes tractor-trailer and truck-trailer.

Class B Vehicle - Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

Class C Vehicle - Any single vehicle or combination of vehicles that does not meet the definition of Class A or Class B, but that is designed to transport 16 or more people including the driver or is placarded for hazardous materials.

Endorsements:
T - Doubles/Triples
N - Tankers
X - Hazardous Materials and Tankers
P - Passengers
H - Hazardous Materials

I certify that the applicant named in Part I is/was assigned in a job/assignment requiring operation of a commercial motor vehicle and that the information I have provided is correct. **IMPORTANT: Making a false statement in any license or non-driver ID card application, or in any proof or statement in connection with it, or deceiving or substituting, or causing another person to deceive or substitute in connection with such application, may subject you to criminal prosecution for a misdemeanor or felony under the Vehicle and Traffic Law and/or the Penal Law.**

Print Name/Rank: _____ Date: _____

Signature: ➧ _____ Date: _____

Authority of Article 136, Uniform Code of Military Justice or 10 U.S.C. 1044A

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Qualified vets can skip road test for CDL licenses

11:13 PM, Feb. 11, 2012 | Comments

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As part of Gov. Andrew Cuomo's "experience counts" campaign, the state will waive road tests for veterans applying for a commercial driver's license if they have military experience operating a similar vehicle.

Active duty military and New York National Guard members are eligible for the waiver for up to 90 days following their discharge.

The waiver would eliminate the CDL road test requirement and $40 fee, but applicants must still take the written test and pay that $10 fee.

To be eligible, a veteran must:

» Have a valid driver's license.

» Be regularly employed, or have been regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle.

» Have operated a vehicle similar to a civilian commercial vehicle for at least two years immediately preceding discharge from the military.

"In this economy, many returning soldiers have had difficulty in finding work," said state Department of Motor Vehicles commissioner Barbara J. Fiala.

"We hope that this small way of thanking them for their service, and recognizing that the skills they learned in the military are transferable to civilian jobs, will make things just a little easier for our returning veterans."

Applicants must fill out a CDL Certification for Military Waiver of Skills Test form (CDL-102), available at any DMV office or online at www.dmv.ny.gov/forms/cdl102.pdf.

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DL-398 (3-09)

MILITARY COMMERCIAL DRIVER'S LICENSE (CDL) SKILLS TEST WAIVER APPLICATION

MUST BE A PENNSYLVANIA RESIDENT TO APPLY

pennsylvania
DEPARTMENT OF TRANSPORTATION

- **Applicant must complete Sections A, B, and D. Section C needs to be completed if military license does not clearly define the type(s) of vehicle(s) authorized to operate.**
- **See reverse side for REQUIRED ORIGINAL documents (b(2)) needed in section C below.**

A APPLICANT INFORMATION List all information as it appears on your Pennsylvania Driver's License or Learner's Permit

DRIVER'S LICENSE NUMBER	LAST NAME	JR./ETC

FIRST NAME	MIDDLE NAME

DATE OF BIRTH			TELEPHONE NUMBER (8:00 a.m. to 4:30 p.m.)	E-MAIL ADDRESS
MONTH	DAY	YEAR		

B CERTIFICATION

I certify that subject to the limitations and requirements of 49 CFR 383.77 (relating to the substitute for driving skills tests), I meet all certifications required for waiver under 49 CFR 383.77 and certify the following:

1. I certify that I am a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge from any branch or unit of the active or reserve components of the armed forces of the United States. . . . . ❑

2. I certify that I am or was regularly employed in a position in the armed forces of the United States requiring operation of a commercial motor vehicle. . . . . ❑

3. I certify that I legally operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle that I operate or expect to operate either under exemption from this Commonwealth's commercial driver's license requirement provided by the Pennsylvania Vehicle Code, Title 75 Section 1607(b)(2) (relating to requirement for commercial driver's license) or the equivalent exemption of another state or while on active duty in a foreign jurisdiction. . . . . ❑

C DRIVER QUALIFICATION REPORT (Authorized Military Personnel MUST complete if military license does not clearly define type(s) of vehicle authorized to drive; see reverse side for the required original documents to process DL-398 Military CDL Skills Test Waiver.)

I certify that _____ meets the Federal Motor Carrier Safety
Applicant Name

Regulations contained in 49 CFR 383.113(a,b,c)(1,2) relating to "Required Skills" and also meets the requirements contained in 49 CFR 383.135(b) relating to "Minimum Passing Scores" for a commercial driver's license. Your signature certifies that the above named applicant has successfully performed the required skills and has achieved the minimum passing score necessary to operate a commercial motor vehicle as prescribed in the Federal Motor Carrier Safety Regulations 49 CFR 383.113 and 49 CFR 383.135.

Signature of Provost Marshall/Company Commander/Department Head/OIC	Print Name		
Title	Location	Phone Number	Date

D SIGNATURE

I certify under penalty of law that all information given on this application is true and correct. I hereby acknowledge this day that I have received notice of the provisions of Section 3709 of the Vehicle Code. (See reverse for provisions.)

APPLICANT SIGNATURE	PHONE NUMBER	DATE

WARNING: Misstatement of fact is a misdemeanor of the third degree punishable by a fine of up to $2,500 and/or imprisonment up to 1 year (18 PA C.S., Section 4904(b)).

How to Obtain Your CDL Learner's Permit

You must be a Pennsylvania resident to apply for a Pennsylvania CDL Learner's Permit. To apply for a CDL Learner's Permit:

- Complete the DL-31CD Form (Application for CDL Learner's Permit), available on PennDOT's Driver and Vehicle Services Web site, www.dmv.state.pa.us.
- Mail your completed DL-31CD Form with appropriate fee to the Bureau of Driver Licensing, P.O. Box 68272, Harrisburg, PA 17106-8272.
- When you receive the Knowledge Test Authorization Letter, you may visit your nearest Driver License Center to take the applicable knowledge tests.
- After all required knowledge testing is complete, please refer to the **"Required Original Documents to Process DL-398 Military CDL Skills Test Waiver"** section below.

NOTE: If your Pennsylvania Driver's License expires within the next six months, you will be required to renew your Pennsylvania CDL or Non-CDL before your application for a CDL Learner's Permit can be processed.

Required Original Documents to Process DL-398 Military CDL Skills Test Waiver

You must submit a completed DL-398 Form (Application for Military CDL Skills Test Waiver), to upgrade to a CDL or upgrade your current CDL privilege. To obtain a DL-398 Form, visit PennDOT's Driver and Vehicle Services Web site, www.dmv.state.pa.us, and select the Forms and Publications link at the top of the home page. Once you've completed the DL-398 Form, you must visit your near Driver License Center with the following original documents.

Required Documents

a) Valid PA Non-CDL or CDL

b) Military Driver's License that clearly defines the types of vehicles you are/were authorized to drive. If not clearly defined, additional documentation is required such as:

1) Verification of Military Experience and Training Document (VMET) that clearly defines the types of vehicles you are/were authorized to drive, that lists the Gross Vehicle Weight Rating (GVWR), Gross Vehicle Weight (GVW), and if the vehicle(s) are equipped with air brakes that you are/were licensed to operate in the military (this form can be obtained by military personnel only by visiting www.dmdc.osd.mil), or:

2) Documentation of the types of vehicles you operated or are/were licensed to operate in the military, that lists the Gross Vehicle Weight Rating (GVWR), Gross Vehicle Weight (GVW), and if the vehicle(s) are equipped with air brakes that you are/were licensed to operate in the military. The explanations need to be on military letterhead, signed by your Provost Marshall, Company Commander, Department Head or OIC and section C on the DL-398 Form must be completed by your Provost Marshall, Company Commander, Department Head or OIC.

c) DD-2 (Active Duty Military ID Card) or DD-214 (within 2 years of Honorable Discharge)

d) DL-398 (Application for Military CDL Skills Test Waiver)

How to Transfer Your Out-of-State Driver's License to Pennsylvania

To qualify for the Military CDL Skills Test Waiver, you must be a Pennsylvania resident. Please visit the New Resident/Relocating Information Center on PennDOT's Driver and Vehicle Services Web site, www.dmv.state.pa.us, and select "Moving into Pennsylvania" link or contact PennDOT's Customer Call Center at; 1-800-932-4600, TDD 1-800-228-0676 (in state); or 1-717-412-5300, TDD 1-717-412-5380 (out-of-state). You will also need to complete the DL-180R Form for Non-CDL or DL-180RCD Form for CDL transfers. These forms are available on PennDOT's Driver and Vehicle Services Web site, or may be obtained by visiting your nearest Driver License Center. You must appear in person at a Driver License Center to transfer your out-of-state driver's license to Pennsylvania. Driver License Centers only accept check or money order for payment. If you have lost your out-of-state driver's license, you must contact your home state DMV to obtain an original Driver Abstract.

SECTION 3709 OF THE VEHICLE CODE

Section 3709 provides for a fine of up to $300 for dropping, throwing or depositing, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth, from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.

For any violation of Section 3709, I may be subject to a fine of up to $300 upon conviction, including any violation resulting from the conduct of any other persons present within any vehicle of which I am the driver.

Washington

Back to all Blog Posts

October 28, 2010 at 11:59am

New military training certification to shorten state's CDL issuance

By Department of Veteran Affairs Comments (1)

The Washington State Department of Veterans Affairs (WDVA) and Washington State Department of Licensing (DOL) have joined forces to help veterans.

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Beginning November 1, getting a CDL just got easier for military personnel with specialized truck driver training, thanks to the new Military Training Certification Process.

Here's how it works: WDVA staff will assess the training a military member or veteran received in the military and verify whether it meets the required minimum commercial motor vehicle driver training requirements in Washington State. Once verification is made, a Commercial Drivers Military Training Certificate is provided.

Military member and veteran applicants must pass the applicable knowledge and skills test, pay all basic license and commercial drivers license fees, and present the Commercial Drivers Military Training Certificate to DOL in order to be issued a CDL.
Veterans have one year following their release from the military to take advantage of this new program.

"We often hear of the challenges our men and women in uniform face when they leave the military and try to find jobs that they qualify for," said WDVA program manager Ric Price. "This is a tremendous step forward in removing a financial barrier to a smoother transition from military to civilian employment."

In the past, veterans were required to attend additional and often expensive commercial drivers training programs to learn the skills they had used for years in the military. WDVA's Helmets to Hardhats liaison Todd Mitchell questioned why this training had to be repeated and worked with a number of organizations to develop this new process.

Thanks to the hard work of WDVA, DOL, Tacoma-Pierce County Chamber of Commerce, Army Reserve Employer Relations, Washington Trucking Association, Teamsters Union and the Washington Defense Partnership, the transition from a military job to a civilian one will require one less step.

This new program allows WDVA to verify an individual CDL applicant has the required minimum commercial motor vehicle driver training requirements provided and documented by a military service.

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RECENT COMMENTS
Devis said:
This is exactly what the military does NOT want to happen. This is why after a death a unit...
about Text message Tells Army Wife of Husband's Death

Marybel said:
There are various reasons why a spouses cannot be located by military i.e. they do not update...
about Text message Tells Army Wife of Husband's Death

GoldFalcon3 said:
Move I Corps HQ permanently to Camp Zama, Japan where I Corps (Fwd) is stationed now. Move the...
about I Corps headed into the Pacific?

"This is another instance of agencies working together to make things more seamless for Washingtonians," said DOL director Liz Luce. "This program is important so that our service members can utilize the training they've received and get right to work in the civilian sector."

For additional information about this new program, contact WDVA at 1-800-562-2308 or contact Ric Price at **Ricp@dva.wa.**

Filed under: Veterans

Unvie Buck said:
Go get 'em Dilly! Please bring me back one of those cool head scarves! Oooo-Rah!
about JBLM's 2nd Stryker Brigade headed to Afghanistan

PFC said:
2-17FA Medics!
about JBLM's 2nd Stryker Brigade headed to Afghanistan

Comments for "New military training certification to shorten state's CDL issuance" (1)

Northwest Military is not responsible for the content of these reviews. Northwest Military reserves the right to remove reviews at their discretion.

Arthur Hood said on May. 30, 2011 at 11:19am

Greetings ,my name is Arthur Hood I am a SGT with the United States Army Reserve .I've been a 88mike (truck driver) for 17 years . I was looking for a program from the Military that would help pay for CDL training .But if there is a smoother way to obtain my CDL I'm all ears . I will be contacting you on your program .I live in Mississippi if thats any help .Please give me any info you have on the subject .Thank you .

Sgt. Arthur M. Hood

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New Medical Certification Requirements
A Guide for Commercial Driver's License (CDL) Holders
General Information

Federal Motor Carrier Safety Administration
November 2011

What is changing? State driver licensing agencies (SDLAs) will be adding your medical certification status and the information on your medical examiner's certificate to your Commercial driver's license system (CDLIS) record.

When does this change start? This change starts on January 30, 2012

What is not changing? The driver physical qualification requirements are not changing.

What are CDL holders required to do?

1. You must determine what type of commerce you operate in. You must certify to your SDLA to one of the four types of commerce you operate in as listed below,

   - Interstate non-excepted: You are an Interstate non-excepted driver and must meet the Federal DOT medical card requirements (e.g. – you are "not excepted").

   - Interstate excepted: You are an Interstate excepted driver and do not have to meet the Federal DOT medical card requirements.

   - Intrastate non-excepted: You are an Intrastate non-excepted driver and are required to meet the medical requirements for your State.

   - Intrastate **excepted**: You are an Intrastate excepted driver and do not have to meet the medical requirements for your State.

2. If you are subject to the DOT medical card requirements, provide a copy of each new DOT medical card to your SDLA prior to the expiration of the current DOT medical card.

For more detailed information read the following:

Starting January 30, 2012 and no later than January 30, 2014, all CDL holders must provide information to their SDLA regarding the type of commercial motor vehicle operation they drive in or expect to drive in with their CDL. Drivers operating in certain types of commerce will be required to submit a current medical examiner's certificate to their SDLA to obtain a "certified" medical status as part of their driving record. CDL holders required to have a "certified" medical status who fail to provide and keep

up-to-date their medical examiner's certificate with their SDLA will become "not-certified" and they may lose their CDL.

New Medical Certification Requirements
A Guide for Commercial Driver's License (CDL) Holders
Frequently Asked Questions (FAQs)

Federal Motor Carrier Safety Administration
November 2011

The following FAQs will help you in determining how to meet the new Federal medical certification requirements:

Q. What must I do to comply with the new requirements for making my medical certification part of my CDL driving record?

A. Starting on January 30, 2012, when you:

- Apply for a CDL;
- Renew a CDL;
- Apply for a higher class of CDL;
- Apply for a new endorsement on a CDL; **or**
- Transfer a CDL from another State

You will be required to self certify to a single type of commercial operation on your driver license application form. Based on that self certification, you may need to provide your SDLA with a current medical examiner's certificate and show any variance you may have to obtain or keep your CDL.

Q. How do I determine which type of commercial motor vehicle (CMV) operation I should self-certify to my SDLA?

A. For the purpose of complying with the new requirements for medical certification, it is important to know how you are using the CMV. To help you decide, follow these steps:

Step 1: Do you, or will you, use a CDL to operate a CMV in **interstate** or **intrastate commerce**?

Interstate commerce is when you drive a CMV:

- From one State to another State or a foreign country;
- Between two places within a State, but during part of the trip, the CMV crosses into another State or foreign country; **or**
- Between two places within a State, but the cargo is part of a trip that began or will end in another State or foreign country.

Intrastate commerce is when you drive a CMV within a State and you do not meet any of the descriptions above for **interstate commerce**.

If you operate in both **intrastate commerce** and **interstate commerce**, you must choose **interstate commerce**.

Step 2: Once you decide you operate or will operate in **interstate commerce** or **intrastate commerce**, you must decide whether you operate (or expect to operate) in a **non-excepted** or **excepted** status. This decision will tell you to which of the four types of commerce you must self-certify.

Interstate Commerce:

You operate in **excepted interstate commerce** when you drive a CMV in interstate commerce only for the following excepted activities:

- To transport school children and/or school staff between home and school;
- As Federal, State or local government employees;
- To transport human corpses or sick or injured persons;
- Fire truck or rescue vehicle drivers during emergencies and other related activities;
- Primarily in the transportation of propane winter heating fuel when responding to an emergency condition requiring immediate response such as damage to a propane gas system after a storm or flooding;
- In Response to a pipeline emergency condition requiring immediate response such as a pipeline leak or rupture;
- In custom harvesting on a farm or to transport farm machinery and supplies used in the custom harvesting operation to and from a farm or to transport custom harvested crops to storage or market;
- Beekeeper in the seasonal transportation of bees;
- Controlled and operated by a farmer, but is not a combination vehicle (power unit and towed unit), and is used to transport agricultural products, farm machinery or farm supplies (no placardable hazardous materials) to and from a farm and within 150 air-miles of the farm;
- As a private motor carrier of passengers for non-business purposes ; **or**
- To transport migrant workers.

If you answered yes to one or more of the above activities as the **only** operation in which you drive, you operate in **excepted interstate commerce** and do not need a Federal medical examiner's certificate.

If you answered no to all of the above activities, you operate in **non-excepted interstate commerce** and are required to provide a current medical examiner's certificate (49 CFR 391.45),commonly referred to as a medical certificate or DOT card, to your SDLA. Most CDL holders who drive CMVs in interstate commerce are **non-excepted interstate commerce** drivers.

If you operate in both **excepted interstate commerce** and **non-excepted interstate commerce**, you must choose **non-excepted interstate commerce** to be qualified to operate in both types of interstate commerce.

Intrastate Commerce:

You operate in **excepted Intrastate commerce** when you drive a CMV only in intrastate commerce activities for which your State of licensure has determined do not require you to meet the State's medical certification requirements.

You operate in **non-excepted intrastate commerce** when you drive a CMV only in intrastate commerce and are required to meet your State of licensure's medical certification requirements.

If you operate in both **excepted intrastate commerce** and **non-excepted intrastate commerce**, you must choose **non-excepted intrastate commerce.**

Step 3: Provide your SDLA with your self-certification of your operating status. If you self-certify to **non-excepted interstate** on or after January 30, 2012, you must provide your SDLA with either the original or copy of your current medical examiner's certificate as required by your SDLA.

If your medical examiner's certificate is only valid with a vision, diabetes or a skills performance evaluation variance granted by FMCSA, you may also be asked by your SDLA to provide a copy of that variance document.

Q. What if I am an existing CDL holder who does not have a license renewal, upgrade or transfer between January 30, 2012 and January 30, 2014?

A. You are responsible for following the three steps above and providing your SDLA with your self-certification of operating status by January 30, 2014. If required, you must also provide your current medical examiner's certificate and any variance document by January 30, 2014. Your SDLA will tell you how you can provide this information.

Q. After I provide my SDLA with my unexpired medical examiner's certificate, do I still have to carry an original or copy of my medical examiner's certificate?

A. Yes. Until the program is fully implemented on January 30, 2014, you will still have to carry an original or copy of the medical examiner's certificate and provide a copy to your employer for your driver qualification file.

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

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Summary of Hours-of-Service (HOS) Regulations

Who Must Comply

Most drivers must follow the HOS Regulations if they drive a commercial motor vehicle, or CMV.

In general, a CMV is a vehicle that is used as part of a business and is involved in interstate commerce and fits *any* of these descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- Is designed or used to transport 16 or more passengers (including the driver) not for compensation
- Is designed or used to transport 9 or more passengers (including the driver) for compensation
- A vehicle that is involved in interstate *or* intrastate commerce and is transporting hazardous materials in a quantity requiring placards is *also* considered a CMV

HOS Final Rule

The Hours of Service of Drivers Final Rule [Download PDF Version] was published in the Federal Register on December 27, 2011. The **effective date** of the Final Rule is **February 27, 2012**, and the **compliance date** of selected provisions is **July 1, 2013**. The links below provide more details regarding the HOS Final Rule:

Download HOS Reference Materials

- HOS News Release
- Question and Answers
- Logbook Examples (PDF) New
- HOS Regulations - Part 395
- Final Rule (PDF)
- Regulatory Impact Analysis (PDF)
  - Appendices A-E (PDF)
- Environmental Assessment (PDF)
  - Appendices A-E (PDF)

Summary of Changes of HOS Final Rule Published in December 2011

The table below [Download PDF Version] summarizes the differences between the prior HOS Rule and the new HOS Final Rule published in December 2011:

PROVISION	PRIOR RULE	FINAL RULE - COMPLIANCE DATE JULY 1, 2013
Limitations on minimum "34-hour restarts"	None	(1) Must include two periods between 1 a.m.- 5 a.m. home terminal time. (2) May only be used once per week.
Rest breaks	None except as limited by other rule provisions	May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. [HM 397.5 mandatory "in attendance" time may be included in break if no other duties performed]
PROVISION	**PRIOR RULE**	**FINAL RULE - COMPLIANCE DATE FEBRUARY 27, 2012**
On-duty time	Includes any time in CMV except sleeper-berth.	Does not include any time resting in a parked vehicle (also applies to passenger-carrying drivers). In a moving property-carrying CMV, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth.
Penalties	"Egregious" hours of service violations not specifically defined.	Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.
Oilfield exemption	"Waiting time" for certain drivers at oilfields (which is off-duty but does extend 14-hour duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.	"Waiting time" for certain drivers at oilfields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to "grid."

Summary of HOS Regulations (Valid Until July 1, 2013)

The following table [Download PDF Version] summarizes the HOS regulations for property-carrying and passenger-carrying CMV drivers.

HOURS-OF-SERVICE RULES	
Property-Carrying CMV Drivers	**Passenger-Carrying CMV Drivers**
11-Hour Driving Limit May drive a maximum of 11 hours after 10 consecutive hours off duty.	**10-Hour Driving Limit** May drive a maximum of 10 hours after 8 consecutive hours off duty.
14-Hour Limit May not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.	**15-Hour On-Duty Limit** May not drive after having been on duty for 15 hours, following 8 consecutive hours off duty. Off-duty time is not included in the 15-hour period.
60/70-Hour On-Duty Limit May not drive after 60/70 hours on duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.	**60/70-Hour On-Duty Limit** May not drive after 60/70 hours on duty in 7/8 consecutive days.
Sleeper Berth Provision Drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus a separate 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.	**Sleeper Berth Provision** Drivers using a sleeper berth must take at least 8 hours in the sleeper berth, and may split the sleeper-berth time into two periods provided neither is less than 2 hours.

Find this page at: http://www.fmcsa.dot.gov/rules-regulations/topics/hos/index.htm

Feedback | Privacy Policy | USA.gov | Freedom of Information Act (FOIA) | Accessibility | OIG Hotline | Web Policies and Important Links | Site Map | Plug-Ins

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • Field Office Contacts

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Send to Printer

Hours-of-Service Regulations

NOTE: A new Hours-of-Service (HOS) Proposed Rulemaking was published on December 29, 2010. For details, visit the HOS Proposed Rule page to view the complete rulemaking, summary of changes, FAQs, and other related information.

Related Links
Retention of Supporting Docs & Use of Electronic Mobile Devices Policy
How to Participate in HOS Listening Sessions
FMCSA Announces HOS Listening Sessions - News Release January 4, 2010
HOS News Release - November 18, 2008
HOS Regulations
Maximum Driving Time for Passenger-carrying Vehicles

The Hours-of-Service regulations (49 CFR Part 395) put limits in place for when and how long commercial motor vehicle (CMV) drivers may drive. These regulations are based on an exhaustive scientific review and are designed to ensure truck drivers get the necessary rest to perform safe operations. FMCSA also reviewed existing fatigue research and worked with organizations like the Transportation Research Board of the National Academies and the National Institute for Occupational Safety in setting these HOS rules.

The regulations are designed to continue the downward trend in truck fatalities and maintain motor carrier operational efficiencies. Although the HOS regulations are found in Part 395 of the Federal Motor Carrier Safety Regulations, many States have identical or similar regulations for intrastate traffic.

Who must comply with the Hours-of-Service Regulations?
Most drivers must follow the HOS Regulations if they drive a commercial motor vehicle, or CMV.

In general, a CMV is a vehicle that is used as part of a business and is involved in interstate commerce and fits *any* of these descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- Is designed or used to transport 16 or more passengers (including the driver) not for compensation
- Is designed or used to transport 9 or more passengers (including the driver) for compensation
- A vehicle that is involved in interstate *or* intrastate commerce and is transporting hazardous materials in a quantity requiring placards is *also* considered a CMV.

HOS Reference Materials

- Interstate Truck Driver's Guide to HOSNew!
- Interstate Passenger Carrying Driver's Guide To Hours of ServiceNew!
- Frequently Asked Questions
- Logbook Examples [PDF]
- HOS Final Rule [Federal Register Notice PDF]
- Recordkeeping Forms

Summary of the Hours-of-Service Regulations

The following table summarizes the HOS regulations for property-carrying and passenger-carrying CMV drivers.

HOURS-OF-SERVICE RULES	
Property-Carrying CMV Drivers	Passenger-Carrying CMV Drivers
11-Hour Driving Limit May drive a maximum of 11 hours after 10 consecutive hours off duty.	**10-Hour Driving Limit** May drive a maximum of 10 hours after 8 consecutive hours off duty.
14-Hour Limit May not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.	**15-Hour On-Duty Limit** May not drive after having been on duty for 15 hours, following 8 consecutive hours off duty. Off-duty time is not included in the 15-hour period.
60/70-Hour On-Duty Limit May not drive after 60/70 hours on duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.	**60/70-Hour On-Duty Limit** May not drive after 60/70 hours on duty in 7/8 consecutive days.
Sleeper Berth Provision Drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus a separate 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.	**Sleeper Berth Provision** Drivers using a sleeper berth must take at least 8 hours in the sleeper berth, and may split the sleeper-berth time into two periods provided neither is less than 2 hours.

Find this page at: http://www.fmcsa.dot.gov/rules-regulations/topics/hos/index.htm

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB345**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB345-DOA-DMV-3-23-12
Title: Waive CDL Skill Test for Certain Veterans
Sponsor: Representative Saddler
Requester: House Transportation

Dept. Affected: Administration
Appropriation: Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
[illegible]37	GF/MH (UGF)							
[illegible]78	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version

Prepared by: Whitney Brewster, Director — Phone: 907-269-5559
Division: Division of Motor Vehicles — Date/Time: 3/23/12 10:45 AM
[illegible]pproved by: John Cramer, Deputy Commissioner — Date: 3/23/2012
Department of Administration

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB345
12 LEGISLATIVE SESSION

Analysis

This legislation will allow for the development of regulations by the Division of Motor Vehicles (DMV) to provide drivers with recent military commercial vehicle driving experience the opportunity to waive the driving skills test required in Alaska Statute 28.33.100(a)(3) and 49 CFR 383.113. This bill has no fiscal impact on the Division of Motor Vehicles (DMV) therefore a zero fiscal note is submitted.

HB

347

<TARGET><BILL>HB 347</BILL><SUBJECT>HB
347</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 22, 2012 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 3-22-2012

The STATE AFFAIRS Committee considered: **HB 347**

HOUSE BILL NO. 347
"An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election."

HB 347-USE OF MUNICIPAL FUNDS FOR INITIATIVES

Recommends it be replaced with [ ] HCS *or* **[ ] CS** *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [ ] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	Commerce			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B. Johansen	JOHANSEN	X			
Bryan Wilson	WILSON			X	
Wes Keller	Keller	X			
Pete Petersen	PETERSEN		X		
Paul Seaton	Seaton		X		
Chair: Bob Lynn	LYNN	X			
Chair:					

SAMPLE BALLOT FRONT

INSTRUCTIONS TO VOTER: To vote for the issue/candidate of your choice, **fill in the oval next to the issue/candidate you want to vote for.** Place your ballot inside the secrecy sleeve and then take your ballot to the ballot box.

If you make a mistake while voting, return the ballot to the election official for a new one.
A vote which has been erased or changed will not be counted.

State of Alaska Official Ballot
Primary Election, August 24, 2010

Measures Only

Instructions: To vote, completely fill in the oval next to your choice, like this: ●

Ballot Measure No. 1
Initiative Prohibiting the Use of Public Funds to Lobby or Campaign; and Prohibiting Holders of Government Contracts and Family Members from Making Political Contributions
07ANCO

Failed 61%

Ballot Measure No. 1 - 07ANCO

This bill would ban the use of public funds for political campaigns and lobbying by state and local government agencies, and school districts. Public funds could not be used to support or oppose ballot measures, lobby to pass a law, or ask for public funding. Any entity that lobbies or campaigns would be barred from receiving public funds. It would ban political contributions by government contract holders and members of their families. It would ban legislators and their staff from being employed by government contract holders for two years after leaving state service. The bill has criminal and civil penalties.

Should this initiative become law?

◯ YES ◯ NO

Continue Voting on Next Side

LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
research@legis.state.ak.us

Memorandum

TO: Representative Kurt Olson
FROM: Tim Spengler, Legislative Analyst
DATE: March 9, 2012
RE: State Prohibitions on Spending Municipal Funds on Initiatives without Voter Approval
LRS Report 12.215

You asked if any states prohibit the use of municipal funds to support or oppose an initiative proposal without voter approval.

Briefly, we identified no states with specific statutory provisions prohibiting the use of municipal funds to support or oppose an initiative (or other political or electoral matter) *without* voter approval.[1] Most of the states we reviewed, however, prohibit municipalities from expending funds for such purposes *regardless* of whether municipal voters approve of such actions or not.

Fourteen of the 20 states we reviewed prohibit the use of public funds to support or oppose an initiative.[2] Those states are Arizona; California; Georgia; Florida; Idaho; Massachusetts; Montana; Nevada; New Mexico; North Dakota; Oregon; Utah; Washington; and Wyoming.[3] It is interesting to note that none of the 11 Western States that we contacted (where initiatives are more commonly used) allow for the use of municipal funds to support or oppose an initiative. On the other hand, six of the nine states (excluding Florida, Georgia, and Massachusetts) that we contacted in the Northeast and South do not have such prohibitions.[4]

Below we provide an example of statutory language from the California Government Code 54964:

> a) An officer, employee, or consultant of a local agency may not expend or authorize the expenditure of any of the funds of the local agency to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters. . . "Ballot measure" means an initiative, referendum, or recall measure certified to appear on a regular or special election ballot of the local agency, or other measure submitted to the voters by the governing body at a regular or special election of the local agency.

As previously noted, such state laws do not allow for the use of municipal funds for *any* political advocacy, not just advocacy pertaining to initiatives. Also, it appears that most or all of these states *do* allow municipalities to expend funds to provide *informational or educational* background materials regarding an initiative.

A few years ago, a wide-ranging effort was made in Alaska to prohibit public spending on political advocacy. The "Alaska Anti-Corruption Act," Ballot Measure 1, was on the primary election ballot in August of 2010. The initiative would have banned the

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[1] For this report, we reviewed numerous state statutes and election websites, communicated with personnel from the National Conference of State Legislatures, the Initiative and Referendum Institute, the Council of State Governments, Ballot Access News, National League of Cities, and spoke with officials from many state municipal leagues.

[2] It is likely that a number of other states also have provisions prohibiting the use of municipal funds to advocate for or against a ballot initiative.

[3] In Idaho, Massachusetts and New Mexico, the prohibition is not codified in law but rather, pursuant to court rulings. (We were unable to identify the court case particulars in New Mexico.) Relevant statutory citations (or case law) are as follows: Arizona (ARS 9-500.14), California (CAL. Gov. Code 54964), Georgia (OCGA 21-5-30.2 and 21-5-3), Florida (FS 106.113), Idaho (pursuant to *Ameritel vs. Greater Boise Auditorium District*, 141 Idaho 849), Massachusetts (pursuant to *Anderson vs. City of Boston*, 367 Mass. 178), Montana (MCSA 2-2-121), Nevada (NRS 281A.520), New Mexico (pursuant to court decision), North Dakota (NDCC 16.1-10), Oregon (ORS 260.432), Utah (UCA 20A-11-1203), Washington (RCW 42.17A.555), and Wyoming (WSA 9-13-105(b) and 22-26-116).

[4] The states we identified that do not have laws prohibiting the spending of municipal funds for such purposes are Alabama, Connecticut, Maine, New Hampshire, Rhode Island, and Virginia. Again, there were numerous states that we did not contact and likely a number of those also do not prohibit municipalities from expending funds on initiatives.

use of public funds for political campaigns and lobbying by state and local government agencies and school districts to support or oppose ballot measures, lobby to pass a law, or request public funding. The measure failed as nearly 61 percent of voters cast their ballots against it.

While Ballot Measure 1 had the support of a number of groups such as Alaskans for Open Government and the Committee to Stop Corruption, it was opposed by such entities as the Alaska Chamber of Commerce, the Resource Development Council, the Alaska Municipal League, the Anchorage School Board and Assembly, and the Alaska Democratic Party.

The *Fairbanks Daily News-Miner,* which also opposed the measure, stated the following in their editorial published on August 20, 2010:

> Proponents of the measure say average voters should bring such troubles to the attention of legislators. The average voter might do so, but why cut out an authoritative source? We elect mayors, assembly members and school board members to represent us. And our local government officers shouldn't have to wait for a call from Juneau before they do that job. Alaskans should vote "no" on Ballot Measure 1.

We hope this is helpful. If you have questions or need additional information, please let us know.

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
- Vice Chair: Rules, Administrative Regulation Review
  Economic Development Trade & Tourism
- Member: Energy, Legislative Budget & Audit

Session: January - April
State Capitol, Room 24
Juneau, AK 99801-1182
Phone: 907-465-2693
Fax: 907-465-3835

Interim: May - December
145 Main Street Loop, Ste 221
Kenai, AK 99611
Phone: 907-283-2690
Fax: 907-283-2763

Official Business

Sectional Analysis
House Bill 347

"An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election."

Section 1. Amends AS 15.13.145 (d) to include expenditures that have been authorized by municipal voters.

Section 2. Adds a new subsection to AS 15.13.145 to include funds that have been approved by municipal voters at an election.

Email: Representative_Kurt_Olson@legis.state.ak.us

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
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  Economic Development Trade & Tourism
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Official Business

House Bill 347
Sponsor Statement

"An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election."

Currently municipalities can spend thousands of dollars on consultants and paid signature collectors to influence the outcome of a ballot initiative. Requiring voters to approve the use of funds for special interests keeps the agenda of the municipality aligned with its voters, and prohibits municipalities from spending copious amounts of money to advance their own agendas.

This legislation empowers all citizens of a municipality by giving them the chance to weigh in on important issues. Giving citizens the opportunity to approve or disapprove of spending for a ballot initiative makes them acutely aware of exactly how municipal funds are being spent.

The intent of HB 347 is to keep the ballot initiative process fair, and to ensure that the priorities of the municipality are the same as the priorities of its citizens.

Email: Representative_Kurt_Olson@legis.state.ak.us

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HB 347**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HB347-DCCED-DCRA-02-24-12
Title: USE OF MUNICIPAL FUNDS FOR INITIATIVES
Sponsor: Representative Olson
Requester: House State Affairs

Dept. Affected: Commerce
Appropriation: Community and Regional Affairs
Allocation: Community and Regional Affairs
OMB Component Number: 2879

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by: Scott Ruby — Phone: (907) 269-4569
Division: Community and Regional Affairs — Date/Time: 2/23/2012 2:30pm
Approved by: JoEllen Hanrahan, Director Administrative Services — Date: 2/24/2012
Commerce, Community and Economic Development

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB 347

Analysis

This bill authorizes municipalities to expend funds to influence the outcome of a statewide ballot initiative, if the expenditure is approved by voters. It also adds a requirement that if a municipality authorizes funds to be spent to influence the outcome of a ballot initiative election, the expenditures must be reported to the Alaska Public Offices Commission.

There is no anticipated fiscal impact to the Division of Community and Regional Affairs.

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
- Vice Chair: Rules, Administrative Regulation Review
  Economic Development Trade & Tourism
- Member: Energy, Legislative Budget & Audit

Session: January - April
State Capitol, Room 24
Juneau, AK 99801-1182
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Interim: May - December
145 Main Street Loop, Ste 221
Kenai, AK 99611
Phone: 907-283-2690
Fax: 907-283-2763

Official Business

MEMORANDUM

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Kurt Olson

DATE: March 15, 2012

RE: Scheduling of HB 347

At your earliest convenience, I respectfully request a hearing on House Bill 347 "An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election".

HB 347 is one of my highest priorities this session. Please do not hesitate to contact my staff, Anna Latham at 465-4530 with any questions or concerns about this legislation. I look forward to hearing from you and discussing this bill in further detail.

Thank you for your consideration.

Email: Representative_Kurt_Olson@legis.state.ak.us

Nancy Manly

From: Terry Harvey
Sent: Wednesday, March 21, 2012 4:55 PM
To: Nancy Manly
Subject: RE: offnet for (H)STA

Also, fyi, Rachel Kallander of our office and the Bush Caucus will be presenting.

From: Nancy Manly
Sent: Wednesday, March 21, 2012 4:54 PM
To: Terry Harvey
Subject: RE: offnet for (H)STA

Oh good, thanks Terry.

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: Terry Harvey
Sent: Wednesday, March 21, 2012 4:54 PM
To: Nancy Manly
Subject: RE: offnet for (H)STA

Thanks, she will be in Fairbanks and I gave her 855 463 5009

From: Nancy Manly
Sent: Wednesday, March 21, 2012 4:43 PM
To: Terry Harvey
Subject: RE: offnet for (H)STA

Sure – have her call 463-5009

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: Terry Harvey
Sent: Wednesday, March 21, 2012 2:36 PM
To: Ryan Wilson; Nancy Manly
Subject: offnet for (H)STA

Ryan, Lauree Morton needs to use offnet to call in to (H)STA in the morning for HCR 28. She is Executive Director for Council on Domestic Violence.

Terry Harvey, Committee Aide
House Community & Regional Affairs
Rep. Cathy Munoz, Chair
(907)465 5392

HCR

28

<TARGET><BILL>HCR 28</BILL><SUBJECT>HCR
28</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 15, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 3-22-2012

The STATE AFFAIRS Committee considered: **HCR 28**

HOUSE CONCURRENT RESOLUTION NO. 28
Proclaiming the month of April 2012 to be Sexual Assault Awareness Month.
HCR 28-SEXUAL ASSAULT AWARENESS MONTH

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEG			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN	X			
Bryan Wilson	WILSON	X			
Wes Keller	Keller	X			
Max F. Gruenberg	Gruenberg	-			
Paul C. Seaton	Seaton	✓			
Pete Petersen	PETERSEN	✓			
Chair: Bob Lynn	LYNN	X			
Chair:					

REPRESENTATIVE CATHY MUÑOZ

HCR 28 SEXUAL ASSAULT AWARENESS MONTH

All Alaskans deserve a life free from violence. Whether it is in the home, in relationships, or in our communities, every individual should live a life without fear and with security and safety. This resolution encourages Alaskans to speak out against sexual assault as we rise in unison to dispel the anger, self-blame, depression and anxiety that can be exhibited both emotionally and physically by those who have endured this terrible experience. This resolution emboldens Alaskans to declare that sexual assault of any kind will not be accepted.

As we embrace the Governors "Choose Respect" campaign we join him and march arm in arm as we continue our message against all forms of sexual assault in Alaska. HCR 28 also recognizes the dedicated work in Alaska of the volunteers, staff, and agencies who dedicate their lives to ensure victims have someone to talk to, a place to go and other services and avenues to help. These individuals and groups deserve our respect and support and we join them to remove the veil of silence and declare intolerance towards sexual assault in Alaska.

HCR 28 proclaims the month of April 2012 to Sexual Assault Awareness Month in Alaska.

CONTACT TERRY HARVEY-907 465 3744

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HCR 28**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HCR 28
Title: Sexual Assault Awareness Month
Sponsor: Community & Regional Affairs Committee
Requester:

Dept. Affected:
Appropriation:
Allocation:
OMB Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

None

Prepared by: House State Affairs Committee
Division: Representative Bob Lynn, Chair
Approved by:

Phone: (907) 465-2794
Date/Time: 03/21/2012 7:26am
Date: 3/21/2012

(Revised 11/18/2011 OMB)

CDVSA
Council on Domestic Violence & Sexual Assault
Safety ★ Prevention ★ Accountability

2012 Alaska Dashboard

Key issues Impacting

Domestic Violence and Sexual Assault in Alaska

Some of the data below are based on self-disclosures to survey questions on domestic violence (DV) and sexual assault (SA). These estimates are conservative (actual rates are much higher). As the stigma of reporting violence lessens and as we increase victim safety, those experiencing violence will be more likely to report and seek help. Certain estimates may increase over time (e.g., reports of harm, utilization of services, and reports to law enforcement).

Key Population Indicators for Alaska	Previous AK Data	Current AK Data	Percent Change	Progress
Childhood Exposure to Domestic Violence				
1. Percent of adults exposed to intimate partner violence of parent (BRFSS)	19.1%	19.2%	+1%	○
2. Percent of mothers whose 3 year old child saw violence or physical abuse (CUBS)	4.0%	7.2%	+80%	●
Child and Youth Victimization				
3. Percent of students experiencing physical dating violence in past year (YRBS)	13.3%	12.0%	-10%	◕
4. Percent of students experiencing sexual violence in lifetime (YRBS)	10.1%	9.2%	-9%	◕
Reports of Harm (Child and Youth)				
5. Rate of reported child abuse and neglect per 10,000 (US DHHS)	190.1	150.8	-21%	●
6. Rate of reported child sexual maltreatment per 10,000 (OCS)	5.8	6.5	+12%	◕
Adult and Elder Victimization				
7. Percent of women experiencing physical intimate partner violence in past year (AVS)	N/A	9.4%	N/A	○
8. Percent of women experiencing sexual violence in past year (AVS)	N/A	4.3%	N/A	○
9. Percent of pregnant women experiencing intimate partner physical abuse (PRAMS)	3.6%	4.0%	+11%	●
Reports of Harm (Adult and Elder)				
10. Number of vulnerable adults reporting abuse or neglect (APS)	176	160	-9%	●
11. Number of vulnerable elders reporting abuse or neglect (APS)	73	76	+4%	○
Primary Prevention and Protective Factors				
12. Percent of pregnant women whose health provider talked to them about DV (PRAMS)	60.0%	61.3%	+2%	○
13. Percent of students comfortable seeking help from 3 or more adults (YRBS)	44.6%	43.8%	-2%	○
14. Percent of schools implementing Fourth R healthy relationship curriculum (DEED)	9.7%	12.5%	+29%	◕
Reports to Law Enforcement				
15. Rate of forcible rape reported to law enforcement per 10,000 (UCR)	7.3	7.5	+3%	○
16. Number of domestic violence related homicides reported to law enforcement (DPS)	5	15	+200%	●
17. Number of elderly victims reporting DV-related sexual/physical assaults to AST (DPS)	176	149	-15%	●
Utilization of Services				
18. Rate of children evaluated by child advocacy centers per 10,000 (ACA)	81.9	94.8	+16%	◕
19. Rate of adults utilizing services for domestic violence per 10,000 (CDVSA)	84.2	89.7	+7%	◕
20. Rate of children with adults in domestic violence services per 10,000 (CDVSA)	74.0	74.4	+1%	○
21. Rate of adults utilizing services for sexual assault per 10,000 (CDVSA)	21.8	21.9	+0%	○
22. Rate of youth utilizing services for domestic violence per 10,000 (CDVSA)	22.5	17.9	-20%	●
23. Rate of youth utilizing services for sexual assault per 10,000 (CDVSA)	43.3	31.4	-27%	●
Offender Accountability				
24. Percent of reported forcible rapes resulting in an arrest (DPS)	24.3%	21.0%	-14%	●
25. Rate of juveniles referred for sex offenses per 10,000 (DJJ)	10.9	13.8	+27%	●
26. Rate of juveniles referred for a DV-related assault per 10,000 (DJJ)	N/A	38.5	N/A	○
27. Number of sexual assault cases accepted for prosecution (DOL)	111	118	+6%	◕
28. Percent of accepted sexual assault cases with a conviction (DOL)	63.0%	66.1%	+5%	◕
29. Number of sexual abuse of minor cases accepted for prosecution (DOL)	109	123	+13%	◕
30. Percent of accepted sexual abuse of minor cases with a conviction (DOL)	84.4%	78.0%	-8%	○
31. Number of domestic violence cases accepted for prosecution (DOL)	2,617	2,977	+14%	◕
32. Percent of accepted domestic violence cases with a conviction (DOL)	73.8%	73.1%	-1%	○

Progress: ◕ Progress Satisfactory ○ Progress Uncertain ● Progress Needs Improvement

Percent change is relative to previous data. See definition on page 3. Percent changes may or may not be statistically significant.

Definitions for each population indicator and dates for current and previous data are found starting on page 3.
Alaska Dashboard, January 2012. State of Alaska, Council on Domestic Violence and Sexual Assault, http://dps.alaska.gov/cdvsa/.

2012 Alaska Dashboard

Key Issues Impacting Domestic Violence and Sexual Assault in Alaska

National Comparisons

National data for comparison purposes are only available for a few of the population indicators on the Alaska dashboard for key issues impacting domestic violence and sexual assault in Alaska. Few of the data sources on the Alaska dashboard are available nationally or in other states. When they are available, data are rarely directly comparable. In particular, different states have different definitions for domestic violence and sexual assault. Listed below are the few indicators that are directly comparable to national data.

Key Population Indicators for Alaska	Previous AK Data	Current AK Data	U.S. Data
Child and Youth Victimization			
3. Percent of students experiencing physical dating violence in past year (YRBS)	13.3%	12.0%	9.8%
4. Percent of students experiencing sexual violence in lifetime (YRBS)	10.1%	9.2%	7.4%
Reports of Harm (Child and Youth)			
5. Rate of reported child abuse and neglect per 10,000 (US DHHS)	190.1	150.8	92.2
Reports to Law Enforcement			
15. Rate of forcible rape reported to law enforcement per 10,000 (UCR)	7.3	7.5	2.8

Percent of students experiencing physical dating violence in the past year (YRBS)
In 2009 (previous AK data), the percentage of Alaska high school students experiencing physical dating violence in the past year was 13.3%, compared to 9.8% of high school students in the U.S. The percentage of high school students experiencing physical dating violence in the past year was 1.4 times higher in Alaska than in the U.S.

Percent of students experiencing sexual violence in lifetime (YRBS)
In 2009 (previous AK data), the percentage of Alaska high school students experiencing sexual violence in their lifetime was 10.1%, compared to 7.4% of high school students in the U.S. The percentage of high school students experiencing sexual violence in their lifetime was 1.4 times higher in Alaska than in the U.S.

Rate of reported child abuse and neglect per 10,000 (US DHHS)
In 2010 (current AK data), the rate of reported and substantiated child abuse and neglect was 150.8 per 10,000 children (ages 0 to 17) in Alaska, compared to 92.2 per 10,000 children in the U.S. The Alaska rate was 1.6 times higher than the U.S. rate.

Rate of forcible rape reported to law enforcement per 10,000 (UCR)
In 2010 (current AK data), the rate of forcible rape reported to law enforcement was 7.5 per 10,000 in Alaska, compared to 2.8 per 10,000 in the U.S. The Alaska rate was 2.7 times higher than the U.S. rate.

Forthcoming Indicators

Reports to Law Enforcement
1. Number of sexual assaults reported to law enforcement (DPS)
2. Number of sexual abuses of minors reported to law enforcement (DPS)
Offender Accountability
3. Percent of juvenile sex offenders who recidivate (DJJ)
4. Percent of adult sex offenders who recidivate (DOC)
Primary Prevention and Protective Factors
5. Percent of students who feel connected to their school (SCCS)

2012 Alaska Dashboard

Key Issues Impacting Domestic Violence and Sexual Assault in Alaska

Percent Change

Percent change is the increase or decrease in the current Alaska data relative to the previous Alaska data. It is not an absolute difference in percent. For example, indicator #2 has increased from 4.0% to 7.2%. The absolute difference in percent is 3.2, but the percent change from the previous to the current Alaska data is 80%, because 3.2 is 80% of the previous Alaska data. Percent changes may or may not be statistically significant since some change randomly occurs from year to year.

$$\textbf{Percent Change is } \frac{\textbf{Current AK data - Previous AK data}}{\textbf{Previous AK data}} \times 100$$

Dashboard Indicator Definitions

Childhood Exposure to Domestic Violence
1. Percent of adults exposed to intimate partner violence of parent Behavioral Risk Factor Surveillance System (BRFSS). Approximately every third year, 2,500 adults in Alaska are asked "As a child, did you ever see or hear one of your parents or guardians being hit, slapped, punched, shoved, kicked or otherwise physically hurt by their spouse or partner?" Most current Alaska data are from 2009 and previous Alaska data are from 2006.
2. Percent of mothers whose 3 year old child saw violence or physical abuse Childhood Understanding Behaviors Survey (CUBS). Each year, over 1,000 mothers of three year old children are asked "Has your child ever experienced seeing violence or physical abuse in person?" Most current Alaska data are from 2010 and previous Alaska data are from 2009.

Child and Youth Victimization
3. Percent of students experiencing physical dating violence in past year Youth Risk Behavior Survey (YRBS). Every two years, over 1,000 students in traditional high schools are asked "During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?" Most current Alaska data are from 2011 and previous Alaska data are from 2009.
4. Percent of students experiencing sexual violence in lifetime Youth Risk Behavior Survey (YRBS). Every two years, over 1,000 students in traditional high schools are asked "Have you ever been physically forced to have sexual intercourse when you did not want to?" Most current Alaska data are from 2011 and previous Alaska data are from 2009.

Reports of Harm (Child and Youth)
5. Rate of reported child abuse and neglect per 10,000 US Department of Health and Human Services (US DHHS). Rate of unique victims of reported and substantiated child abuse and neglect per 10,000 children ages 0-17. Child abuse and neglect is defined as any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents and imminent risk of serious harm. Most current Alaska data are from 2010 and previous Alaska data are from 2009. For the purpose of the dashboard, this indicator is not used to measure rates of victimization. It is used to measure rates of reporting harm.
6. Rate of reported child sexual maltreatment per 10,000 Office of Children's Services (OCS). Rate of non-duplicated children per 10,000 (ages 0-17) that are referred to the Office of Children's Services for substantiated incidents of sexual maltreatment. Sexual maltreatment includes sexual abuse (sexual assault, sexual abuse of a minor, incest, online enticement of a minor, unlawful exploitation of a minor, indecent exposure), sexual exploitation (allowing, permitting, or encouraging child prostitution), and prostitution or promoting prostitution. Most current Alaska data are from 2010 and previous Alaska data are from 2009. For the purpose of the dashboard, this indicator is not used to measure rates of victimization. It is used to measure rates of reporting harm.

Adult and Elder Victimization
7. Percent of women experiencing intimate partner violence in past year Alaska Victimization Survey (AVS). In 2010, over 800 adult women were asked if in the past year, an intimate partner (a) "Made threats to physically harm you?" (b) "Slapped you?" (c) "Pushed or shoved you?" (d) "Hit you with a fist or something hard?" (e) "Kicked you?" (f) "Hurt you by pulling your hair?" (g) "Slammed you against something?" (h) "Tried to hurt you by choking or suffocating you?" (i) "Beaten you?" (j) "Burned you on purpose?" or (k) "Used a knife or gun on you?" Most current Alaska data are from 2010.
8. Percent of women experiencing sexual violence in past year Alaska Victimization Survey (AVS). In 2010, over 800 adult women were asked "When you were drunk, high, drugged, or passed out and unable to consent" in the past year, has anyone (a) "Had vaginal sex with you?" (b) "Made you receive anal sex?" (c) "Made you perform oral sex?" or (d) "Made you receive oral sex?" and has anyone in the past year "used physical force or threats to physically harm you to" (a) "Make you have vaginal sex" (b) "Make you receive anal sex?" (c) "Make you perform oral sex?" (d) "Make you receive oral sex?" (e) "Put their fingers or an object in your vagina or anus?" or (f) "Try to have vaginal, oral, or anal sex with you, but sex did not happen?" Most current Alaska data are from 2010.
9. Percent of pregnant women experiencing intimate partner physical abuse Pregnancy Risk Assessment Monitoring System (PRAMS). Each year, one of every six women who delivered a live-born infant is asked "During your most recent pregnancy, did your husband or partner push, hit, slap, kick, choke, or physically hurt you in any other way?" Most current Alaska data are from 2010 and previous Alaska data are from 2009.

Reports of Harm (Adult and Elder)
10. Number of vulnerable adults reporting abuse or neglect Adult Protective Services (APS). Number of vulnerable adults with a substantiated allegation of abuse or neglect reported to Adult Protective Services. Vulnerable adults are people 18 years of age or older who, because of physical or mental impairment, are unable to meet their own needs or to seek help without assistance. Abuse includes the willful, intentional, or reckless nonaccidental, and nontherapeutic infliction of physical pain, injury, or mental distress; or sexual assault in the first or second degree. Neglect includes the intentional failure by a caregiver to provide essential care or services necessary to maintain the physical and mental health of the vulnerable adult (self-neglect is not included). Most current Alaska data are from 2011 and previous Alaska data are from 2010. For the purpose of the dashboard, this indicator is not used to measure rates of victimization. It is used to measure rates of reporting harm.
11. Number of vulnerable elders reporting abuse or neglect Adult Protective Services (APS). Number of vulnerable elders with a substantiated allegation of abuse or neglect reported to Adult Protective Services. Vulnerable elders are people 65 years of age or older who, because of physical or mental impairment, are unable to meet their own needs or to seek help without assistance. Abuse includes the willful, intentional, or reckless nonaccidental, and nontherapeutic infliction of physical pain, injury, or mental distress; or sexual assault in the first or second degree. Neglect includes the intentional failure by a caregiver to provide essential care or services necessary to maintain the physical and mental health of the vulnerable adult (self-neglect is not included). Most current Alaska data are from 2011 and previous Alaska data are from 2010. For the purpose of the dashboard, this indicator is not used to measure rates of victimization. It is used to measure rates of reporting harm.

Primary Prevention and Protective Factors *Primary prevention includes approaches before violence has occurred to prevent initial perpetration or victimization*
12. Percent of pregnant women whose health provider talked to them about DV Pregnancy Risk Assessment Monitoring System (PRAMS). Each year, one of every six women who delivered a live-born infant is asked "During any of your prenatal care visits, did a doctor, nurse, or other health care worker talk with you about physical abuse to women by their husbands or partners?" Most current Alaska data are from 2010 and previous Alaska data are from 2009.
13. Percent of students comfortable seeking help from 3 or more adults Youth Risk Behavior Survey (YRBS). Every two years, over 1,000 students in traditional high schools are asked "Besides your parents, how many adults would you feel comfortable seeking help from if you had an important question affecting your life?" Most current Alaska data are from 2011 and previous Alaska data are from 2009.
14. Percent of schools implementing Fourth R healthy relationship curriculum Department of Education & Early Development (DEED). Percentage of public secondary schools that have teachers trained in the Fourth R healthy relationship curriculum. Secondary schools include public high schools, middle schools, and alternative schools. Most current Alaska data are from FY12 and previous Alaska data are from FY11.

Reports to Law Enforcement
15. Rate of forcible rape reported to law enforcement per 10,000 Uniform Crime Reports (UCR). Rate of forcible rape reported to most law enforcement agencies in Alaska per 10,000 population. Forcible rape is defined as the carnal knowledge of a female forcibly and against her will. Attempted forcible rapes are included, regardless of the age of the victim. Statutory offenses (no force used – victim under age of consent) are excluded. To obtain rates per 100,000, multiply the rates per 10,000 by 10. Most current Alaska data are from 2010 and previous Alaska data are from 2009.
16. Number of domestic violence related homicides reported to law enforcement Alaska Department of Public Safety (DPS). Number of homicides (willful nonnegligent killings) known to law enforcement that occurred in Alaska where the homicide was committed by a household member against another household member. Household members include adults or minors who are current or former spouses, who live together or who have lived together, who are dating or who have dated, who are engaged in or who have engaged in a sexual relationship, who are related to each other up to the fourth degree of consanguinity, who are related or formerly related by marriage, who have a child of the relationship. Household members also include children of a person in any of these relationships. In some cases, the relationship of the victim to the offender is unknown. These cases are not included in the number of domestic violence related homicides. Most current data are from 2010 and previous Alaska data are from 2009.
17. Number of elderly victims reporting DV-related sexual/physical assaults to AST Alaska Department of Public Safety (DPS). Number of elderly victims (age 60 or older) who reported an assault involving domestic violence or a sexual assault involving domestic violence to Alaska State Troopers. This is the unduplicated count of victims, not the count of offenses or cases. In addition, each victim is counted only once per year. This number does not include offenses reported to local or municipal police departments. This number also does not include other domestic violence offenses (other crimes against the person, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, and harassment). Crimes are domestic violence related if they occur between household members (i.e., adults or minors who are current or former spouses, who live together or who have lived together, who are dating or who have dated, who are engaged in or who have engaged in a sexual relationship, who are related to each other up to the fourth degree of consanguinity, or who are related or formerly related by marriage; persons who have a child of the relationship; and minor children of a person in any of these relationships). Most current data are from 2010 and previous Alaska data are from 2009.

Utilization of Services
18. Rate of children evaluated by child advocacy centers per 10,000 Alaska Children's Alliance (ACA). Number of children evaluated at a child advocacy center (duplicated count) per 10,000 children ages 0-17. Children are evaluated at child advocacy centers for allegations of child sexual abuse or assault, child physical abuse, drug endangerment, witnessing violent events in the home where they are present, and neglect or medical failure to thrive. Most current Alaska data are from state fiscal year 2010 and previous Alaska data are from state fiscal year 2009.
19. Rate of adults utilizing services for domestic violence per 10,000 Council on Domestic Violence and Sexual Assault (CDVSA). Number of unduplicated adults per 10,000 adults (age 18 and older) who utilized services from a CDVSA-funded domestic violence and sexual assault service agency, and who were recorded at that agency as being a primary victim of domestic violence. Primary victims are adults who are directly harmed, either physically or emotionally, by the actions of another. Domestic violence is defined as any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner. Domestic violence includes dating violence, which is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the program participant. Most current Alaska data are from state fiscal year 2011 and previous Alaska data are from state fiscal year 2010.
20. Rate of children with adults in domestic violence services per 10,000 Council on Domestic Violence and Sexual Assault (CDVSA). Number of unduplicated minors per 10,000 minors (ages 0-17) who utilized services from a CDVSA-funded domestic violence or sexual assault service agency, and who were recorded as being a secondary victim of domestic violence. Secondary victims are minors beyond the immediate victim who have been affected by the repercussions of an event or events. These may include child witnesses who although not the direct target of abuse, have been affected. This number does not include minors who were primary victims of domestic violence (even if they were also secondary victims). Domestic violence is defined as any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner. Domestic violence includes dating violence, which is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the program participant. Most current Alaska data are from state fiscal year 2011 and previous Alaska data are from state fiscal year 2010.

21. Rate of adults utilizing services for sexual assault per 10,000
Council on Domestic Violence and Sexual Assault (CDVSA). Number of unduplicated adults per 10,000 adults (age 18 and older) who utilized services from a CDVSA-funded domestic violence and sexual assault service agency, and who were recorded at that agency as being primary victims of sexual assault. Primary victims are adults who are directly harmed, either physically or emotionally, by the actions of another. Sexual assault includes both assaults committed by offenders who are strangers to the program participants and assaults committed by offenders who are known to, related by blood or marriage to, or in a dating relationship with the program participant. Most current Alaska data are from state fiscal year 2011 and previous Alaska data are from state fiscal year 2010.

22. Rate of youth utilizing services for domestic violence per 10,000
Council on Domestic Violence and Sexual Assault (CDVSA). Number of unduplicated youth per 10,000 youth (ages 12-17) who utilized services from a CDVSA-funded domestic violence and sexual assault service agency, and who were recorded at that agency as being a primary victim of domestic violence. Primary victims are youth who are directly harmed, either physically or emotionally, by the actions of another. Domestic violence is defined as any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner. Domestic violence includes dating violence, which is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the program participant. Most current Alaska data are from state fiscal year 2011 and previous Alaska data are from state fiscal year 2010.

23. Rate of youth utilizing services for sexual assault per 10,000
Council on Domestic Violence and Sexual Assault (CDVSA). Number of unduplicated youth per 10,000 youth (ages 12-17) who utilized services from a CDVSA-funded domestic violence and sexual assault service agency, and who were recorded at that agency as being primary victims of sexual assault. Primary victims are youth who are directly harmed, either physically or emotionally, by the actions of another. Sexual assault includes both assaults committed by offenders who are strangers to the program participants and assaults committed by offenders who are known to, related by blood or marriage to, or in a dating relationship with the program participant. Most current Alaska data are from state fiscal year 2011 and previous Alaska data are from state fiscal year 2010.

Offender Accountability

24. Percent of reported forcible rapes resulting in an arrest
Alaska Department of Public Safety (Crime Reported in Alaska). Number of offenses cleared by arrest or exceptional means per actual offenses reported or known to law enforcement. Unfounded complaints are excluded. Most current Alaska data are from 2010 and previous Alaska data are from 2009.

25. Rate of juveniles referred for sex offenses per 10,000
Alaska Division of Juvenile Justice (DJJ). Rate of non-duplicated juveniles per 10,000 (ages 11-17) that are referred to the Alaska Division of Juvenile Justice for sexual assault in the first to fourth degree or sexual abuse of a minor in the first to fourth degree. Most current Alaska data are from FY11 and previous Alaska data are from FY10.

26. Rate of juveniles referred for a DV-related assault per 10,000
Alaska Division of Juvenile Justice (DJJ). Rate of non-duplicated juveniles per 10,000 (ages 11-17) that are referred to the Alaska Division of Juvenile Justice for domestic violence related assault in the first to fourth degree. An assault is domestic violence related if it occurred between household members (i.e., minors who are current or former spouses, who live together or who have lived together, who are dating or who have dated, who are engaged in or who have engaged in a sexual relationship, who are related to each other up to the fourth degree of consanguinity, or who are related or formerly related by marriage; persons who have a child of the relationship; and minor children of a person in any of these relationships). Most current Alaska data are for FY11 (these were extrapolated from data that were available from 2/23/11 to 6/30/11). These data were not collected prior to 2/23/11.

27. Number of sexual assault cases accepted for prosecution
Alaska Department of Law (DOL). Number of cases referred to the Alaska Department of Law that were accepted for prosecution with a sexual assault charge in the first, second, third, or fourth degree. A case is accepted for prosecution when the district attorney's office, after reviewing the file and evidence, determines that there is sufficient credible evidence to convict a specific person of the particular crime. Most current Alaska data are from 2009 and previous Alaska data are from 2008.

28. Percent of accepted sexual assault cases with a conviction
Alaska Department of Law (DOL). Percent of sexual assault cases accepted for prosecution that resulted in a conviction. Percentage is based on the number of cases accepted for prosecution with a sexual assault charge in the first, second, third, or fourth degree. A conviction is an accepted charge resulting in a finding of guilt (on any charge). A finding of guilt can occur through plea bargaining or being found guilty beyond a reasonable doubt by either a judge or jury. Most current Alaska data are from 2009 and previous Alaska data are from 2008. Conviction data were retrieved on 11/10/11. Data across years are not directly comparable because recent cases are more likely to be pending prosecution at the time of the data retrieval than older cases.

29. Number of abuse of minor cases accepted for prosecution
Alaska Department of Law (DOL). Number of cases referred to the Alaska Department of Law that were accepted for prosecution with a sexual abuse of a minor charge in the first, second, third, or fourth degree. A case is accepted for prosecution when the district attorney's office, after reviewing the file and evidence, determines that there is sufficient credible evidence to convict a specific person of the particular crime. Most current Alaska data are from 2009 and previous Alaska data are from 2008.

30. Percent of accepted sexual abuse of minor cases with a conviction
Alaska Department of Law (DOL). Percent of sexual abuse of minor cases accepted for prosecution that resulted in a conviction. Percentage is based on the number of cases accepted for prosecution with a sexual abuse of a minor charge in the first, second, third, or fourth degree. A conviction is an accepted charge resulting in a finding of guilt (on any charge). A finding of guilt can occur through plea bargaining or being found guilty beyond a reasonable doubt by either a judge or jury. Most current Alaska data are from 2009 and previous Alaska data are from 2008. Conviction data were retrieved on 11/10/11. Data across years are not directly comparable because recent cases are more likely to be pending prosecution at the time of the data retrieval than older cases.

31. Number of domestic violence cases accepted for prosecution
Alaska Department of Law (DOL). Number of cases referred to the Alaska Department of Law that were accepted for prosecution with an assault charge in the first, second, third, or fourth degree involving domestic violence. Most current Alaska data are from 2009 and previous Alaska data are from 2008.

32. Percent of accepted domestic violence cases with a conviction
Alaska Department of Law (DOL). Percent of assault cases involving domestic violence accepted for prosecution that resulted in a conviction for an assault involving domestic violence. Percentage is based on the number of cases accepted for prosecution with an assault charge in the first, second, third, or fourth degree involving domestic violence. Most current Alaska data are from 2009 and previous Alaska data are from 2008. Conviction data were retrieved on 11/10/11. Data across years are not directly comparable because recent cases are more likely to be pending prosecution at the time of the data retrieval than older cases.

Intimate Partner Violence and Sexual Violence in the State of Alaska:

Key Results from the 2010 Alaska Victimization Survey

CDVSA
Council on Domestic Violence & Sexual Assault
Safety ★ Prevention ★ Accountability

Out of every 100 adult women who reside in the State of Alaska:

48 experienced intimate partner violence (IPV):

37 experienced sexual violence:

59 experienced intimate partner violence, sexual violence, or both:

These lifetime estimates come from a 2010 survey of adult women in the State of Alaska.
Source: UAA Justice Center, Alaska Victimization Survey, http://justice.uaa.alaska.edu/avs.

Purpose of the Survey

Every human being has the right to be safe and free from violence in their own homes, in their relationships, and in their community. Intimate partner violence and sexual violence are endemic problems. Up until now, comprehensive statewide data were not available to guide planning and policy development or to evaluate the impact of prevention and intervention services. This study provides the first definitive measures of intimate partner violence and sexual violence for the State of Alaska. The survey was designed to establish a baseline for the State. Results can be used to support prevention and intervention efforts that reduce violence against women.

Methodology

A total of 871 adult women in Alaska participated in the survey. Respondents were randomly selected by phone (using both land lines and cell phones) in May and June of 2010. Respondents were asked behaviorally specific questions about intimate partner violence (both threats and physical violence). Intimate partners included romantic and sexual partners. Respondents were also asked about sexual violence (both alcohol or drug involved sexual assault and forcible sexual assault). These questions were not limited to intimate partners. Procedures were designed to maximize the safety and confidentiality of all respondents. The survey was approved by multiple institutional review boards and was supported by the Alaska Council on Domestic Violence and Sexual Assault.

Acknowledgments

We sincerely thank the 871 adult women in Alaska who invested time and effort to participate in this victimization survey. They re-lived horrendous experiences, experiences that no one should be subjected to, to help the rest of us understand the extent of intimate partner and sexual violence in Alaska. Funding for this project was provided by the Alaska Council on Domestic Violence and Sexual Assault. The survey was administered by RTI International. Data were analyzed by the UAA Justice Center.

Intimate Partner Violence and Sexual Violence in the State of Alaska: Key Results from the 2010 Alaska Victimization Survey

Key Estimates

The following table shows the percentage and number of adult women in the State of Alaska who experienced each form of violence. All estimates were weighted to control for selection, non-response, and coverage. Estimates show that 58.6% of adult women in Alaska (or 144,881) experienced sexual violence, intimate partner violence, or both, in their lifetime; and 11.8% (or 29,174) experienced these forms of violence in the past year.

Measures of Violence	Lifetime		Past Year	
	%	N	%	N
Intimate partner violence (composite)	47.6%	117,685	9.4%	23,240
Threats of physical violence	31.0%	76,644	5.8%	14,340
Physical violence	44.8%	110,763	8.6%	21,262
Sexual violence (composite)	37.1%	91,725	4.3%	10,631
Alcohol or drug involved sexual assault	26.8%	66,260	3.6%	8,901
Forcible sexual assault	25.6%	63,293	2.5%	6,181
Any Violence (composite)	**58.6%**	**144,881**	**11.8%**	**29,174**

Intimate Partner Violence Estimates:

The intimate partner violence composite includes both threats of physical violence and physical violence.

- 47.6% of adult women (or 117,685) experienced intimate partner violence in their lifetime, with:
  - 31.0% (or 76,644) experiencing threats of physical violence, and
  - 44.8% (or 110,763) experiencing physical violence.
- 9.4% of adult women (or 23,240) experienced intimate partner violence in the past year, with:
  - 5.8% (or 14,340) experiencing threats of physical violence, and
  - 8.6% (or 21,262) experiencing physical violence.

Sexual Violence Estimates:

The sexual violence composite includes both alcohol or drug involved sexual assault and forcible sexual assault.

- 37.1% of adult women (or 91,725) experienced sexual violence in their lifetime, with:
  - 26.8% (or 66,260) experiencing at least one alcohol or drug involved sexual assault, and
  - 25.6% (or 63,293) experiencing at least one forcible sexual assault.
- 4.3% of adult women (or 10,631) experienced sexual violence in the past year, with:
  - 3.6% (or 8,901) experiencing at least one alcohol or drug involved sexual assault, and
  - 2.5% (or 6,181) experiencing at least one forcible sexual assault.

Important Limitations

The survey excluded non-English speaking women, women without phone access, and women not living in a residence. Estimates may be higher among women excluded from the survey. Estimates may also be conservative because of the continuing stigma of reporting victimization. This survey measured the number of *victims*, not the number of *victimizations*. In addition, not all forms of intimate partner violence or sexual violence were measured.

For additional information on the Alaska Victimization Survey, please visit http://justice.uaa.alaska.edu/avs, or contact André Rosay with the UAA Justice Center (907-786-1821) or Lauree Morton with the Council on Domestic Violence and Sexual Assault (907-465-5503). National, statewide, and local resources for domestic violence, sexual assault, stalking, and teen dating abuse can be found online at: http://gov.alaska.gov/parnell/priorities/choose-respect/links-to-organizations.html.

REPRESENTATIVE CATHY MUÑOZ

MEMO

DATE-MARCH 16, 2012

TO-REPRESENTATIVE BOB LYNN, CHAIR
(H)STATE AFFAIRS COMMITTEE

FROM-REPRESENTATIVE CATHY MUÑOZ

SUBJECT-HEARING REQUEST FOR HCR 28

PLEASE SCHEDULE HCR 28 AT YOUR EARLIEST CONVENIENCE. HCR 28 WILL ESTABLISH APRIL 2012 AS SEXUAL ASSAULT AWARENESS MONTH.

ENCLOSED DOCUMENTS:

- HCR 28
- SPONSOR STATEMENT
- COUNCIL ON DOMESTIC & SEXUAL VIOLENCE STATE OF AK 2010 KEY RESULTS VICTIMIZATION SURVEY
- COUNCIL ON DOMESTIC ASSAULT 2012 ALASKA DASHBOARD FINDINGS
- SUPPORT LETTERS

CONTACT TERRY HARVEY 465 5392

HJR

13

<TARGET><BILL>HJR 13</BILL><SUBJECT>HJR 13</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 21, 2011

FURTHER REFERRALS:

Date of Committee Action: 2-1-11

The STATE AFFAIRS Committee considered:

HJR 13

HOUSE JOINT RESOLUTION NO. 13
Honoring President Reagan on the 100th anniversary of his birth.

HJR 13-HONORING RONALD REAGAN

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	LEG			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
KJ Johansen	JOHANSEN	X			
Bryan Wilson	WILSON	X			
Wes Keller	Keller	X			
Wm Humphrey	Gruenberg	—			
Paul R Seaton	Seaton	✓			
Pete Peterson	PETERSEN	X			
Chair:	LYNN	X			
Chair:					

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Alaska Court System
Department of Public Safety
Department of Law

Member:
Legislative Council
Committee on Committees
Legislative Budget & Audit (alt)
House Finance Subcommittees for;
Governor's Office
Legislature
University of Alaska

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

Request For Hearing

TO: Representative Lynn
Chairman House State Affairs

FROM: Representative Bill Stoltze

DATE: January 24, 2011

SUBJECT: Request for Hearing of HJR 13 Honoring Ronald Reagan

---

This memo is to request that HJR 13 Honoring Ronald Reagan be heard in the House State Affairs Committee, at the Chairman's earliest convenience.

Attached documents included with this Request for Hearing include:

- Sponsor Statement
- House Joint Resolution No. 13

It is this office's desire to have this Joint Resolution before the Alaska State House on or before February 6, 2011 to commemorate the 40th President of the United States on the centennial of his birth, before the date has passed.

Staff
Joe Michel
X 2812

Joseph_michel...

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Alaska Court System
Department of Public Safety
Department of Law

Member:
Legislative Council
Committee on Committees
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House Finance Subcommittees for;
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University of Alaska

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

HJR 13 - Honoring Ronald Reagan on the 100th anniversary of his birth

House Joint Resolution 13 recognizes the many accomplishments, leadership and American vision of the late Ronald Reagan on the occasion of his 100th birthday, February 6, 2011.

In addition to his successful acting career, his leadership as the head of a labor union, his accomplishments as an elected official, both as Governor of California and President of the United States, Reagan was involved in several Alaska-specific initiatives and events, which this resolution recognizes. These include advocating for limited federal control of Alaska's land; signing into law the transfer of the Alaska Railroad from the federal government to the State of Alaska; meeting with Pope John Paul II in Fairbanks; and signing legislation to authorize reparation payments to Aleuts who had been relocated during the Second World War.

As such, it is appropriate for the 27th Alaska Legislature to recognize and honor the late President Ronald Reagan on the occasion of his 100th birthday.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 1
Bill Version **HJR 13**
() Publish Date

HJR 13
Title Honoring Ronald Reagan
Dept. Affected
Appropriation
Allocation
Sponsor Representative Stoltze
Requester House State Affairs Committee
OMB Component Number

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable - initial version

Prepared by Nancy Manly
Phone 465-2794
Division House State Affairs Committee
Date/Time
Approved by Representative Bob Lynn
Chair
Date 2/1/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HJR 13

Analysis

No fiscal impact

HJR

14

<TARGET><BILL>HJR 14</BILL><SUBJECT>HJR 14</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 21, 2011

FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 3-16-11

The STATE AFFAIRS Committee considered: **HJR 14**

HOUSE JOINT RESOLUTION NO. 14
Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor.

HJR 14-CONST AM: SEC. OF STATE REFERENCES

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____(_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
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MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	OOG	X		

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Peggy Wilson	WILSON			X	
Bill Keller	Keller			X	
Max Gruenberg	Gruenberg	✓			
Paul Seaton	Seaton	✓			
Pete Petersen	PETERSEN	X			
Chair: [signature]	LYNN	X			
Chair:					

Member

Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
Fax: (907) 269-0124

Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

House Joint Resolution 14:
Constitutional Amendment:
Secretary of State References
Sponsor Statement

In 1970 Alaska voters approved amendments to the state constitution changing the name of "Secretary of State" to Lieutenant Governor." At that time, however, the drafting attorneys did not catch all of the references to "Secretary of State." HJR 14 corrects the two remaining references to "Secretary of State" in the state constitution. The proposed amendments, if approved by the legislature, would be placed before the voters in the next general election.

Member

Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
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Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

House Joint Resolution 14:
Constitutional Amendment:
Secretary of State References
Sectional Analysis

Section 1: Amends Article II, sec. 5, Constitution of the State of Alaska

Adds: **lieutenant governor**
Removes: [SECRETARY OF STATE]

Section 2: Amends Article III, sec. 25, Constitution of the State of Alaska

Adds: **lieutenant governor**
Removes: [SECRETARY OF STATE]

Section 3: The section states that the constitutional amendments will be placed on the ballot at the next general election as required by Article XIII, sec. 1 of the Alaska Constitution. Two thirds of each house must approve the proposed amendments and a majority of the electorate voting must ratify it.

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 10, 2008

SUBJECT: HJR 37, correcting obsolete references in the state constitution to "secretary of state" (Work Order No. 25-LS1527\C)

TO: Representative Max F. Gruenberg, Jr.

FROM: Jack Chenoweth
Assistant Revisor

The joint resolution has been scheduled for a House State Affairs Committee hearing.

For whatever use you may choose to make of the material, set out below is a replication of my notes shared with the joint resolution's sponsor when this matter was last before the legislature in 2005.

*

In 1970, the legislature proposed and the voters, by a margin of 71% - 29% (yes = 46,102; no = 18,781), approved a series of amendments to the state constitution that changed the name of the constitutional office of "secretary of state" to the office of "lieutenant governor." In the 1970 joint resolution that proposed the amendments, SJR 2, a copy of which accompanies this memo, the drafting attorneys of the time did not catch all the references to "secretary of state." They missed the two that appear in article II, section 5 and article III, section 25. By proposing amendments to delete in those two sections the obsolete references to secretary of state and substituting references to lieutenant governor, this House joint resolution would correct the oversight.

Unlike statutes, corrections of errors and omissions in the state constitution cannot be completed editorially. Under article XIII, section 1,

> **Amendments.** Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.

Corrective changes of this kind might have been proposed by a constitutional convention called to make changes to the state constitution. However, when, at ten-year intervals since 1970, the proposals have been presented to the voters as referenda under article XIII, section 3, the voters have repeatedly failed to approve calls for state constitutional conventions. The voters defeated the calls for constitutional conventions in each of the 1972, 1982, 1992, and 2002 general elections.

JBC:med
08-168.med

Enclosure

Article 2 ~ The Legislature

Article 2, Sections:

1. Legislative Power; Membership
2. Members: Qualifications
3. Election and Terms
4. Vacancies
5. Disqualifications
6. Immunities
7. Salary and Expenses
8. Regular Sessions
9. Special Sessions
10. Adjournment
11. Interim Committees
12. Rules
13. Form of Bills
14. Passage of Bills
15. Veto
16. Action Upon Veto
17. Bills Not Signed
18. Effective Date
19. Local or Special Acts
20. Impeachment
21. Suits Against the State

§ 1. Legislative Power; Membership ~ The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

§ 2. Members: Qualifications ~ A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

§ 3. Election and Terms ~ Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years.

Editor's Note. The legislature has provided that the terms of legislators begin on the second Monday in January following a presidential election year and on the third Tuesday in January following a gubernatorial election year. See AS 24.05.080.

§ 4. Vacancies ~ A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

§ 5. Disqualifications ~ No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member

of Congress. This section shall not apply to employment by or election to a constitutional convention.

Editor's Note. Senate Joint Resolution No. 2, "changing the name of the secretary of state to lieutenant governor" in 16 sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.

§ 6. Immunities ~ Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, going to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

§ 7. Salary and Expenses ~ Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

§ 8. Regular Sessions ~ The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session. [Amended 1984]

§ 9. Special Sessions ~ Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days. [Amended 1976]

§ 10. Adjournment ~ Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

§ 11. Interim Committees ~ There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

§ 12. Rules ~ The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its

§ 17. Convening Legislature ~ Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

§ 18. Messages to Legislature ~ The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

§ 19. Military Authority ~ The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

§ 20. Martial Law ~ The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

§ 21. Executive Clemency ~ Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

§ 22. Executive Branch ~ All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

§ 23. Reorganization ~ The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

§ 24. Supervision ~ Each principal department shall be under the supervision of the governor.

§ 25. Department Heads ~ The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as

otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Editor's Note. Senate Joint Resolution No. 2, "changing the name of the secretary of state to lieutenant governor" in 16 sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.

§ 26. Boards and Commissions ~ When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

§ 27. Recess Appointments ~ The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

Article 3 ~ The Executive

Article 3, Sections:

1. Executive Power
2. Governor: Qualifications
3. Election
4. Term of Office
5. Limit on Tenure
6. Dual Office Holding
7. Lieutenant Governor Duties
8. Election
9. Acting Governor
10. Succession: Failure to Qualify
11. Vacancy
12. Absence
13. Further Succession
14. Title and Authority
15. Compensation
16. Governor's Authority
17. Convening Legislature
18. Messages to Legislature
19. Military Authority
20. Martial Law
21. Executive Clemency
22. Executive Branch
23. Reorganization
24. Supervision
25. Department Heads
26. Boards and Commissions
27. Recess Appointments

§ 1. Executive Power ~ The executive power of the State is vested in the governor.

§ 2. Governor: Qualifications ~ The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

§ 3. Election ~ The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

§ 4. Term of Office ~ The term of office of the governor is four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years later.

§ 5. Limit on Tenure ~ No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

§ 6. Dual Office Holding ~ The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.

§ 7. Lieutenant Governor Duties ~ There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor. [Amended 1970]

§ 8. Election ~ The lieutenant governor shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor. [Amended 1970]

§ 9. Acting Governor ~ In case of the temporary absence of the governor from office, the lieutenant governor shall serve as acting governor. [Amended 1970]

§ 10. Succession: Failure to Qualify ~ If the governor-elect dies, resigns, or is disqualified, the lieutenant governor elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term. [Amended 1970]

§ 11. Vacancy ~ In case of a vacancy in the office of governor for any reason, the lieutenant governor shall succeed to the office for the remainder of the term. [Amended 1970]

§ 12. Absence ~ Whenever for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

§ 13. Further Succession ~ Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the lieutenant governor is unable to succeed to the office or act as governor. No election of a lieutenant governor shall be held except at the time of electing a governor. [Amended 1970]

§ 14. Title and Authority ~ When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties and emoluments of that office. [Amended 1970]

§ 15. Compensation ~ The compensation of the governor and the lieutenant governor shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State. [Amended 1970]

§ 16. Governor's Authority ~ The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **HJR 14**
() Publish Date

Identifier (file name): HJR014-OOG-DOE-3-3-11
Dept. Affected: Office of the Governor
Title: Constitutional amendment related to correcting obsolete references to the office of secretary of state
Appropriation: Elections
Allocation: Elections
Sponsor: Representative Gruenberg
Requester: House State Affairs Committee
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services			1.5				
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**1.5**	**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 (please identify)							
TOTAL	**0.0**	**0.0**	**1.5**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by: Gail Fenumiai, Director — Phone: 465-2644
Division: Division of Elections — Date/Time: 3/3/2011, 10:03am
Approved by: Linda J. Perez, Administrative Director — Date: 3/3/2011
Administrative Services

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HJR 14

Passage of this resolution would require the constitutional amendment to appear on the 2012 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.

Member

Standing Committees:
Judiciary
Rules
State Affairs
Transportation

Alaska State Legislature

House of Representatives

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Interim:
716 W 4th Avenue, Rm 350
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Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
Rep.Max.Gruenberg@legis.state.ak.us

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Max F. Gruenberg, Jr. MG

DATE: February 7th, 2011

RE: HJR 14: Constitutional Amendment Secretary of State References

****

Please consider this memorandum as a request for the House State Affairs Committee to schedule a hearing on House Joint Resolution 14. Accompanying this memo are the following documents:

- Sponsor Statement
- Sectional Analysis
- House Joint Resolution 14 (27-LS0422\A)
- Legislative Legal Counsel Memo from Jack Chenoweth, March 10, 2008
- Copy of passages from the Alaska Constitution

Thank you for considering my request for a hearing on House Joint Resolution 14. Please contact my legislative aide, Ted Madsen, at 465-2840 with any questions.

HJR

33

<TARGET><BILL>HJR 33</BILL><SUBJECT>HJR 33</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 1, 2012 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 2-23-2012

The STATE AFFAIRS Committee considered: **HJR 33**

HOUSE JOINT RESOLUTION NO. 33
Urging the United States Congress and the President of the United States to work to amend the Constitution of the United States to prohibit corporations, unions, and individuals from making unlimited independent expenditures supporting or opposing candidates for public office.

HJR 33-AMEND U.S. CONST RE CAMPAIGN MONEY

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HJR 33 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEG			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN		X		
Bryan Wilson	WILSON		X		
Mike Keller	Keller		X		
Mac Gruenberg	Gruenberg	–			
Paul K Seaton	Seaton	–			
Pete Peterson	PeTersen	X			
Chair	LYNN	X			
Chair					

CS FOR HOUSE JOINT RESOLUTION NO. 33(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GARA, Tuck, Holmes, Miller, Gardner, Kawasaki, Kerttula, Petersen

A RESOLUTION

Urging the United States Congress and the President of the United States to work to amend the Constitution of the United States to prohibit corporations, unions, and other organizations from making unlimited independent expenditures supporting or opposing candidates for public office.

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

WHEREAS a vast majority of Americans recognize that the influence of large contributions by corporations, unions, and other organizations harms the ability of average citizens to have a voice in their own government; and

WHEREAS the decision of the United States Supreme Court in Citizens United v. Federal Election Commission, 130 S. Ct. 876 (2010), allows corporations, unions, and other organizations to make unlimited independent expenditures supporting or opposing a candidate for public office; and

WHEREAS states and the United States Congress were permitted to ban unlimited independent expenditures from corporations, unions, and other organizations until the ruling of the United States Supreme Court in Citizens United v. Federal Election Commission; and

WHEREAS much of the hundreds of millions of dollars being spent by corporations, unions, and other organizations since the ruling of the United States Supreme Court in Citizens United v. Federal Election Commission is going to negative ads, which often misinform voters rather than lead to a productive discussion of the states' and nation's most important issues; and

WHEREAS, unless the United States Supreme Court reverses its ruling, the only way to reverse the harmful effects of the Citizens United ruling is to amend the Constitution of the United States;

BE IT RESOLVED that the Alaska State Legislature urges the United States Congress and the President of the United States to work across party lines to propose a constitutional amendment to prohibit corporations, unions, and other organizations from making unlimited independent expenditures supporting or opposing candidates for public office.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; 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; all other members of the 112th United States Congress; and the presiding officers of the legislatures of each of the other 49 states.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re CS for HJR 33 - Draft Final 27-LS1231\I

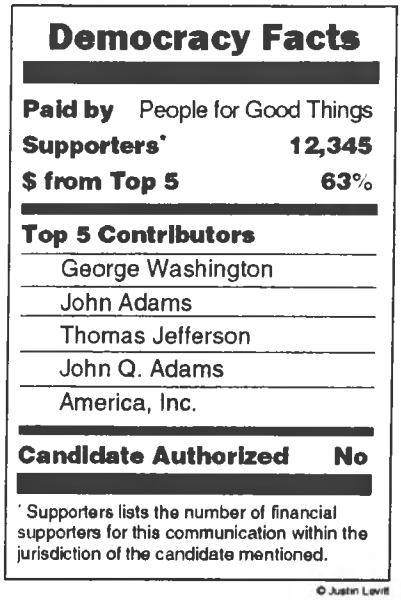
2/23/2012

HJR 33 Version I moved from Committee this morning without amendments. Please draft a final CS for HJR 33 Version I. Thanks.

Proposed Actions the Legislature can do to create more oversight on independent expenditures

- Require shareholders to approve political spending by their corporations.
- Require corporations to disclose money used to influence public opinion (other than product promotions) in their required filings with the Securities and Exchange Commission.
- Require the chief executive officer of a corporation that pays for a political commercial to appear as the sponsor.
- Require companies to inform shareholders about political spending.
- Strengthen Federal Election Commission regulations to increase transparency and disclosure.

A new—and far more basic—model of disclosure focused on particular communications may be far more promising. Consider a few simple elements designed to appear, in standardized form, within a communication itself: a sort of "Nutrition Facts" label for democracy. Such a label would signal the importance of the information it contains, as well as provide the information itself. This, in turn, would improve the chance that voters pay attention, increasing the cognitive processing they devote to the message and weakening the hold of fallible heuristics.[47]



For example, a "Democracy Facts" disclaimer emphasizing simple proxies for the quantity and fervor of local support for a particular communication might help flag the existence of a false bandwagon. This Essay suggests two rough metrics of local support, though others may be at least as suitable. For any given electoral communication, the number of financial supporters within the jurisdiction is one relevant measure of quantity.[48] The portion of financial support generated by the top *x* contributors is one relevant

47. *See* Sheff, *supra* note 40, at 163-64 (suggesting that "greater attention to the semantic content of a message" and "more in-depth cognitive processing" may mitigate the pure effect of repetition).

48. The number of supporters might include those funding the particular communication, or if such earmarked contributions do not cover the communication's costs, those otherwise funding the sponsoring entity and presumably agreeing with its speech.

Identifying the number of supporters requires a further refinement. Imagine that two hundred people give to PeopleForGoodThings, which joins twelve corporations giving to PeopleForGreatThings, which joins one organization giving to PeopleForExcellentThings, which distributes an electoral communication. How many entities have financially supported the final piece of speech in a way that reflects the strength of the bandwagon?

One technique would trace financial backing to "ultimate source donors"—that is, entities like individuals or corporations that are not themselves funded primarily by ideological donations. A tangential benefit of this technique is that it aligns the incentives of speaking entities with the difficulty of collecting information for disclosure. Any entity that wishes to magnify the impact of its speech, by speaking on behalf of a broader base of individuals, will have an incentive to trace the ultimate donor base more vigorously. Each organization will be able to weigh for itself the costs and benefits of increased information processing against the costs and benefits of the perception that it is speaking for a limited number of locals.

Additional Documents
for
HJR 33

2/23/12

- New CS for HJR 33 (Needs to be Adopted) Version I
- Memo from Representative Gara with explanation of changes
- Written Testimony – Katharine Veh

27-LS1231\I
Bullard
2/16/12

CS FOR HOUSE JOINT RESOLUTION NO. 33( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GARA, Tuck, Holmes, Miller, Gardner, Kawasaki, Kerttula, Petersen

A RESOLUTION

Urging the United States Congress and the President of the United States to work to amend the Constitution of the United States to prohibit corporations, unions, and other organizations from making unlimited independent expenditures supporting or opposing candidates for public office.

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

WHEREAS a vast majority of Americans recognize that the influence of large contributions by corporations, unions, and other organizations harms the ability of average citizens to have a voice in their own government; and

WHEREAS the decision of the United States Supreme Court in Citizens United v. Federal Election Commission, 130 S. Ct. 876 (2010), allows corporations, unions, and other organizations to make unlimited independent expenditures supporting or opposing a candidate for public office; and

WHEREAS states and the United States Congress were permitted to ban unlimited independent expenditures from corporations, unions, and other organizations until the ruling of the United States Supreme Court in Citizens United v. Federal Election Commission; and

WHEREAS much of the hundreds of millions of dollars being spent by corporations, unions, and other organizations since the ruling of the United States Supreme Court in Citizens United v. Federal Election Commission is going to negative ads, which often misinform voters rather than lead to a productive discussion of the states' and nation's most important issues; and

WHEREAS, unless the United States Supreme Court reverses its ruling, the only way to reverse the harmful effects of the Citizens United ruling is to amend the Constitution of the United States;

BE IT RESOLVED that the Alaska State Legislature urges the United States Congress and the President of the United States to work across party lines to propose a constitutional amendment to prohibit corporations, unions, and other organizations from making unlimited independent expenditures supporting or opposing candidates for public office.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; 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; all other members of the 112th United States Congress; and the presiding officers of the legislatures of each of the other 49 states.

ALASKA STATE LEGISLATURE

REPRESENTATIVE LES GARA

MEMORANDUM

TO: Chair Lynn and State Affairs Committee Members

FROM: Representative Les Gara

DATE: February 17, 2012

RE: HJR 33

Dear Chair Lynn and Committee Members:

We have crafted a proposed Committee Substitute to HJR 33 to make the following changes requested by Reps. Seaton and Johansen.

We have deleted the reference to limiting contributions by "individuals" as Reps. Johansen and Seaton have requested.

We have added the word "union" to the first whereas, as requested by Rep. Johansen, and deleted the "narrow five to four" reference to the Supreme Court *Citizens United* decision.

We have deleted the final whereas which referenced distortion of the political process.

We have made clear in the "Be It Resolved" section that we are only addressing "independent expenditures supporting or opposing candidates for public office" per the discussion between Reps. Seaton and Gruenberg.

I cannot speak for the committee members, or how they will vote, but these seemed to be the proposals the committee showed substantial support for during the last hearing.

Please let me know if you have any questions.

Thank you.

Rep. Les Gara

January-May: State Capitol • Juneau, AK 99801-1182 • (907) 465-2647 • Fax (907) 465-3518
June-December: 716 W. 4th Avenue • Anchorage, AK 99501• (907) 269-0106• Fax (907) 269-0109
Representative_Les_Gara@legis.state.ak.us

Alaska State Legislature

Please enter into the record my testimony to the House State Affairs committee name

Committee on HJR 33 bill # / subject, dated 2-14-12 public hearing date

I am so glad to support HJR 33 and I want to thank the folks who created this bill.

I love my country and I am saddened by our national crisis of corruption. HJR 33 is a step in the right direction toward fixing this grave issue threatening our republic.

I am not a corporation, union or wealthy individual. I am a living, breathing human being with a conscience, morals and a strong sense of patriotism towards my country. It's essential that we have a government that represents the people.

I follow the sacred prayer, "Lead us not into temptation; deliver us from evil." Throwing any sum of money at our politicians is corruption. It's immoral. We are not the United States of Mexico.
We are the U.S. of America. I take a great deal of pride in that!

Trust needs to be restored in America. On a good day, Congress has an approval rating of 12%.
On a bad day, their approval rating is 9%. People in our country feel that there is a love affair going on between U.S. politicians and corporate special interests, and we, the people, get cast aside. In our political system money speaks, and since many of us cannot compete with the enormous sums of money of corporate interests, politicians don't care about us or listen to us. This is a travesty.

With all due respect, spending huge sums of money on politicians doesn't buy better leaders.
Politicians are in a vicious cycle of having to spend vast amounts of time raising enormous sums of money from corporations and unions. This robs leaders of the experience of actually talking to people. If the government is spending its time with corporations and very little with people, guess who will be heard and fairly represented. It won't be the people. It is disrespectful to our country, our leaders and our citizens to auction our leaders off.

Money does not equal free speech. It represents speech at a hug cost to our country. Global corporations are not citizens of our country. They can pack up and resettle in China at any time. Does that mean our country could be sold to China? It's a question of national security worth discussing. Could a Chinese CEO influence American policy? Perhaps if they donated enough money to the President's re-election campaign.

Again, the prayer, "Lead us not into temptation; deliver us from evil." If we let corporations, unions and special interests make unlimited expenditures supporting or opposing candidates for public office, we risk losing our entire democracy. I am an American. I am proud of my country.
I want people to like and respect their politicians and to have some faith in the political system.

Signed: Katharine Veh
Testifier

Self
Representing (optional)

34506 Commerce St Soldotna, AK 99669
Address

(907) 260-4669
Phone number

library

Move to Amend Anchorage

February 9, 2012

Statement in Support of HJR 33 and SJR 13

We are a group of Alaska citizens who came together over one common concern: money flooding into our elections and influencing the results. Since the *Citizens United* Supreme Court decision, there has been an unprecedented increase in money spent, ads run, and negativity abounding. As there is nothing above the Supreme Court to reverse their decision except the U.S. Constitution, this is where we have turned.

Taking our cue from Move to Amend, which is an umbrella group supported by many different agencies, we held a rally on January 20 in front of the Alaska Federal Courthouse at 222 E. 7th Avenue. We have written letters to the editor and written to our representatives as individual citizens.

This issue cuts across all party lines, as it potentially affects every candidate running in an election, be it local, state or national. Much of the money spent cannot be traced, or at least not in time for the voter to know who was responsible for a particular attack ad before an election. Super-PACS are popping up faster than mushrooms. Whether the money has come from wealthy individuals, unions, corporations, or non-profits, we stand against having so much money influence our elections.

We applaud our representatives and senators for realizing what a threat this situation is to our democracy and we fully support HJR 33 and SJR 13.

P. 01

From the Juneau Group different from the Anchorage Group.

House State Affairs Committee

RE: House Joint Resolution 33

I am here today to represent Juneau's chapter of Move to Amend. Move to Amend has chapters all around the state in Anchorage, Kenai, Juneau, Prince of Wales, and Sitka as well as chapters around the Nation. Move to Amend's mission is to amend the US Constitution to limit the amount corporations can spend in our elections.

Right now, we live in a political climate where we are bombarded by endless commercials and advertisements either supporting one candidate or smearing another. After the Citizens United decision nearly $4 billion was spent during the 2010 Congressional Election. And, according to the Center for Responsive Politics, "in the Congressional races of 2010, the candidate who spent the most money won 85% of the House seats and 83% of the Senate." Citizen's United has given the politicians with the most corporate support an upper hand in our elections.

The US Government was designed to be "of the people, for the people, and by the people" and the election process is fundamental for achieving that goal. Not only can anyone vote, but anyone can run for office. But right now, the playing field is not even. Anyone can run, but without campaign finance limitations, not everyone has an equal opportunity to win. By allowing unlimited campaign contributions, the political system has essentially been rigged against hardworking Americans who can't afford to compete with for-profit corporations, unions, special interest groups, and wealthy individuals.

By passing this resolution, Alaska would be asserting itself as a state whose Representatives support fair campaigns and are dedicated to faithfully representing the average American.

Thank you for your time.

Kokayi Nosakhere

Kendra Sweaney

Randi Spray

Jasmine Danah

HOUSE JOINT RESOLUTION NO. 33

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA, Tuck, Holmes

Introduced: 2/1/12
Referred:

A RESOLUTION

Urging the United States Congress and the President of the United States to work to amend the Constitution of the United States to prohibit corporations, unions, and individuals from making unlimited independent expenditures supporting or opposing candidates for public office.

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

WHEREAS a vast majority of Americans recognize that the influence of large contributions by corporations, wealthy individuals, and organizations harms the ability of average citizens to have a voice in their own government; and

WHEREAS the narrow five to four decision of the United States Supreme Court in Citizens United v. Federal Election Commission, 130 S. Ct. 876 (2010), allows corporations and unions to make unlimited independent expenditures supporting or opposing a candidate for public office; and

WHEREAS unlimited independent expenditures from corporations and unions were prohibited until the ruling of the United States Supreme Court in Citizens United v. Federal Election Commission; and

WHEREAS much of the hundreds of millions of dollars being spent by corporations and unions since the ruling of the United States Supreme Court in Citizens United v. Federal Election Commission is going to negative ads, which often misinform voters rather than lead to a productive discussion of the states' and nation's most important issues; and

WHEREAS, unless the United States Supreme Court reverses its ruling, the only way to reverse the harmful effects of the Citizens United ruling is to amend the Constitution of the United States; and

WHEREAS, while not addressed by the United States Supreme Court's ruling in Citizens United, unlimited independent expenditures made by individuals also distort the political process and ability of all American citizens to have an equal voice in government;

BE IT RESOLVED that the Alaska State Legislature urges the United States Congress and the President of the United States to work across party lines to propose a constitutional amendment to prohibit corporations, unions, and individuals from making unlimited independent expenditures.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; 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; all other members of the 112th United States Congress; and the presiding officers of the legislatures of each of the other 49 states.

ALASKA STATE LEGISLATURE

REPRESENTATIVE LES GARA
REPRESENTATIVE BERTA GARDNER
REPRESENTATIVE DAVID GUTTENBERG
REPRESENTATIVE LINDSEY HOLMES
REPRESENTATIVE BETH KERTTULA
REPRESENTATIVE CHRIS TUCK
REPRESENTATIVE SCOTT KAWASAKI
REPRESENTATIVE BOB MILLER

Sponsor Statement

Resolution Relating to Limiting Campaign Expenditures

Many Americans recognize that the ability of large contributions from corporations, wealthy individuals and organizations to political candidates harms the ability of average citizens to have a voice in their own government. Prior to the landmark United States Supreme Court ruling of Citizens United v. Federal Election Commission, 130 S. Ct. 876 (2010), unlimited independent expenditures from corporations and unions was prohibited. Now, corporations and unions can make unlimited independent expenditures supporting or opposing a candidate for public office.

Additionally, a prior ruling, Buckely v. Vallejo, allowed individuals to make unlimited independent expenditures, the effects of which we are now seeing in the flood of Super PAC ads that are, this political season, distorting the political process.

Unless the United States Supreme Court reverses these rulings, the only way to reverse the harmful effects of these decisions is to amend the Constitution of the United States.

Therefore, this resolution calls upon the Alaska State Legislature to urge the United States Congress and the President of the United States to work across party lines and propose a constitutional amendment to prohibit corporations, wealthy individuals and unions from making unlimited independent expenditures.

Please feel free to contact our office if you have any questions.

January-May: State Capitol • Juneau, AK 99801-1182 • (907) 465-2647 • Fax (907) 465-3518
June-December: 716 W. 4th Avenue • Anchorage, AK 99501• (907) 269-0106• Fax (907) 269-0109
Representative_Les_Gara@legis.state.ak.us

GO

(e.g. Donors, Politicians, Corporations and more)

OpenSecrets.org
Center for Responsive Politics

Outside Spending

Campaign contributions and lobbying expenditures are not the only ways that money is used influence public policy decisions.

Thus far, outside groups (parties, super PACs, corporations, unions, other groups, etc.) have spent **$55,573,113** during the 2012 election cycle to run ads, make phone calls, distribute literature and engage in other activities to sway the electorate about candidates and issues.

Organizations not directly affiliated with political parties accounted for **$51,794,091** of that amount, of which **$45,012,210** was spent by **305** super PACs.

A January 2010 Supreme Court decision (*Citizens United v. Federal Election Commission*) now permits corporations and unions to make such expenditures from their treasuries directly and through other organizations. The decision allows such activity to take place without complete or immediate disclosure of who funds such communications, preventing voters from understanding who is truly behind many political messages.

Read more...

Select a cycle: 2012

Top Groups Making Outside Expenditures in 2012 Elections, Excluding Party Committees

Organization	Total	View*	Independent Expenditures	Elec Comm	Comm Costs	Super PAC	527s†	501c
Restore Our Future	$17,534,037	C	$17,534,037	$0	$0	x		
Winning Our Future	$8,838,997	C	$8,838,997	$0	$0	x		
Make Us Great Again	$3,959,824	C	$3,959,824	$0	$0	x		
Endorse Liberty	$3,347,176	C	$3,347,176	$0	$0	x		
Our Destiny PAC	$2,453,204	C	$2,453,204	$0	$0	x		
Red, White & Blue	$1,954,534	C	$1,954,534	$0	$0	x		
Ending Spending	$1,742,479	C	$0	$1,742,479	$0	x		x
House Majority PAC	$1,612,169	L	$1,612,169	$0	$0	x		
Senate Conservatives Fund	$1,064,555	C	$1,064,555	$0	$0			
American Crossroads	$1,064,223	C	$1,064,223	$0	$0	x		

VIEW ALL GROUPS

* C = Conservative, L = Liberal

† Indicates that this organization has a 527 committee registered with the IRS. The committee's 527 spending outside of electioneering communications is NOT included in these totals. Read more about 527s.

Top 2012 Races Attracting Outside Spending, Excluding Party Committees

Race	Total	For Dems	Against Dems	For Repubs	Against Repubs
President	$43,528,889	$32,657	$1,461,187	$19,987,916	$22,018,847
New York District 26	$1,519,007	$173,341	$313,449	$68,917	$863,300
Texas Senate	$1,103,173	$0	$0	$634,413	$468,760
Nebraska Senate	$717,409	$406,345	$742	$310,322	$0
Oregon District 1	$664,485	$57,334	$0	$13,051	$594,100
Nevada District 2	$296,139	$0	$188,952	$104,937	$2,250
New York District 9	$270,442	$0	$68,555	$39,231	$162,656
Iowa District 3	$208,664	$0	$0	$0	$208,664
Utah Senate	$186,539	$0	$0	$51,351	$135,188
Massachusetts Senate	$166,017	$10,017	$0	$0	$156,000

VIEW ALL RACES

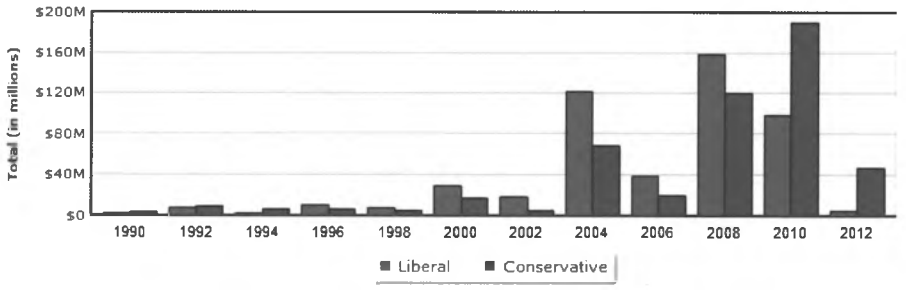
Why don't the numbers add up?

Top 2012 Candidates Attracting Outside Expenditures, Excluding Party Committees

Candidate	Race	Total	For Dems	Against Dems	For Repubs	Against Repubs	Results
Gingrich, Newt (R)	PRES	$19,805,570	$0	$0	$3,317,794	$16,487,776	
Romney, Mitt (R)	PRES	$8,912,582	$0	$0	$3,913,502	$4,999,080	
Perry, Rick (R)	PRES	$3,964,824	$0	$0	$3,964,824	$0	
Paul, Ron (R)	PRES	$3,857,090	$0	$0	$3,724,100	$132,990	
Santorum, Rick (R)	PRES	$2,511,525	$0	$0	$2,112,524	$399,001	
Huntsman, Jon (R)	PRES	$2,453,454	$0	$0	$2,453,454	$0	
Obama, Barack (D)	PRES	$1,522,126	$32,657	$1,461,187	$0	$0	
Corwin, Jane (R)	NY26	$649,611	$0	$0	$68,917	$480,694	
Cruz, Ted (R)	TXS2	$634,413	$0	$0	$634,413	$0	
Cornilles, Robert (R)	OR01	$607,151	$0	$0	$13,051	$594,100	
VIEW ALL CANDIDATES							

GROUP FILTER: **Excluding Party Committees** | All Groups

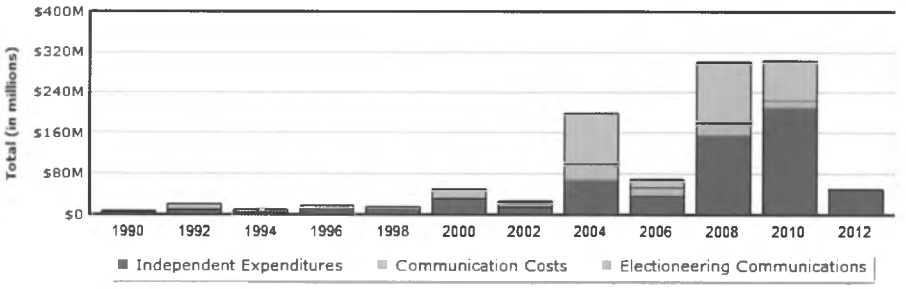
Total Liberal vs. Conservative Outside Spending, Excluding Party Committees



Total Outside Spending by Election Cycle, Excluding Party Committees

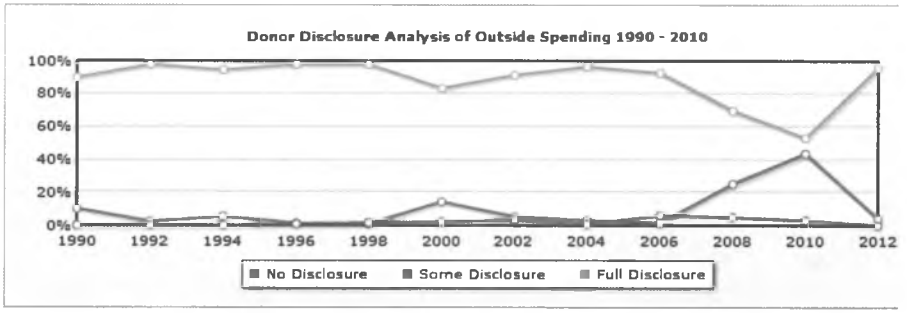
See: **entire cycle** | Year-to-date

Download: CSV XML JSON



Cycle	Total	Independent Expenditures	Electioneering Communications	Communication Costs
2012	$51,794,091	$49,804,457	$1,918,698	$70,936
2010	$304,679,091	$210,912,167	$79,958,557	$13,808,367
2008	$301,679,929	$156,841,894	$119,256,138	$25,581,897
2006	$68,852,502	$37,394,589	$15,152,326	$16,305,587
2004	$200,102,202	$68,716,443	$100,218,129	$31,167,630
2002	$27,289,285	$16,588,844	N/A	$10,700,441
2000	$50,796,592	$33,034,631	N/A	$17,761,961
1998	$15,191,107	$10,266,937	N/A	$4,924,170
1996	$17,884,043	$10,167,742	N/A	$7,716,301
1994	$9,538,844	$5,219,215	N/A	$4,319,629
1992	$19,635,123	$10,947,342	N/A	$8,687,781
1990	$7,213,219	$5,650,524	N/A	$1,562,695
Show/hide 1990-2004 cycles				

Outside Spending by Disclosure, Excluding Party Committees



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January 7, 2012

As Primary Looms in N.H., Donor Gives Lift to Gingrich

By **MICHAEL D. SHEAR** and **NICHOLAS CONFESSORE**

MANCHESTER, N.H. — As candidates spent the weekend trying to catch up to **Mitt Romney** in New Hampshire, with the primary just two days away, a longtime supporter of **Newt Gingrich** donated $5 million to a "super PAC" backing his presidential bid, providing a major boost to Mr. Gingrich's ailing campaign.

The donation by Sheldon Adelson was reported Saturday night by The Washington Post. He has long been a generous patron of Mr. Gingrich's political career. The super PAC, Winning Our Future, was formed last month by Becky Burkett, who served until earlier last year as chief development officer for American Solutions, a political action committee that Mr. Gingrich founded. The cash infusion from Mr. Adelson instantly catapults Winning Our Future into the top ranks of candidate super PACs, groups that can raise unlimited amounts of money from donors and spend it all on advertisements and other efforts to back a specific candidate, so long as they do not coordinate with the campaign.

Ms. Burkett declined to comment on the donation on Saturday.

Restore Our Future, a super PAC backing Mr. Romney, the former Massachusetts governor, and run by his former aides, spent millions of dollars in Iowa on advertisements attacking Mr. Gingrich. The withering barrage was widely credited with torpedoing Mr. Gingrich's standing in the state and opening the door for Mr. Romney to narrowly win last Tuesday's caucuses.

The group is already running ads in Florida and South Carolina attacking Mr. Gingrich, and had spent roughly $3.7 million by the beginning of last week.

Rick Santorum, who has emerged as the leading rival to Mr. Romney, began the weekend looking past Tuesday's primary to the 11-day battle in South Carolina that will follow.

Mr. Santorum, a former United States senator from Pennsylvania, picked up support from an important social conservative on Saturday, and his campaign completed the purchase of

time for television commercials that will run in South Carolina from Tuesday through Jan. 17, according to Republicans who have been tracking the television market. He planned to head south to Greenville, S.C., as soon as Sunday morning's debate was over.

"We feel great about South Carolina," Mr. Santorum said.

The new commercials would be the Santorum campaign's largest commitment yet in South Carolina, which will hold its primary on Jan. 21. Mr. Santorum was already getting support from his "super PAC," the Red, White and Blue Fund. It began running a 30-second commercial titled "Pride" on Saturday, which emphasizes what his advisers believe is his best appeal to South Carolina voters who remain wary of supporting Mr. Romney: his deeply conservative record.

"He's the principled conservative," the announcer says. Then, taking an implicit shot at Mr. Romney, who has been attacked for reversing some of the more liberal positions he advocated as the governor of Massachusetts, the announcer adds, "Rick Santorum, the conservative we can trust."

Mr. Santorum was set to receive the support of Gary Bauer, the chairman of the conservative group Campaign for Working Families, who said he planned to endorse Mr. Santorum officially when he arrives in South Carolina. Mr. Bauer, who declared in an interview last week that he would not take part in a concerted effort "to try and stop Mitt Romney," said he had concluded that Mr. Santorum's middle-class background made him a stronger general election candidate against President Obama.

"It's going to be a particularly bitter, nasty general election. That's what the White House is signaling with the class warfare rhetoric," Mr. Bauer said in an interview on Saturday. "In an election like that, you want the base of your party to be on fire for the candidate."

With just three days left before voting in the New Hampshire primary, Mr. Santorum made his closing argument the one that candidates have been leveling against Mr. Romney for months — that Mr. Romney is not conservative enough to be the party's standard-bearer.

Standing on the bench of a picnic table here on a balmy afternoon outside a small delicatessen, Mr. Santorum used his sharpest language yet, saying that Mr. Romney was the candidate of the "establishment" and would only perpetuate "the status quo."

"The leader in this race fashions himself as, 'I'm a C.E.O., I'm a good manager,' " Mr. Santorum said in a near shout as he spoke without a microphone. But, he said, the country

did not need a manager. "It needs someone with a bold vision to transform Washington to limit government, not to manage the problems that are in that city," he said.

Mr. Gingrich and Ron Paul both echoed Mr. Santorum's attack against Mr. Romney.

Mr. Gingrich released a flier called "Not Romney!" that hammers the message that "Romney is not a conservative" and "Romney is not electable." Mr. Paul has said that Mr. Romney "won't stand firm" for conservative principles.

Mr. Romney continued to largely ignore his rivals. Campaigning at a rally in Derry on Saturday morning, Mr. Romney hammered away at President Obama's leadership.

"What frightens me today is we have a president I don't think who understands the nature of America, the power of opportunity and freedom," Mr. Romney said. "He said he was going to bring big things to America. Well, he did, but they came with great big price tags and they didn't work out so well. Big things, bad things, expensive things."

Polls show that Mr. Romney leads the field by a wide margin in New Hampshire. But he and his allies spent the day trying to lower expectations, even as they sought to keep his supporters motivated.

"Let me tell you: don't get too confident with those poll numbers. I've watched polls come and go," Mr. Romney said at a breakfast rally on Saturday. "Things change very quickly. It's very fluid. I need to make sure you guys get your friends to go out and vote, and you vote as well."

Also on Saturday, five former United States ambassadors to the Vatican endorsed Mr. Romney, choosing a Mormon over two Roman Catholic rivals in the race for the Republican presidential nomination.

In a statement showcased by Mr. Romney's campaign, the ambassadors said they "are united in our wholehearted support for the candidacy of Mitt Romney for the presidency of the United States because of his commitment to and support of the values that we feel are critical in a national leader."

Jon M. Huntsman Jr., a former governor of Utah, continued to campaign across New Hampshire. At stops on Saturday morning, he beseeched voters to be serious about their choice.

"The pundits come into New Hampshire, as they are now, and say, 'Here's how it's going to happen folks,' " Mr. Huntsman said at a town-hall-style meeting in North Haverhill, where

about 100 people turned out. "Then the people of New Hampshire step in and it's a different reality. You always, always upend conventional wisdom, and I think you're going to do it again."

Mr. Paul had said he planned to support his party's eventual nominee, even though most of the other Republican candidates, he believed, would hew close to the status quo.

"I will support the Republican nominee, because I think they will be better" than President Obama, he said. "But I think it will be marginally better."

Gov. Rick Perry of Texas, who is not competing in New Hampshire but will appear in the debates here, planned to go to South Carolina on Sunday for a last effort to save his candidacy.

Reporting was contributed by Katharine Q. Seelye from Amherst, N.H.; Trip Gabriel and Richard A. Oppel Jr. from Concord, N.H.; Abby Goodnough from North Haverhill, N.H.; and Jeff Zeleny from Manchester.

The Washington Post

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Casino mogul Sheldon Adelson's family is bankrolling Gingrich Super PAC

By James V. Grimaldi, Updated: Wednesday, February 1, 11:51 AM

Family members of Las Vegas Sands casino magnate Sheldon Adelson donated $1 million last year to the independent committee behind presidential hopeful Newt Gingrich, in addition to the $10 million that Adelson and his wife, Miriam, have given the super PAC this year.

Newly released federal reports show that the Winning Our Future political action committee, which backs Gingrich's campaign, is more closely tied to the Adelson family than previously known. Of the $2 million in donations reported by the super PAC through the end of 2011, half of the money came from the daughters and son-in-law of Miriam Adelson, according to filings made to the Federal Election Commission late Tuesday.

After Gingrich's overwhelming loss to Mitt Romney in Tuesday's Florida GOP primary, Winning Our Future will likely need another infusion of cash if it plans to stay active in upcoming contests, particularly Super Tuesday, March 6, when 10 states hold primaries and caucuses. The super PAC may again turn to the Adelson family, which has single-handedly kept Gingrich's presidential bid alive with handsome donations to the group. The Adelsons are strong backers of Gingrich's views on Israel, where Miriam Adelson was born.

The large donations from the Adelson family members, who had maxed out in making individual contributions to Gingrich's campaign, helped Winning our Future launch a barrage of negative advertising against Romney. Sheldon Adelson is chairman of the Las Vegas Sands Corp., operator of casino resorts worldwide, and one of the richest men in America. Miriam Adelson is a physician.

The new reported donations come from Miriam Adelson's oldest daughter, Yasmin Lukatz, and Yasmin's husband, Oren Lukatz, who gave $250,000 each. Miriam Adelson's second daughter, Sivan Oschorn, gave $500,000. Miriam Adelson has four children; the two daughters who donated to the PAC are from her first marriage, to a Tel Aviv physician.

The Adelsons declined to comment, but friends of the couple said that they expect them to remain loyal to Gingrich. "He will stick with Newt until Newt drops out of the race," said an associate of Adelson who spoke on condition that he not be named so he could comment frankly about his longtime friend. "I think he'll do whatever he needs to do to support Newt and do whatever he needs to do to beat Barack Obama."

Winning Our Future, whose spokesman Rick Tyler declined to comment, has spent about $12 million to

promote Gingrich's candidacy so far, according to reports. It is unclear exactly how much the PAC has raised because the FEC has required the group to report those funds only through the end of December. The Adelsons gave $10 million in January.

The only other major donors to the PAC listed in the report were from Texas billionaire Harold Simmons, who is a major backer of Texas Gov. Rick Perry, and Alabama commercial real estate investor W. S. Propst. Each gave $500,000 each in December.

Super PACs, under recent court rulings, can accept unlimited amounts of donations as long as the committees do not coordinate with a campaign. Winning Our Future is run by former Gingrich associates who had previously worked for Gingrich's campaign and his similarly named 527 nonprofit organization.

Winning Our Future reported to the FEC as the address for Miriam Adelson's daughters and son-in-law — Ochshorn and the Lukatzes — as being the Venetian hotel in Las Vegas owned by Sheldon Adelson's Las Vegas Sands Corp.

Yasmin Lukatz serves on the board of trustees of the Dr. Miriam and Sheldon G. Adelson Educational Campus, a school in Las Vegas. A 2008 story from the Israeli news site Haaretz.com referred to Lukatz as a high-ranking Las Vegas Sands Corp. executive, and her biography on the campus Web site states that she is special assistant to Sheldon Adelson, chairman and CEO of Las Vegas Sands. But a company spokesman said Lukatz is no longer an employee of her stepfather's firm.

Little is known about Lukatz, who began making contributions to Republicans in 2007 and is listed in federal reports by campaigns as a homemaker or an executive at the Venetian. According to Haaretz.com, Yasmin Lukatz returned to Israel "to do military service as an officer in the Israel Air Force. Afterward she stayed on, concluding cum laude a first degree in law and business administration at Tel Aviv University. "

Before Oren Lukatz married Yasmin Oschorn in 2009, he had not made a campaign contribution to a candidate to federal office, records show. Since late 2010, he has made nearly $400,000 in donations, including the recent PAC gift.

His Twitter bio says that he was "born and raised in Israel, educated in Europe and in the United States." A graduate of the San Francisco Art Institute, Oren Lukatz's photography has been shown in U.S. galleries, according to his Web site. One recent show, "Road Closed Ahead," features "dead-end alleys, old motels, neglected buildings, empty pools and filthy streets" near the Las Vegas Strip, the Web site said.

Sivan Oschorn studied astrophysics and business administration, according to Haaretz.com, and she is married to attorney Patrick Dumont, a vice president of Las Vegas Sands, according to FEC filings. Dumont also is a major GOP contributor.

Staff researcher Lucy Shackelford contributed to this story.

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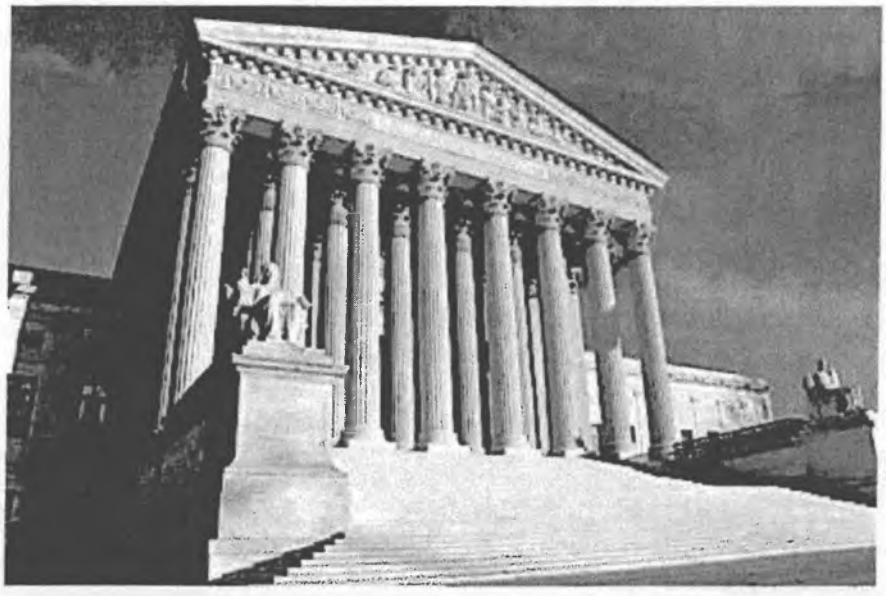
SATURDAY, JAN 21, 2012 2:00 PM UTC2012-01-21T14:00:00ZL, M J, Y G:I A T

The hard truth about Citizens United

On the second anniversary of a terrible decision, every proposed solution has a downside.

BY STEVEN ROSENFELD



Birthplace of the Citizens United decision (Credit: Orhan Cam via Shutterstock)

The movement to overturn the Supreme Court's controversial *Citizens United* ruling and confront the doctrine of "corporate personhood" stands at a perilous crossroads.

AlterNet NEWS & POLITICS

Across the country, two distinct strategies are converging on Congress. More than a million people have signed online petitions. State legislators, city and township governments, Democratic Party groups and unions have sponsored and passed measures in 23 states demanding that Congress pass a constitutional amendment to reassert and elevate the political speech of individual citizens and roll back the growing legal privileges of corporations.

The two approaches can be seen in the protest signs and sound bites proclaiming, "Money is Not Speech" and "Overturn Corporate Personhood." But these slogans are not calling for the same remedy, especially when transformed into legal language in 10 proposals that have been introduced in the current Congress.

The first would address campaign finance setbacks in a 35-year line of Supreme Court rulings, including the *Citizens United* ruling in 2010, which deregulated campaign spending by corporations and unions. The second would go further and seek to revoke the status of corporations as persons under the Constitution, rolling back more than a century of Supreme Court rulings.

These two approaches expose an emerging split among progressives with deeper problems that go beyond the steep if not improbable political climb required to adopt any constitutional amendment: passage by two-thirds of Congress followed by ratification by three-quarters of state legislatures.

With a few exceptions, the growing movement to overturn *Citizens United* and revoke corporate personhood is not being taken seriously beyond America's liberal communities. The guardians of American capitalism—the U.S. Chamber of Commerce and Republican National Committee—do not even feel a need to attack it, unlike recent barbs aimed at the National Popular Vote campaign to reform the Electoral College.

Corporate America's assessment that this activity is not yet a serious threat to their power is also shared by another key sector of the progressive spectrum. Many of the country's top liberal constitutional scholars have been silent, as this bandwagon has gathered momentum. They sympathize with its goals but think its champions are not only overpromising to grassroots supporters but have not thought out what they want Congress to do. Nor do they think the frontline voices have done a good job explaining what is at stake beyond hurling bumper sticker slogans. In other words, they reach the same conclusion as America's corporate titans: this clamor is not yet poised to upend the law behind America's political system.

"I am really excited about the fact that there is so much public interest in this stuff and on the right side—the visceral sense that the Supreme Court has got it wrong," said Dan Tokaji, co-editor of *Election Law Journal* and an Ohio State University professor of law. "But at the same time I'm uncomfortable with the bumper sticker-like critiques. It's not like there's a magic bullet. Every solution has a downside. It's a matter of weighing costs and benefits. And that is especially true in campaign finance reform."

"I do think the body of law from *Buckley* through *Citizens United* to *Bennett* needs readjustment, and I helped Rep. Donna Edwards draft one potential constitutional amendment," said Harvard Law School's Laurence Tribe, one of the country's leading constitutional scholars and a man liberals lobbied President Clinton to appoint to the Supreme Court. "But most of the constitutional amendments floating around seem to be seriously misguided; they would do both too much and too little."

Such skepticism is not what amendment proponents, particularly those favoring the most sweeping ideas, believe or want to hear. They say there is a danger in doing too little; that a populist campaign is needed and working; and that an amendment reserving constitutional rights only for natural persons is on par with the post-Civil War amendments ending slavery and protecting former slaves as citizens.

"We are doing movement building in order to win a constitutional amendment within a decade," said David Cobb, the 2004 Green Party presidential candidate and board member of the Move To Amend coalition, which has led much of grassroots organizing. "We have a meta-perspective about what is going on, but we also have a sense of movement history; in recognizing what it takes to actually get a lot of people in motion demanding systemic change. Our call is no more radical or will be no more difficult than the abolitionist movement, the women's suffrage movement, trade union movement or the Civil Rights movement."

But liberal skeptics also include groups that have been helping local governments adopt laws subordinating corporate rights to community and individual rights in a range of environmental fights. These ordinances are below-the-radar equivalents to the recent Montana Supreme Court decision that upheld its century-old ban on corporate electoral spending. They all make a "compelling" claim, the highest standard in constitutional law, to affirm democratic rights.

"They're good people and their heart is in the right place, but they're not being helpful—as a matter of fact, they are doing damage," said Ben Price, project director of the Community Environmental Legal Defense Fund (CELDF), which has helped 130 municipalities in a half-dozen east-central states—including the city of Pittsburgh, Pennsylvania–local anti-corporate ordinances in environmental fights. "They won't bring the outcomes that are needed."

"We don't think that is the right strategic move at this time because it will be overturned," Cobb said, when asked why his coalition's members do not pursue CELDF-style changes in law, citing his own experience in Humboldt County, California, where a county ordinance was reversed in federal court. "And why will it be overturned; because corporations have constitutional rights, according to the federal district courts and U.S. Supreme Court. The ultimate win has to result in a constitutional amendment."

This debate—to go narrow or to go big; to focus in Washington or in the states; or what is the relationship between divergent strategies—has not been heard on the airwaves as Americans see the big-spending excesses in the first 2012 presidential contests and as many liberal public interest groups focus on the anniversary of the *Citizens United* ruling. But it is a vast middle ground that is not esoteric or fruitless.

It is not difficult to understand the substance of the law or the choices before Congress. Do people want to see candidates like Newt Gingrich knocked from the lead in Iowa with millions of dollars in largely negative TV ads from super PACs, which Gingrich decried until a billionaire friend gave $5 million to a pro-Newt super PAC before the upcoming South Carolina primary? Do they want to see public financing as a way that non-wealthy candidates can run for federal office? Do they want to see corporations banned from spending money on ballot measures in states like California? Do they want to see limits imposed on all political donations and expenditures to prevent corruption? Do they want to see all money—above the smallest donations—flowing in and out of campaigns and electioneering reported in a timely way?

And what loopholes do people want to let slip into the latest reform proposals in Congress—since every amendment proposed thus far contains exceptions giving a way for people with the means to monopolize the microphone? Does it matter that groups representing communities of color, like the NAACP, could lose their rights to run as a non-profit corporation which includes the right of assembly and to speak on behalf of its members? Should property owners lose a constitutional due process right to sue if the government seizes their property?

These are some of the questions that are not being clearly discussed as many progressive groups are increasingly promoting punishing corporate America by revoking all their constitutional rights. But raising these very questions, elevating the public discussion around them, and getting to specifics is precisely what is needed before any prospect for reform will be taken more seriously.

Democracy's Nemesis: The Supreme Court

"Rarely have so few imposed so much damage on so many," is how Bill Moyers refers to the Supreme Court's deregulation of money in politics, in a forward to a new book on how decades of Court doctrine have increased political speech for corporations while leaving individuals' rights unchanged and in some cases diminished. These rulings are not hard to understand. But they must be understood to coherently discuss what reforms and choices are available to Americans in 2012.

Today's rules for raising and spending campaign cash go back to the post-Watergate era when Congress decreed that campaign donations and political spending could be regulated. With a few temporary exceptions, since 1976 the Court has been rolling back that proposition. In 1976, the Court held in *Buckley v. Valeo* that spending money was a form of political speech—not conduct—entitled to the highest First Amendment protection. *Buckley* ended congressional and state limits, and enabled wealthy individuals to spend unlimited sums from their own pockets in their runs for office.

But that was just the beginning. In 1978, in *Bank of Boston v. Bellotti*, a case involving a Massachusetts ballot referendum, the Court held that corporations could spend money in non-candidate elections. No candidate meant nobody could be corrupted by donations, it held. *Bellotti* invalidated laws in 30 states, prompting a subsequent explosion of corporate-financed ballot measures in states with that option, a significant factor in undermining the legislative process in those state capitals.

This campaign finance landscape essentially held until John Roberts became Chief Justice. In the intervening years, however, the Supreme Court continued to expand corporate speech rights—repeatedly ruling that commercial speech, including advertising and product labeling, was more deserving of First Amendment protection than public-interest efforts by local, state and federal governments.

The Supreme Court blocked efforts to include energy conservation notices in utility bills. Lower federal courts followed and subsequently rejected pro-consumer labels and health warnings on milk, tobacco and cellphones. Another ruling upheld pharmaceutical companies' right to use medical records for commercial purposes, diminishing personal privacy. And another rulingheld that corporations have constitutional protection against searches by federal agencies. Thus in a range of rulings beyond elections, the federal judiciary expanded corporate constitutional rights and eroded legislated public protections.

"In the last few years, the Supreme Court and lower federal courts have shown a new hostility toward laws that regulate the economy and try to limit the effects of economic power," wrote Jedediah Purdy in *Democracy Journal's* Winter 2012 issue. "The First Amendment has helped the Supreme Court do for the consumer capitalism of the Information Age what freedoms of contract did for the Industrial Age: constitutionally protect certain transactions that lie at the core of the economy."

The Court is not unable to distinguish corporations from people as many activists assume. The Roberts Court ruled in 2011, without dissent, that corporations are not entitled to a personal privacy right exemption to block Freedom of Information Act requests. Chief Justice Roberts, who wrote the opinion, concluded by saying the justices "trust that AT&T will not take it personally." But this was not a constitutional decision. And in elections, the Court has blurred the distinctions between corporate and individual participants.

In *Citizens United*, the Court turned a relatively narrow case into a giant leap forward for corporate electioneering. The ruling did a handful of things. It first struck down a prohibition that barred broadcasting a certain type of political ad—almost always negative and from sponsors who barely identified themselves—in the 60 days before an election. That provision in a 2002 campaign reform law tried to elevate political debate. It then overturned parts of prior Supreme Court rulings that said independent corporate spending could be regulated. Thus it undermined a century-old regime barring direct corporate participation in elections, elevating corporate political rights to the same level as those of citizens.

The Court's ideological conservative majority did not stop with *Citizens United*. Last June, it chipped away at public financing laws by siding with *Buckley's* protection of independently wealthy candidates. In *Arizona Free Enterprise Club v. Bennett*, it struck down a matching funds formula in Arizona's public financing law that gave additional funds to publicly financed candidates if a rival personally spent more than a stated amount. The ruling gutted the law but said public financing was still permissible.

Too Little, Too Much

The amendment proposals fall into two categories with some overlap in between. The first group takes a legislative empowerment approach. They seek to return the campaign finance landscape to pre-*Buckley* days, stating that Congress and the states have power to regulate the raising and spending of money in elections. Proposals by Rep. Donna Edwards, D-Maryland, on theHouse side, and Sen. Tom Udall, D-New Mexico, on the Senate side, take this route. In other words, they seek to reclaim the power to regulate campaign spending away from the Supreme Court.

The opening clause in Edwards' proposal, "Nothing in this Constitution shall prohibit Congress and the States," is very important, Tribe said, because it specifically tells the Supreme Court how the Constitution is *not* to be read. "Proposals that merely affirm legislative power to enact spending caps on corporations or individuals," Tribe pointed out, "could well fail to achieve their objectives because they don't directly address how the Supreme Court has read the First Amendment's restrictions on such legislative power."

However, Edwards's language does not necessarily address some recent political trends that did not exist when *Buckley* was issued. Supposedly "independent" spending by very rich individuals, such as Sheldon Adelson's

recent $5 million gift to a super PAC supporting Newt Gingrich, would not be limited by her proposal because it would only limit "funds for political activity by any corporation."

Tribe said Congress had to be more precise to not leave any room for the Court to meddle. Slightly more specific wording that addresses both wealthy individuals and corporations was in Udall's proposal, which seeks broader authority to regulate donations and spending "of money and in-kind equivalents with respect to Federal elections."

Neither the Edwards nor Udall resolutions mention public financing, however. Edwards' proposal would stop corporate spending in ballot initiatives, which would reverse the Court's *Bellotti* decision. That could significantly change political dynamics in initiative states like California, where big business routinely spend millions on these campaigns. Udall's proposal, in contrast, only focuses on candidate elections.

Another legislative empowerment approach is a bipartisan proposal from Rep. Walter Jones, R-SC, and Rep. John Yarmouth, D-KY. It would allow limits on people or groups who might seek to monopolize political microphones and also would revive public financing. It seeks to close a loophole that emerged after *Buckley* where political groups evaded regulation by raising issues associated with the candidates, instead of specific words urging their election or defeat. It also says Congress can create a "mandatory public financing system" and it would make Election Day a holiday.

The second type of amendment proposals—most notably identical measures from Rep. Ted Deutch, D-FL, and Sen. Bernie Sanders, I-VT, a like-minded measure from Rep. Jim McGovern, D-MA, and another from Rep. Keith Ellison, D-MI—seek to address the distinct issue of corporate personhood by declaring, as in the McGovern proposal, "the rights protected by this Constitution to be the rights of natural persons."

These measures, in varying ways, would strip corporations and other business and possibly charitable entities of their constitutional rights—and not just those pertaining to election spending or even under the First Amendment, although most of them make exceptions for "freedom of the press." The most detailed language is in the Deutch-Sanders proposal. It has been won the support of most progressive groups.

The Deutch-Sanders proposal goes on to ban "corporate and other private entities" from contributing or spending money "in any election." Like the first group of proposals, it also grants Congress and states "power to regulate and set limits" on campaign donations and spending. By explicitly targeting profit-seeking corporations and their promoters, it carves out an exception for non-profits—a distinction not made in McGovern's proposal and most of the grassroots advocacy.

Details are important. The Deutch-Sanders amendment would not stop groups like Citizens United, the non-profit group whose anti-Hillary Clinton video was at issue in the Supreme Court case, or some super PACs that are also organized as non-profits because it carves out an exception for non-profits. Robert Weissman, the President of Public Citizen, which supports this amendment, said that its authors discussed what rights corporations should have and concluded that none should be granted to for-profit entities under the Constitution. Congressional legislation could address those rights as needed, he said.

That is a consequential decision and not a widely explained one. It enlarges the focus on tackling the distortions brought by big money in politics to a wider strike at the legal form used for much of the country's business transactions. The Deutch-Sanders proposals would strip businesses of any size—not just big corporations—of the due process right to sue if property were seized. Liberal scholars point to the way President Truman sought to seize corporate assets—steel mills after World War Two—before being stopped by the Supreme Court in a famous 1952 decision.

Proposals from two leading grassroots groups, Move To Amend and Free Speech For People—reflected in the McGovern proposal—would strip constitutional rights from all corporations, for-profit and non-profit. That provision, were it in effect during the Civil Rights movement, could have stopped the NAACP from operating. That very issue—did the NAACP, as a non-profit corporation, have First Amendment rights to assemble and speak for members—arose in the famous 1963 Supreme Court case and ruling, *NAACP v. Button*, a where the affirmed the NAACP's First Amendment freedom to assemble and speak.

These kinds of consequences and issues are not too complicated to discuss or understand. They should be the staple of progressive talk radio shows, but mostly they are not. Instead, progressives driving the anti-*Citizens United* and corporate personhood bandwagon are not being specific enough to threaten the big money forces in America. Instead, they risk alienating supporters by overpromising—like Obama.

"To focus on the fact that corporations are not technically people seems to be missing the point," said Tokaji, *Election Law Journal's* co-editor. "It's really less focused on who's a person and who's not, than on the fact that certain big money interests are able to drown out other voices in the political conversation." To Tokaji, the most promising avenue is exploring how public financing can be revived under the current Court—especially since it did not reject it in wholesale fashion in the Arizona case. "If we want to talk about what meaningful reform can be accomplished given the constitutional doctrine we've really got, I think we are talking about public financing."

There is one other key piece of this discussion getting lost in the growing momentum behind proposals in Washington. That is what action can be taken in the states beyond sending e-mail blasts and resolutions to Congress telling them to act. It is incorrect to suggest that nothing short of a constitutional amendment, reconstituting the current Supreme Court, and electing a new congressional majority will have any meaningful impact—and isn't worth trying.

Actions at the state level could be taken, said Erwin Chemerinsky, founding dean of University of California Irvine School of Law and a respected constitutional scholar. Beyond passing more disclosure laws that report political spending, states could require shareholders to approve corporate political expenditures. "These kinds of laws have been adopted for unions. It's time to do it with regard to corporations," he said.

Another idea is legislation barring a state contractor from spending money for partisan election activities, much like the federal Hatch Act of 1939 limiting federal civil servants from a range of partisan activities. "There are a number of legislative things that can be done to lessen the ill effects of *Citizens United*," Chemerinsky said. "The legislative changes are a lot more realistic than a constitutional change."

The Montana Supreme Court's recent ruling that their state had a compelling interest to regulate how corporations can raise and spend money in elections, and can establish that interest*within* Supreme Court doctrine, is an example of a state taking this stance. The ruling raises questions that may end up before the U.S. Supreme Court. Similarly, the City of San Diego, California, is in court defending local corporate contribution limits after being sued by the Republican activist attorney who brought the *Citizens United* suit. And the New York state Legislature is poised to adopt a public financing regime, Weissman said.

Neither constitutional scholars nor movement activists view these stances as insignificant.

But these steps involve moving beyond bumper sticker sloganeering and rhetoric beating up corporations. This growing movement needs to speak more clearly, elevate the discussion and educate Americans, who know very well what is wrong with American politics and want to hear about solutions that work.

The Community Environmental Legal Defense Fund's Price said today is a rare historic moment and worries that too much oxygen is being consumed by the focus on a federal amendment in Washington and not on changing local and

state laws—or even state constitutions. After a half-hour interview, he offered a personal plea that deserves to be heeded by all in this progressive movement.

"The liberal progressive line—and I have been there most of my life—sees a victory as being on the side of the angels, whether or not you actually create outcomes. I am tired of moral victories. I want some real ones."

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Nancy Manly

From: Rep. Bob Lynn
Sent: Monday, February 06, 2012 11:37 AM
To: Nancy Manly
Subject: FW: support HJR33 and SJR13 and HB244

Both have STA referrals

From: Candy Sims [mailto:candy99645@yahoo.com]
Sent: Friday, February 03, 2012 12:24 PM
To: Rep. Les Gara; Rep. Carl Gatto; Rep. Alan Austerman; Rep. Anna Fairclough; Rep. Berta Gardner; Beth Kerttula; Rep. Bill Stoltze; Rep. Bill Stoltze; Rep. Bill Stoltze; Rep. Bill Thomas; Rep. Bob Lynn; Rep. Bob Miller; Rep. Bryce Edgmon; Rep. Alan Austerman; Rep. Eric Feige; Neil Foster; Rep. Max Gruenberg; Rep. David Guttenberg; Rep. Mike Chenault; Rep. Mia Costello; Rep. Mike Doogan; Rep. Mike Hawker; Rep. Bob Lynn; Rep. Bob Herron
Subject: support HJR33 and SJR13 and HB244

Dear Lawmakers: I urge you all to support HJR33, SJR13, and HB244. As I shared with Senator Bill Wielechowski yesterday, when I think of the buying power of corporations a cartoon I saw somewhere immediately comes to mind. A person is standing at the alter ready to get married. Beside this person the significant other is a corporation. It's time our U.S. Constitution or rather those interpreting it, get back to recognizing the votes by the people versus the money from the corporations buying votes. Let Alaska be one of the first to lead the United States in letting the people of this nation make the powerful changes that affect us all. Sincerely, Candy Sims 4305 Oakwood Drive, Palmer, AK 99645 Home (907)745-4834

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HJR 33**
Fiscal Note Number
() Publish Date

Identifier (file name) HJR 33
Title Amend U.S. Constitution Re Campaign Money
Sponsor Representative Gara
Requester

Dept. Affected
Appropriation
Allocation
OMB Component Number

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

None

Prepared by House State Affairs Committee
Division Representative Bob Lynn, Chair
Approved by

Phone (907) 465-2794
Date/Time 02/08/2012 2:18pm
Date 2/8/2012

(Revised 11/18/2011 OMB)

Amdt to HJR 33 by Gruenke

page 2 line 14

add after "expenditures"

"supporting or opposing candidates for public office"

ALASKA STATE LEGISLATURE

REPRESENTATIVE LES GARA

MEMORANDUM

DATE: February 1, 2012

TO: Representative Bob Lynn

FROM: Representative Les Gara

RE: Hearing Request for HJR 33: Limiting Independent Expenditures

On behalf of the eight co-sponsors, we respectfully request that House Joint Resolution 33, relating to the limiting of corporate, individual, and union independent expenditures to candidates for office, be scheduled for a hearing in the State Affairs Committee. Please feel free to contact me, or my aide Toby Smith, with questions at 465-2647.

Attached you will find a background packet for HJR 33. This includes the current version of the bill, a sponsor statement, and backup materials.

Thank you for your consideration.

Representative Les Gara

January-May: State Capitol • Juneau, AK 99801-1182 • (907) 465-2647 • Fax (907) 465-3518
June-December: 716 W. 4th Avenue • Anchorage, AK 99501• (907) 269-0106• Fax (907) 269-0109
Representative_Les_Gara@legis.state.ak.us

Nancy Manly

From: Arthur Martin
Sent: Monday, February 20, 2012 2:24 PM
To: Nancy Manly
Subject: State Affairs HJR 33 Testify

Hello Nancy,

I would like to testify on my own behalf on HJR 33 Thursday.

Thanks,

Arthur Martin
Intern Office of Representative Peggy Wilson
State Capitol Room 406
(907)465-5269

Nancy Manly

From: Sheila Finkenbinder
Sent: Wednesday, February 22, 2012 4:13 PM
To: Nancy Manly
Subject: RE: House State Affairs Committee - One additional Document for tomorrow's bill packet - Meeting 2/23/2012

Nancy,

Can you add my name to those who wish to testify on HJR 33?

From: Nancy Manly
Sent: Wednesday, February 22, 2012 3:46 PM
Subject: House State Affairs Committee - One additional Document for tomorrow's bill packet - Meeting 2/23/2012

Sorry for the hassle. This just came in for HR 10. Please print off and include in your boss bill file. Thanks.

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

Nancy Manly

To: Toby Smith
Subject: RE: Testifiers for HJR 33

Thank you!

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: Toby Smith
Sent: Monday, February 13, 2012 12:34 PM
To: Nancy Manly
Subject: Testifiers for HJR 33

Hi Nancy-

For tomorrow morning's State Affairs meeting, I have two testifiers that will be calling in from Anchorage: Robyn Lauster and Bob Buch. At this point they are both planning to call in from the Anchorage LIO. I'll let you know if that changes.

I also expect two or three people to attend the hearing in person to testify and will get you their names as soon as I know.

Thanks!

Toby Smith
Legislative Aide for Representative Les Gara
(907) 465-2647

Nancy Manly

From: Toby Smith
Sent: Wednesday, February 08, 2012 1:28 PM
To: Nancy Manly
Subject: Testifiers for HJR 33

Hello Nancy-

There are four people that I know of who are planning to attend tomorrow's State Affairs committee meeting in person and who would like to say a few words in regards to HJR 33. Their information is below.

Thanks.

Lawrence Hurlock
District 4
2858 Mendenhall Loop Rd
Juneau, AK
907-209-3432

Soldotna/Kenai

Kate Veh
wants to testify
283-2030

HJR 33

Randi Spray
14455 Glacier Hwy
Juneau, AK

Christina Mounce
PO Box 23254
Juneau, AK 99801
907-723-4220

Kokayi Nosakhere
617 West. 18th
Anchorage, AK 99503
by2015america@gmail.com

Nancy Manly

From: Rep. Les Gara
Sent: Wednesday, February 15, 2012 6:02 PM
To: Rep. Bob Lynn; Nancy Manly; Mike Sica; Toby Smith
Subject: HJR 33 - have the votes; preparing a CS (I have a medical appointment Tuesday - but will be back Wednesday_

Hi Nancy – we have the bill all worked out. We are ordering a CS that makes Paul and Max happy, and that adds one of Kyle's requests – that we consistently use the word "union" wherever we say "corporation". We have the votes.

Max has agreed we don't need any more public testimony.

So – I think it will be a 10 minute hearing. I can do it any time starting next Thursday – that day would be idea if it works for you.

Thanks. We'll write a cover memo with the CS once we get it back in the next day or two.

Les

HJR 34

<TARGET><BILL>HJR 34</BILL><SUBJECT>HJR 34</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 17, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 2-21-2012

The STATE AFFAIRS Committee considered: **HJR 34**

HOUSE JOINT RESOLUTION NO. 34
Urging the United States Congress to fund all the facilities and vessels necessary for the United States Coast Guard to fulfill its Arctic missions, including icebreakers and an Arctic Coast Guard base.
HJR 34-COAST GUARD ICEBREAKERS & ARCTIC BASE

Recommends it be replaced with [ ] HCS *or* [X] CS for HJR 34 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** *FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero

PREVIOUS **FISCAL NOTES**				
FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEG			X

Signing with recommendations	**Printed Last Name**	**DP**	**DNP**	**NR**	**AM**
Peggy Wilson	WILSON	X			
					[redacted]
Kyle B. Johansen	AMEND				
Wes Keller	Keller				X
Max F. Gruenberg	Gruenberg			✓	
Paul R. Seaton	Seaton	X			
Pete Petersen	Petersen	X			
Chair: Bob L	LYNN	X			
Chair:					

CS FOR HOUSE JOINT RESOLUTION NO. 34(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HERRON, Joule, Foster, Edgmon, Austerman, Thompson, Saddler, Peggy Wilson, Pruitt, Lynn

A RESOLUTION

Urging the United States Congress to fund all the facilities and vessels necessary for the United States Coast Guard to fulfill its Arctic missions, including icebreakers and an Arctic Coast Guard base.

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

WHEREAS the purchase of Alaska in 1867 made America an Arctic nation; and

WHEREAS Alaska was admitted to statehood in 1959; and

WHEREAS Alaska deserves full recognition and assistance from the federal government like any other state; and

WHEREAS Art. IV, sec. 4, of the Constitution of the United States, requires the United States to protect each of the states against invasion and does not specify a preference for protection of one state over any other; and

WHEREAS the United States Arctic Region Policy revised in 2009 calls for the protection of commerce, the protection of the environment, and improved safety, security, and reliability of transportation in the Arctic region; and

WHEREAS ice cover in the Arctic is at historic lows, and multiyear ice is decreasing;

and

WHEREAS the entire Arctic region, including the Arctic region of the United States, is experiencing increased human activity related to shipping, oil and gas development, commercial fishing, tourism, and other activities; and

WHEREAS the increased activity in the Arctic underscores a commensurate need for immediate investment in the Arctic region of the United States to enable the responsible development of resources, foster maritime commerce, safeguard the well-being of Arctic residents and ecosystems, facilitate emergency and disaster preparedness and response, and protect United States sovereignty; and

WHEREAS the Alaska Northern Waters Task Force, established in 2010, recommends that the Alaska State Legislature encourage the federal government to establish a United States Coast Guard base in the Arctic and to fund the construction of additional icebreakers and ice-capable vessels for the United States fleet; and

WHEREAS, as Northern sea routes open and foreign shippers set their sights on Asian markets, international shipping of oil and gas and other potentially hazardous cargo through the Bering Strait is rapidly increasing; and

WHEREAS the United States and its trading partners could reap economic benefits from accessing Northern sea routes with the help of modern, fully equipped icebreakers; and

WHEREAS the United States Coast Guard has 11 statutory missions, including search and rescue, marine safety, ports, waterways, and coastal security, drug interdiction, migrant interdiction, defense readiness, living marine resources, marine environmental protection, aids to navigation, ice operations, and other law enforcement; and

WHEREAS the United States Coast Guard's missions relate to protecting the public, the environment, and United States economic interests in the nation's ports and waterways, along the coast, on international waters, and in any maritime region, as required for national security; and

WHEREAS the National Contingency Plan further requires the United States Coast Guard to oversee oil spill planning and preparedness in coastal waters and to supervise oil spill response; and

WHEREAS the United States Congress and the Administration are mandated by numerous laws and policies to maintain icebreaking operations; and

WHEREAS those mandates include President Franklin D. Roosevelt's 1936 Executive Order 7521, which requires the United States Coast Guard to keep channels and harbors open to navigation by means of icebreaking operations; the Arctic Research Policy Act of 1984, which directs the United States Office of Management and Budget to build and deploy icebreakers and allocate funds necessary to support icebreaking operations; the Coast Guard Authorization Act of 2010, which requires the United States Coast Guard to promote safe maritime navigation by means of icebreaking where necessary, feasible, and effective; and the 2011 Unified Command Plan, which sets new boundaries and responsibilities for the United States combatant commands, and directed the United States Northern Command to take the lead in advocating for new resources in the Arctic; and

WHEREAS the binding Arctic Search and Rescue Agreement signed by the eight Arctic nations at the Arctic Council in May 2011 commits the United States to search and rescue response within the Arctic sector of the United States, including waters north of Alaska, Bristol Bay, and the Bering Sea; and

WHEREAS the promise to provide search and rescue operations in the Arctic sector of the United States is compromised without sufficient icebreakers and other United States Coast Guard assets; and

WHEREAS the January 2012 delivery of fuel to Nome, Alaska, by the Russian fuel tanker Renda, escorted by the United States Coast Guard's only polar class icebreaker, Healy, emphasized the need for increased United States icebreaker presence in the Arctic; and

WHEREAS, at present, the United States has only one polar class icebreaker in service, the United States Coast Guard Cutter Healy, a vessel designed for scientific research and response operations; and

WHEREAS a second polar class icebreaker, the United States Coast Guard Cutter Polar Star, is undergoing extensive repairs in Seattle, Washington, and is scheduled to return to service in 2013, at which time it is predicted it should function effectively for only another seven to 10 years; and

WHEREAS the United States Coast Guard Cutter Polar Star's sister ship, the United States Coast Guard Cutter Polar Sea, was taken out of service in 2011; and

WHEREAS Russia has a fleet of eight nuclear-powered icebreakers; China has one large icebreaking research ship supporting science in both polar regions and is building a

second, smaller but more powerful icebreaking research ship that is scheduled to be ready in 2013; Canada has committed $38,000,000,000 to a 30-year plan to build additional icebreakers and other ice-strengthened ships; and Sweden, Finland, South Korea, and Japan have added icebreakers to their fleets; and

WHEREAS the United States Coast Guard estimates that designing and constructing a new polar class ice breaker will take seven to 10 years; and

WHEREAS having a sufficient number of ice-capable vessels, including shallow-draft vessels with icebreaking capability, is vital for the United States Coast Guard to fulfill its expanding mission in the Arctic; and

WHEREAS the United States Coast Guard has very limited Arctic emergency response capabilities and no permanent bases near the Bering Strait chokepoint or on Alaska's North Slope to support the United States Coast Guard operations; and

WHEREAS the most northern United States Coast Guard base in the United States in Kodiak, Alaska, is more than 1,000 miles from possible Chukchi Sea drilling sites and nearly as far from existing Arctic shipping lanes in the Bering Strait, and that distance causes untenable logistical problems that negatively affect response times and capabilities; and

WHEREAS the United States Coast Guard should have a greater overall presence in the Arctic, with the ability to stage assets closer to future shipping, oil and gas drilling, and commercial fishing activities;

BE IT RESOLVED that the Alaska State Legislature urges the United States Congress and the Administration to fund all facilities and vessels necessary to enable the United States Coast Guard to fulfill its Arctic missions, including icebreakers and an Arctic Coast Guard base; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the United States Congress and the Administration to consider all options to finance the refurbishment of our current polar class icebreakers, the acquisition of new icebreakers, and the long-term maintenance funding of the United States Coast Guard icebreaker fleet and Arctic facilities.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Hillary Rodham Clinton, United States Secretary of State; the Honorable Sergey Viktorovich Lavrov, Minister of Foreign Affairs of the Russian Federation; the Honorable Erkki Tuomioja, Minister for Foreign Affairs of Finland; the

Honorable Carl Bildt, Minister for Foreign Affairs of Sweden; the Honorable Jonas Gahr Støre, Minister of Foreign Affairs of Norway; the Honorable John Baird, Minister of Foreign Affairs of Canada; the Honorable Össur Skarphéðinsson, Minister for Foreign Affairs and External Trade of Iceland; the Honorable Villy Søvndal, Minister for Foreign Affairs of Denmark; the Honorable Admiral Robert J. Papp, Commandant, United States Coast Guard; Ambassador David A. Balton, Deputy Assistant Secretary for Oceans and Fisheries, United States Department of State; Rear Admiral Thomas F. Ostebo, Commander, United States Seventeenth Coast Guard District; the Honorable Sean Parnell, Governor of Alaska; the Honorable Mead Treadwell, Lieutenant Governor of Alaska; 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; and all other members of the 112th United States Congress.

27-LS1303\M.1
Martin
2/17/12

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHJR 34(MLV)

Page 4, lines 26 - 28:

Delete "icebreakers, including charging for icebreaker escorts, the option to lease rather than own the icebreakers needed in the Arctic, and selling our aging icebreakers to the private sector for refurbishment"

Insert "the refurbishment of our current polar class icebreakers, the acquisition of new icebreakers, and the long-term maintenance funding of the United States Coast Guard icebreaker fleet and Arctic facilities"

Amend #3

	SA	S
Peterson	N	
Sealon	N	
Gruenberg	N	
Lynn	Y	
Keller	Y	
Wilson	N	
Johnansen	Y	

Amend #2 Johansen offered Gruenberg objects

pg 1 lines 6,7 Passed

delete on equal footing with the previously admitted data

Y Peterson
N Sealon
N Gruenberg
Y Lynn
Y Keller
Y Wilson
Y Johansen

Amend #3 Johansen offered to pass

pg 1 line 8 delete deserves + expects

& delete "and assistance"

Gruenberg objects

Wilson moved to split the amend. & Sealon supports

Wilson withdrew amend to divide

Wilson moved 3A delete "deserves" + "expects"

Gruenberg objects

CS FOR HOUSE JOINT RESOLUTION NO. 34(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 2/17/12
Referred: State Affairs

Sponsor(s): REPRESENTATIVES HERRON, Joule, Foster, Edgmon, Austerman, Thompson, Saddler, Peggy Wilson, Pruitt, Lynn

A RESOLUTION

Urging the United States Congress to fund all the facilities and vessels necessary for the United States Coast Guard to fulfill its Arctic missions, including icebreakers and an Arctic Coast Guard base.

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

WHEREAS the purchase of Alaska in 1867 made America an Arctic nation; and

WHEREAS Alaska was admitted to statehood in 1959, on equal footing with the previously admitted states; and

WHEREAS Alaska deserves full recognition ~~and assistance~~ from the federal government like any other state; and

WHEREAS Art. IV, sec. 4, of the Constitution of the United States, requires the United States to protect each of the states against invasion and does not specify a preference for protection of one state over any other; and

WHEREAS the United States Arctic Region Policy revised in 2009 calls for the protection of commerce, the protection of the environment, and improved safety, security, and reliability of transportation in the Arctic region; and

amend #5 Johansen		Amend #6 Johansen
Peterson	N	N
Seaton	N	N
Gruenberg	N	N
Lynn	N	N
Keller	Y	Y
Wilson	N	N
Johansen	Y	Y
failed		failed

Conceptual amend 4 Lynn
amend 1 to amend 4 Johansen object & removes
& now wilson objects
insert "including but not limited to activity"

Wilson amend #1 to amend #4 including but not limited

amend #5 pg 2 line 7 after states
delete to ... thru line 10.
failed

amend #6 Johansen Gruenberg objects
delete line 16 after "y"
delete oil ... thru
hazardous

failed

WHEREAS ice cover in the Arctic is at historic lows, and multiyear ice is decreasing; and

WHEREAS the entire Arctic region, including the Arctic region of the United States, is experiencing increased human activity ~~related to shipping, oil and gas development, commercial fishing, and tourism~~; and

WHEREAS the increased activity in the Arctic underscores a commensurate need for immediate investment in the Arctic region of the United States to enable the responsible development of resources, foster maritime commerce, safeguard the well-being of Arctic residents and ecosystems, facilitate emergency and disaster preparedness and response, and protect United States sovereignty; and

WHEREAS the Alaska Northern Waters Task Force, established in 2010, recommends that the Alaska State Legislature encourage the federal government to establish a United States Coast Guard base in the Arctic and to fund the construction of additional icebreakers and ice-capable vessels for the United States fleet; and

WHEREAS, as Northern sea routes open and foreign shippers set their sights on Asian markets, international shipping of oil and gas and other potentially hazardous cargo through the Bering Strait is rapidly increasing; and

WHEREAS the United States and its trading partners could reap economic benefits from accessing Northern sea routes with the help of modern, fully equipped icebreakers; and

WHEREAS the United States Coast Guard has 11 statutory missions, including search and rescue, marine safety, ports, waterways, and coastal security, drug interdiction, migrant interdiction, defense readiness, living marine resources, marine environmental protection, aids to navigation, ice operations, and other law enforcement; and

WHEREAS the United States Coast Guard's missions relate to protecting the public, the environment, and United States economic interests in the nation's ports and waterways, along the coast, on international waters, and in any maritime region, as required for national security; and

WHEREAS the National Contingency Plan further requires the United States Coast Guard to oversee oil spill planning and preparedness in coastal waters and to supervise oil spill response; and

WHEREAS the United States Congress and the Administration are mandated by

Johansen
Object to
Move HJR 34

Peterson
Seaton

Johansen
Amend # 7

Keller
Gruenberg

Peterson N
Seaton N
Gruenberg N
Lynn N
Keller Y
Peterson N
Johansen Y
— failed —

numerous laws and policies to maintain icebreaking operations; and

WHEREAS those mandates include President Franklin D. Roosevelt's 1936 Executive Order 7521, which requires the United States Coast Guard to keep channels and harbors open to navigation by means of icebreaking operations; the Arctic Research Policy Act of 1984, which directs the United States Office of Management and Budget to build and deploy icebreakers and allocate funds necessary to support icebreaking operations; the Coast Guard Authorization Act of 2010, which requires the United States Coast Guard to promote safe maritime navigation by means of icebreaking where necessary, feasible, and effective; and the 2011 Unified Command Plan, which sets new boundaries and responsibilities for the United States combatant commands, and directed the United States Northern Command to take the lead in advocating for new resources in the Arctic; and

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WHEREAS a second polar class icebreaker, the United States Coast Guard Cutter Polar Star, is undergoing extensive repairs in Seattle, Washington, and is scheduled to return to service in 2013, at which time it is predicted it should function effectively for only another seven to 10 years; and

WHEREAS the United States Coast Guard Cutter Polar Star's sister ship, the United States Coast Guard Cutter Polar Sea, was taken out of service in 2011; and

WHEREAS Russia has a fleet of eight nuclear-powered icebreakers; China has one

large icebreaking research ship supporting science in both polar regions and is building a second, smaller but more powerful icebreaking research ship that is scheduled to be ready in 2013; Canada has committed $38,000,000,000 to a 30-year plan to build additional icebreakers and other ice-strengthened ships; and Sweden, Finland, South Korea, and Japan have added icebreakers to their fleets; and

WHEREAS the United States Coast Guard estimates that designing and constructing a new polar class ice breaker will take seven to 10 years; and

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FURTHER RESOLVED that the Alaska State Legislature urges the United States Congress and the Administration to consider all options to finance icebreakers, including charging for icebreaker escorts, the option to lease rather than own the icebreakers needed in the Arctic, and selling our aging icebreakers to the private sector for refurbishment.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Hillary Rodham Clinton, United States Secretary of State; the Honorable Sergey Viktorovich Lavrov, Minister of Foreign Affairs of the Russian

Federation; the Honorable Erkki Tuomioja, Minister for Foreign Affairs of Finland; the Honorable Carl Bildt, Minister for Foreign Affairs of Sweden; the Honorable Jonas Gahr Støre, Minister of Foreign Affairs of Norway; the Honorable John Baird, Minister of Foreign Affairs of Canada; the Honorable Össur Skarphéðinsson, Minister for Foreign Affairs and External Trade of Iceland; the Honorable Villy Søvndal, Minister for Foreign Affairs of Denmark; the Honorable Admiral Robert J. Papp, Commandant, United States Coast Guard; Ambassador David A. Balton, Deputy Assistant Secretary for Oceans and Fisheries, United States Department of State; Rear Admiral Thomas F. Ostebo, Commander, United States Seventeenth Coast Guard District; the Honorable Sean Parnell, Governor of Alaska; the Honorable Mead Treadwell, Lieutenant Governor of Alaska; 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; and all other members of the 112th United States Congress.

Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182
Phone: (907) 465-4942 • Fax: (907) 465-4589

House District 38
Kuskokwim & Johnson Rivers
Kuskokwim Bay & Nelson Island

Akiachak
Akiak
Atmautluak
Bethel
Chefornak
Eek
Goodnews Bay
Kasigluk
Kipnuk
Kongiganak
Kwethluk
Kwigillingok
Lower Kalskag
Mekoryuk
Mertarvik
Napakiak
Napaskiak
Newtok
Nightmute
Nunapitchuk
Oscarville
Platinum
Quinhagak
Toksook Bay
Tuluksak
Tununak
Tuntutuliak
Upper Kalskag

HJR 34 – COAST GUARD ICEBREAKERS & ARCTIC BASE

Explanation of Changes from HJR 34 to CS HJR 34 (MLV)

In the Copies Section:

Removed the Senior Arctic Officials of all eight Arctic Nations and inserted the Foreign Ministers of the other seven Arctic Nations (Secretary Clinton was already a recipient). This was done due to protocol, since the Foreign Ministers are higher ranking than the Senior Arctic Officials.

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Newtok
Nightmute
Nunapitchuk
Oscarville
Platinum
Quinhagak
Toksook Bay
Tuluksak
Tununak
Tuntutuliak
Upper Kalskag

HJR 34 (MLV) – Coast Guard Icebreakers & Arctic Base

SPONSOR STATEMENT

The Alaska Northern Waters Task Force's Final Report was released January 30, 2012. HJR 34 (MLV) formalizes two of the Task Force's recommendations and calls for the United States to:

1. Forward base the US Coast Guard in the Arctic, and
2. Fund icebreakers and other ice capable vessels.

The entire Arctic region is experiencing increased human activity related to shipping, oil and gas development, commercial fishing, and tourism and this increased activity leads to a commensurate need for immediate investment in the United States Arctic to enable the responsible development of resources; foster maritime commerce, safeguard the well-being of Arctic residents and ecosystems; facilitate emergency and disaster preparedness and response; and protect United States sovereignty.

The Coast Guard's mission in the Arctic is broad and it's becoming increasingly clear that the Coast Guard lacks the necessary assets to adequately complete its mission – without a corresponding increase in Arctic investment by the United States, this deficiency will only worsen over time. Having a sufficient number of ice-capable vessels (including shallow-draft vessels with icebreaking capability) is vital for the Coast Guard to fulfill its expanding mission in the Arctic.

Congress and the Administration are mandated by multiple laws and policies to maintain icebreaking operations, including:

- A 1936 Executive Order from President Franklin Roosevelt
- The Arctic Research Policy Act of 1984
- The Coast Guard Authorization Act of 2010, and
- The 2011 Arctic Search & Rescue (SAR) Agreement

Should a tragedy – such as the recent wreck of the cruise ship *Costa Concordia* in Italy – occur in the Arctic, the Coast Guard would be hard pressed to respond with sufficient assets in a timely fashion given their single Polar Class Icebreaker and their nearest base being in Kodiak, over 900 miles away from Alaska's Arctic coast.

Other countries fully understand the need for more Icebreakers in the Arctic:

- Russia has a fleet of eight nuclear powered icebreakers;
- Canada has committed $38 billion to a 30-year plan to build additional icebreakers and other ice-strengthened ships;
- Sweden, Finland, South Korea, and Japan have recently added icebreakers to their fleets; and
- China has a large icebreaking research ship and will have a second vessel operational in 2013

Considering it will take from seven to ten years to design and construct just one new Polar Class icebreaker, it is time critical that the U.S. fund & construct additional Icebreakers. Delay on this action will inevitably lead to undesirable consequences for the United States in the Arctic.

The Coast Guard must have a greater overall presence in the Arctic, with the ability to stage assets closer to future shipping, oil and gas drilling, and commercial fishing activities. I urge your support for this resolution.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: HJR34
Fiscal Note Number:
() Publish Date:

Identifier (file name): HJR34-LEG-COU-2-15-12
Title: "Urging the US Congress to fund all of the facilities and vessels necessary for the USCG to fulfill its Arctic..."
Sponsor: Reps Herron, Joule, Foster, Edgmon, Austerman...
Requester: Military & Veterans' Affairs

Dept. Affected: Legislature
Appropriation: Legislative Council
Allocation: Council & Subcomittees
OMB Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by: Jessica Geary, Finance Manager — Phone: 465-6626
Division: Legislative Affairs Agency — Date/Time: 2/15/12 12:55 PM
Approved by: Pamela Varni, Executive Director — Date: 2/15/2012
Legislative Affairs Agency

(Revised 1/17/2012 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HJR34

Analysis

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

Statement for the Record
The Honorable Mead Treadwell
Lieutenant Governor
State of Alaska
Before the
United States House of Representatives
Committee Transportation on Transportation and Infrastructure
Subcommittee on Coast Guard and Maritime Transportation

"America is Missing the Boat"
December 1, 2011
Washington, D.C.

Introduction

Mr. Chairman, members of the Committee, Congressman Young, for the record, I am Mead Treadwell, the lieutenant governor of the State of Alaska. Thank you for inviting me to offer some views from Alaska about the future of Arctic shipping and maritime activities, and the need to ensure we are prepared to embrace those challenges and opportunities safely.

We've said it before – in my appearance before this Subcommittee in 2006 and in Governor Sean Parnell's Senate testimony in 2009,[1] and we'll say it again, because not much has changed: it is time for the nation to act – and act now – to add new polar class icebreakers to the United States Coast Guard's fleet. With so much happening in the North today, the need is more urgent and apparent than ever. We would like to ask this Committee, and by extension Congress and the Executive Branch, to look with us at the bigger picture – the historic changes happening in the Arctic and what they portend for world commerce and Alaska's shores – and recognize three imminent needs:

First, the United States must commission new heavy icebreakers to operate in the Arctic.

Second, we need legal measures in addition to icebreakers to protect our shores from the dangers of unregulated itinerant vessels carrying hazardous cargoes near our coasts.

And third, Congress and the Administration must fulfill the legal mandates that are already in place regarding icebreakers. These mandates reflect needs in commerce, science, and protection of Americans' sovereignty, safety, and security. The State of Alaska is responding to opportunities and risks associated with the historic changes in global shipping patterns resulting from changes in the Arctic Ocean. We are eager to continue in cooperation with the nation.

I. Congress needs to act now on icebreakers.
A. Other nations have already seen the big picture.

[1] Governor Sean Parnell made the case for icebreakers in the Arctic in his 2009 testimony before the Senate Subcommittee on Homeland Security Appropriations, stating, "The Coast Guard needs to move north and improve its capability – our heavy class icebreakers are on their last legs."

The purchase of Alaska in 1867 made America an Arctic nation, yet after 150 years, the myth of Seward's Folly still lingers. It's time to quit arguing whether investment in the North is worth it and recognize the valuable people, resources and location we gained as a nation.

Arctic resources include globally significant quantities of commercial fisheries, minerals, renewable energy sources, and world-class amounts of oil and gas. A 2008 U.S. Geological Survey estimates 13% of the world's undiscovered oil, and 23% of undiscovered gas lies in the Arctic. Six of the Arctic nations are already pursuing oil and gas development offshore, and energy may soon be the primary cargo transiting the Bering Strait.

America is one of only eight Arctic nations, and one of two with territory adjoining the Bering Strait – really a "Bering Gate," the only route from the Pacific to the Arctic.

Changes in the Arctic are creating opportunities in a once remote and harsh region. Ice cover is at historic minimums, and multi-year ice is decreasing. Icebreaking technology has advanced, bringing significant new efficiencies. Northern sea routes, sought by explorers for hundreds of years, are opening up.

Several sources report that international shipping of crude oil, refined products, and other potentially hazardous cargoes through the Bering Strait is growing rapidly as European and Asian shippers see the advantages of the Arctic route. Other Arctic – and even non-Arctic – nations have seen the potential, but America is missing the boat.

Most traffic occurs under arrangements for icebreaker escort by vessels working with Russia's Northern Sea Route Administration. We understand that last year, for the first time, Norway's Tschudi Shipping Company worked a partnership with Russian maritime authorities to bring 41,000 tons of iron ore from Kirkenes, Norway to China.

Again this year, Russian ships, and ships of other nations escorted by Russia's Northern Sea Route Administration, are coming in force. Hazardous cargoes are making the backhaul as well – at least one tanker bringing gas condensate to Asia this year is reported to have returned to Europe with aviation fuel.

In August of this year, Norway's *MV Nordic Barents* was the first non-Russian bulk cargo ship to transit the Northern Sea Route in Russian waters.

Other records are being set along the Northern Sea Route, from the *STI Heritage's* fastest-ever voyage from Murmansk to Thailand, transiting in just eight days, to the *Perseverance's* latest-ever northern voyage, which ended just two weeks ago on November 18. Altogether, the Northern Sea Route saw nine tankers carrying 600,000 tons of gas condensate pass by this year.

I joined an Arctic conference in Arkhangelsk, Russia in September, where Russia's Prime Minister Vladimir Putin told the Russian Geographical Society that his country sees the opportunities in the Arctic, and they are ready to pounce. Speaking of the Northern Sea Route at the Russian Geographical Society conference, Putin told us, "We are planning to turn it into a

key commercial route of global importance. … We see its future as an international transport artery capable of competing with traditional sea routes in cost of services, safety, and quality."[2] President Medvedev, dedicating a new northern rail project in Yakutsk – headed for the Bering Strait – indicated as much last month.

Russia intends to make the Northern Sea Route as important to global shipping and commerce as the Suez Canal.

And Russia is putting its money where its mouth is, building nine new icebreakers in the next decade, and discounting tariffs on icebreaker escorts to make sure that shippers find the Northern Sea Route for distance savings of up to 40 percent. Russia's claim to new extended continental shelf resources in the Arctic Ocean under the United Nations Convention on the Law of the Sea could give Russia greater control of Arctic shipping. Cargo moving through the Bering Strait this year – from Russian and American sources – is worth well over $1 billion. Add to that a Bering Sea fishery owned by both nations worth billions each year and the situation is clear: in monetary terms, there's billions to be made and billions to protect.

At the same Arkhangelsk conference, Russia's Academy of Sciences Vice President Nikolai Laverov showed a slide of Alaska's declining throughput in the Trans-Alaska Pipeline System (or TAPS) and Russia's competitive success in attracting Arctic investment. All Arctic energy production depends on access, and Russia has it. Russia is now in the lead in Arctic oil production – and they're keen to stay there.

Meanwhile, other Arctic and circumpolar nations are investing in fleets of icebreakers. The report of exactly how many ships are being operated by other countries varies (some count polar, medium and light icebreakers, as well as ice 'strengthened' or 'capable' vessels), but all the tallies make one thing clear: other nations have seen the writing on the wall and are investing in infrastructure. Sweden has at least four vessels; Finland, at least six; and Russia over two dozen (and counting). Canada has about eight, and even the European Union is constructing an icebreaker – a heavy, polar class icebreaker.[3]

Our Arctic neighbors are leaps and bounds ahead of our position, and non-Arctic nations are in hot pursuit.

A Chinese researcher, Mr. Li Zhenfu of Dalian Maritime University, writes that, "Whoever has control of the Arctic route will control the new passage of world economics and international strategies."[4] The prospect of commercial and strategic opportunities presented by receding sea ice cover and accessibility of Arctic resources has moved the Chinese government to allocate more resources for Arctic research, and they have asked to join the Arctic Council as an observer. China's Rear Admiral Yin Zhuo has asserted that no nation has sovereignty over the

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[2] Putin, Vladimir (2011, September). Remarks presented at the second International Arctic Forum, "The Arctic – Territory of Dialogue", Arkhangelsk, Russia. Available online: http://premier.gov.ru/eng/events/news/16536/.

[3] "The World Icebreaker, Ice Breaking Supply and Research Vessel Fleet." A report commissioned by the Finnish Maritime Administration on behalf of the Baltic Icebreaker Management. Released by the Finnish Transport Agency, Helsinki, February 2011.
"Polar Icebreakers of the World." A list developed and maintained by Mobility and Ice Operations. July 25, 2011.

[4] Li, Zhenfu. *Zhonggua Hanghai*, vol. 32, no. 2 (June 2009).

Arctic, and said that China must plan to have an indispensable role in Arctic exploration as they have one-fifth of the world's population.[5]

Japan has stepped up its research in global environment, climate and marine science in the Arctic. And with China and Korea, Japan has applied for permanent observer status on the Arctic Council.

Polar air routes have characterized the jet age since the late 1950s, and Arctic air transport is now key to air cargo bound between North America or Europe and Asia. Governments and industries in Russia, Europe and Asia see the same potential for shipping. Why don't we?

B. Our national mandates are not being met.

The irony of America's present situation is painful: a staggering national debt weighs on the future of our children, while the contributions of a promising and abundant region go largely unnoticed. When we ask you for icebreakers, it's for safety, security, and American jobs. It's to serve American shipping, American exports. It's to help lower costs for Americans in regions like Western Alaska, which has a higher cost of living than anyplace in the nation. Americans lack jobs, our industries struggle with the cost of doing business, and rural Alaskans suffer the staggering cost of energy, while huge amounts of foreign energy are beginning to pass by our front door in tankers, taking advantage of game-changing shipping opportunities.

The United States is falling behind in maintaining an Arctic presence and in helping to set best practices as this region sees increasing international resource development and shipping. But more importantly, we are failing in our own national mandates, goals and policy.

In 1936, President Franklin Roosevelt issued Executive Order 7521, directing the Coast Guard, under the direction of the Secretary of the Treasury and with the cooperation of the Secretaries of War (Army), the Navy, and Commerce, to keep channels and harbors open to navigation by means of icebreaking operations. That order has never been implemented in the Arctic.

The Arctic Research and Policy Act of 1984 recognized that the United States was lagging behind other circumpolar nations even then, and it directs the Office of Management and Budget to "seek to facilitate planning for the design, procurement, maintenance, deployment and operations of icebreakers needed to provide a platform for Arctic research by allocating all funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects, to the Coast Guard."

Last year's Coast Guard Authorization Act of 2010, section 307, implements the Arctic Marine Shipping Assessment (AMSA), mandating that the Coast Guard "shall promote safe maritime navigation by means of icebreaking where necessary, feasible, and effective..." That makes

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[5] Qtd. in Wright, David Curtis. *The Dragon Eyes the Top of the World: Arctic Policy Debate and Discussion in China*. China Maritime Study No. 8. Newport, RI: U.S. Naval War College (Aug. 2011). Page 2. Available online: http://www.usnwc.edu/Research---Gaming/China-Maritime-Studies-Institute/Publications/documents/China-Maritime-Study-8_The-Dragon-Eyes-the-Top-of-.pdf.

President Roosevelt's order the law of the land for the entire nation. We welcome this mandate as Alaska has half the nation's coastline, and likely over half of America's ice.

That act also required that a report on the comparative cost-benefit analyses of icebreaker renovation or construction be delivered no later than October 15 of this year to the Senate Committee on Commerce, Science and Transportation, and the House Committee on Transportation and Infrastructure. It moreover required a report from the Commandant of the Coast Guard on the High-Latitude Study assessing the polar icebreaking requirements for Coast Guard missions, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. We understand that full report is embargoed still by President Obama's administration.

This past spring, the President updated the United States military's Unified Command Plan to give U.S. Northern Command advocacy responsibility for Arctic capabilities. Accompanying shifts of UCP geographic boundaries mark the military's awareness of the vital and ever-growing importance of the Arctic. Then Commander of the Northern Command, U.S. Navy Admiral James Winnefeld, Jr., recognized the implications of the changing Arctic, and noted the gaps faced by the military, including infrastructure and mobility, and search and rescue capabilities.[6] General Charles Jacoby, his successor, formerly ran the U.S. Army in Alaska. He, too, knows our challenges.

Around the same time as this spring's announcement, a report by the National Research Council on the implications of climate change on national security cited major gaps in U.S. naval forces' ability to perform their missions in the Arctic.[7] That report advised that the U.S. Navy, Marine Corps and Coast Guard take action to ready themselves for Arctic conditions. The protection of our domestic security is the fundamental mandate of the U.S. Armed Forces, and it is threatened if we remain unprepared.

This year, in response to the recommendations of AMSA, the eight Arctic Council nations signed a binding Search and Rescue Agreement. Alaska supported this, and sent experts to the first multinational exercise conducted under this agreement in October in Whitehorse, Yukon Territory. Without icebreakers and other Arctic USCG assets, major deficiencies in the region's life safety response capabilities exist – and our promise to provide search and rescue in our sector of the Arctic is compromised.

Finally, the United States Congress, in the 2010 Coast Guard Authorization Act, charged the Committee on Marine Transportation Services (CMTS) to develop an integrated Arctic shipping regime, and to coordinate the establishment of domestic transportation policy to realize the goal set by President George W. Bush of safe, secure and reliable shipping in the Arctic. The AMSA Implementation Act, additionally, encourages the Coast Guard to negotiate agreements with

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[6] Winnefeld, Jr., Admiral James A., U.S. Navy Commander, United States Northern Command and North American Aerospace Defense Command. Statement before the House Armed Services Committee, 30 Mar. 2011. Available online:
http://www.northcom.mil/Docs/2011%20NORAD%20and%20USNORTHCOM%20Posture%20Statement%20(HASC%20Final).pdf.

[7] *National Security Implications of Climate Change for U.S. Naval Forces*. Committee on National Security Implications of Climate Change for U.S. Naval Forces. Washington, D.C.: The National Academies Press, 2011.

other Arctic nations through the International Maritime Organization. Those agreements would focus on aids to navigation; marine safety, tug, and salvage capabilities; oil spill prevention and response capability; maritime domain awareness (including long-range vessel tracking); and search and rescue.

The United States has been protecting our sovereign airspace along Alaska's shores for over 50 years. The United States Coast Guard has been protecting America's coast for over 200 years. Why don't we protect our sovereign waters along Alaska's Arctic coast with the same vigor?

America has a duty to protect its citizens in coastal communities and to safeguard their way of life. Coastal Alaskans have spent thousands of years relying on the sea for their food and clothing, for the heat they create from whale oil and the shelter they derive from driftwood. The majority of Alaska Natives in the North get more than half of their meat and fish from wild, local harvests. Sixty percent of those wild harvests are from marine mammals. It is imperative we ensure that the increasing foreign ship traffic off our shores does not jeopardize the freedom of Americans to maintain a subsistence lifestyle.

Mr. Chairman, the United States has a long history of national mandates and policy that require our action. And yet we fail to act on them. Moreover, the recent decision of the U.S. House of Representatives to retire the nation's only heavy icebreaking ships without replacements is a disappointment. But to the extent that the all-or-nothing approach forces a legitimate conversation about the need for icebreakers and an opportunity to spotlight the conversation – I applaud the decision.

We should, however, be cautious about the risky "game of chicken." If it fails, it fails Americans – and Alaskans most of all.

C. The savings and benefits outweigh the costs.

We understand that the action we are asking Congress to take will require significant funds. We understand the costs, but we cannot ignore our obligations or the major opportunities we face.

In a conference recently in Juneau, University of Alaska Professor Dr. Lawson Brigham, a former USCG icebreaker captain, noted that the U.S. Navy is building 47 Littoral Combat Ships at a price of $400-500 million each. He asked, why not consider building 45 of these ships, and allocating that other $800 million to $1 billion in the budget for the Coast Guard to build one major polar icebreaker?

Some have argued we should charge for icebreaker escort services as other nations do. Ship owners pay for services in the Panama and Suez Canals. U.S. vessels pay for oil spill preparedness and insurance. A bill pending in this Congress would have the U.S. lease, rather than own, icebreakers it needs in the Arctic. Long term charter agreements are in place in the Antarctic, and it has been argued that private contractors are able to build icebreakers more quickly and less expensively, operate them more efficiently in terms of cost and maintenance, and would bear the expense of decommissioning. This is worthy of consideration if it moves us forward faster in the Arctic.

However we work out our finances, America and its trading partners could reap huge economic benefits from accessing northern sea routes. Former U.S. Coast Guard Lieutenant Commander Scott Borgerson wrote nearly four years ago about the financial advantages available to world commerce through Arctic shipping.[8] He told us how plying the Northern Sea Route from Rotterdam to Yokohama instead of traveling via the Suez Canal would yield distance savings of more than 40 percent. He told us that one container ship voyage from Seattle to Rotterdam via the Northwest Passage instead of the Panama Canal could save about 20 percent of its costs – then about $3.5 million dollars.

Borgerson envisioned a future of global Arctic shipping where "a marine highway directly over the North Pole will materialize. Such a route," he wrote, "which would most likely run between Iceland and Alaska's Dutch Harbor, would connect shipping megaports in the North Atlantic with those in the North Pacific and radiate outward to other ports in a hub-and-spoke system."

As the Arctic Marine Shipping Assessment predicted, most Arctic shipping traffic today is destinational, carrying resources out from or products in to Arctic regions. But we need to envision a time, coming soon, when products travelling to and from non-Arctic ports traverse our Arctic Ocean and Bering Sea – and we need to be ready.

II. Our lack of legal protection.

I want to make sure Congress understands there are now two classes of ships operating in the Bering Strait region – those that are under contingency planning requirements for oil spills, and those that are not. U.S. vessels are highly regulated: by NOAA, by EPA air quality controls, by the Interior Department's BOEM and BSEE oversight of exploration – in fact, over 120 federal laws regulate the use of the coastal zone and offshore areas. But ships originating outside the U.S. – such as those traveling between Russia or Europe and Asia, are not even required to have a spill contingency plan, even though they pass by hundreds of miles of U.S. coastline. We face the prospect of increasing international ship traffic through the Bering Strait – carrying anything from crude oil to aviation fuel – with minimal requirements to prepare for oil spills, maintain air quality, or care for wildlife and subsistence needs.[9]

Icebreakers can help us reduce the risks brought about by that disparity. If we are to achieve our policy of advancing safe, secure and reliable shipping as the Arctic Ocean becomes more accessible, the U.S. must operate new polar class icebreakers. Without them, little or no appropriate government capability exists to enforce prevention measures or to respond to a spill in this region. It is folly to rely on aircraft and submarines alone to protect U.S. interests. We learned that tragic lesson when we lost six lives as a helicopter crashed trying to evacuate crew from the shipwrecked *Selendang Ayu* in 2004.

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[8] Borgerson, Scott G. "Arctic Meltdown: the Economic and Security Implications of Global Warming." *Foreign Affairs*, vol. 87, no. 2.

[9] The State of Alaska has sought remedies to this situation in its comments on the USCG Port Access Route Study for the Bering Strait.

There are a range of legal ways and international agreements we might pursue to require safety measures from itinerant vessels transiting the Bering Strait. (None are quick or easy solutions, but measures that protect our national security rarely are.)

- Working on a vessel routing system to prevent collisions and groundings from increased shipping, following protocols of the International Maritime Organization, and coordinating with the Russian Federation. The State of Alaska provided comments to the USCG's Port Access Route Study for the Bering Strait regarding this approach.

- Having all Arctic nations seek ship owners' participation in an Oil Spill Response Organization with a contingency plan, perhaps as part of the upcoming Arctic Council Oil Spill Preparedness and Response Agreement. Alaska has joined U.S. delegations negotiating this agreement.

- Resolving the debate on Law of the Sea, and ratifying the Law of the Sea Treaty, which with Article 234 authorizes the extension of environmental law in traditionally ice-covered areas. As the debate on ratification continues, the State has asked for clarification of U.S. intent in implementing Article 234.

- Using existing authority in the Oil Pollution Act of 1990 to cover nontank vessels and working a reciprocal deal with Russia and Canada. The Final Rule on Nontank Vessel Response Plans and Other Vessel Response Plan Requirements Regulations is still under development within the Coast Guard and the Department of Homeland Security. Section 701 of the Coast Guard Authorization Act of 2010 directs that this final rule be issued no later than April 15, 2012.

- Forming an agreement with Canada and/or Russia similar to the 1817 Rush-Bagot Agreement, creating a mechanism like that of the St. Lawrence Seaway Development Corporation, whereby Arctic nations establish a shipping authority that administers the route, provides compliance, icebreaking, and other aids to navigation, including spill preparedness and response. (Borgerson also suggested this in his 2008 article, "Arctic Meltdown".)

III. How Alaska is helping America live up to the promise of the Arctic.

Mr. Chairman, Congress spoke last year in the Coast Guard Authorization Act of 2010 and AMSA Implementation, and charged the Committee on Marine Transportation System with this mission: to coordinate the establishment of domestic transportation policy to ensure safe and secure maritime shipping in the Arctic. I would like to say for the record now that as these processes get underway, we need to be ambitious, creative, and determined. The United States must acknowledge its responsibilities and embrace new possibilities. The Arctic needs resources, not just rules. What's happening in the Arctic Ocean and along northern sea routes has global, historic and exciting significance, and we need to take an active role. We must plan for an Arctic shipping future that could be like a new Suez Canal.

In a visit to D.C. last month, I briefed the leaders of CMTS in some activities the State of Alaska is conducting to help America move toward the new world of Arctic shipping, and how we are bringing resources to the table to help to achieve safety, create jobs, and spur exports of goods and services. We are hopeful the CMTS will mesh with the outcome of our current work with the Arctic Council, the International Maritime Organization, and the U.S. Coast Guard and Army Corps of Engineers, and Alaska's Northern Waters Task Force.

Below is a non-comprehensive list of these activities:

- **Arctic Council:** The State of Alaska actively supports the United States' work within the Arctic Council, and I serve as our state's liaison on Council issues. As we support the Council's work to implement recommendations of the 2009 AMSA, the State is active in implementing the Arctic Council's aforementioned Search and Rescue Agreement, signed at the Ministerial in Greenland this past May. We are likewise a participant in the Council's oil spill response instrument negotiations. In addition, through the Pacific Northwest Economic Region (PNWER), Alaska is bringing resources and support for the Arctic Council Sustainable Development Working Group's proposed aviation and maritime infrastructure project, which will survey the region's infrastructure needs.

- **USARC/Research programs:** Alaska is also deeply involved in Arctic research. I work closely with the U.S. Arctic Research Commission (USARC), which I chaired under Presidents Bush and Obama from 2006-2010, and served on from 2001-2010 as a Commissioner, and which is currently chaired by Ms. Fran Ulmer, former lieutenant governor of Alaska and former chancellor of the University of Alaska Anchorage. Our University is currently working hard to launch the newest ice-strengthened research vessel, the Sikuliaq (see KOO lee auk), in the nation's NSF-sponsored UNOLS fleet. Moreover, with the University vice president, I co-chair a State Committee on Research which is writing a research and development plan that assesses Alaska's research and development needs for our economy, health, safety, environment, and culture. Alaska researchers play a major role in our understanding of Arctic change and Arctic resources, Arctic engineering and methods of spill response in ice-covered waters.

- **USCG forward basing:** In Alaska we are supporting the U.S. Coast Guard's efforts to bring forward basing to Alaska's North Coast, and we're examining ways we can help provide hangars for fixed and rotary wing aircraft in Barrow and Nome. The Alaska National Guard air-refuelable helicopters and aircraft, as well as helicopters of the North Slope Borough, are America's front-line for search and rescue in the Arctic Ocean today – Coast Guard response is based much further away.

- **New and improved ports:** The State of Alaska has also joined with the U.S. Army Corps of Engineers to conduct a port study for western and northern Alaska. Our intent after the study is to foster investment to establish a deep water port in Western Alaska to serve as a port of refuge for Coast Guard vessels and itinerant traffic. The port would also meet the needs of large vessels, including fishing fleets, and resource export vessels. At the same time, we see a need to upgrade the minimal port facilities which now exist for cargo import and export in a range of Western Alaska communities.

- **Shuttle container shipping:** In 2006, the State of Alaska committed $50,000 for the first pre-feasibility study on transarctic container shipping, looking at the economics and logistics of trans-shipping containers from North America and Asia between Aleutian and Icelandic ports, thus tying North Atlantic and North Pacific shipping together through the Arctic. The results of the study are promising.[10] Recently, we have heard interest to look at this again from Aleutian, Asian and European ports that would send and receive cargo in such a system. One option to consider as we proceed would be to include this work under the Arctic Council's proposed Arctic Maritime and Aviation Transportation Infrastructure Initiative.

- **Early warning system:** The State is a major financial sponsor of the Automatic Identification System receiver network established by the Marine Exchange of Alaska, which now covers all traffic operating in the Arctic region, approaching or leaving the Bering Strait and the Aleutian Archipelago. The network provides location data and advanced warning to the U.S. Coast Guard and state emergency responders of all ships approaching state waters, and gives us – and communities – a heads-up on traffic, including stalled itinerant vessels that might be headed for a shipwreck.

- **Review of new regimes for shipping administration:** Last year, Alaska's State Legislature created the Northern Waters Task Force (NWTF).[11] This task force is charged with examining the effects of changes in the Arctic on shipping, energy and local industry and making recommendations on infrastructure and regulatory needs, mitigation strategies, and ways for the State to be involved in governance of Arctic shipping. NWTF will present their report to the Legislature in January of 2012. Early discussions indicate that international cooperation and investment in oil spill response capabilities will be among the measures recommended.

Conclusion

Mr. Chairman, members of the Committee, Alaska has and will continue to work hard on Arctic policy because we are America's Arctic – it's our home, our history, our heritage and our future. And we work hard with high hopes for outcomes.

But we ask for the U.S. to work hard with us. To reiterate, Mr. Chairman, we ask for three things.

First, we need icebreakers. Without action on this, America is putting its national security on the line, and we are going to miss the opportunities of the Arctic while watching other nations advance. Good policy only goes so far without the infrastructure to act upon it. We have mandated icebreakers more than once. We're missing the boat. Let's build them.

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[10] Niini, M., M. Arpiainen, and R. Kiili. *Arctic shuttle container link from Alaska, US to Europe*. Report AARC K-63. Aker Arctic Technology Inc., Mar. 2006.

[11] Alaska State Legislature, HCR 22, Legislative Resolve No. 54 (2010), Establishing and relating to the Alaska Northern Waters Task Force. Available online: http://housemajority.org/coms/anw/pdfs/26/Scan001.pdf.

Second, while we wait for new icebreakers, we need to take legal action to protect our coasts and prevent spills in the Arctic and Aleutians. We made this clear in our comments to the U.S. Coast Guard's Port Access Route study, and we urge the U.S. to step up the pace.

And third, the federal and state governments need to continue working together through the CMTS and Arctic Council processes to ensure that America does not miss out on the historic, game-changing opportunities in Arctic shipping. Arctic shipping presents safety challenges for sure. But for America, it is an opportunity, and one that could pass us by.

Alaska encourages America's new shipping policy to be ambitious. It should keep us safe, create jobs, help improve the quality of life in Western Alaska, and generate goods and service exports, as polar aviation does today. We need to grasp the historic opportunities of the changing Arctic. America has been an Arctic nation for 150 years. It's time we started acting like it.

Thank you.

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Representative Bob Herron
Alaska State Legislature
State Capitol Room 411
Juneau, AK 99801

Potential Changes to HJR34 (Coast Guard Icebreakers & Arctic Base)

Dear Representative Herron,

I am writing this as an Arctic policy researcher at UAF with experience as a U.S. Coast Guard officer and work within the Arctic Council. I have reviewed HJR34 and propose two, key changes to the Committee. One is a protocol issue and the second, removal of, or changes to, the final resolution statement in the draft text.

(A)-Protocol Issue ~ In the Draft HJR34, the Resolution is being sent to Senior Arctic Officials (SAOs) of the eight Arctic states. Since the Resolution is being sent to our Secretary of State, among many, it should also by protocol be sent to the seven Foreign Ministers who act as Arctic Ministers of their respective Arctic state. Sending the Resolution directly to the SAO's is inappropriate since they are the administrative agents for the Arctic Ministers doing the work of the Arctic Council. The Senior Arctic Official's are not the leaders of the Arctic Council as leadership of the Council is the responsibility of the eight Foreign Ministers of the Arctic states. I highly recommend the Alaska Legislature pass this Resolution to the Secretary of State and her seven colleagues, the Foreign Ministers of Canada, Denmark, Finland, Iceland, Norway, Sweden and Russia.

(B)-Further Resolved.... (Final Text) ~ I believe this passage should be removed as the overall sense of the resolution prior to this text is that the Congress and the Administration are to fund all federal (in this case Coast Guard) facilities and vessels. HJR34 should not specify how to execute this responsibility. This is the responsibility of the Congressional appropriators working in concert with the federal agencies. As for the charging for icebreaker escorts, most of these waters around Alaska allow for freedom of navigation (where no fees can be charged under international law); these waters are not the internal waters of the U.S. Charging fees for icebreaker escort in the Arctic is only conducted along Russia's Northern Sea Route; Canada does not charge fees (and never has) for escort by federal icebreakers in the Canadian Arctic. Both in the U.S. and Canada, under emergency situations, icebreakers will assist in escort (such as the recent Nome operation). I do not believe the Alaska State Legislature should have words in the Resolution regarding options involving the private sector, specifically leasing of future U.S. Coast Guard icebreakers (rather than fully funded by the Congress) or passing our current icebreakers to the private sector for commercial operation.

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Thank you for the opportunity to review HJR34 and provide recommended changes to the text. I would be pleased to assist you and your staff with Arctic policy matters at any time.

Very Respectfully,

Lawson W. Brigham

Lawson W. Brigham, PhD
Distinguished Professor of Geography & Arctic Policy,
University of Alaska Fairbanks
Captain, U.S. Coast Guard (Retired)

Marine Transportation

Introduction

Within the next ten to twenty years, the loss of perennial sea ice is expected to open Arctic waters for a part of each year to new shipping routes. Maritime powers have been searching for a shorter route from the Atlantic to Asia for centuries. The melting Arctic raises the possibility of two such routes:

- The Northern Sea Route runs along Russia's northern border from Murmansk to Providenya and could be used for trade between northeast Asia and northern Europe.
- The Northwest Passage runs through the Canadian Arctic Islands and the Alaskan Arctic Ocean and could be used for trade between northeast Asia and North America.

Source: Hugo AhleniUS, UNEP/GRID- Arendol

The economic benefits of these new routes could be significant. Of the two sea lanes, the Northern Sea Route holds particular promise due to superior depth, summers freer of ice, and comparatively direct routing. Therefore, it is anticipated that this will be the preferred Arctic sea lane in the near future. Ships sailing between East Asia and Western Europe could save more than 40% in transportation time and fuel costs by navigating this route instead of the Suez Canal.

Currently, most Arctic marine traffic is destinational, delivering goods and supplies to the Arctic or transporting minerals out of the region. In 2006, it was estimated that some 6,000 vessels operated in or transited the Arctic in tourism, minerals mining, oil and gas exploration, military operations, and other activities. Today this number has reached more than 7,000, and many nations are actively building more ships designed to operate in Arctic waters. Notably, traffic related to eco-tourism is expanding rapidly in the region. In 2004, an estimated 1.2 million passengers visited the Arctic; by 2007 this number had doubled.

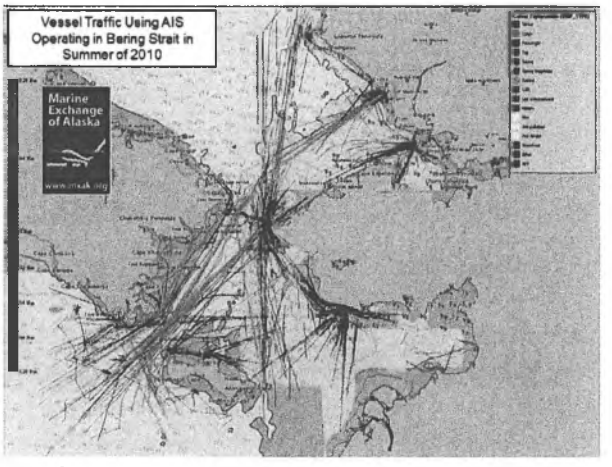
With increased shipping and marine traffic comes increased risk of vessel groundings, spills, collisions, pollutants, noise disturbances, and invasive species. This risk is particularly high due to the lack of detailed navigational charts, reliable weather forecasting, vessel traffic separation protocols, search and rescue infrastructure, and overall maritime domain awareness throughout the Arctic.

Based on these factors the ANWTF makes the following recommendations:

1. The ANWTF Recommends that the United States Work with the International Community to Finalize the Polar Code and Establish a Bering Strait Vessel Traffic Separation Scheme.

Maritime shipping is regulated through international treaties that establish standards for the safety and security of maritime operations. These standards are agreed upon through the International Maritime Organization (IMO), an agency of the United Nations.

Currently, ships navigating the Arctic are governed by the same requirements as any other open water ships. The IMO needs to finalize the Polar Code to supplement international maritime and environmental conventions that already apply in the Arctic. The Polar Code can provide additional requirements regarding rescue equipment, passenger safety, firefighting, ice navigation, and navigation in uninhabited areas. Additionally, the code can include requirements for ship construction, design, equipment, crew training, and operations. The IMO should also consider measures or regulatory frameworks to provide safety mechanisms for the regions of the central Arctic Ocean beyond coastal state jurisdiction.



Vessel Traffic in the Bering Strait Region during the summer of 2010 as depicted by the Marine Exchange of Alaska.

The Polar Code is currently being drafted, and the rules are expected to be in force by 2014. The United States and Alaska should be actively involved in discussions with the IMO to ensure that Alaska's unique needs are met.

The United States and Russia need to begin a process with the IMO of establishing Bering Strait routing measures.

Clearly, all transient traffic in the future, regardless of the route taken, must transit the Bering Strait. This remote, narrow, and hazardous international strait is located in an environmentally sensitive area with little to no search and rescue or maritime disaster-response capability within 800 miles. Increased vessel traffic in the future will make this area particularly vulnerable to maritime disasters. It is only prudent that basic routing measures and vessel monitoring systems be put in place to reduce the risk of calamity in the Bering Strait.

2. The ANWTF Recommends the Establishment of Non-Tank Vessel Rules and Standards for Arctic Transit.

Today the most likely environmental threat to the Arctic is an incident involving a non-tank vessel. These are typically large commercial vessels with fuel tanks in excess of one million gallons of fuel and related hazardous cargos. These vessels make up the greatest percentage of transits, and they have proven over time to be the vessels most likely to experience an accident that puts them in jeopardy of sinking or running aground. Non-tank Vessel rules will require these vessels to meet more stringent standards of responsible-party requirements and allow government agencies to provide greater oversight.

Immediate implementation of the USCG Non-tank Vessel Response Plan (NTVRP) rules would advance development of a response capability as well as marine firefighting and salvage capacity in the Aleutians. This is critical in an area of the state that supports the largest commercial fishery in the country. This rule would require vessel response plans for non-tank vessels calling in U.S. ports. In combination with the tank vessel rule already in place, this rule would place the burden of providing sufficient salvage, firefighting, and response capabilities on all vessels passing through the Aleutians that call on U.S. ports. The requirement to comply with these rules would provide the necessary incentives for vessel owners/operators to fund increased salvage and spill response capabilities in the Aleutians. It may also be the means for financing an appropriate rescue tug for this economically and biologically important resource area.

3. The ANWTF Recommends that Navigational Charts and Other Aids to Navigation be Updated and Improved along with Vessel Tracking and Automatic Identification Systems (AIS).

For safe shipping, existing nautical charts for the Arctic need to be updated. In an effort to reduce the likelihood of accidents, an assessment of navigational needs should be undertaken to identify priority actions and target locations most likely to present hazards. Short and long range navigation aids will be needed, including buoys, iceberg and other sea-condition warning systems, high-risk-area vessel-traffic management systems, and improved communication technology.

Alaska currently has over 70 automatic identification stations that track vessels in Alaskan waters. The existing Automatic Identification System should be expanded across Alaskan northern waters beyond the Canadian border to Tuktoyuktuk. This should be a high priority. The current system—an international government/industry partnership—serves vital governmental and private sector needs by aiding safe, secure, efficient, and environmentally sound maritime operations. Expanding AIS will provide a clear record of transport across the U.S. Arctic waters, particularly for vessels servicing Canadian western Arctic communities or bound for transit through the Northwest Passage. AIS also provides emergency contact information, port data, locations of other vessels, and navigational information via the internet. Expanding the AIS network across the western Arctic will also allow for compliance under the International Maritime Organization Guidelines for Ships Operating in Polar Waters (Resolution A.1024(26)).

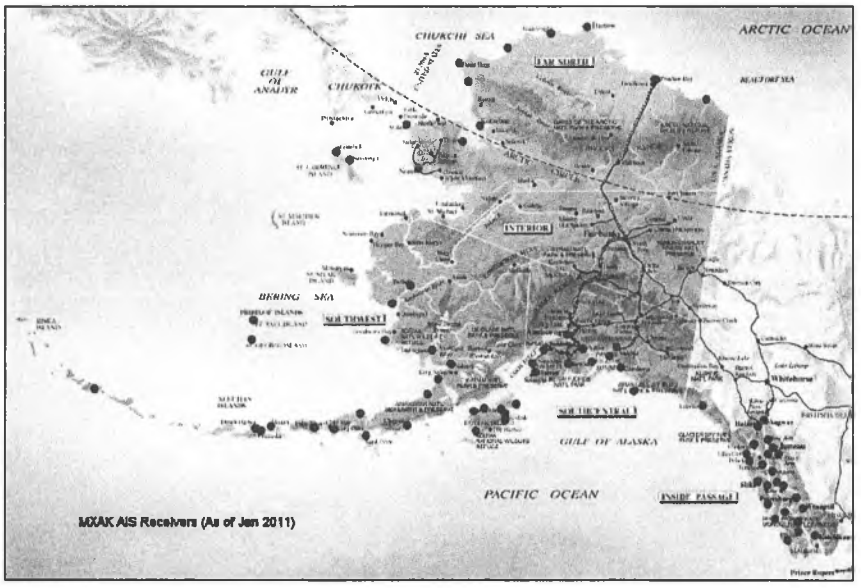
The Alaska State Legislature and the state of Alaska should continue to support the expansion of vessel tracking in the Arctic. The task force encourages the organizations and agencies involved in vessel tracking to pursue all channels of funding to increase their vessel tracking range.

4. Alaska Northern Waters Task Force Supports the National Oceanic and Atmospheric Administration's (NOAA) Hydrographic Arctic Mapping and Recommends that NOAA Also Include Detailed Near-Shore Bathymetric Mapping.

The ANWTF supports increased funding to expedite the mapping of the Arctic regions of Alaska, with particular support for updated mapping of coastal navigation routes and entrance routes to coastal villages.

The ANWTF concurs with the 2011 National Hydrographic Survey Priorities for Alaska. However, NOAA priorities for Alaska in the Bering Strait should be moved from priority two to priority one. The Bering Strait is the shipping choke point in Alaska's northern waters. It is imperative that up-to-date bathymetric information be provided for safe navigation. The ANWTF encourages the exchange of this information with the Russian government so that both governments have complete mapping of the entire strait.

The task force also supports NOAA's efforts to fund additional tidal observations to close the tidal data gap in accordance with the 2008 NOAA Network Gap Analysis for the National Water Level Observation Network. These increased observations will allow the joining of the digital mapping initiative vertical data with the Mean High Water and Mean Lower Low Water data that determine own-



Locations of the Marine Exchange of Alaska's AIS Receivers as of Jan 2011.

ership and jurisdiction of state, federal, Native, and private lands.

The ANWTF also encourages public release of bathymetric data collected by the U.S. Navy that would not threaten our national security, as well as public release of bathymetric data collected by private industry that would not threaten their proprietary economic interests.

5. The ANWTF Recommends that the Alaska State Legislature and the State of Alaska Continue to Support Maritime Training Centers in Alaska.

The need for trained and experienced mariners to operate in the Arctic is clear. The task force highly recommends the development of training programs throughout Alaska that can produce competent seafarers for safe operations in the Arctic. Specialized training—such as a USCG approved Ice Navigator curriculum that would implement the recommendations of the Arctic Marine Shipping Assessment and be consistent with the future requirements of the IMO Polar Code—is essential. In addition, qualifications, training, and experience standards for operation of icebreakers, arctic lightering operations, and high latitude navigation should be considered to ensure that increased maritime commerce in the Arctic is developed safely.

The ANWTF sees a real opportunity for Alaska to become the U.S. center of excellence in Arctic maritime training and seafarer development. Building on the state's strong university system, institutions such as the AVTEC Maritime Training Center, and practical training opportunities in Alaska's ice covered waters, this state is uniquely positioned to become an international leader in high latitude navigation safety training.

6. The ANWTF Supports Completion of the Aleutian Islands Risk Assessment; State of Alaska Participation in the U.S. Coast Guard Port Access Route Study; and Development of a Bering Strait Vessel Traffic Separation Scheme.

Aleutian Islands Risk Assessment

The Aleutian Islands Risk Assessment is a joint venture between the National Fish & Wildlife Foundation, the USCG, and the Alaska Department of Environmental Conservation. The project was organized in response to the grounding of the M/V Selendang Ayu in 2004 and the oil spill it caused. It is a multi-phase risk assessment of maritime transportation in the Bering Sea and the Aleutian Archipelago. Phase A of the Aleutian Island Risk Assessment has been completed.[1]

The study mainly focused on traffic following the great circle route through the Aleutian Islands and Bering Sea. The guiding principles applied to the analysis of risk reduction options were that prevention measures take priority over response measures and all measures should be realistic and practical.

The advisory panel assembled for the project developed recommendations for risk reduction options in two categories: those recommended for immediate implementation and those recommended for further study in Phase B of the assessment.

Options for immediate implementation include:

- Develop an enhanced vessel monitoring and reporting program;
- Enhance towing capabilities on USCG cutters, and increase cutter presence in the Aleutians;
- Stage additional emergency towing systems in the Aleutians.

1. The findings of the Aleutian Islands Risk Assessment can be found at http://aleutiansriskassessment.com/.

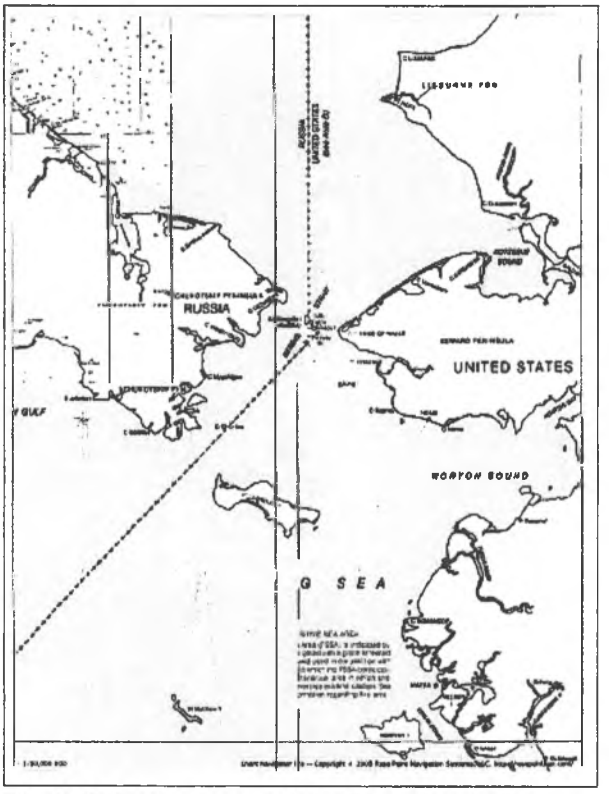
Options recommended for additional development or study in Phase B, prior to full implementation, include:

- Increase rescue tug capability in the Aleutians;
- Increase salvage and spill response capability in the Aleutians;
- Determine the boundaries of IMO Particularly Sensitive Sea Areas, and develop recommendations for associated protective measures;
- Strengthen the Aleutians Subarea Contingency Plan.

The ANWTF recommends that the risk assessment move forward with those risk reduction options that were identified by the advisory panel for immediate implementation. In addition, it is recommended that an additional risk reduction option be evaluated in Phase B of the project. A key consideration for reducing the risk of groundings and spills is offshore vessel routing for circumpolar traffic to provide timeframes for responding to disabled vessels. Offshore vessel routing has been successfully employed along the Pacific west coast and is a primary, cost-effective tool for reducing risk.

Bering Strait Port Access Route Study and Vessel Traffic Separation Scheme

The ANWTF recommends that the state of Alaska participate in and support the efforts of the USCG Port Access Route Study of the Bering Strait. Alaska should work with the USCG and Russia to bilaterally assess the risk of increased shipping through the Bering Strait and analyze the options for staging international assets to respond to that risk. The location of staging areas in Nome or other Alaska coastal locations should be considered for U.S. assets. Provideniya or other Russian coastal areas should be considered for Russian assets. This effort would contribute greatly to the development of any future IMO-led effort to establish internationally binding ship routing measures, such as a Bering Strait Vessel Traffic Separation Scheme.



The shaded region represents the Study Area for the USCG's Bering Strait Port Access Route Study as described in 75 FR 68568.

Planning and Infrastructure Investment

Introduction

A number of state initiatives are underway to look at the potential needs and feasibility of infrastructure projects in Alaska's Arctic region. These include the Alaska Department of Transportation and Public Facilities' (ADOTPF) Industrial Use Roads Study, several Arctic Ports studies, and similar work relating to possible land transportation links to Nome, Ambler, and the Umiat region.

Changes in temperature and precipitation are likely to hold enormous implications for both existing and future construction of all sorts. The ability to better predict and understand the effects of phenomena such as widespread thawing of permafrost will help Alaska prepare for considerable maintenance issues on existing roads, airports, buildings, and pipelines. Just as importantly, it will aid engineers when it comes to properly siting, designing, and constructing new infrastructure capable of withstanding future changes in their specific environments. These important concerns have also been examined in ADOTPF's "Impact of Climate Change on Alaska's Transportation Infrastructure."

These changes also pose significant challenges to some communities in Arctic coastal and riverine areas, most notably those located along the Bering and Chukchi Seas. A number of communities are threatened with increased rates of coastal erosion and flooding as a result of storm activity and battered shorelines once protected by shore-fast ice. These problems could become chronic as the climate warms, seasonal sea ice retreats, and destructive coastal storms become more frequent. These important concerns have been recognized in reports issued by the state of Alaska's Climate Change Subcabinet Immediate Action and Adaptation work groups.

Immediate investment in Arctic infrastructure is a foremost priority for Alaska and the entire United States. Alaska will need to explore ways to attract substantial sources of capital investment in addition to state and federal funding. Action is needed to enable the responsible development of resources; facilitate, secure, and benefit from new global transportation routes; and safeguard Arctic residents and ecosystems.

This investment will improve the safety, security, and reliability of transportation in the region—a goal established by the U.S. Arctic Policy signed by President Bush in 2009. As interest and activity in the Arctic continues to rise, America's preparedness in the region becomes ever more important to national security.

Increased human activity related to shipping, oil and gas development, commercial fishing, and tourism will require, at a minimum, new ports and safe harbors, equipment and facilities for oil spill response, additional Polar Class icebreakers for the U.S. fleet, and improved charting and mapping.

The U. S. Coast Guard's needs in these areas well illustrate the magnitude of infrastructure investment necessary in the Arctic. The Search & Rescue (SAR) agreement recently negotiated by the eight Arctic Nations through the Arctic Council commits the United States to search and rescue response in regions of the Arctic. Domestically, the National Contingency Plan requires the U.S. Coast Guard to oversee oil spill planning and preparedness in coastal waters and to supervise any oil spill response. Additionally, the U.S. Coast Guard's mission is to protect the public, the environment, and U.S. economic interests in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required for national security.[1]

At present, the Coast Guard has very limited Arctic emergency response capabilities and no permanent bases on Alaska's North Slope to support its operations. Basic needs there include communications, housing, and support facilities. It is especially notable that the Coast Guard has only one operational Polar Class icebreaker, the USCG Cutter Healy. Clearly, the Coast Guard does not have the assets required to carry out its expanding mission in the Arctic.

With transformation in the Arctic calling for a broad spectrum of new facilities on such a large scale, the state of Alaska must take an active role in regional planning efforts with communities and their stakeholders. This will help communities develop local strategies and ensure that the state is getting the most return on investment for local projects. Some communities may not have the resources to adequately prepare for the future, and the state should take this opportunity to help increase local capacity for the benefit of all Alaskans.

1. The ANWTF Recommends that the Alaska State Legislature Urge the United States to Forward Base the U.S. Coast Guard in the Arctic.

As human activity increases in Alaska's northernmost waters, the need to establish a Coast Guard base in the Arctic grows. The most northern Coast Guard base in the United States is in Kodiak, Alaska, more than 1,000 miles from pos-

1. The Coast Guard has 11 Statutory (non-discretionary) missions: Search and Rescue, Maritime Safety, Ports & Waterways Security, Drug Interdiction, Migrant Interdiction, National Defense, Living Marine Resources, Marine Environmental Protection, Aids to Navigation, Ice Operations, and Law Enforcement.

sible Chukchi Sea drilling sites and nearly as far from existing Arctic shipping lanes in the Bering Strait.[1] This distance causes untenable logistical problems that negatively impact response times and capabilities. The Coast Guard must have a greater overall presence in the Arctic, with the ability to stage assets closer to future shipping, oil and gas drilling, and commercial fishing activities.

The federal government should begin planning immediately to establish an Arctic base, and it must also move forward on interim measures for search and rescue and oil spill response in the region. The latter include working with communities to site required equipment at strategic locations, upgrading regional airports and associated storage facilities to enable efficient airlifting of assets, and increasing communications infrastructure.

2. The ANWTF Recommends that the Alaska State Legislature Urge the United States to Fund Icebreakers and Other Ice-capable Vessels.

At present, the United States has only one Polar Class icebreaker in service, the Coast Guard's Healy. A second Polar Class icebreaker, the Polar Star, is undergoing extensive repairs in Seattle and is not expected to return to service until 2013. Its sister ship, the Polar Sea, was decommissioned in 2011.

Meanwhile, Russia has a fleet of eight service-ready nuclear powered icebreakers, including an ice-breaking container ship. A ninth is under construction and will join their fleet in 2015. China owns the world's largest non-nuclear icebreaker and plans to launch a second by 2013. Canada has committed $38 billion to a 30-year plan to build additional icebreakers and other ice-strengthened ships suitable for Arctic service. Sweden, Finland, South Korea, and Japan are adding icebreakers to their fleets.[2]

The United States Coast Guard Cutter Healy is a medium strength vessel used most recently as a platform for scientific research. Its design is less suited to military missions. Congress has appropriated $60 million for repairs to the Polar Star. At this level of funding, its overhaul is estimated to provide for seven to ten years of additional service—the same length of time the Coast Guard estimates is required to design and construct a new Polar Class icebreaker, at a cost of about $860 million.

This limited number of icebreakers presents a major challenge to the Coast Guard mission in Alaska. Having ice-capable vessels is vital to maintain sovereignty, continue scientific research, and provide emergency and oil spill response. Overreliance on the Healy, which was not designed to meet all these challenges, poses risks for the United States and Alaska.

The ANWTF urges the state of Alaska to prevail upon the U.S. government to fund the construction of new heavy icebreakers and additional cutters for the U.S. Coast Guard. The Coast Guard is developing a long term vessel asset plan, but so far it has been unable to secure funding. It is expected that additional vessels will be required in support of oil spill response; these vessels must be capable of year-round Arctic operations. Immediate steps should be taken to begin construction of these assets.

Further, the ANWTF supports planning for other necessary facilities for search and rescue responsibilities, spill clean-up equipment and response vessels, and research. The Coast Guard needs this infrastructure to fulfill its mission.

3. The ANWTF Recommends that the Alaska State Legislature Support Search and Rescue Coordination Centers along the Coast to Assist Federal and State Responders.

The ANWTF supports search and rescue efforts at all levels—federal, state, and local. Because the USCG doesn't have an Arctic presence, local communities are often the first responders to an emergency.

The state of Alaska should coordinate planning with the USCG and local communities to develop strategies for increased search and rescue capabilities in the Arctic. Strategies may include purchase of equipment, training, and increased communications capability at the community level.

Other countries are already moving ahead with similar initiatives. Russia is currently in the process of building ten search and rescue centers along its Arctic coast line. Given the size of the Alaskan Arctic, effective local response will be critical. State planning should begin immediately.

4. The ANWTF Recommends Supporting the University of Alaska Fairbanks Scenarios Network for Alaska and Arctic Planning.

Scientists reviewing weather data for Alaska believe the state has been experiencing a warming trend with drier conditions in parts of the state. The ANWTF heard presentations on impacts this could have on Arctic communities and businesses. They include, among others, drier conditions in Interior Alaska resulting in more frequent and severe forest fires; species moving outside their historical ranges and perhaps displacing other species; changes in the active layer and permafrost in areas of the state resulting in loss of structural support and other adverse effects on roads and infrastructure; increase in the rate of coastal erosion in areas of

1. To put this distance into perspective, the distance between Kodiak and Barrow is about the distance between Los Angeles and Seattle.

2. For a list of ice breaker assets around the world go to: http://www.globalsecurity.org/military/world/icebreakers-list.htm

the state; and changes in hydrology including loss of surface ponds used for drinking water. It is important for state and local governments and industry to have a better understanding of possible future climatic conditions in the state when planning long-term infrastructure and critical services.

The University of Alaska Fairbanks formed the Scenarios Network for Alaska and Arctic Planning (SNAAP) to help decision makers understand possible future climate scenarios and their impacts in the state. SNAAP has developed data-driven models and scenarios for specific areas of the state that describe possible effects from longer-term changes in air temperature and precipitation. SNAAP has been working with other researchers to integrate down-scaled climatic models with terrestrial models to make predictions of landscape changes and the implications of such changes (melting permafrost, shifting and intensity of fire regimes, etc.) on the state's roads, airports, ports, pipelines, and rural communities. Both marine and terrestrial models should include predictions of impacts on resource development and related infrastructure. Such models would inform future infrastructure development and management.

The ANWTF recommends the state of Alaska support the work being done by SNAAP and encourages making this information, along with any important caveats on the limitations on such climatic predictions, available to state agencies, local governments, and the public to assist them in their long-term planning. The ANWTF believes this information could also be useful to agencies and organizations involved in setting standards for construction around the state.

5. The ANWTF Recommends Continuing the Analysis and Development of Ports and Safe Harbors in the Arctic Region.

Studies by the U.S. Coast Guard, the U.S. Navy, the Arctic Council, the U.S. Army Corps of Engineers, and the Alaska Department of Transportation and Public Facilities all identify the need to develop ports and harbors in Arctic Alaska. Given the long lead times for such construction, ports should be among the highest priorities for Arctic infrastructure.

Building on the findings of the 2008 and 2011 state/federal Alaska Regional Ports Workshops and the 2011 Arctic Ports Charette, the state of Alaska and the U.S. Army Corps of Engineers should continue analyzing options for deep- and medium-draft port and safe harbor construction in the Alaskan Arctic. The state should convene an industry-focused Alaska Arctic Ports Workshop to assess the pros and cons of alternative locations and types of ports, address environmental conditions and engineering approaches, and explore funding alternatives.

Locations to consider include:

- St. Paul Island in the Pribilof Islands. Here there is an existing harbor for the Central Bering Sea fishing fleet and fish processing facilities.
- St. Lawrence Island. There is no existing sea port on St. Lawrence.
- Nome/Teller. A medium-draft port exists at Nome. Considerations include expanding the Nome causeway, improving the Nome-Teller road, and developing a seasonal deep-draft port at Port Clarence Bay off Teller.
- Kotzebue/Cape Blossom. A shallow-draft port complex exists at Kotzebue. During the ice-free season, deep-draft freighters anchor 15 miles out to sea and cargo is lightered to port. Shallow-draft barges deliver cargo to area communities. Cape Blossom, across Kotzebue Sound, offers a potential deep-draft port site.
- Mekoryuk. Located on Nunivak Island, Mekoryuk has no boat harbor but does have moorage for small boats protected by a breakwater.
- Cape Thompson. Located on the Chukchi Sea about 26 miles southeast of Point Hope, Cape Thompson has previously been considered for a port site. It is located on a promontory with bulk rip-rap and aggregate potential and is broadly sheltered from the north by the spit of Point Hope. It has an old airstrip but is otherwise largely undeveloped.
- Wainwright. Wainwright is the nearest village to the Chukchi Sea OCS leases and is located on Wainwright Inlet, which is capable of sheltering shallow- to medium-draft vessels. It is located 90 miles west of Barrow. The city presently does not have a seaport.
- Point Franklin. Located between Wainwright and Barrow, Point Franklin and its adjacent barrier islands may serve as a shelter and possible port site for shallow- to medium-draft vessels.
- Barrow. With a population of more than 4000, Barrow boasts considerable infrastructure despite its remote location and is the geographic midpoint between the active exploration areas in the Beaufort and Chukchi Seas. Just east of Point Barrow is Eluitkaak Pass, which is the "notch" between the Barrow spit and the barrier islands of Elson Lagoon. Eluitkaak Pass is about 50 feet deep at its deepest, although it shallows at both ends toward the north and the south. Elson Lagoon, although shallow, is protected from the open ocean by barrier islands. At present there is no protected harbor at Barrow.
- Prudhoe Bay. Prudhoe Bay has been extensively developed for oil industry support. There is a causeway and dock system on the east and west sides of Prudhoe Bay that currently services the line-haul barges that transport drilling and production infrastructure to the North Slope. The community, made up almost entirely of oil industry

employees, is connected year-round to the North American road system by the Dalton Highway.

- Mary Sachs Entrance. This is a channel between barrier islands located about 60 miles north and east of Prudhoe Bay.

Plans for the development of deep-draft ports and improved safe harbors in northern waters should be intended also to improve access to inland resources in the region. Consideration should be given to the proximity of exploitable natural resources and access to them by navigable inland waterways or through the construction of railways or roads.

A key economic factor in the viability of developing natural resources in Alaska is the distance to an ocean port. Natural resources within 100 miles of a coast line typically have a higher probability of development due to shipping proximity. Development of resource transportation corridors to Arctic ports is critical for both shipping of product to market and for resupply of materials and equipment necessary for resource exploration, development, and extraction. Options for public-private partnerships (P3's) should be explored as a mechanism to capitalize development of the resource deposits and provide a return on investment to the state and private sector industries. Port planning for the Arctic should include a prioritized strategy for approaches to specific resource deposits and options for developing infrastructure to support exploration, development, and transportation of the resource.

6. The ANWTF Recommends the State of Alaska Consider Proposals to Expand Fiber Optic Cable Routes Across Northern Waters.

The retreat of sea ice and stability of the sea floor in the Arctic is creating interest in a potential fiber optic cable route from London to Tokyo via the Canadian Northwest Passage and Alaskan Arctic. Just as shipping routes are significantly shorter across the northern waters, so would be cable routes.

Linking Alaska's Arctic communities to trans-Arctic cable routes would bring many benefits. Increased communications will be needed in support of the Coast Guard's mission, including search and rescue and oil-spill response operations. Better communications are also required for the safe operations of ships transiting the region and offshore oil field development activities. At the same time, broadband links would enhance economic development and distance learning opportunities for Arctic communities.

The state should consider an assortment of strategies. In 2010, Kodiak Kenai Cable Company developed an international consortium for a Tokyo-London link with a landing at Prudhoe Bay. The company also proposed branches linking Kodiak with the more remote communities of Dutch Harbor, Nome, Kotzebue, and Barrow before rejoining the primary cable at the Prudhoe Bay landing. While this proposal was unsuccessful in obtaining funding, the effort produced valuable research, and the related Arctic Cable Company has now been formed.

On land, GCI's Terra SW has connected 65 coastal villages and communities in the Bristol Bay and Yukon-Kuskokwim Delta regions to a fiber optic/microwave network. GCI is exploring expanding the network to include the communities of northwest Alaska. On the North Slope of Alaska, the Arctic National Broadband Network initiative explored developing broadband capability between Barrow and Nuiqsut.

The state should continue to encourage fiber optic cable ventures that will include links to coastal hub communities and industry bases adjoining the northern waters.

7. The ANWTF Recommends that the State of Alaska Explore Models to Access Funding for Arctic Infrastructure.

As the state of Alaska determines its priorities for Arctic infrastructure projects, the Alaska Industrial Development and Export Authority (AIDEA) should begin examining which categories of projects are likely to meet its criteria for funding and which will need additional or wholly alternative sources.

The state should consult with financing and investment specialists to explore strategies to attract additional sources of capital to infrastructure priorities. Such considerations could include private sector investment as well as the creation of state, national, and international development corporations.

Nancy Manly

To: Rob Earl
Subject: RE: CSHJR 34 to be read across the floor today

Hi Rob: I'll look for the amendment on Monday then. Thanks.

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: Rob Earl
Sent: Friday, February 17, 2012 12:18 PM
To: Nancy Manly
Subject: FW: CSHJR 34 to be read across the floor today

Nancy,

I just ordered the amendment – will forward to you as soon as I get it. It's not complicated.

Attached is the MLV version of HJR 34.

When we get the amendment, I think that will complete the packet. Thanks again for working with us on scheduling ect – you went the extra mile and it's hugely appreciated.

Rep. Herron will present the bill.

I can talk to you Monday or whenever about the amendment, etc.

Please let me know if you think of anything else you need or would like.

Cheers,

ROB

Rob E. Earl
Office of Rep. Bob Herron
907.465.5141

Amendment HJR34

27-LS1303\M.1
Martin
2/17/12

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHJR 34(MLV)

Page 4, lines 26 - 28:

Delete "icebreakers, including charging for icebreaker escorts, the option to lease rather than own the icebreakers needed in the Arctic, and selling our aging icebreakers to the private sector for refurbishment"

Insert "the refurbishment of our current polar class icebreakers, the acquisition of new icebreakers, and the long-term maintenance funding of the United States Coast Guard icebreaker fleet and Arctic facilities"

Representative Bob Herron

Rep.Bob.Herron@legis.state.ak.us

State Capitol • Juneau, Alaska 99801-1182
Phone: (907) 465-4942 • Fax: (907) 465-4589

House District 38
Kuskokwim & Johnson Rivers
Kuskokwim Bay & Nelson Island

Akiachak
Akiak
Atmautluak
Bethel
Chefornak
Eek
Goodnews Bay
Kasigluk
Kipnuk
Kongiganak
Kwethluk
Kwigillingok
Lower Kalskag
Mekoryuk
Mertarvik
Napakiak
Napaskiak
Newtok
Nightmute
Nunapitchuk
Oscarville
Platinum
Quinhagak
Toksook Bay
Tuluksak
Tununak
Tuntutuliak
Upper Kalskag

MEMORANDUM

Date: February 14, 2012

To: Rep. Bob Lynn, Chair
House State Affairs Committee

From: Rep. Bob Herron

RE: HJR 34, Coast Guard Icebreakers & Arctic Base

I respectfully request that HJR 34, Encouraging Congress to Fund Coast Guard Icebreakers & an Arctic Base, be given a hearing, pending referral, in the House State Affairs Committee.

HJR 34 formalizes two of the Alaska Northern Waters Task Force's recommendations from their Final Report, calling for the United States to:

1. Forward base the US Coast Guard in the Arctic, and
2. Fund icebreakers and other ice capable vessels.

If you have any questions or need additional information, please contact me or my staff Rob Earl at 465.4942.

HJR

38

<TARGET><BILL>HJR 38</BILL><SUBJECT>HJR
38</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 20, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 3-27-2012

The STATE AFFAIRS Committee considered: **HJR 38**

HOUSE JOINT RESOLUTION NO. 38
Requesting the United States Congress to call a Constitutional Convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt limit.

HJR 38-US CONST AM: FEDERAL DEBT LIMIT

Recommends it be replaced with [ ] HCS *or* [X] CS for HJR 38 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEG			X

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle Johansen	JOHANSEN	X			
Wes Keller	Keller	X			
Mary Z. Greenley	Greenley		—		
Paul R. Seaton	Seaton		X		
Pete Petersen	PeTersen		X		
Chair: Bob M	LeNN			X	
Chair:					

CS FOR HOUSE JOINT RESOLUTION NO. 38(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KELLER

A RESOLUTION

Requesting the United States Congress to call an Article V amendments convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt.

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

WHEREAS Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states--an amendments convention; and

WHEREAS the Alaska State Legislature supports the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states;

BE IT RESOLVED that the Alaska State Legislature respectfully applies for an amendments convention to the Constitution of the United States, called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it

FURTHER RESOLVED that the Alaska State Legislature requests that the amendments convention requested by this application be entirely focused on and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it

FURTHER RESOLVED that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

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 Daniel K. Inouye, President pro tempore of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable Nancy Erickson, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk of the U.S. House of Representatives; 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; and the presiding officers of the legislatures of each of the other 49 states.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Session:
Alaska State Capitol, #108
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

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 Nmanly # # of Pages (including cover): 1
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re CS for HJR38 - Draft Final 27-LS1284/D

3/27/2012

HJR38 Version D moved from the House State Affairs Committee this morning with no amendments. Please draft a final CS for HJR38 Version D as written. Thanks.

Good morning Mr. Chairman & committee members, I am Stuart Thompson of Rep Neuman's district testifying under the authority of my sovereign citizenship. Start of my three minutes of prepared testimony.

Rep Keller's HJR 38 calls for a limited Constitutional Convention to address ~~enforcing a federal balanced budget and~~ restricting how the national debt limit is raised. It is not only appropriate and competently written, but speaks to a matter that is a central reason why America is becoming a has-been republic after only 250 years.

The appropriateness of state attention to the ~~fiduciary~~ financial betrayal of Americans by the federal government is best explained by quoting Alexander Hamilton:

"This balance between the national and state governments ought to be dwelt on with peculiar attention, as it is of the utmost importance. It forms a double security to the people. If one encroaches on their rights, they will find a powerful protection in the other. Indeed they will both be prevented from overpassing their constitutional limits, by a certain rivalship, which will ever subsist between them." -- 1788 *Speech to the New York Ratifying Convention*

That runway national debt is fiduciary criminality verging on treason is best explained by quoting two US Founding Fathers:

"I sincerely believe that banking establishments are more dangerous than standing armies, and that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." --Thomas Jefferson – 1816 letter excerpt.

"The Union: Who are Its Real Friends:

Not those who promote unnecessary accumulations of the debt of the Union, instead of the best means of discharging it as fast as possible; thereby increasing the causes of corruption in the government, and the pretext for new taxes under its authority, the former undermining the confidence, the latter alienating the affection of the people. -- James Madison -- 1792 published essay excerpt.

That a balanced budget and restricting debt accumulation is the essence of government fiduciary responsibility has been known for thousands of years. For example, I quote a famous Roman statesman:

"The budget should be balanced, the Treasury should be refilled, public debt should be reduced, the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed lest Rome become bankrupt. People must again learn to work, instead of living on public assistance." -- Marcus Tullius Cicero -- 55 BC

Income greater than outgo plus reserves – this foundation of sound economic policy has been the same since God created humanity. Stop federal government being institutionalized bribery and swindling. Pass this resolution.

Good luck on your deliberations.

Stuart Thompson
PO Box 870702
Wasilla, AK 99687
lookitover@att.net

Oversion

Additional Documents
for
HJR 38

- New CS for HJR 38 (Needs to be Adopted) Version D

27-LS1284\D
Gardner
3/22/12

CS FOR HOUSE JOINT RESOLUTION NO. 38( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KELLER

Gruenberg Moved to adopt to "D" Version. Public Discussion Closed

A RESOLUTION

Requesting the United States Congress to call an Article V amendments convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt.

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

WHEREAS Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states--an amendments convention; and

WHEREAS the Alaska State Legislature supports the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states;

BE IT RESOLVED that the Alaska State Legislature respectfully applies for an amendments convention to the Constitution of the United States, called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it

FURTHER RESOLVED that the Alaska State Legislature requests that the amendments convention requested by this application be entirely focused on and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it

FURTHER RESOLVED that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

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 Daniel K. Inouye, President pro tempore of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable Nancy Erickson, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk of the U.S. House of Representatives; 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; and the presiding officers of the legislatures of each of the other 49 states.

HOUSE JOINT RESOLUTION NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KELLER

Introduced: 2/20/12
Referred: State Affairs

A RESOLUTION

Requesting the United States Congress to call a Constitutional Convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt limit.

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

WHEREAS, in 1982, the Twelfth Alaska State Legislature passed Legislative Resolve No. 1, expressing concern that the public debt of the United States exceeded hundreds of billions of dollars and making application to the United States Congress, under Article V of the Constitution of the United States, for a constitutional convention for the purpose of proposing amendments to the Constitution of the United States requiring that in the absence of a national emergency, the total of all appropriations made by the United States Congress for a fiscal year shall not exceed the total of all estimated federal revenue for that fiscal year; and

WHEREAS, in 1997, the Twentieth Alaska State Legislature passed Legislative Resolve No. 20, expressing ongoing concern that a balanced budget amendment to the United States Constitution continued to be necessary to control the national deficit and to control

national government spending and urging the United States Congress and the President to support a resolution proposing a balanced budget amendment to the Constitution of the United States, and urging the legislature of each state of the nation to ratify the amendment; and

WHEREAS, because paying the nation's bills by simply raising the federal debt limit has proven a failed policy, and the rapidly rising federal debt limit and rapidly increasing federal debt compel the need for an urgent call for a balanced budget amendment to the Constitution of the United States; and

WHEREAS it is increasingly critical to the national interest for the federal government to live within its means and not to continue to authorize appropriations for a current fiscal year that exceed the total estimated revenue fund by increasing the federal debt limit; and

WHEREAS, in 2012, the United States continues to move more deeply into debt as its expenditures exceed its available revenue, and, with recent increases, the federal debt limit now exceeds $15 trillion; and

WHEREAS the federal budget has increased in size at a rate that is out of control and unsustainable in relation to available revenue; and

WHEREAS the goal of controlling the unsustainable growth of the federal debt limit and federal government spending must be achieved to protect the economic and political stability of the United States for current and future generations; and

WHEREAS Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states--an amendments convention;

BE IT RESOLVED that the Alaska State Legislature wishes to remind the United States Congress of the Alaska State Legislature's 1982 call for a convention to be called by the United States Congress for a balanced budget amendment to the Constitution of the United States, that this call was and remains a continuing call for an amendments convention, and that the Alaska State Legislature continues strongly to urge the separate states to join in this call; and be it

FURTHER RESOLVED that the Alaska State Legislature makes an additional and urgent call for a convention to be called by the United States Congress under Article V of the

Sheila Z (Wilson office) Suggesting Amending Bill 9/8 2 3/6/12

Constitution of the United States for the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt limit requires approval from a majority of the legislatures of the separate states; and be it

FURTHER RESOLVED that the amendments convention requested by this resolution be limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and be it

FURTHER RESOLVED that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the legislatures of the other 49 states to make the same application.

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 Daniel K. Inouye, President pro tempore of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable Nancy Erickson, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk of the U.S. House of Representatives; 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; and the presiding officers of the legislatures of each of the other 49 states.

ALASKA STATE LEGISLATURE

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Wasilla, Alaska 99654
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State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818

REPRESENTATIVE WES KELLER
DISTRICT 14

SPONSOR STATEMENT
HJR 38

"Requesting the United States Congress to call a Constitutional Convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt limit."

"Deficit spending", these words are heard almost as often on national news stories today as "Good Evening". Fifteen Trillion ($15, 000,000,000,000) that is where we are. A number that is unsustainable, our children's, children's, children will be paying for this with no plans to reduce the budget. A federal debt ceiling is no longer a problem to those in Washington "Just raise it" is the cry from the halls of Congress and the West Wing.

It has to stop.

HJR 38 is a step in that direction. It takes its lead from action by the Twelfth and Twentieth Alaska legislature's seeking control over the public debt and seeking a balanced budget. Now the practice of raising the debt limit needs to be addressed.

This resolution sends a message to Congress, and the other 49 legislatures that Alaska is calling for a limited Constitutional Convention to address both balanced budget and a restriction on raising the debt ceiling.

HJR 38 will, if similar resolutions are approved by a majority of other states will call on Congress to call a limited Constitutional Convention to add language that requires a balanced budget and a vote of a majority of state legislatures before raising the debt ceiling.

Support for HJR___ makes it known that Alaska is not in favor of excessive tax and spend policies and is seeking resolution to a problem that if not fixed could end the American way of life.

E-Mail: Representative_Wes_Keller@legis.state.ak.us
Call Juneau Toll free: (800) 468-2186
Website: www.akrepublicans.org/keller/

Constitution of the United States of America of 1787

ARTICLE V.

Amendment of the Constitution. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendment to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

FISCAL YEAR 2013

HISTORICAL TABLES

BUDGET OF THE U.S. GOVERNMENT

OFFICE OF MANAGEMENT AND BUDGET

BUDGET.GOV

Scan here to go to our website.

Table 7.1—FEDERAL DEBT AT THE END OF YEAR: 1940–2017—Continued

End of Fiscal Year	In Millions of Dollars					As Percentages of GDP				
	Gross Federal Debt	Less: Held by Federal Government Accounts	Equals: Held by the Public			Gross Federal Debt	Less: Held by Federal Government Accounts	Equals: Held by the Public		
			Total	Federal Reserve System	Other			Total	Federal Reserve System	Other
1995	4,920,586	1,316,208	3,604,378	374,114	3,230,264	67.0	17.9	49.1	5.1	44.0
1996	5,181,465	1,447,392	3,734,073	390,924	3,343,149	67.1	18.8	48.4	5.1	43.3
1997	5,369,206	1,596,862	3,772,344	424,518	3,347,826	65.4	19.4	45.9	5.2	40.8
1998	5,478,189	1,757,090	3,721,099	458,182	3,262,917	63.2	20.3	43.0	5.3	37.7
1999	5,605,523	1,973,160	3,632,363	496,644	3,135,719	60.9	21.4	39.4	5.4	34.1
2000	5,628,700	2,218,896	3,409,804	511,413	2,898,391	57.3	22.6	34.7	5.2	29.5
2001	5,769,881	2,450,266	3,319,615	534,135	2,785,480	56.4	24.0	32.5	5.2	27.2
2002	6,198,401	2,657,974	3,540,427	604,191	2,936,235	58.8	25.2	33.6	5.7	27.8
2003	6,760,014	2,846,570	3,913,443	656,116	3,257,327	61.6	25.9	35.6	6.0	29.7
2004	7,354,657	3,059,113	4,295,544	700,341	3,595,203	63.0	26.2	36.8	6.0	30.8
2005	7,905,300	3,313,088	4,592,212	736,360	3,855,852	63.6	26.7	36.9	5.9	31.0
2006	8,451,350	3,622,378	4,828,972	768,924	4,060,048	64.0	27.4	36.6	5.8	30.7
2007	8,950,744	3,915,615	5,035,129	779,632	4,255,497	64.6	28.2	36.3	5.6	30.7
2008	9,986,082	4,183,032	5,803,050	491,127	5,311,923	69.7	29.2	40.5	3.4	37.1
2009	11,875,851	4,331,144	7,544,707	769,160	6,775,547	85.2	31.1	54.1	5.5	48.6
2010	13,528,807	4,509,926	9,018,882	811,669	8,207,213	94.2	31.4	62.8	5.7	57.2
2011	14,764,222	4,636,016	10,128,206	1,664,660	8,463,546	98.7	31.0	67.7	11.1	56.6
2012 estimate	16,350,885	4,772,802	11,578,083	N/A	N/A	104.8	30.6	74.2	N/A	N/A
2013 estimate	17,547,936	4,911,247	12,636,689	N/A	N/A	107.4	30.1	77.4	N/A	N/A
2014 estimate	18,499,909	5,054,691	13,445,219	N/A	N/A	107.8	29.5	78.4	N/A	N/A
2015 estimate	19,426,503	5,229,139	14,197,365	N/A	N/A	106.9	28.8	78.1	N/A	N/A
2016 estimate	20,391,198	5,411,441	14,979,757	N/A	N/A	105.9	28.1	77.8	N/A	N/A
2017 estimate	21,325,493	5,612,836	15,712,657	N/A	N/A	104.7	27.6	77.1	N/A	N/A

N/A: Not available.

Table 7.1—FEDERAL DEBT AT THE END OF YEAR: 1940–2017

End of Fiscal Year	In Millions of Dollars					As Percentages of GDP				
	Gross Federal Debt	Less: Held by Federal Government Accounts	Equals: Held by the Public			Gross Federal Debt	Less: Held by Federal Government Accounts	Equals: Held by the Public		
			Total	Federal Reserve System	Other			Total	Federal Reserve System	Other
1940	50,696	7,924	42,772	2,458	40,314	52.4	8.2	44.2	2.5	41.6
1941	57,531	9,308	48,223	2,180	46,043	50.4	8.2	42.3	1.9	40.4
1942	79,200	11,447	67,753	2,640	65,113	54.9	7.9	47.0	1.8	45.1
1943	142,648	14,882	127,766	7,149	120,617	79.1	8.3	70.9	4.0	66.9
1944	204,079	19,283	184,796	14,899	169,897	97.6	9.2	88.3	7.1	81.2
1945	260,123	24,941	235,182	21,792	213,390	117.5	11.3	106.2	9.8	96.4
1946	270,991	29,130	241,861	23,783	218,078	121.7	13.1	108.7	10.7	98.0
1947	257,149	32,810	224,339	21,872	202,467	110.3	14.1	96.2	9.4	86.8
1948	252,031	35,761	216,270	21,366	194,904	98.2	13.9	84.3	8.3	76.0
1949	252,610	38,288	214,322	19,343	194,979	93.1	14.1	79.0	7.1	71.9
1950	256,853	37,830	219,023	18,331	200,692	94.1	13.9	80.2	6.7	73.5
1951	255,288	40,962	214,326	22,982	191,344	79.7	12.8	66.9	7.2	59.8
1952	259,097	44,339	214,758	22,906	191,852	74.3	12.7	61.6	6.6	55.0
1953	265,963	47,580	218,383	24,746	193,637	71.4	12.8	58.6	6.6	52.0
1954	270,812	46,313	224,499	25,037	199,462	71.8	12.3	59.5	6.6	52.9
1955	274,366	47,751	226,616	23,607	203,009	69.3	12.1	57.2	6.0	51.3
1956	272,693	50,537	222,156	23,758	198,398	63.9	11.8	52.0	5.6	46.5
1957	272,252	52,931	219,320	23,035	196,285	60.4	11.7	48.6	5.1	43.5
1958	279,666	53,329	226,336	25,438	200,898	60.8	11.6	49.2	5.5	43.7
1959	287,465	52,764	234,701	26,044	208,657	58.6	10.8	47.9	5.3	42.6
1960	290,525	53,686	236,840	26,523	210,317	56.0	10.3	45.6	5.1	40.5
1961	292,648	54,291	238,357	27,253	211,104	55.2	10.2	45.0	5.1	39.8
1962	302,928	54,918	248,010	29,663	218,347	53.4	9.7	43.7	5.2	38.5
1963	310,324	56,345	253,978	32,027	221,951	51.8	9.4	42.4	5.3	37.0
1964	316,059	59,210	256,849	34,794	222,055	49.3	9.2	40.0	5.4	34.6
1965	322,318	61,540	260,778	39,100	221,678	46.9	9.0	37.9	5.7	32.2
1966	328,498	64,784	263,714	42,169	221,545	43.5	8.6	34.9	5.6	29.3
1967	340,445	73,819	266,626	46,719	219,907	42.0	9.1	32.9	5.8	27.1
1968	368,685	79,140	289,545	52,230	237,315	42.5	9.1	33.3	6.0	27.3
1969	365,769	87,661	278,108	54,095	224,013	38.6	9.2	29.3	5.7	23.6
1970	380,921	97,723	283,198	57,714	225,484	37.6	9.6	28.0	5.7	22.3
1971	408,176	105,140	303,037	65,518	237,519	37.8	9.7	28.1	6.1	22.0
1972	435,936	113,559	322,377	71,426	250,951	37.1	9.7	27.4	6.1	21.3
1973	466,291	125,381	340,910	75,181	265,729	35.6	9.6	26.0	5.7	20.3
1974	483,893	140,194	343,699	80,648	263,051	33.6	9.7	23.9	5.6	18.3
1975	541,925	147,225	394,700	84,993	309,707	34.7	9.4	25.3	5.4	19.9
1976	628,970	151,566	477,404	94,714	382,690	36.2	8.7	27.5	5.4	22.0
TQ	643,561	148,052	495,509	96,702	398,807	35.0	8.1	27.0	5.3	21.7
1977	706,398	157,294	549,104	105,004	444,100	35.8	8.0	27.8	5.3	22.5
1978	776,602	169,476	607,126	115,480	491,646	35.0	7.6	27.4	5.2	22.2
1979	829,467	189,161	640,306	115,594	524,712	33.2	7.6	25.6	4.6	21.0
1980	909,041	197,118	711,923	120,846	591,077	33.4	7.2	26.1	4.4	21.7
1981	994,828	205,418	789,410	124,466	664,944	32.5	6.7	25.8	4.1	21.8
1982	1,137,315	212,740	924,575	134,497	790,078	35.3	6.6	28.7	4.2	24.5
1983	1,371,660	234,392	1,137,268	155,527	981,741	39.9	6.8	33.1	4.5	28.5
1984	1,564,586	257,611	1,306,975	155,122	1,151,853	40.7	6.7	34.0	4.0	30.0
1985	1,817,423	310,163	1,507,260	169,806	1,337,454	43.8	7.5	36.4	4.1	32.3
1986	2,120,501	379,878	1,740,623	190,855	1,549,767	48.2	8.6	39.5	4.3	35.2
1987	2,345,956	456,203	1,889,753	212,040	1,677,713	50.4	9.8	40.6	4.6	36.1
1988	2,601,104	549,487	2,051,616	229,218	1,822,398	51.9	11.0	41.0	4.6	36.4
1989	2,867,800	677,084	2,190,716	220,088	1,970,628	53.1	12.5	40.6	4.1	36.5
1990	3,206,290	794,733	2,411,558	234,410	2,177,147	55.9	13.9	42.1	4.1	38.0
1991	3,598,178	909,179	2,688,999	258,591	2,430,408	60.7	15.3	45.3	4.4	41.0
1992	4,001,787	1,002,050	2,999,737	296,397	2,703,341	64.1	16.1	48.1	4.7	43.3
1993	4,351,044	1,102,647	3,248,396	325,653	2,922,744	66.1	16.7	49.3	4.9	44.4
1994	4,643,307	1,210,242	3,433,065	355,150	3,077,915	66.6	17.3	49.2	5.1	44.1

the Weekly Standard----The Cost of Obama

Jeffrey H. Anderson February 14, 2012 8:05 AM

President Obama's fourth budget has now been released, which allows for a relatively full accounting of deficit spending during his four years in office. The picture isn't pretty, but it is revealing.

According to the White House's own figures, the actual or projected deficit tallies for the four years in which Obama has submitted budgets are as follows: $1.293 trillion in 2010, $1.300 trillion in 2011, $1.327 trillion in 2012, and $901 billion in 2013. In addition, Obama is responsible for the estimated $200 billion (the Congressional Budget Office's figure) that his economic "stimulus" added to the deficit in 2009. Moreover, he shouldn't get credit for the $149 billion in TARP (Troubled Asset Relief Program) repayments made in 2010 and 2011 to cover most of the $154 billion in bank loans that remained unpaid at the end of the 2009 fiscal year — loans that count against President Bush's 2009 deficit tally.

Adding all of this up, deficit spending during Obama's four years in the White House (based on his own figures) will be an estimated $5.170 trillion — or $5,170,000,000,000.00.

To help put that colossal sum of money into perspective, if you take our deficit spending under Obama and divide it evenly among the roughly 300 million American citizens, that works out to just over $17,000 per person — or about $70,000 for a family of four.

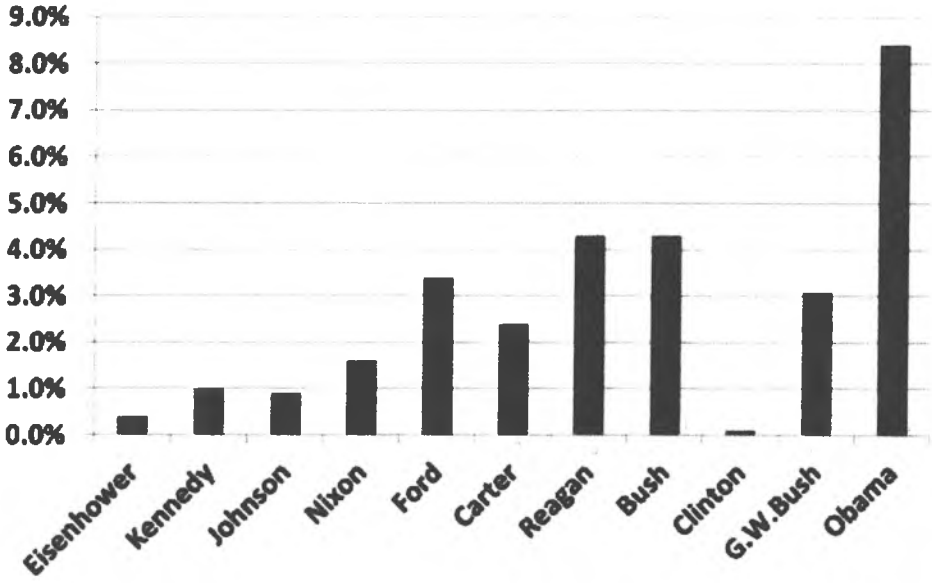
The previous record for most deficit spending during a presidency was set by President George W. During Bush's 8-year administration, total deficit spending was $3.402 trillion. That's a truly extraordinary and reckless sum. It's also $1.768 trillion *less* than deficit spending in just four years under Obama. Per year, deficits under Bush averaged $425 billion. Per year, deficits under Obama (according to his own numbers) will average $1.293 trillion — or more than three times as much.

Because the gross domestic product (GDP) nearly always grows from year to year, the most favorable way to view Obama's deficit spending is as a percentage of GDP. Surely he can't look as bad in that light, right?

Well, prior to Obama, our annual deficit spending had only exceeded 6.0 percent of GDP during the Civil War, World War I, and World War II. Except during those huge conflicts, our deficits had never exceeded 6.0 percent of GDP in any year — not during the Great Depression, not at the height of the Cold War defense buildup, not ever. But that's no longer the case. During Obama's four years in the White House (and, again, using his own numbers), annual deficit spending will *average* 8.4 percent of GDP.

That's nearly double the average annual level of deficit spending under any other post-War president. As the following chart shows, this has truly been a historic presidency — more profligate than any other by far:

Presidents' Average Annual Deficit Spending as a Percentage of GDP



Sources for figures: White House Office of Management and Budget, Congressional Budget Office, U.S. Department of the Treasury

Note: The average for President Obama includes his proposed 2013 budget.

The $200 billion that was added to the 2009 deficit by the economic stimulus is attributed to President Obama.

The $149 billion in subsequent repayments (in 2010 and 2011) of the $154 billion in TARP bank loans that had not been repaid by the end of 2009 is credited to President George W. Bush.

STATE OF ALASKA

THE LEGISLATURE

1982

Source

HJR 17 am S

Legislative

Resolve No. 1

Relating to an amendment to the Constitution of the United States which would require that. total federal appropriations not exceed total estimated federal revenues in a fiscal year in the absence of a national emergency_

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

WHEREAS annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

WHEREAS annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues and

WHEREAS proper· planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency I and WHEREAS a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

BE IT RESOLVED by the Alaska State Legislature that the

Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year I and be it

FURTHER RESOLVED that, alternatively, this body !Oak application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congressional for a fiscal year shall not exceed the total of all estimates federal revenues for that fiscal year; and be it FURTHER RESOLVED that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect! and be it FURTHER RESOLVED that this application and request shall no longer be of any force or effect if the convention is no limited to the exclusive purpose specified by this resolutition.

COPIES of this resolution shall be sent to the Secretary of the United States Senate! the Clerk of the United States House of Representatives! to the Honorable Ted Stevens and the Honorable Frank Murkowski, U. S. Senators, and the Honorable Don Young, U. S. Representative, members of the Alaska delegation in Congress.

HOUSE JOINT RESOLUTION NO. 16

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES VEZEY, Ryan, Ogan

SENATORS Leman, Kelly, Parnell, Phillips, Ward, Taylor, Halford, Donley, Sharp, Pearce, Wilken, Torgerson, Green, Miller

Introduced: 1/27/97
Referred: State Affairs

A RESOLUTION

Relating to a federal balanced budget amendment.

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

WHEREAS it is in the national interest for the federal government to live within its means; and

WHEREAS eliminating the national deficit and controlling national government spending could be accomplished by the passage of a balanced budget amendment by the United States Congress and ratification of the amendment by the states of the Union;

BE IT RESOLVED that the Alaska State Legislature urges the United States Congress to pass, and the President to support, a resolution proposing an amendment to the United States Constitution that requires the balancing of the federal budget; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the legislature of each state of the nation to ratify a balanced budget amendment that is passed by the United States Congress.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; to the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; to the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to

the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the presiding officer of each house of each state of the United States.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HJR 38**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HJR 38
Title: U.S. Const.AM: Federal Debt Limit
Sponsor: Representative Keller
Requester:

Dept. Affected:
Appropriation:
Allocation:
OMB Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

None

Prepared by: House State Affairs Committee
Division: Representative Bob Lynn, Chair
Phone: (907) 465-2794
Date/Time: 3/1/2012 4:53pm
Approved by:
Date: 3/1/2012

(Revised 11/18/2011 OMB)

HR

11

<TARGET><BILL>HR 11</BILL><SUBJECT>HR
11</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 12, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 3-20-12

The STATE AFFAIRS Committee considered: **HR 11**

HOUSE RESOLUTION NO. 11
In support of providing TRICARE program health care benefits to United States military retirees as promised.
HR 11-MILITARY RETIREES HEALTH CARE BENEFITS

Recommends it be replaced with [ ] HCS *or* [X] CS for HR 11 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	LEG			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN	X			
Bob Linn	LINN	X			
Mike Ginnaberg	Ginnaberg	—			
Paul Seaton	Seaton	✓			
Pete Petersen	PETERSEN	X			
Chair: Wes Keller	Keller	X			
Chair: ~~Seaton~~	~~LINN~~				

CS FOR HOUSE RESOLUTION NO. 11(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A RESOLUTION

In support of providing TRICARE program health care benefits to United States Coast Guard and military retirees as promised.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS recruiting and maintaining a high-quality, all-volunteer, effective military force to safeguard national security is a primary goal of the United States Department of Defense; and

WHEREAS persons who volunteer for military service are at risk of mortal harm throughout the time they serve; and

WHEREAS the people of the state and nation rely on the men and women who serve in the military to execute faithfully that service; and

WHEREAS it is reasonable for the men and women who serve in the military to rely on promises made to them by the people of the state and nation; and

WHEREAS men and women who serve in the military and the United States Coast Guard have been promised they will receive military retiree health care benefits from the TRICARE program of the United States Department of Defense Military Health System (10 U.S.C. 55) after they perform 20 or more years of honorable military service; and

WHEREAS breaking that promise would be dishonorable;

BE IT RESOLVED that the House of Representatives supports providing to military retirees who have kept their oaths of office and served the people of the state and nation the TRICARE program health care benefits they were promised in exchange for that service without their being required to participate in health care programs that are more expensive to them than the TRICARE program and without their eligibility for TRICARE program health care benefits being made subject to means testing.

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 Leon E. Panetta, United States Secretary of Defense; the Honorable Janet A. Napolitano, United States Secretary of Homeland Security; the Honorable John E. Bryson, United States Secretary of Commerce; the Honorable Kathleen Sebelius, United States Secretary of Health and Human Services; General Martin E. Dempsey, Chair, Joint Chiefs of Staff; the Honorable Regina M. Benjamin, Surgeon General of the United States; 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.

Amendment to HR 11

Whereas, members of the Alaska medical profession have testified before the Anchorage Commission on Military and Veterans Affairs that, because TRICARE pays less than 23% of covered medical expenses, they may no longer be financially able to provide healthcare services to TRICARE patients, though providers believe they have a patriotic duty to do so; and

Amendment to HR 11

Whereas, members of the Alaska medical profession have testified before the Anchorage Commission on Military and Veterans Affairs that because TRICARE pays less than ~~a quarter~~ 23% of covered medical expenses, they may no longer be financially able to provide healthcare services to TRICARE patients, though providers believe they have a patriotic duty to do so; and

Gruenberg's Conceptual Amendment #1 failed

Municipality of Anchorage

Commission on Military and Veterans Affairs

March 20, 2012

Chairman Bob Lynn
House State Affairs Committee
Juneau, Alaska

Mr. Chairman,

After some investigation into the comment I made during formal testimony on HR 11 before the House State Affairs Committee on March 20, 2012, I wanted to provide you this information.

Prior to the May 3, 2010 meeting of the Commission, a member of the Commission advised that the Anchorage medical community was becoming very concerned that they may no longer be able to financially provide health care services to Tri Care patients. The commission requested that a representative of the medical community in Anchorage come before the commission to present their concerns and enter into discussion with the commission on this issue.

On May 3, 2010, before the commission Dr. Powell testified to the following, was noted in the Commissions formal minutes of that meeting:

TriWest Reimbursement Briefing

Davidge introduced Dr. Powell, former EAFB hospital's commander for 21 years, now in private practice. Dr. Powell was invited to attend to provide input regarding the issue that Alaska medical care providers are having with the low reimbursement rate they receive from TriWest. He advised that providers are currently being paid only 23% of covered expenses; and that rate may be reduced to 21% in June as a stop-gap measure. Powell stated that Congress is aware of the issue and since the Department of Defense has the fastest growing part of the federal health care budget, action is needed to increase that percentage as doctors are writing-off millions of dollars.

Elisha Powell, MD, Orthopedic Surgery Office: 2751 Debarr Road, #B310,

Anchorage, AK 99508 Phone: (907) 279-2663, Fax: (907)222-1774

I hope this is helpful Mr. Chairman. Dr. Powell was clearly passionate about this issue as the Anchorage medical community felt, in his words, a patriotic duty to provide medical services to those men and women and their families in response to the services they are providing our nation, but there comes a point in time that doctors simply can no longer afford to do so.

At no time was this presentation, nor the concerns of the commission, partisan. As you can see this took place long before the recent recommendations of the Secretary of Defense on his new budget.

It is my position that this was a legitimate concern raised by the Anchorage medical community on their financial ability to continue providing medical services to Tri Care patients.

It is an honor,

Ric Davidge
Chairman

#1 Gruenberg

Conceptual Amendment to HB CSHR 11 (STA) by Gruenberg

Whereas a group of Anchorage physicians recently

announced that, because Tricare pays less

than 21% of the cost of care for eligible

patients, they have determined that they no longer serve Tricare patients; and

Conceptual Key Keller amend / to amend / — passed

Add to the appropriate line in the bill

Keller objects

Peterson N
Gruenberg Y
Seaton N
Lynn N
Keller N
Wilson —
Johansen N

27-LS1429\I
Wayne
3/16/12

adopt
Keller adopted Version I

CS FOR HOUSE RESOLUTION NO. 11( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSI

BY

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

Keller closed Public testimony

A RESOLUTION

In support of providing TRICARE program health care benefits to United States military retirees as promised.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS recruiting and maintaining a high-quality, all-volunteer, effective military force to safeguard national security is a primary goal of the United States Department of Defense; and

WHEREAS persons who volunteer for military service are at risk of mortal harm throughout the time they serve; and

WHEREAS the people of the state and nation rely on the men and women who serve in the military to execute faithfully that service; and

Senator and US Coast Guard

WHEREAS it is reasonable for the men and women who serve in the military to rely on promises made to them by the people of the state and nation; and

WHEREAS men and women who serve in the military have been promised they will receive military retiree health care benefits from the TRICARE program of the United States Department of Defense Military Health System (10 U.S.C. 55) after they perform 20 or more years of honorable military service; and

WHEREAS breaking that promise would be dishonorable;

BE IT RESOLVED that the House of Representatives supports providing to military retirees who have kept their oaths of office and who have served the people of the state and nation during times of war and armed conflict the TRICARE program health care benefits they were promised in exchange for that service without their being required to participate in health care programs that are more expensive to them than the TRICARE program and without their eligibility for TRICARE program health care benefits being made subject to means testing.

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 Leon E. Panetta, United States Secretary of Defense; the Honorable Janet A. Napolitano, United States Secretary of Homeland Security; the Honorable John E. Bryson, United States Secretary of Commerce; the Honorable Kathleen Sebelius, United States Secretary of Health and Human Services; General Martin E. Dempsey, Chair, Joint Chiefs of Staff; the Honorable Regina M. Benjamin, Surgeon General of the United States; 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.

In a March 3rd editorial to the Anchorage Daily News, Paul Jenkins, of the Anchorage Daily Planet, wrote "We send the military to the God-forsaken back alleys of the world. We pay them squat. We talk the talk; they and theirs get to walk the talk. We tell them: If you will offer us your lives, and put your future in doubt, we will take care of you." Paul Jenkins is a well-known Alaska conservative, and a fiscal hawk. He's direct on target. His complete article is in your bill packet.

Yes, something needs to be done about the out-of-control federal deficit. But we don't need to balance the budget by throwing our military under the bus. The Administration's plan to renege on our military is obscene. It's disgraceful. It defaults on the contract between the Department of Defense and America's military.

This resolution sends that message to those that need to hear it. I respectfully ask for your understanding and support, and to move the HB11 out of committee.

HB11 SCRIPT for March 19, 2012

Representative Bob Lynn, District 31, Anchorage.
First a disclosure. I am retired military, and I'm a Tri-Care medical benefit recipient. That's why I asked Rep. Keller to chair this portion of today's State Affairs hearing.

I'm very fortunate person when it comes to health care for my wife and I. In addition to Tri-Care, I have State of Alaska insurance for serving as a legislator, and Medicare because of my age – I sometimes call it "geezer care." I make no apologies for any of my good health insurances because, one way or another, I've worked hard and earned all of them. Especially the military Tri-Care. Health Care is one of the most important benefits of military service. Military health care is *not* welfare.

This resolution is before you because the federal Administration plans to jack up costs to military families and retirees by increasing Tri-Care rates, adding enrollment fees, indexing fees to "medical inflation," and "means testing." It appears to be a plan to force retirees and others into more expensive alternatives and to establish "means-testing" that would turn earned benefits into a welfare-based handout based on some bureaucratic determination. Again, military health care is *not* welfare.

When I joined the military I raised my hand and promised to defend my country – even in the face of mortal danger. And, like thousands of other military people, I faced that mortal danger in Vietnam. In return, the United States of America promised me continued health benefits, after a period of twenty years honorable service.

A promise is a contract. The elements of military enlistment, and the elements of a contract, are the same: offer, acceptance, consideration, legal purpose, mutuality of obligation (like meeting of the minds). Nothing was said about a "means test" of some kind at some time in the future. I think military folks passed a "means test" when they enlisted and when they served honorably both in war and peace.

HR 11, the resolution before you, supports continuing the TRICARE health care program as it is now. Repeat. *As Tri-Car as it is now.* The United States of America made a promise to our military men and women when they raised their hand to God, and swore to protect the nation with their lives. In return, they were promised that our United States of America would take care of them and that is a promise we must keep.

(1) HR 11 is directed to Pres Obama and his administration as well as our Congressional delegation

(2) HR 11 expresses our support of Military retirees by bolstering our promise to them of health care services.

(3) We support continuing the TRICARE health care Program as it is now, (4) and oppose forcing military retirees into more expensive health care programs, (5) and oppose means-testing for TRICARE participants

(6) In order to recruit ~~a~~ high quality volunteers into our military to defend our nation, we have made certain promises.

(7) Among those is to take care of their health care needs- if they ~~serve~~ 20 years and retire- a system known as TRICARE.

(8) The Obama administration has proposed to cut the cost of TRICARE by means-testing and forcing retirees into more expensive alternatives.

(9) Over the next 5 years, some retirees would see their TRICARE premiums balloon by nearly 350%

a promise made is a debt unpaid - Robert Service

Nancy Manly

To: Will Vandergriff; Jeremiah Campbell
Subject: COMMITTEE ACTIVITY - House State Affairs Committee 3/20/2012

The House State Affairs Committee heard to pieces of legislation this morning and both moved from committee.

HR 11 (House State Affairs Resolution) – MILITARY RETIREES HEALTH CARE BENEFITS. A new CS was adopted and the bill moved from committee with two amendments.

HB 219 (Feige) – FIRE AND EMERGENCY MEDICAL SERVICES. The bill was heard again with a new CS and moved from Committee with no additional changes.

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

To CS HR 11 Version I

Conceptual amendment #~~3~~ 2 by Seaton

Page 1 line 13

insert after military

"and US Coast Guard"

Passed

Seaton pg 2 line 3 Passed

Concap. amend # 3

delete line 3 "who have" and line 4 during times of War and armed conflict

Johansen objects remove

Municipality of Anchorage

Commission on Military and Veterans Affairs

March 20, 2012

Chairman Bob Lynn
House State Affairs Committee
Juneau, Alaska

Mr. Chairman,

After some investigation into the comment I made during formal testimony on HR 11 before the House State Affairs Committee on March 20, 2012, I wanted to provide you this information.

Prior to the May 3, 2010 meeting of the Commission, a member of the Commission advised that the Anchorage medical community was becoming very concerned that they may no longer be able to financially provide health care services to Tri Care patients. The commission requested that a representative of the medical community in Anchorage come before the commission to present their concerns and enter into discussion with the commission on this issue.

On May 3, 2010, before the commission Dr. Powell testified to the following, was noted in the Commissions formal minutes of that meeting:

TriWest Reimbursement Briefing

Davidge introduced Dr. Powell, former EAFB hospital's commander for 21 years, now in private practice. Dr. Powell was invited to attend to provide input regarding the issue that Alaska medical care providers are having with the low reimbursement rate they receive from TriWest. He advised that providers are currently being paid only 23% of covered expenses; and that rate may be reduced to 21% in June as a stop-gap measure. Powell stated that Congress is aware of the issue and since the Department of Defense has the fastest growing part of the federal health care budget, action is needed to increase that percentage as doctors are writing-off millions of dollars.

Elisha Powell, MD, Orthopedic Surgery Office: 2751 Debarr Road, #B310,

Anchorage, AK 99508 Phone: (907) 279-2663, Fax: (907)222-1774

I hope this is helpful Mr. Chairman. Dr. Powell was clearly passionate about this issue as the Anchorage medical community felt, in his words, a patriotic duty to provide medical services to those men and women and their families in response to the services they are providing our nation, but there comes a point in time that doctors simply can no longer afford to do so.

At no time was this presentation, nor the concerns of the commission, partisan. As you can see this took place long before the recent recommendations of the Secretary of Defense on his new budget.

It is my position that this was a legitimate concern raised by the Anchorage medical community on their financial ability to continue providing medical services to Tri Care patients.

It is an honor,

Ric Davidge
Chairman

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

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To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 1
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Re CS for HR 11 - Draft Final 27-LS1429\I

3/20/2012

HR 11 Version I moved from the House State Affairs Committee this morning with two amendments. Please draft a final CS for HR11 Version I as amended. Thanks.

Conceptual Amendment #1 (Gruenberg)
Failed

Conceptual Amendment #2 (Seaton)
Page 1 Line 13 *insert after the word "military"* **and the U.S. Coast Guard**

So it should read like this: WHEREAS it is reasonable for the men and women who serve in the military and the U.S. Coast Guard to rely…

Conceptual Amendment #3 (Seaton)
Page 2 Line 3 after the word "and" *delete* "who have"
Page 2 Line 4 after the word "nation" *delete* "during times of war and armed conflict

So it should read like this: …retirees who have kept their oaths of office and served the people of the state and nation the TRICARE program health care benefits…

To CS HR 11 Version I

Conceptual amendment #[illegible]

by Seaton

Page 1 line 13

insert after military

"and US Coast Guard"

Conceptual Amendment to HB CSHB 11 (STA) by Gruenberg

Whereas a group of Anchorage physicians recently announced that, because Tricare pays less than 21% of the costs of ~~care~~ care for eligible patients, they will no longer serve Tricare patients; and

Add to the appropriate line in the bill

27-LS1429\I
Wayne
3/16/12

CS FOR HOUSE RESOLUTION NO. 11( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A RESOLUTION

In support of providing TRICARE program health care benefits to United States military retirees as promised.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS recruiting and maintaining a high-quality, all-volunteer, effective military force to safeguard national security is a primary goal of the United States Department of Defense; and

WHEREAS persons who volunteer for military service are at risk of mortal harm throughout the time they serve; and

WHEREAS the people of the state and nation rely on the men and women who serve in the military to execute faithfully that service; and

WHEREAS it is reasonable for the men and women who serve in the military to rely on promises made to them by the people of the state and nation; and

WHEREAS men and women who serve in the military have been promised they will receive military retiree health care benefits from the TRICARE program of the United States Department of Defense Military Health System (10 U.S.C. 55) after they perform 20 or more years of honorable military service; and

WHEREAS breaking that promise would be dishonorable;

BE IT RESOLVED that the House of Representatives supports providing to military retirees who have kept their oaths of office and who have served the people of the state and nation during times of war and armed conflict the TRICARE program health care benefits they were promised in exchange for that service without their being required to participate in health care programs that are more expensive to them than the TRICARE program and without their eligibility for TRICARE program health care benefits being made subject to means testing.

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 Leon E. Panetta, United States Secretary of Defense; the Honorable Janet A. Napolitano, United States Secretary of Homeland Security; the Honorable John E. Bryson, United States Secretary of Commerce; the Honorable Kathleen Sebelius, United States Secretary of Health and Human Services; General Martin E. Dempsey, Chair, Joint Chiefs of Staff; the Honorable Regina M. Benjamin, Surgeon General of the United States; 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.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

Chair – House State Affairs Committee

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CSHR 11
Explanation of Changes from Version A to Version I

An Addition to Page 2 starting on Line 12:

A copy of this resolution will also be provided to the **the Honorable Janet A. Napolitano, United States Secretary of Homeland Security; the Honorable John E. Bryson, United States Secretary of Commerce; the Honorable Kathleen Sebelius, United States Secretary of Health and Human Services;**

Homeland Security is not within the Department of Defense.

Contact Information: Nancy Manly / House State Affairs Committee Aide / 465-2794 / Last Update: 3/16/2012

Alaska State Legislature

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Sponsor Statement
HR 11

This resolution is simple. Resolved: protect those who protect us.

HR 11 urges Congress to shield our military retirees from onerous healthcare mandates and to continue existing TRICARE benefits earned by and promised to our brave soldiers, sailors, airmen and marines.

We owe a special obligation to our military service members who have worked long hours, for little pay, often under dangerous conditions, and forced to be away from family, to protect the rest of us. We must ensure the same level of security in healthcare that they have ensured for us as a free nation.

We recognize this is a time of austerity, but it's just plain wrong to balance the costs of other programs on the backs of those who have made some of the greatest sacrifices in our society. Those who put their lives on the line in service to our country should have the finest healthcare coverage available

It is more than a valuable tool for the recruitment and retention. It is a promise we should keep.

We urge you to support this resolution. We urge you to protect American military families from the government hijacking their healthcare benefits.

THE WASHINGTON FREE BEACON

Trashing Tricare

Obama to cut healthcare benefits for active duty and retired US military

BY: Bill Gertz - February 27, 2012 3:36 pm

The Obama administration's proposed defense budget calls for military families and retirees to pay sharply more for their healthcare, while leaving unionized civilian defense workers' benefits untouched. The proposal is causing a major rift within the Pentagon, according to U.S. officials. Several congressional aides suggested the move is designed to increase the enrollment in Obamacare's state-run insurance exchanges.

The disparity in treatment between civilian and uniformed personnel is causing a backlash within the military that could undermine recruitment and retention.

The proposed increases in health care payments by service members, which must be approved by Congress, are part of the Pentagon's $487 billion cut in spending. It seeks to save $1.8 billion from the Tricare medical system in the fiscal 2013 budget, and $12.9 billion by 2017.

Many in Congress are opposing the proposed changes, which would require the passage of new legislation before being put in place.

"We shouldn't ask our military to pay our bills when we aren't willing to impose a similar hardship on the rest of the population," Rep. Howard "Buck" McKeon, chairman of the House Armed Services Committee and a Republican from California, said in a statement to the Washington Free Beacon. "We can't keep asking those who have given so much to give that much more."

Administration officials told Congress that one goal of the increased fees is to force military retirees to reduce their involvement in Tricare and eventually opt out of the program in favor of alternatives established by the 2010 Patient Protection and Affordable Care Act, aka Obamacare.

"When they talked to us, they did mention the option of healthcare exchanges under Obamacare. So it's in their mind," said a congressional aide involved in the issue.

Military personnel from several of the armed services voiced their opposition to a means-tested tier system for Tricare, prompting Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey to issue a statement Feb. 21.

Dempsey said the military is making tough choices in cutting defense spending. In addition to the $487 billion over 10 years, the Pentagon is facing automatic cuts that could push the total reductions to $1 trillion.

"I want those of you who serve and who have served to know that we've heard your concerns, in particular your concern about the tiered enrollment fee structure for Tricare in retirement," Dempsey said. "You have our commitment that we will continue to review our health care system to make it as responsive, as affordable, and as equitable as possible."

Under the new plan, the Pentagon would get the bulk of its savings by targeting under-65 and Medicare-eligible military retirees through a tiered

increase in annual Tricare premiums that will be based on yearly retirement pay.

Significantly, the plan calls for increases between 30 percent to 78 percent in Tricare annual premiums for the first year. After that, the plan will impose five-year increases ranging from 94 percent to 345 percent—more than 3 times current levels.

According to congressional assessments, a retired Army colonel with a family currently paying $460 a year for health care will pay $2,048.

The new plan hits active duty personnel by increasing co-payments for pharmaceuticals and eliminating incentives for using generic drugs.

The changes are worrying some in the Pentagon who fear it will severely impact efforts to recruit and maintain a high-quality all-volunteer military force. Such benefits have been a key tool for recruiting qualified people and keeping them in uniform.

"Would you stay with a car insurance company that raised your premiums by 345 percent in five years? Probably not," said the congressional aide. "Would anybody accept their taxes being raised 345 percent in five years? Probably not."

A second congressional aide said the administration's approach to the cuts shows a double standard that hurts the military.

"We all recognize that we are in a time of austerity," this aide said. "But defense has made up to this point 50 percent of deficit reduction cuts that we agreed to, but is only 20 percent of the budget."

The administration is asking troops to get by without the equipment and force levels needed for global missions. "And now they are going to them again and asking them to pay more for their health care when you've held the civilian workforce at DoD and across the federal government virtually harmless in all of these cuts. And it just doesn't seem fair," the second aide said.

Spokesmen for the Defense Department and the Joint Chiefs of Staff did not respond to requests for comment on the Tricare increases.

The massive increases beginning next year appear timed to avoid upsetting military voters in a presidential election year, critics of the plan say.

Additionally, the critics said leaving civilian workers' benefits unchanged while hitting the military reflect the administration's effort to court labor unions, as government unions are the only segment of organized labor that has increased in recent years.

As part of the increased healthcare costs, the Pentagon also will impose an annual fee for a program called Tricare for Life, a new program that all military retirees automatically must join at age 65. Currently, to enroll in Tricare for Life, retirees pay the equivalent of a monthly Medicare premium.

Under the proposed Pentagon plan, retirees will be hit with an additional annual enrollment fee on top of the monthly premium.

Congressional aides said that despite unanimous support among the military chiefs for the current healthcare changes, some senior officials in the Pentagon are opposing the reforms, in particular the tiered system of healthcare.

"It doesn't matter what the benefit is, whether it's commissary, PX, or healthcare, or whatever ... under the rationale that if you raise your hand and sign up to serve, you earn a base set of benefits, and it should have nothing to do with your rank when you served, and how much you're making when you retire," the first aide said.

Military service organizations are opposing the healthcare changes and say the Pentagon is "means-testing" benefits for service personnel as if they were a social program, and not something earned with 20 or more years of military service.

Retired Navy Capt. Kathryn M. Beasley, of the Military Officers Association of America, said the Military Coalition, 32 military service and veterans groups with an estimated 5 million members, is fighting the proposed healthcare increases, specifically the use of mean-testing for cost increases.

"We think it's absolutely wrong," Beasley told the *Free Beacon*. "This is a breach of faith" for both the active duty and retiree communities.

Congressional hearings are set for next month.

The Veterans of Foreign Wars on Feb. 23 called on all military personnel and the veterans' community to block the healthcare increases.

"There is no military personnel issue more sacrosanct than pay and benefits," said Richard L. DeNoyer, head of the 2 million-member VFW. "Any proposal

that negatively impacts any quality of life program must be defeated, and that's why the VFW is asking everyone to join the fight and send a united voice to Congress."

Senior Air Force leaders are expected to be asked about the health care cost increases during a House Armed Services Committee hearing scheduled for Tuesday.

Congress must pass all the proposed changes into law, as last year's defense authorization bill preemptively limited how much the Pentagon could increase some Tricare fees, while other fees already were limited in law.

Tricare for Life, Tricare Prime, and Tricare Standard increases must be approved, as well as some of the pharmacy fee increases, congressional aides said.

Current law limits Tricare fee increases to cost of living increases in retirement pay.

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THE WASHINGTON FREE BEACON

The War on Tricare

Panetta defends Tricare cuts as House leaders call them 'another hit on the military'

BY: Bill Gertz - March 1, 2012 5:00 am

Defense Secretary Leon Panetta on Wednesday defended the Pentagon's plan to increase healthcare fees for military personnel as a senior House Republican called the increases another Obama administration "hit" on the military.

"On Tricare costs for health care, we have recommended increased fees," Panetta said during a hearing of the House Budget Committee.

"We have not increased those fee levels since 1990," he said. "We've looked at ... the retirement area with the proviso that we grand-father those benefits so that those that are serving will not lose the benefits that were promised to them, but at the same time try to look at what reforms can be made on retirement for the future."

Military pay will not be cut and pay raises are planned for the next two years but limited in later years, he said.

"That's the package that we've presented," Panetta said. "This has not been easy. This is a tough and challenging responsibility."

The chairman of the House Armed Services Committee on Wednesday criticized the Obama administration's plan to cut healthcare benefits for both active duty and retired military service members.

Rep. Howard "Buck" McKeon (R., CA) said some healthcare costs for military retirees will be raised 345 percent over the next several years and will include "means-tested" increases based on pay at retirement.

"It is just another hit on the military," McKeon said on Fox News, commenting on a report published Tuesday in the *Washington Free Beacon*.

"You know, the military accounts for 20 percent of our overall budget, but 50 percent of the savings have come out of defense, and these people that have given so much for us ... why are they to be singled out?" McKeon asked.

He also noted that civilian defense employees are not being hit with these same increases and are not being means-tested to gauge whether they can pay more.

McKeon said the military health care increases are a "fairness issue."

"I don't know why we just keep trying to solve our financial problems on the back of the military," he said. "If we keep doing that, who will have our backs the next time we get attacked?"

The fiscal 2013 defense budget submitted to Congress calls for increasing the cost of pharmaceuticals for families of active duty military and for sharp increases in premiums for military retirees.

The objective is to save $1.8 billion from the Tricare medical system this year and $12.9 billion by 2017.

Critics of the cuts, including Republicans in Congress and military service organizations, say the fee increases violate promises made to military personnel for their service to the country.

Congress must approve the increases.

The cuts are part of the Pentagon's program to cut $487 billion from defense spending over the next 10 years. An additional cut of nearly $600 billion is also looming as a result of recent budget control legislation.

If the cuts are approved, the increases will be tiered by rank at retirement. Air Force Gen. Norton Schwartz, the service chief of staff, said during a hearing Tuesday that these tiers were necessary to make the increases fair.

"It was a recognition ... that there were those among our alumni who were less able to accommodate the increases in the fees than others," Schwartz said. "And so this simply was, in my view, a recognition of reality in that enlisted retirees were certainly not as capable of absorbing these costs as retired flag officers."

Jo Ann Rooney, acting undersecretary of defense for personnel and readiness, was asked during a hearing of the House Armed Services personnel subcommittee on Wednesday why cost increases were limited to military retirees and not civilians.

Rooney said civilians are not part of Tricare. "So we are proposing those increases in the Tricare system which impacts the particular increases, those that are retired of working age as well as those that are over 65," Rooney said. "There are two very, very different systems first off. So we're just focusing in this particular on those costs with a program that is administered within the Department of Defense."

Tricare Director Jonathan Woodson said during the hearing that civilian government employees currently pay more for health care than retired military personnel.

The administration has said the increases are targeted at so-called "working" retirees under the age of 65.

After the cuts were reported in the Free Beacon on Tuesday, numerous active-duty military, both officers and enlisted troops, criticized the plan as a breach of faith for those who signed up to join the military.

Rep. Adam Smith (D., WA), ranking member on the Armed Services Committee who also appeared on Fox on Wednesday, defended the healthcare cuts and denied that the Pentagon was forcing military retirees to join President Obama's health care program, dubbed Obamacare, by upping rates.

"We're maintaining Tricare; we want them in Tricare," Smith said.

However, during a recent briefing, a Republican congressional aide revealed that the administration said the increases were aimed at trying to reduce the number of people receiving Tricare benefits and to switch to other health plans.

"They did tell us that part of the savings comes from beneficiaries using their healthcare benefits less because of higher fees," said the aide. "Raising fees in Tricare may incentivize the retirees to use a different health care provider."

Under Obamacare, beginning in 2014 a federally financed health care entitlement will subsidize premiums for low and moderate income Americans. The amount paid will be pegged to family income and administered through

state-based "exchanges" that will replace current small group and individual health insurers.

Administration officials briefed House members recently that military retirees will be eligible for the exchanges, the aide said.

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Jenkins: It's obscene to balance budget on backs of vets

By PAUL JENKINS
COMMENT

Published: March 3rd, 2012 10:04 PM
Last Modified: March 3rd, 2012 10:59 PM

I knew this guy in college. He had just returned from Vietnam, or, more accurately, his long, painful hospital stay after Vietnam. Long hair. Bushy beard. A grunt, he had lost his right leg just below the knee and carried scars and bits of jagged metal in his body.

A booby trap. He said he did not remember much. A drizzly day. A flash. Face-down in the muck. Floating. A buddy screaming at him to hang on. A Huey's blood-slippery floor. His wife told quite a different story. She said he relived it every night, every second, in every night terror. She said it in a whisper.

It was easy to admire him. An "A" student, a workout nut, a skydiver. He wanted me to join him, but, really, there is no reason to leave a perfectly good airplane. There was not much, if anything, he could not do, would not try.

But there was the pain. From time to time, he would check in with the Veterans Administration so doctors could push and poke and cut to remove jagged fragments he still carried, or adjust his prosthetic leg.

"At least," he grimaced after a trip to the VA, "they'll take care of this for the rest of my life." Then, he burst out laughing. He already had figured it out.

I thought of him when the Obama administration, as part of $487 billion in Pentagon cuts, announced it wants to jack up the amount military families and retirees pay for health care. The plan -- sleep well, America -- calls for unionized civilian defense workers' benefits to remain untouched.

The Washington Free Beacon, edited by the Washington Time's Bill Gertz, says the plan, for most of its savings, targets under-65 and Medicare-eligible military retirees through a tiered increase in annual Tricare premiums -- 30 percent to 78 percent the first year -- to

be based on annual retirement pay. In the next five years it imposes increases up to 345 percent. A retired Army colonel with a family, now paying $460 annually for health care, will pay $2,048, Gertz reported. The new plan has active duty personnel paying increased co-payments for pharmaceuticals and it eliminates incentives for generic drugs.

Congress could choke on this needs-based mess. While the House and Senate are anxious to shirk their oversight duties and wear fiscal blinders to enrich their pals, this kind of thing can come back to bite. Even some on the left get it -- kinda.

With this nation's wanton government waste, the administration's plan is obscene. The Government Accountability Office routinely reports myriad federal program overlaps and unnecessary duplication that cost tens, if not hundreds, of billions. The waste is so overwhelming it is difficult to calculate. There is everything from $175,000 for a study on cocaine and the risky sex habits of quail, to $10 million to export "Sesame Street" to Pakistan, to $120 million in government benefits to dead people. The list is endless, but, yet, some are eager to begin balancing the books on the backs of our military.

The truth is, we have more than enough to keep our promise to the military and their families; a promise we must keep. We send them to the God-forsaken back alleys of the world. We pay them squat. We talk the talk; they and theirs get to walk the talk. We tell them: If you will offer us your lives, and put your future in doubt, we will take care of you. That's the agreement. It should not, for crying out loud, be like doing business with a credit card company, where the deal changes and you have no say.

The disgrace is that any on-duty military, or wounded or disabled veterans or retirees must pay a single, red cent for medical care. When they raised their right hand to God, they and theirs earned it forever. If need be, cut benefits to the half of this nation that contributes nothing.

My buddy all those years ago knew not to trust a promise. I thought he was wrong.

It is to our everlasting shame that he was right.

Paul Jenkins is editor of the **AnchorageDailyPlanet.com**.

Read more here: http://www.adn.com/2012/03/03/2350482/its-obscene-to-balance-budget.html#storylink=cpy

NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
INDIANAPOLIS, INDIANA
MAY 4 – 5, 2011

Resolution No. 24: The American Legion's Position on Tricare
Origin: National Security Commission
Submitted by: National Security Commission

WHEREAS, The American Legion recognizes the nation's debt owed to the entire military retirement community for their sacrifices and hardships endured in honorable military service to this nation; and

WHEREAS, Military retirees have borne unique and arduous service conditions for 20 or 30 years that other Americans have not endured, including hazardous duty in foreign countries often involving combat, and extended family separations; and

WHEREAS, America is currently in a fiscally challenging period where increased budget cuts and calls for reduced entitlements may significantly and negatively impact retirees, veterans, and their families; and

WHEREAS, The continuing decline of experience in military service by Congressional members and the American public in general has led to a disaffection with maintaining entitlements for retirees and veterans; and

WHEREAS, It is anticipated that national security imperatives placed on the Department of Defense due to world wide instability will increase the need for a larger and more deployed active duty and reserve component force; and

WHEREAS, This larger force will ultimately lead to an ever increasing number of retirees; and

WHEREAS, It is anticipated that retiree benefits such as Tricare will become an ever increasing percentage of the Department of Defense budget; and

WHEREAS, The American Legion has always considered itself a partner with the Department of Defense; and

WHEREAS, The American Legion resists increases in Tricare premiums to retirees and adamantly opposes any proposal that will significantly and negatively impact quality of life benefits for honorable military service; now, therefore, be it

RESOLVED, By The American Legion in National Executive Committee assembled in Indianapolis Indiana May 4-5, 2011, That The American Legion shall prevail upon this administration and the Department of Defense (DoD) to reconsider any proposals to implement any increases in military retirees'Tricare enrollment fees, deductibles, or premiums; and, be it further

RESOLVED, That before those proposals are considered all efforts must be shown to have been exhausted to remove waste, fraud, and abuse from the Tricare program; and, be it further

RESOLVED, That any increases will be reinvested in the Tricare program to improve healthcare access for retirees and their families and not returned to the general DoD budget for other purposes; and, be it further

RESOLVED, That any increases should, by law, have no negative impact on retirees financially, and that any increase must be directly tied to and not exceed the annual cost of living adjustment percentage provided to retirees; and, be it finally

RESOLVED, That the American Legion will continue research and advocate for the best course of action to insure the most effective, lowest cost, and responsible way to deliver healthcare to retirees, veterans, and their families.

T H E M I L I T A R Y C O A L I T I O N

201 North Washington Street
Alexandria, Virginia 22314
(703) 838-8113

STATEMENT OF

THE MILITARY COALITION (TMC)

On

Military Health Care Issues

SENATE ARMED SERVICES
SUBCOMMITTEE ON PERSONNEL

March 14, 2012

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE. On behalf of The Military Coalition (TMC), a consortium of nationally prominent uniformed services and veterans' organizations, we are grateful to the committee for this opportunity to express our views concerning issues affecting the uniformed services community. This testimony provides the collective views of the following military and veterans' organizations, which represent approximately 5.5 million current and former members of the seven uniformed services, plus their families and survivors.

Air Force Association
Air Force Sergeants Association
Air Force Women Officers Associated
Army Aviation Association of America
Association of Military Surgeons of the United States
Association of the United States Army
Association of the United States Navy
Chief Warrant Officer and Warrant Officer Association, U.S. Coast Guard
Commissioned Officers Association of the U.S. Public Health Service, Inc.
Enlisted Association of the National Guard of the United States
Fleet Reserve Association
Gold Star Wives of America, Inc.
Iraq and Afghanistan Veterans of America
Jewish War Veterans of the United States of America
Marine Corps League
Marine Corps Reserve Association
Military Chaplains Association of the United States of America
Military Officers Association of America
Military Order of the Purple Heart
National Association for Uniformed Services
National Guard Association of the United States
National Military Family Association
Naval Enlisted Reserve Association
Non Commissioned Officers Association
Reserve Enlisted Association
Reserve Officers Association
Society of Medical Consultants to the Armed Forces
The Retired Enlisted Association
United States Army Warrant Officers Association
United States Coast Guard Chief Petty Officers Association
Veterans of Foreign Wars
Wounded Warrior Project

The Military Coalition, Inc. does not receive any grants or contracts from the federal government.

Executive Summary

FY2013 Budget Submission on TRICARE Fees

The Coalition believes DoD's proposals for dramatic TRICARE fee hikes constitute a serious breach of faith with currently serving troops and families by cutting their future healthcare benefits. And if breaking faith with the currently serving is wrong, so is imposing a major "bait and switch" change on those who already completed 20-30 year careers, induced by promises of current benefits.

TRICARE Prime Fees: Reject any increase in TRICARE Prime fees that exceeds the COLA-based standard established in the FY2012 Defense Authorization Act.

TRICARE Standard Fees:

- The Coalition urges rejection of any TRICARE Standard enrollment fee unless and until the government provides guaranteed access to care for Standard beneficiaries
- The Coalition urges the Subcommittee to reject DoD's proposal to nearly double the TRICARE Standard deductible over the next five years.

TRICARE For Life Enrollment Fee: Sustain current law that avoids any enrollment fee for TRICARE For Life, consistent with Congress' determination in 2001 that the service and sacrifices extracted from military retirees and families over the course of their careers constituted a pre-paid premium for their TFL coverage as a Medicare supplement.

TRICARE Pharmacy Copays: Reject Administration-proposed pharmacy copayment increases that would inappropriately "civilianize" the military pharmacy benefit, dramatically raise costs for both retired and currently serving families, and deter beneficiaries from adhering to medication regimens that are essential to their long-term health as well as DoD's long-term cost containment.

TRICARE Proposals Raise New Inequities: The extremely limited categories of exemptions for survivors and disabled retirees disregard the similar or more severe situations of other survivors and disabled. The Coalition does not propose expanding the exemption, because that would imply a level of Coalition concurrence with the proposed fee hikes that does not exist. We raise this inequity issue as another reason why the proposed fee increases are grossly inappropriate for all grades and categories of beneficiaries.

TRICARE Fee "Tiering": Strongly oppose means-testing of military benefits, under which longer and more successful service would be penalized by progressive reduction of military healthcare benefits. The Coalition believes all retired servicemembers earned equal health care coverage by virtue of their service and that the proposed dramatic fee increases are inappropriate for servicemembers of all grades.

TRICARE Fee Indexing: Reject the DoD-proposed tying of annual increases in military health care fees to an index of health cost growth which would dramatically and disproportionally accelerate military healthcare fees over time.

Military Health Care Principles: The Coalition believes the law should be changed to explicitly acknowledge that:

- The healthcare benefit provided for members and families who endure to complete a military career should be among the very best available to any American;
- The decades of service and sacrifice rendered by career military personnel constitute a significant pre-paid premium toward their healthcare in retirement; and
- The large value of this pre-paid premium should be accounted for by minimizing fees payable in retirement and avoiding significant and arbitrary increases from year to year.

Leadership Accountability

The Coalition urges the Subcommittee to hold Defense leaders accountable for their own management, oversight, and efficiency failures before seeking to shift more costs to beneficiaries. Congress should direct DoD to pursue any and all options to constrain the growth of health care spending in ways that do not disadvantage beneficiaries.

Wounded, Ill, and Injured Servicemember Issues

The Coalition urges:

- Joint hearings by the Armed Services and Veterans Affairs Committees addressing the Joint Executive Council's (JEC) effectiveness in daily oversight, management, collaboration, and coordination of the Departments' wounded, ill, and injured servicemember programs.
- Permanent funding, staffing, and accountability for congressionally mandated Defense Centers of Excellence and associated mental-behavioral health, suicide prevention, caregiver, respite, and other medical and non-medical programs.
- Continued aggressive oversight of the Integrated Disability Evaluation and legacy disability evaluations systems to ensure preservation of the 30-percent threshold for medical retirement, consistency and uniformity of policies, ratings, legal assistance, benefits, and transitional services Defense-wide.

DoD – VA Seamless Transition

The Coalition urges:

- Joint hearings by the Armed Services and Veterans Affairs Committees to assess the effectiveness of current seamless transition oversight efforts and systems and to solicit views and recommendations from DoD, VA, the military services, and non-governmental organizations concerning how joint communication, cooperation, and oversight could be improved.
- Authorizing service-disabled members and their families to receive active-duty-level TRICARE benefits, independent of availability of VA care for three years after medical retirement to help ease their transition from DoD to VA.
- Ensuring Guard and Reserve members have adequate access and treatment in the DoD and VA health systems for Post Traumatic Stress Disorder and Traumatic Brain Injury following separation from active duty service in a theatre of operations.

DoD-VA Integrated Disability Evaluation System (IDES)

The Coalition recommends:

- Preserving the statutory 30 percent disability threshold for medical retirement in order to provide lifetime TRICARE coverage for those who are injured while on active duty.
- Reforming the DoD disability retirement system to require inclusion of all unfitting conditions and accepting the VA's "service-connected" rating.
- Ensuring any restructure of the DoD and VA disability and compensation systems does not inadvertently reduce compensation levels for disabled service members.
- Eliminating distinctions between disabilities incurred in combat vs. non-combat when determining benefits eligibility for retirement.
- Revision of the VA schedule for rating disabilities (VASRD) to improve the care and treatment of those wounded, ill and injured, especially those diagnosed with PTSD and TBI.
- Barring designation of disabling conditions as "existing prior to service" for servicemembers who have been deployed to a combat zone.
- Directing DoD to re-engineer and redesign the front end of IDES to (1) better ensure medical evaluations are consistently based on a fully developed, accurate medical summary; (2) permint the servicemember's full participation; (3) afford each individual consistent, effective representation throughout the process; and (4) streamline the system by eliminating the redundancy of dual adjudication of disability.

Caregiver/Family Support Services

The Coalition recommends:

- Providing enhanced training of DoD and VA medical and support staff on the vital importance of involving and informing designated caregivers in treatment of and communication with severely ill and injured personnel.
- Providing health and respite care for non-dependent caregivers (e.g., parents and siblings) who have had to sacrifice their own employment and health coverage while the injured member remains on active duty, commensurate with what the VA authorizes for medically retired or separated members' caregivers.
- Extending eligibility for residence in on-base facilities for up to one year to medically retired or severely wounded servicemembers and their families (or until the medically retired or severely injured service member receives a VA compensation rating, whichever is longer).
-

Guard and Reserve Healthcare

The Coalition recommends:

- Authorizing TRICARE for early Reserve retirees who are in receipt of retired pay prior to age 60
- Authorizing premium-based TRICARE coverage for members of the Individual Ready Reserve after being called to active service for a cumulative period of at least 12 months
- Permitting employers to pay TRS premiums for reservist-employees as a bottom-line incentive for hiring and retaining them.
- Authorizing an option for the government to subsidize continuation of a civilian employer's family coverage during periods of activation, similar to FEHBP coverage for activated Guard-Reserve employees of Federal agencies.
- Extending corrective dental care following return from a call-up to ensure G-R members meet dental readiness standards.

- Allowing eligibility in Continued Health Care Benefits Program (CHCBP) for Selected Reservists who are voluntarily separating and subject to disenrollment from TRS.
- Allowing beneficiaries of the FEHBP who are Selected Reservists the option of participating in TRICARE Reserve Select.

Additional TRICARE Prime Issues

The Coalition urges the Subcommittee to:

- Require reports from DoD and the managed care support contractors on actions being taken to improve Prime patient satisfaction, provide assured appointments within Prime access standards, reduce delays in preauthorization and referral appointments, and provide quality information to assist beneficiaries in making informed decisions.
- Require increased DoD efforts to ensure consistency between both the MTFs and purchased care sectors in meeting Prime access standards.
- Ensure timely notification of and support for beneficiaries affected by elimination of Prime service areas.

Additional TRICARE Standard Issues

The Coalition urges the Subcommittee to:

- Bar any further increase in the TRICARE Standard inpatient copay for the foreseeable future.Insist on immediate delivery of an adequacy threshold for provider participation, below which additional action is required to improve such participation to meet the threshold.
- Require a specific report on provider participation adequacy in the localities where Prime Service Areas will be discontinued under the new TRICARE contracts.
- Increase locator support to TRICARE Standard beneficiaries seeking providers who will accept new Standard patients, particularly for mental health specialties.

Overview

Mr. Chairman and distinguished members of the Subcommittee, The Military Coalition extends our thanks to you for your strong support of our active duty, Guard, Reserve, retired members, and veterans of the uniformed services and their families and survivors.

Congress has improved retention and readiness by addressing a number of quality of life issues for the military community over the last decade including enactment of TRICARE For Life, TRICARE Senior Pharmacy coverage, and health coverage for the Guard and Reserve community, among many other important initiatives.

Now, ironically, critics decry the growth in health care spending over the last decade, ignoring that much of that cost was driven by wartime requirements and service organizational and readiness priorities rather than cost-efficient delivery of beneficiary care.

As Congress assesses how to fairly allocate necessary sacrifices among the various segments of the population, the Coalition urges that you bear in mind that:

- Assertions about personnel and health cost growth over the last decade are highly misleading, because 2001 (when nearly all older beneficiaries had been pushed out of military health coverage) is not an appropriate or reasonable baseline for comparison – 2001 was the "bottom" as far as military benefits were concerned. Congressional spending to fix that problem since then was a necessary thing, not a bad thing.

- DoD health costs remain well below the 16% share health care comprises of the national GDP.

- Assertions that cutbacks for retirees don't affect the currently serving force are a delusion. Significant benefit cutbacks for retirees reduce incentives for the currently serving to complete a career. A currently serving member who will retire next month, next year, or next decade is definitely affected by such cutbacks.

- Retired servicemembers, their families and survivors have been no stranger to sacrifice. Nearly 600,000 of today's retirees served on active duty during the current Iraq/Afghanistan wars. Hundreds of thousands more saw service in multiple hot and cold conflicts. Older retirees endured years when the government provided them no military health coverage, and those retired between 1985 and 2005 have forfeited an average 10% of earned retired pay because they retired under pay tables depressed by decades of budget-driven capping of military raises below civilian pay growth.

- Pentagon leaders' insensitivity to this situation is perfectly illustrated by Secretary Panetta's answer at a recent Senate Budget Committee hearing. When asked why the proposal focuses so much on raising fees for military retirees, he answered they would accept the changes because they're used to doing what they're told and used to a culture of sacrifice. In other words, they're used to abuse so we can – and plan – to abuse them again.

- Military members' and families' sacrifices must not be taken for granted by assuming they will continue to accept the extraordinary personal and family sacrifices inherent in a multi-decade service career regardless of significant changes in their career incentive package.

- At a time when Congress is focused on lowering payroll taxes and avoiding any tax increases for other Americans, including millionaires and billionaires, it's grossly inappropriate to impose a $1,000-$2,000 new annual tax on the one group of citizens who already have sacrificed more for their country than any other.

- The Coalition is appalled that fully 60% of the projected savings associated with the proposed TRICARE fee increases accrue from the assumption that the fee increases will be so onerous as to drive many thousands of military beneficiaries away from using their service-earned coverage. When similar assumptions were highlighted about earlier DoD TRICARE fee proposals, Congress rightly deemed it grossly inappropriate to entice members to career service with promises of care and then consciously implement plans to drive them away from using that hard-earned care. That's no less true in 2012 than it was in 2007 and 2008.

- History shows clearly that there are unacceptable retention and readiness consequences for short-sighted budget decisions that cause servicemembers to believe their steadfast commitment to protecting their nation's interests is poorly reciprocated.

FY2013 Budget Submission

The President's proposed FY2013 budget has embraced the concept put forth by the Defense Department in past years that TRICARE benefits for retired beneficiaries should "trend toward market rates" by significantly increasing fees for retired beneficiaries and family members under 65.

The proposal would shift $35 billion in costs to retired and some currently serving military families over the next 10 years through dramatic and disproportional healthcare fee increases. These fee levels are similar to those recommended by the Defense Department in past years, which the Subcommittee and Congress rejected as excessive on the basis that:

- Pentagon leaders need to demonstrate more effective cost management of their own before shifting significant additional costs to beneficiaries.

- Achieving savings by seeking to deter beneficiaries from using their service-earned benefits is inappropriate.

The budget proposes to raise beneficiary costs over the next ten years by:
- Raising annual fees by as much as $1,500 or more for retired families under age 65.
- Establishing new annual enrollment fees of up to $950 for retired couples over age 65.
- Imposing means-testing of military retiree health benefits – which no other federal employee experiences.
- Dramatically increasing pharmacy co-pays to approach or surpass the median of civilian plans.

- Tying future annual increases to an unspecified health cost index estimated to average 6.2% per year.

DoD leaders have made a great point of their intent to "keep faith with currently serving troops" by avoiding any retirement changes that would affect the current force.

But their concept of "keeping faith on retirement" doesn't extend to retirement health care benefits, as the proposed changes would affect any currently serving member who retires the day after they were implemented. This has the same effect as reducing their retired pay by up to $2,000 a year or more. Further, the pharmacy changes would affect hundreds of thousands of currently serving Guard/Reserve members and families, as well as the family members of currently serving personnel who don't have access to military pharmacies.

The Coalition believes DoD's proposals for dramatic TRICARE fee hikes constitute a serious breach of faith with currently serving troops and families by cutting their future healthcare benefits. And if breaking faith with the currently serving is wrong, so is imposing a major "bait and switch" change on those who already completed 20-30 year careers, induced by promises of current benefits.

TRICARE Prime Fees. The Administration's TRICARE Prime Fee proposal for FY2013 is a radical departure from the new fee structure the Administration proposed and Congress accepted for FY2012.

Last year, finally acknowledging Congress' long-standing concerns about the inappropriateness of dramatic increases in beneficiary fees, the Administration proposed a 13% increase in TRICARE Prime fees. In the absence of congressional objection, the increase was implemented as of October 1, 2011.

The new proposal for FY2013-2017 is a dramatic departure, proposing to triple or quadruple fees over the next five years, as indicated in the chart below.

DoD-Proposed TRICARE Prime Enrollment Fee for Retired Beneficiaries Under Age 65 (Family Rate)*

Retired Pay**	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY2017***
$0-22,589	$520	$600	$680	$760	$850	$893
$22,590-$45,178	$520	$720	$920	$1,185	$1,450	$1,523
$45,179 or more	$520	$820	$1,120	$1,535	$1,950	$2,048

*Single rate is 50% of family rate
** Retired pay thresholds to be indexed to COLA increases
*** Fees for FY18 and outyears to be indexed to health cost inflation

This proposal flies in the face of the specific language of the FY2012 Defense Authorization Act – signed into law less than three months ago – requiring that the percentage increase in TRICARE Prime fees for FY2013 and later years shall not exceed the percentage growth in military retired pay.

The logic behind the COLA cap has not changed in the last three months. Its purpose was to protect retirees against arbitrary, budget-driven initiatives to impose dramatic new fee increases.

The COLA cap was intended to help recognize that:

- Military retirees already pre-paid very large premiums for their health care in retirement through their decades of service and sacrifice in uniform, and that

- They shouldn't be subjected to a double penalty by having their fees raised dramatically after they've already rendered a career of service induced by long-standing government retirement and healthcare promises.

The Coalition urges the Subcommittee to reject any increase in TRICARE Prime fees that exceeds the COLA-based standard established in the FY2012 Defense Authorization Act.

TRICARE Standard Fees. The Administration proposes two changes to TRICARE Standard that are not authorized under current law: a new enrollment fee that would increase significantly over time, and a significant adjustment to the Standard deductible, which is set by current law at $150 for a single person and $300 for a family.

DoD-Proposed TRICARE Standard Annual Fees for Retired Beneficiaries Under Age 65 (Family Rate)*

Enrollment Fee	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY2017**
	$0	$140	$170	$200	$230	$250
Deductible	$300	$320	$400	$460	$520	$580

*Single rate is 50% of family rate

** Fees for FY18 and outyears to be indexed to health cost inflation

The Coalition strongly opposes any enrollment fee for TRICARE Standard. An enrollment fee is only appropriate when the beneficiary is guaranteed a certain level of care. While the Defense Department has specified standards for TRICARE Prime, it's definitely not the case with TRICARE Standard.

According to DoD's own surveys, there are localities where finding a provider who will accept Standard patients is very difficult. This is particularly true for some high-demand specialties such as psychiatry.

In the absence of guaranteed access to care, there should be no enrollment fee.

Establishing an explicit enrollment requirement also would change the fundamental character of this service-earned healthcare benefit by forcing a choice between military health coverage and other available coverage. Many use TRICARE as a contingent coverage that is there as a fallback if they lose their civilian job, if their civilian insurance offers limited coverage, etc. Throughout their careers, they were told they would have this coverage. The Coalition objects to a system that backs them into a situation that implies it's a reasonable decision to forfeit that earned protection because they have other insurance that may or may not endure. In other words, their military ID card is and should continue to

represent their automatic enrollment in the default military healthcare option unless they choose to enroll in Prime or age into TRICARE For Life.

The Coalition also objects strongly to the proposal to nearly double the annual Standard deductible over the next 5 years. Standard-eligible retired beneficiaries who are able to find a participating provider already are absorbing a 25% copay, and so their costs have risen as allowable charges have risen.

The Coalition urges the Subcommittee to reject any TRICARE Standard enrollment fee unless and until the government provides guaranteed access to care for Standard beneficiaries

The Coalition urges the Subcommittee to reject DoD's proposal to nearly double the TRICARE Standard deductible over the next five years.

TRICARE For Life Fees. The Administration proposes a new TRICARE For Life (TFL) enrollment fee for beneficiaries age 65 and older, with successive annual increases as indicated in the chart below:

DoD-Proposed TRICARE-for-Life Annual Enrollment Fee
(Per Individual Beneficiary Age 65+)

Retired Pay*	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY2017**
$0-22,589	$0	$35	$75	$115	$150	$158
$22,590-$45,178	$0	$75	$150	$225	$300	$317
$45,179 or more	$0	$115	$225	$335	$450	$475

** Retired pay thresholds to be indexed to COLA increases
*** Fees for FY18 and outyears to be indexed to health cost inflation

Again, the Coalition believes strongly that an enrollment fee is only appropriate when there is a guarantee of timely access to quality healthcare. While that is the case with TRICARE Prime, there is no such guarantee for TFL beneficiaries.

Because TFL is available only if the beneficiary enrolls in Medicare Part B and acts as second-payer to Medicare, it provides coverage only in the case of providers who accept Medicare patients.

In many localities around the country, more and more providers are limiting the number of Medicare patients they serve. In some localities, providers are refusing to accept any new Medicare patients.

In the event a provider refuses to accept Medicare, the beneficiary must absorb the full cost of the care, as Medicare will not reimburse the beneficiary for any share of the charges.

The reality is that Medicare patients already pay significantly more for their care than beneficiaries under 65 do because of the statutory requirement to enroll in Medicare Part B to be eligible for TFL. This means a TFL-eligible couple already is paying premiums of at least $2,400 per year in 2012. Couples in higher income brackets may pay up to $7,680 per year in Part B premiums alone.

Further, large numbers of these retired members already suffer severe and permanent financial penalties as a result of past government budget crises that caused depression of their annual pay raises while on active duty. Depression of military pay over time caused military pay scales to lag up to 13.5% behind private sector pay. Members who retired under those depressed pay scales already are being made to forfeit thousands of dollars per year, and those penalties will last through their lifetimes. Adding a TFL enrollment fee would add further financial insult to that grievous injury.

TFL was enacted in 2001 to rectify the previous decade's disenfranchisement of older military beneficiaries from virtually all military healthcare coverage in the wake of the BRAC-driven closure and downsizing of hundreds of military hospitals and clinics.

When Congress enacted TFL, it did so with the explicit acknowledgement that an enrollment fee for this program is inappropriate.

In passing the new law, Congress acknowledged that the premium for this Medicare-supplemental coverage already had been paid in full through decades of service and sacrifice.

The Coalition believes strongly that the experience of the last decade – during which the military community has been required to bear 100% of the nation's wartime sacrifice – only reinforces the rightness of Congress' 2001 acknowledgement that imposing an enrollment fee for TFL is inappropriate.

The Coalition urges strongly against imposing any enrollment fee for TRICARE For Life.

Proposed Fees Raise New Series of Inequities

The Coalition appreciates that some modest effort was made to accommodate human concerns by exempting medical (Chapter 61) retirees and survivors of members who died on active duty.

However, these very restricted exemptions create a whole new series of inequities that demonstrate a gross lack of appreciation for the circumstances of various beneficiary populations.

Limiting survivor exemption to cases of deaths on active duty ignores that other categories of survivors, most of whom are older, typically have far less resources than survivors of recent active duty deaths. Thousands of these older survivors have no income at all from the military or the VA, and received dramatically lower Servicemen's Group Life Insurance settlements than are available today -- yet they would be subjected to the higher TRICARE fees.

Among retirees, the sole exemption of chapter 61 (medical retirement) cases similarly ignores the realities of the disabled retiree population.

Medical retirees include not only the severely disabled, but also many with disability ratings of 30% (or lower in some cases, since members with 20+ years of service can be medically retired under chapter 61 with disability ratings as low as zero).

As the Subcommittee is only too well aware in the wake of multiple recent reviews and commissions in recent years, far larger numbers with significant disabilities were denied medical retirement under service policies and told to "see the VA for any disability issues."

So a 20-year retiree with a zero-to-30% medical retirement would be exempted from the higher TRICARE fees that would be imposed on a similar 20-year non-medical retiree who is immediately acknowledged by the VA as 100% disabled.

The Coalition does not raise these inequity issues in order to propose expanding the exemption, because that would imply a level of Coalition concurrence with the proposed fee hikes that does not exist. We raise them as another reason why the proposed fee increases are grossly inappropriate for all grades and categories of beneficiaries.

Pharmacy Co-Payments. The Administration proposes dramatic increases in retail and other pharmacy copays, as shown in the chart below.

DoD-Proposed Pharmacy Co-Payments
(For All Retirees, Survivors, Guard/Reserve and Active Duty Family Members)

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY2017
Retail (1 mo fill)						
Generic	$5	$5	$6	$7	$8	$9
Brand	$12	$26	$28	$30	$32	$34
Non-Formulary*	$25	N/A	N/A	N/A	N/A	N/A
Mail-Order (3 mo fill)	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY2017**
Generic	$0	$0	$0	$0	$0	$9
Brand	$9	$26	$28	$30	$32	$34
Non-Formulary	$25	$51	$54	$58	$62	$66

* Non-Formulary pharmaceuticals will have limited availability in retail pharmacies

Again, these are dramatic increases from the copayment rates the Administration proposed for FY2012, and implemented on Oct 1, 2011 in the absence of congressional objection.

For FY2012, the Administration imposed increases of $2 to $3 (e.g., from $9 to $12 for retail brand-name drugs and from $3 to $5 for retail generics.)

Now, only a year later, the proposal would more than double the new retail rates and triple the mail-order rates for brand-name medications.

In subsequent years, copays would rise for generics in the retail venue, and the copay the Administration just eliminated for mail-order generic drugs last year would not only be restored, but tripled.

These purely budget-driven proposals are inappropriate on several levels.

- The current $5 retail generic copay already exceeds the $4 generic copay widely available to any civilian who walks through the door at dozens of retail pharmacies. Proposed further increases in the outyears only exacerbate the relative disadvantage for military beneficiaries.

- The proposed brand-name and non-formulary copays would make the TRICARE pharmacy benefit little or no better than the median of civilian employer plans. In 2011, for example, 56% of civilian plans provide brand-name medications for a copay of $25 or less, compared to the DoD-proposed $26.

- Contrary to DoD assertions about exempting currently serving personnel from fee hikes, the pharmacy copay increases would apply to hundreds of thousands of drilling Guard and Reserve personnel, as well as to active duty, Guard and Reserve family members who don't have access to military pharmacies.

- DoD has expended relatively little substantive effort to increase use of the mail order system other than seeking to impose an ever-bigger "stick" of higher fees on those who use other venues. The Coalition has urged DoD to create positive incentives such as eliminating copays for maintenance medications (see next paragraph) and work with the Coalition to develop better communication materials to address real-world concerns that deter beneficiaries from mail-order use, and will continue to do so even with higher copays. These initiatives could save DoD hundreds of millions a year, but Coalition offers to partner on such efforts have been rebuffed.

- Such dramatic pharmacy copay increases will only discourage adherence to medication regimens for chronic conditions like asthma, diabetes, and more. Studies show that even modest copayment increases deter use of maintenance medications that are essential to preserving wellness and holding down far more expensive care when the conditions deteriorate. The Coalition has endorsed reducing or eliminating copays for maintenance medications to hold down long-term costs. This new proposal would fly in the face of that objective, sacrificing long-term beneficiary health for short-term cost savings.

The Coalition believes strongly that the TRICARE pharmacy benefit should be a top-tier benefit, not merely one that approaches the median of plans offered by civilian employers, and that it should enhance wellness goals rather than posing a new impediment to them.

The Coalition urges the Subcommittee to reject Administration-proposed pharmacy copayment increases that would inappropriately "civilianize" the military pharmacy benefit, dramatically raise costs for both retired and currently serving families, and deter beneficiaries from adhering to medication regimens that are essential to their long-term health as well as DoD's long-term cost containment.

Means-Testing Plan Discriminates Against Military Retirees. The Administration proposal envisions establishing graduated enrollment fees for TRICARE Prime and TFL, based on the amount of the retired servicemember's retired pay, as indicated in the charts previously shown.

This proposal would impose blatant and dramatic discrimination against military retirees.

No other federal employee or retiree pays income-based fees for service-earned health coverage. The President, the Secretary of Defense, and the Speaker of the House pay the same premiums as the lowest-paid federal civilian retiree.

Means-tested fees also are rare in the private sector. This is because healthcare has long been recognized as a service-earned benefit.

Means-testing healthcare as DoD proposes would turn the concept of service-based benefits on its head, so that the longer and more productive the service, the less the earned benefit.

This need-based mentality may be appropriate for social welfare programs, but its application to benefits that are earned by service and sacrifice is inappropriate and counterproductive.

The proposal also discriminates against the military by failing to apply the same protections provided to VA healthcare programs and beneficiaries.

No such fee increases are envisioned for VA care, and Congress expressly exempted VA healthcare and other programs from any reduction under sequestration.

In past years, Congress has strongly rejected far smaller VA fee increases proposed for non-disabled veterans who had served as few as two years.

In those contexts, imposing fee hikes of up to $2,000 a year for those who have served and sacrificed for two or three decades is grossly inconsistent and inappropriate.

The Coalition urges the Subcommittee to oppose means-testing of military benefits, under which longer and more successful service would be penalized by progressive reduction of military healthcare benefits. The Coalition believes all retired servicemembers earned equal health care coverage by virtue of their service and that the proposed dramatic fee increases are inappropriate for servicemembers of all grades.

Indexing of TRICARE Fees. The Administration's FY2013 budget request proposes to index, either immediately or following some transition period, a variety of TRICARE fees to a health care cost index.

The specifics of how that cost index would be calculated, what beneficiary population it would account for, and who would be responsible for calculating it, have not yet been revealed to us.

Last year, DoD sources indicated an expectation that such an index would yield annual adjustments on the order of 6.2% per year.

The Coalition objects strongly to tying TRICARE fee growth for military beneficiaries to any measure of healthcare cost changes.

Indexing fees to healthcare cost growth would far outstrip annual retired pay increases and greatly erode retired compensation value.

During congressional debate on this topic last year, Congress rejected the health cost growth index and capped year-to-year percentage increases in TRICARE Prime fees at the percentage growth in military retired pay, reflecting the belief that the latter measure was fairer considering the very large, up-front premium already extracted from career military personnel over decades of service and sacrifice.

The chart below shows how DoD-proposed increases in TRICARE Prime enrollment fees, tied in the outyears to the proposed health cost index, would vastly exceed the COLA-based standard approved by Congress last year, imposing large beneficiary losses that would continue and accelerate with each passing year.

Monetary Impact of DoD-Proposed Fee Adjustment Methodology

Year	Cap at Retired Pay COLA* Percentage	DoD Proposal (tied to HC inflation)**	Difference (loss of purchasing power)	Year	Cap at Retired Pay COLA* Percentage	DoD Proposal (tied to HC inflation)**	Difference (loss of purchasing power)
2012	$520	$520	$0	2029	$859	$3,135	$2,275
2013	$536	$720	$184	2030	$885	$3,329	$2,444
2014	$552	$920	$368	2031	$912	$3,535	$2,624
2015	$568	$1,185	$617	2032	$939	$3,755	$2,815
2016	$585	$1,450	$865	2033	$967	$3,987	$3,020
2017	$603	$1,523	$920	2034	$996	$4,235	$3,238
2018	$621	$1,617	$997	2035	$1,026	$4,497	$3,471
2019	$640	$1,718	$1,078	2036	$1,057	$4,776	$3,719
2020	$659	$1,824	$1,165	2037	$1,089	$5,072	$3,983
2021	$678	$1,937	$1,259	2038	$1,121	$5,387	$4,265
2022	$699	$2,057	$1,359	2039	$1,155	$5,721	$4,565
2023	$720	$2,185	$1,465	2040	$1,190	$6,075	$4,886
2024	$741	$2,320	$1,579	2041	$1,225	$6,452	$5,226
2025	$764	$2,464	$1,701	2042	$1,262	$6,852	$5,590
2026	$787	$2,617	$1,831	2043	$1,300	$7,277	$5,977

2027	$810	$2,779	$1,969	2044	$1,339	$7,728	$6,389
2028	$834	$2,952	$2,117	2045	$1,379	$8,207	$6,828

* Uses DoD actuaries' 3% long-term COLA assumption for military retirement trust fund
**DoD proposal assumes a 6.2% annual health cost inflation factor

The Coalition urges the Subcommittee to reject the DoD proposal to index military health care fees to an index of health cost growth.

Annual Financial Impact of Fee Hikes on Military Families

The following chart highlights how the cumulative impact of the DoD-proposed fee changes would roughly double or triple annual health costs for the bulk of the affected force (grades E-7 to O-4). Cost growth would be significantly larger for grades W-4 and O-5 and above.

This chart assumes average use of medications. Many older families and those with disabled or otherwise at-risk children require significantly more medications, and the proposed doubling and tripling of pharmacy copays would increase those families' annual expenses substantially above those shown in the chart.

The chart also highlights what many overlook – that Medicare-eligibles already are required to pay significant Medicare Part B premiums in addition to the proposed new TFL and pharmacy fees.

Impact of DoD-Proposed FY2013 TRICARE Fees on Military Families (E-7 to O-4)
(Recommended by DoD in the President's Budget)

E-7 / O-4 Retiree* Under Age 65, Family of Three

TRICARE Prime**	Current	FY 2013 Proposed	FY 2017
Enrollment Fee	$520	$720	$1,523
Doctor Visit Copays	$60	$60	$60
Rx Cost Shares***	$408	$744	$1,032
Yearly Cost	***$988***	***$ 1,524***	***$2,615***

Retiree Under Age 65, Family of Three

TRICARE Standard	Current	FY 2013 Proposed	FY 2017
Enrollment Fee	$0	$140	$250
Deductible	$300	$320	$580
Rx Cost Shares***	$408	$744	$1,032
Yearly Cost	***$708***	***$1,204***	***$1,862***

* Enrolled in 2nd Retirement Income Tier (W-4s, O-5s and higher grades would pay even more)
**Enrolled to the network and assumes 5 doctor visits per year.
***Assumes 2 generic and 2 brand name prescriptions per month in retail pharmacy

E-7 / O-4 Retiree* Over Age 65 and Spouse

TRICARE For Life**	Current	FY 13 Proposed	FY 2017
Medicare Part B	$2,398	$2,494****	$2,917****
Enrollment Fee*	$0	$150	$634
Rx Cost Shares***	$756	$1,428	$1,956
Yearly Cost	***$3,154***	***$4,072***	***$5,507***

*Enrolled in 2nd Retirement Income Tier (W-4s, O-5s and higher grades would pay even more)
**Assumes lowest tier Medicare Part B premium for new enrollee in 2012.
***3 generic and 4 brand name prescriptions per month purchased at retail pharmacy
****Assumes Part B increases of 4% per year

Currently Serving Family of Four

TRICARE Standard*	Current	FY 13 Proposed	FY 2017
Enrollment Fee	$0	$0	$0
Deductible	$300	$300	$300
Rx Cost Shares**	$264	$432	$624
Yearly Cost	***$564***	***$732***	***$924***

* Spouse and 2 children use Standard.
**Assumes 2 generic and 1 brand name prescriptions per month at retail pharmacy.

Military vs. Civilian Cash Fees Is "Apple to Orange" Comparison

The Coalition continues to object strongly to simple comparisons of military vs. civilian cash fees. Such "apple to orange" comparisons ignore most of the very great price career military members and families pay for their coverage in retirement.

The unique package of military retirement benefits – of which a key component is a superior health care benefit – is the primary offset provided uniformed service members for enduring a career of unique and extraordinary sacrifices that few Americans are willing to accept for one year, let alone 20 or 30. It is an unusual and essential compensation package a grateful Nation provides to the small fraction of the population who agree to subordinate their personal and family lives to protecting our national interests for so many years.

For all practical purposes, those who wear the uniform of their country are enrolled in a 20- to 30-year pre-payment plan that must be completed to earn lifetime health coverage. Once that pre-payment is already rendered, the government cannot simply ignore it and focus only on post-service cash payments – as if the past service, sacrifice, and commitments had no value.

DoD and the Nation – as good-faith employers of the trusting members from whom they demand such extraordinary commitment and sacrifice – have a reciprocal health care obligation to retired service members and their families and survivors that far exceeds any civilian employer's.

The Coalition believes the TRICARE fee controversy is caused in part by the lack of any statutory record of the purpose of military health care benefits and the specific benefit levels earned by a career of service in uniform.

Current law gives the Secretary of Defense broad latitude to adjust fees for TRICARE Prime and the pharmacy systems. Absent congressional intervention, the Secretary can choose not to increase fees for years at a time or to triple or quadruple fees, as in this year's budget proposal.

Until a few years ago, this was not a particular matter of concern, as no Secretary had previously proposed dramatic fee increases.

The experience of the recent past – during which several Secretaries proposed no increases and then a new Secretary proposed doubling, tripling, and quadrupling various fees – has convinced the Coalition that current law leaves military beneficiaries excessively vulnerable to the varying budgetary inclinations of the incumbent Secretary of Defense.

It's true that many private sector employers are choosing to shift more healthcare costs to their employees and retirees, and that's causing many still-working military retirees to fall back on their service-earned TRICARE coverage. Fallout from the recession has reinforced this trend.

Efforts to paint this in a negative light (i.e., implying that working-age military retirees with access to civilian employer plans should be expected to use those instead of military coverage) belie both the service-earned nature of the military coverage and the long-standing healthcare promises the government aggressively employed to induce their career service.

The Coalition believes the law should be changed to explicitly acknowledge that:

- ***The healthcare benefit provided for members and families who complete a military career should be among the very best available to any American;***
- ***The decades of service and sacrifice rendered by career military personnel constitute a significant pre-paid premium toward their healthcare in retirement; and***
- ***The large value of this pre-paid premium should be accounted for by minimizing fees payable in retirement and avoiding significant and arbitrary increases from year to year.***

DoD Should Fix Inefficiencies, Not Punish Beneficiaries

Unlike civilian healthcare systems, the military health system is built mainly to meet military readiness requirements rather than to deliver needed care efficiently to beneficiaries.

Each Service maintains its unique facilities and systems to meet its unique needs, and its primary mission is to sustain readiness by keeping a healthy force and sustaining capacity to treat casualties from military actions. That model is built neither for cost efficiency nor beneficiary welfare.

When military forces deploy, the military medical force goes with them, and that forces families, retirees and survivors to use the more expensive civilian health care system in the absence of so many uniformed health care providers. This shift in the venue of care and the associated costs are completely out of beneficiary control.

These military-unique requirements have significantly increased readiness costs. But those added costs were incurred for the convenience of the military, not for any beneficiary consideration, and beneficiaries should not be expected to bear any share of military-driven costs – particularly in wartime.

The Coalition strongly rejects Defense leaders' efforts to seek dramatic beneficiary cost increases as a first cost-containment option rather than meeting their own responsibilities to manage military healthcare programs in a more cost-effective manner.

Instead of imposing higher fees on beneficiaries as the first budget option, DoD leaders should be held accountable for fixing their own management and oversight failures that add billions to defense health costs.

- Decades of GAO and other reports demonstrate DoD cost accounting systems are broken and unauditable.
- More than a dozen reports have recommended consolidated oversight of three separate service medical systems, four major contractors, and innumerable subcontractors that now compete for budget share in counterproductive ways.
- DoD-sponsored reviews indicate more efficient organization could cut health costs 30% without affecting care or beneficiary costs
- DoD's inexplicable refusal to partner with associations to expand mail-order pharmacy above the current low level has cost hundreds of millions per year (each prescription switched from retail to mail saves DoD $125).
- Improve and expand focus on management of chronic diseases.
- Reduce inappropriate and costly emergency room use by expanding clinic hours, urgent care venues, open access appointing, and phone/web-based access to providers after hours.
- Reform the TRICARE contracting and acquisition process.
- Base incentives to providers on quality-driven clinical outcomes that reward efficiency and value.
- Eliminate referral requirements that add complexity and inhibit timely delivery of needed care.
- Fix broken appointing system that inhibits beneficiary access to care.

These are only some of the examples demonstrating that more effective management, oversight and reorganization of military healthcare delivery could dramatically reduce defense health costs without affecting care or costs for beneficiaries.

The Coalition urges the Subcommittee to hold Defense leaders accountable for their own management, oversight, and efficiency failures before seeking to shift more costs to beneficiaries. Congress should direct DoD to pursue any and all options to constrain the growth of health care spending in ways that do not disadvantage beneficiaries.

Wounded, Ill, and Injured Servicemember Care

Though the war in Iraq has officially ended and the country seeks an exit strategy in Afghanistan, the Coalition has great and continuing concerns about the longer-term stability and viability of the policies, programs, and services intended to care and support our wounded, ill, and injured and their families-caregivers.

As the Pentagon marks a decade at war, seamless transition between the Departments of Defense (DoD) and Veterans Affairs (VA) continues to be problematic in many cases for our wounded, ill, and injured troops; disabled veterans; and their family caregivers.

Since 2007, every National Defense Authorization Act has built upon institutionalizing a seamless and unified approach to caring and supporting America's wounded, ill, and injured and their families-caregivers.

TMC acknowledges the significant progress that has been made in caring for our nation's heroes and thanks the Subcommittee for its leadership and oversight on these pressing issues, particularly in the last four years since the Walter Reed scandal that brought to light the flaws and inadequacies of both DoD and VA health care and benefits systems.

But complex challenges remain in overseeing and validating massive policy and program changes among the military services; the DoD; the VA; several Centers of Excellence; a multitude of civilian contractors and non-governmental agencies; and at least six congressional oversight committees.

The Coalition looks forward to continued work with the Subcommittee to address the remaining issues and fully establish systems of seamless care and benefits that support our transitioning wounded warriors and family members.

TMC strongly urges:

- ***Joint hearings by the Armed Services and Veterans Affairs Committees addressing the Joint Executive Council's (JEC) effectiveness in daily oversight, management, collaboration, and coordination of the Departments' wounded warrior programs.***
- ***Permanent funding, staffing, and accountability for congressionally mandated Defense Centers of Excellence and associated mental-behavioral health, suicide prevention, caregiver, respite, and other medical and non-medical programs.***
- ***Continued aggressive oversight of the Integrated Disability Evaluation and legacy disability evaluations systems to ensure preservation of the 30-percent threshold for medical retirement, consistency and uniformity of policies, ratings, legal assistance, benefits, and transitional services Defense-wide.***

DoD – VA Seamless Transition

Institutional Oversight – While many legislative changes have improved the care and support of our wounded, ill, and injured servicemembers, the Coalition is concerned that the sunset in law of the DoD-VA Senior Oversight Committee (SOC) poses significant risks for effective day-to-day leadership and coordination of DoD and VA seamless transition efforts. While an informal SOC exists, the Pentagon has relegated responsibility and authority to lower levels of the agency, making it difficult for senior official involvement and oversight on these matters and limiting the Department's ability to fully establish a synchronized, uniform and seamless approach to care and services.

Previously, the Coalition has expressed concern that the change of Administration posed a significant challenge to the two departments' continuity of joint effort, as senior leaders whose personal

involvement had put interdepartmental efforts back on track left their positions and were replaced by new appointees who had no experience with past problems and no personal stake in ongoing initiatives.

Unfortunately, those concerns were realized, as many appointive positions in both departments went unfilled for long periods, requiring reorganization of responsibilities and entry of new people with little or no background or authority to engage systems and continue to move forward.

While many well-meaning and hard working military and civilians are doing their best to keep pushing progress forward, leadership, organization, and mission changes have left many leaders frustrated with the process.

The Coalition urges joint hearings by the Armed Services and Veterans Affairs Committees to assess the effectiveness of current seamless transition oversight efforts and systems and to solicit views and recommendations from DoD, VA, the military services, and non-governmental organizations concerning how joint communication, cooperation, and oversight could be improved.

In addition, the hearings should focus on implementation progress concerning:

- ***Single separation physical;***
- ***Single, integrated disability evaluation system;***
- ***Bi-directional electronic medical and personnel records data transfer;***
- ***Medical centers of excellence responsibilities vs. authority, operations, and research projects;***
- ***Coordination of care and treatment, including DoD-VA federal/recovery care coordinator clinical and non-clinical services and case management programs; and***
- ***Consolidated government agency support services, programs, and benefits.***

Continuity of Health Care – Transitioning between DoD and VA health care systems remains challenging and confusing to those trying to navigate and use these systems. Systemic, cultural, and bureaucratic barriers often prevent the service member or veteran from receiving the continuity of care they need to heal and have productive and a high level of quality of life they so desperately need and desire.

Service members and their families repeatedly tell us that DoD has done much to address trauma care, acute rehabilitation, and basic short-term rehabilitation. They are less satisfied with their transition from the military health care systems to longer-term care and support in military and VA medical systems.

We hear regularly from members who have experienced significant disruptions of care upon separation or medical retirement from service.

One is in the area of cognitive therapy, which is available to retired members under TRICARE only if it is not available through the VA. Unfortunately, members are caught in the middle because of differences between DoD and VA authorities on what constitutes cognitive therapy and the degree to which effective, evidenced-based therapy is available.

Action is needed to further protect the wounded, ill, injured, and disabled. The Subcommittee has acted previously to authorize three years of active-duty-level TRICARE coverage for the family members of

those who die on active duty. The Coalition believes we owe equal transition care continuity to those whose service-caused illnesses or injuries force their retirement from service.

The Coalition recommends:

- ***Authorizing service-disabled members and their families to receive active-duty-level TRICARE benefits, independent of availability of VA care for three years after medical retirement to help ease their transition from DoD to VA.***

- ***Ensuring Guard and Reserve members have adequate access and treatment in the DoD and VA health systems for Post Traumatic Stress Disorder and Traumatic Brain Injury following separation from active duty service in a theatre of operations.***

DoD-VA Integrated Disability Evaluation System (IDES) – One of the most emotional issues that emerged from the Walter Reed scandal was the finding that services were "low-balling" disabled servicemembers' disability ratings, with the result that many significantly disabled members were being separated and turned over to the VA rather than being medically retired (which requires a 30% or higher disability rating)—a trend that continues today, especially for those in the Guard and Reserves.

Congress has taken positive steps to address this situation, including establishment of the Physical Disability Board of Review (PDBR) to give previously separated servicemembers an opportunity to appeal too-low disability ratings.

A jointly executed DoD-VA IDES pilot has been implemented and expanded, but experience under IDES has shown that the fundamental goals it was to achieve – to be more streamlined, faster, less complex, and non-adversarial -- have for the most part yet to be realized. The service member, typically without effective assistance, must navigate a still-complex adversarial system that is compromised by incomplete medical evaluations, overlooked conditions, and examinations omitting diagnoses – resulting in gaps in care, delays in decision-making, and lack of timely adjudication.

TMC was further encouraged that wounded, ill, and injured members would benefit from the Dec. 19, 2007 Under Secretary of Defense (Personnel and Readiness) Directive Type Memorandum (DTM) which added "deployability" as a consideration in the DES decision process – permitting medical separation/retirement based on a medical condition that renders a member non-deployable.

Unfortunately, several cases surfaced indicating the Services failed to incorporate the DTM in their DES process. In this regard, many members found "fit" by the PEB have been deemed by the service to be "unsuitable" for continued service – and administratively separated – because the member's medical condition prevents them from being able to deploy or maintain their current occupational skill. The Coalition is grateful to the subcommittee for including provisions in both the FY2011 and FY2012 Defense Authorization Act prohibiting this practice.

Unfortunately, some services still use other loopholes, such as designating disorders as "existing prior to service" – even though the VA rated the condition as "service-connected" and the member was deemed fit enough to serve in a combat zone. The Coalition believes strongly that once we have sent a soldier,

sailor, airman or marine to war, the member should be given the benefit of the doubt that any condition subsequently found should not be considered as existing prior to service.

The Coalition believes strongly that all unfitting "service-connected" conditions as rated by the VA should be included in the DoD disability rating, and any member determined by the parent service to be 30 percent or more disabled should continue to be eligible for a military disability retirement with all attendant benefits, including lifetime TRICARE eligibility for the member and his/her family. We do not support efforts to disconnect health care eligibility from disability retired pay eligibility.

The Coalition also agrees with the opinion expressed by former Secretary Gates that a member forced from service for wartime injuries should not be separated, but should be awarded a high enough rating to be retired for disability.

The Coalition recommends:

- ***Preserving the statutory 30 percent disability threshold for medical retirement in order to provide lifetime TRICARE coverage for those who are injured while on active duty.***

- ***Reforming the DoD disability retirement system to require inclusion of all unfitting conditions and accepting the VA's "service-connected" rating.***

- ***Ensuring any restructure of the DoD and VA disability and compensation systems does not inadvertently reduce compensation levels for disabled service members.***

- ***Eliminating distinctions between disabilities incurred in combat vs. non-combat when determining benefits eligibility for retirement.***

- ***Revision of the VA schedule for rating disabilities (VASRD) to improve the care and treatment of those wounded, ill, and injured, especially those diagnosed with PTSD and TBI.***

- ***Barring designation of disabling conditions as "existing prior to service" for servicemembers who have been deployed to a combat zone.***

- ***Directing DoD to re-engineer and redesign the front end of IDES to (1) better ensure medical evaluations are consistently based on a fully developed, accurate medical summary; (2) permint the servicemember's full participation; (3) afford each individual consistent, effective representation throughout the process; and (4) streamline the system by eliminating the redundancy of dual adjudication of disability.***

Caregiver/Family Support Services – The sad reality is that, for the most severely injured servicemembers, family members or other loved ones are often required to become full-time caregivers. Many have lost their jobs, homes, and savings in order to meet caregiver needs of a servicemember who has become incapacitated due to service-caused wounds, injuries or illness.

The Coalition believes the government has an obligation to provide reasonable compensation and training for such caregivers, who never dreamed that their own well-being, careers, and futures would be devastated by military-caused injuries to their servicemembers.

In 2009, the Subcommittee authorized a special payment to an active duty servicemember to allow compensation of a family member or professional caregiver. The authorized payment was in the same amount authorized by the VA for veterans' aid-and-attendance needs, reflecting the Subcommittee's thinking that caregiver compensation should be seamless when the member transitions from active duty to VA care, as long as the caregiver requirements remain the same.

The Coalition appreciates the Subcommittee's effort to sustain that principle in the FY2011 Defense Authorization Act in terms of caregiver support, and urges additional steps to ensure that non-dependent caregivers (e.g., parents and siblings) who have had to sacrifice their own employment and health coverage are provided health and respite care while the injured member remains on active duty, commensurate with what the VA authorizes for caregivers of wounded, ill, and injured veterans.

In a similar vein, many wounded or otherwise-disabled members experience significant difficulty transitioning to medical retirement status. To assist in this process, consideration should be given to authorizing medically retired members and their families to remain in on-base housing for up to one year after retirement, in the same way that families are allowed to do when a member dies on active duty.

Another important care continuity issue for the severely wounded, ill and injured is the failure to keep caregivers of these personnel involved in every step of the care and follow-up process. Again and again, we are told of clinicians and administrative people who seek to exclude caregiver participation and talk only to the injured member – despite the reality that the injured member may not be capable of remembering instructions or managing their appointments and courses of care. In many cases, this occurs even when the caregiver has a medical power of attorney and other authorities documented in the member's records.

Congress, DoD and the VA have worked to get essential information to the wounded, ill, and injured and their caregivers. Similar efforts are urgently needed to educate medical providers and administrative staff at all levels that the final responsibility for ensuring execution of prescribed regimens of care for severely wounded, ill and injured servicemembers typically rests with the caregivers, who must be kept involved and informed on all aspects of these members' treatment, appointments, and medical evaluations.

The Coalition recommends:

- ***Providing enhanced training of DoD and VA medical and support staff on the vital importance of involving and informing designated caregivers in treatment of and communication with severely wounded, ill, and injured personnel.***

- ***Providing health and respite care for non-dependent caregivers (e.g., parents and siblings) who have had to sacrifice their own employment and health coverage while the injured member remains on active duty, commensurate with what the VA authorizes for eligible caregivers of medically retired or separated members.***

- ***Extending eligibility for residence in on-base facilities for up to one year to medically retired or severely wounded, ill, and injured servicemembers and their families (or until the servicemember receives a VA compensation rating, whichever is longer).***

Guard and Reserve Health Care issues – The Coalition is very grateful for sustained progress in providing reservists' families a continuum of government-sponsored health care coverage options throughout their military careers into retirement, but key gaps remain.

For years, TMC has recommended continuous government health care coverage options for Guard and Reserve (G-R) families. Operational reserve policy during two protracted wars has only magnified that need.

DoD took the first step in the 1990s by establishing a policy to pay the Federal Health Benefits Program (FEHB) premiums for G-R employees of the Department during periods of their active duty service.

Thanks to this subcommittee's efforts, considerable additional progress has been made in subsequent years to provide at least some form of military health coverage at each stage of a Reserve Component member's life, including TRICARE Reserve Select for actively drilling Guard/Reserve families and TRICARE Retired Reserve for "gray area" retirees.

But some deserving segments of the Guard and Reserve population remain without needed coverage, including post-deployed members of the Individual Ready Reserve and early Reserve retirees who are in receipt of non-regular retired pay before age 60.

In other cases, the Coalition believes it would serve Guard/Reserve members' and DoD's common interests to explore additional options for delivery of care to Guard and Reserve families. As deployment rates decline, for example, it would be cost-effective to establish an option under which DoD would subsidize continuation of employer coverage for family members during (hopefully less-frequent) periods of activation rather than funding year-round TRS coverage.

TMC continues to support closing the remaining gaps to establish a continuum of health coverage for operational reserve families.

The Coalition recommends:

- ***Authorizing TRICARE for early Reserve retirees who are in receipt of retired pay prior to age 60***
- ***Authorizing premium-based TRICARE coverage for members of the Individual Ready Reserve after being called to active service for a cumulative period of at least 12 months***
- ***Permitting employers to pay TRS premiums for reservist-employees as a bottom-line incentive for hiring and retaining them.***

- ***Authorizing an option for the government to subsidize continuation of a civilian employer's family coverage during periods of activation, similar to FEHBP coverage for activated Guard-Reserve employees of Federal agencies.***

- ***Extending corrective dental care following return from a call-up to ensure G-R members meet dental readiness standards.***

- ***Allowing eligibility in Continued Health Care Benefits Program (CHCBP) for Selected Reservists who are voluntarily separating and subject to disenrollment from TRS.***

- ***Allowing beneficiaries of the FEHBP who are Selected Reservists the option of participating in TRICARE Reserve Select.***

Additional TRICARE Prime Issues – The Coalition is very concerned about growing dissatisfaction among TRICARE Prime enrollees – which is actually higher among active duty families than among retired families. The dissatisfaction arises from increasing difficulties experienced by beneficiaries in getting appointments, referrals to specialists, and sustaining continuity of care from specific providers.

Increasingly, beneficiaries with a primary care manager in a military treatment facility find they are unable to get appointments because so many providers have deployed, have been gone PCS, or are otherwise understaffed or unavailable.

The Coalition supports implementation of a pilot study by TMA in each of the three TRICARE Regions to study the efficacy of revitalizing the resource sharing program used prior to the implementation of the TRICARE-Third Generation (T-3) contracts under the current Managed Care Support contract program.

The Coalition strongly advocates the transparency of healthcare information via the patient electronic record between both the MTF provider and network providers. Additionally, institutional and provider healthcare quality information should be available to all beneficiaries so that they can make better informed decisions.

We are concerned about the impact on beneficiaries of the elimination of some Prime service areas under the new contract. This will entail a substantive change in health care delivery for thousands of beneficiaries, may require many to find new providers, and will change the support system for beneficiaries who have difficulty accessing care.

To date, largely because of the delay in award of the new contracts, beneficiaries who live in the areas where Prime service will be terminated have not received any information on this and how it may affect them.

The Military Coalition urges the Subcommittee to:

- ***Require reports from DoD and the managed care support contractors on actions being taken to improve Prime patient satisfaction, provide assured appointments within Prime access standards, reduce delays in preauthorization and referral appointments, and provide quality information to assist beneficiaries in making informed decisions.***

- ***Require increased DoD efforts to ensure consistency between both the MTFs and purchased care sectors in meeting Prime access standards.***

- ***Ensure timely notification of and support for beneficiaries affected by elimination of Prime service areas.***

Additional TRICARE Standard Issues – The Coalition appreciates the Subcommittee's continuing interest in the specific problems unique to TRICARE Standard beneficiaries. TRICARE Standard beneficiaries need assistance in finding participating providers within a reasonable time and distance from their home. This is particularly important with the expansion of TRICARE Reserve Select and the upcoming change in the Prime Service Areas, which will place thousands more beneficiaries into TRICARE Standard.

The Coalition is grateful that the FY2012 Defense Authorization Act extended through 2015 the requirement for DoD to survey participation of providers in TRICARE Standard.

However, we are concerned that DoD has not yet established benchmarks for adequacy of provider participation, as required by section 711(a)(2) of the FY2008 NDAA. Participation by half of the providers in a locality may suffice if there is not a large Standard beneficiary population, but could severely constrain access in other areas with higher beneficiary density.

The Coalition hopes to see an objective participation standard (perhaps based on the number of beneficiaries per provider) that would help shed more light on which locations have participation shortfalls of Primary Care Managers and Specialists that require intervention.

Further, the Coalition believes the Department should be required to take action to increase provider participation in localities where participation falls short of the standard.

A source of continuing concern is the TRICARE Standard inpatient copay for retired members, which now stands at $708 per day or 25% of billed charges. The Coalition believes this amount already is excessive, and should be capped at that rate for the foreseeable future.

The Coalition urges the Subcommittee to:

- ***Bar any further increase in the TRICARE Standard inpatient copay for the foreseeable future.***

- ***Insist on immediate delivery of an adequacy threshold for provider participation, below which additional action is required to improve such participation to meet the threshold.***

- ***Require a specific report on provider participation adequacy in the localities where Prime Service Areas will be discontinued under the new TRICARE contracts.***

- ***Increase locator support to TRICARE Standard beneficiaries seeking providers who will accept new Standard patients, particularly for mental health specialties.***

Veterans/Retiree Council Recommendation to the AFA Board of Directors

Under the Administration's FY2013 Proposed budget, DoD would shift about $13 billion in health care costs from the Pentagon to military retirees over the next five years. The goal is to reduce defense costs, while bringing military beneficiary fees and cost-shares more in-line with comparable programs in the civilian sector.

The changes would phase-in significant fee hikes for nearly every segment of the military population. The proposed increases affect retirees of all ages, drilling Guard and Reserve members and currently serving family members as follows:

1. TRICARE Prime annual enrollment fees for retired families (currently $520), would be "tiered," by incorporating a "means testing" scheme based on retired pay amount. Fees will rise as high as $820 starting October 1, 2012, and to as much as $2,048 within five years.

2. TRICARE Standard beneficiaries who currently pay no enrollment fee, but who pay a deductible and cost-share, would start paying an $140 annual family enrollment fee. Also they would have an increased deductible starting Oct 1, with the enrollment fee and deductible rising to $250 and $580, respectively, within five years. These would be flat fees for all Standard beneficiaries.

3. Retirees and family members age 65 and older would start paying an annual TRICARE For Life (TFL) enrollment fee of up to $135 per person starting Oct 1. This fee also would be "means tested" based on retired pay amount, and would rise to as much as $475 per year, within 5 years.

4. Pharmacy co-pays for retail and mail-order brand-name medications would more than double (from $12 to $26) starting Oct 1. Co-pays for non-formulary medications, currently $25, would also more than double, to $51. Availability would be mostly restricted to the mail-order venue, with only limited retail access. The brand-name and non-formulary copays would rise to $34 and $66, respectively, within five years.

Under the proposal, certain medical retirees and survivors of members who died on active duty would be exempt from these increases.

Recommended Position for the AFA Board

Given the financial crisis in which the Nation finds itself, AFA remains open to discussing proportionate changes to healthcare benefits, as we did during discussions last year on increasing TRICARE Prime enrollment fees. However, we are strongly opposed to what appears to be an uncoordinated attempt to cut the cost of the Nation's defense on the backs of those who have already sacrificed so much. These proposals would increase health care fees by about $1,000 to $2,000 per year for retired military families, and dramatically raise retail pharmacy co-pays for all retirees and currently serving family members.

We are similarly opposed to attempts to draw a comparison between a career in military service and careers in the private sector as justification for comparability in healthcare beneficiary costs. Simply stated, there is no comparison between "conditions of service" endured by career military people and "conditions of employment" experienced in the private sector. Retired military members already paid for their healthcare benefits by serving a full career of arduous service, sacrifice, frequent family separations and often hazardous service conditions.

We also remain very concerned that DoD seems most inclined to simply pass any and all cost increases on to beneficiaries first, before looking internally for efficiencies. This propensity to simply pass on cost increases will be codified in law should this proposal be enacted. According to the proposal, after FY16, healthcare fee increases will be indexed to "medical inflation". Medical inflation has averaged 6.2% annually over the past 20 years, well above increases to retired pay over the same period. It is also significant to note that indexing future increases in healthcare fees to medical inflation is an abrogation of the deal that was struck last year when the military associations acquiesced to an increase in TRICARE Prime enrollment fees if limited to increases in retired pay.

Finally, we are strongly opposed to "tiering" or "means testing" military healthcare benefits. Doing so will make military healthcare benefits the only federal employee retirement benefit to be so structured. But most importantly, we object to the inference that these benefits are equivalent to welfare benefits to be doled out according to a bureaucratic determination of need. On the contrary, these benefits are earned by military people over the course of a full career of service and sacrifice. They should be no more "means tested" than military active duty or retired pay.

The Council recommends AFA leadership go to its members to urge them to contact their Senators and Congress members and register their strongest opposition to these healthcare cost increases, as they amount to nothing more than a disproportionate tax increase targeted at a segment of our population that has already given so much to this Nation.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **HR 11**
Fiscal Note Number:
() Publish Date:

Identifier (file name): HR 11
Title: Military Retirees Health Care Benefits
Sponsor: House State Affairs Committee
Requester:

Dept. Affected:
Appropriation:
Allocation:
OMB Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

None

Prepared by: House State Affairs Committee
Division: Representative Bob Lynn, Chair
Approved by:

Phone: (907) 465-2794
Date/Time: 3/16/2012 9:17am
Date: 3/16/2012

(Revised 11/18/2011 OMB)

Captain Cook
Chapter

March 27, 2012

Representative Bob Lynn
Chairman, House State Affairs Committee
State of Alaska Legislature
State Capitol Room 108
Juneau, AK 99801

Dear Representative Lynn:

The Military Officers Association of America represents 370,000 members nationwide, advocating for active duty, service veterans, Guardsmen, Reservists and retired service members and their families in the areas of family issues, force levels, health care, retirement/survivor benefits and other veterans' issues. The Captain Cook Chapter is the local representative for MOAA and is a conduit for and by state members in support of veterans issues for Alaskan military, uniformed services and family members.

We are gratified to see our Alaska legislature in the vanguard of this effort to protect and honor a commitment made by the nation many years ago in a compact with the warriors who have borne, and continue to bear today, the heavy burden of service for their nation. Whether volunteer or draftee, the pact is valid and binding upon a nation of honor.

We are keenly appreciative of your efforts and fully support this initiative. MOAA's national legislative platform has consistently opposed military benefit changes that are inconsistent with service career sacrifices. HR 11 is fully consistent with MOAA's National Legislative Goals.

On behalf of all the uniformed services retirees in the State of Alaska, and on behalf of MOAA for those retirees nationwide, we thank you for your efforts.

Sincerely,

Clyde T. (Tom) Burton
President

Catkin Kilcher Burton
Vice-President

Captain Cook Chapter

Military Officers Association of America
Colonels, USMC (Ret)
1143 M Ct.
Anchorage, AK 99501
(907)644-6202 (day)
(571)330-6568. (cell)
c2burton@gci.net

SB

31

<TARGET><BILL>SB 31</BILL><SUBJECT>SB
31</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 16, 2011 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 4-7-11

The STATE AFFAIRS Committee considered: **CSSB 31(JUD)**

CS FOR SENATE BILL NO. 31(JUD)
"An Act relating to the counting of write-in votes."

SB 31 COUNTING OF WRITE-IN VOTES

Recommends it be replaced with [X] HCS *or* **[ ] CS** *for* CSSB 31 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ ☒ **Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero
	GOV			✓

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Peggy Wilson	WILSON				X
Paul Seaton	Seaton	X			
Pete Peterson	PETERSEN	X			
Mark Gruenberg	Gruenberg	✓			
Chair: Vice Wes Keller	Keller				X
Chair:					

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 7, 2011

SUBJECT: Conceptual amendment to CSSB 31(STA) adopted into HCS CSSB 31(STA) (Work Order No. 27-LS0350\X)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Nancy Manly

FROM: Alpheus Bullard
Legislative Counsel

This memorandum accompanies the bill described above. I have one comment.

The House State Affairs Committee adopted a conceptual amendment to the bill's sec. 15.15.365(c).

That subsection provides:

> (c) If the director determines that the requirements of (a) of this section have been met, the director shall establish the place and date for counting those write-in votes, and the director, or a designee of the director, shall count all write-in ballots under AS 15.15.360(d).

As conceptually amended, it would provide:

> (c) If the director determines that the requirements of (a) of this section have been met, the director shall establish the ~~place and~~ date for counting those write-in votes *which shall occur at the public place where the ballots are physically shipped following the elections*, and the director, or a designee of the director, shall count all write-in ballots under AS 15.15.360(d).

I understand this conceptual amendment to require that write-in ballots be counted in a public place. Other intended effects of the conceptual amendment are less clear to me. It seems that write-in ballots are necessarily going to be counted at a location where the ballots are. Under this CS, can the ballots be sent to the division and then transferred to a public place that will better accommodate the counting of the ballots?

After listening to the minutes of the committee hearing, I've drafted the conceptual amendment as an additional subsection that reads:

> (e) Write-in ballots shall be counted by the director, or a designee of the director, in a public place at the location where write-in ballots are sent for counting following an election.

Please let me know if my change is faithful to the intentions of the committee.

TLAB:plm
11-232.plm

Enclosure

Nancy Manly

From: Nancy Manly
Sent: Thursday, April 07, 2011 4:34 PM
Subject: CSSB 31 Final CS and Legal Memo
Attachments: FINAL CS for SB 31 Version X 4-7-11.pdf; 4-7-11 Memo Legal Alpheus Bullard SB 31 on conceptual amendments.pdf

HSTA Committee Member Staff:

Attached is the final HCS for CSSB31 Version X and a legal memo from Alpheus Bullard concerning the conceptual amendment for your review. I will be taking the bill to the Chief Clerk's office this afternoon.

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

LEGAL SERVICES

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Please let me know if my change is faithful to the intentions of the committee.

TLAB:plm
11-232.plm

Enclosure

HOUSE CS FOR CS FOR SENATE BILL NO. 31(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS THOMAS, FRENCH, MENARD, AND WIELECHOWSKI

A BILL

FOR AN ACT ENTITLED

"An Act relating to the counting of write-in votes."

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

*** Section 1.** AS 15.15.360 is amended by adding a new subsection to read:

(d) Write-in votes shall be counted according to the following rules:

(1) writing in the name of a candidate whose name is printed on the ballot does not invalidate a write-in vote unless the director determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot;

(2) in order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and fill in the oval opposite the candidate's name in accordance with (a)(1) of this section;

(3) a vote for a write-in candidate, other than a write-in vote for governor and lieutenant governor, shall be counted if the oval is filled in for that candidate and if the name of the candidate, as it appears on the write-in declaration of candidacy, or the last name of the candidate is written in the space provided;

(4) if the write-in vote is for governor and lieutenant governor, the vote

shall be counted if the oval is filled in and the names of the candidates for governor and lieutenant governor, as they appear on the write-in declaration of candidacy, or the last names of the candidates for governor and lieutenant governor, or the name of the candidate for governor, as it appears on the write-in declaration of candidacy, or the last name of the candidate for governor is written in the space provided;

(5) in counting votes for a write-in candidate, the director shall disregard any abbreviation, misspelling, or other minor variation in the form of the name of a candidate if the intention of the voter can be ascertained.

* **Sec. 2.** AS 15.15 is amended by adding a new section to read:

Sec. 15.15.365. Counting of write-in votes in general election. (a) Write-in votes on a general election ballot shall be counted by candidate only if the aggregate of all votes cast for all write-in candidates for the particular office is

(1) the highest number of votes received by any candidate for the office; or

(2) the second highest number of votes received by any candidate and the difference between the total number of votes received by the candidate having the highest number of votes and the aggregate of all votes cast for all write-in candidates for the office is less than the percentage necessary for a recount at the state's cost under AS 15.20.450.

(b) Write-in votes that do not meet the requirements of this section may not be individually counted under this section.

(c) If the director determines that the requirements of (a) of this section have been met, the director shall establish the date for counting those write-in votes, and the director, or a designee of the director, shall count all write-in ballots under AS 15.15.360(d).

(d) This section does not apply to the counting of federal write-in absentee ballots submitted under 42 U.S.C. 1973ff.

(e) Write-in ballots shall be counted by the director, or a designee of the director, in a public place at the location where write-in ballots are sent for counting following an election.

* **Sec. 3.** AS 15.15.360(a)(9), 15.15.360(a)(10), 15.15.360(a)(11), and 15.15.360(a)(12) are

repealed.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Fax: (907) 269-0207

FAX

To: Legal Services Fax #: 465-2029

From: Nancy Manly 465-2794 # of Pages (including cover): 2
Alaska State Capitol, room 104
Juneau, AK 99801-1182

Phone: 907-465-4931
Fax: 907-465-4316

Re FINAL CS for Senate Bill 31 (27-LS0350\E)

4/07/2011

CSHB 31 moved out of the House State Affairs Committee this morning with changes to Version E. Please draft a final CS with the following amendments included:

Conceptual Amendment #1 (Seaton)
See attached

Amendment #1 to Conceptual Amendment #1 (Gruenberg)
insert **public** between the words "the place" so it reads: … which shall occur at the public place where the ballots are… See the attached written Conceptual Amendment to better understand.

Seaton

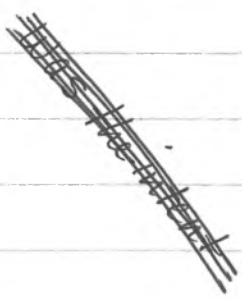
Passed

Conceptual Amendment #1

Page 2 line 23 delete "place and"

Page 2 line 24 insert following "votes"
insert
"which shall occur at the public place
where the ballots are physically
shipped following the elections"

Gruenberg amend to conceptual amend #1
Insert public



ALASKA STATE LEGISLATURE

SENATOR JOE THOMAS

Senate Bill 31:
An Act relating to the counting of write-in votes.

Sponsor Statement

"We start with the bedrock principle that the right of the citizens to cast their ballot and thus participate in the selection of those who control their government is one of the fundamental prerogatives of citizenship."
- Alaska Supreme Court, (*Miller v. Treadwell)*

Last fall, Alaskans reelected Lisa Murkowski to the United States Senate as a write-in candidate with nearly 100,000 votes statewide, something not witnessed by our nation in over fifty years. Because of the unique nature of write-in votes and confusion in state statute there was substantial debate over the validity of nearly 12,000 ballots. In the suit that followed, (*Miller v. Treadwell)*, Joe Miller argued that these ballots should not be counted because the name written was not *identical* to the way Senator Murkowski's name appeared on her declaration of candidacy. **Superior Court Judge William Carey and the Alaska Supreme Court both ruled against this argument, finding that judging the validity of a ballot based on the intent of the voter is paramount.**

Much of this case centered on the interpretation of state statute regarding the counting of ballots. Each court, in their findings, including Federal District Judge Ralph Bieistline, found that AS 15.15.360 was badly worded and left open for legitimate debate. **Senate Bill 31 looks to address this language by inserting a section that would place the intention of the voter above minor variations, mismarks or abbreviations.**

Senate Bill 31 follows on over fifty years of consistent precedent in support of a voter's intent and enfranchisement. In strengthening this statute by inserting federally recognized language from the Uniformed and Overseas Citizens Absentee Voting Act, **SB 31 will reduce potential future litigation while strengthening the public's perception of Alaska's democratic process.**

I urge you to join me in supporting Senate Bill 31.

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

LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

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(907) 465-3908 fax
research@legis.state.ak.us

Memorandum

TO: Senator Joe Thomas
FROM: Susan Warner, Legislative Analyst
DATE: January 21, 2011
RE: Legal History of Counting Write-in Votes in Alaska
LRS Report 11.113

You asked about the history in Alaska of write-in vote counting. You were particularly interested in legal precedents, and you asked for copies of pertinent decisions.

Within certain parameters defined by the U.S. Constitution, states have the authority to make their own election laws, and most states allow voters to write in the name of a candidate who is not listed on the ballot. Legal challenges occur most often in close races; courts then attempt to balance the constitutional right of citizens to elect the person of their choice against state laws that are designed to ensure efficient and orderly elections, among other things. The Alaska Supreme Court has consistently held that the right of citizens to select their government representatives is a fundamental prerogative of citizenship and should not be impaired or destroyed by "strained" statutory constructions.[1] As such, the Court in the most recent case (*Miller v. Treadwell,* 2010) held as follows:

> Voter intent is paramount, and any misspelling, abbreviation, or other minor variation in the form of the candidate's name on a write-in ballot does not invalidate a ballot so long as the intention of the voter can be ascertained.[2]

Alaska Voting Law

As you know, Alaska law does not allow write-in voting during primary elections, but provisions must be made for write-in voting on general election ballots. Alaska's rules for counting write-in ballots specify that a vote for a write-in candidate "shall be counted" if the oval is filled in and if the candidate's last name, or the candidate's name as it appears on the declaration of candidacy, is written in the space provided.[3] The law further specifies that the rules on counting ballots are, without exception, mandatory.

Miller v. Treadwell

Voter intent prevailed in litigation over the counting of write-in ballots in Alaska's 2010 U.S. Senate race. Joe Miller, the Republican senate candidate on the general ballot, argued that write-in votes for his opponent should not have been counted unless the candidate's name was spelled flawlessly. The Alaska Supreme Court ruled against Mr. Miller in *Miller v. Treadwell,* and the Court opinion begins with powerful language in support of voter enfranchisement. The Court proclaims that a citizen's right to vote is *of profound importance*; *key to participatory democracy;* and a *polar, cardinal,* and *bedrock principle*. The Court also notes that such longstanding principles have been consistently applied to election issues in Alaska over the past 50 years.

---

[1] *Carr v. Thomas,* 586 P.2d 622, 627(1978). We provide this document as Attachment A.

[2] *Miller v. Treadwell,* Alaska Supreme Court No. S-14112, December 22, 2010. Please note the recitation of pertinent case history entitled "Longstanding Alaska Election Principles" on page 2 of that decision (Attachment B).

[3] 15.15.360(a)(11).

Mr. Miller had argued that Alaska statutory language excludes any vote that is not spelled perfectly. The Superior Court held that if the legislature intended a candidate's name to be spelled perfectly, legislators would have used words like *exactly*, *precisely*, or *perfectly*.[4] The Supreme Court agreed and held that Alaska's statutory language is meant to be *inclusive* rather than *exclusive*:

> It is designed to ensure that ballots are counted, not excluded. And this inclusiveness is consistent with the overarching purpose of an election: to ascertain the public will. . . . Voter intent is paramount, and any misspelling, abbreviation, or other minor variation in the form of the candidate's name on a write-in ballot does not invalidate a ballot so long as the intention of the voter can be ascertained.

Additionally, the Court noted that Alaskan voters arrive at their polling places with a variety of backgrounds and capabilities, including some being raised without English as their first language, and such issues should not take away a person's right to decide which candidate to elect:

> We must construe the statute's language in light of the purpose of preserving a voter's choice rather than ignoring it.

Legal Precedents

The decision reached in *Miller v. Treadwell* reflects the tendency for all U.S. courts to favor voter intent over ambiguous statutory language, but election scholar Richard Hasen asserts that the Alaska Supreme Court—even before *Miller*—appears to have gone the furthest in giving emphasis to voter intent.[5] Alaska's 1978 precedent-setting case, *Carr v. Thomas,* involved the question of counting certain ballots, and Alaska's highest court declared that the state would need "clear and unmistakable" statutory language to take away a citizen's right to have his or her voted counted.

Alaska courts have consistently emphasized the importance of voter intent. The decisions for the following Alaska cases are attached to this document:

- *Willis v. Thomas*, 600 P.2d 1079 (1979). The Alaska Supreme Court depended on a determination of voter intent in ruling on the results of a recount of ballots in Senate District F (Attachment D).

- *Fischer v. Stout*, 741 P.2d 217 (1987). The Alaska Supreme Court ruled on whether certain votes or classes of votes were properly counted or rejected in the 1986 race for Senate District H. The Court held that ballots marked with a pen rather than punched still showed clear voter intent and should be counted (Attachment E).

- *Finkelstein v. Stout*, 774 P.2d 786 (1989). The Alaska Supreme Court ruled on a ballot recount for Seat A in House District 13. The Court considered voter intent with regard to questioned signatures on absentee ballots (Attachment F).

- *Edgmon v. Moses*, 152 P.3d 1154 (2007). The Alaska Supreme Court ruled on the results of a recount in the District 37 Democratic primary. Considering ballot markings, the Court found that marks clearly intended as votes should be counted (Attachment G).

---

[4] *Joe Miller v. Lieutenant Governor Craig Campbell*, Case No. IJU-10-1007CI, Memorandum of Decision and Order on Motion for Summary Judgment and Cross Motions, December 10, 2010. We provide this document as Attachment C.

[5] Richard L. Hasen, "The Democracy Canon," *Stanford Law Review*, Vol. 62, 2009, p. 87.

Addressing Irregular Write-in Votes in Other States

Although Alaska statute does not address the inevitable misspellings and illegibility of written-in names, many states attempt to clarify how such votes will be counted, and these rules always give primacy to voter intent. There are variations among states, but this directive, by its very nature, is subjective and gives vote-counters the authority to determine who a voter intended to elect. Here are examples from four states:

- California accepts a "reasonable facsimile" of a write-in candidate's name (Cal. Elec. Code § 15342).
- Nebraska will count a write-in vote without the first name of the candidate, and the write-in name must be "reasonably close to the proper spelling" (Neb. Rev. Stat. § 32-615).
- Delaware allows for a "misspelled or minor variation" of a write-in candidate (Del. Code Ann. Title 15, § 4972 (b)(8)).
- Washington election officials are required to "exercise all reasonable efforts to determine the voter's intent (WAC 434-262-160).

Some states provide further guidance on counting irregular write-in votes. Washington State has an extensive, pictorial booklet on how election officials are expected to count nearly every deviation from what might be considered a standard marking, including samples of acceptable and unacceptable write-in votes. Attachment H is the portion of the booklet that deals with write-in votes, and the entire document can be viewed at ***http://www.sos.wa.gov/_assets/elections/2009StatewideStandardsonWhatisaVote.pdf.***

We hope this is helpful. If you have questions or need additional information, please let us know.

Quotes of significance to Senate Bill 31 from the 2010 United States Senate Race Court Findings

"AS 15.15.360(a)(11) may not be well written, and it is clearly subject to different interpretations...AS 15.15.360, in general, is terse and somewhat unclear in comparison to the other state statutues. The statute, as Miller reveals, does lack the express language that most states have adopted which permits minor misspellings and errors." - Miller v. Campbell, pg. 15 Superior Court Judge William Carey

"While the issue may be moot, the public interest exception applies...this scenario is certainly susceptible to repetition any time a major write in effort for election to a public office in Alaska occurs." - Miller v. Campbell, pg. 8 Superior Court Judge William Carey

"We start with the bedrock principle that "the right of the citizens to cast their ballot and thus participate in the selection of those who control their government is one of the fundamental prerogatives of citizenship." - Alaska Supreme Court Miller v. Treadwell pg. 3

"In light of our strong and consistently applied policy of construing statutes in order to effectuate voter intent, we hold that abbreviations, misspellings or other minor variations in the form of the name of a candidate will be disregarded in determining the validity of the ballot, so long as the intention of the voter can be ascertained." - Alaska Supreme Court Miller v. Treadwell pg. 6

"Our interpretation of AS 15.15.360...is also consistent with the federally mandated standard for counting write in votes for those voters living or serving in uniform overseas. The Uniformed and Overseas citizens Absentee Voting Act provides that in counting the ballot of a uniformed voter or other voter who is overseas "any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or political party shall be disregarded in determining the validity of the ballot if the intention of the voter can be ascertained." - Alaska Supreme Court Miller v. Treadwell pg. 7

"The Alaska Supreme Court did not make a finding clearly contrary to the face of the statute and its findings were entirely consistent with the State's past practices of making voter intent a priority. This is not to say that Miller's technical arguments are frivolous, for it is easy to understand his view as to the proper interpretation of AS 15.15.360 (a)(11). But it is just as easy to accept the interpretation given by the Alaska Supreme Court. What we have before us is a poorly drafted state statute. Wisdom would suggest that the Alaska Legislature act to clarify it to avoid similar disputes in the future." – Federal District Court Judge Ralph Beistline pg. 7

About the Disability Law Center

The Disability Law Center of Alaska is a private non-profit, consumer-directed organization incorporated in 1977, and designated as the Statewide Protection and Advocacy agency to promote the legal and human rights of individuals with physical and/or mental disabilities.

Consumers may access our educational, administrative, and legal services through our four offices, located in Anchorage, Juneau, Bethel and Fairbanks. Services are prioritized through a public input process that occurs annually.

Our advocacy is geared toward improving the lives of individuals and toward creating systemic change for all Alaskans with disabilities in six life domains: health care, individual and community supports, education, transportation, employment and housing.

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Division of Elections

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www.gov.state.ak.us/ltgov/elections

Protection and Advocacy for Voting Access

DISABILITY LAW CENTER OF ALASKA

DISABILITY LAW CENTER OF ALASKA

3330 ARCTIC BLVD., SUITE 103
ANCHORAGE, ALASKA 99503

1(800) 478-1234
1(907) 565-1002

What is HAVA?

On October 29, 2002, the Help America Vote Act (HAVA) was signed into law. This law requires states to establish, expand and improve access to voting areas and increase voter participation by individuals with disabilities.

HAVA monies are used by states in collaboration with local governments to enhance accessibility to polling places for individuals with disabilities; provide outreach to the disability community about polling accessibility; and to train poll workers, elections officials and volunteers on methods to promote access and increase voter participation for individuals with disabilities.

What is PAVA?

HAVA has provided specific funds to Protection and Advocacy Systems to ensure that people with disabilities are able to fully participate in the voting process. With this money, Disability Law Center created PAVA – *Protection and Advocacy for Voter Access*. Access includes registering to vote, casting a vote, and accessing polling places. These funds allow PAVA to:

- Develop a disability awareness training for election officials to focus on how to support a person with a disability to vote privately and independently.
- Provide assistance to election officials in surveying polling places and recommending changes to achieve accessibility.
- Develop informational material for people with disabilities on rights in the voting process. This material will be used to educate people with disabilities about their voting rights.

Requirements to Vote

A person may <u>register</u> to vote if that person:

- Is a citizen of the United States
- Is at least 18 years old or will be 18 within 90 days of registering to vote
- Is a resident of Alaska
- Is not a convicted felon, unless unconditionally discharged
- Has not been deemed incompetent to vote
- Is not registered to vote in another state

A person is eligible to <u>vote</u> if that person:

- Is a citizen of the United States
- Is 18 years of age or older
- Has registered to vote in the proper election jurisdiction (neighborhood) at least 30 days prior to the election
- Is not a convicted felon

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Anchorage Daily News

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Our view: No doubt

State smart to review election, need for any changes in law

(01/03/11 19:17:26)

When federal Judge Ralph Beistline tossed Joe Miller's challenge to Alaska's U.S. Senate election, he granted that Alaska's law could be clearer about the primacy of voter intent.

He was right.

The requirement that a write-in candidate's name be written as it appears in its state-qualified form led to the arguments over spelling and how close voters had to be.

In addition, the state's decision to provide, at voters' request, lists of qualified write-in candidates prompted unsuccessful suits by both the Republican and Democratic parties.

While we disagreed with the Division of Elections on the latter point, state courts upheld their call. And the division ran a straight, fair election.

Lawmakers, however, should revisit the law to make clear that voter intent, not spelling, is the key test in deciding which write-in votes count, and to decide whether write-in lists either will or won't be provided at polling places in the future.

The division did well by Alaskans. But clarity in the law may help keep future elections out of court.

BOTTOM LINE: Election law should leave no room for doubt.

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ALASKA FEDERATION
OF NATIVES

Memorandum

To: Grier Hopkins, Aide to Senator Joe Thomas

From: Adrian LeCornu, Special Assistant AFN

Date: 1/26/2011

Re: Testimony in regards to SB 31

Attached to this is the Testimony of Ralph Anderson, Co-Chair of Alaska Federation of Natives. Alaska Federation of Natives is the largest Alaska Native group within the state of Alaska, representing over 190 villages and tribal councils, 11 non-profits and 12 of the largest corporations in the state.

While we do not take a position on SB 31, we do support the language within the bill and believe that it strikes the right tone. If this bill were to be merged with others or amended, we would like a chance to review the resulting bill to insure that the tone of this bill is not lost.

We would like to submit the attached document for the Alaska Senate State Affairs committee's consideration. We thank you for taking up this issue.

1577 C Street, Suite 300 • Anchorage, Alaska 99501 • tel 907.274.3611 • fax 907.276.7989 • www.nativefederation.org

ALASKA FEDERATION
OF NATIVES

Testimony of
Ralph Andersen, Co-Chair
Board of Directors
Alaska Federation of Natives

TESTMONY before State Affairs Committee, Senate Bill 31, 27th Alaska Legislature

For the record, my name is Ralph Andersen. I am Co-Chair of the Alaska Federation of Natives' Board of Directors. AFN is the largest and oldest statewide Alaska Native organization in Alaska. Its membership includes the 13 regional Native corporations, 12 regional non-profits that contract and run federal and state programs and over 200 villages and tribes throughout the State. Our organization represents about 100,000 Alaska Natives from all around this state.

I would like to preface my comments today by noting that the AFN Board has taken no formal position on this bill. With that being said, we do believe that a bill that addresses our concerns and the concerns of many Alaska residents should be moved along and passed. The events that prompted this bill were historic and are now well documented, not only politically, but also legally with the action of the Alaska Supreme Court.

Our belief has always been and will continue to be the enfranchisement of those we represent. We would hope that the committee would consider the demographics in Alaska, and especially those in rural Alaska. There are many diverse cultures in this State and many Alaska residents whose first language is not English. In parts of rural Alaska one primary Alaska Native language is spoken with a rudimentary knowledge and use of English. Members of the Committee should also consider the population dynamics of their own districts. In Anchorage, for example, you could find over 87 different languages spoken in homes, and not everyone has achieved total fluency of the English language.[1]

There are also questions around education, and the ability to read and write in English. Reading and writing for some is challenging, not to mention the additional challenges faced by those with learning disabilities. We want to avoid creating a law that disenfranchises people because of their education, being impaired or handicapped, and as a result unintentionally or mistakenly placing the wrong vote.

With these considerations, I am certain you understand that memorizing the exact correct spelling of candidates' names may be difficult, even for those with a good education. We support the language on Page 2, Line 27-29 of the bill that "In counting votes for a write-in candidate, the election board shall disregard any abbreviation, misspelling, or other minor variation in the form of the name of a candidate if the intention of the voter can be ascertained." We believe this language is affirmative on the rights of the voter. I thank you for allowing these comments to be included for the record.

---

[i] Anchorage School District

Politics

Print

No 'spelling bee' election in Alaska

Ruth Walker | Christian Science Monitor | Dec 7, 2010

The 2010 elections, the gift that keeps on giving, have imparted new meaning to the phrase "all over but the shouting."

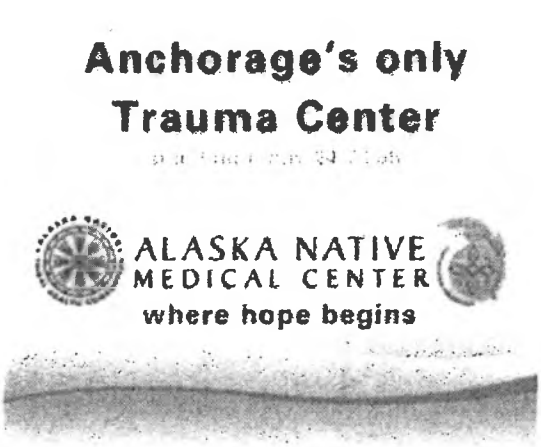
At this writing, Lisa Murkowski looks likely to be headed back to Washington as Alaska's senior senator and into the history books as the first candidate since Strom Thurmond in 1954 to win election to the Senate as a write-in. Her victory, if confirmed, as is now expected, will turn in part on a decision to honor ballots from voters who merely approximated the correct spelling of her name.

How should we feel about that? Are standards slipping irretrievably in the republic?

Her Democratic opponent has conceded defeat. But her Republican opponent, Joe Miller, whose own name was easier to spell and was, moreover, actually on the ballot, has had other ideas.

His campaign has challenged all ballots that fall short orthographically. State authorities, on the other hand, have been counting as valid all those who came close to spelling "Murkowski" right.

Alaskan law requires electoral officials to take into account "voter intent" when counting write-in votes. This standard is common across the country, it turns out. The Los Angeles Times quoted Richard Winger, editor of the election law journal Ballot Access News: "I am not aware of any state that says write-ins can't be counted unless the spelling is perfect."



As a copy editor, I'm with Mr. Miller. What kind of democracy can't spell its leaders' names right?
As a student of language, though, I understand that spoken language came first, and that the written form of any word is an approximation of the spoken form; it's not the other way around. After all, there's a reason we call it "language" - from the Latin word for "tongue" - and not "scribblage," or something like that.

The case for a more generous interpretation of what counts as a valid vote for a write-in candidate starts with this primacy of spoken language.

Much of what we recognize as democracy began with spoken language, conversations, and debates in halls of assembly and the public square. Democracy was then furthered by written communication, especially after the development of the printing press.

More recently, speech has gained a boost from new forms of communication - from FDR's fireside chats to YouTube - that have let us hear, and hear repeatedly, what we otherwise might only have read.

Of course we need both modes: Writing - "print" - allows for rereading, for reflection and the consideration of nuance. Speech, especially live, in-person speech, provides immediacy and the expression of feelings.

print

Fix the law: Write-in ballot statute needs repair by Legislature

12.30.10 - 11:53 pm
Editorial

Federal Judge Ralph Beistline wrote in his Tuesday ruling dismissing Joe Miller's amended federal lawsuit in the U.S. Senate race that he can understand Mr. Miller's viewpoint regarding the wording of state election law.

Judge Beistline also said he can easily see the state's view when it comes to the law governing how a write-in candidate's name must appear on the ballot in order to be considered a valid vote.

The judge ultimately deferred to the Alaska Supreme Court, which ruled in Mr. Miller's state lawsuit that the name of Sen. Lisa Murkowski didn't have to be spelled correctly. Mr. Miller argued, in both state and federal court, that Alaska law required a precise spelling.

But Judge Beistline found the Alaska Supreme Court "did not make a finding clearly contrary to the face of the statute and its findings were entirely consistent with the state's past practice of making voter intent a priority."

But the judge, in his ruling, pointedly noted a problem:

"This is not to say that Miller's technical arguments are frivolous, for it is easy to understand his view ...

"What we have before us is a poorly drafted state statute. Wisdom would suggest the Alaska Legislature act to clarify it to avoid similar disputes in the future. For now we have to work with what we have and that is what the Alaska Supreme Court has done."

Judge Beistline's message is clear and sound: The Legislature should clarify the law. It should do so this coming session while the subject is fresh.

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Supreme Court takes reasonable approach in election challenge

by Dermot Cole / cole@newsminer.com

Dec 22 2010 | 757 views | 0 | | 5 | | |

FAIRBANKS — The Alaska Supreme Court said it relied on principles applied consistently during the past 50 years to reject Joe Miller's court case and approve the state's approach to counting ballots.

The decision Wednesday helps clear the way for Sen. Lisa Murkowski's re-election to be certified before the next Congress. Miller may pursue a federal court fight, however.

This unanimous ruling is not surprising, given the numerous decisions the court has made in contested elections over the years. The ruling also is reasonable.

The court declared that Miller is dead wrong in claiming state law requires the names of write-in candidates be spelled correctly.

"Our prior decisions clearly hold that a voter's intention is paramount," the four justices said. "In light of our strong and consistently applied policy of construing statutes in order to effectuate voter intent, we hold that abbreviations, misspellings or other minor variations in the form of the name of a candidate will be disregarded in determining the validity of the ballot, so long as the intention of the voter can be ascertained."

The court rejected Miller's argument that anything less than his point of view, supporting correct spelling, would threaten the integrity of the election process.

"But it is Miller's interpretation of the statute that would erode the integrity of the election system, because it would result in disenfranchisement of some voters and ultimately rejection of election results that constitute the will of the people," the judges said. "We have consistently construed election statutes in favor of voter enfranchisement."

The court also found its interpretation of state law is consistent with federal and state rules allowing misspellings on the federal write-in absentee ballot for military voters and civilians overseas.

"Miller's proposed construction of the statute would require us to impose a different, and more rigorous, voting standard on domestic Alaskans than on those who are serving in the military or living abroad," the court said.

Other states use the same approach as Alaska in counting ballots and "we see no basis for Miller to argue that the application of the standard in this election violates equal protection under either the state or federal constitution."

The portion of state law Miller said requires perfect spelling really applies to pseudonyms, the court said.

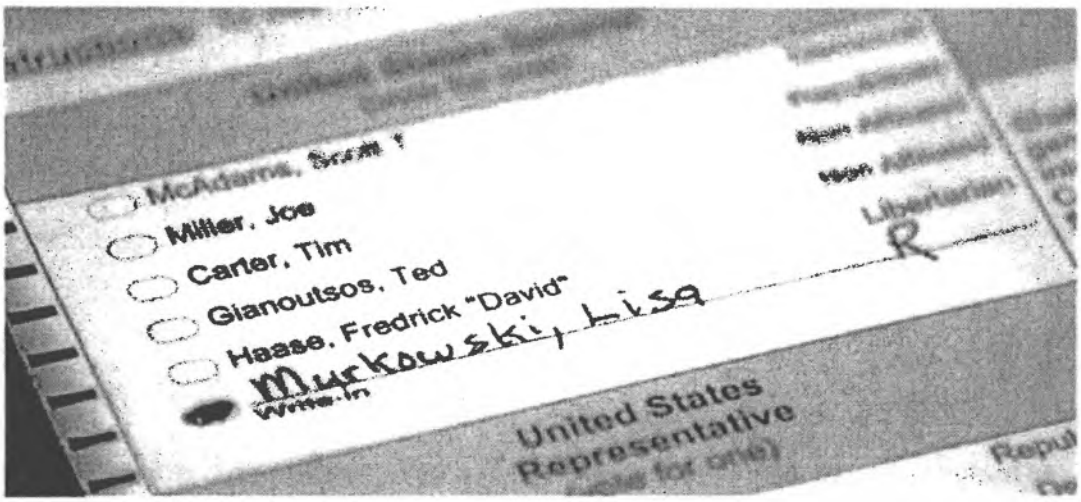
"The 'nickname' field allows a candidate to ensure that his or her pseudonym 'appears on the write-in declaration of candidacy' so that the write-in votes listing that pseudonym will count. Thus, the word 'appears' relates to a pseudonym's possible presence on the ballot, not the particular form of the vote and demonstrates that the statute is inclusive — it is designed to include, rather than exclude, votes."

***

GIVING THANKS: The Mariutto family wants to pass along thanks to the people of Fairbanks for prayers and support for Sabrina, the Monroe High School student who has been stricken with cancer.

Fabio Mariutto, her father, said he is grateful for the more than $17,000 raised at a spaghetti feed fundraiser Dec. 12 and for the daily notes, cards, prayers and "all the other little but important things necessary for life."

"For Sabrina's friends, thank you for being there for her despite the distance of thousands of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Carter, Tim
Gianoutsos, Ted
Haase, Fredrick "David"
Murkowski, Lisa
Write-in
Libertarian
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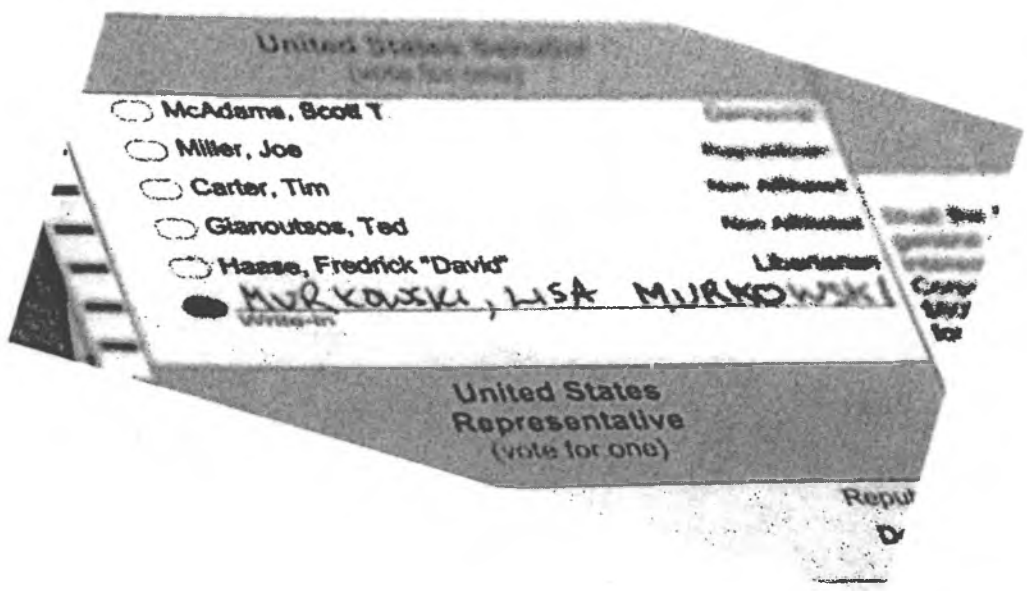
United States
Representative


McAdams, Scott T.
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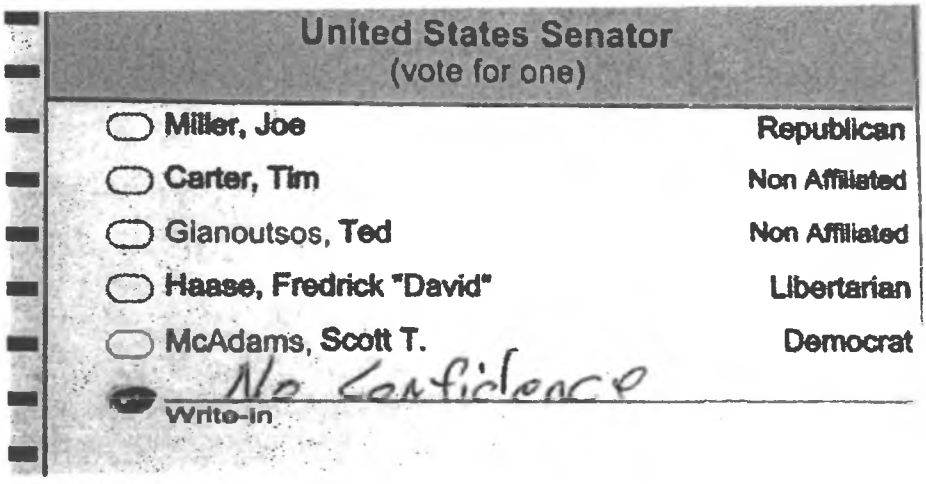
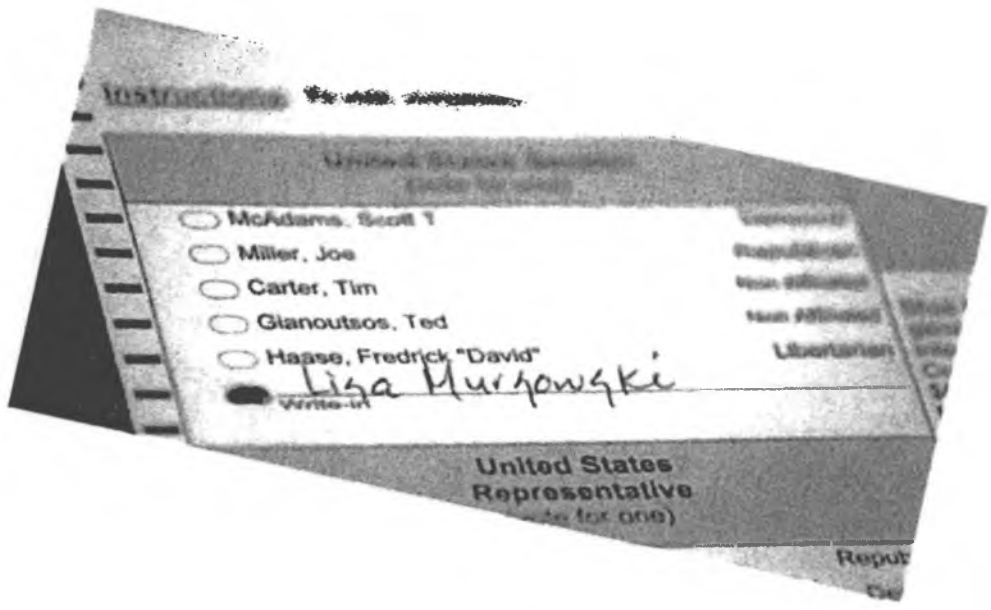
Carter, Tim
Gianoutsos, Ted
Hasse, Fredrick "David"
MURKOWSKI, LISA MURKOWSKI
Write-in
United States Representative
(vote for one)



United States Senator
(vote for one)

○ Miller, Joe	Republican
○ Carter, Tim	Non Affiliated
○ Gianoutsos, Ted	Non Affiliated
○ Haase, Fredrick "David"	Libertarian
○ McAdams, Scott T.	Democrat
● No Confidence Write-in	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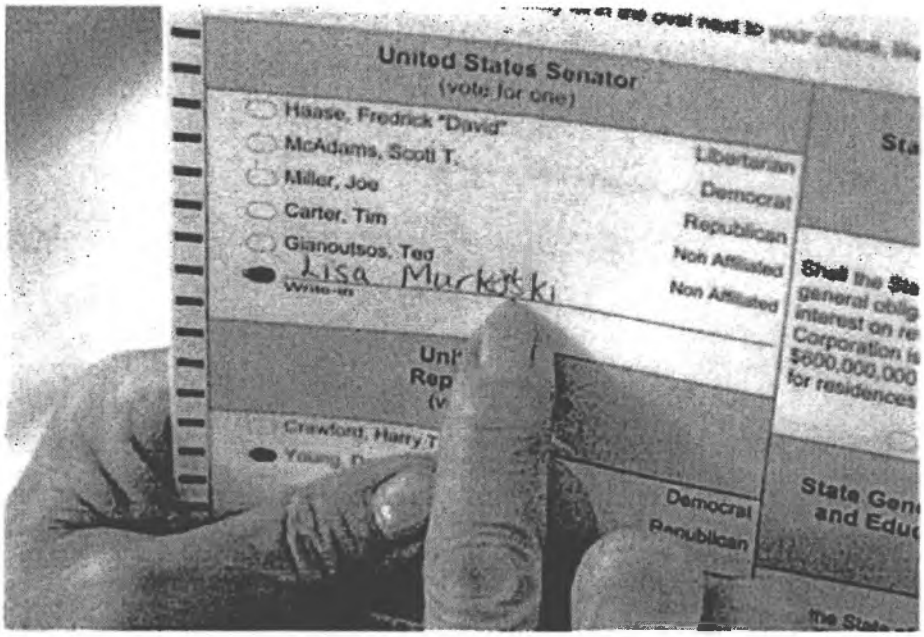
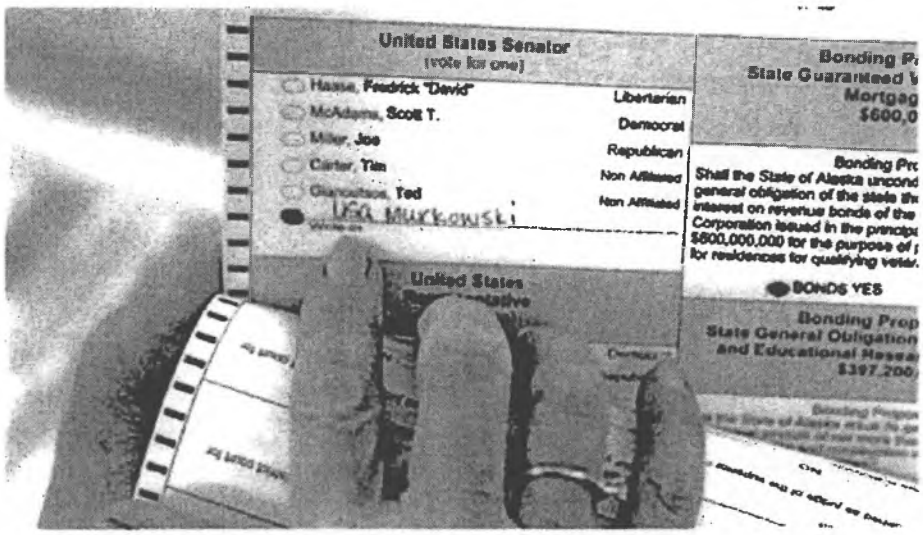
Haase, Fredrick "David"
Lisa Murkowski
Write-in
Libertarian
United States
Representative


United States Senator
(vote for one)
Haase, Fredrick "David"
McAdams, Scott T.
Miller, Joe
Carter, Tim
Gianoutsos, Ted
Lisa Murkowski
Libertarian
Democrat
Republican
Non Affiliated
Non Affiliated
Democrat
Republican


United States Senator
(Vote for one)
Haase, Fredrick "David"
McAdams, Scott T.
Miller, Joe
Carter, Tim
Giaccoletto, Ted
Libertarian
Democrat
Republican
Non Affiliated
Non Affiliated
Lisa Murkowski
United States
BONDS YES

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 31(STA)
(S) Publish Date: 1/28/11

Identifier (file name): SB031-OOG-DOE-1-23-11
Title: "An Act relating to the counting of write-in votes"
Sponsor: Senators Thomas, French, Menard, Wielechowski
Requester: (S) STA

Dept. Affected: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
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 (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Prepared by: Gail Fenumiai, Director
Phone: 465-2644
Division: Division of Elections
Date/Time: 1/23/11, 10:18pm
Approved by: Linda J. Perez, Administrative Director
Office of the Governor
Date: 1/23/2011

FISCAL NOTE #1

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSSB 31(STA)

Analysis

This legislation has no fiscal impact on the Office of the Governor, Division of Elections.

State of Alaska

Office of Lieutenant Governor Mead Treadwell

2010 General Election Review

April 1, 2011

2010 General Election Review
Office of Lieutenant Governor Mead Treadwell
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2010 General Election Review
Executive Summary
Office of Lieutenant Governor Mead Treadwell

In December 2010, after Governor Sean Parnell and Lieutenant Governor Mead Treadwell signed final paperwork to certify the 2010 United States Senate election, the Lt. Governor announced he would conduct a review of the state's election procedures and statutes. The historic write-in campaign by Senator Lisa Murkowski revealed sections of election law and procedures that were yet untested, and many Alaskans became more aware of election procedures.

The following 2010 Election Review report by the Office of the Lieutenant Governor, the Division of Elections and the Department of Law, includes an analysis of election law and procedures as well as feedback from stakeholders, political parties, and most importantly, Alaska's voters. The report responds to observations and concerns made by Alaskans, and offers a recommendation for change or retraction of current procedures, Alaska State Statute and or regulation for each issue.

A key change recommended as a result of this review is intended to make it easier for Alaskans serving in the military to vote. Those recommendations include changing the date of the primary to make sure ballots for a general election can be in the mail in time for service members overseas, allowing other electronic forms of transmission -- besides faxes – of ballots back to Alaska, and working with the Redistricting Board and the Department of Defense to facilitate reopening of polling places on Alaska's military bases.

Other key recommendations include changes to state law to clarify procedures for counting write-in ballots and making the declaration of candidacy for a write-in candidate voluntary. Perhaps the single most important finding in the review is that no change in procedure or state law recommended would have changed the outcome of the 2010 General Election.

Our heartfelt thanks goes out to those who worked so tirelessly on the 2010 General Election, including former Lieutenant Governor Craig Campbell, division personnel, attorneys from the Department of Law, candidates, and especially the volunteers who so selflessly gave their time and energy to bring the election to a conclusion. And thanks are due to Alaskans for taking their time to submit comments, to stakeholders for meeting with the Lieutenant Governor, and to the Division of Elections, with special thanks to Director Gail Fenumiai, and Department of Law for their assistance in this review.

The following is a summary of the recommendations detailed in the full report:

Recommended amendments to Alaska State Statute:

- Amend Alaska State Statute to allow a U.S. citizen, 18 years or older, who has never been a resident of another state, to register to vote in Alaska so long as the child's parent is eligible to register and vote in Alaska.

- Amend Alaska State Statute to add a new subsection clarifying the rules for counting write-in votes, and allowing the director of elections to disregard misspellings or other minor

variations in the form of a candidate's name if the intention of the voter can be ascertained. This change would have Alaska law conform to recent Supreme Court rulings on voter intent.

- Amend Alaska State Statute to add a new section setting out the process for counting write-in votes. This information is currently set out in regulation.

- Amend Alaska State Statute to extend the time a voter may apply to an election supervisor for an absentee ballot to the 22nd day before the election rather than the 15th day.

- Amend Alaska State Statute to extend the time for early voting to 22 days before an election, rather than 15 days.

- Amend Alaska State Statute to allow an absent uniformed services voter or an overseas voter to apply to vote by electronic transmission any time during the calendar year, and to return the ballot in a manner established by the director in regulation.

- Amend Alaska State Statute to allow the director to establish in regulation the method of electronic transmission for delivery of an absentee ballot by electronic transmission. This would allow receipt of ballots by electronic means other than fax.

- Amend Alaska State Statute to reference the federally-mandated exception for absent uniformed services voters and overseas voters being sent their ballots no later than 45 days before election day.

- Amend Alaska State Statute to clarify that those voters who are traveling or working outside of the United States at the time of the election would receive special absentee ballots.

- Amend Alaska State Statute to move up the date of the primary election to the second Tuesday in August of every even-numbered year, rather than the fourth Tuesday in August of every even-numbered year.

- Amend Alaska State Statute to change the deadline for candidate withdrawal from the primary election to "before June 22 of the election year" rather than "at least 48 days before the date of the primary election."

- Amend Alaska State Statute to remove the prohibition that votes for a write-in candidate not be counted unless that candidate has filed a letter of intent with the director.

- Amend Alaska State Statute to change the deadline for filing a letter of intent to run as a write-in candidate to 21 days before the General Election, so the division can more effectively provide assistance to voters.

- Amend Alaska State Statute on filling candidate vacancies by party petition to extend the deadline to before September 3 of the election year, rather than 48 days or more before the general election.

Recommended changes in election procedure:

- Provide multiple notices to the political parties to ensure the parties are aware of their ability to nominate election workers. After the nomination deadline, the division will, if necessary, request assistance from the political parties in locating workers to keep the election board balanced.

- As more Alaskans are taking advantage of early and absentee voting, the division will examine how and whether it can report all results by precinct in future modifications of ballot counting and reporting software.

- Improve training and written instructions to election workers about the need to mark the type of identification presented by the voter on the polling place register.

- Add instructions to the voted ballot envelopes to remind workers to sign across the seal and improve election worker training relating to ballot security.

- To improve election management, the division will replace the voter registration and election management database system with a more technologically advanced system.

- The division will also implement additional security measures of using tamper-proof seals on archive boxes and numbering envelopes sent out prior to transporting ballots to a counting center.

- To improve how unvoted ballots are handled and accounted for, the division will make changes to the ballot statement to specifically include the number of ballots received, used and destroyed. The division will also report the return of the ballot stubs from unvoted ballots that would prevent any use of ballots for fraudulent activity.

- To address concerns that more write-in votes were counted than initially reported on the election results. In the future, the division will ensure that blank ballots that get challenged but that are not counted are not included in the overall results.

- The division will work to research systems to provide "real-time" or electronic updates identifying which voters have voted.

- The division will also post information to the website that indicates the date when absentee ballots are being mailed, filing deadlines, withdrawal deadlines, state review board dates.

- To ensure ineligible felons do not vote, the division will complete the data match between the Department of Corrections and the state voter registration file immediately prior to each election.

- In the case of an election which may be contested the division will re-brief election officials on the need to maintain objectivity and non-partisanship.

- To make it easier for military members to vote, we recommend changing the date of the primary to make sure ballots for a general election can be in the mail in time for service members overseas, allowing other electronic forms of transmissions of ballots back to Alaska (the law currently limits electronic transmission to faxes). The division suggests the under the new redistricting plan, the precinct boundaries be changed so that only installation boundaries are included in the precinct. When precincts are wholly contained within the installation, the division can once again work with the military to establish polling places on the bases. This report recommends this change to the Redistricting Board.

Recommendations to other parties:

- Suggest that the Redistricting Board redraw precinct boundaries specific to military installation in order to move the polling places back to the bases.

- The report discusses a proposal Alaska is considering to further exchange information on Alaska state voters with several data sources in other states in a bonded, confidential manner, in order to identify the names of voters who may be registered in more than one state.

Recommendations for third party review:

- Review of division's audit procedures and hand count verification of election results
- Audit to ensure non-U.S. citizens are not voting
- Audit to ensure that felons are not voting.
- Explore system or methods that can provide for real-time voter history.

2010 General Election Review
Office of Lieutenant Governor Mead Treadwell

The 2010 General Election in Alaska was historic. Only on two other occasions has a significant statewide write-in campaign been conducted. The election revealed sections of election law and procedures that were yet untested, and many Alaskans became more aware of election procedures. Alaska's write-in process was widely publicized, and the state was pleased to see that process upheld by the state and federal courts.

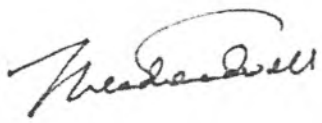
After Governor Sean Parnell and I signed the final paperwork to certify the 2010 General Election, I announced we would conduct an election review to examine lessons learned in the way the election was conducted. A review could also help fully explain the election process to Alaskans. This review, by the Office of the Lieutenant Governor, the Division of Elections and the Department of Law, includes an analysis of election laws and procedures as well as feedback from stakeholders, political parties, and most importantly, Alaska's voters. The resulting report responds to observations and concerns made by Alaskans, and offers a recommendation for change or retraction of current procedures, Alaska State Statute, and/or regulation for each issue.

A key recommendation as a result of this review is intended to make it easier for Alaskans serving in the military to vote. Those recommendations include changing the date of the primary to ensure ballots for a general election can be in the mail in time for service members overseas; allowing other electronic forms of transmissions of ballots back to Alaska (the law currently limits electronic transmission to faxes); and working with the Redistricting Board and the Department of Defense to facilitate reopening of polling places on Alaska's military bases.

Other key recommendations include changes to state law to clarify procedures for counting write-in ballots and making the declaration of candidacy for a write-in candidate voluntary. Perhaps the single most important finding in the review is that no change in procedure or state law recommended would have changed the outcome of the 2010 General Election.

To maintain objectivity in the examination of certain questions aimed at the Division of Elections, the report recommends third party review on specific issues.

Our heartfelt thanks goes out to those who worked so tirelessly on the 2010 General Election, including former Lieutenant Governor Craig Campbell, division personnel, attorneys from the Department of Law, candidates, and especially the volunteers who so selflessly gave their time and energy to bring the election to a conclusion. And thanks are due to Alaskans for taking their time to submit comments, to stakeholders for meeting with the Lieutenant Governor, and to the Division of Elections, with special thanks to Director Gail Fenumiai, and Department of Law for their assistance in this review.



Mead Treadwell
Lieutenant Governor

I. Overview of Processes

I. (A) Polling Place Procedures and Election Worker Training

1. Election Worker Recruitment

Election worker recruitment is one of the more time consuming tasks in conducting a successful election. Recruitment begins around March of an election year and continues, in some cases, right up to election day. As part of the recruitment process, the division notifies the political parties that they are eligible to nominate election workers as outlined in AS 15.10.120. By law, political party nominations are due by April 15th of the election year.

Depending on the size of the precinct, each polling place has approximately three to six election workers. In an effort to maintain consistency within the polling places, the division requests workers to work both the primary and general elections and to work the entire time the polls are open, 13 hours. Whenever possible, the division attempts to find workers who are registered voters of the precinct. If the division is unable to locate voters within the precinct who are willing to serve, the division will recruit any qualified voter.

The first worker recruited for each precinct is the chairperson. The chairperson is then requested to assist the division in locating the remaining workers for the precinct. Public comments were received suggesting that allowing the chairperson to recruit other board members is conducive to partisanship or fraud. Others suggest that there should always be a representative from each political party on the election board. The division has not found any evidence of fraud on the part of election workers. Having the chairperson assist with the recruitment of other election board workers helps to create a positive experience for the workers which in turn allows for a positive voting experience for the public. It also allows a wider pool of potential workers to be contacted. The division has also found that when workers enjoy those whom they are working with, they are more likely to continue to be election workers from one election to another, which creates a more experienced election worker pool.

When recruiting the election board workers, the division and the chairperson attempt to ensure the election board is politically balanced and that there is political party representation on the election board. Although the division sends political parties a notice of the deadline for them to nominate election board members, comments were received that the division does not provide sufficient notice. For future elections, the division will provide multiple notices to the political parties to ensure the parties are aware of their ability to nominate workers. After the nomination deadline, the division will, if necessary, request assistance from political parties in locating workers to keep the election board balanced.

The chairperson is paid $10 per hour for their time at the polls and the other election workers are paid $9.50 per hour. Workers are compensated for their time spent in training if the trainee works in the election. The division has received comments from

workers that it would be easier to find election workers if the pay was increased.

The last increase for election workers of $2/hour was in 2004.

Any increase to election worker pay would require a budget increase to the division in an election year. There is no provision for an increase in FY12 budget as any change for the 2012 Primary or General Elections would be appropriated in the 2013 fiscal year beginning July 1, 2012.

The division has approximately 2500 precinct election workers (those that work at polling places on election day). They work 15 hours per election.

$9.50x15=$142.50

If they were to get a raise to $15/hour:

$15x15 = $225

For a difference of $82.50 per election worker per election.

$82.50x2500x2 elections = **$412,500** budget increment

An increase to $12/hour would result in a budget increment of **$187,500.**

This report makes no recommendation on salary increases; however, recommendations will be made in time for the Governor's 2013 fiscal year budget proposal.

2. Election Worker Training

The division's four regional offices are responsible for training precinct election board workers in their respective regions. In-person training is conducted prior to each primary election for the election board workers across the state. It is the division's goal to train workers as close to the election as possible. However, with the large number of rural precincts, some regions have to begin their worker training in early June and continue until early August.

Concerns and comments were received about the division not using standardized training materials throughout the state. Although there are differences between urban and rural, hand-count and optical scan count precincts, the division does in fact use a standardized set of training materials and handbooks to train all precinct election workers depending on the type of precinct they work in (optical scan or hand-count). There is a standardized set of instructions and handbooks for all optical scan precincts and there is a standardized set of instructions and handbooks for all hand-count precincts. In addition, there is a standardized set of instructions and materials developed for the touch screen equipment that is provided to all precincts.

In-person training sessions are approximately four to six hours in length and are broken

into two modules: election procedures and equipment procedures. The election procedures module covers areas such as opening the polls, providing voter assistance, disability awareness, language assistance, processing voters, issuing ballots, questioned voting, special needs voting, closing the polls, completing the ballot statement and returning election materials.

For precincts that hand-count their ballots, this module also includes instructions on how to count ballots and report election results. The equipment module covers functions necessary to set up the equipment (optical scan and touch screen) and prepare it for voting. The training also covers the process for how to maintain security of the equipment, functionality and operation of the equipment, and the process for transmitting results. The equipment procedures module gives workers hands-on experience and practice setting-up, voting, printing election results and disassembling the equipment.

The division conducts training for workers in rural areas of the state in several "hub" cities. Election workers from selected rural precincts travel to a larger, more "central" community to receive training as a group. Since Alaska has a very large number of precincts that are not on a road system, utilizing hub training enables the division to train rural workers closer to election day and reduces the amount of travel time needed by division staff. Urban-based training is generally conducted closer to election day and is conducted with workers from multiple election boards present.

Although in-person training is conducted before the primary election, the division offices in Anchorage, Fairbanks, Juneau, Mat-Su and Nome review election procedures with precinct chairpersons when they pick up their materials from the regional offices. A written review is sent to all other precincts.

The division faces many challenges with information retention between the time of the training and the election, especially in rural areas of the state where training is usually conducted more than a month before the primary. In addition, workers quit and are replaced after the training takes place. The division's standardized set of instructions and handbooks is critical to the workers' ability to perform their duties correctly. In 2010 the division created a training video to send with election supplies that covers the same topics as the in-person training sessions.

Although the division provides a comprehensive training program for workers and uses a standardized set of instructions and training materials across the state, there will inevitably be times when election board workers simply forget to perform an outlined process or procedure. When the division becomes aware of those situations, its managers will take steps to address the issue.

3. Polling Place Procedures

On election day, election board workers have a standardized set of instructions to follow when opening the polls, processing voters, and closing the polls. When the division receives comments, concerns or complaints about problems in a polling place on election day, the division makes contact with the workers to address or correct those issues.

a) **Voter Identification**

Under AS 15.15.225, election workers are required to request identification from voters. However, workers can waive the identification requirement if the voter is personally known, unless the words "Must Show ID" appear in the signature box on the precinct register. Workers are also instructed to check the box on the register indicating the type of identification presented. If a voter does not have identification and does not meet the waiver requirements, the voter must vote a questioned ballot.

After the 2010 General Election, there were concerns that election workers allowed voters to vote without requiring identification because boxes were not checked to indicate the type of identification shown.

The division contacted 24 precincts where the "Identification Presented" box was not checked either for 100% of the voters or for some portion of the voters, to determine if the workers allowed voters to vote without requiring identification. Each precinct confirmed that they did require voters to show identification unless the voter was personally known. If the voter didn't have ID, they had the voter vote a questioned ballot. When asked why they did not check the "Identification Presented" box, the workers responded with comments such as:

i. We simply forgot.
ii. We were unaware this was necessary.
iii. We were too busy and must have overlooked the box.
iv. We were asked to highlight signatures and this caused extra time and work, and we must have just gotten too busy with the extra requirement.
v. We don't have to mark the box for municipal elections so we didn't think we needed to for state elections.

In contacting the precincts the division found no indication of misconduct on the part of the workers and concludes that blank "Identification Presented" boxes were simply an oversight. The division is committed to improved training and written instructions about the need to mark on the register the type of identification presented.

b) **Ballot Security**

When the polls close, election workers seal the voted ballots in special tyvek envelopes. After the tyvek envelope is sealed, an opened envelope becomes evident because the seal is broken. As an added security measure, after sealing the envelope(s), workers are instructed to sign across the seal before returning the ballots to the Division of Elections.

After the 2010 General Election, the division received voted ballot envelopes that were sealed but that did not have election worker signatures across the seal. After working a 13+ hour day, workers are ready to go home and sometimes overlook signing across the seal.

In no case had the initial seal on the envelopes been broken, but the division recognizes the absence of signatures caused the perception of compromised ballot security during the tabulation of the write-in votes.

Public comments were received related to the improvement of ballot security. Although ballots are sealed in tyvek envelopes, improvements are needed to ensure that workers sign across the seal. The division takes ballot security seriously, and will add instructions to the voted ballot envelopes to remind workers to sign across the seal. The division will also make improvements to election worker training relating to ballot security.

c) **Unvoted Ballots**

When the polls close, election workers in precincts outside of Anchorage, Fairbanks, Juneau, Mat-Su and Nome are instructed to destroy their unvoted ballots. Precincts in Anchorage, Fairbanks, Juneau, Mat-Su and Nome bring their unvoted ballots back to the division's regional offices to be destroyed.

Public comments were received relating to the handling of unvoted ballots. One suggestion was that election workers should be required to sign documentation indicating the ballots were destroyed. The division instructs the election workers to complete a ballot statement indicating how many ballots were used after the polls close. This statement, along with the signatures in the precinct registers, allows the division to account for all ballots and to ensure that the election results do not include extra ballots. In an effort to improve how unvoted ballots are handled and accounted for, the division will make changes to the ballot statement to specifically include the number of ballots received, used and destroyed. The division will also investigate whether it is possible logistically for the return of ballot stubs from unvoted ballots to further prevent any use of ballots for fraudulent activity.

I. (B) Impacts on Process Relating to Distribution of Write-In List

There have been two major write-in campaigns for a statewide election in the past two decades. In 1998, Robin Taylor ran as a write-in candidate for governor. In 2010, Lisa Murkowski ran as a write-in candidate for United States Senate. The difference between the two elections was that in 1998 Alaska Statutes did not require write-in candidates to file any form of declaration with the Division of Elections. After the 1998 election, the statutes were changed to require write-in candidates to file a letter of intent with the division at least five days prior to the election.

The division consulted with the Department of Law to determine what assistance by an election worker was allowable to those voting for a write-in candidate. The division and Department of Law concluded that a list of declared write-in candidates should be distributed to election workers in order to ensure that workers provide consistent, standardized assistance to voters on write-in questions. The division also believed that providing a list would help minimize disruption in the polling place that might result from conversations between poll workers and voters regarding write-in candidates. Election workers were instructed not to post the list, but to have it available for reference upon request of the voter.

Since providing a list of write-in candidates to the election workers was a new procedure, the division submitted the change in practice to the United States Department of Justice (DOJ) for preclearance as required by Section 5 of the Voting Rights Act. DOJ precleared the change prior to the distribution of the list.

1. Impacts on Public Perception

The implementation of a write-in list triggered a lawsuit filed against the division, and the Alaska Supreme Court ruled in favor of the division's use of the list. As a protest to the Supreme Court's order allowing the write-in list, a radio talk-show host went on air and encouraged listeners to file paperwork with the division to become declared write-in candidates so that poll workers would have a difficult time finding Lisa Murkowski's name on the list.

Prior to the radio broadcast, there were only a few declared write-in candidates for the U.S. Senate race. The broadcast resulted in 168 write-in candidates for U.S. Senate.

Several public comments were received both prior to and after the election indicating that the division should not have distributed a write-in list. Some members of the public also made comments to the division that they believed the division provided the list as a way to help one candidate over another. The division implemented the list as a way to ensure that effective voter assistance could be provided, and this decision was affirmed by the Alaska Supreme Court.

The requirement for a write-in candidate to file a letter of intent restricts a time-honored tradition voters have in most states. The right to cast a write-in vote exists as a "release valve" in the event a voter is not happy with the choices available on the ballot. The Division of Election's job is to empower voters. Therefore, the recommendation is to change Alaska State Statute to make it voluntary for write-in candidates to file a letter of intent. At the same time, we recommend making the voluntary write-in letter of intent dealing 21 days prior to the general election day.

I. (C) Processes and Procedures for Counting Write-In Votes

1. Internal Preparation and Procedures

a) Establish date/time for counting of write-in votes

6 AAC 25.085 establishes the criteria used to determine when the counting of individual write-in votes must be performed. This regulation further outlines that the director will establish the place and date for counting write-in votes.

For 2010, the director initially established that if the number of write-in votes cast in the election was sufficient to trigger counting, the counting would take place in Juneau beginning the 16th day following the election. The date was selected based on the fact that the last count of absentee ballots is performed on the 15th day following the election, and the division might not know if the threshold requirement for conducting the count of individual write-in votes would be met until all ballots were counted. It was initially reported to candidates and the public that the date would be the 16th day following the election.

After results were posted on election night, it was clear that the division would be required to separate and count the individual write-in votes. Lieutenant Governor Campbell indicated it would be in the best interest of the state and public if the write-in votes were individually counted sooner than initially planned. It was determined that the division would begin counting the write-in votes on November 10th, and candidates were notified. The Department of Law advised that the lieutenant governor's decision was legal and appropriate, and the court backed this up.

b) Establish location and secure workers

AS 15.15.370 requires all ballots to be sent to the director. The division also relied on 6 AAC 25.200, which requires all recounts to be conducted in Juneau, because a recount is a similar procedure to counting write-in votes. Since all ballots are sent to Juneau following an election, the separation and counting of write-in votes was conducted in Juneau.

The division secured a counting facility that could accommodate 15 teams of counters consisting of two people using two 3' x 5' tables, press, public viewing and observers. In addition, a vendor was secured to transport the tables and chairs necessary for the workers.

The location established allowed for a secure counting area and ballot storage area with limited access. There was also a designated area set up for press and a designated area for the public to observe the counting process without being in the immediate counting area.

c) **Recruit and train workers**

It was determined that 15 teams of two workers would be used to perform the separation of the write-in ballots. In addition, alternate workers were identified in the event that an appointed worker was unavailable during counting times.

The division required all workers to attend a pre-counting training session. The training covered the processes and procedures that would be used when separating ballots.

Each day of the counting, the workers had to sign in and out and were given badges to gain access to the immediate counting area. The workers' political party affiliation was taken into consideration when pairing the teams so that there would not be a team consisting of two workers of the same party affiliation. Each team was assigned a table number, and the division maintained a list of table assignments.

d) **Ballot security**

Counted ballots are sealed in tyvek envelopes by the precinct election board or counting boards before being transported to Juneau for storage and archiving. The outside of the ballot envelopes indicate the district/precinct of the ballots. Election workers are instructed to sign across the seal on each ballot envelope.

When ballots arrived in Juneau, division staff recorded the ballots received, and indicated the number of ballot envelopes for each district/precinct. After the ballots are recorded, the sealed envelopes are placed in archive boxes by district and secured in an alarmed ballot room.

The division contacted several security contractors and ultimately, secured the services of the only company that had transportation available and could meet the division's request. The security contractor was hired to transport the sealed ballot envelopes contained within archive boxes to the counting center. Each time the ballots were transported, the security contractor and the division recorded each ballot envelope on a transport log. The log was completed and signed when the ballot envelopes left the alarmed ballot room, when they arrived at the counting center, when they left the counting center, and again when they were received back in the ballot room.

While in the counting center, the ballots were stored in an open, cordoned-off area that allowed access only by division personnel and the security contractor. Before taking ballots from this area to a counting table, they were checked-out and recorded on a table assignment list, and they were checked back in upon their return.

Comments were received from the public regarding the transportation of ballots to/from the counting center in archive boxes. Comments were also received about division personnel and the security contractor having sole access to the ballots. Since the ballots in the archive boxes are sealed inside ballot envelopes, they are secure during transportation. And to further ensure security, the division already numbers the envelopes. The division will implement additional security measures of using tamper-proof seals on archive boxes sent out prior to transporting ballots to a counting center.

e) **Recording write-in vote results**

In order to record the write-in results for the large number of declared write-in candidates, the division created an election database using the GEMS ballot tabulation system software. The write-in database included the names of each write-in candidate. The division believed there would be a large number of challenged ballots, so it also decided to create a category in the database to record the number of "challenged counted" and "challenged – not counted" ballots. The "challenged – not counted" category was created because the division felt there would be ballots that could not be counted for a write-in candidate but that would be challenged. In addition, the database included a category to record the names of write-ins for candidates who did not file a letter of intent. The division also included in the database write-in votes for names appearing on the ballot, because it is not uncommon for a voter to write in the name of a candidate appearing on the ballot.

Many ballots were discovered during the write-in count process in which the voter failed to mark the write-in oval, but wrote in the name of candidate Lisa Murkowski. When sorting and counting the individual write-in votes, the division followed Alaska State Statute, which indicates that if the oval was not marked, the write-in vote cannot be counted. These are considered blank ballots and were not included in the initial write-in vote totals.

Prior to separating and counting the individual write-in votes, the election results did not include write-in ballots in which the oval was unmarked though a name was written in. These are considered blank votes for that race. After challenges by the Murkowski campaign, these ballots were recorded with the "challenged – not counted" ballots, because there was no category specifically for recording write-in ballots with unmarked ovals. This category, however, included other ballots where the write-in oval was marked but were recorded as "challenged – not counted" for other reasons.

Since the write-in results for the US Senate Race included these blank ballots which were challenged by the Murkowski campaign, the results appeared to have more write-in votes than originally reported. However, the additional ballots were never valid votes, but were later recorded with other uncounted ballots when the Murkowski campaign challenged them.

In the future, the division will ensure that blank ballots that get challenged but that are not counted are not included in the overall results.

f) Access to counting area

The division established a sign-in/sign-out process to control access into the immediate counting area. In order to gain access to the counting area, each counting worker and observer had to sign-in and each was given a badge.

The division allowed one observer from each campaign to be present at each table in the counting area. In addition, each campaign was allowed to have a lead observer present in the counting area.

In addition to the workers and observers, the division required press members to sign in and wear a press badge. Press members had their own area with full viewing access of the counting. As requested, the division allowed a limited number of press members in the immediate counting area for short periods of time to take pictures or film footage. When press members were in the immediate counting area, they were accompanied by division personnel.

Division personnel and Department of Law personnel also wore badges.

Although the public was not allowed in the immediate counting area, the division did establish an area for the public that allowed full viewing access.

Comments were received that the division politicized the write-in count process by roping off areas after challenges to ballots began. The division provided equal access to the counting area for both the Murkowski and Miller campaigns. Access was established on the very first day and remained consistent throughout the counting process.

Access to the cordoned-off area where the ballots were being held, which was visible to all parties, was limited to division personnel, Department of Law personnel and the security contractor. At no time did observers for either candidate have access to this area.

2. Counting Individual Write-In Votes – U.S. Senate Race

When separating ballots to count the individual write-in votes, the ballots were first sorted. After the initial sort, the director, with the assistance of the Department of Law, made a determination on voter intent. Once voter intent was determined, the ballots were counted and the individual write-in results recorded.

Below is an outline of the process:

a) Initial Ballot Sort

There were five boxes used to sort ballots. The boxes were used to initially sort the ballots as follows:

i. All ballots where the oval is marked next to a candidate's name that is printed

on the ballot (those other than the "Write-In" category) were placed in box #1.

ii. All ballots where the U.S. Senate Race is left blank (no oval marked) or more than one oval is marked were placed in box #2.

iii. All ballots where the oval is marked for the "Write-In" category and the name is written as "Lisa Murkowski" or "Murkowski" and spelled correctly that were not challenged were placed in box #3.

iv. All ballots where the oval is marked for the "Write-In" category and the name written in is "Lisa," "Lisa M" or other variations that demonstrated the voter is casting a ballot for Lisa Murkowski were placed in box #4. This box was also used for workers to place any ballot voted for Lisa Murkowski that an observer challenged so that the director could make a determination on voter intent.

v. All ballots where the oval is marked for "Write-In" category and the name written in is for a candidate other than Lisa Murkowski or variation of Lisa Murkowski were placed in box #5.

During the first day of sorting, some teams sorted the ballots into the five boxes so that the candidate names were facing the sorting team, and some sorted so that the candidate names were facing the observers. The division received comments from the observers that they would like all sorting teams to sort the ballots so that the candidate names printed on the ballot faced the observers. The division implemented this change on the second day of sorting. Although comments were received that ballots were sorted upside down, this only happened on the first day and was corrected by the division at the request of observers and had no effect on the result of the election.

b) Director Determination

i. Each ballot in box #2 (blank and overvoted ballots) was reviewed to verify the ballot is truly blank or overvoted.

ii. Each ballot in box #4 was reviewed to determine voter intent. When reviewing these ballots, they were sorted into three categories as follows:

1) Determination made to count as vote for write-in candidate Lisa Murkowski and determination is not challenged. (These ballots were placed in box #3 for counting.)

2) Determination made to count as vote for write-in candidate Lisa Murkowski and determination is challenged. These ballots were segregated and placed into an envelope labeled "Challenged – Counted for Murkowski." The total number of votes from these ballots was recorded on the results sheet as votes for "Murkowski – Counted Challenged."

3) Determination made to not count the vote for write-in candidate Lisa Murkowski and determination is challenged. These ballots were segregated and placed into an envelope labeled "Challenged – Not Counted for Murkowski." The total number of votes from these ballots were added to the results sheet as "Murkowski – Not Counted Challenged."

c) Recording Results

i. The ballots from box #3 (votes for Murkowski) were hand counted and the total number of votes was recorded on the results sheet for "Lisa Murkowski."
ii. The number of ballots in the "Challenged – Counted for Murkowski" envelope was hand-counted and recorded on the results sheet line "Lisa Murkowski – Counted Challenged." After counting, these ballots were returned to the envelope.
iii. The number of ballots in the "Challenged – Not Counted for Murkowski" envelope was hand-counted and recorded on the results sheet line for "Murkowski – Not Counted Challenged. After counting, these ballots were returned to the envelope.
iv. For the ballots in box #5 (write-in votes for candidates other than Murkowski), the workers sorted the by name. Once the ballots were sorted, the workers counted and recorded the individual results for candidates appearing on the write-in candidate list. If the name written in did not appear on the certified write-in candidate list, workers recorded the votes on the line for "Other Write-In."
v. After the workers recorded the write-in votes on their results sheet, division personnel compared the total number of individual write-in votes to the write-in category on the initial statement of votes cast. This was done to make sure counting workers did not accidentally place write-in votes in box #1.
vi. Once the total number of write-in votes was verified, the workers sealed the ballots in the original voted ballot envelope(s) and the results sheet used to record the individual write-in votes was given to division personnel to enter into the GEMS database.

3. Timeline

The division began the individual counting of write-in votes on Wednesday, November 10th. Initially, the division thought that it would take three to four days to conduct the count. However, due to the large volume of challenged ballots, the division did not complete the counting of write-in votes until November 17th. This fact alone confirmed Lieutenant Governor Campbell's decision to begin the count earlier.

Each day, the counting began at 9am and went to approximately 4-5pm. On Sunday, November 14th, the division did not begin the counting until noon.

On November 19th, the division counted the write-in votes from special advance and overseas ballots. The initial count of these ballots took place in the regional offices on the 15th day following the election, and the ballots were shipped to Juneau. The division notified the campaigns and press that the write-in separation from these ballots would take place in the Division of Elections director's office on November 19th.

4. Cost

The total cost to individually count the write-in votes was $60,440.

I. (D) Successes

Alaska faces logistical challenges to ensure that all 438 precinct polling places across the state are open and staffed, and receive their ballots, supplies and equipment. Accomplishing this is a success in its own. There were other notable successes relating to the 2010 General Election:

1. Litigation

During the 2010 General Election, there were several lawsuits filed against the division in both state and federal courts.

The main issue in the litigation was related to the division's decision to provide a list of write-in candidates to the poll workers and the division's process to count write-in votes, including determining voter intent.

The state and federal courts ruling in the division's favor was the most notable success of the 2010 General Election.

2. Implementation of the MOVE Act

Under the new requirements of the MOVE Act, the division was required to mail ballots to military and overseas voters at least 45 days prior to the general election and late candidate withdrawal deadline. Due to the short time frame between the primary and general elections, the division initially applied for a waiver to this requirement. The division was notified the waiver was denied and the division was required to develop a process that would allow ballots to be mailed 45 days before the general election.

The statutory candidate withdrawal deadline of 48 days prior to the general election made it impossible to have official ballots printed in time to meet the MOVE Act 45-day ballot mailing requirement. The division developed a process to produce an in-house paper ballot which was mailed to over 8,000 UOCAVA voters by the deadline.

To count the ballots using the division's optical scanners, the absentee ballot review boards had to produce a facsimile of the ballot using an official ballot printed on ballot stock. Although this caused extra work for the review boards, the division was able to meet the statutory deadline for reviewing and counting ballots.

3. Election Worker Training Video

In an effort to supplement in-person training, the division created an election worker training video that covered the same components as the in-person training sessions. The video provided workers with an opportunity to be trained even if they were unable to attend the in-person training. The division received positive feedback from election workers who found the video valuable.

4. Federal Observers in Bethel

The division was notified approximately one week before the general election that the Department of Justice would be sending federal observers to Bethel. In order to prepare for the observers, the division worked with Lori Strickler, Bethel City Clerk, to set up a training session for the poll workers the weekend before the election to go over election procedures and to inform the workers about the observers. The division's Yup'ik Language Assistance Coordinator was on-site in Bethel for election day.

Although it was intimidating for poll workers to have federal observers watching them, the division and poll workers were prepared and successfully conducted the election in Bethel. There is, however, no after action report available from the Department of Justice.

5. Counting Write-In Votes

In addition to the normal post-election processes, in 2010 the division had to prepare for and count the individual write-in votes for United States Senate. The counting was high-profile, with both national news media and campaign observers present.

The division created a process to separate and count write-in votes from 258,746 ballots cast in the 2010 General Election. Throughout the process, the division was able to maintain security and organization of a very large volume of ballots and election materials.

The division updated the press, campaigns and the public each day with ballot counts and results.

I. (E) Issues for Improvement

1. Implementation of MOVE Act Requirements

The division was successfully able to meet the 45-day deadline to mail absentee ballots to military and overseas voters by preparing a paper copy of the ballot. Although this allowed the division to meet the requirement, it impacted the amount of time to count absentee ballots and resulted in a large number of facsimile ballots. Statutory changes should be pursued that will allow for the official ballot, rather than a facsimile, to be sent by the 45-day deadline.

Currently, absentee ballots must be mailed or faxed to voters. The division received numerous comments from military and overseas voters that they do not have ready access to fax machines and requested their ballots be sent via email. Statutory changes should be pursued to allow blank ballots to be transmitted via email.

It is recommended that legislation be introduced to change the date of the primary election; change the candidate withdrawal deadlines for the primary and general elections and change the party replacement deadlines for the primary and general elections.

2. Voter Registration Database

The division's voter registration and election management database was developed in 1985 and is a mainframe-based system. Because the technology is antiquated, there are a limited number of programmers available that have experience in this programming language. In addition, it is costly to maintain at an annual fee of over $100,000 per year. The division needs to replace this system with a more technologically advanced, PC-based system.

3. Election Worker Pay

Each election, the division struggles to recruit poll workers. These workers are required to work a 13+ hour day with a great deal of responsibility. A pay increase could result in more people willing to serve as poll workers and result in more participation from political parties.

This report makes no appropriation recommendations.

4. Hand Counting Ballots

There are 133 precincts in Alaska that hand count their ballots after the polls close and call the regional offices with their election results. Once received, the regional offices enter the results into the regional tabulation server which is then uploaded to the host server in Juneau. If the election board calls in the wrong number of voters, or wrong results, the regional offices enter incorrect information which then has to be corrected by the State Ballot Counting Review Board. Although improvements have been made to training methods, the division will need to continue to improve materials to address hand counting of ballots.

5. Voter History

Prior to opening and counting absentee and questioned ballots, the division conducts a duplicate analysis to verify that the voter did not vote more than once. This duplicate analysis cannot be performed until all voter history is completed from the precinct registers used in the polling places. Until the duplicate analysis is complete, absentee ballots cannot be opened and counted. This causes a delay in opening and counting the absentee ballots.

To enhance the voter history process, the division will research the feasibility of implementing the use of electronic poll books. Electronic poll books could potentially expedite the counting of absentee and questioned ballots by more quickly recording voter history and conducting duplicate voter analysis.

An online real-time voter history system would have several advantages:

a) It would expedite the counting of absentee and questioned ballots
b) It would identify individuals attempting to vote more than once in any given election, avoiding potential fraud
c) It could allow observers, candidates and parties to focus their get-out-the-vote efforts more effectively, and perhaps increase turnout altogether.

I. (F) Statistics and Analysis

There are 438 precincts in Alaska. In order to conduct an election, the Division of Elections ensures each precinct has a polling location, workers to run the polling place and that each location has the ballots, supplies and equipment needed for the election.

There are 305 precinct polling places that use an optical scan machine to count ballots. There are 133 precinct polling places, located in rural areas of the state, that hand-count their ballots when the polls close. During the primary and general elections, there is also a touch screen voting unit in each precinct polling place that is intended for use by voters who have visual impairments, disabilities or have difficulty reading.

1. How many people voted

260,976 voters voted in the 2010 General Election, of which, 258,746 ballots were counted and 2,230 ballots were rejected.

Following is a breakdown of the ballots cast:

192,940 cast ballots on Election Day and counted at the polls
11,698 counted questioned ballots
1,297 rejected questioned ballots
40,843 counted absentee ballots
933 rejected absentee ballots
13,265 counted early ballots

There were 494,876 registered voters qualified to vote in the election. Overall percentage turnout based on the counted ballots was 52.29%. The percentage turnout in the 2010 election is slightly higher than in previous gubernatorial election years.

2. How many people cast write-in votes

Out of the 258,746 cast ballots, there were 102,234 votes cast for write-in for the U.S. Senate race.

Although there were write-in votes for each race on the ballot, only the write-in votes cast in the U.S. Senate race met the required threshold to count the individual write-in votes.

3. Cost and length of time to count write-in votes

It cost the division $60,440 to conduct the counting of the write-in votes for the U.S. Senate race.

The counting of the write-in votes started on November 10th and concluded on November 17th with a small number of ballots being counted on November 19th.

4. Reporting absentee and early vote results by precinct

Comments were received indicating that results from absentee and early voting should be reported by precinct. Unlike precinct polling place ballots, absentee and early ballots are issued at the house district level, not at the precinct level. Alaska State Statute 15.20.201 requires the district absentee ballot counting board to review and count absentee ballots. The division's existing voter registration and election management database is programmed and designed to track absentee and early ballots by house district.

Having both systems designed to manage absentee and early ballots by house district allows for the public and candidates to get a list of all absentee and early voters and to see election results by house district. This also allows the division to verify that the number of ballots accepted for counting matches the number of actual ballots reported in the election results which is critical to the ballot accountability process.

As more Alaskans are taking advantage of early and absentee voting, the recommendation is for the division to examine how and whether it can report all results by precinct in future modifications of ballot counting and reporting software.

5. Providing information on absentee voters

Comments were received that it is difficult to get information from the division about voters who requested absentee ballots and that the division mailed ballots to voters earlier than the announced date.

The division's absentee office produces an updated absentee voter report following each mailing. If an organization has purchased the initial absentee list, their name is kept and they are automatically sent subsequent lists. The division's absentee office consistently provides lists to candidates and parties.

The division believes that mailing absentee ballots to voters as soon as they are available is critical to the voter's ability to receive a ballot in time to vote. Once ballots are sent, the updated absentee voter report provided to the candidate and parties includes the date the ballot was mailed. In an effort to ensure this information is more readily available, the division will post information to the website that indicates the date when ballots are being mailed, or mesh this system with a planned online real-time voter history system.

2010 Election Review
II. Answering Alaskans' Questions

II. (A) Voter Intent

Question: Should voter intent be included as part of the rules for counting write-in votes?

This report recommends yes.

There is legislation pending in the 2011 legislative session that considers this question. Senate Bill 31 has passed the State Senate and is awaiting hearings in the State House. This legislation codifies the decision of the Alaska Supreme Court that voter intent must be considered when counting ballots.

There were public comments received that voter intent should not be included in determining whether or not a ballot should be counted. The Alaska Supreme Court has historically and repeatedly encouraged the division to implement and honor voter intent in counting ballots. This was again the case with their order in December 2010.

II. (B) Letter of Intent for Write-In Candidacy

Question: Should there be continued requirements for individuals to file their intent to be a write-in candidate and if so, what is realistic time requirement for filing such intention?

Today, Alaska State Statute requires a write-in candidate to file a letter of intent to run for public office within five days of a general election. The requirement is relatively new in Alaska law and had never been tested before the 2010 General Election, when the list of write-in candidates itself and its use in voting locations was challenged in State courts.

As a result of this review, it is recommended that the requirement for filing a write-in letter of intent be voluntary, not mandatory. This would maintain the voters' freedom to use the write-in process to vote for whomever they choose. However, if a candidate desires to file a write-in letter of intent, the division could more effectively provide assistance to voters if the requirement is changed so that the letter of intent must be received by the division no later than 21 days before the general election. If appropriate thresholds are met to require the individual counting of write-in votes, nothing should preclude a candidate who has not filed a write-in letter of intent to have his or her votes counted.

With the understanding that the circumstance for a write-in candidate to run and not file a letter of intent is rare, yet may be necessary to ensure each party has a candidate in the election, the division will continue to encourage write-in candidates to file a letter of intent for election for the following reasons:

1. Filing a letter of intent verifies that the individual running for office meets the constitutional and state requirements for the office.

2. The letter of intent provides the division with the framework for how the candidate's name should be written.

3. Without knowing in advance, the names of write-in candidates, voters who wish to vote for a write-in candidate could be disenfranchised if they needed assistance in voting for a candidate.

4. The candidate filing requirement is helpful for the division's preparation of the write-in candidate list for use in the polling places on Election Day. This list helps with voter assistance, which is required by both Alaska Statute and by federal law.

5. The write-in candidate list was precleared by the U.S. Department of Justice (DOJ) last year. To discontinue using the list would require preclearance.

6. Registration also allows the state to enforce financial disclosure laws and electioneering laws against all candidates equally.

II. (C) Felons Voting

Question: What additional precautions, if any, are necessary to prevent felons from voting?

The division has a process in place to remove voters that have been convicted of a felony involving moral turpitude for the voter rolls.

The division receives a list from the Department of Corrections and processes the names on the list. Prior to removing a voter, the division must verify the conviction is for a felony involving moral turpitude. This process is conducted, at minimum, on a bi-weekly basis.

The division seeks the assistance of the Department of Law to determine if a crime meets the legal definition of "moral turpitude" if the crime listed is not found in AS 15.80.010(9).

There were allegations made in court documents that the division allowed felons to vote. This was a direct result of a data match performed using the Sex Offender Registration Central Registry and the statewide voter registration list by a third party. Names that appeared to be a match, based on criteria unknown, identified that there were registered voters whose names were on the Sex Offender Registration Central Registry and that some of these individuals voted in the 2010 general election. The division did not receive any names of potential felon voters from a third party.

An individual who has been convicted of a crime that requires registration with the Sex Offender Registration Central Registry may remain on the registry for an extended period of time, up to life. Being named on the list doesn't preclude those individuals from registering to vote, as long as they have been unconditionally discharged from their conviction.

When an individual has been unconditionally discharged from incarceration, parole and probation, they are eligible to register to vote.

As of March 31, 2011, there are 6,107 voters inactive due to felony conviction and 1,271 voters inactive who have been unconditionally discharged but have not re-registered to vote.

To ensure that felons who are ineligible to vote, do not vote, the division will ensure that a data match between the Department of Corrections and the state voter registration file is conducted immediately prior to each election.

II. (D) MOVE Act Compliance

1. Election Dispute

Question: Does the interval between Alaska's primary and general election allow compliance with the MOVE Act in case of an election dispute, when primary results can be delayed by law, and general election ballots must be mailed 45 days before an election?

Federal law (MOVE Act) requires that ballots for the 2012 primary and general election must be mailed to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters no later than 45 days prior to a federal election.

The difficulty with meeting this mailing deadline for the primary election revolves around the candidate withdrawal deadline. Currently, a candidate may withdraw up to 48 days prior to the election. This allows the division only three days to print and mail ballots for the primary election.

The division was able to meet the 45-day ballots mailing time for UOCAVA voters during the 2010 General Election. However, it was extremely difficult and could have been derailed by factors outside the division's control.

It is recommended that legislation change the date of the primary election; change the candidate withdrawal deadlines for the primary and general elections; change the party replacement deadlines for the primary and general elections.

These changes will allow the state to more reliably meet the 45-day ballots mailing requirement for UOCAVA voters.

2. Electronic Voting

Question: With the passage of the MOVE Act, should Alaska eliminate the 60-day special advance ballot and expand electronic voting to allow the division to transmit blank ballots to voters?

The division should eliminate the 60-day special advance ballot for UOCAVA voters but continue to send to those voters residing in remote areas of the state and those traveling and working outside the United States.

The MOVE Act requires the division to send ballots electronically to voters, if requested by the voter.

Currently, the regulatory definition of electronically transmitted ballots is by facsimile machine. However, this is an antiquated method of electronic voting. In a review of the

legislative committee history for HB42, which implemented electronic transmission of ballots, it is clear that the intention of the statute's use of the term "electronic transmission" was meant to allow the division to use whatever means is modern and available. The bill was intended to make use of modern technology to encourage people to vote.

The use of fax machines is no longer considered modern technology. There are effective and secure ways to electronically transmit a ballot to voters. Many states implemented these types of procedures during the 2010 general election.

The division is continuously being asked by voters (both UOCAVA and non-UOCAVA) if they can receive their ballot by email.

The division is researching secure electronic ballot transmission methods. The recommendation is to amend state law to allow for this opportunity.

II. (F) Requirement to Show ID and Citizenship

Question: Should voters be required by law to show their ID, and what proof of citizenship should be necessary to register?

State law currently requires voters to present ID prior to voting. If the voter is personally known to an election worker, ID does not need to be shown.

Some Alaskans have urged a proof of citizenship requirement to register to vote. Today, Alaska requires a prospective voter to sign an affidavit attesting to his or her citizenship in the United States and in the State of Alaska.

If information is received that a voter is not qualified because they are not a U.S. citizen, the division requests verification of U.S. citizenship through the voter and/or the Immigration and Naturalization Service. If it is found that the voter is not a U.S. citizen, the division will inactivate the voter registration record.

Proof of citizenship is a sensitive area. In October 2010, Ninth Circuit Court of Appeals (*Gonzales v. Arizona, 624 F.3d 1162, 9th cir. 2010*) ruled that the Arizona Division of Elections could not require documents proving citizenship for new voter registrations. The court ruled that this violates federal law. The National Voter Registration Act (NVRA) allows voters to register without documentation but stipulates that lying about citizenship is perjury. The case is not resolved by the courts, but could have implications in Alaska. The division and the Department of Law will continue to monitor proceedings carefully.

When a voter registers to vote before a registrar, they must show identification. If no identification is provided, the registrar notes on the registration form that no ID was presented. When the division processes this form, the voter's identity is verified through the Division of Motor Vehicles (DMV) database and/or through a direct application between DMV and the Social Security Administration (SSA).

When a voter registers to vote by mail, their identity is verified through the DMV database and/or the SSA database.

If the identity of a voter who registered by mail or through a registrar without presenting ID cannot be verified through DMV or SSA, there is a notation made next to the voter's name on the precinct register that the voter must show identification. A voter who is personally known by an election worker cannot have the identification requirement waived if this notation is next to the voter's name on the precinct register.

II. (G) Election Contest – Certification

Question: Should the ground rules for defining an election contest be revised, since we've learned in 2010 that an election can be challenged before certification takes place?

Under Alaska State Statute, any defeated candidate or ten qualified voters may request a recount. The recount application must be received within five days following the completion of the state review board. The deadline for a recount involving a gubernatorial race is three days.

Currently, the statute regarding the timeline for bringing an election contest action says: "The action may be brought in the superior court within 10 days after the completion of the state review" (AS 15.20.550). Technically, an election contest action may be brought before certification now, so long as it is brought after state review. AS 15.15.440 sets out the process for state ballot review, and then AS 15.15.450 sets out the process for certification of the election after ballot review.

Election contest actions are entirely delineated in statute, so a change could be made, but the question remains whether it makes sense to make a change. The division needs to have the state review of an election complete so there is an official election result for the plaintiff to challenge in an election contest action.

Joe Miller challenged a state election in federal court. The federal court delayed state certification and neither the State of Alaska nor the state courts had control to lift the stay. The federal court did not "toll" or delay Mr. Miller's right to seek a recount, and he missed the opportunity to do so.

The situation that arose with the 2010 U.S. Senate litigation could have cost the state representation in the U.S. Senate. Changing the recount, recount appeal and election contest timeline can be detrimental to ensuring that the state has representation at the state and federal level.

Question: Why weren't all ballots counted by hand?

There were public comments received regarding the request by Joe Miller to have a hand-count of ballots for the U.S. Senate race. The process that took place regarding the write-in votes was solely for the purpose of determining how many votes were received by each write-in candidate from the total number of write-in votes cast. If Mr. Miller had requested a recount of the U.S. Senate election, it would have been granted; however the division never received such a request and therefore never conducted a recount.

As a matter of course, when a recount is requested, it is conducted by using the optical scan ballot tabulation equipment. The equipment is programmed to reject any ballot that is overvoted (more than one oval filled in) or undervoted (either entirely blank for the race being recounted or a mark that is too light for the tabulator to read). When a ballot is rejected it is placed in a box to be reviewed by the director. The director makes a decision whether or not to count the ballot and either party involved may challenge the decision. The challenged ballot is then sealed in an envelope to be preserved if it needs to be reviewed by the courts.

Each ballot is reviewed by observers and all ballots are subject to challenge.

During a recount, one precinct from each house district is randomly drawn for a hand-count verification.

To avoid confusion in the future, the division will post on their website the date the state review board has completed their review, which will indicate to candidates and voters that a recount request must be made within five days of that date.

There were also public comments received regarding the hand count verification process. This is a process in which one randomly drawn precinct that accounts for at least five percent of the total votes cast for the district is hand counted. If there is a discrepancy of greater than one percent, the entire district is recounted by hand. In the four years this requirement has been in statute, there has never been a need to recount the ballots for an entire district. Following the hand count verification from the 2010 General Election, copies of the paperwork were provided to observers from the Miller campaign.

II. (H) Voter Assistance

Question: What voter assistance is allowable?

Both state and federal law require that a voter be provided assistance at any time throughout the registration process and voting process. There are no limitations as to what level of assistance may be provided if requested by the voter.

Language assistance is specifically required by federal law.

The division provided, at voters' request, a list of qualified write-in candidates. Initially, an absentee voting site erroneously posted the list. Once the division learned about it, the list was immediately removed. Seventeen voters voted during the period the list was posted. These ballots were kept segregated, counted, and returned to their envelope in case of any future challenge. There were no challenges made to these ballots

The Alaska Democratic Party and the Alaska Republican Party filed a lawsuit against the division to prohibit the use of the write-in list. The Alaska Supreme Court upheld the use of the list ruling that it was consistent with Alaska's voter assistance statutes and did not violate state election regulations.

Public comments were received which stated that numerous ballots appeared to have the name of a write-in candidate written by the same person. Nothing in state law prohibits an election worker from assisting a voter with the writing of a candidate's name. This is an allowable form of voter assistance.

A number of write-in ballots were challenged due to similar handwriting. No evidence was presented to indicate this was the result of anything other than voter assistance or common penmanship among voters. This issue is also part of the complaint in current, active litigation in Perry et al. v. LG, SOA, 4FA-11-973 CI. Due to the past and current litigation, this report makes no recommendation on this issue.

Question: Is voter assistance documented?

The division does not instruct poll workers to document when a voter receives assistance, with the exception of language assistance. The division instructs poll workers, when requested, to provide any necessary voter assistance. The only type of assistance that is documented is the number of language assistance requests and the type of language. Poll workers are instructed to maintain a language assistance log. Voter names are not maintained on the log. The language assistance log is a method used by the division to determine where language assistance, especially Alaska Native language assistance, is needed to ensure there are bilingual poll workers in those areas.

II. (I) Public Information to Update Voter Lists

Question: What information on voters may be used to update voter lists?

Changes to a voter's residence address must be provided in writing by the voter.

Mailing address changes (not residence addresses) can be made based on information received from the USPS or based on information provided by the voter to the Permanent Fund Dividend program.

A voter's record may be inactivated when information is received from another state indicating that the voter is now registered in their state.

A voter's record may also be inactivated as a result of information received from the Division of Vital Statistics and the Department of Corrections.

The division has been following the "Upgrading Democracy Project," by PEW Center on the States. We have been invited, through this project, to compare voter registration lists with a wider array of data sources to broaden the base of information used to update and verify voter rolls. To participate, the State would need to share data Alaskans provide to the Division of Motor Vehicles. We have also been asked to share data from Permanent Fund Dividend records because voters have every reason to keep address records with the PFD division current. The division currently has access to PFD information but does not have complete access to DMV information that would further help verify our registration records, or further reach out to eligible citizens who are not registered to vote. The Division is considering the possibility of joining the "Upgrading Democracy Project," but it will not do so unless the privacy of Alaskans' personal data can be assured.

II. (J) Information on Who Has Voted

Question: Can we offer "real-time" updates on which voters have voted?

At this time the division does not offer a "real-time" or electronic update identifying which voters have voted. Nor does the division offer an hourly "carbon copy" of voters signing in to vote, as some other states do.

Poll watchers typically track this information on paper lists which match the list of voters for a specific precinct. They check off the names of voters as they vote and provide that information to campaigns and/or political parties. However, poll watchers are not allowed to see the registration rolls and can only glean voter information by listening.

The division will consult with a third party to research a "real-time" voter history system and a cost/benefit analysis of such a system.

II. (K) Party Participation and Access

Question: How do we ensure that political parties have full participation in and access to the election process?

The election process is open to all political parties, candidates, and the public. They have access to voter lists, absentee lists, and a presence at the review of absentee and questioned ballots, as well as the counting of these ballots.

The political parties are asked for names of individuals to serve as workers at polling places and as members of the state review board.

There are a large number of non-partisan and undeclared voters in the state. The division ensures that a board is not composed of only one party or another, but strives to ensure there is a combination. There are some precincts that may not have a worker that is registered as Republican or Democrat, but there are never boards that are entirely composed of only one party. There were occasions in 2010 when a board was composed of entirely non-affiliated workers.

Public comments were made stating that the division does not provide parties adequate notice regarding election worker and board appointments. The division will improve communication with the parties regarding election worker recruitment deadlines by providing multiple notices to them.

2010 Election Review
III. Department of Justice Review

Alaska, and all political subunits (boroughs, cities, school districts), are subject to the provisions of Section 5 of the Voting Rights Act. This section requires the state to obtain preclearance from the U.S. Department of Justice (DOJ) for any change affecting the voting process before the change is implemented.

Routine preclearance submissions requested by the division include changes to polling locations, precinct boundaries, regulation changes, legislative changes and changes to forms used by the division such as the voter registration application, absentee ballot application, voting instructions and posters.

DOJ has 60 days after receiving a preclearance submission to make any objection to the voting change.

III. (A) Examples of Changes Needing Preclearance

Changes affecting voting include, but are not limited to, the following examples:

1. Any change in qualifications or eligibility for voting.

2. Any change concerning registration, balloting and the counting of votes, and any change concerning publicity for or assistance in registration or voting.

3. Any change with respect to the use of a language other than English in any aspect of the electoral process.

4. Any change in the boundaries of voting precincts or in the location of polling places.

5. Any change in the constituency of an official or the boundaries of a voting unit (e.g., through redistricting, annexation, deannexation, incorporation, reapportionment, changing to at-large elections from district elections, or changing to district elections from at-large elections).

6. Any change in the method of determining the outcome of an election (e.g., by requiring a majority vote for election or the use of a designated post or place system).

7. Any change affecting the eligibility of persons to become or remain candidates, to obtain a position on the ballot in primary or general elections, or to become or remain holders of elective offices.

8. Any change in the eligibility and qualification procedures for independent candidates.

9. Any change in the term of an elective office or an elected official or in the offices that are elective (e.g., by shortening the term of an office, changing from election to appointment or staggering the terms of offices).

10. Any change effecting the necessity of or methods for offering issues and propositions for approval by referendum.

11. Any change affecting the right or ability of persons to participate in political campaigns which is affected by a jurisdiction subject to the requirement of Section 5.

III. (B) Pending Changes Needing DOJ Review

1. As a result of the creation of a new political group, the Alaska Constitution Party, and the removal of the political group, the Moderate Republican Party, the division is in the process of updating the procedures relating to the voter registration application, absentee ballot application, primary ballot choice poster and the voter identification card to reflect the political group changes. Once these forms are updated, they will have to be submitted to DOJ for preclearance.

2. Any change to Alaska Statutes or regulations relating to counting write-in votes or the rules of counting write-in votes, including voter intent will, need to be precleared by DOJ after passage and prior to implementation.

3. Any change to Alaska Statutes, regulations or forms relating to candidacy declaration requirements, including write-in candidates, will have to be precleared by DOJ after passage and prior to implementation.

4. Any change to Alaska Statutes relating to the date of the primary election will have to be precleared by DOJ after passage and prior to implementation.

5. Any changes to Alaska Statute and/or regulation for compliance with the MOVE Act will have to be precleared by DOJ after passage and prior to implementation.

6. Any changes to Alaska Statute and/or regulation relating to requirements for voter identification or for proof of citizenship to register will have to be precleared by DOJ after passage and prior to implementation.

7. Redistricting changes, including changes to precinct boundaries, must be precleared by DOJ after adoption and prior to implementation.

III. (C) Meeting with DOJ Personnel

Lieutenant Governor Treadwell and the Director of the Division of Elections met with staff from the Department of Justice in Washington, D.C. on February 10, 2011 to discuss various Voters' Rights Act issues applicable to Alaska.

1. **Preclearance**

The Alaska delegation expressed appreciation for DOJ's cooperation in quickly preclearing the write-in list process for the 2010 General Election.

2. **The MOVE Act**

Alaska had initially thought it would not be able to meet the 45-day deadline for ballot distribution set out in the MOVE Act. The state had applied for a waiver from this requirement of the Act, and that waiver was denied. Division staff then worked with DOJ to find a way to comply with the MOVE Act, and DOJ's guidance was greatly appreciated in finding a solution to allow Alaska to meet the ballot distribution deadline.

3. **Bail Out**

The term "bail out" refers to the process by which covered jurisdictions may seek exemption from Section 5 coverage. In order to bail out, a covered jurisdiction needs to obtain a declaratory judgment from the District Court for the District of Columbia.

The bail out standard requires that a covered jurisdiction demonstrate nondiscriminatory behavior during the ten years prior to filing, and while the action is pending that it has taken affirmative steps to improve minority voting opportunities.

Discussion took place regarding the bail out process. DOJ clarified that the state may not apply for a bail out from the Voting Rights Act for ten years after the date that federal election observers are no longer in the state. The state received confirmation that it is not entitled to receive copies of the federal observer reports, as these reports are not subject to the Freedom of Information Act. On October 1, 2009, the Bethel Census Area was certified for federal observers, and to date observers have been present for state elections only in Bethel.

4. **Pending State Legislation**

DOJ was informed that there is legislation pending relating to elections and that the state, as always, would be submitting the legislation for preclearance prior to implementation. Clarification was received that if DOJ does not grant preclearance to a change in statute, the existing statute would remain in force.

5. **Minority Language Assistance**

DOJ is interested in seeing the state expand language assistance into more areas of the state and work towards strengthening the Inupiaq language assistance program.

2010 Election Review
IV. Issues for Third Party Review

Status of election security study recommendations

In 2007, then Lieutenant Governor Sean Parnell and the Division of Elections requested the UAA to conduct a study of Alaska's election security. Phase I of the study included a review of security studies conducted by other states and provided for a preliminary assessment of Alaska's election system. Phase II of the study provided for a detailed evaluation of Alaska's election system to provide recommendations that would strengthen both the technology and election procedures to mitigate any known security risks.

In evaluating Alaska's election system, the University reported that Alaska's election system is among the most secure in the country and is in good shape. In Phase II, the University provided several recommendations to further improve the security of Alaska's election system. The recommended changes were broken into two categories: changes recommended prior to the 2008 elections and changes recommended after the 2008 election.

Below is the status of each recommendation included in Phase II of the report:

IV. (A) Pre-election Recommendations

1. **Verify the accuracy of voting technology before and after the election, by comparing code in voting machines with correct, registered code**

   The division implemented the use of a hash code validation for all GEMS computers. This validation ensures that all GEMS computers are using the correct, registered code associated with the current software version. In addition, the GEMS computers are not connected to a network or internet and access to these computers is restricted to authorized personnel only.

2. **Install new software that allows election officials to create a more secure password authentication system for touch-screen machines**

   The division purchased and implemented the use of Key Card Tool which allowed the division to create their own authentication password and encryption keys for the touch screen units.

3. **Change passwords on all voting technology throughout the system**

   The division implemented procedures to change passwords on all hardware and software, including the BIOS, Windows and GEMS election database login passwords. The documented passwords for all systems are stored in a key safe in the director's office.

4. **Use tamper-evident seals on shipping cases and envelopes**

Prior to 2008, the memory cards used in the touch screen units were installed in the units prior to shipping. In 2008, the division implemented a policy that memory cards would be shipped separately from the unit in tamper evident envelopes. The division determined that since the units were not shipped with the memory cards installed, the division deemed that tamper-evident seals on shipping cases were not necessary.

In addition to tamper-evident seals on memory card envelopes, tamper-evident seals were placed on all voting equipment. One seal was placed on the optical scan unit that covered either the front or back seam and pre-drilled hole. One seal was placed on the touch screen unit that covered the seam and pre-drilled hole on the back of the machine. Division staff recorded the seal number used on each piece of voting equipment.

5. **Add election security material to poll workers' training manuals.**

Additional instructions were provided to election workers on equipment security that included a check list and procedures for seal inspection and what to do if the seal was broken. In addition, the division implemented the use of a security log for each piece of equipment. The log listed the tamper-evident seal number, instructions for inspection and a sign-off area for the election workers to sign and return to verify the seal number matched the number provided and that the seal was unbroken.

6. **Increase security procedures in absentee polling locations**

The division does not use voting equipment in absentee polling locations. The touch screen voting units used in the regional offices early voting stations were handled with the same security measures as the equipment used in the polling places. Absentee voting officials were provided with instructions on maintaining the security of their ballots and voting materials.

7. **Purchase state-owned voting machines for use in North Slope Borough, rather than borrowing borough-owned machines**

The division purchased optical scan units for the precincts in the North Slope Borough and initiated use of the units in the 2008 elections.

IV. (B) Post-election Recommendations

1. **Upgrade voting machines and other technology to improved platform: Assure 1.2**

   Assure 1.2 was federally certified by the United States Election Assistance Commission in August 2009. The division chose not to upgrade to Assure 1.2 for the 2010 General Election because the system provider, Premier Election Systems, was in the process of being acquired by Election Systems & Software (ES&S) which triggered an anti-trust violation investigation. This acquisition led to another vendor, Dominion Voting, obtaining the rights to the Assure 1.2 platform. Working with Dominion Voting, the division has begun the process to upgrade their ballot tabulation system to the Assure 1.2 platform. The upgrade will be completed in 2011.

2. **Establish long-term security goals and a method for measuring progress**

   The long-term security goals established by the division relate to the recommendations provided in the study. It is the policy of the division that the recommendations and improvements made for the 2008 election cycle will be maintained for all future elections unless other security issues are identified and addressed.

3. **Improve testing processes to ensure that all voting technology is functioning properly and recording votes accurately**

   The division adopted the University's increased scope of recommended logic and accuracy testing for the 2008 and 2010 election cycles. Memory cards used in the touch screen units were tested using a combination of an automatic and manual testing function. Memory cards used in the optical scan units were also tested following recommended test procedures. The State Ballot Review Board and the Regional Accu-Vote Boards and/or Accu-Vote Coordinators tested the memory cards. In addition to the memory card testing, a functionality test was conducted on all voting equipment used in the election to ensure the equipment was functioning properly prior to use during the election. The improved functionality, logic and accuracy testing performed by the division will be maintained for future elections.

4. **Develop and implement a standard plan for tracking and changing passwords**

   The division has implemented a standard to change all applicable passwords prior to the start of a statewide election cycle. Documentation of the passwords is maintained in a safe in the director's office.

5. **Improve system for tracking the number and location of voting machines, through barcodes or other inventory control measures**

   The division implemented a consistent inventory management system statewide. All offices are tracking voting equipment in a uniform manner.

6. **Strengthen storage facilities for voting machines and other system components with dead-bolt locks, alarms, ceiling grids, self-locking doors, and other features to prevent forced entry**

   A separate locked key safe in the director's office is used to store keys and password codes. The other division offices where equipment and keys are stored maintain physical security features such as alarms and dead-bolts.

7. **Buy more secure shipping containers for optical-scanners**

   The division increased the number of secure shipping containers for optical scan units during the 2008 election cycle, compared to previous elections. If additional containers are needed, the division will ensure an adequate supply is on hand for in the future.

8. **Recruit and train more poll workers**

   The division consistently strives to train all poll workers prior to each election cycle. The division had tremendous success during the 2008 and 2010 elections by having an adequate number of poll workers at each precinct. New security procedures were added as a component to the division's training for the 2008 and 2010 elections.

9. **Consider partnerships with other institutions to conduct ongoing evaluation and implementation of improvements in election security technology**

   The division believes that the implementation of the recommendations from Phase II of the UAA Study significantly increased the public's confidence in the integrity and accuracy of the election process and voting technology. The UAA Study is discussed fully in section IV of this report.

   As part of the election certification process, the division performs a hand-count verification of 5% of the ballots cast at the polls in each of the state's 40 house districts. The hand-count of the 2008 and 2010 election results verified that the state's ballot tabulation system accurately counted and reported election results.

10. **Third Party Review**

    In addition to the election security study, the division partnered with UAA Institute of Social and Economic Research to assist with outreach and improvements to the division's Yup'ik language assistance program. The division has benefited from these partnerships and will continue to pursue further partnerships.

    One specific area needing further research and partnership is a review of the division's post-election processes, including a review of the division's audit procedures and hand-count verification of election results. Public comments were received relating to audit standards. In addition, comments continue to be received relating to the accuracy and security of the division's ballot tabulation system.

Although the UAA election security study concluded that Alaska's election system is among the most secure in the country and has a number of safeguards, the study did not include a thorough review of post-election processes used by the division and used in other jurisdictions across the country.

Alaska is known for close elections and recounts. A thorough review of the post-election processes, including any recommended changes, will enhance the public's trust in Alaska's election system.

Other areas to be included for third party review are:

a) New review of ballot security issues
b) Audit to ensure that non-U.S. citizens are not voting
c) Audit to ensure that felons are not voting
d) Explore systems or methods that can provide for real-time voter history

2010 Election Review
V. Miscellaneous Public Comments

During the 2010 General Election review, Lieutenant Governor Treadwell solicited comments and input from the public, political parties and candidates. Information relating to the types of comments received were included throughout the election review in appropriate areas.

There were additional comments received that do not relate to a specific subject addressed in the report. A summary and response to those comments follows:

V. (A) Create a better environment for the military to vote

In 2000, the Department of Defense (DOD) issued a directive that polling places could not be established on military bases. At that time, the Division of Elections had established polling places on both Eielson Air Force Base and Fort Wainwright. Working through the late Senator Ted Steven's office, the division was able to maintain polling places on the military installations for the 2000 election cycle but was informed they would have to be moved for the 2001 municipal elections. The polling places for both installations were moved to off-base locations in 2001.

In 2003, the division was notified that DOD issued new election guidance indicating that if an installation facility had been designated as a polling place as of January 1, 1996 through December 31, 2000, the installation commanders could not deny the use of that facility as a polling place.

For the 2004 elections, the division investigated moving the polling places back onto both installations. Because the precinct boundaries for both installations include non-military voters, the division decided not to move the polling place back to the installations because non-military voters would have difficulty accessing the polling places.

The division suggests that under the new redistricting plan, the precinct boundaries be changed so that only installation boundaries are included in the precinct. When a precinct is wholly contained within the installations, the division can once again work with the military to establish polling places on the bases. This report recommends this change to the Redistricting Board.

V. (B) Provide notice of any change in practice or procedure

If the division decides to change a practice or process, ample notification of that change will be given.

The division follows the Administrative Procedures Act to adopt new regulations. Statutory changes can only be achieved through the legislative process. All changes that affect voting are sent to the U.S. Department of Justice for preclearance.

There are some internal policies that require emergency action and preclude prior public notice.

In order to improve public notification, the division will add a notice section to its website and post notices of public interest, such as filing deadline dates, withdrawal deadlines, and state review board dates. The election year events are captured on the public election calendar which is available on the division's website: http://www.elections.alaska.gov/doc/forms/H11.pdf.

V. (C) Open primary

The division does not have the authority to change the primary election structure. Only the legislature has that authority. The current primary election structure is a result of many years of litigation. Title 15 Of Alaska State Statute affirms that political parties have the right of freedom of association and can determine which candidates will appear on their ballots and which registered voters will have access to their party's ballot. These determinations are documented and codified in the political party by-laws. Party members who meet candidate qualifications are allowed to appear on the party primary ballot.

The history of Alaska's primary election has been influenced by litigation over primary elections, some of which reached the United States Supreme Court. On June 26, 2000, in California Democratic Party v. Jones, the U.S. Supreme Court ruled that California's Blanket Primary violated political parties' First Amendment right of freedom of association. The court said political parties have the right to offer voting to self-identified members and not to the general electorate. At the time, Alaska's primary election was similar to California's primary election and thus the Jones case ruling also invalidated parts of Alaska's primary election law.

To comply with the Jones case ruling, the State of Alaska adopted emergency regulations that allowed the 2000 Primary Election to be conducted as a Party-Rule Ballot Primary.

During 2001 legislative session the Alaska State Legislature passed legislation that specified a primary election ballot was required for each political party in SCS CSHB 193(FIN).

Shortly after the 2002 General Election, the Green Party and Republican Moderate Party filed suit, challenging the requirement of separate party primary ballots. In 2005, the Alaska Supreme Court, in Green Party et. al. v. State of Alaska et. al. prevented the state from enforcing the provision in election law requiring separate party primary ballots. This ruling affirmed the earlier superior court ruling which allowed parties to decide if they wanted to appear on a Combined Party ballot. Parties were required to provide information to the state if they wanted to appear on the Combined Party ballot and indicate which voters would have access to their ballot.

In response to the Green Party case ruling, the Republican Party chose to include only Republican candidates on its primary ballot and provide ballot access to only those voters registered as republican, nonpartisan or undeclared.

As an initial response to the Green Party case ruling, the Alaska Libertarian Party, Alaskan Independence Party, Republican Moderate Party, and the Green Party of Alaska agreed to be on a combined ballot that would be available to all registered voters. (Both the Green Party

and the Republican Moderate Party lost recognized political party status as a result of the 2005 ruling allowing the Combined Party Primary ballot.)

Currently, the Alaska Democratic Party appears on a ballot with the Alaskan Independence Party, and the Alaska Libertarian Party. Any registered voter may have access to this ballot.

V. (D) Ballot counting machines can be hacked

As previously mentioned in Section IV of the report, UAA conducted a study of Alaska's election system and found that the state's election system is among the most secure in the nation. Unlike other studies conducted, the UAA study examined not only voting technologies but also policies and procedures that add to the security of the system. UAA found that there are multiple steps, procedures and security features that make the system safe and provided recommendations to further improve the security of Alaska's election system.

To date, the division has implemented all but one of UAA's recommendations and will have the recommendations fully implemented in 2011. The final recommendation for implementation is for the division to upgrade the ballot tabulation system to the Assure 1.2 platform, which will address many of the security risks identified with the state's ballot tabulation system software (GEMS). The security recommendations provided by UAA and adopted by the division, along with the Assure 1.2 upgrade, will continue to ensure that Alaska's election system is secure. In addition, performing the hand-count verification of election results will continue to ensure the system is accurate.

V. (E) Faxed ballots are transcribed – precautions to prevent fraud

Under both state and federal law, the division must provide for electronic voting. Blank ballots are transmitted to voters via fax machine. Once voted, the ballot can be returned by mail or fax.

An electronically transmitted ballot, whether mailed or faxed, cannot be counted by the division's optical scan counting equipment because it is on plain paper, not on official ballot stock.

6AAC 25.065 allows the bi-partisan absentee ballot review board members to produce a facsimile ballot that exactly indicated the candidates chosen by the voter using ballot stock that can then be read by the optical scan tabulator.

When producing facsimile ballots, one person marks the ballot while another person, of a different political party, verifies the ballot was marked correctly. This ensures that the facsimile ballot is marked for the same candidates as the original ballot. Any observer present during the review is allowed to review the ballot.

If a facsimile was not produced for faxed ballots, the ballots would have to be hand-counted. The division believes this would impact the amount of time it takes to count and report election results. The division will monitor new methods to allow machine counting of ballots received by electronic means.

V. (F) Special Advance Ballots

State law requires the division to send a special advance ballot to any registered voter who notifies the division they are living, working or traveling outside the United States at the time of the election, or in a remote area of the state where distance, terrain, or other natural conditions deny the voter reasonable access to a polling place at the time of the election.

This ballot must be sent starting 60 days prior to each state primary, general or special election.

Because the candidate withdrawal deadline has not yet occurred (48 days prior to an election), the ballot is printed with only race headings and a blank line for the voter to write the name of the candidate they wish to vote for. Each voter is sent a list of certified candidates and instructions on how to vote their ballot.

For a general election, the special advance ballots are sent prior to the election being certified. Therefore, a candidate list is sent containing the names of all candidates that appeared on the primary election ballot. The voter is given information regarding the candidate list, that the election has not yet been certified, therefore not all candidates appearing on the list will have advanced to the general election ballot. They are given the option of voting by political party as well as by candidate name.

As prescribed in state election law, Lisa Murkowski remained an official candidate and her name remained on the special advance candidate list until the election was certified.

All voters receiving a special advance ballot are also sent the official ballot once it is available. Voters are instructed to vote and return both ballots. The division will count the official ballot if received timely. If the official ballot is not received in time by the division, but the special advance ballot is, the division will count the special advance ballot.

To comply with the MOVE Act, the recommendation is for a change in state statute to allow the division to mail special advance ballots 45 days prior to each election to all UOCAVA voters and voters working or traveling outside the U.S. and those in remote Alaska.

V. (G) Use of stickers on ballots

Since the division implemented the current ballot tabulation system, the use of stickers has been prohibited by state law.

The division has recently spoken with representatives from the division's ballot tabulation equipment provider. There is presently no voting equipment manufactured or certified that accommodates the use of stickers. Vendors do not recommend their use because of potential damage to equipment and the potential for miscalculations of votes for not only the write-in candidates but other candidates as well.

2010 Election Review
VI. Conclusion

Once again, thank you to all Alaskans for their contributions to this report.

SB

33

<TARGET><BILL>SB 33</BILL><SUBJECT>SB
33</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 9, 2011 **FURTHER REFERRALS:**

Date of Committee Action: 2-15-11

The STATE AFFAIRS Committee considered: **CSSB 33(STA)**

CS FOR SENATE BILL NO. 33(STA)
"An Act relating to the disposition of remains of a member of the armed forces if the member dies while in a duty status."

SB 33-DISPOSITION OF SERVICE MEMBERS' REMAINS

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [ ] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	MLV			X

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Johnson	X			
	WILSON	X			
	Keller	X			
	Gruenberg	–			
	SEATON	X			
	Peterson	X			
Chair:	LYNN	X			
Chair:					

CS FOR SENATE BILL NO. 33(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS WIELECHOWSKI, PASKVAN, AND COGHILL, Menard, Meyer, Dyson, Olson

A BILL

FOR AN ACT ENTITLED

"An Act relating to the disposition of remains of a member of the armed forces if the member dies while in a duty status."

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

*** Section 1.** AS 26.05 is amended by adding a new section to read:

Sec. 26.05.262. Disposition of remains of members of organized militia on duty status under Military Record of Emergency Data Form (DD Form 93). If a member of the organized militia who is in active state service has executed the United States Department of Defense Military Record of Emergency Data Form (DD Form 93), or its successor form, to serve as a record of emergency data and, on that form, has designated a person who is authorized to direct the disposition of the member's remains if the member dies while in a duty status as described in 10 U.S.C. 1481, notwithstanding any other provision of law, the person authorized to direct the disposition of remains on the executed form has the right to make the decisions concerning the disposition of the member's remains.

* **Sec. 2.** AS 26.10 is amended by adding a new section to read:

Sec. 26.10.065. Disposition of remains of state resident armed forces personnel on duty status. (a) Except as provided in (b) of this section, if a state resident who is a member of the armed forces has executed the United States Department of Defense Military Record of Emergency Data Form (DD Form 93), or its successor form, to serve as a record of emergency data and, on that form, has designated a person who is authorized to direct the disposition of the member's remains if the member dies while in a duty status as described in 10 U.S.C. 1481, notwithstanding any other provision of law, the person authorized to direct the disposition of remains on the executed form has the right to make the decisions concerning the disposition of the member's remains.

(b) If a state resident who is a member of the United States Coast Guard has executed the United States Coast Guard Designation of Beneficiaries and Record of Emergency Data Form (CG-2020D), or its successor form, to serve as a record of emergency data and, on that form, has designated a person who is authorized to direct the disposition of the member's remains if the member dies while in a duty status as described in 10 U.S.C. 1481, notwithstanding any other provision of law, the person authorized to direct the disposition of remains on the executed form has the right to make the decisions concerning the disposition of the member's remains.

ALASKA STATE LEGISLATURE

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Senator_Bill_Wielechowski@legis.state.ak.us

Chair
State Affairs Committee

Co-chair
Joint Armed Services Committee

Vice Chair
Resources Committee
Judiciary Committee

Member
Admin Reg Review

SENATOR BILL WIELECHOWSKI

Sponsor Statement: CS for SB 33(STA)
An Act relating to the disposition of remains of a member of the armed services if the member dies while in a duty status

The intent of the CS for Senate Bill 33(STA) is to ensure that active duty service members who make the ultimate sacrifice are properly honored by ensuring that their remains are disposed of by the person of their choosing.

The Department of Defense requires active duty service members, reservists and guard members to complete a Record of Emergency Data (DD Form 93) annually or prior to deployment. The Coast Guard follows the same procedures, but uses a different form, the Designation of Beneficiaries and Record of Emergency Data (CG-2020D). These forms identify the person authorized to direct disposition of a service member's remains in the event that service member is killed in the line of duty.

Senate Bill 33 will place the state in alignment with armed services procedures, so that the person designated to handle disposition of remains is not called into question. Without compliance with these procedures, the handling of the remains may be delayed, and the service member's wishes not honored.

Around twenty states have laws which comport with armed services rules on disposition. At least four other states, including Alaska, are pursuing laws to comport.

The CS for Senate Bill 33(STA) is supported by the Office of the Deputy Under Secretary of Defense and the Alaska Veterans Association.

Please join me in supporting this legislation to ensure the wishes of our service members are upheld and our fallen soldiers receive the proper burial they deserve.

LEGAL SERVICES

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

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FAX (907) 465-2029
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM January 27, 2011

SUBJECT: Sectional summary of proposed CSSB 33(STA) relating to the disposition of the remains of a member of the armed forces if the member dies while in a duty status
(Work Order No. 27-LS0188\D)

TO: Senator Bill Wielechowski
Attn: Michael Caulfield

FROM: Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill, which has not yet been read across. 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. Gives a person the right to make the decisions about the disposition of the remains of a member of the state's organized militia who is in active state service, if the person is authorized by the member on DD Form 93, a Department of Defense emergency data form, to dispose of the member's remains if the member dies while in a duty status under 10 U.S.C. 1481.

Section 2. In sec. 26.10.065(a), gives a person the right to make the decisions about the disposition of the remains of a member of the armed forces who is a state resident, if the person is authorized by the member on DD Form 93, a Department of Defense emergency data form, to dispose of the member's remains if the member dies while in a duty status under 10 U.S.C. 1481.

In sec. 26.10.065(b), gives a person the right to make the decisions about the disposition of the remains of a member of the Coast Guard who is a state resident, if the person is authorized by the member on CG-2020D, a Coast Guard emergency data form, to dispose of the member's remains if the member dies while in a duty status under 10 U.S.C. 1481.

If I may be of further assistance, please advise.

TLB:plm
11-039.plm

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number
Bill Version: **SB 33**
() Publish Date

Identifier (file name): SB033-DMVA-VS-1-24-11
Title: Disposition of Service Members Remains
Sponsor: Senators Wielechowski, Paskvan, Coghill, Menard
Requester: Senate State Affairs

Dept. Affected: Military & Veterans Affairs
Appropriation: Veterans' Services
Allocation:
OMB Component Number: 9

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
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 (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version

Prepared by: Verdie Bowen, Director — Phone: (907)428-6061
Division: Veterans Services, Department of Military and Veterans Affairs — Date/Time: 1/24/11 11:30 AM
Approved by: McHugh Pierre, Deputy Commissioner — Date: 1/24/2011
Department of Military and Veterans Affairs

(Revised 12/29/2010 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB 33

Analysis

There is no fiscal impact.

Chapter 904 - Anchorage, Alaska
"An Agenda of Service"

January 24, 2011

Senator Wielechowski
Prime Sponsor
SB33

Senator,

Just wanted to send you a note in support of SB33 and HB27 which you have shown leadership on.

We work with the Alaska Veterans Foundation, Inc. and our local hospitals to ensure that no veteran dies alone. It happens.

Although your bill will not directly address this challenge it does make it clear the process we in Alaska will follow when faced with the remains of a service member and/or in some cases veteran with no next of kin available.

Unfortunately this is a growing problem due to the number of our citizens who are estranged from their immediate family.

Again, thanks for being there in support of our military and veterans.

It is an honor,

Ric Davidge
President, VVA 904

Vietnam Veterans of America Alaska Chapter 904
3705 Arctic Blvd, #415, Anchorage, Alaska 99503 Web Site: www.VVA904.org
Ric Davidge, President (907) 222-6927 Cell 907 29 5328 Fax (907) 222-6933 Email: ricdavidge.ak@gci.net

ALASKA VETERANS FOUNDATION

January 21, 2011

Senator Bill Wielechowski
Chairman
Senate Affairs Committee

REF: SB 33

One of the most frustrating and difficult problems we often face as the state's only statewide Veterans Foundation (501c3) representing about 80,000 veterans and their families, is when a veteran or service member dies or is killed in action and we can not find their family.

This happens more then you would think. It's really part of our culture now that many elderly veterans, as a result of divorce or estrangement, die without an ability to notify their next of kin. Just in December of last year we had a two tour Marine, Vietnam Veteran die at home alone and our best efforts and those of the US Department of Veterans Affairs as well as the Department of Defense were unable to find his ex-wife nor his son so that they could be involved in his internment at our National Cemetery.

We strongly support this bill, introduced by you on behalf of our active duty, guard, and reserves that makes it clear that the State of Alaska is in line with most other states in a process that provides for the disposition of service members remains.

We hope this bill becomes law this session, so that this year we can have a process recognized by the State to address this tragedy.

Paul Sheehan
Executive Director

3705 Arctic Blvd #415, Anchorage, AK 99503 907 222 6945 fax 907 222 6933
Ricdavidge.ak@gci.net

SB 33 – Disposition of Remains of a Member of the Military

BACKGROUND:

- The Department of Defense requires active duty service members, reservists and guard to complete a Record of Emergency Data (DD Form 93), a form that identifies the person authorized to direct disposition of a service member's remains in the event that service member is killed in the line of duty.

- Twenty-one states have laws which comport with DOD rules on disposition. Three are pursuing laws which comport with DOD rules.

- Alaska State law does not currently recognize the DD Form 93.

PROBLEM:

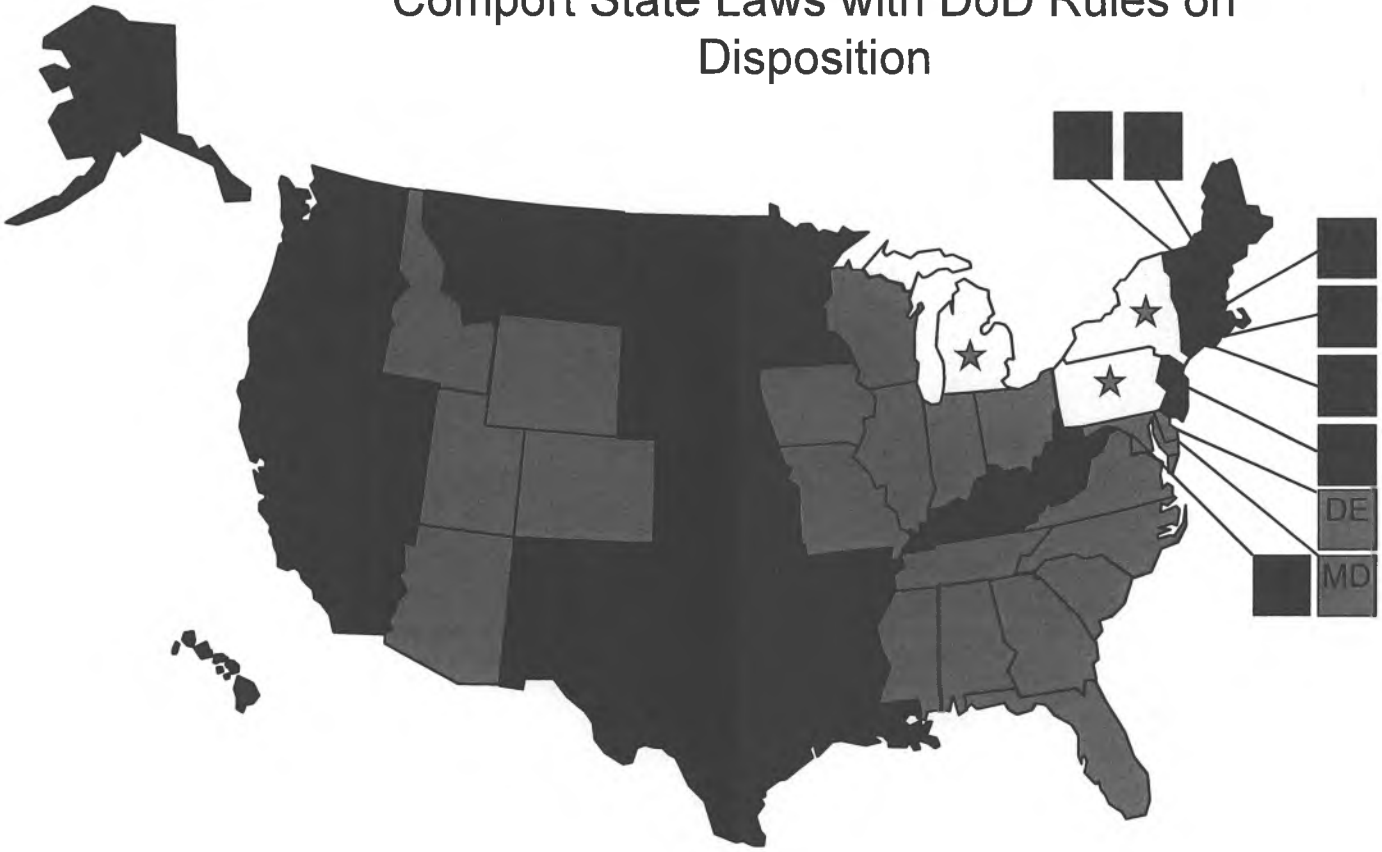
- When there is no one specifically authorized to dispose of remains, the final wishes of the service member may not be followed. Additionally, disputes over the rightful controlling agent may lengthen an already painful process of burial.

STATUTORY SOLUTION:

- SB 33 would place the state in alignment with the Dept. of Defense Emergency Data Form (DD Form 93), so that the person designated to handle disposition of active duty service and guard member's remains is clearly identified.

- Supported by the Office of the Deputy Under Secretary of Defense.

Comport State Laws with DoD Rules on Disposition



- Laws comport with the disposition instructions in Federal statutes and DoD rules
- ★ Legislation pursuing a favorable policy is filed.
- Actively pursuing favorable policy, but no legislation filed as yet.
- Policy not favorable, and Not currently considering favorable adjustments.

As of August 27, 2010

Issue 9: During its first year of consideration (2010 legislative session), 21 states aligned state with Federal policies regarding the disposition of military members who die on active duty.

Comport State Laws with DoD Rules on Disposition

Issue: State laws on the disposition of human remains do not currently provide for the accommodation of the expressed, written wishes of service members through execution of the federally prescribed "Record of Emergency Data"

According to Section 564 of Public Law 109-163, effective January 2006, service members [as defined in Title 10, United States Code, Section 1481(a)(1) - (8)] must designate a person authorized to direct disposition of human remains (PADD). The law, Title 10, United States Code, Section 1482(c), specifies a list of possible designees, but does not stipulate any specific order.

States may not recognize the PADD as the legal designee because the state does not recognize the DD Form 93 (Record of Emergency Data) completed by service members to designate a PADD. The DD Form 93 restricts a services member to designating his or her "surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these three can be found, a person in loco parentis may be named."

Without a recognized agent, state statutes normally have a prescribed order of who is recognized as the next-of-kin designated to direct disposition, starting with a spouse, followed by adult children and parents. Because some state laws do not currently recognize the federal form as an acceptable one for service members, there have been several instances of civil actions between family members over the ultimate disposition of a fallen service member's remains.

Desired Outcome: Eliminate potential conflict with federal law, which may reduce the potential for family conflict at a time of bereavement, by states amending their laws on disposition of human remains to recognize the DD Form 93 as the authoritative written instrument for service members.

Progress: Ten states currently recognizes the DD 93 as the authoritative document for use by service members; however, we estimate nine states have statutes with sufficient latitude to allow for its use. The remaining states either do not provide for the designation of an agent, require use of a state specific form, or require a certain type of witnessing that might preclude the recognition of the DD Form 93. In order to add clarity for both family members and funeral directors, we believe statutes in all 50 states should include a statement recognizing the authority of the DD Form 93. The map below provides our current estimation of state flexibility for considering designations made on the DD Form 93.

- DD Form 93 (Record of Emergency Data)
- Public Law 109-163 Sec. 564
- Title 10 USC. Sec. 1481(a)(1-8)
- Title 10 USC, Sec. 1482(c)

Best Practice Examples:
The following are bills that were enacted in 2010 that provide for recognition of the DD Form 93:

Arizona HB 2400
Mississippi SB 2418
Maryland SB 408

10 USC § 1481. Recovery, care, and disposition of remains: decedents covered

(a) The Secretary concerned may provide for the recovery, care, and disposition of the remains of the following persons:

(1) Any Regular of an armed force under his jurisdiction who dies while on active duty.

(2) A member of a reserve component of an armed force who dies while—

(A) on active duty;

(B) performing inactive-duty training;

(C) performing authorized travel directly to or from active duty or inactive-duty training;

(D) remaining overnight immediately before the commencement of inactive-duty training, or remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training;

(E) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training; or

(F) either—

(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

(ii) traveling directly to or from the place at which the member is to so serve; or

(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member's residence.

[(3) Repealed. Pub. L. 99–661, div. A, title VI, § 604(e)(3)(B), Nov. 14, 1986, 100 Stat. 3877.]

(4) Any member of, or applicant for membership in, a reserve officers' training corps who dies while

(A) attending a training camp,

(B) on an authorized practice cruise,

(C) performing authorized travel to or from such a camp or cruise, or

(D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while attending such a camp, while on such a cruise, or while performing that travel.

(5) Any accepted applicant for enlistment in an armed force under his jurisdiction.

(6) Any person who has been discharged from an enlistment in an armed force under his jurisdiction while a patient in a United States hospital, and who continues to be such a patient until the date of his death.

(7) A person who—

(A) dies as a retired member of an armed force under the Secretary's jurisdiction during a continuous hospitalization of the member as a patient in a United States hospital that began while the member was on active duty for a period of more than 30 days; or

(B) is not covered by subparagraph (A) and, while in a retired status by reason of eligibility to retire under chapter 61 of this title, dies during a continuous hospitalization of the person that began while the person was on active duty as a Regular of an armed force under the Secretary's jurisdiction.

(8) Any military prisoner who dies while in his custody.

Persons Authorized to Direct Disposition of Remains
DoDI 1300.18

E2.41*E2.42*. Person Authorized to Direct Disposition of Human Remains (PADD). A person, usually the PNOK (see E2.45*E2.46*.), who is authorized to direct disposition of human remains. For disposing of human remains, under the authority of Reference (l), the Secretary of the Military Department concerned is deemed to have such standing if no other such person is available. Service members will *shall* identify a PADD on their DD Form 93. (See instructions at Enclosure 7.) Absent the identification of a PADD by the Service member, then the PADD is recognized in the following order:

E2.41.1*E2.42.1*. Surviving spouse. The legal spouse is one who was married to the deceased as prescribed by civil law, was not divorced from the deceased and has not remarried at the time disposition of remains is to be made. The latter might apply in the case of a Service member who has been declared deceased, body not recovered at the time of the casualty incident, and whose remains are later recovered and identified. If the spouse has remarried at the time disposition is to be made, the right of disposition will go to the next person in order of priority, and the remarried spouse will take priority under paragraph E2.41.8*E2.42.8*.

E2.41.2*E2.42.2*. Children who have reached the age of majority in order of seniority (age).

E2.41.3*E2.42.3*. Parents in order of seniority (age) unless legal custody was granted to another person by reason of court decree or statutory provision. Step-parents, who have not adopted the Service member, serve in *loco parentis* and are not considered parents for PADD purposes.

E2.41.4*E2.42.4*. Blood or adoptive relative of the individual who was granted legal custody of the Service member by reason of a court decree or statutory provision. The person to whom custody was granted remains the PADD despite the fact that the individual had reached the age of majority at the time of death.

E2.41.5*E2.42.5*. Brothers or sisters of legal age in order of seniority (age). When the deceased person has full siblings, half-siblings, or step-siblings, the order of precedence is the full siblings then the half-siblings. Step-siblings are not eligible to direct disposition of remains. Adopted siblings are treated the same as full siblings when adopted by both of the deceased person's biological parents. Adopted siblings are considered as half-siblings when adopted by only one of the deceased person's biological parents.

E2.41.6*E2.42.6*. Grandparents in order of seniority (age).

Change 1, 8/14/09 ENCLOSURE 234 Dodo 1300.18, January 8, 2008

E2.41.7*E2.42.7*. Other adult blood relatives in order of relationship to the individual under the laws of the deceased's domicile. When two individuals are of equal relationship, priority will be determined by age.

E2.41.8*E2.42.8*. Remarried surviving spouse. The remarried surviving spouse is one who was not divorced from the deceased and has remarried at the time disposition of remains is to be made. The latter might apply in the case of a Service member who is declared deceased, body not recovered, and whose remains are later recovered and identified.

E2.41.9*E2.42.9*. Persons standing in *loco parentis*. *Loco parentis* means any person(s) or institution who acted in place of the member's parent(s) for a period of not less than 1

year at any time before the member joined the military. Seniority in age will control when the persons are of equal relationship.

E2.41.10*E2.42.10*. Legal representative of the estate may make disposition of remains when all efforts to identify or locate a person in categories (1) through (9) are unsuccessful. The legal representative must be properly appointed by a civil court having jurisdiction of the decedent's estate.

E2.41.11*E2.42.11*. When all known persons in categories (1) through (10) relinquish disposition authority or cannot be identified or located, then disposition of the remains will be made by the administrative determination of the Secretary of the Military Department concerned or their designee.

See item 13a. on page 2 and instructions for same item number at the bottom of page 4 for required actions to be taken by Service members to designate a person authorized to direct disposition (PADD).

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)*

Reset

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.

ALASKA STATE LEGISLATURE

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Chair
State Affairs Committee

Co-chair
Joint Armed Services Committee

Vice Chair
Resources Committee
Judiciary Committee

Member
Admin Reg Review

SENATOR BILL WIELECHOWSKI

February 9, 2011

Representative Bob Lynn, Chair
House State Affairs Committee
State Capitol, Room 106
Juneau, Alaska 99801

michael Caulfield
x2435

Dear Representative Lynn:

I am writing to request a hearing on CS for SB 33(STA) "An Act relating to the disposition of remains of a member of the armed forces if the member dies while in a duty status."

CS for SB 33(STA) will place the State of Alaska in alignment with the Department of Defense Emergency Data Form (DD Form 93) and the Coast Guard Designation of Beneficiaries and Record of Emergency Data Form (CG-2020D), so that the authorized person designated to handle disposition of active duty service and guard member's remains is upheld.

CS for SB 33(STA) will honor the preferences chosen by armed forces members, guarantee that their remains are handled in the manner of their choosing, and ensure that family members avoid painful legal battles in the event of their death.

The bill passed the Senate unanimously with nineteen cosponsors, and the House Military and Veterans Committee unanimously voted "Do pass" on its companion bill.

Included with this letter you will find:
1. Sponsor Statement
2. Current Version of the Bill (LSO188\D)
3. Sectional Summary
4. Fiscal Note
5. Two Statements of Support
6. USA4Military Website Notice of Support
7. 10 USC § 1481
8. Department of Defense Form 1300.18
9. Map of States Comporting with Department of Defense Rules on Disposition
10. DD Form 93

Additionally, Ric Davidge of Vietnam Veterans of America will provide testimony from an LIO. Mark San Souci of the Under Deputy Secretary of Defense would like to be available on the Off-net line.

Verdie Bowen of the Alaska Department of Veterans Affairs will also be available for any additional questions. Thank you for your consideration of this request.

Sincerely,

Senator Bill Wielechowski
Co-prime Sponsor

Senator John Coghill
Co-prime Sponsor

Senator Joe Paskvan
Co-prime Sponsor

SB

89

<TARGET><BILL>SB 89</BILL><SUBJECT>SB
89</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 10, 2012 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 3-6-2012

The STATE AFFAIRS Committee considered: **CSSB 89(JUD)**

CS FOR SENATE BILL NO. 89(JUD)

"An Act clarifying that a legislator or legislative employee is allowed to accept certain compassionate gifts; allowing legislators and legislative employees who are representing persons in an administrative hearing to contact hearing officers and attempt to influence the outcome of the hearing if they are professionals licensed in the state, and allowing legislators and legislative employees who are not professionals licensed in the state to contact hearing officers for the purpose of influencing the outcome of the hearing in certain instances; requiring the Select Committee on Legislative Ethics to maintain a public record of certain ethics disclosures made by legislators and legislative employees; prohibiting a public member of the Select Committee on Legislative Ethics from disclosing confidential information without authorization; clarifying the ethics disclosure requirements for tickets to or gifts in connection with charity events; amending disclosure deadlines under the Legislative Ethics Act; relating to requests to refrain from disclosure under the Legislative Ethics Act; relating to the applicability of certain provisions of the Legislative Ethics Act to certain legislative employees, volunteers, and interns; establishing a seat for an alternate public member on the Select Committee on Legislative Ethics; clarifying the requirements related to participation by alternate public members and alternate legislative members in the proceedings of the committee; amending the definition of 'legislative employee' in the Legislative Ethics Act; and repealing a procedure for appointment of alternate legislative members."

SB 89-LEGISLATIVE ETHICS ACT

Recommends it be replaced with [ ] HCS *or* [X] CS *for* CS for SB89 (STA)

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR _____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero
2	LEGIS			X

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Peggy Wilson	WILSON	X			
Paul Seaton	SEATON	X			
Pete Petersen	PETERSEN	X			
Chair: Wes Keller	Keller			X	
Chair:					

HOUSE CS FOR CS FOR SENATE BILL NO. 89(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR COGHILL

A BILL

FOR AN ACT ENTITLED

"An Act clarifying that a legislator or legislative employee is allowed to accept certain compassionate gifts; allowing legislators and legislative employees who are representing persons in an administrative hearing to contact hearing officers and attempt to influence the outcome of the hearing if they are professionals licensed in the state, and allowing legislators and legislative employees who are not professionals licensed in the state to contact hearing officers for the purpose of influencing the outcome of the hearing in certain instances; requiring the Select Committee on Legislative Ethics to maintain a public record of certain ethics disclosures made by legislators and legislative employees; prohibiting a public member of the Select Committee on Legislative Ethics from disclosing confidential information without authorization; clarifying the ethics disclosure requirements for tickets to or gifts in connection with charity events; amending disclosure deadlines under the Legislative Ethics Act; relating to requests to

refrain from disclosure under the Legislative Ethics Act; relating to the applicability of certain provisions of the Legislative Ethics Act to certain legislative employees, volunteers, and interns; establishing a seat for an alternate public member on the Select Committee on Legislative Ethics; clarifying the requirements related to participation by alternate public members and alternate legislative members in the proceedings of the committee; amending the definition of 'legislative employee' in the Legislative Ethics Act; and repealing a procedure for appointment of alternate legislative members."

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

*** Section 1.** AS 24.60.030(a) is amended to read:

(a) A legislator or legislative employee may not

(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions, solicitation or acceptance of contributions for a charity event, as defined in AS 24.60.080(a)(2)(B), or the acceptance of a **gift** [LAWFUL GRATUITY] under **AS 24.60.075 or 24.60.080** [AS 24.60.080];

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of [EITHER] the legislator, legislative employee, or another person; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

(B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) the legislative council, notwithstanding AS 24.05.190, from designating a public facility for use by legislators and legislative employees for health or fitness purposes; when the council designates a facility to be used by legislators and legislative employees for health or fitness purposes, it shall adopt guidelines governing access to and use of the facility; the guidelines may establish times in which use of the facility is limited to specific groups;

(D) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others;

(E) a legislator from use of legislative employees to prepare and send out seasonal greeting cards;

(F) a legislator from using state resources to transport computers or other office equipment owned by the legislator but primarily used for a state function;

(G) use by a legislator of photographs of that legislator;

(H) reasonable use of the Internet by a legislator or a legislative employee except if the use is for election campaign purposes;

(I) a legislator or legislative employee from soliciting, accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable organization in a state facility;

(J) a legislator from sending any communication in the form of a newsletter 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

(K) full participation in a charity event approved in advance by the Alaska Legislative Council;

(3) knowingly seek, accept, use, allocate, grant, or award public funds for a purpose other than that approved by law, or make a false statement in connection with a claim, request, or application for compensation, reimbursement, or travel allowances from public funds;

(4) require a legislative employee to perform services for the private benefit of the legislator or employee at any time, or allow a legislative employee to perform services for the private benefit of a legislator or employee on government time; it is not a violation of this paragraph if the services were performed in an unusual or infrequent situation and the person's services were reasonably necessary to permit the legislator or legislative employee to perform official duties;

(5) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

(B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) storing or maintaining, consistent with (b) of this section, election campaign records in a legislator's office;

(D) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under

this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others; or

(E) use by a legislator of photographs of that legislator.

*** Sec. 2.** AS 24.60.030(i) is amended to read:

(i) **A** [EXCEPT FOR SUPPLYING INFORMATION REQUESTED BY THE HEARING OFFICER OR THE INDIVIDUAL, BOARD, OR COMMISSION WITH AUTHORITY TO MAKE THE FINAL DECISION IN THE CASE, OR WHEN RESPONDING TO CONTACTS INITIATED BY THE HEARING OFFICER OR THE INDIVIDUAL, BOARD, OR COMMISSION WITH AUTHORITY TO MAKE THE FINAL DECISION IN THE CASE, A] legislator or legislative employee may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer assigned to the hearing or the individual, board, or commission with authority to make the final decision in the **matter** [CASE] unless [THE]

(1) **the legislator or legislative employee is representing another person for compensation subject to AS 24.60.100 and as a professional who is licensed in the state;**

(2) the contact is made in the presence of all parties to the hearing or the parties' representatives **while the legislator or legislative employee is acting as a party or a witness in the matter or responding to a question asked of the legislator or legislative employee by the hearing officer, individual, board, or commission** and the contact is made a part of the record; or

(3) the contact is inadvertent and ex parte and the [(2)] fact and substance of the contact **are** [IS] promptly disclosed by the legislator or legislative employee to all parties to the hearing and [THE CONTACT IS] made a part of the record.

*** Sec. 3.** AS 24.60.030 is amended by adding a new subsection to read:

(j) In this section, "administrative hearing" means a quasi-judicial hearing before an agency; "administrative hearing" does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing.

* **Sec. 4.** AS 24.60.050(c) is amended to read:

(c) A legislator or legislative employee who participates in a program or receives a loan that is not exempt from disclosure under (a) of this section shall file with the committee by the date required under AS 24.60.105 a disclosure stating the amounts of the loans outstanding or benefits received during the preceding calendar year from nonqualifying programs. If the committee requests additional information necessary to determine the propriety of participating in the program or receiving the loan, it shall be promptly provided. The committee shall **maintain the disclosure as a public record and promptly forward the information contained in the disclosure** [PROMPTLY COMPILE A LIST OF THE STATEMENTS INDICATING THE LOANS AND PROGRAMS AND AMOUNTS AND SEND IT] to the presiding officer of each house who shall have it published in the supplemental journals on or before the next regularly scheduled publication of ethics disclosures. If a legislator or legislative employee asks the committee to keep any part of the disclosure confidential and a quorum of the committee determines by vote of a majority of committee members that making the entire disclosure public would cause an unjustifiable invasion of personal privacy, the committee may elect to publish only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170. If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that section.

* **Sec. 5.** AS 24.60.060(a) is amended to read:

(a) A legislator, [OR] legislative employee**, or public member of the committee** may not knowingly make an unauthorized disclosure of information that is made confidential by law and that the person acquired in the course of official duties. A person who violates this section is subject to a proceeding under AS 24.60.170 and may be subject to prosecution under AS 11.56.860 or another law.

* **Sec. 6.** AS 24.60.080(a) is amended to read:

(a) Except as otherwise provided in this section, a legislator or legislative employee may not

(1) solicit, accept, or receive, directly or indirectly, a gift worth $250 or more, whether in the form of money, services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same person worth less than $250 that in a calendar year aggregate to $250 or more in value;

(2) solicit, accept, or receive a gift with any monetary value from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist, except

(A) food or beverage for immediate consumption;

(B) a contribution to a charity event**,** [FROM ANY PERSON AT ANY TIME, AND] tickets **to** [FOR] a charity event**, and** [AT ANY TIME, EXCEPT THAT TICKETS TO OR] gifts **to which the tickets may entitle the bearer; however, under this subparagraph a legislator or legislative employee may not solicit, accept, or receive from the same lobbyist, an immediate family member of the lobbyist, or a person acting on behalf of the lobbyist, tickets to a charity event, gifts to which the tickets may entitle the bearer, or both, that in a calendar year aggregate to $250 or more in value** [RECEIVED AT A CHARITY EVENT UNDER THIS SUBPARAGRAPH ARE SUBJECT TO THE CALENDAR YEAR LIMIT ON THE VALUE OF GIFTS RECEIVED BY A LEGISLATOR OR LEGISLATIVE EMPLOYEE IN (1) OF THIS SUBSECTION]; in this subparagraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services **in connection with** [INVOLVED IN] the charity event;

(C) a gift that is unconnected with the recipient's legislative status and is from a member of the legislator's or legislative employee's immediate family;

(D) a gift delivered on the premises of a state facility and accepted on behalf of a recognized nonpolitical charitable organization; or

(E) a compassionate gift under AS 24.60.075.

* **Sec. 7.** AS 24.60.080(c) is amended to read:

(c) Notwithstanding (a)(1) of this section, it is not a violation of this section for a person who is a legislator or legislative employee to accept

(1) hospitality, other than hospitality described in (4) of this subsection,

(A) with incidental transportation at the residence of a person; however, a vacation home located outside the state is not considered a residence for the purposes of this subparagraph; or

(B) at a social event or meal;

(2) discounts that are available

(A) generally to the public or to a large class of persons to which the person belongs; or

(B) when on official state business, but only if receipt of the discount benefits the state;

(3) food or foodstuffs indigenous to the state that are shared generally as a cultural or social norm;

(4) travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern;

(5) gifts from the immediate family of the person; in this paragraph, "immediate family" means

(A) the spouse of the person;

(B) the person's domestic partner;

(C) a child, including a stepchild and an adoptive child, of the person or of the person's domestic partner;

(D) a parent, sibling, grandparent, aunt, or uncle of the person;

(E) a parent, sibling, grandparent, aunt, or uncle of the person's spouse or the person's domestic partner; and

(F) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or step-uncle of the person, the person's spouse, or the person's domestic partner;

(6) gifts that are not connected with the recipient's legislative status;

(7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator or legislative employee who is employed on the personal staff of a legislator or by a standing or special committee to the capital city or in recognition of the beginning of a legislative session if the gift or discount is available generally to all legislators and the personal staff of legislators and staff of standing and special committees; this paragraph does not apply to legislative employees who are employed by the Legislative Affairs Agency, the office of the chief clerk, the office of the senate secretary, the legislative budget and audit committee, the office of victims' rights, or the office of the ombudsman;

(8) a gift of legal services in a matter of legislative concern and a gift of other services related to the provision of legal services in a matter of legislative concern;

(9) a gift of transportation from a legislator or a legislative employee to a legislator or a legislative employee if the transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other means of transport owned or under the control of the donor; this paragraph does not apply to travel described in (4) of this subsection or travel for political campaign purposes; or

(10) a contribution to a charity event**, a ticket to a charity event, or a gift in connection with a charity event** [FROM ANY PERSON AT ANY TIME]; in this paragraph, "charity event" has the meaning given in (a)(2)(B) of this section.

*** Sec. 8.** AS 24.60.080(d) is amended to read:

(d) A legislator or legislative employee who accepts a gift under (c)(4) **of this section that has a value of $250 or more or a ticket to a charity event or gift in connection with a charity event under (c)(10)** of this section that has a value of $250 or more shall disclose to the committee, within **60** [30] days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of $250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and

occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4), (c)(8), **(c)(10),** and (i) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4), (c)(8), **(c)(10),** and (i) of this section that it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of $250 or more shall, within 30 days after receiving the gift, disclose to the committee the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

* **Sec. 9.** AS 24.60.080(h) is amended to read:

(h) A legislator, a legislative committee other than the Select Committee on Legislative Ethics, or a legislative agency may accept a gift of (1) volunteer services for legislative purposes so long as the person making the gift of services is not receiving compensation from another source for the services, or (2) the services of a **legislative intern** [TRAINEE] who is participating in an educational program approved by the committee if the services are used for legislative purposes. The committee shall approve training under a program of the University of Alaska and training under 29 U.S.C. 2801 - 2945 (Workforce Investment Act of 1998).

* **Sec. 10.** AS 24.60.105 is amended by adding a new subsection to read:

(d) A person may submit a written request to refrain from making a disclosure that is required by this chapter if making the disclosure would violate state or federal law, including the United States Constitution and the Constitution of the State of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law

requires the person to follow. The committee shall approve or deny the request, or require further justification from the person making the request. At the request of the committee or a person authorized to act on behalf of the committee, a person who seeks to refrain from making a disclosure under this subsection shall provide the committee with justification in writing, and the committee may review the written justification to determine whether it is sufficient.

*** Sec. 11.** AS 24.60.112 is repealed and reenacted to read:

Sec. 24.60.112. Applicability to legislative interns. A legislative intern shall be considered to be a legislative employee for purposes of compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.155, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative intern has violated the provisions of one of those sections, the person may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding.

*** Sec. 12.** AS 24.60.130(h) is amended to read:

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an employee whose work is supervised by the member or an advisory opinion requested by the member. If a regular legislative member of the committee is disqualified under this subsection from participating in a proceeding involving a complaint, the member's alternate shall be designated under **AS 24.60.131** [(n) OF THIS SECTION].

*** Sec. 13.** AS 24.60.130(o) is amended to read:

(o) Notwithstanding (h) [AND (n)] of this section **and AS 24.60.131**, if a complaint before the committee alleges a violation of this chapter by a group of legislators that includes a legislative member of the committee and that member's alternate, the member and alternate member are disqualified from serving on the committee with regard to the complaint. If the two disqualified members of the committee are members of the majority organizational caucus, the presiding officer of the house in which the two disqualified members serve shall appoint from that house an alternate to serve with regard to the complaint. If one of the two disqualified legislative members of the committee is not a member of the majority organizational caucus, the leader of the minority organizational caucus with the greatest number of

members shall appoint from that house an alternate to serve with regard to the complaint. If a complaint alleges a violation of this chapter that includes all legislative members of the majority organizational caucus of one house, the presiding officer of that house shall appoint from the other house an alternate to serve with regard to the complaint. If the complaint alleges a violation of this chapter that includes all legislative members of a minority organizational caucus of one house, the leader of that minority organizational caucus shall appoint from the other house an alternate to serve with regard to the complaint.

* **Sec. 14.** AS 24.60 is amended by adding a new section to read:

Sec. 24.60.131. Alternate members. (a) When appointing members of the legislature to serve on the committee under AS 24.60.130(b), the speaker of the house of representatives or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. The alternate member shall have the same qualifications for appointment to the committee as the regular member for whom the alternate stands as alternate. The alternate member's appointment is subject to confirmation as required for appointment of the regular member.

(b) When selecting public members to serve on the committee under AS 24.60.130(b), the Chief Justice of the Alaska Supreme Court shall select one alternate public member. The alternate public member's selection is subject to ratification as required for selection of the regular public members.

(c) Subject to (d) of this section, if a regular member of the committee or a subcommittee is unable to participate in a proceeding other than a proceeding under AS 24.60.170, the chair of the committee or subcommittee that holds the proceeding shall designate the regular member's alternate to participate in place of the regular member at the proceeding, and the alternate shall participate for the duration of that proceeding unless the alternate is unable to participate.

(d) If a regular member of the committee or a subcommittee or an alternate member appointed under (a) or (b) of this section participates at the commencement of a proceeding under AS 24.60.170, the member shall participate for the duration of the proceeding unless the member is disqualified under AS 24.60.130(h) or is unable to continue participating. If the participating member is disqualified under

AS 24.60.130(h) or becomes unable to participate, the chair of the committee or subcommittee that holds the proceeding shall designate the member's alternate to participate in place of the member for the duration of the proceeding unless the alternate is disqualified or is unable to participate.

(e) If both a regular legislative member and that member's alternate appointed under (a) of this section are not available to participate at the commencement of a proceeding under AS 24.60.170 because they are disqualified under AS 24.60.130(h), the presiding officer of the house in which the two members serve shall appoint from that house an alternate and designate that alternate to participate in the proceeding; however, if the two members who are not available to participate are not members of the majority organizational caucus, the leader of the minority organizational caucus with the greatest number of members shall appoint from that house an alternate and designate that alternate to participate in the proceeding.

(f) A designation under (c) - (e) of this section shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

*** Sec. 15.** AS 24.60.990(a)(11) is amended to read:

(11) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who **are hourly employees who** perform functions that are incidental to legislative functions, [INCLUDING SECURITY, MESSENGER, MAINTENANCE, AND PRINT SHOP EMPLOYEES,] and other employees designated by the committee;

*** Sec. 16.** AS 24.60.130(n) is repealed.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
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Re CS for SB89 - Draft Final 27-LS0452\R

3/6/2012

SB89 Version R moved from Committee this morning with three amendments. Please draft a final CS for SB89 Version R as amended. Thanks.

Amendment #1 (Seaton)
27-LS0452\R.2

Amendment #2 (Seaton)
27-LS0452\R.3

Conceptual Amendment #3 (Seaton)
Add a new section to the bill: 24.60.080 (h) (2) *delete* "trainee" insert **legislative intern**. So (h) (2) will read like this: the services of a legislative intern who is participating in an educational program approved by the committee if the services are used for legislative purposes.
...

27-LS0452\R.2
Wayne
3/2/12

AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVE SEATON

TO: CSSB 89(JUD)

Page 5, following line 26:

Insert a new bill section read:

"* **Sec. 3.** AS 24.60.030 is amended by adding a new subsection to read:

(j) In this section, "administrative hearing" means a quasi-judicial hearing before an agency; "administrative hearing" does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing."

Renumber the following bill sections accordingly.

27-LS0452\R.3
Wayne
3/2/12

AMENDMENT #2

OFFERED IN THE HOUSE BY REPRESENTATIVE SEATON

TO: CSSB 89(JUD)

Page 10, line 24, through page 11, line 1:

Delete all material and insert:

"* **Sec. 9**: AS 24.60.112 is repealed and reenacted to read:

Sec. 24.60.112. Applicability to legislative interns. A legislative intern shall be considered to be a legislative employee for purposes of compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.155, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative intern has violated the provisions of one of those sections, the person may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding."

Page 13, lines 5 - 15:

Delete all material.

Renumber the following bill sections accordingly.

Conceptual Amend #3 Senator
New Section to the bill legislative
Intern

(h) A legislator, a legislative committee other than the Select Committee on Legislative Ethics, or a legislative agency may accept a gift of (1) volunteer services for legislative purposes so long as the person making the gift of services is not receiving compensation from another source for the services, or (2) the services of a trainee who is participating in an educational program approved by the committee if the services are used for legislative purposes. The committee shall approve training under a program of the University of Alaska and training under 29 U.S.C. 2801 — 2945 (Workforce Investment Act of 1998).

(i) A legislator or legislative employee who knows or reasonably should know that an immediate family member has received a gift because of the family member's connection with the legislator or legislative employee shall disclose for publication under (d) of this section the receipt of the gift by the family member to the committee if the gift would have to be disclosed under this section if it had been received by the legislator or legislative employee. If receipt of the gift by a person who is a legislator or legislative employee would be prohibited under this section, a member of the person's immediate family may not receive the gift.

(j) In this section, the value of a gift shall be determined by the fair market value of the gift to the extent that the fair market value can be determined.

(k) *[Repealed, § 74 ch 47 SLA 2007.]* (§ 1 ch 36 SLA 1984; am § 3 ch 167 SLA 1988; am §§ 10 — 13, 42 ch 127 SLA 1992; am §§ 27 — 33 ch 74 SLA 1998; am § 9 ch 3 SLA 2002; am § 42 ch 86 SLA 2002; am § 28 ch 108 SLA 2003; am § 6 ch 115 SLA 2003; am § 3 ch 10 SLA 2006; am §§ 27 — 30, 74 ch 47 SLA 2007; am §§ 2, 3 ch 94 SLA 2008)

Revisor's notes. — Subsections (g) — (j) were enacted as (h) — (k). Relettered in 1998, at which time former subsection (g) was relettered as (k).

Effect of amendments. — The 2006 amendment, effective March 31, 2006, added paragraph (11) of subsection (c), making corresponding stylistic changes.

The 2007 amendment, effective July 10, 2007, inserted the paragraph (1) and (2) designations in subsection (a), rewrote paragraph (a)(2), substituted "(a)(1)" for "(a)" in the introductory language of subsection (c), inserted "person who is a" in the introductory language of subsection (c), added the definition of "immediate family" in paragraph (c)(5), inserted "the office of victims' rights" in paragraph (c)(7), inserted "or a legislative employee" twice in paragraph (c)(9), deleted former paragraph (c)(10), relating to tickets for charity events, redesignated former paragraph (c)(11) as (c)(10), substituted "(a)(2)(B)" for "(10)" in paragraph (c)(10), substituted "(c)(8), and (i)" for "and (8)" in the third and fourth sentences of subsection (d), substituted "within 30 days after receiving the gift, disclose to the committee" for "disclose to the committee annually on or before March 15" in the fifth sentence of subsection (d), split subsection (i) into two sentences, substituted "an immediate family member" for "a family member," "disclose for publication under (d) of this section" for "report," and "disclosed" for "reported" in the first sentence of subsection (i), inserted "person who is a" and "a member of the person's immediate family may not receive the gift" in the second sentence of subsection (i), and repealed subsection (k).

The 2008 amendment, effective September 14, 2008, inserted "a contribution to a charity event from any person at any time, and" at the beginning of subparagraph (a)(2)(B), added subparagraphs (a)(2)(C) — (E), and deleted the last two sentences of subsection (h), relating to legislative volunteers or educational trainees.

Sec. 24.60.085. Restrictions on earned income and honoraria. (a) A legislator or legislative employee may not

(1) seek or accept compensation for personal services that is significantly greater than the value of the services rendered taking into account the higher rates generally charged by specialists in a profession; or

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

(b) Notwithstanding (a) of this section, a legislator or legislative employee may accept a payment for an appearance or speech if the appearance or speech is not connected with the person's legislative status.

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Room 504

SENATOR JOHN COGHILL

Senate Bill 89 Legislative Ethics Amendments
Version R

This bill is a **product of discussions by the Select Committee of Legislative** Ethics over the **past couple of years**. There are some clarifications of existing statutes and amendments to current law to accommodate issues arisen dealing with confidentiality and meeting quorums.

The bill draws a bright line for legislators and legislative staff to follow for assisting constituents with problems they encounter with state agencies. Once an issue has been appealed to an administrative hearing officer, the legislator or legislative staffer may no longer make contacts with the agency, unless that person is a licensed professional to represent a person in such a proceeding and is being compensated for that representation. There are also provisions for inadvertent ex parte contact.

SB 89 clarifies that a **gift of a ticket from a lobbyist to a charity** event sanctioned by Legislative Council **cannot exceed $250.00**. It also further **describes a contribution to a charity event** as a ticket to a charity event or a gift in connection with the charity event.

It also **extends the reporting deadline for reporting gifts of travel and from charitable events from 30 to 60 days** and **expands legislative ethics training to legislative volunteers or educational trainees who are on the job for more than 30 days**.

The bill adds **public members of the ethics committee** to the statute prohibiting members from knowingly making **unauthorized disclosure of confidential information**. This bill clarifies that disclosures prohibited by state and federal confidentiality laws are not required by the Select Committee on Legislative Ethics

Lastly, the bill adds a statute **creating an alternate public member** and would allow **any alternate member** of the ethics committee who participates in the beginning of a proceeding to **participate in the entire proceeding**. The Chief Justice of the Alaska Supreme Court would appoint the alternate for the public members.

ALASKA STATE LEGISLATURE

SENATOR JOHN COGHILL

State Capitol, Room 504, Juneau, AK 99801-1182 (907) 465-3719
3340 Badger Road Suite #290, North Pole, AK 99705 (907) 488-5725

MEMORANDUM

SB 89 Legislative Ethics Bill Summary of Version R

Sec. 1. **Replaces** "lawful gratuity" with **"gift"** to make section of law consistent with the usage of "gift".

Sec. 2. **Bright line** for legislators or staff being actively involved in constituent problems with the State. Once the issue is assigned to an administrative hearing the involvement of the legislative office ceases. Exceptions are included for lawyers and provision for inadvertent exparte contact.

Sec. 3. **Eliminates requirement** of committee to **compile lists of financial disclosure** statements. They must only maintain public records and forward them to chief clerk and senate secretary.

Sec. 4. **Adds public members** to statute **prohibiting disclosure of confidential information.**

Sec. 5. Clarifies that a **ticket to a charity event from a lobbyist**, or gifts received because of the ticket from a lobbyist **cannot exceed $250**.

Sec. 6. **Further describes "a contribution to a charity event"** by clarifying it could be a ticket to a charity event or a gift in connection with a charity event.

Sec. 7. **Extend the reporting period** for gifts of travel for the purpose of obtaining information on legislative matters and disclosure of gifts from charitable events **from 30 days to 60 days**.

Sec. 8. **Allows for exceptions from disclosure** under the legislative ethics law **if** it would be in **violation of the state or federal constitution or state or federal law**. **The State Affairs Committee added language that includes exceptions for disclosures for a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow.** A written request with justification must be submitted to the committee.

Sec. 9. Requires anyone who is a **volunteer or educational trainee for more than 30 days to take the ethics training. The 30 day guideline was added in State Affairs.**

Sec. 10. Adds cite for new section on Alternate Members to statute describing the committee, its structure and its duties.

Sec. 11. Adds cite for new section on Alternate Members to statute describing the committee, its structure and its duties.

Sec. 12. This is a **new section describing the process for appointing alternates.** The section adds a **new provision that provides for the Chief Justice to appoint an alternate public member.**

Sec. 13. **Adds legislative volunteers and educational trainees** who are in that capacity for **more than 30 days** to the statute requiring the Legislative ethics course. **The 30 day guideline was added in State Affairs.**

Sec. 14. **Redefines** legislative employee.

Sec. 15. **Repeals** old statute describing the process for appointing alternates.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **CSSB 89(JUD)**
Fiscal Note Number: 2
(S) Publish Date: 1/30/12

Identifier (file name): CSSB89-LEG-COU-1-17-2012
Title: "Legislative Ethics Act"
Sponsor: Senator Coghill
Requester: Senate Judiciary Committee

Dept. Affected: Legislature
Appropriation: Legislative Council
Allocation: Select Committee on Ethics
OMB Component Number: 2321

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by: Jessica Geary, Finance Manager — Phone 465-6626
Division: Legislative Affairs Agency — Date/Time 1/17/12 10:46 AM
Approved by: Pamela Varni, Executive Director — Date 1/17/2012
Legislative Affairs Agency

(Revised 8/17/2011 OMB)

FISCAL NOTE #2

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSB 89(JUD)

Analysis

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Sec. 44.64.200. Definitions.

In this chapter,

(1) "administrative hearing" means a quasi-judicial hearing before an agency; it does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing;

(2) "administrative law judge" means a hearing officer who is retained or employed by the office;

(3) "agency" means an agency of the executive branch of state government, including an officer, a division, or another subunit of an agency, a board or commission, a public corporation, and the University of Alaska;

(4) "hearing officer" means an individual who presides over the conduct of an administrative hearing and who is retained or employed by an agency for that purpose;

(5) "office" means the office of administrative hearings established in AS 44.64.010.

non-adjudicative - a process of resolving a dispute which is done outside of a court of law, but within the jurisdiction of administrative law; exercising a judicial function.

" Evidentiary hearing, full hearing, agency adjudication,"

C.J.S. *Executors and Administrators* §§ 935–936, 946.]

administration de bonis non cum testamento annexo (de **boh**-nis non kəm tes-tə-**men**-toh ə-**nek**-soh). An administration granted to settle the remainder of a testate estate not settled by a previous administrator or executor. • This type of administration arises when there is a valid will, as opposed to an *administration de bonis non*, which is granted when there is no will. — Abbr. d.b.n.c.t.a.

administration durante absentia (d[y]uu-**ran**-tee ab-**sen**-shee-ə). An administration granted during the absence of either the executor or the person who has precedence as administrator.

administration durante minore aetate (d[y]uu-**ran**-tee mi-**nor**-ee ee-**tay**-tee). An administration granted during the minority of either a child executor or the person who has precedence as administrator.

administration pendente lite (pen-**den**-tee **lI**-tee). An administration granted during the pendency of a suit concerning a will's validity. — Also termed *pendente lite administration*; *special administration*. See PENDENTE LITE. [Cases: Executors and Administrators ⇦22. C.J.S. *Executors and Administrators* §§ 951–952, 954–956.]

administration with the will annexed. See *administration cum testamento annexo*.

ancillary administration (**an**-sə-ler-ee). An administration that is auxiliary to the administration at the place of the decedent's domicile, such as one in another state. • The purpose of this process is to collect assets, to transfer and record changed title to real property located there, and to pay any debts in that locality. — Also termed *foreign administration*. [Cases: Executors and Administrators ⇦518–526. C.J.S. *Executors and Administrators* §§ 916–935.]

> "The object of ancillary administration is to collect assets of nonresident decedents found within the state and remit the proceeds to the domiciliary executor or administrator. . . . One of the principal purposes of ancillary administration is to protect local creditors of nonresident decedents by collecting and preserving local assets for their benefit." 31 Am. Jur. 2d *Executors and Administrators* §§ 1057–1058, at 686 (2002).

caeterorum administration (set-ə-**ror**-əm). [Latin "of the rest"] An administration granted when limited powers previously granted to an administrator are inadequate to settle the estate's residue.

domiciliary administration (dom-ə-**sil**-ee-er-ee). The handling of an estate in the state where the decedent was domiciled at death.

foreign administration. See *ancillary administration*.

general administration. An administration with authority to deal with an entire estate. Cf. *special administration*.

limited administration. An administration for a temporary period or for a special purpose. [Cases: Executors and Administrators ⇦22. C.J.S. *Executors and Administrators* §§ 951–952, 954–956.]

original administration. An administration that is not ancillary to a domiciliary administration.

pendente lite administration. See *administration pendente lite*.

public administration. In some jurisdictions, an administration by an officer appointed to administer for an intestate who has left no person entitled to apply for letters (or whose possible representatives refuse to serve). [Cases: Executors and Administrators ⇦24.]

special administration. **1.** An administration with authority to deal with only some of a decedent's property, as opposed to administering the whole estate. **2.** See *administration pendente lite*. Cf. *general administration*. [Cases: Executors and Administrators ⇦22. C.J.S. *Executors and Administrators* §§ 951–952, 954–956.]

temporary administration. An administration in which the court appoints a fiduciary to administer the affairs of a decedent's estate for a short time before an administrator or executor can be appointed and qualified. [Cases: Executors and Administrators ⇦22. C.J.S. *Executors and Administrators* §§ 951–952, 954–956.]

administration bill. See BILL (3).

administration expense. *Tax.* A necessary expenditure made by an administrator in managing and distributing an estate. • These expenses are tax-deductible even if not actually incurred by the time the return is filed. [Cases: Executors and Administrators ⇦108. C.J.S. *Executors and Administrators* § 237.]

Administration for Children and Families. A unit in the U.S. Department of Health and Human Services responsible for health issues involving children and families, refugees, legalized aliens, and people with developmental disabilities. — Abbr. ACF.

administration letters. See LETTERS OF ADMINISTRATION.

administration of justice. The maintenance of right within a political community by means of the physical force of the state; the state's application of the sanction of force to the rule of right.

Administration on Aging. A unit in the U.S. Department of Health and Human Services responsible for promoting the welfare of the elderly and for assisting the states and Native American governments in doing so.

administration pendente lite. See ADMINISTRATION.

administration with the will annexed. See *administration cum testamento annexo* under ADMINISTRATION.

administrative act. See ACT.

administrative adjudication. The process used by an administrative agency to issue regulations through an adversary proceeding. Cf. RULEMAKING. [Cases: Administrative Law and Procedure ⇦441–513. C.J.S. *Public Administrative Law and Procedure* §§ 87, 115–171.]

administrative agency. See AGENCY (3).

administrative collateral estoppel. See COLLATERAL ESTOPPEL.

Administrative Conference of the United States. A former independent federal agency that provided a forum where agency heads, private attorneys, uni-

ad largum (ad **lahr**-gəm), *adj.* [Law Latin] At large; at liberty; unconfined.

adlegiare (ad-lee-jee-**air**-ee), *vb.* [Law Latin] To purge (oneself) of a crime by oath. See PURGATION.

ad levandam conscientiam (ad lə-**van**-dəm kon-shee-**en**-shee-əm). [Law Latin] *Scots law.* For the purpose of easing the conscience. • The phrase typically described certain confessions that a criminal suspect voluntarily made when apprehended and that could be used as evidence in the criminal trial. But an arrested suspect's responses to questions posed by the arresting officer were usu. not admissible because only a magistrate could ask such questions.

ad libellum rescribere (ad lə-**bel**-əm ri-**skrī**-bə-ree), *vb.* [Latin] *Roman law.* To write an answer to a petition, esp. one to the emperor. See RESCRIPT (3).

ad libitum (ad **lib**-i-təm), *adv.* [Law Latin] At pleasure. • The modern term *ad-lib* (adj. & vb.), borrowed from drama and music, is essentially the same; it means "at the performer's pleasure," and allows the performer discretion in innovating a part impromptu.

> "[B]ut in actions where the damages are precarious, being to be assessed *ad libitum* by a jury, as in actions for words, ejectment, or trespass, it is very seldom possible for a plaintiff to swear to the amount of his cause of action; and therefore no special bail is taken thereon . . . ." 3 William Blackstone, *Commentaries on the Laws of England* 292 (1768).

ad litem (ad **lī**-tem *or* -təm). [Latin "for the suit"] For the purposes of the suit; pending the suit. See *guardian ad litem* under GUARDIAN.

ad longum (ad **long**-gəm). [Law Latin] *Hist.* At length.

ad lucrandum vel perdendum (ad loo-**kran**-dəm vel pər-**den**-dəm), *adv.* [Law Latin] For gain or loss. • These were emphatic words in a warrant of attorney. It is sometimes expressed "to lose and gain." See WARRANT OF ATTORNEY.

ad majorem cautelam (ad mə-**jor**-əm kaw-**tee**-ləm), *adv.* [Law Latin] For greater security.

admanuensis (ad-man-yoo-**en**-sis), *n.* [Law Latin fr. Latin *ad-* + *manus* "a hand"] *Hist.* An oath-taker who places a hand on the Bible.

ad manum (ad **may**-nəm), *adj.* [Latin] At hand; ready for use.

admeasurement (ad-**mezh**-ər-mənt), *n.* **1.** Ascertainment, assignment, or apportionment by a fixed quantity or value, or by certain limits <the ship's admeasurement is based on its crew, engine, and capacity>. **2.** A writ obtained for purposes of ascertaining, assigning, or apportioning a fixed quantity or value or to establish limits; esp., a writ available against persons who usurp more than their rightful share of property. — **admeasure** (ad-**mezh**-ər), *vb.*

> ***admeasurement of dower.*** *Hist.* A writ to recover property from a widow who held more than she was entitled to. — Also termed *admensuratione dotis.*
>
> ***admeasurement of pasture.*** *Hist.* A writ against a person whose cattle have overgrazed a common pasture.

ad medium filum aquae. See AD FILUM AQUAE.

ad medium filum viae. See AD FILUM VIAE.

ad melius inquirendum (ad **mee**-lee-əs in-kwə-**ren**-dəm), *n.* [Law Latin "for making better inquiry"] *Hist.* A writ commanding a coroner to hold a second inquest.

admensuratio (ad-men-shə-**ray**-shee-oh), *n.* [Law Latin] *Hist.* Admeasurement.

admensuratione dotis. See *admeasurement of dower* under ADMEASUREMENT.

adminicle (ad-**min**-i-kəl), *n.* **1.** Corroborative or explanatory proof. **2.** *Scots law.* A writing that tends to establish the existence or terms of an otherwise unavailable document, such as a lost will or deed. — Also termed *adminiculum.*

adminicular (ad-mə-**nik**-yə-lər), *adj.* Corroborative or auxiliary <adminicular evidence>.

adminicular evidence. See EVIDENCE.

adminiculate (ad-mə-**nik**-yə-layt), *vb. Scots law.* To give corroborating evidence.

adminiculum (ad-mə-**nik**-yə-ləm), *n.* [Latin "support"] *Roman law.* Legal or evidentiary means of supporting one's case; ADMINICLE.

administration, *n.* **1.** The management or performance of the executive duties of a government, institution, or business. **2.** In public law, the practical management and direction of the executive department and its agencies. [Cases: Administrative Law and Procedure ⇦301–513. C.J.S. *Public Administrative Law and Procedure* §§ 49–171.] **3.** A judicial action in which a court undertakes the management and distribution of property. • Examples include the administration of a trust, the liquidation of a company, and the realization and distribution of a bankrupt estate. See JOINT ADMINISTRATION. **4.** The management and settlement of the estate of an intestate decedent, or of a testator who has no executor, by a person legally appointed and supervised by the court. • Administration of an estate involves realizing the movable assets and paying out of them any debts and other claims against the estate. It also involves the division and distribution of what remains. [Cases: Executors and Administrators ⇦1–516. C.J.S. *Executors and Administrators* §§ 2–98, 100–181, 183–877, 879–899, 935–966; *Parent and Child* § 259; *Wills* § 157.] — **administer,** *vb.* — **administrative,** *adj.*

> ***administration cum testamento annexo*** (kəm tes-tə-**men**-toh ə-**nek**-soh). [Latin "with the will annexed"] An administration granted when (1) a testator's will does not name any executor or when the executor named is incompetent to act, is deceased, or refuses to act, and (2) no successor executor has been named or is qualified to serve. — Abbr. c.t.a. — Also termed *administration with the will annexed.* [Cases: Executors and Administrators ⇦21. C.J.S. *Executors and Administrators* §§ 947–948.]
>
> ***administration de bonis non*** (dee **boh**-nis **non**). [Latin "of the goods not administered"] An administration granted for the purpose of settling the remainder of an intestate estate that was not administered by the former administrator. — Abbr. d.b.n. [Cases: Executors and Administrators ⇦37.

versity professors, and others studied ways to improve the procedures that agencies use in administering federal programs. • ACUS was abolished in 1995. — Abbr. ACUS.

administrative-control rule. *Tax.* The rule making the grantor of a trust liable for tax if the grantor retains control that may be exercised primarily for the grantor's own benefit. IRC (26 USCA) § 675. [Cases: Internal Revenue ⇦4028.]

administrative-convenience exception. *Bankruptcy.* A provision permitting a bankruptcy plan to have a separate classification for small, unsecured claims, to the extent that the separate classification will assist in a more efficient disposition of the estate, as by paying or eliminating the small claims earlier than other claims. 11 USCA § 1122(b). [Cases: Bankruptcy ⇦3550. C.J.S. *Bankruptcy* § 386.]

administrative crime. See CRIME.

administrative deviation. A trustee's unauthorized departure from the terms of the trust.

administrative discharge. See DISCHARGE (8).

administrative discretion. See DISCRETION (4).

Administrative Domain-Name Challenge Panel. *Trademarks.* A board of experts convened under the auspices of the World Intellectual Property Organization to decide Internet domain-name disputes. — Abbr. ACP.

administrative expense. 1. OVERHEAD. **2.** *Bankruptcy.* A cost incurred by the debtor, after filing a bankruptcy petition, that is necessary for the debtor to continue operating its business. • Administrative expenses are entitled to payment on a priority basis when the estate is distributed. 11 USCA § 503(b). See *general administrative expense* under EXPENSE. [Cases: Bankruptcy ⇦2871–2879. C.J.S. *Bankruptcy* §§ 232, 250–254, 281, 354.]

administrative freeze. *Bankruptcy.* The refusal by a debtor's bank to permit withdrawals from the debtor's bank account after the bank learns that the debtor has filed bankruptcy, usu. because the debtor owes money to the bank in addition to maintaining funds on deposit. [Cases: Bankruptcy ⇦2678. C.J.S. *Bankruptcy* § 164.]

administrative hearing. An administrative-agency proceeding in which evidence is offered for argument or trial. [Cases: Administrative Law and Procedure ⇦469. C.J.S. *Public Administrative Law and Procedure* §§ 134, 136, 138–139.]

administrative interpretation. See INTERPRETATION.

administrative law. The law governing the organization and operation of administrative agencies (including executive and independent agencies) and the relations of administrative agencies with the legislature, the executive, the judiciary, and the public. • Administrative law is divided into three parts: (1) the statutes endowing agencies with powers and establishing rules of substantive law relating to those powers; (2) the body of agency-made law, consisting of administrative rules, regulations, reports, opinions containing findings of fact, and orders; and (3) the legal principles governing the acts of public agents when those acts conflict with private rights. [Cases: Administrative Law and Procedure ⇦1. C.J.S. *Public Administrative Law and Procedure* § 2.]

> "Administrative law deals with the field of legal control exercised by law-administering agencies other than courts, and the field of control exercised by courts over such agencies." Felix Frankfurter, *The Task of Administrative Law*, 75 U. Pa. L. Rev. 614, 615 (1927).
>
> "[A]dministrative law is to labor law, securities regulation, and tax what civil procedure is to contracts, torts, and commercial law. Administrative law studies the way government institutions do things. It is therefore the procedural component to any practice that affects or is affected by government decisionmakers other than just the courts. Its study goes beyond traditional questions; it explores a variety of procedures and it develops ideas about decisionmaking and decisionmakers." 1 Charles H. Koch, *Administrative Law and Practice* § 1.2, at 2 (2d ed. 1997).

international administrative law. **1.** The internal law and rules of international organizations. **2.** The substantive rules of international law that directly refer to the administrative matters of individual states. **3.** Domestic administrative law specifically concerned with international problems or situations. — Also termed *administrative international law.*

administrative-law judge. An official who presides at an administrative hearing and who has the power to administer oaths, take testimony, rule on questions of evidence, and make factual and legal determinations. 5 USCA § 556(c). — Abbr. ALJ. — Also termed *hearing examiner*; *hearing officer*; *trial examiner.* [Cases: Administrative Law and Procedure ⇦443. C.J.S. *Public Administrative Law and Procedure* § 138.]

Administrative Office of the United States Courts. An office in the judicial branch of the federal government responsible for administering the nonjudicial business of the federal courts (except the Supreme Court), disbursing funds, collecting statistics, fixing certain salaries, and purchasing supplies and equipment. • Created in 1939, the Office is supervised by the Judicial Conference of the United States. 28 USCA §§ 601 et seq. — Abbr. AOUSC; AO. See JUDICIAL CONFERENCE OF THE UNITED STATES. [Cases: Courts ⇦55. C.J.S. *Courts* §§ 107–109.]

administrative officer. See OFFICER (1).

administrative order. See ORDER (2).

administrative patent judge. See JUDGE.

Administrative Procedure Act. 1. A federal statute establishing practices and procedures to be followed in rulemaking and adjudication. • The Act was designed to give citizens basic due-process protections such as the right to present evidence and to be heard by an independent hearing officer. **2.** A similar state statute. — Abbr. APA. [Cases: Administrative Law and Procedure ⇦4. C.J.S. *Public Administrative Law and Procedure* § 3.]

administrative proceeding. A hearing, inquiry, investigation, or trial before an administrative agency, usu. adjudicatory in nature but sometimes quasi-legislative. — Also termed *evidentiary hearing*; *full hearing*; *trial-type hearing*; *agency adjudication.* [Cases: Administrative Law and Procedure ⇦309, 341–513. C.J.S. *Public Administrative Law and Procedure* §§ 71, 76–171.]

administrative process. 1. The procedure used before administrative agencies. [Cases: Administrative Law

and Procedure ⇐309. C.J.S. *Public Administrative Law and Procedure* § 71.] **2.** The means of summoning witnesses to an agency hearing. [Cases: Administrative Law and Procedure ⇐464. C.J.S. *Public Administrative Law and Procedure* §§ 124, 132.]

administrative remedy. See REMEDY.

administrative review. See REVIEW.

administrative rule. An officially promulgated agency regulation that has the force of law. • Administrative rules typically elaborate the requirements of a law or policy. [Cases: Administrative Law and Procedure ⇐381. C.J.S. *Public Administrative Law and Procedure* §§ 87, 91.]

administrative rulemaking. See RULEMAKING.

administrative search. See SEARCH.

administrative search warrant. See *administrative warrant* under WARRANT (1).

administrative tribunal. An administrative agency before which a matter may be heard or tried, as distinguished from a purely executive agency; an administrative agency exercising a judicial function. [Cases: Administrative Law and Procedure ⇐309. C.J.S. *Public Administrative Law and Procedure* § 71.]

administrative warrant. See WARRANT (1).

administrator (ad-**min**-ə-stray-tər). **1.** A person who manages or heads a business, public office, or agency. [Cases: Executors and Administrators ⇐17. C.J.S. *Executors and Administrators* § 34.]

court administrator. An official who supervises the nonjudicial functions of a court, esp. the court's calendar, judicial assignments, budget, and nonjudicial personnel. [Cases: Courts ⇐55. C.J.S. *Courts* §§ 107–109.]

local administrator. *Conflict of laws.* An administrator appointed in the state where property is located or where an act is done.

2. A person appointed by the court to manage the assets and liabilities of an intestate decedent. • This term once referred to males only (as opposed to *administratrix*), but legal writers now generally use *administrator* to refer to someone of either sex. In the Restatement of Property, the term *administrator* includes the term *executor* unless specifically stated otherwise. Cf. EXECUTOR (2).

administrator ad colligendum (ad kol-i-**jen**-dəm). An administrator appointed solely to collect and preserve the decedent's estate.

administrator ad litem (ad **lī**-tem *or* -təm). A special administrator appointed by the court to represent the estate's interest in an action usu. either because there is no administrator of the estate or because the current administrator has an interest in the action adverse to that of the estate. [Cases: Executors and Administrators ⇐22. C.J.S. *Executors and Administrators* §§ 951–952, 954–956.]

administrator ad prosequendum (ad prahs-ə-**kwen**-dəm). An administrator appointed to prosecute or defend a certain action or actions involving the estate. [Cases: Executors and Administrators ⇐22. C.J.S. *Executors and Administrators* §§ 951–952, 954–956.]

administrator c.t.a. See *administrator cum testamento annexo.*

administrator cum testamento annexo (kəm tes-tə-**men**-toh ə-**nek**-soh). An administrator appointed by the court to carry out the provisions of a will when the testator has named no executor, or the executors named refuse, are incompetent to act, or have died before performing their duties. — Also termed *administrator c.t.a.*; *administrator with the will annexed.* [Cases: Executors and Administrators ⇐21. C.J.S. *Executors and Administrators* §§ 947–948.]

administrator d.b.n. See *administrator de bonis non.*

administrator de bonis non (dee **boh**-nis **non**). An administrator appointed by the court to administer the decedent's goods that were not administered by an earlier administrator or executor. • If there is no will, the administrator bears the name *administrator de bonis non* (abbr. *administrator d.b.n.*), but if there is a will, the full name is *administrator de bonis non cum testamento annexo* (abbr. *administrator d.b.n.c.t.a.*). [Cases: Executors and Administrators ⇐37. C.J.S. *Executors and Administrators* §§ 935–936, 946.]

administrator durante absentia (d[y]uu-**ran**-tee ab-**sen**-shee-ə). An administrator appointed to act while an estate's executor or an administrator with precedence is temporarily absent.

administrator durante minore aetate (d[y]uu-**ran**-tee mi-**nor**-ee ee-**tay**-tee). An administrator who acts during the minority of a person who either is named by the testator as the estate's executor or would be appointed as the estate's administrator but for the person's youth.

administrator pendente lite. See *special administrator.*

administrator with the will annexed. See *administrator cum testamento annexo.*

ancillary administrator (**an**-sə-ler-ee). A court-appointed administrator who oversees the distribution of the part of a decedent's estate located in a jurisdiction other than where the decedent was domiciled (the place of the main administration). [Cases: Executors and Administrators ⇐518. C.J.S. *Executors and Administrators* § 916.]

domiciliary administrator. A person appointed to administer an estate in the state where the decedent was domiciled at death.

foreign administrator. An administrator appointed in another jurisdiction. [Cases: Executors and Administrators ⇐517. C.J.S. *Executors and Administrators* § 915.]

general administrator. A person appointed to administer an intestate decedent's entire estate.

public administrator. A state-appointed officer who administers intestate estates that are not administered by the decedent's relatives. • This officer's right to administer is usu. subordinate to the rights of creditors, but in a few jurisdictions the

> "Quasi-judicial is a term that is . . . not easily definable. In the United States, the phrase often covers judicial decisions taken by an administrative agency — the test is the nature of the tribunal rather than what it is doing. In England quasi-judicial belongs to the administrative category and is used to cover situations where the administrator is bound by the law to observe certain forms and possibly hold a public hearing but where he is a free agent in reaching the final decision. If the rules are broken, the determination may be set aside, but it is not sufficient to show that the administration is biased in favour of a certain policy, or that the evidence points to a different conclusion." George Whitecross Paton, *A Textbook of Jurisprudence* 336 (G.W. Paton & David P. Derham eds., 4th ed. 1972).

quasi-judicial act. 1. A judicial act performed by an official who is not a judge. [Cases: Officers and Public Employees ⇐110. C.J.S. *Officers and Public Employees* §§ 234–245.] **2.** An act performed by a judge who is not acting entirely in a judicial capacity. See *judicial act* under ACT.

quasi-judicial duty. See DUTY (1).

quasi-judicial power. See POWER (3).

quasi-legislative, *adj.* (Of an act, function, etc.) not purely legislative in nature <the administrative agency's rulemaking, being partly adjudicative, is not entirely legislative — that is, it is quasi-legislative>. [Cases: Administrative Law and Procedure ⇐106, 381. C.J.S. *Public Administrative Law and Procedure* §§ 10, 87, 91.]

quasi-legislative power. See POWER (3).

quasi-main motion. See *incidental main motion* under MOTION (2).

quasi-municipal corporation. See *quasi-corporation* under CORPORATION.

quasi-national domicile. See DOMICILE.

quasi-offense. See OFFENSE (2).

quasi-partner. See PARTNER.

quasi-personalty. See PERSONALTY.

quasi-possession. See *incorporeal possession* under POSSESSION.

quasi-posthumous child. See CHILD.

quasi-public corporation. See CORPORATION.

quasi-pupillary substitution. See SUBSTITUTION (5).

quasi-realty. See REALTY.

quasi-rent. (*often pl.*) *Law and economics.* Value over and above one's opportunity cost or next best alternative; the excess of an asset's value over its salvage value. • In the economic theory of marriage, a quasi-rent is a spouse's excess value of the marriage over the value of the next best option of not being in that specific marriage. The next best option may be separation, divorce, or divorce and remarriage, depending on the spouse's preferences and opportunities.

quasi-seisin. See SEISIN.

quasi-suspect classification. See SUSPECT CLASSIFICATION.

quasi-tenant. See TENANT.

quasi-tort. See TORT.

quasi traditio (**kway**-si [*or* -zi] trə-**dish**-ee-oh). [Latin "as if transfer"] *Roman law.* A party's acquisition of a servitude by using it with the informal permission or acquiescence of the owner.

> "According to the civil law again a servitude — that is, a limited right of user in respect of a thing not one's own, e.g. a usufruct or a right of way — could only be created by means of certain definite legal forms. The praetorian law, on the other hand, allowed a servitude to be created by a so-called quasi traditio servitutis; that is, it was satisfied if one party gave the other, without any form, permission to exercise the right of user in question." Rudolph Sohm, *The Institutes: A Textbook of the History and System of Roman Private Law* 82 (James Crawford Ledlie trans., 3d ed. 1907).

quasi-trustee. See TRUSTEE (1).

quasi-usufruct. See USUFRUCT.

quator tempora jejunii. See EMBER DAYS.

quattuor pedibus currit (**kwah**-too-or **ped**-ə-bəs **kər**-it). [Law Latin] It runs upon four feet; it runs upon all fours. • The term commonly described a precedent that was extremely close to a point being decided. See ON ALL FOURS.

quayage (**kee**-əj). A toll or fee charged for lading or unlading goods on a quay or wharf. — Also written *keyage*.

***Quayle* action.** *Patents.* An office action telling the patent applicant that the claims are allowable on the merits but that the form of the application still needs to be amended. *Ex parte Quayle*, 25 USPQ 74, 1935 C.D. 11, 453 O.G. 213 (Comm'r Pat. 1935). • The applicant generally has two months to respond. A *Quayle* action ends the prosecution on the merits, and amendments that affect the merits will be treated in a manner similar to amendments after final rejection. — Also termed *Ex parte Quayle action*. [Cases: Patents ⇐109. C.J.S. *Patents* §§ 152–155.]

qu. cl. fr. *abbr.* QUARE CLAUSUM FREGIT.

queen. 1. A woman who possesses, in her own right, the sovereignty and royal power in a monarchy. • Among the more famous English queens are Queen Mary I, Queen Elizabeth I, Queen Victoria, and Queen Elizabeth II. — Also termed *queen regnant*. **2.** The wife of a reigning king. • She has some royal prerogatives (such as having her own officers), but is in many ways legally no different from the rest of the king's subjects. — Also termed *queen consort*. **3.** A woman who rules in place of the actual sovereign (e.g., if the sovereign is a child). — Also termed *queen regent*. **4.** DOWAGER-QUEEN.

Queen Anne's Bounty. See FIRST FRUITS (2).

queen dowager. See DOWAGER-QUEEN.

queen mother. A queen who has children, esp. a dowager-queen whose child is the reigning monarch. See DOWAGER-QUEEN.

Queen's Bench. Historically, the highest common-law court in England, presided over by the reigning monarch. • The jurisdiction of this court now lies with the Queen's Bench Division of the High Court of Justice; when a king begins to reign, the name automatically changes to *King's Bench*. — Abbr. Q.B. — Also termed *Court of Queen's Bench*. Cf. KING'S BENCH.

Nancy Manly

From: Rynnieva Moss
Sent: Monday, February 20, 2012 4:04 PM
To: Rep. Bob Lynn; Nancy Manly; Rep. Kyle Johansen; Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Peggy Wilson; Rep. Paul Seaton; Rep. Wes Keller
Subject: Legal about definition for administrative hearing
Attachments: Legal Op on Administrative Hearing Amendment.pdf

Attached is a legal opinion that was attached to an amendment we requested to insert reference to AS 44.64 definitions for "administrative hearing". I am attaching the legal memo, the amendment, and the Select Committee on Legislative Ethics Advisory Opinion 2005-01 which discusses administrative hearings for your review.

I understand Joyce Anderson met with several of you last week and hopefully answered many of your questions. If you have any more concerns, please feel free to contact me prior to the meeting on Thursday so we can be prepared to answer your questions. My direct line is 465-6944.

Thanks.

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 February 17, 2012

SUBJECT: Amendment defining "administrative proceeding"
(Work Order No. 27-LS0452\R.1)

TO: Senator John Coghill
Attn: Jordan Shilling

FROM: Dan Wayne
Legislative Counsel

Enclosed is the amendment you requested. Please note that the definition cross-referenced in the amendment is tailored for narrow applicability to AS 44.64, the chapter creating an independent office of administrative hearings in the Department of Administration. It reads:

> (1) "administrative hearing" means a quasi-judicial hearing before an agency; it does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing;

The independent office of administrative hearings has jurisdiction only over adjudicative administrative hearings that occur under statutes listed in AS 44.64.030(a); the list is a long one, but it omits many state agencies. Because the definition in AS 44.64.200 could change in the future in ways that you might not want to apply to AS 24.60.030, another option would be to add a definition of "administrative hearing" as a new subsection in AS 24.60.030, that would use the same language as current AS 44.64.200.

I also note that adding the proposed cross reference to the bill would narrow the existing prohibition under AS 24.60.030(i) to exclude every administrative proceeding except for final adjudications.

DCW:ljw
12-138.ljw

Enclosure

27-LS0452\R.1
Wayne
2/16/12

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 89(JUD)

Page 5, line 11, following "hearing":

Insert "**as defined in AS 44.64.200**"

/docs/ethics/AO 05-01.doc (4 hits)

Alaska State Legislature

Select Committee on

Legislative Ethics

716 W. 4th, Suite 230 Mailing Address:
Anchorage, AK P.O. Box 101468
(907) 269-0150 Anchorage, AK
FAX: 269-0152 99510-1468

November 9, 2005

ADVISORY OPINION 2005-01

RE: AS 24.60.030(i) and legislative contacts with administrative decision makers

You are a legislator and therefore covered by the legislative ethics code. You have requested an advisory opinion concerning facts and circumstances that you have related. The committee relies on facts that you have described in answering your questions. You have waived your right to confidentiality under AS 24.60.160(b).

Statement of Facts

You have asked several specific questions in regard to AS 24.60.030(i).[1] This subsection makes it a violation of the legislative ethics code for a legislator or legislative employee to "attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact" a decision maker in an administrative adjudication. Such communication is only permitted if the communication with the decision maker is made in the presence of all parties to the adjudication, and made a part of the record; or, if the fact and substance of the communication is promptly disclosed to all parties and made part of the record.

You ask how AS 24.60.030(i) will be applied in the following situations.

1. Can a legislator[2] contact a decision maker without trying to influence the outcome of the case by asking the decision maker:
   a. if certain documents had been filed;
   b. whether a file was complete; or
   c. if there was other information that could be provided.
2. Who has the duty to disclose a contact to all parties in an adjudication under AS 24.60.030(i)(2)? What if the legislator does not know the identity or contact information of other parties?
3. If a legislator decides to advocate on behalf of a constituent, does that legislator have a duty to disclose the fact and substance of the contact to all parties to the hearing and make the contact a part of the record? Shouldn't the agency have the burden of distributing the substance of the contact with a decision maker to all parties?

Discussion

The provisions of AS 24.60.030(i) will only apply to an administrative matter that has progressed to a hearing. A legislator or legislative staff member may contact any administrative department with questions regarding a matter that is not the subject of a pending administrative adjudication.[3]

The ethical standards which prohibit ex parte contacts by legislators and legislative employees recognize that impartial fact finders and decision makers are an essential part of the due process of law.[4] Administrative decision makers are required to be impartial and may not engage in ex parte communications.[5] An ex parte communication is a contact or communication (personal communications or some form of evidence) with the decision maker that takes place outside the presence of all parties to the proceeding.

1. Obtaining information on behalf of a constituent in regard to an administrative adjudication.

While a legislator or legislative staff member may contact an administrative department with questions regarding a matter, once that matter is assigned to a hearing officer or other decision maker there should be no direct contact with the decision maker.

Once a matter is in a hearing process, questions to the administrative unit should be limited to procedural matters and case information. The answers to those questions can most likely be answered by a person other than the decision maker. For example, if the office of administrative hearings has jurisdiction of the matter, that office will be able to provide information about the case file without impairing the impartial role of the hearing officer.[6] If the adjudication is not within the jurisdiction of the office of administrative hearings, the agency holding the hearings will have procedures to insulate the decision makers from improper contacts. Legislators subject to AS 24.60 will be expected to make every effort to obtain basic procedural or case file information about a matter under administrative adjudication by means other than contacting the hearing officer. Also, in response to your questions, it would not be the proper function of any administrator in the adjudicatory process to give advice in response to your questions, but only to provide information about the case file, parties, scheduling or other routine procedural matters.[7]

In the rare instance that a communication with a hearing officer occurs the legislator must comply with AS 24.60.030(i)(2): the "fact and substance of the contact [must be] promptly disclosed by the legislator or legislative employee to all parties to the hearing and the contact [must be] made a part of the record." A failure by a legislator to properly make this disclosure may be held to be a violation of the legislative ethics code.

The committee is also concerned that ex parte contacts, by a legislator or legislative employee, with a decision maker creates an appearance of a violation of the ethics code. This is based on AS 24.60.010 which provides in pertinent part:

> The legislature finds that
>
> . . .
>
> (2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest;

. . .

2. Who has the duty to disclose a contact to all parties in an adjudication under AS 24.60.030(i)(2)? What if the legislator does not know the identity or contact information of other parties?

If contact with a decision maker does occur, a legislator or legislative employee must notify all parties and make the contact a part of the record. Complying with this requirement of disclosure to all parties is the responsibility of the legislator who initiated the ex parte contact, not the adjudicator hearing the

matter. Information about the other parties to the matter can be obtained as discussed in the answer to the first question.

There is no obligation to contact all parties in regarding communications with administrative departments or personnel initiated by a legislator when a matter has not yet been assigned to a hearing officer.

3. If a legislator decides to advocate on behalf of a constituent, does that legislator have a duty to disclose the fact and substance of the contact to all parties to the hearing and make the contact a part of the record? Shouldn't the agency have the burden of distributing the substance of the contact with a decision maker to all parties?

As discussed above, a legislator may advocate and communicate on an administrative matter on behalf of a constituent. AS 24.60.030(i) only applies once an administrative matter is assigned to an administrative decision maker. In the event that a legislator makes an ex parte contact with a decision maker, the requirements of AS 24.60.030(i)(2) apply. The ethics statute clearly places the responsibility for compliance with (i)(2) on the legislator making the ex parte contact, not the adjudication agency or the administrative agency who is a party to the matter.

Conclusion

For the reasons stated above, the committee finds that a legislator or legislative employee seeking information on an administrative matter that is assigned to a hearing officer, individual, board or commission should not attempt to contact the decision maker assigned to that matter.[8] Information about the procedural aspects of the matter may be sought from the office administering the hearing, but not the decision maker directly. If a legislator or legislative employee makes an ex parte communication and fails to comply with the requirements of AS 24.60.030(i)(2), it could be considered a violation of the legislative ethics code.

AS 24.60.030 does not apply to contacts in regard to administrative matters that have not been assigned to an administrative decision maker.

Adopted by the Select Committee on Legislative Ethics on November 9, 2005.

Members present and concurring in this opinion were:
Herman G. Walker, Jr. Chair
Representative Max Gruenberg
Senator Hollis French
Senator Ben Stevens
Ann Rabinowitz, public member
Marianne Stillner, public member
H. Connor Thomas, public member

Members dissenting from this opinion were:

Members absent were:
Representative Bruce Weyhrauch
Dennis "Skip" Cook, public member

BRC:med
05-475.med

[1] This new subsection of AS 24.60.030, "Prohibitions related to conflicts of interest and unethical conduct," became effective July 1, 2005. The office of administrative hearings, created effective July 1, 2004, began hearing administrative proceedings that began on or after July 1, 2005. Sec. 92(a), ch. 163, SLA 2004. No previous advisory opinions have discussed AS 24.60.030(i).

This new subsection provides:

> (i) Except for supplying information requested by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a legislator or legislative employee may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer assigned to the hearing or the individual, board, or commission with authority to make the final decision in the case unless the
> (1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or
> (2) fact and substance of the contact is promptly disclosed by the legislator or legislative employee to all parties to the hearing and the contact is made a part of the record.

[2] All references in this opinion to a legislator also apply to legislative employees subject to AS 24.60.

[3] It may be difficult to determine from a constituent whether the matter of concern has reached the stage that this ethical prohibition applies so care should be taken to avoid contacting any person or entity that has the authority to make a final decision. It may be prudent for a legislator to make a call to the department administering a matter, to determine the appropriate person to contact for the information, in order to avoid inadvertently contacting a decision maker.

[4] Under the Alaska Constitution, a person may not "be deprived of life, liberty, or property, without due process of law." The Alaska Supreme Court has interpreted this provision as requiring an impartial fact finder. In re Robson, 575 P.2d 771 (Alaska 1978); K & L Distributors, Inc. v. Murkowski, 486 P.2d 351 (Alaska 1971). Questioning of a decision-maker while the case is pending impairs the impartiality of the judicial process. It may even invalidate the decision reached in the matter, causing the whole matter to be reheard. "To subject an administrator to a searching examination as to how and why he reached his decision in a case still pending before him, . . . sacrifices the appearance of impartiality - the *sine qua non* [essential condition] of American *judicial* justice . . . ." Pillsbury v. F.T.C., 354 F.2d 952, 963 (5th Cir Ct. of Appeals, 1966). "Legislative intervention which occurs during a pending decisional process of an agency endangers and may undermine the integrity of the ensuing decision, and it has been held that administrative decisions which are based in whole or in part on pressures emanating from the legislature may be invalid." 73 C.J.S. Sec. 31, Public Administrative Law and Procedure.

[5] For example *see* AS 44.62.630 in the Administrative Procedure Act, also *see* AS 44.64.050(b) regarding the standard of conduct for hearing officers in the office of administrative hearings.

[6] *See* AS 44.64.030 for the jurisdiction of the office of administrative hearings. Child support services and permanent fund dividend adjudications are under the jurisdiction of the office of administrative hearings.

AS 44.64.050 provides fundamental standards of conduct required of hearing officers. The chief administrative law judge is required to adopt regulations for a code of conduct.

> . . . The following fundamental canons of conduct shall be included in the code: in carrying out official duties, an administrative law judge or hearing officer shall
> (1) uphold the integrity and independence of the office;
> (2) avoid impropriety and the appearance of impropriety;
> (3) perform the duties of the office impartially and diligently;
> (4) conduct unofficial activities in ways that minimize the risk of conflict with the obligations of the office; and
> (5) refrain from inappropriate activity in seeking employment with another agency or employer or in seeking reappointment.

The proposed draft regulations at 2 AAC 64.030 provide:

> (b) The following guidelines apply to any determination on whether a hearing officer of administrative law judge has adhered to the canons [of hearing officer conduct]:
> (1) The requirement to uphold the integrity and independence of the office, and of the hearing function, dictates that a hearing officer or administrative law judge establish and personally observe high standards of conduct and avoid improper ex parte communications with private and agency parties on the subject of a hearing request; so that the integrity and independence of the office and hearing function will be preserved;
> . . .
> (3) The requirement to perform the duties of the office or of the hearing function impartially and diligently dictates that a hearing officer or administrative law judge . . .
> (B) not initiate, permit, or consider improper ex parte communications, . . .

"improper ex parte communications" are defined at 2 AAC 64.990(13) as

> a direct or indirect, oral or written communication between a decision maker and a party to a proceeding, or another person trying to influence the decision maker, which occurs outside the presence of the other parties, and without a notice and an opportunity to participate being given to the other parties.

[7] You have asked "can a legislator contact a decision maker to ask if there was other information that could be provided." This would require the decision maker or the administrator in charge of the case file to advise the legislator on how to conduct the case or influence the outcome. This would not be appropriate, as it impairs the impartiality of the hearing process.

[8] The only exceptions are described in AS 24.60.030(i):

> [e]xcept for supplying information requested by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case . . .

AO 05-01 -6-

-5- AO 05-01

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AMENDMENT___

OFFERED IN THE HOUSE BY REPRESENTATIVE SEATON

TO: CSSB 89(JUD)

Page 10, line 24 – Page 11, line1:

Delete all language

"***Sec. 10.** AS 24.60.112 is repealed and reenacted to read:

Sec. 24.60.112. Applicability to legislative volunteer or intern. A legislative intern shall be considered to be a legislative employee for purposes of compliance as AS 24.60.030 – 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.155, 24.60.158 – 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer or intern has violated the provisions of one of those sections, the person may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding.

Page 13, lines 6 - 7:

Delete "**who serves for more than 30 days as a legislative employee of educational trainee**"

Insert "**intern**"

Page 13, lines 10 - 11:

Delete "**a person who begins a period of service of more than 30 days as a volunteer or trainee**"

Insert "**an intern**"

extra

Sec. 44.64.200. Definitions.

In this chapter,

(1) "administrative hearing" means a quasi-judicial hearing before an agency; it does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing;

(2) "administrative law judge" means a hearing officer who is retained or employed by the office;

(3) "agency" means an agency of the executive branch of state government, including an officer, a division, or another subunit of an agency, a board or commission, a public corporation, and the University of Alaska;

(4) "hearing officer" means an individual who presides over the conduct of an administrative hearing and who is retained or employed by an agency for that purpose;

(5) "office" means the office of administrative hearings established in AS 44.64.010.

(h) A legislator, a legislative committee other than the Select Committee on Legislative Ethics, or a legislative agency may accept a gift of (1) volunteer services for legislative purposes so long as the person making the gift of services is not receiving compensation from another source for the services, or (2) the services of a trainee who is participating in an educational program approved by the committee if the services are used for legislative purposes. The committee shall approve training under a program of the University of Alaska and training under 29 U.S.C. 2801 — 2945 (Workforce Investment Act of 1998).

(i) A legislator or legislative employee who knows or reasonably should know that an immediate family member has received a gift because of the family member's connection with the legislator or legislative employee shall disclose for publication under (d) of this section the receipt of the gift by the family member to the committee if the gift would have to be disclosed under this section if it had been received by the legislator or legislative employee. If receipt of the gift by a person who is a legislator or legislative employee would be prohibited under this section, a member of the person's immediate family may not receive the gift.

(j) In this section, the value of a gift shall be determined by the fair market value of the gift to the extent that the fair market value can be determined.

(k) *[Repealed, § 74 ch 47 SLA 2007.]* (§ 1 ch 36 SLA 1984; am § 3 ch 167 SLA 1988; am §§ 10 — 13, 42 ch 127 SLA 1992; am §§ 27 — 33 ch 74 SLA 1998; am § 9 ch 3 SLA 2002; am § 42 ch 86 SLA 2002; am § 28 ch 108 SLA 2003; am § 6 ch 115 SLA 2003; am § 3 ch 10 SLA 2006; am §§ 27 — 30, 74 ch 47 SLA 2007; am §§ 2, 3 ch 94 SLA 2008)

Revisor's notes. — Subsections (g) — (j) were enacted as (h) — (k). Relettered in 1998, at which time former subsection (g) was relettered as (k).

Effect of amendments. — The 2006 amendment, effective March 31, 2006, added paragraph (11) of subsection (c), making corresponding stylistic changes.

The 2007 amendment, effective July 10, 2007, inserted the paragraph (1) and (2) designations in subsection (a), rewrote paragraph (a)(2), substituted "(a)(1)" for "(a)" in the introductory language of subsection (c), inserted "person who is a" in the introductory language of subsection (c), added the definition of "immediate family" in paragraph (c)(5), inserted "the office of victims' rights" in paragraph (c)(7), inserted "or a legislative employee" twice in paragraph (c)(9), deleted former paragraph (c)(10), relating to tickets for charity events, redesignated former paragraph (c)(11) as (c)(10), substituted "(a)(2)(B)" for "(10)" in paragraph (c)(10), substituted "(c)(8), and (i)" for "and (8)" in the third and fourth sentences of subsection (d), substituted "within 30 days after receiving the gift, disclose to the committee" for "disclose to the committee annually on or before March 15" in the fifth sentence of subsection (d), split subsection (i) into two sentences, substituted "an immediate family member" for "a family member," "disclose for publication under (d) of this section" for "report," and "disclosed" for "reported" in the first sentence of subsection (i), inserted "person who is a" and "a member of the person's immediate family may not receive the gift" in the second sentence of subsection (i), and repealed subsection (k).

The 2008 amendment, effective September 14, 2008, inserted "a contribution to a charity event from any person at any time, and" at the beginning of subparagraph (a)(2)(B), added subparagraphs (a)(2)(C) — (E), and deleted the last two sentences of subsection (h), relating to legislative volunteers or educational trainees.

Sec. 24.60.085. Restrictions on earned income and honoraria. (a) A legislator or legislative employee may not

(1) seek or accept compensation for personal services that is significantly greater than the value of the services rendered taking into account the higher rates generally charged by specialists in a profession; or

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

(b) Notwithstanding (a) of this section, a legislator or legislative employee may accept a payment for an appearance or speech if the appearance or speech is not connected with the person's legislative status.

SB 93

<TARGET><BILL>SB 93</BILL><SUBJECT>SB 93</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 23, 2011 **FURTHER REFERRALS: Finance**

Date of Committee Action: 4-12-11

The STATE AFFAIRS Committee considered: **SB 93**

SENATE BILL NO. 93
"An Act relating to special request specialty organization registration plates; and providing for an effective date."

SB 93-SPECIALTY LICENSE PLATES

Recommends it be replaced with [X] HCS *or* [ ] CS *for* SB 93 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [X] Same Title [X] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	Admin			✓

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	Johansen				X
L Reggie Wilson	WILSON				X
Wes Keller	Keller				X
Pete Peterson	PETERSEN				X
Mark Greenberg	Greenberg				X
Paul R Seaton	Seaton	X			
Chair:	LYNN	X			
Chair:					

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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April 6, 2011

To: House State Affairs Committee

Fr: Representative Bob Lynn, Chairman

CS SB 93(STA)

In an effort to expedite the Legislature's consideration of various license plate proposals, including the new administrative process envisioned by Senator Wielechowski, the Chair is proposing a committee substitute for SB 93. CS SB 93(STA) would provide for the creation of all specialty license plates currently proposed in House legislation, and any Senate plates without a companion bill in the House. Both the description of the plates and the fees to purchase them were pulled directly from the stand-alone bills that would have created these specialty plates.

The proposed committee substitute creates five specialty request license plates, as well as adopting Sen. Wielechowski's plan to afford DMV the authority to issue specialty plates. The proposed plates that have been included in the CS are:

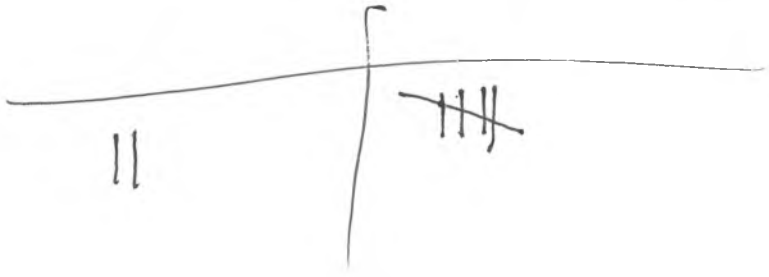
- "In God We Trust"
- "Choose Life"
- National Rifle Association
- Breast Cancer Awareness
- Lao Veterans

SB 93

Conceptual Amdt #1 By Greenhey

1. page 2 lines 7-12 delete all material

2. page 4 lines 7-14 delete all material



SB 93

Conceptual Amendment # 2
27-LS0515\I
Keller

HK 1/11

Sec 1 subsection (gg) sunsets June 1, 2014

page 2 line 26 to end.

Jan 12 Jan 13 January 15

SB93

27-LS0564\D.2
Kirsch
4/11/11

AMENDMENT (2)

OFFERED IN THE HOUSE BY REPRESENTATIVE Keller

TO: CSHB 190( ), Draft Version "D"

Page 2, following line 5:

Insert a new bill section to read:

"* **Sec. 2.** AS 43.23.008 is amended by adding a new subsection to read:

"(e) If insufficient documentation is available to establish the nature of an absence, as required under (c)(1) and (2) of this section, the department may waive the requirement of those paragraphs."

adm rep.

Renumber the following bill section accordingly.

HOUSE CS FOR SENATE BILL NO. 93(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to special request registration plates; and providing for an effective date."

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

* **Section 1.** AS 28.10.181 is amended by adding new subsections to read:

(bb) Special request United States flag "In God We Trust" plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with a design incorporating the flag of the United States and the motto "In God We Trust" on the plate. The commissioner shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(cc) Special request Lao veteran plates. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the owner's service in military operations in support of the United States in the Kingdom of Laos between February 28, 1961, and May 15, 1975. The commissioner shall

determine the design and color of the Lao veteran plates in consultation with veterans' and Southeast Asian community organizations in the state. To be issued a registration plate under this subsection, the owner must present evidence satisfactory to the department that the owner served in military operations as required by this subsection. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplicate of an existing registration.

(dd) Special request choose life plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase "choose life" on the plate. The commissioner, after consulting with Alaska Choose Life, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ee) Special request plates commemorating the National Rifle Association. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the National Rifle Association. The commissioner, after consulting with representatives of the National Rifle Association in Alaska, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ff) Special request breast cancer awareness plates. Upon application by the owner of a motor vehicle, the department may issue breast cancer awareness registration plates. The commissioner, after consulting with the Alaska office of the American Cancer Society, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(gg) Special request specialty organization plates. The department shall adopt regulations to allow for the issuance of special request specialty organization registration plates sponsored by an organization that is based in this state and is tax exempt under 26 U.S.C. 501(c), is an Alaska chapter of a national organization that is tax exempt under 26 U.S.C. 501(c), is a department of the state, or is a municipality of the state. The department shall determine a common design and color for the plates

and provide for the placement of the artwork of the organization and a short piece of descriptive text on the plate. The department may disapprove the issuance of registration plates under this subsection when the requested plates duplicate an existing registration. The department may not accept an application from an organization or approve or issue a new specialty registration plate sponsored by an organization under this subsection on or after June 1, 2015. The department may continue to register and renew specialty registration plates sponsored by an organization and approved by the department before June 1, 2015. The regulations

(1) must provide that the entity requesting the issuance of the plates

(A) submit an application on a form provided by the department;

(B) pay an application fee set by the department for issuance of the new registration plates;

(C) submit registration fees for at least 10 motor vehicles before specialty registration plates will be issued;

(D) may not be offensive in purpose, nature, activity, or name;

(E) may charge a fee for issuance of a specialty registration plate in addition to any registration fees set by statute or regulation;

(2) must provide for a minimum number of registrations and renewals of the specialty plate and for cancellation of specialty plates that do not meet that minimum; the regulations must provide that before a specialty plate may be cancelled the entity sponsoring the plate be given notice at least six months before the proposed cancellation;

(3) must establish procedures for owners of vehicles to purchase specialty registration plates under this subsection.

*** Sec. 2.** AS 28.10.421(d)(2) is amended to read:

(2) special request plates for

(A) Alaska National Guard personnel $30;

(B) veterans**,** [OR] retired veterans**, or Lao veterans** $30;

(C) recipients of the Purple Heart ..... none;

(D) owners of custom collector vehicles $50;

(E) Iditarod race finishers $50;

(F) other special request plates $30;

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;

*** Sec. 3.** AS 28.10.421(d) is amended by adding new paragraphs to read:

(20) special request United States flag "In God We Trust" plates.. $30

plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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.

(21) special request choose life plates $30

plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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; the annual estimated balance in the account that is in excess of the cost of issuing special request choose life plates may be appropriated by the legislature to programs supporting or benefiting adoption.

(22) special request National Rifle Association plates $50

plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; a $30 fee shall be collected biennially thereafter in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits into 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 establish and maintain a scholastic clay target program and for other youth shooting programs.

(23) special request breast cancer awareness plates..... $50

plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $50 fee required by this paragraph shall be collected only on the first issuance and the

replacement of the special request plates; the commissioner shall separately account for the fees received under this paragraph that the department deposits into 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 programs that provide screening for breast and cervical cancer.

(24) special request specialty organization plates under AS 28.10.181(gg) ..... $30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $30 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the plates; in addition, an entity sponsoring a special request specialty organization plate may charge a fee on first issuance and renewal of the plates.

*** Sec. 4.** This Act takes effect January 1, 2012.

Specialty License Plates

HCS SB 93 (STA)

Wielechowski's office brought these amendments to their SB93

Amendment

* **Section 1.** Add a new section that reads:

(__) Special request "Pro-Family, Pro-Choice" plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase "Pro-Family, Pro-Choice" on the plate. The commissioner, after consulting with Planned Parenthood of the Great Northwest, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

* **Sec. 2.** Add a new section that reads:

(__) special request "Pro-Family, Pro-Choice" plates.....$30
plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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 shall separately account for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the account that is in excess of the cost of issuing special request "Pro-Family, Pro-Choice" plates may be appropriated to the Alaska Children's Trust (AS 37.14.200).

Language taken from CS SB 16 (STA)

CS FOR SENATE BILL NO. 16(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/7/11
Referred: Finance

Sponsor(s): SENATORS MEYER, Dyson, Giessel

A BILL

FOR AN ACT ENTITLED

"An Act relating to special request 'Choose Life' license plates and special request 'Pro-Family, Pro-Choice' license plates; and providing for an effective date."

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

*** Section 1.** AS 28.10.181 is amended by adding new subsections to read:

(bb) Special request "Choose Life" plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase "Choose Life" on the plate. The commissioner, after consulting with Alaska Choose Life, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(cc) Special request "Pro-Family, Pro-Choice" plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase "Pro-Family, Pro-Choice" on the plate. The commissioner, after consulting with Planned Parenthood of the Great Northwest, shall determine the design and color of

the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

*** Sec. 2.** AS 28.10.421(d) is amended by adding new paragraphs to read:

(20) special request "Choose Life" plates $30

plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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 shall separately account for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the account that is in excess of the cost of issuing special request "Choose Life" plates may be appropriated by the legislature to programs supporting or benefiting adoption.

(21) special request "Pro-Family, Pro-Choice" plates $30

plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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 shall separately account for the fees received under this paragraph that the department deposits in the general fund; the annual estimated balance in the account that is in excess of the cost of issuing special request "Pro-Family, Pro-Choice" plates may be appropriated to the Alaska Children's Trust (AS 37.14.200).

*** Sec. 3.** This Act takes effect January 1, 2012.

not to be offered
Kellers
old
amendment

27-LS0515\I.1
Luckhaupt
4/6/11

OFFERED IN THE HOUSE

TO: HCS SB 93(STA), Draft Version "I"

Page 2, line 26, through page 3, line 21:

Delete all material and insert:

"* **Sec. 2.** AS 28.10 is amended by adding a new section to article 1 to read:

Sec. 28.10.183. Proposal process for new special request registration plates. (a) The department shall adopt regulations to allow an organization to request the approval of a special request specialty organization plate. To request the approval of a special request specialty organization plate, an organization must be

(1) based in this state and tax exempt under 26 U.S.C. 501(c) (Internal Revenue Code);

(2) an Alaska chapter of a national organization that is tax exempt under 26 U.S.C. 501(c) (Internal Revenue Code);

(3) a department of the state; or

(4) a municipality of the state.

(b) The regulations adopted under (a) of this section must provide that the organization requesting the approval of the plate

(1) submit an application on a form provided by the department;

(2) pay an application fee set by the department;

(3) provide proof that at least 50 persons have expressed an interest in purchasing the proposed specialty registration plate; and

(4) is not offensive in purpose, nature, activity, or name.

(c) The department shall approve or deny a request for approval submitted under (a) of this section. Annually, the governor shall present a bill, as provided in AS 24.08.060, to authorize the special request specialty organization plates that have

been approved by the department during the previous calendar year. The department may not issue a special request specialty organization plate unless the legislature enacts a law authorizing the issuance of the plate.

(d) The department shall adopt regulations governing procedures for issuing plates authorized by the legislature under this section. The regulations must

(1) provide for a minimum number of registrations and renewals of the plate and for cancellation of specialty plates that do not meet that minimum; the regulations must provide that before a plate may be cancelled the organization sponsoring the plate be given notice at least six months before the date of the proposed cancellation;

(2) establish procedures for owners of vehicles to purchase specialty registration plates under this subsection, including a requirement that, if the plate is for an organization that requires membership, the owner must verify continued membership to renew the registration for the plate."

Renumber the following bill sections accordingly.

Page 5, lines 2 - 7:

Delete all material.

— Seaton objects for discussion maintains

Conceptual Amendment # 2
27-LS0515\I
Keller

Passed

Sec 1 subsection (gg) sunsets June 1, 2014

2015

Pg 2 Line 26

Sen. Wielechowski

Keller amendment 1 to amend 2

passed

N Peterson
N Seaton
N Gruenberg
Y Lynn
Y Keller
Y Johansen
Y Wilson

Gruenberg thinks repealer effective date of repealer

Seaton
Pg 3 Line 10
50 down to 10

amend # 1

Passed

Conceptual Amdt # 3 & By Gruenberg

1. page 2 lines 7-12 delete all material

2. page 4 lines 7-14 delete all material

Johansen objects

Y Peterson
N Seaton
Y Gruenberg
N Lynn
N Keller
N Wilson
N Johansen

Failed

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Re FINAL CS for SB 93 Version I (27-LS0515\I)

4/12/2011

SB 93 moved out of the House State Affairs Committee this morning with changes to Version I. Please draft a final CS with the following amendments included:

Amendment #1 (Seaton)
Page 3 Line 10 *delete "50" **inset** **10***

Conceptual Amendment #2 (Keller)
Page 2 Line 26 – Sec 1 subsection (gg) sunsets June 1, 2015
(Keller's original amendment had the sunset for June 1, 2014 but because the effective date of the bill isn't until 2012, Keller made Amendment 1 to Conceptual Amendment#2 to change the sunset year to 2015)

Conceptual Amendment #3 (Gruenberg)
Failed

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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April 6, 2011

To: House State Affairs Committee

Fr: Representative Bob Lynn, Chairman

CS SB 93(STA)

In an effort to expedite the Legislature's consideration of various license plate proposals, including the new administrative process envisioned by Senator Wielechowski, the Chair is proposing a committee substitute for SB 93. CS SB 93(STA) would provide for the creation of all specialty license plates currently proposed in House legislation, and any Senate plates without a companion bill in the House. Both the description of the plates and the fees to purchase them were pulled directly from the stand-alone bills that would have created these specialty plates.

The proposed committee substitute creates five specialty request license plates, as well as adopting Sen. Wielechowski's plan to afford DMV the authority to issue specialty plates. The proposed plates that have been included in the CS are:

- "In God We Trust"
- "Choose Life"
- National Rifle Association
- Breast Cancer Awareness
- Lao Veterans

27-LS0515\I
Luckhaupt
3/30/11

HOUSE CS FOR SENATE BILL NO. 93(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to special request registration plates; and providing for an effective date."

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

*** Section 1.** AS 28.10.181 is amended by adding new subsections to read:

(bb) Special request United States flag "In God We Trust" plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with a design incorporating the flag of the United States and the motto "In God We Trust" on the plate. The commissioner shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(cc) Special request Lao veteran plates. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the owner's service in military operations in support of the United States in the Kingdom of Laos between February 28, 1961, and May 15, 1975. The commissioner shall

determine the design and color of the Lao veteran plates in consultation with veterans' and Southeast Asian community organizations in the state. To be issued a registration plate under this subsection, the owner must present evidence satisfactory to the department that the owner served in military operations as required by this subsection. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplicate of an existing registration.

(dd) Special request choose life plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase "choose life" on the plate. The commissioner, after consulting with Alaska Choose Life, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ee) Special request plates commemorating the National Rifle Association. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the National Rifle Association. The commissioner, after consulting with representatives of the National Rifle Association in Alaska, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ff) Special request breast cancer awareness plates. Upon application by the owner of a motor vehicle, the department may issue breast cancer awareness registration plates. The commissioner, after consulting with the Alaska office of the American Cancer Society, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(gg) Special request specialty organization plates. The department shall adopt regulations to allow for the issuance of special request specialty organization registration plates sponsored by an organization that is based in this state and is tax exempt under 26 U.S.C. 501(c), is an Alaska chapter of a national organization that is tax exempt under 26 U.S.C. 501(c), is a department of the state, or is a municipality of the state. The department shall determine a common design and color for the plates

and provide for the placement of the artwork of the organization and a short piece of descriptive text on the plate. The department may disapprove the issuance of registration plates under this subsection when the requested plates duplicate an existing registration. The regulations

(1) must provide that the entity requesting the issuance of the plates

(A) submit an application on a form provided by the department;

(B) pay an application fee set by the department for issuance of the new registration plates;

(C) submit registration fees for at least 50 motor vehicles before specialty registration plates will be issued;

(D) may not be offensive in purpose, nature, activity, or name;

(E) may charge a fee for issuance of a specialty registration plate in addition to any registration fees set by statute or regulation;

(2) must provide for a minimum number of registrations and renewals of the specialty plate and for cancellation of specialty plates that do not meet that minimum; the regulations must provide that before a specialty plate may be cancelled the entity sponsoring the plate be given notice at least six months before the proposed cancellation;

(3) must establish procedures for owners of vehicles to purchase specialty registration plates under this subsection.

* **Sec. 2.** AS 28.10.421(d)(2) is amended to read:

(2) special request plates for

(A) Alaska National Guard personnel $30;

(B) veterans, [OR] retired veterans, **or Lao veterans** $30;

(C) recipients of the Purple Heart ..... none;

(D) owners of custom collector vehicles $50;

(E) Iditarod race finishers $50;

(F) other special request plates $30;

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of

special request plates;

* **Sec. 3.** AS 28.10.421(d) is amended by adding new paragraphs to read:

(20) special request United States flag "In God We Trust" plates.. $30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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.

(21) special request choose life plates ..... $30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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; the annual estimated balance in the account that is in excess of the cost of issuing special request choose life plates may be appropriated by the legislature to programs supporting or benefiting adoption.

(22) special request National Rifle Association plates ..... $50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; a $30 fee shall be collected biennially thereafter in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits into 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 establish and maintain a scholastic clay target program and for other youth shooting programs.

(23) special request breast cancer awareness plates..... $50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; the commissioner shall separately account for the fees received under this paragraph that the department deposits into 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 programs that provide screening for breast and cervical cancer.

(24) special request specialty organization plates under AS 28.10.181(gg) ..... $30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $30 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the plates; in addition, an entity sponsoring a special request specialty organization plate may charge a fee on first issuance and renewal of the plates.

* **Sec. 4.** This Act takes effect January 1, 2012.

ALASKA STATE LEGISLATURE

Session

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Chair
State Affairs Committee

Co-chair
Joint Armed Services Committee

Vice Chair
Resources Committee
Judiciary Committee

Member
Administrative Regulation Review

SENATOR BILL WIELECHOWSKI

SB 93

Specialty License Plates

Specialty license plates are sweeping the country. By January 21, 2011, Alaska legislators had introduced bills for Choose Life, LaoVeteran, National Rifle Association, and In God We Trust specialty license plates. The 26th Legislature approved firefighter, fraternal order[1] and Iditarod finisher license plates and made a change in the Children's Trust specialty plate funds in a total of 15 committee meetings, entailing 9 versions of bills, and requiring one concurrent resolution.

Each license plate request takes legislative attention away from more pressing state matters and creates monetary and staff costs of drafting, duplicating, distributing, posting, scheduling, and amending. Legislatively created fundraising plates require the Division of Motor Vehicles (DMV) to track and request for re-appropriation small accounts of money. Other plates require the DMV to verify a status (such as HB 92 "the owner must present evidence satisfactory to the department that the owner served in combat as required by this subsection") to complete a transaction. Two legislatively created plates from 1998 (dog mushing and arts) have never been issued.

There is a better way. About half of the states currently allow administrative approval for license plates. The Alaska Division of Motor Vehicles supports this bill, including the effective date.

SB 93

- Gives the Division of Motor Vehicles authority to develop a procedure for administrative review and award of specialty license plates.
- Requires DMV to develop a standard template so all specialty plates will be easily readable and recognizable for law enforcement.
- Creates standard regulations, fees and procedures that will apply to all specialty license plates.
- Will result in cost savings for the state as administrative responsibilities of confirming eligibility, collecting and accounting for funds for the non-profit, and developing the license plate artwork and design are transferred to the sponsoring organization. DMV processing of plate applications is streamlined as the applications will be submitted in batches by sponsoring organizations.
- Is revenue neutral. The $30/vehicle specialty registration fee covers the cost of producing and issuing the specialty plates.

---

[1] No fraternal orders have yet applied for the plates authorized in 2010.

ALASKA STATE LEGISLATURE

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Chair
State Affairs Committee

Co-chair
Joint Armed Services Committee

Vice Chair
Resources Committee
Judiciary Committee

Member
Administrative Regulation Review

SENATOR BILL WIELECHOWSKI

SECTIONAL ANALYSIS
Senate Bill 93

SECTION 1. AS 28.10.181 (bb)

Allows the Department of Administration to develop and implement regulations to issue special request specialty license plates sponsored by Alaska organizations with IRS 501(c) tax exempt status, departments of the state and municipalities.

Directs the Department of Administration to design a standard plate design for all specialty plates.

Specifies the *regulations* must provide that the **entity requesting the license plates**:

- submit an application on a form provided by the department;
- pay a fee that is set by regulation;
- submit registration fees for at least 50 motor vehicles before the plates will be issued;
- may not be offensive in purpose, nature, activity, or name;
- may charge a fee in addition to any registration fees set by statute or regulation.

And that the *regulations*

- specify a minimum number of registrations and renewals of specialty plates;
- provide for cancellation of plates that do not meet the minimum; and
- allow a sponsoring entity at least six months notice before any proposed cancellation.

- establish procedures for vehicle owners to buy special request specialty license plates.

SECTION 2. AS 28.10.421 (d)

Sets the fee for the special request specialty license plates at $30 upon first issuance or replacement of plates and allows a sponsoring entity to charge a fee upon first issuance and renewal of the plates.

SECTION 3. AS 28.10.181 (bb)

Establishes the effective date of January 1, 2012.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 93
(S) Publish Date: 3/1/11

Identifier (file name): SB093-DOA-DMV-02-22-11
Title: Special request specialty organization plates
Sponsor: Senator Wielechowski
Requester: Senate State Affairs

Dept. Affected: Administration
Appropriation: Division of Motor Vehicles
Allocation: Motor Vehicles
OMB Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version

Prepared by: Whitney Brewster
Division: Motor Vehicles
Phone: 907-269-5574
Date/Time: 2/22/11 8:00 AM

Approved by: John Cramer, Deputy Commissioner
Department of Administration
Date: 2/22/2011

FISCAL NOTE #1

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB 93

Analysis

This bill has no fiscal impact.

ALASKA STATE LEGISLATURE

Session

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Senator_Bill_Wielechowski@legis.state.ak.us

Chair
State Affairs Committee

Co-chair
Joint Armed Services Committee

Vice Chair
Resources Committee
Judiciary Committee

Member
Administrative Regulation Review

SENATOR BILL WIELECHOWSKI

MEMORANDUM

DATE: March 22, 2011

TO: Representative Bob Lynn, Chair, House State Affairs Committee

FROM: Senator Bill Wielechowski, Chair, Senate State Affairs Committee BW

SUBJ: SB 93, Specialty License Plates, Hearing Request

I am writing to request House State Affairs consideration of SB 93, "An Act relating to special request specialty license plates" at your earliest convenience.

This legislation will provide the Division of Motor Vehicles with authority to issue regulations for the issuance of specialty license plates to standardize the process, requirements and fees, while providing for the opportunity for non-profit organizations and state and local entities to raise funds and/or awareness through specialty license plates.

The Senate unanimously passed SB 93 on Monday, March 21,2011. The bill is sponsored by the Senate State Affairs Committee.

Thank you for your consideration of this request. Any questions you or your staff may have should be directed to me or my staff Karla Hart at 465-3723.

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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April 6, 2011

To: House State Affairs Committee

Fr: Representative Bob Lynn, Chairman

CS SB 93(STA)

In an effort to expedite the Legislature's consideration of various license plate proposals, including the new administrative process envisioned by Senator Wielechowski, the Chair is proposing a committee substitute for SB 93. CS SB 93(STA) would provide for the creation of all specialty license plates currently proposed in House legislation, and any Senate plates without a companion bill in the House. Both the description of the plates and the fees to purchase them were pulled directly from the stand-alone bills that would have created these specialty plates.

The proposed committee substitute creates five specialty request license plates, as well as adopting Sen. Wielechowski's plan to afford DMV the authority to issue specialty plates. The proposed plates that have been included in the CS are:

- "In God We Trust"
- "Choose Life"
- National Rifle Association
- Breast Cancer Awareness
- Lao Veterans

27-LS0515\I
Luckhaupt
3/30/11

HOUSE CS FOR SENATE BILL NO. 93(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

"An Act relating to special request registration plates; and providing for an effective date."

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

*** Section 1.** AS 28.10.181 is amended by adding new subsections to read:

(bb) Special request United States flag "In God We Trust" plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with a design incorporating the flag of the United States and the motto "In God We Trust" on the plate. The commissioner shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(cc) Special request Lao veteran plates. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the owner's service in military operations in support of the United States in the Kingdom of Laos between February 28, 1961, and May 15, 1975. The commissioner shall

determine the design and color of the Lao veteran plates in consultation with veterans' and Southeast Asian community organizations in the state. To be issued a registration plate under this subsection, the owner must present evidence satisfactory to the department that the owner served in military operations as required by this subsection. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplicate of an existing registration.

(dd) Special request choose life plates. Upon application by the owner of a motor vehicle, the department may issue registration plates with the phrase "choose life" on the plate. The commissioner, after consulting with Alaska Choose Life, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ee) Special request plates commemorating the National Rifle Association. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the National Rifle Association. The commissioner, after consulting with representatives of the National Rifle Association in Alaska, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(ff) Special request breast cancer awareness plates. Upon application by the owner of a motor vehicle, the department may issue breast cancer awareness registration plates. The commissioner, after consulting with the Alaska office of the American Cancer Society, shall determine the design and color of the plates. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(gg) Special request specialty organization plates. The department shall adopt regulations to allow for the issuance of special request specialty organization registration plates sponsored by an organization that is based in this state and is tax exempt under 26 U.S.C. 501(c), is an Alaska chapter of a national organization that is tax exempt under 26 U.S.C. 501(c), is a department of the state, or is a municipality of the state. The department shall determine a common design and color for the plates

and provide for the placement of the artwork of the organization and a short piece of descriptive text on the plate. The department may disapprove the issuance of registration plates under this subsection when the requested plates duplicate an existing registration. The regulations

(1) must provide that the entity requesting the issuance of the plates

(A) submit an application on a form provided by the department;

(B) pay an application fee set by the department for issuance of the new registration plates;

(C) submit registration fees for at least 50 motor vehicles before specialty registration plates will be issued;

(D) may not be offensive in purpose, nature, activity, or name;

(E) may charge a fee for issuance of a specialty registration plate in addition to any registration fees set by statute or regulation;

(2) must provide for a minimum number of registrations and renewals of the specialty plate and for cancellation of specialty plates that do not meet that minimum; the regulations must provide that before a specialty plate may be cancelled the entity sponsoring the plate be given notice at least six months before the proposed cancellation;

(3) must establish procedures for owners of vehicles to purchase specialty registration plates under this subsection.

*** Sec. 2.** AS 28.10.421(d)(2) is amended to read:

(2) special request plates for

(A) Alaska National Guard personnel $30;

(B) veterans, [OR] retired veterans, **or Lao veterans** $30;

(C) recipients of the Purple Heart ..... none;

(D) owners of custom collector vehicles $50;

(E) Iditarod race finishers $50;

(F) other special request plates $30;

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of

special request plates;

* **Sec. 3.** AS 28.10.421(d) is amended by adding new paragraphs to read:

(20) special request United States flag "In God We Trust" plates.. $30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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.

(21) special request choose life plates ..... $30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the 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; the annual estimated balance in the account that is in excess of the cost of issuing special request choose life plates may be appropriated by the legislature to programs supporting or benefiting adoption.

(22) special request National Rifle Association plates ..... $50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; a $30 fee shall be collected biennially thereafter in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits into 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 establish and maintain a scholastic clay target program and for other youth shooting programs.

(23) special request breast cancer awareness plates..... $50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; the commissioner shall separately account for the fees received under this paragraph that the department deposits into 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 programs that provide screening for breast and cervical cancer.

(24) special request specialty organization plates under AS 28.10.181(gg) ..... $30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the $30 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the plates; in addition, an entity sponsoring a special request specialty organization plate may charge a fee on first issuance and renewal of the plates.

*** Sec. 4.** This Act takes effect January 1, 2012.

Nancy Manly

From: Nancy Manly
Sent: Thursday, April 07, 2011 1:18 PM
Subject: FW: SB 93 - documents requested in committee
Attachments: SB 93 - Supporting Document - 9th circuit court ruling.pdf; SB 93 Supporting Document - Florida U.S. District Court March 30 2011.pdf; SB 93 Supporting Document - regs and statutes for AK personalized license plates.pdf

Please show your boss. Thanks!

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: Karla Hart
Sent: Thursday, April 07, 2011 11:20 AM
To: Nancy Manly
Subject: SB 93 - documents requested in committee

Nancy,

Attached are 3 documents regarding SB 93 discussion to forward to committee members.

1) A 9th Circuit Court ruling on Arizona license plates from 2005.
2) A Florida US District Court Ruling from a week ago – addresses issue of legislative approval of administration decision on license plates (I heard Rep. Keller might have an interest in this concept)
3) Alaska regulations and law regarding the Personalized License Plate Program

I will do some research on the political candidate question raised by Rep. Keller but need to first prepare for a bill before Senate Finance tomorrow morning.

Do you know if House State Affairs will have a Saturday meeting this weekend?

Karla

Karla Hart, Legislative Aide
Senator Bill Wielechowski
State Capitol, Room 413
Juneau, Alaska 99801
(907) 465-3723 phone
(907) 465-6615 fax
karla.hart@legis.state.ak.us

Senator Wielechowski's Main Office - Room 101
(907) 465-2435 phone

Per Representative Gruenberg's request, below are the regulations and statutes regarding personalized plates:

Regulation:

2 AAC 92.090. Personalized registration plates for motor vehicles.

(a) The department will issue personalized registration plates for motor vehicles.

(b) The department will not issue a personalized registration plate that displays

(1) symbols in a combination identical to one already in use on a registration plate;

(2) a total of more than six or less than two symbols;

(3) symbols other than numbers or letters; or

(4) symbols in a combination that demeans an ethnic, religious, or racial group, or that is otherwise vulgar, indecent, or has sexual connotations; any combination known by the department to have a sexual connotation or to be patently offensive to a person of ordinary sensibilities will be considered vulgar or indecent; any combination known by the department to be patently offensive to an ethnic, religious, or racial group will be considered demeaning to that group.

(c) The department will recall a personalized registration plate that the department determines is described in (b) of this section.

(d) A registrant may not transfer a personalized registration plate to another vehicle or person, except that a registrant may transfer a plate to another vehicle registered in the registrant's name after proper application to the department.

History: Eff. 7/1/2006, Register 178

Authority: AS 28.10.021

Statutes:

Sec. 28.10.021. Application for registration.

(a) The owner of a vehicle subject to registration shall apply for registration under this chapter by properly completing the form prescribed by the commissioner under AS 28.05.041 . Before the issuance of a certificate of registration by the department, the owner shall

(1) pay all registration fees and taxes required under this chapter and federal heavy vehicle use taxes required under 26 U.S.C. 4481 (Internal Revenue Code of 1954);

(2) unless the owner qualifies as a self-insurer under AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011 , certify to the department the existence of a motor vehicle liability policy that complies with AS 28.22.011 for the vehicle being registered; in this paragraph, "certify" means to indicate by check-off on the vehicle registration form prescribed by the department the existence of a policy of insurance, if a policy is required at that time, and the intention to continue the policy or obtain a policy as required by this subsection; and

(3) comply with other applicable statutes and regulations.

(b) At the time of application for registration or renewal of registration, the department shall provide the applicant written information explaining the state's financial responsibility law.

(c) An employee of the department who processes an application for registration or renewal of registration, other than an application received by mail or an application for registration under AS 28.10.152 , shall ask the applicant orally whether the applicant wishes to execute an anatomical gift. The department shall make known to all applicants the procedure for executing an anatomical gift under AS 13.52 (Health Care Decisions Act) by displaying posters in the offices in which applications are taken, by providing a brochure or other written information to each person who applies in person or by mail, and, if requested, by providing oral advice. The department shall inform each applicant in writing that, if the applicant executes a gift under AS 13.52 and if the gift is made with the registration application, the department will transmit the information on the registration to a donor registry created under AS 13.50.110 . The department shall also direct the applicant to notify a procurement organization or the department under AS 13.50.140 if the registration is destroyed or mutilated or the gift is revoked under AS 13.52.183 . The department shall carry out the requirements of AS 13.50.100 - 13.50.190.

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes.

(a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to, a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421 (d), 28.10.431, and 28.10.441. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle that the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

Please let me know if you need anything else.

Stacy

Stacy Oates
DMV Administrative Officer
1300 W Benson Blvd Ste 400, Anchorage, AK 99503-3392
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Slip Copy, 2011 WL 1233091 (M.D.Fla.)
(Cite as: 2011 WL 1233091 (M.D.Fla.))

Only the Westlaw citation is currently available.

United States District Court, M.D. Florida,
Orlando Division.
SONS OF CONFEDERATE VETERANS, FLORIDA DIVISION, INC., John W. Adams, Plaintiffs,
v.
Jeffrey H. ATWATER, Ray Sansom, Andy Gardiner, Richard Glorioso, Michael Davis, Electra Theodorides–Bustle, Defendants.

No. 6:09–cv–134–Orl–28KRS.
March 30, 2011.

ORDER

JOHN ANTOON II, District Judge.

***1** The Sons of Confederate Veterans, Florida Division ("SCV") and its vice president, John W. Adams ("Adams") (collectively "Plaintiffs"), challenge the constitutionality of statutes establishing Florida's specialty license plate program. This challenge arises as a result of the Florida Legislature's failure to approve issuance of SCV's proposed "Confederate Heritage" specialty plate featuring depictions of five Confederate flags and two coat buttons worn by Confederate soldiers from Florida.[FN1] Plaintiffs contend that Florida's specialty license plate program constitutes a public forum for private speech. Plaintiffs further argue that the Florida Statutes grant unfettered discretion to the Florida Legislature to limit speech in violation of the rights of SCV's members to free speech and equal protection as guaranteed by the First and Fourteenth Amendments to the United States Constitution. I agree. Florida's specialty license plate program implicates private speech rights, and section 320.08053, Florida Statutes (2009), is unconstitutional to the extent it grants the Florida Legislature discretion to decline approval of an application for a specialty license plate based on the sponsor's viewpoint.

FN1. Defendant Electra Theodorides–Bustle has filed a Dispositive Motion to Dismiss, Dispositive Motion for Judgment on the Pleadings, and Dispositive Motion for Summary Judgment (Doc. 28). This order addresses those motions and Plaintiff's response thereto (Doc. 29).

Background[FN2]

FN2. The parties stipulated to the factual statements contained in the Background Section. (*See* Doc. 35–1).

In 1995, the Florida Legislature ("Legislature") established a scheme for the creation of "specialty license plates." [FN3] An organization wishing to establish a specialty licence plate under this statutory scheme must submit to the Department of Highway Safety and Motor Vehicles ("the Department"): (1) a request for the specialty plate being sought, describing the proposed license plate in specific terms, including a sample plate; (2) a scientific survey indicating that at least 30,000 motor vehicle owners intend to purchase the proposed license plate; (3) an application fee, not to exceed $60,000, to defray the costs incurred by the Department in the review of the application and development of the specialty license plate; and (4) a marketing strategy and financial analysis outlining the anticipated revenues and the planned expenditures of the revenues generated by the specialty plate.[FN4] § 320.08053(1), Fla. Stat. If these requirements are satisfied, the Department submits the plan to the Legislature, and a specialty plate may then be created through passage of legislation amending sections 320.08056 and 320.08058. However, the statutory scheme is not specific as to how such enactment is to occur or what criteria—if any—are to be applied in the process. In commenting on the enactment process, the Eleventh Circuit has noted that "[i]f the sponsoring organization satisfies the[ ] requirements [of section 320.08053(1)]," the Legislature "has unfettered discretion to enact a law authorizing the specialty plate, or to reject the plan *in toto.*" *Women's Emergency Network v. Bush*, 323 F.3d 937, 941 (11th Cir.2005) (citations omitted) (emphasis in original).

FN3. The statutory provisions relevant to the present action include sections 320.08053, 320.08056, and 320.08058, Florida Statutes. While section 320.08053 was amended effective September 1, 2010, the amended version of the statute does not apply to organizations that submitted a letter of intent to the Department prior to May 2, 2008 and a

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valid survey, marketing strategy, and application prior to October 1, 2008. Ch.2010–223, §§ 21–23, 49 Laws of Fla. SCV submitted the required documentation prior to May 2, 2008. (Doc. 35–1 ¶ 11). As a result, the version of section 320.08053 effective September 1, 2010, does not apply to SCV's application for the "Confederate Heritage" specialty license plate. Rather, section 320.08053, Florida Statutes (2009), is applicable because it contains the language that was in effect in 2008 when SCV submitted its application. For ease of reference, section 320.08053, Florida Statutes (2009), will be discussed in the remainder of the Order without citation to year, i.e., "section 320.08053" or " § 320.08053, Fla. Stat."

FN4. Section 320.08053 provides:

> (1) An organization that seeks authorization to establish a new specialty license plate for which an annual use fee is to be charged must submit to the department:
>
> (a) A request for the particular specialty license plate being sought, describing the proposed specialty license plate in specific terms, including a sample plate that conforms to the specifications set by the department and this chapter, and that is in substantially final form.
>
> (b) The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased cost....
>
> (c) An application fee, not to exceed $60,000, to defray the department's cost for reviewing the application and developing the specialty license plate, if authorized....
>
> (d) A marketing strategy outlining short-term and long-term marketing plans for the requested specialty license plate and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the sale of the requested specialty license plates.
>
> The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.
>
> (2) If the specialty license plate requested by the organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law. If the specialty license plate requested by the organization is not approved by the Legislature, the application fee shall be refunded to the requesting organization.

SCV is a Florida corporation, (Doc. 35–1 ¶ 1), and its membership is comprised of descendants of those who fought in the armed forces of the Confederate States of America during the Civil War, (*id.* ¶ 2). Adams is a member and vice president of SCV and the chairman of SCV's "Confederate Heritage Plate Program." (*Id.* ¶¶ 4, 6). Pursuant to the statutory scheme set forth in section 320.08053, SCV filed the requisite application materials with the Department for the establishment of a "Confederate Heritage" specialty license plate. (*Id.* ¶ 11). Defendants do not argue that SCV has failed to comply with the statutory requirements for submission of the "Confederate Heritage" plate.

*2 On February 26, 2008, State Representative Donald Brown introduced House Bill 1159 to amend sections 320.08056 and 320.08058 to establish the proposed "Confederate Heritage" license plate. (*Id.* ¶ 13). The Department subsequently notified the staff directors of the House Infrastructure Committee and the Senate Transportation Committee that SCV had satisfied the statutory application requirements set forth in section 320.08053 for the creation of the proposed "Confederate Heritage" license plate. (*Id.* ¶ 12). However, no action was taken on House Bill 1159 in the 2008 legislative session, and the Legislature has taken no further action regarding House Bill 1159 to

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date. (*Id.* ¶ 14). As a result, the proposed "Confederate Heritage" license plate has not been established.[FN5]

FN5. On June 17, 2008, the Legislature enacted a moratorium on the issuance of new specialty license plates, effective October 1, 2008. Ch.2008–176, § 45, Laws of Fla. The moratorium does not apply to proposals submitted to the Department prior to May 2, 2008 or included in a bill filed during the 2008 Legislative Session, *id.*, and therefore does not apply to SCV's application for the establishment of a "Confederate Heritage" specialty plate.

Analysis

Plaintiffs challenge the constitutionality of Florida's specialty license plate program, arguing that it gives the Legislature "unfettered discretion" over the specialty license plate approval process in violation of the First Amendment, (Compl., Doc. 1, ¶ 38), and that therefore either the violative portions should be severed or sections 320.08053, 320.08056, and 320.08058 should be declared "unconstitutional *in toto*,"[FN6] (*id.* ¶ 39). Defendant Electra Theodorides–Bustle ("Defendant"),[FN7] responds that Florida's specialty license plate program does not violate the First Amendment because "specialty plates are government speech under Florida's statutory scheme, and government speech is not subject to scrutiny under the Free Speech Clause of the United States Constitution." (Doc. 28 at 2). In the alternative, Defendant also moves for judgment on the grounds that: (1) this Court lacks subject matter jurisdiction under the Tax Injunction Act, 28 U.S.C. § 1341; (2) the present action is barred by the Eleventh Amendment to the United States Constitution; and (3) Plaintiffs fail to state a claim against the Defendant upon which relief may be granted. (*Id.* at 1–2). A hearing was held on the motion on August 18, 2010, (Doc. 46), during which the parties agreed that a trial is not necessary and that the dispositive issue in this case is whether the speech at issue is government speech or private speech.

FN6. The Complaint lists section 320.08056 twice in paragraph 39 but does not list section 320.08058. Because a number of other paragraphs in the Complaint attack the validity of section 320.08058, I will consider the repetition of section 320.08056 to be a scrivener's error and construe paragraph 39 as attacking both sections 320.08056 and 320.08058. (*See, e.g.*, Compl. ¶¶ 8, 10, 28, 38).

FN7. Plaintiffs initially named all of the following as Defendants: Jeffrey Atwater, President of the Florida Senate; Larry Cretul, Speaker of the Florida House of Representatives; Andy Gardiner, Chairman of the Senate Transportation Committee; Richard Glorioso, Chairman of the House Committee on Infrastructure (collectively, "the Legislator–Defendants"); and Electra TheodoridesBustle, Executive Director of the Department, all of whom were sued solely in their official capacities. (Doc. 1). Legislator–Defendants and Defendant Theodorides–Bustle filed separate motions to dismiss. (Docs.10, 11). While the Legislator–Defendants were found to enjoy absolute legislative immunity and all claims against them were dismissed, Theodorides–Bustle's Motion to Dismiss was denied. (Doc. 24 at 13). Subsequently, Theodorides–Bustle filed the present Dispositive Motion to Dismiss, Dispositive Motion for Judgment on the Pleadings, and Dispositive Motion for Summary Judgment. (Doc. 28).

I. First Amendment

A. Distinguishing Government Speech from Private Speech

The constitutionality of Florida's specialty license plate program does indeed turn on whether messages contained on the specialty license plates constitute private speech, to which First Amendment protections apply, or government speech, which is "exempt from First Amendment scrutiny." *Johanns v. Livestock Mktg. Ass'n*, 544 U.S. 550, 553 (2005). "A government entity has the right to speak for itself. It is entitled to say what it wishes and to select the views that it wants to express." *Pleasant Grove City, Utah v. Summum*, 129 S.Ct. 1125, 1131 (2009) (internal citations, quotations, and alteration omitted). The same is true when a government entity "receives assistance from private sources for the purpose of delivering a government-controlled message." *Id.* (citing *Johanns*, 544 U.S. at 562 (where the government controls the message, "it is not precluded from relying on the

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government-speech doctrine merely because it solicits assistance from nongovernmental sources")). Thus, where the government "engag[es] in [its] own expressive conduct, ... the Free Speech Clause has no application." *Id.*

***3** On the other hand, "government entities are strictly limited in their ability to regulate private speech in ... 'traditional public fora.' " *Id. at 1132* (quoting *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 800 (1985)). "Reasonable time, place, and manner restrictions are allowed, but any restriction based on the content of the speech must satisfy strict scrutiny, that is, the restriction must be narrowly tailored to serve a compelling government interest." *Id.* (internal citations omitted). Restrictions based on viewpoint are strictly prohibited. *Id.* In addition to traditional public fora, the Supreme Court has also recognized that a "government entity may create 'a designated public forum' if government property that has not traditionally been regarded as a public forum is intentionally opened up for that purpose." *Id.* (citing *Cornelius*, 473 U.S. at 802). Government speech restrictions in a designated public forum are "subject to the same strict scrutiny as restrictions in a traditional public forum." *Id.*

A third type of public forum recognized by the Supreme Court is the "limited public forum." *Christian Legal Soc'y v. Martinez*, 130 S.Ct. 2971, 2984 n. 11 (2010) (citing *Summum*, 129 S.Ct. at 1132). Government entities establish a limited public forum by opening government property for public speech but limiting the use of the government property to certain groups or dedicating it "solely to the discussion of certain subjects." *Summum*, 129 S.Ct. at 1132 (citing *Perry Educ. Ass'n*, 460 U.S. at 46 n. 7). Speech restrictions imposed by the government in limited public fora, while not subject to strict scrutiny, must be reasonable and viewpoint-neutral. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106–07 (2001).

The Supreme Court has yet to set forth a specific framework for differentiating government speech from private speech, leaving some question as to the appropriate standard to apply in analyzing Florida's specialty license plate program. However, its analyses in *Johanns* and *Summum*, along with several circuit court cases discussing government speech versus private speech in the context of specialty license plate programs, provide some guidance.

In 2005, the Supreme Court addressed the distinction between government and private speech in determining whether a federal program requiring beef producers to finance promotional messages to support the beef industry violates the First Amendment. *Johanns*, 544 U.S. at 554. The *Johanns* Court held that where "the government sets the overall message to be communicated and approves every word that is disseminated, it is not precluded from relying on the government-speech doctrine merely because it solicits assistance from nongovernmental sources in developing specific messages." [FN8] *Id.* at 562. In reviewing the legislation creating the beef promotion program, the Supreme Court noted that "Congress and the Secretary [of Agriculture] ... set out the overarching message and some of its elements." *Id.* at 561. While Congress "left the development of the remaining details to an entity whose members are answerable to the Secretary, ... the Secretary exercise[d] final approval authority over every word used in every promotional campaign." *Id.* Under this legislative scheme, "[t]he message set out in the beef promotions [was] from beginning to end the message established by the Federal Government" and therefore government speech. *Id.* at 560.

> FN8. The *Johanns* court did acknowledge that "[o]n some set of facts," the respondents may be able to establish an as-applied compelled speech challenge if it were established "that individual beef advertisements were attributed to respondents" rather than the government. 554 U.S. at 564–65.

***4** More recently, the Supreme Court distinguished government speech from private speech in the context of city park monuments. *Summum*, 129 S.Ct. at 1132. In *Summum*, the respondents challenged the city's refusal to place a permanent monument donated by Summum, a religious organization, in a public park.[FN9] *Id.* at 1130. The 2.5–acre park already contained fifteen such permanent displays, at least eleven of which were donated by private groups or individuals. *Id.* The city rejected the respondents' monument because it did not comport with the city's policy of only accepting monuments that either "(1) directly relate[d] to the history of [the city], or (2) were donated by groups with longstanding ties to the ... community." *Id.* at 1130. The *Summum* Court found that "[p]ermanent monuments displayed on public

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property typically represent government speech," and noted two particularly relevant characteristics of permanent monuments. *Id.* at 1132. First, the government is clearly identifiable as the speaker. Regardless of whether a monument is government-commissioned and financed or privately-financed and donated, it is apparent that it is the government speaking—rather than a private party—because "[g]overnments have long used monuments to speak to the public," and the monument is on government-owned property. *Id.* at 1133. Second, the government maintained extensive control over "the messages sent by the monuments." *Id.* Specifically, the government "exercised selectivity" and "editorial control" over the monuments and "[took] care in accepting donated monuments." *Id.* In light of these characteristics, city park monuments were found to communicate government speech.

> FN9. On two separate occasions, Summum's president wrote a letter to the city's mayor requesting permission to erect a stone monument that would contain "the Seven Aphorisms of SUMMUM" and be similar in size and nature to the Ten Commandments monument already displayed in the park. *Summum,* 129 S.Ct. at 1129–30.

Both before and after the Supreme Court's decisions in *Johanns* and *Summum,* several circuit courts have specifically addressed the issue of distinguishing government speech from private speech in the context of specialty license plates and developed three general approaches to doing so. Prior to the *Johanns* and *Summum* decisions, the Fourth Circuit decided *Sons of Confederate Veterans, Inc. v. Commissioner of the Virginia Department of Motor Vehicles,* 288 F.3d 610 (4th Cir.2002), where it laid out the first of these approaches: the SCV factors. The SCV factors are a nonexhaustive list of factors used to determine the nature of the messages communicated on specialty plates and include:

> (1) the central "purpose" of the program in which the speech in question occurs; (2) the degree of "editorial control" exercised by the government or private entities over the content of the speech; (3) the identity of the "literal speaker"; and (4) whether the government or the private entity bears the "ultimate responsibility" for the content of the speech ....

Id. at 618–19 (citing *Wells v. City & Cnty. of Denver,* 257 F.3d 1132, 1141 (10th Cir.2001)). The SCV factors were subsequently adopted by the Ninth Circuit in *Arizona Life Coalition Inc. v. Stanton,* 515 F.3d 956, 965 (9th Cir.2008), which was decided after *Johanns* but prior to *Summum.*

***5** The Seventh Circuit has found the SCV factors instructive but has opted to "simplif[y]" the inquiry. *Choose Life of Ill., Inc. v. White,* 547 F.3d 853, 863 (7th Cir.2008). In *White,* which was also decided after *Johanns* but prior to *Summum,* the Seventh Circuit adopted the "reasonable person" standard, which "focus[es] on the following inquiry: [u]nder all the circumstances, would a reasonable person consider the speaker to be the government or a private party?" [FN10] *Id.* at 863. The Eighth Circuit Circuit also adopted the "reasonable person" standard in *Roach v. Stouffer,* 560 F.3d 860 (8th Cir.2009), stating that the government speech analysis involves "one key question: whether, under all the circumstances, a reasonable and fully informed observer would consider the speaker to be the government or a private party." *Id.* at 867. Although *Roach* was decided approximately one month after *Summum,* the *Roach* court merely mentioned *Summum* in a footnote, stating that the *Summum* decision did not require a different outcome because "[u]nlike monuments displayed in public parks, specialty license plates that advertise the name or motto of a private organization facilitate expressive conduct on the part of the organization and its supporters, not the government." *Roach,* 560 F.3d at 868 n. 3. The *Roach* court provided no further analysis of the *Summum* decision.

> FN10. A similar inquiry was later adopted by Justice Souter in his concurrence to *Summum,* where he opined that "the best approach that occurs to me is to ask whether a reasonable and fully informed observer would understand the expression to be government speech, as distinct from private speech the government chooses to oblige." *Summum,* 129 S.Ct. at 1142 (Souter, J., concurring).

Finally, the Sixth Circuit has provided the third approach to distinguishing government speech from private speech: the control approach. In *American Civil Liberties Union of Tennessee v. Bredesen,* 441

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F.3d 370 (6th Cir.2006), which was decided after *Johanns* but before *Summum,* the Sixth Circuit found that the Supreme Court's decision in *Johanns* dictated that the linchpin of the government speech inquiry was the degree of control the government had over the speech. *Id.* at 375 ("[W]hen the government determines an overarching message and retains power to approve every word disseminated at its behest, the message must be attributed to the government for First Amendment purposes.").

Informed by the Supreme Court's efforts to define the contours of the government speech doctrine in *Johanns* and *Summum,* as well as the analysis of specialty license plates set forth in other circuits, I decline to wholly adopt any of the three approaches developed in the other circuits. The SCV factors were developed prior to the Supreme Court's decision in *Summum,* and the *Summum* Court neither adopted the SCV factors in name nor addressed three of the four factors in distinguishing government and private speech. *Summum,* 129 S.Ct. at 1132–34. Furthermore, while the "reasonable person" standard was presented in Justice Souter's concurrence to *Summum,* it was not adopted by the *Summum* majority and therefore will not be adopted here. *Id.* at 1141–42. Additionally, while I agree with the Sixth Circuit that the degree of government control is a consideration in distinguishing private speech from government speech, the Supreme Court in *Summum* made clear that it is not the sole factor. Instead, I conclude that the two considerations discussed in *Summum* provide the appropriate framework for distinguishing government speech from private speech in the context of Florida's specialty license plate program. These considerations are: (1) how easily the government is identified as the speaker, and (2) how much control the government has over the message communicated. *Id.* The more easily the government is identified as the speaker and the greater the government's control over the message communicated, the more likely the message is to be government speech. *Id.*

***6** The first consideration—the ease with which the government could be identified as the speaker—indicates that specialty license plates are private, rather than government, speech. When the *Summum* Court addressed this consideration, it noted that when permanent monuments are displayed on public property, there is "little chance that observers will fail to appreciate the identity of the speaker" as the government.[FN11] *Id.* at 1133. In contrast, when specialty license plates are placed on private vehicles, there is little chance that observers *will* appreciate the identity of the speaker as the government.

> FN11. In his concurrence, Justice Stevens noted that it was a *"near certainty* that observers will associate permanent displays with the governmental property owner." *Summum,* 129 S.Ct. at 1139 (Stevens, J. concurring) (emphasis added).

"The most obvious speakers in the specialty-plate context are the individual vehicle owners who choose to display the specialty plates and the sponsoring organizations whose logos or messages are depicted on the plates." *White,* 547 F.3d at 863–64. Unlike permanent monuments, which "governments have long used to speak to the public," *Summum,* 129 S.Ct. at 1132, specialty "plates serve as 'mobile billboards' for the [sponsoring] organizations and like-minded vehicle owners to promote their causes," *White,* 547 F.3d at 863. With more than 110 specialty plates available to Florida vehicle owners, it is unlikely that the State of Florida would be identified as the speaker communicating each of the messages contained in the specialty plates. *See Roach,* 560 F.3d at 868 ("[T]he wide variety of available specialty plates further suggests that the messages on specialty plates communicate private speech."). Additionally, because specialty license plates are voluntary rather than compulsory, private individuals—rather than the government—choose which message, if any, they want to communicate. Under these circumstances, observers will not appreciate the identity of the speaker to be the State of Florida. *See Bredesen,* 441 F.3d at 370 (Boyce, J., concurring in part and dissenting in part) (finding it illogical that the Tennessee government would decide to establish a specialty license plate promoting the University of Florida—the University of Tennessee's arch-rival in football—and stating that "it is a nice academic exercise to hypothesize that the license plate program is a governmental program to disseminate through private volunteers all of the state's various messages, but it seems to me to be a conclusion that only judges banished to our ivory towers and shut off from the real world could reach").

The second consideration—the degree of government control over the message communi-

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cated—also indicates that Florida's specialty license plate program provides a venue for private speech, not government speech. Although the Department maintains final approval authority over the license plate, the substance of the message communicated originates with and is developed by the sponsoring organization. *Compare Johanns*, 544 U.S. at 561 (noting that the Secretary's role in the beef campaign extended beyond granting final approval or rejection; government officials "also attend[ed] and participat[ed] in the open meetings at which proposals [we]re developed"), *with Sons of Confederate Veterans*, 288 F.3d at 621 (noting that Virginia's license plate design criteria "do[ ] not contain guidelines regarding the substantive content of the plates or any indication of reasons, other than failure to comply with size and space restrictions, that a special plate design might be rejected").

*7 Under Florida's statutory scheme, the sponsoring organization submits a description of the proposed license plate, a proposed art design, and a sample plate in "substantially final form" to the Department. § 320.08053(1)(a), (2), Fla. Stat. Furthermore, although the Department is "responsible" for the development of the specialty license plates, *id.* § 320.08056(1), and there are some general guidelines regarding the design of certain specialty license plates, *see, e.g., id.* § 320.08058(3)(a) ("Collegiate license plates must bear the colors and design approved by the department as appropriate for each state and independent university."), the relevant statutes do not contain any guidelines or criteria relating to the substantive content of specialty plates established under section 320.08053. Therefore, the substance of the messages communicated through specialty license plates created under section 320.08053 originates with the sponsoring organization, not the Legislature. *Cf. Planned Parenthood of S.C. v. Rose*, 361 F.3d 786, 793 (4th Cir.2004) (finding that South Carolina's "Choose Life" license plate communicated government speech where the plate "originated with the State, and the legislature determined that the plate will bear the message 'Choose Life' "). Accordingly, the sponsoring organization—rather than the State of Florida—maintains control over the message communicated by specialty license plates.

As the previous discussion demonstrates, specialty license plates established under section 320.08053 implicate private speech rights.[FN12] Therefore, the statutory scheme creating Florida's specialty license plate program must be analyzed [FN13] to determine if it allows the State to engage in viewpoint discrimination.[FN14] "The danger giving rise to [this] First Amendment inquiry is that the government is silencing or restraining a channel of speech ...." *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 763 (1988). "This danger is at its zenith when the determination of who may speak and who may not is left to the unbridled discretion of a government official." *Id.* "[W]ithout standards governing the exercise of discretion, a government official may decide who may speak and who may not based upon the content of the speech or viewpoint of the speaker." *Id.* at 763–64.

FN12. Based on this finding, SCV's claim that the Florida specialty plate program violates its equal protection rights under the Fourteenth Amendment need not be addressed.

FN13. The Supreme Court has expressed disfavor for facial challenges because they "often rest on speculation" and "raise the risk of 'premature interpretation of statutes on the basis of factually barebones records.' " *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 451 (2008) (citing *Sabri v. United States*, 541 U.S. 600, 609 (2004)). Facial challenges may "also run contrary to the fundamental principle of judicial restraint" and may "short circuit the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution." *Id.* Nonetheless, a facial challenge on overbreadth grounds is permissible where there exists "a realistic danger that the statute itself will significantly compromise recognized First Amendment rights of parties not before the Court." *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 801 (1984). In the present case, the Florida specialty license plate program fails to provide any standards to channel the Legislature's discretion to amend the relevant statutes to establish specialty plates proposed under section 320.08053. Such unbridled discretion creates a realistic danger that the statute would significantly compromise the First Amendment rights of any number of parties not currently

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before the Court. While section 320.08053 was amended effective September 1, 2010, the version of the statute at issue in the present case continues to apply to organizations exempt from the moratorium under Section 45, and the Defendant does not argue or present any evidence to suggest that Section 45 applies only to SCV. Indeed, at oral argument, the parties agreed that a facial challenge was appropriate in the present action. (Doc. 46).

FN14. Normally, a forum analysis would be undertaken at this juncture to determine whether section 320.08053 creates a traditional public forum, a designated public forum, or a limited public forum. *See, e.g., White*, 547 F.3d at 864–65. However, because section 320.08053 fails to prevent viewpoint discrimination, as discussed below, the statute is unconstitutional in any public forum. Accordingly, the type of public forum created by section 320 .08053 need not be determined at this juncture. *See Roach*, 560 F .3d at 868 n. 4 ("[B]ecause we find that the statute unconstitutionally failed to provide standards or guidlines to prevent viewpoint discrimination, we need not [conduct a forum analysis].").

The Florida specialty license plate program allows the Legislature to engage in exactly this type of dangerous viewpoint discrimination. The statutory scheme provides instructions for submitting the license plate applications to the Legislature, § 320.08053(1)(d), Fla. Stat., and details the steps required if the application is approved, *id.* § 320.08053(2), but it omits any criteria to guide the Legislature in deciding whether to approve the application or not. Consequently, the Legislature retains unfettered discretion to decline or approve a request for a specialty license plate based solely on the sponsoring organization's viewpoint, and therefore the provisions of section 320.08053 granting this unfettered discretion are unconstitutional. [FN15] *See Women's Emergency Network*, 323 F.3d at 941.

FN15. The provisions of section 320.08053 granting the Legislature unfettered discretion to decline to approve a proposed specialty license plate include the last line of subsection 320.08053(1) and subsection 320.08053(2) in its entirety.

B. Severability of Section 320.08053

***8** Plaintiffs contend that the offending provisions of section 320.08053—the last sentence of subsection 1 and subsection 2 in its entirety—should be severed from the remainder of section 320.08053 and that a mandatory injunction should be issued directing Defendant to authorize the "Confederate Heritage" license plate without legislative approval. As discussed below, however, the provisions are not severable.

State law determines the severability of a state statute. *Seay Outdoor Adver., Inc. v. City of Mary Esther*, 397 F.3d 943, 949 (11th Cir.2005) (citing *Plain Dealer Publ'g Co.*, 486 U.S. at 772). Under Florida law, when a portion of a statute is declared unconstitutional, the remainder of the statute will be permitted to stand, provided:

> (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provision can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the Legislature would have passed the one without the other and, (4) an act complete in itself remains after the valid provisions are stricken.

Lawnwood Med. Ctr., Inc. v. Seeger, 990 So.2d 503, 518 (Fla.2008) (quoting *Cramp v. Bd. of Pub. Instruction*, 137 So.2d 828, 820 (Fla.1962)). Plaintiffs maintain that the proposed severance is appropriate because it would remove the unconstitutional provisions of 320.08053 and leave in place an administrative route through which the Department would be required to approve any specialty license plate applications properly submitted by sponsoring organizations. I disagree.

Section 320.08053 requires a sponsoring organization to submit an application to the Department, and after the Department ensures that the application is complete, it submits the application to the Legislature. The Department has no authority under section 320.08053 to do anything else with the application until it is approved by the Legislature. Therefore, if section 320.08053 were to be severed in the manner

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proposed by Plaintiffs, the result would not be to simply remove the Legislature's discretion and make the approval of specialty license plates purely administrative; rather, severance in that manner would remove the mechanism for approving new specialty license plate applications filed under section 320.08053 altogether.

No other section of the Florida Statutes provides a mechanism for approving specialty license plate applications. Section 320.08056 states that "[t]he department is responsible for developing the specialty license plates **authorized in s. 320.08053.**" § 320.08056(1), Fla. Stat. (emphasis added). It then explains the process of issuing those license plates to the individual owners or lessees of motor vehicles including the fees and taxes required for each plate. *Id.* § 320.08056(2)-(5), (7), (10)-(11). Section 320 .08056 also addresses the design, renewal, and discontinuance of specialty license plates that have been approved pursuant to section 320.08053. *Id.* § 320.08056(6), (8)-(9), (12). Nowhere, however, does section 320.08056 provide an independent process for approving specialty license plates. In other words, section 320.08056 only provides a framework for the Department to follow when issuing and regulating those specialty license plates that have already been approved by the Legislature under section 320.08053. Similarly, section 320.08058 merely lists the specialty license plates that have been approved by the Legislature pursuant to the process set out in section 320.08053 and authorizes the Department to issue them; it does not provide its own approval process.

***9** The remaining provisions of section 320.08053, even when combined with sections 320.08056 and 320.08058, fail to create "an act complete in itself." [FN16] *Cramp,* 137 So.2d at 830. In addition, the legislative purpose expressed in the remaining provisions of § 320.08053—establishing specialty license plates through an application process—could not be accomplished independent of the void provisions. *See Lawnwood,* 990 So.2d at 518 (finding the statute at issue could not be severed where the statute would not be "an act complete in itself, once the invalid portions are severed, that would accomplish what the legislature so clearly intended"). Accordingly, under Florida law, the unconstitutional provisions of section 320.08053 cannot be severed from the remainder of the section, rendering section 320.08053 void in its entirety.

FN16. Plaintiffs cite *Roach v. Stouffer* in support of their contention that section 320.08053 is severable. In *Roach,* the Eighth Circuit found the unconstitutional provisions to be severable from the remainder of the specialty license plate statutory scheme where the remaining provisions provided "sufficient statutory authority [ ] for the Department of Revenue to issue specialty license plates after receiving the approval of the Joint Committee." 560 F.3d at 871. Here, the remaining provisions of section 320.08053 would not similarly provide a mechanism for issuing specialty license plate applications filed under section 320 .08053.

Plaintiffs contend that if the unconstitutional provisions of section 320.08053 cannot be severed, then the entire specialty license plate scheme—sections 320.08053, 320.08056, and 320.08058—should be declared "unconstitutional *in toto.*" (Doc. 38 at 14). Plaintiffs maintain that "[t]o do otherwise means leaving in place a system which inhibits free speech rights by conditioning that speech on obtaining a license or permit from a government official in that official's boundless discretion." (*Id.*).

Notwithstanding Plaintiffs' characterization of the Florida specialty license plate program as a "system" encompassing sections 320.0805 3, 320.08056, and 320.08058, Plaintiffs fail to allege that either section 320.08056 or section 320.08058 grants the Legislature unfettered discretion to approve or deny applications for specialty license plates. In fact, as noted above, neither section 320.08056 nor section 320.08058 discusses any approval process of specialty license plates except for referencing the one set forth in section 320.08053. A finding that section 320.08053 is void in its entirety, therefore, does not necessitate a finding that sections 320.08056 and 320.08058 are also unconstitutional. Moreover, it is unclear that Plaintiffs would have standing to challenge the constitutionality of sections 320.08056 and 320.08058, as they have not alleged any specific harm, either actual or imminent, arising from these particular statutory provisions. *See Women's Emergency Network,* 323 F.3d at 947 (finding the appellants lacked standing to challenge Florida's "Choose Life" specialty plate statute, section 320.08058(30), because the "Choose Life statute does not in any way restrict or prohibit

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Appellants' speech. Nothing in the Choose Life statute prevents Appellants from applying for or gaining entrance to the specialty license plates forum. The First Amendment protects the right to speak; it does *not* give Appellants the right to stop others with opposing viewpoints from speaking.") (emphasis in original).

II. Motion to Dismiss for Failure to State a Claim and Eleventh Amendment Immunity

***10** Although the Defendant agrees that disposition of this case turns on whether the messages communicated by specialty license plates are private speech or government speech, she has not waived other arguments previously raised. Specifically, Defendant contends that even if the specialty license plate statute is unconstitutional, the Complaint fails to allege that Defendant did anything, or failed to do anything, that violated the Plaintiffs' rights under the First Amendment or any other provision of law and therefore, the complaint should be dismissed because the Plaintiffs can prove no set of facts that would entitle them to relief. (Doc. 28 at 10) Additionally, Defendant argues that this is a suit against the state of Florida and therefore it should be dismissed because it is barred by the Eleventh Amendment. (*Id.* at 8–10). Defendant's arguments are unpersuasive.[FN17]

> FN17. Defendant also argues that this Court lacks subject matter jurisdiction over the present action under the Tax Injunction Act, 28 U.S.C. § 1531, because "[d]eclaring sections 320.08056 and 320.08058 to be unconstitutional will prohibit the State of Florida from collecting the fees set forth in section 320.08056." (Doc. 28 at 2–3). Defendant further maintains that the Eleventh Amendment bars the present action because a declaration that section 320.08056 is invalid would result in a monetary loss resulting from a past breach of a legal duty. (Doc. 28 at 8–9). Because I do not find sections 320.08056 and 320.08058 to be invalid, these contentions need not be addressed, as conceded by the Defendant at oral argument.

The Eleventh Amendment bars suits against a state by citizens of another state as well as suits initiated by that state's own citizens.[FN18] *Edelman v. Jordan,* 415 U.S. 651, 663 (1974). Thus, "[u]nless a State has waived its Eleventh Amendment immunity or Congress has overridden it, [ ] a State cannot be sued directly in its own name regardless of the relief sought." *Graham,* 473 U .S. at 167 n. 14 (internal citations omitted). However, there is a well-recognized exception to this rule for suits against state officers seeking prospective equitable relief to end continuing violations of federal law. *Summit Med. Assocs., P.C. v. Pryor,* 180 F.3d 1326, 1336 (11th Cir.1999) (citing *Idaho v. Coeur d'Alene Tribe,* 521 U.S. 261, 269 (1997)). Because "an unconstitutional statute is void, and therefore does not 'impart to [the officer] any immunity from responsibility to the supreme authority of the United States,' the Supreme Court has held that the officer is not entitled to protection by the state's sovereign immunity." *Green v. Mansour,* 474 U.S. 64, 68 (1985) (quoting *Ex parte Young,* 209 U.S. 123, 160 (1908)). This exception has been described as a "legal 'fiction' because it creates an imaginary distinction between the state and its officers, deeming the officers to act without the state's authority, and, hence, without immunity protection, when they enforce state laws in derogation of the Constitution." *Summit Med.,* 180 F.3d at 1336 (citing *Pennhurst State Sch. & Hosp. v. Halderman,* 465 U.S. 89, 114 n. 25 (1984)).

> FN18. The Eleventh Amendment to the United States Constitution provides: "The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." U.S. Const. amend. XI.

In *Ex parte Young,* the Supreme Court observed:

> In making an officer of the state a party defendant in a suit to enjoin the enforcement of an act alleged to be unconstitutional, it is plain that such officer must have some connection with the enforcement of the act, or else it is merely making him a party as a representative of the state, and thereby attempting to make the state a party.
>
> ... The fact that the state officer, by virtue of his office, has some connection with the enforcement of the act, is the important and material fact, and whether it arises out of the general law, or is specifically created by the act itself, is not material as long as it exists.

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***11** 209 U.S. at 157. "Therefore, unless the state officer has some responsibility to enforce the statute or provision at issue, the 'fiction' of *Ex parte Young* cannot operate," and a suit against a state officer seeking to challenge the constitutionality of the statue or provision is barred by the Eleventh Amendment. *Summit Med.*, 180 F.3d at 1341. On the other hand, where a state officer has some responsibility to enforce the statute or provision at issue, that state officer is a proper defendant in an action seeking to challenge the constitutionality of the statute or provision under the "fiction" of *Ex parte Young. Id.*

In the present case, section 320.08056(1) provides that "[t]he [D]epartment is responsible for developing the specialty license plates authorized in s. 320.08053." The Defendant, as Executive Director of the Department, exercises a sufficient connection to the enforcement of the challenged statute, as required by *Ex parte Young,* to be a proper defendant to the present action, which seeks prospective equitable relief to end alleged continuing violations of federal law. *See Roach v. Stouffer,* 560 F.3d 860, 871 (8th Cir.2009) (upholding a permanent injunction ordering the Director of the Missouri Department of Revenue to issue a "Choose Life" specialty plate where the relevant statutes charged the Department of Revenue with issuing specialty license plates). Accordingly, the Complaint states a claim against the Defendant upon which relief may be granted, and this suit does not violate the Eleventh Amendment.

Conclusion

By placing unfettered discretion in the hands of government officials to grant or deny access to a public forum, section 320.08053, Florida Statutes, "creates a threat of censorship that by its very existence chills free speech." *Sec'y of State of Md. v. Joseph H. Munson Co.*, 467 U.S. 947, 964 n. 12 (1984). This threat of censorship is heightened when the speech at issue is controversial, as it is in this case. Indeed, the fact that the speech is controversial strikes at the very heart of First Amendment protections, for "[i]f there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." *Texas v. Johnson,* 491 U.S. 397, 414 (1989).

Accordingly, because section 320.08053 (2009) implicates private speech rights and provides the Legislature with unfettered discretion to engage in viewpoint discrimination when declining to approve a specialty license plate application, it is unconstitutional under the overbreadth doctrine. Additionally, because the remaining portions of section 320.08053 do not provide a mechanism for approving applications for specialty license plates, section 320.08053 is void in its entirety. Thus, no rights can be granted to the Plaintiffs under this section, and the Defendant will not be directed to issue the proposed "Confederate Heritage" license plate. Sections 320.08056 and 320.08058 do not similarly provide the Legislature with unfettered discretion to restrain speech in violation of the First Amendment and therefore are not void as unconstitutional. It is **ORDERED** that Defendant Electra Theodorides–Bustle's Dispositive Motion to Dismiss, Dispositive Motion for Judgment on the Pleadings, and Dispositive Motion for Summary Judgment (Doc. 28) is **DENIED.** The Clerk is directed to enter judgment in favor of Plaintiffs declaring section 320.08053, Florida Statutes (2009), unconstitutional [FN19] and thereafter close this file.

FN19. Although Plaintiffs did not file a cross-motion for summary judgment, all parties filed trial briefs (Docs. 38 and 40) and agreed in the Joint Advisement to the Court (Doc. 43) and subsequently at the August 18, 2010 hearing that no trial was necessary and that this case could be resolved on the parties' filings.

***12 DONE** and **ORDERED.**

M.D.Fla.,2011.
Sons of Confederate Veterans, Florida Div., Inc. v. Atwater
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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ARIZONA LIFE COALITION INC., an Arizona nonprofit corporation; GARY PAISLEY, an individual,
Plaintiffs-Appellants,

v.

STACEY STANTON, Arizona License Plate Commission Chair, in her personal capacity; MICHAEL FRIAS, Arizona License Plate Commission member, in his personal capacity; BRIAN LANG, Arizona License Plate Commission member, in his personal capacity; JOHN SPEARMAN, Arizona License Plate Commission member, in his personal capacity; JACKIE ALLGOOD, Arizona Motor Vehicle Division legislative liaison, in her personal capacity; TERRY CONNOR, individually and in his capacity as an Arizona License Plate Commission member; WILLIAM A. ORDWAY, in his official capacity as an Arizona License Plate Commission member; LELA STEFFEY, in her official capacity as an Arizona License Plate Commission member,
Defendants-Appellees.

No. 05-16971
D.C. No.
CV-03-01691-PGR
OPINION

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Argued and Submitted
October 15, 2007—San Francisco, California

Filed January 28, 2008

Before: David R. Thompson and Richard C. Tallman,
Circuit Judges, and Kevin Thomas Duffy,*
Senior United States District Judge.

Opinion by Judge Tallman

*The Honorable Kevin Thomas Duffy, Senior United States District Judge for the Southern District of New York, sitting by designation.

COUNSEL

Jeffrey A. Shafer (argued), Alliance Defense Fund, Washington, D.C.; Benjamin W. Bull, Alliance Defense Fund, Scottsdale, Arizona; Peter A. Gentala, The Center for Arizona Policy, Scottsdale, Arizona; Gary S. McCaleb, Alliance Defense Fund, Scottsdale, Arizona, for the plaintiffs-appellants.

Daniel P. Schaack (argued), Assistant Attorney General, Phoenix, Arizona; James R. Morrow, Assistant Attorney General, Liability Management Section, Phoenix, Arizona, for the defendants-appellees.

Denise M. Burke, Women's Choice Pregnancy Clinic, Chicago, Illinois, for the amicus curiae.

OPINION

TALLMAN, Circuit Judge:

Arizona Life Coalition ("Life Coalition") appeals a summary judgment in favor of Stacey Stanton and other members of the Arizona License Plate Commission (collectively the "Commission"). Life Coalition contends that the Commission violated its First Amendment right to free speech and Fourteenth Amendment right to equal protection by arbitrarily denying its application for a special Arizona organization license plate that would portray its message "Choose Life." We agree that the Commission violated Life Coalition's First Amendment right to free speech and therefore do not reach its equal protection argument.

Messages conveyed through special organization plates—although possessing some characteristics of government speech—represent primarily private speech. Through its spe-

cial organization license plate program, Arizona has created a limited public forum for all nonprofit organizations that meet the State's statutory requirements. Because the Commission denied Life Coalition's application on grounds not specified in the statute or related to the limited purpose of the license plate forum, we reverse the district court's grant of summary judgment in favor of the Commission.

I

The parties do not dispute the facts, and there is no material issue of fact to prevent summary judgment from being entered. Life Coalition is an Arizona nonprofit corporation that provides "compassionate care . . . to persons who are considering abortion, or who are affected by abortion." In June 2002, Life Coalition resubmitted an application for a specialty plate that would "display Life Coalition's official logo, a small graphic of two children's faces and the motto, 'Choose Life.[1] The Arizona Department of Transportation ("Department") certified that Life Coalition met the requirements of Arizona Revised Statute section 28-2404(G)(2)[2] and submitted Life Coalition's request for its special license plate to the Commission.[3]

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[1]Life Coalition had previously submitted an application in January 2002; however, that application was either not received by the Commission or lost.

[2]Arizona Revised Statute section 28-2404(G)(2) defines "organization" as

> an entity that is organized as a nonprofit corporation pursuant to title 10, chapters 24 through 40 and that either: (a) Certifies to the department that the organization has at least two hundred members[; or] (b) If the organization has fewer than two hundred members, agrees to pay the production and program costs of the special organization plate as determined by the commission.

(Footnote omitted).

[3]Arizona Revised Statute section 28-2404(A) provides that if the Department "determines the organization meets the requirements of an organization as defined in [section 28-2404(G)(2)], the [D]epartment shall submit the request for a special organization plate to the license plate commission."

Upon receiving a request, section 28-2404(B) provides that

> [t]he [C]ommission *shall* authorize a special organization plate if the organization meets the following requirements:
>
> > (1) The primary activity or interest of the organization serves the community, contributes to the welfare of others and is not offensive or discriminatory in its purpose, nature, activity or name[;]
> >
> > (2) The name of the organization or any part of the organization's purpose does not promote any specific product or brand name that is provided for sale[;] and
> >
> > (3) The purpose of the organization does not promote a specific religion, faith or antireligious belief.

(Emphasis added).

The Commission first considered Life Coalition's application in August 2002. Members of the Commission raised concerns over whether the general public would believe Arizona had endorsed the message of the "Choose Life" license plate, as well as concerns over whether groups with differing viewpoints would file applications. To obtain legal advice, the Commission tabled Life Coalition's application without taking action.

To alleviate the Commission's concerns, Life Coalition filed a revised application on September 27, 2002. In this application Life Coalition proposed including its name on the plate design. The Commission considered Life Coalition's revised application in an August 2003 meeting. During the meeting, Gary Paisley, Chairman of Life Coalition, explained

how Life Coalition served the community: (1) it organized a diaper drive, after which Life Coalition donated thousands of diapers to the Arizona Diaper Bank; (2) "Life Coalition's purpose is to provide compassionate services to those people that are considering or have been affected by abortion including pregnancy tests, pregnancy counseling, and relationship counseling"; and (3) Life Coalition "established a hotline for women who are pregnant." Paisley also told the Commission that Life Coalition's membership included approximately 40 organizations and 100,000 individuals. Paisley then confirmed that a person or organization must subscribe to Life Coalition's statement of principles to become a member.[4]

Initially, the Commission declined to take action on Life Coalition's application. After Paisley implored the Commission to explain what statutory requirements Life Coalition failed to satisfy, a member of the Commission moved to formally deny the application, which passed by voice vote. Chairwoman Stanton replied to Paisley's request for an explanation by stating that "the action of the Commission is final" and that she did not believe "now is an opportunity for[ ] further debate, or for further info that [Life Coalition] could put on additional applications."

Life Coalition filed suit in the United States District Court for the District of Arizona on September 2, 2003. It filed its First Amended Verified Complaint on December 10, 2003. Pertinent to this appeal, Life Coalition moved for summary judgment on November 30, 2004, and the Commission cross-moved for summary judgment on January 1, 2005. The district court denied Life Coalition's motion for summary judgment, and granted the Commission's cross-motion for summary judgment. Life Coalition timely appealed. We reverse.

[4]Life Coalition's members must adhere to its stated secular principles. For example, one of Life Coalition's principles is to "believe in the sanctity of every innocent human life, from conception to natural death, regardless of age, gender, disability, or degree of dependence."

II

We review de novo a grant of summary judgment. *Balint v. Carson City*, 180 F.3d 1047, 1050 (9th Cir. 1999). The Tax Injunction Act ("TIA"), 28 U.S.C. § 1341, imposes a jurisdictional limitation on federal courts. *Hoohuli v. Ariyoshi*, 741 F.2d 1169, 1176 (9th Cir. 1984), *overruled on other grounds as recognized by Arakaki v. Lingle*, 477 F.3d 1048, 1062 (9th Cir. 2007). We are required to raise jurisdictional issues sua sponte, *id.*, and we note the TIA's application in the special organization plate context has been raised by our sister circuits. *Compare Am. Civil Liberties Union of Tenn. v. Bredesen*, 441 F.3d 370, 373 (6th Cir. 2006) (rejecting the argument that the TIA barred suit because the extra payments for special organization plates resemble "payments for simple purchases from the government" and are not taxes), *with Henderson v. Stalder*, 407 F.3d 351, 356 (5th Cir. 2005) (concluding that the additional charges for speciality plates are taxes because they "sustain[ ] the essential flow of revenue to the government," are "imposed by a state or municipal legislature," and are "designed to provide a benefit for the entire community"). Therefore, although neither party questions whether the TIA precludes jurisdiction in this case, we nonetheless address it here.

[1] The TIA provides that "[t]he district courts shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State." 28 U.S.C. § 1341. In Arizona, drivers must pay an additional twenty-five dollar fee to obtain a special organization plate. The issue is whether the money paid to obtain a special organization plate constitutes a tax to which the TIA would apply.

[2] We find persuasive the Sixth Circuit's analysis in *Bredesen* and hold the extra fee is not a tax. The transaction between a state's vehicle owner and the issuing authority is more akin to a contractual debt than a state imposed tax. Ari-

zona has not coerced a sale attendant to the requirement that cars bear license plates to assist in identifying their owners, but has instead induced willing purchasers to agree to pay a certain extra sum of money in return for the right to bear a special message on an organizational license plate. *See Bredesen*, 441 F.3d at 374; *see also Women's Res. Network v. Gourley*, 305 F. Supp. 2d 1145, 1154 (E.D. Cal. 2004) ("[The additional payments are] voluntarily paid by a limited group of motorists who wish to both support a [special cause], and presumably desire to display that support on their license plate.").

[3] The Sixth Circuit's reasoning is supported by our decision in *Bidart Brothers v. California Apple Commission*, 73 F.3d 925 (9th Cir. 1996). There, we recognized that the additional charge does not have to be characterized as a "tax" or a regulatory "fee." *Id.* at 933. In determining whether the TIA applies, the "ultimate question remains whether an assessment is a 'State tax.' " *Id.* Because the additional charges for a special organization plate are more akin to a contractual payment than a tax, we hold that the TIA does not apply to Life Coalition's suit. We therefore retain jurisdiction to hear its federal constitutional claim.

III

A

1

[4] We must decide whether, by authorizing a specialty license plate sought by a nonprofit organization to display its message and the message of the organization's members, the State of Arizona has adopted that speech as its own. It is undeniable that "when the government speaks for itself, it 'may take legitimate and appropriate steps to ensure that its message is neither garbled nor distorted.' " *Planned Parenthood of S.C. Inc. v. Rose*, 361 F.3d 786, 792 (4th Cir. 2004)

(plurality) (quoting *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 833 (1995)); *see also Sons of Confederate Veterans, Inc. v. Comm'r of Va. Dep't of Motor Vehicles*, 288 F.3d 610, 616 (4th Cir.), *reh'g en banc denied*, 305 F.3d 241 (4th Cir. 2002) ("It is well established that 'the government can speak for itself.' " (quoting *Bd. of Regents of Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 229 (2000)). However, when the government regulates private speech, we must conduct a traditional First Amendment analysis. *Rose*, 361 F.3d at 792; *see also PMG Int'l Div., L.L.C., v. Rumsfeld*, 303 F.3d 1163, 1169 (9th Cir. 2002).

There is some question as to what standard we should apply in differentiating between private and government speech. In *Johanns v. Livestock Marketing Ass'n*, 544 U.S. 550 (2005), the Court addressed whether a federal program that requires beef producers to finance promotional messages to support the beef industry—"Beef. It's What's for Dinner"—violated the First Amendment. *Id.* at 554. The Court held that "[w]hen . . . the government sets the overall message to be communicated and approves every word that is disseminated," it is government speech. *Id.* at 561-62. And, because "[t]he message set out in the beef promotions is from beginning to end the message established by the Federal Government," "Congress . . . directed the implementation of a 'coordinated program' of promotion, 'including paid advertising, to advance the image and desirability of beef and beef products,' " and the Secretary of Agriculture "exercise[d] final approval authority over every word used in every promotional campaign," the beef promotional messages represented government speech. *Id.* at 560-61.

In *Bredesen*, 441 F.3d 370, the Sixth Circuit relied on *Johanns* to hold that the Tennessee statute authorizing a specialty license plate with a "Choose Life" logotype did not violate the First Amendment, despite the fact that the legislature refused to make available license plates with a "pro-choice" or "pro-abortion" message. *Id.* at 372. In doing so, the Sixth

Circuit rejected—on nearly identical facts—the Fourth Circuit's reasoning in *Rose*, 361 F.3d 786, in part because the Fourth Circuit had relied on the "pre-*Johanns* four-factor test." *See Bredesen*, 441 F.3d at 380.

[5] Prior to *Johanns*, the Fourth, Eighth, and Tenth circuits had adopted a nonexhaustive list of four factors to differentiate between the two types of speech. Those factors are:

> (1) the central "purpose" of the program in which the speech in question occurs; (2) the degree of "editorial control" exercised by the government or private entities over the content of the speech; (3) the identity of the "literal speaker"; and (4) whether the government or the private entity bears the "ultimate responsibility" for the content of the speech, in analyzing circumstances where both government and a private entity are claimed to be speaking.

Sons of Confederate Veterans, Inc., 288 F.3d at 618-19 (citing *Wells v. City and County of Denver*, 257 F.3d 1132, 1141 (10th Cir. 2001); *Knights of the Ku Klux Klan v. Curators of the Univ. of Mo.*, 203 F.3d 1085, 1093-94 (8th Cir. 2000)).[5]

[5]Although we have not yet expressly adopted the four-factor test, we relied on similar factors in *Downs v. Los Angeles Unified School District*, 228 F.3d 1003 (9th Cir. 2000). There, we addressed whether messages conveyed through school bulletin boards constituted government speech. *Id.* at 1011. We discussed various factors, including: (1) "who actually was responsible for the speech"; (2) who had access to the school bulletin boards; (3) who maintained editorial control over the bulletin boards; and (4) the purpose of the school bulletin boards. *Id.* at 1011-12. While recognizing that *Downs* cites similar factors, other circuits have declined to rely on its reasoning because of the special circumstances related to the school setting. *See Wells*, 288 F.3d at 1141 (stating that, "[d]ue to the 'special characteristics of the school environment,' [the court will] rely primarily on the four factors articulated in *Knights of the* [*Ku Klux Klan*]" (citation omitted)); *Sons of Confederate Veterans, Inc.*, 288 F.3d at 619 n.7 (same).

As noted by Judge Martin in his dissenting opinion in *Bredesen*, *Johanns* is factually distinguishable from these specialty license plate cases. 441 F.3d at 385 (Martin, J., dissenting). *Johanns* involved a government-compelled subsidy of government speech. *Johanns*, 544 U.S. at 557. Specialty license plate programs do not raise issues regarding "compelled-speech" or a "compelled-subsidy." *See id.* (discussing the difference between "compelled-speech" cases and "compelled-subsidy" cases); *see generally Paramount Land Co. v. Cal. Pistachio Comm'n*, 491 F.3d 1003 (9th Cir. 2007) (applying *Johanns* in a compelled-speech case). In *Johanns*, the individual harm was "being forced to give the government money to pay for someone else's message." *Bredesen*, 441 F.3d at 385 (Martin, J., dissenting). In specialty license plate cases, private individuals choose to pay the price for obtaining a particular specialty license plate. The First Amendment harm "is being denied the opportunity to speak on the same terms as other private citizens within a government sponsored forum." *Id.* at 386. Moreover, "specialty plate programs are not part of a larger governmental scheme to encourage some private activity, like beef consumption." Andy G. Olree, *Specialty License Plates: Look Who's Talking in the Sixth Circuit*, 68 Ala. Law. 213, 214 (May 2007). In light of these differences, Judge Martin believed that "[t]he government speech doctrine, as it is used in *Johanns*" is inapplicable to specialty license plate cases such as this. *Bredesen*, 441 F.3d at 385.

[6] Although we agree with Judge Martin in that *Johanns* is factually distinguishable, we believe that *Johanns* is instructive when determining whether the message constitutes government or private speech. In concluding that the beef program represented government speech, the Court relied on factors similar to those set forth in the four-factor test. It considered who controlled the speech, 544 U.S. at 560-61, the purpose of the program, *id.* at 561, and the fact that the Secretary of Agriculture exercised final editorial control over the promotional campaign, *id.* We therefore adopt the Fourth Cir-

cuit's four-factor test—supported by the Supreme Court's decision in *Johanns*—to determine whether messages conveyed through Arizona's special organization plate program constitute government or private speech.

2

i

The Commission argues that the "primary function of Arizona license plates—including special plates—is the State's need to identify a vehicle and its owner." It cites *Kahn v. Department of Motor Vehicles*, 16 Cal. App. 4th 159 (Cal. Ct. App. 1993), where the California Court of Appeal stated:

> A vehicle license plate is a state-imposed display of registered vehicle identification. That the state permits license holders, for an additional fee, to vary minimally their vehicle identification from the prescribed form by selecting letter and/or number combinations which may reflect an individual's personal or professional identity, or possibly express a thought or idea, is purely incidental to the primary function of vehicle identification.

Id. at 166. Life Coalition argues that the speciality license plates offer something more: "the opportunity to identify themselves with individualized messages via these specialized plates" as well as "the opportunity to benefit worthy organizations financially."

We agree with Life Coalition. While the primary purpose of any vehicle license plate is vehicle identification and registration, we are not concerned with the general validity of Arizona's licensing requirements. *Cf. Rose*, 361 F.3d at 793 (stating that the primary purpose of a South Carolina statute authorizing a specialty license plate with the words "Choose Life" was "to promote the State's preference for the pro-life

position"); *Sons of Confederate Veterans, Inc.*, 288 F.3d at 619-20 (stating that the primary purpose of Virginia's special plate program is to collect revenue); *Choose Life Illinois, Inc. v. White*, 2007 WL 178455, *5 (N.D. Ill. Jan. 19, 2007) (concluding that the purpose of the Illinois specialty plate program is to "raise revenue for the state as well as to allow for some private expression"). Rather, we must address Arizona's *speciality license plate* program as a whole. *See Sons of Confederate Veterans, Inc.*, 288 F.3d at 619.

[7] By allowing organizations to obtain speciality license plates with their logo and motto, Arizona is providing a forum in which philanthropic organizations, *see* Ariz. Rev. Code § 28-2404(B), can exercise their First Amendment rights in the hopes of raising money to support their cause. *See* Ariz. Rev. Code § 28-2402(1) (setting the fee for specialty license plates at twenty-five dollars); *id.* § 28-2404(F) (stating that eight dollars of the fee is a specialty plate administration fee and seventeen dollars is an annual donation to the organization). As in *Sons of Confederate Veterans, Inc.*, the fee structure for Arizona speciality plates suggests the program's revenue-producing aim. *See* 288 F.3d at 619. Before obtaining approval from the Department, the organization must certify that it either has 200 members or that it will agree to pay the production and program costs for the special organization plate. Ariz. Rev. Code § 28-2404(G)(2); *cf. Sons of Confederate Veterans, Inc.*, 288 F.3d at 620 ("The very structure of the program [—requiring 350 prepaid applicants—] ensures that only special plate messages popular enough among private individuals to produce a certain amount of revenue will be expressed.").

[8] The revenue raising purpose of the Arizona special organization plate program supports a finding of private speech.

ii

[9] The Commission's de minimis editorial control over the plate design and color does not support a finding that the *mes-*

sages conveyed by the organization constitute government speech. The Arizona legislature has chosen to limit the license plate forum to only those organizations that "serve[ ] the community, contribute[ ] to the welfare of others and [are] not offensive or discriminatory in [their] purpose, nature, activity or name." Ariz. Rev. Stat. § 28-2404(B). In addition, the organizations cannot "promote a specific religion, faith or antireligious belief." *Id.*

However, as Life Coalition notes in its brief, the statutory requirements address who may speak, not what they may say. For instance, in *Rose*, the "Choose Life" license plate "originated with the State, and the legislature determined that the plate will bear the message 'Choose Life.' " 361 F.3d at 793. Therefore, the state exercised control over the substantive content of the speech. *Cf. Sons of Confederate Veterans, Inc.*, 288 F.3d at 621 (noting that Virginia's license plate design criteria "do[ ] not contain guidelines regarding the substantive content of the plates or any indication of reasons, other than failure to comply with size and space restrictions"); *see also Johanns*, 544 U.S. at 561 (noting that the Secretary's role in the beef campaign extended beyond granting final approval or rejection; government officials "also attend[ed] and participat[ed] in the open meetings at which *proposals [we]re developed*" (emphasis added)).

[10] In this case, the idea of a "Choose Life" license plate originated with Life Coalition. While the Commission determined whether Life Coalition met the statutory guidelines for gaining access to the license plate forum, Life Coalition determined the substantive content of their message. *Cf. Wells*, 257 F.3d at 1142 (concluding that this factor weighed in favor of government speech because "there [wa]s no indication that any of the [private speakers] even knew about the Happy Holidays sign, much less exercised any editorial control over its design or content"); *Choose Life Illinois*, 2007 WL 178455, at *6 (stating that this factor weighed in favor of private speech because "the idea and message of the Choose Life

plate originated with a private organization, Choose Life Illinois, not the legislature").

[11] Therefore, this factor weighs in favor of private speech.

iii

[112] "[O]wnership of the means of communication [i]s a valid consideration in determining whether [the license plate] contained government speech." *Sons of Confederate Veterans, Inc.*, 288 F.3d at 621; *Wells*, 257 F.3d at 1142. Therefore, the fact that Arizona owns the special organization plates supports a finding that the State is the literal speaker. However, in *Wooley v. Maynard*, 430 U.S. 705 (1997), the Supreme Court indicated that messages conveyed through license plates "implicate private speech interests because of the connection of any message on the plate to the driver or owner of the vehicle." *Sons of Confederate Veterans, Inc.*, 288 F.3d at 621 (discussing *Wooley*, 430 U.S. at 714-15); *see also Johanns*, 544 U.S. at 557 ("[In *Wooley*,] we held that requiring a New Hampshire couple to bear the State's motto, 'Live Free or Die,' on their cars' license plates was an impermissible compulsion of expression.").[6] Relying on *Wooley*, most

[6]In a letter of supplemental authority filed after oral argument, the Commission directs us to the following statement from *Pacific Gas & Electric Co. v. Public Utilities Commission of Cal.*, 475 U.S. 1 (1986):

> In *Wooley v. Maynard*, we held that New Hampshire could not require two citizens to display a slogan on their license plates and thereby "use their private property as a 'mobile billboard' for the State's ideological message." The "private property" that was used to spread the unwelcome message was the automobile, not the license plate.

Id. at 17 (citation omitted). That statement does not undermine the sentiment, taken from *Wooley*, that license plate messages implicate private speech. *See Johanns*, 544 U.S. at 557. We have no doubt that New Hampshire's motto, "Live Free or Die," constitutes government speech. Nevertheless, it *still* implicated private speech interests because private individuals were being compelled to spread that message through the use of their vehicle. Here, however, the question is whether the message displayed on the license plate is itself private speech.

courts that have addressed vanity plates have concluded the messages are private speech. *Sons of Confederate Veterans, Inc.*, 288 F.3d at 621 & n.9; *see also Rose*, 361 F.3d at 794 ("The literal speaker of the Choose Life message on the specialty plate therefore appears to be the vehicle owner, not the State, just as the literal speaker of the bumper sticker message is the vehicle owner, not the producer of the bumper sticker."); *Perry v. McDonald*, 280 F.3d 159, 166 (2d Cir. 2001) (stating that a restriction on vanity plates "concern[ed] private individuals' speech on government-owned property"); *Lewis v. Wilson*, 253 F.3d 1077, 1079 (8th Cir. 2001) (characterizing a restriction on vanity plates as a restriction on private speech); *Choose Life Illinois*, 2007 WL 178455, *6 (concluding that a private individual is the literal speaker with specialty plates because they pay an extra fee to express a certain message).

[13] This factor has characteristics of both private and government speech. Nevertheless, in this situation, where Life Coalition's logo depicting the faces of two young children will also be displayed on the license plate supporting the message "Choose Life," we conclude that it weighs in favor of finding this to be primarily private speech.

iv

[14] The question of who bears "ultimate responsibility" for the "Choose Life" license plate is very similar to the question of who is the literal speaker. *See Rose*, 361 F.3d at 794; *Sons of Confederate Veterans, Inc.*, 288 F.3d at 621. "[P]rivate individual[s] choose[ ] to spend additional money to obtain the plate and to display its pro-life message[s] on [their] vehicle." *Rose*, 361 F.3d at 794. Here, Life Coalition submitted its motto to be placed on a speciality license plate that would also identify the organization by name. Life Coalition controlled the message of its special organization plate, and the individual members who choose to purchase the plate voluntarily choose to disperse that message. *Cf. Johanns*, 544

U.S. at 561 (noting that Congress directed implementation of the promotional plan and that Congress and the Secretary determined what the promotional campaigns shall contain); *Rose*, 361 F.3d at 794 (finding that the drivers bore ultimate responsibility for the "Choose Life" license plate authorized by the State legislature).

It is true that, like the Secretary in *Johanns*, Arizona developed the program that allows nonprofit organizations such as Life Coalition to obtain specialty license plates. However, in *Johanns* the beef producers had no choice but to support the beef ad. In comparison, there is nothing in the record to even suggest that Arizona intended to adopt the message of each special organization plate as its own state speech. Instead, the burden is on the nonprofit organization. If it wants to convey a certain message through the Arizona specialty plate program, it must take the affirmative step of submitting an application. This suggests that it is Life Coalition, rather than the State of Arizona, that bears ultimate responsibility for the content of the speech.

[15] We therefore hold that the "Choose Life" message displayed through a speciality license plate if issued by Arizona would constitute private speech.

B

1

Having determined that the "Choose Life" message would represent private speech, we must now determine whether the Commission has acted appropriately under the First Amendment. The first step in assessing a First Amendment claim relating to private speech on government property is to "identify the nature of the forum, because the extent to which the Government may limit access depends on whether the forum is public or nonpublic." *Sammartano v. First Judicial Dist. Court*, 303 F.3d 959, 965 (9th Cir. 2002) (quoting *Cornelius*

v. NAACP Legal Def. & Educ. Fund, 473 U.S. 788, 797 (1985)). In defining the forum, we must focus "on the access sought by the speaker. When speakers seek general access to public property, the forum encompasses that property. In cases in which limited access is sought, [the Supreme Court's] cases have taken a more tailored approach to ascertain[ ] the perimeters of a forum within the confines of the government property." *Cornelius*, 473 U.S. at 801 (citation omitted). Here, the forum is Arizona license plates. *Cf. Lehman v. City of Shaker Heights*, 418 U.S. 298, 300 (1974) (treating the advertising spaces on city owned buses as the forum).

[16] "[A] public forum may be created by government designation of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects." *Cornelius*, 473 U.S. at 802. In a designated public forum, speakers cannot be excluded unless it is "necessary to serve a compelling state interest" and the exclusion is "narrowly drawn to achieve that interest." *Sammartano*, 303 F.3d at 965 (internal quotation marks omitted). We have further refined the concept of "designated" public forum by carving out a subcategory we call a "limited" public forum. *See Hopper v. City of Pasco*, 241 F.3d 1067, 1074 (9th Cir. 2001) ("[A] limited public forum is a sub-category of a designated public forum that 'refer[s] to a type of nonpublic forum that the government has intentionally opened to certain groups or to certain topics.' " (alteration in original) (quoting *DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ.*, 196 F.3d 958, 965 (9th Cir. 1999))). The government may restrict speech in limited public fora so long as the restrictions are "viewpoint neutral and reasonable in light of the purpose served by the forum." *Id.* at 1075 (internal quotation marks omitted).

The designated and limited public forum classifications "ha[ve] been the source of much confusion." *Id.* at 1074. A limited public forum exists when the government intentionally opens a nonpublic forum to expressive activity by a cer-

tain class of speakers to address a particular class of topics. *Cogswell v. City of Seattle*, 347 F.3d 809, 814 (9th Cir. 2003) (citing *Kaplan v. County of Los Angeles*, 894 F.2d 1076, 1080 (9th Cir. 1990) (finding a limited public forum when "California created the [voters'] pamphlets for the specific purpose of allowing a limited class of speakers, the candidates, to address a particular class of topics, statements concerning the personal background qualifications of each candidate")).

[17] We have no trouble concluding that Arizona's purpose was to open up its license plate forum to a certain class of organizations for expressive activity. *Cf. Faith Ctr. Church Evangelistic Ministries v. Glover*, 480 F.3d 891, 908 (9th Cir. 2007) (stating that the County intended to open its library meeting room to expressive activity when it allowed all "[n]on-profit and civic organizations, for-profit organizations, schools and governmental organizations" to use the meeting room for "meetings, programs, or activities of educational, cultural or community interest") (internal quotation marks omitted). As the Commission correctly notes in its brief, "[h]istorically, Arizona's license plates have served the purely governmental function of vehicle and vehicle owner identification and have been a nonpublic forum." However, Arizona took the affirmative step by passing its special license plate legislation of allowing limited access to license plates publicly displayed for expressive conduct as vehicles are driven throughout the state. *See Sons of Confederate Veterans, Inc. v. Holcomb*, 129 F. Supp. 2d 941, 948 (W.D. Va. 2001) (stating, in dicta, that "allowing groups to place various slogans and designs on license plates represents the Commonwealth's intentional action to open up a nontraditional forum for public discourse").

Arizona's speciality plate program encompasses a wide range of philanthropic organizations with community based programs/ideals. Section 28-2404(B) states that the Commission *shall* authorize a speciality license plate to all nonprofit organizations that (1) "serve[ ] the community, contribute[ ]

to the welfare of others and [are] not offensive or discriminatory in [their] purpose, nature, activity or name"; (2) has an organizational name or purpose that "does not promote any specific product or brand name . . . provided for sale"; and (3) the organizations do not "promote a specific religion, faith, or antireligious belief."

Applying this statutory mandate, the Commission has authorized, and the Department has issued, the following special organization plates: (1) The University of Phoenix Alumni Network (bearing the University's identifier, "Univ. of Phoenix"); (2) Associated Fire Fighters of Arizona (bearing the Union's motto, "Professional Fire Fighters"); (3) Fraternal Order of Police (bearing the Order's identifier, "Fraternal Order of Police"); (4) Legion of Valor (bearing the Legion's identifier, "Legion of Valor"); and (5) Wildlife Conservation Council (bearing the Council's motto, "Conserving Wildlife").[7] In addition, the Commission has authorized six additional license plates, but at the time of briefing this appeal we were told the Department had yet to issue them because of factors unrelated to this appeal: (1) Civil Air Patrol; (2) Arizona Association of Future Farmers of America; (3) Rotary International; (4) Arizona Hospice Palliative Care Organizations; (5) Red Means Stop Coalition; and (6) Arizona Historical Society.

Nevertheless, "[a] policy with a broad purpose . . . is not dispositive of an intent to create a public forum by designation." *Faith Ctr. Church Evangelistic Ministries*, 480 F.3d at 909. We must therefore look closely at the Commission's policy and practice to determine whether Arizona intended the speciality plate forum to be "open for indiscriminate use." *Id.* In other words, if Arizona intended only to open the forum to "certain groups or to certain topics," it has created only a lim-

[7]The parties stipulated to this fact in filings before the district court. We do not know whether, since the inception of this appeal, the Commission has authorized the making of any other speciality license plates.

ited public forum. *Cogswell*, 347 F.3d at 814 (internal quotation marks omitted). For instance, despite Contra Costa County's broad purpose in opening its library meeting room to public use, we held in *Faith Center Church Evangelistic Ministries* that the County created a limited public forum because the "County's policy excludes schools from using the meeting room 'for instructional purposes as a regular part of the curriculum' and organizations who wish to engage in 'religious services.' " 480 F.3d at 909. In addition, "the policy requires a potential user to submit an application describing the intended use and identifying the applicant," and the "application must be reviewed and approved in advance by the County." *Id.*

[18] Similarly, Arizona by statute restricts its speciality license plate program to only nonprofit organizations with community driven purposes that do not promote a specific religion, faith or antireligious belief. Ariz. Rev. Stat. § 28-2404(B). To gain access, the nonprofit organization must have its application reviewed and approved by the Commission. *Cf. Cornelius*, 473 U.S. at 803; *Perry*, 280 F.3d at 168 (citing the fact that Vermont vehicle owners must obtain permission to receive vanity plates to support its finding of a nonpublic forum). These are not abstract policy statements, but are definite and unambiguous restrictions on gaining access to the forum. *See Hopper*, 241 F.3d at 1077 (citing *Christ's Bride Ministries, Inc. v. Se. Pa. Transp. Auth.*, 148 F.3d 242 (3d Cir. 1998)).

[19] From the record before us, it is also clear that the Commission has consistently applied the access restrictions when reviewing pending applications. *See Faith Ctr. Church Evangelistic Ministries*, 480 F.3d at 909 (citing *Hopper*, 241 F.3d at 1076 ("[C]onsistency in application is the hallmark of any policy designed to preserve the non-public status of a forum.")). In addition to Life Coalition's application, the Commission has denied two other applications for speciality license plates. The Commission unanimously denied Interna-

tional Dark Sky Society's application because its suggested "dark blue sky" motif would replace the standard Arizona license plate motif in violation of other statutory requirements. *See* Ariz. Rev. Stat. § 28-2403(a)(2). The Commission also denied an application submitted by Embry-Riddle Aeronautical University, explaining that Arizona universities had to obtain legislative plates, whereas only alumni associations may obtain the special organization license plates. In comparison to the city in *Hopper*, through the License Plate Commission, Arizona has retained some substantive control over the content of its speciality license plate program. *See* 241 F.3d at 1078 (stating that the city failed to consistently enforce its "non-controversy" policy as it "neither pre-screened submitted works, nor exercised its asserted right to exclude works").

[20] Finally, we note that the nature of the forum also supports a conclusion that Arizona intended only to create a limited public forum. *See Faith Center Church Evangelical Ministries*, 480 F.3d at 910. As the Second Circuit noted in *Perry*, the primary purpose in issuing license plates in general is to aid in vehicle identification. 280 F.3d at 167. However, one of the primary purposes in issuing vanity license plates (and, in turn, special organization plates) is to raise revenue. *Id.* Nevertheless, given the general overarching purpose of aiding in vehicle identification, expression through vanity plates (and, in turn, special organization plates) is subject to numerous restrictions with the general public having only limited access. *Id.* We therefore conclude that Arizona's specialty license plate program is a limited public forum, and that any access restriction must be viewpoint neutral and reasonable in light of the purpose served by the forum. *See Faith Center Church Evangelical Ministries*, 480 F.3d at 910 (citing *Cornelius*, 473 U.S. at 806).

2

i

The distinction between viewpoint discrimination and content-based discrimination is not precise. *Rosenberger*, 515

U.S. at 831. The Commission contends that it did not engage in viewpoint discrimination because it "did not grant a special organization plate to a group with a viewpoint in opposition to Life Coalition's" and therefore, "[n]either side of the 'Choose Life' issue is represented by a special organization plate." The Supreme Court rejected a similar argument in *Rosenberger*, where it found a First Amendment violation when a public university withheld funding to a student publication because its paper "primarily promote[d] or manifest[ed] a particular belie[f] in or about a deity or an ultimate reality." 515 U.S. at 823 (internal citations omitted; alterations in original). The dissent argued that the University did not engage in viewpoint discrimination because it limited all religious speech, both theistic and atheistic. *Id.* at 831. The majority rejected this argument, stating

> The dissent's assertion that no viewpoint discrimination occurs because the Guidelines discriminate against an entire class of viewpoints reflects an insupportable assumption that all debate is bipolar and that antireligious speech is the only response to religious speech. Our understanding of the complex and multifaceted nature of public discourse has not embraced such a contrived description of the marketplace of ideas. If the topic of debate is, for example, racism, then exclusion of several views on that problem is just as offensive to the First Amendment as exclusion of only one. It is as objectionable to exclude both a theistic and an atheistic perspective on the debate as it is to exclude one, the other, or yet another political, economic or social viewpoint.

Id.

[21] Unlike the University system in *Rosenberger*, the Arizona statutes do not expressly prohibit abortion-related speech in the license plate forum. *Cf. id.* (stating that the Guidelines prohibit religious activity). Rather, the State has opened this

forum to all organizations that serve the community and contribute to the welfare of others in a nondiscriminatory way. Ariz. Rev. Stat. § 28-2404(B)(1). The Commission does not argue that Life Coalition failed to meet this statutory requirement. Instead, the only justification the Commission can give for denying Life Coalition's application is that it chose not to enter the Choose Life/Pro-Choice debate. And "where the government is plainly motivated by the nature of the message rather than the limitations of the forum or a specific risk within that forum, it is regulating a viewpoint rather than a subject matter." *Sammartano*, 303 F.3d at 971; *see also Choose Life Illinois, Inc.*, 2007 WL 178455, *8 (stating in dicta that the denial of an application for a "Choose Life" license plate because it is "controversial" amounts to viewpoint discrimination).

Moreover, during the August 2002 hearing, the Commissioners expressed concerns that, if they granted Life Coalition's application, groups with opposing viewpoints would file applications for their own special organization plate. Preventing Life Coalition from expressing its viewpoint out of a fear that other groups would express opposing views seems to be a clear form of viewpoint discrimination. As we previously stated in *Hopper*, "[a] ban on 'controversial [speech]' may all too easily lend itself to viewpoint discrimination." 241 F.3d at 1079. Restrictions based on community standards of decency must be based on "objective criteria set out in advance." *Id.* at 1080.

Admittedly, this is a difficult issue. "The line between an acceptable subject matter limitation and unconstitutional viewpoint discrimination is not a bright one." *Cogswell*, 347 F.3d at 815. One thing is clear, "once the government has chosen to permit discussion of certain subject matters, it may not then silence speakers who address those subject matters from a particular perspective." *Id.*

[22] Arizona has created a limited public forum for nonprofit organizations. The only substantive restriction is that

the license plate cannot promote a specific product for sale, or a specific religion, faith, or antireligious belief. Nowhere does the statute create objective criteria for limiting "controversial" material, and nowhere does the statute prohibit speech related to abortion. *Cf. Cogswell*, 347 F.3d at 815 (finding restriction prohibiting candidates from discussing their opponents' views viewpoint neutral because the limited public forum was limited to candidate self-discussion and the submitted material included subject matter not included in the limited public forum). Consequently, because abortion-related speech falls within the boundaries of Arizona's limited public forum, and because the Commission clearly denied the application based on the nature of the message, we conclude the Commission's actions were viewpoint discriminatory.

ii

We also hold that the Commission acted unreasonably by denying Life Coalition's application for reasons not statutorily based or related to the purpose of the limited public forum. "The reasonableness of a governmental restriction limiting access to a nonpublic forum must be assessed 'in light of the purpose of the forum and all of the surrounding circumstances.' " *Id.* at 817 (quoting *Cornelius*, 473 U.S. at 789). "The reasonableness analysis emphasizes the consistency of the limitation in the context of the forum's intended purpose." *Id.*

[23] The Commission, in fulfilling the legislature's intent to allow nonprofit organizations a means to promote their community-based cause to the public in the hopes of raising awareness and revenue, regulates access to the forum to preserve its community-based function and protect the primary function of license plates: to aid in vehicle identification. The Commission does not dispute that Life Coalition has met each of the statutory requirements. It is an organization that benefits the community without promoting the sale of a product or any religious, faith, or antireligious belief. Nor does the Com-

mission contend that Life Coalition's special organization plate will interfere with vehicle identification. In other words, it fits within the program's purpose. When an organization meets the requirements, the statute provides that "[t]he [C]ommission *shall* authorize a special organization plate." Ariz. Rev. Stat. § 28-2404(B) (emphasis added). By denying Life Coalition's application, although the organization and its message complied with the limited public forum's purpose as it is currently defined under Arizona law, the Commission ignored its statutory mandate and acted unreasonably in violation of the First Amendment to the United States Constitution.[8]

IV

We recognize that Arizona has a legitimate interest in regulating controversial material displayed publicly on government property. Nevertheless, we are mindful of potential constitutional problems when government officials are given unbridled discretion in regulating speech, even in limited public fora. Arizona has defined the outer limits of its speciality license plate program, and Life Coalition fits within those statutory boundaries. Because the Commission denied Life Coalition's application on a ground not expressly related to the forum's purpose by discriminating on the basis of the viewpoint contained in its proposed message, we conclude that the Commission acted in violation of the First Amendment. We therefore reverse the district court's grant of summary judgment in favor of the Commission. The cause is remanded for entry of judgment in favor of Arizona Life Coalition on its First Amendment claim and such further proceedings as are necessary to ensure that its specialty license

[8]Given our holding, we will not address Life Coalition's claim that the Commission also violated its equal protection rights under the Fourteenth Amendment, or that section 28-2404 is unconstitutionally vague. *ACLU of Nev. v. City of Las Vegas*, 466 F.3d 784, 797 n.15 (9th Cir. 2006) (declining to address equal protection arguments after finding the ordinance violated the First Amendment); *Cinevision Corp. v. City of Burbank*, 745 F.2d 560, 571 n.11 (9th Cir. 1984) (same).

plate application is approved by the Arizona License Plate Commission.

REVERSED and REMANDED.

SB

94

<TARGET><BILL>SB 94</BILL><SUBJECT>SB
94</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: April 12, 2011 **FURTHER REFERRALS:**

Date of Committee Action: 4-14-2011

The STATE AFFAIRS Committee considered: **SB 94**

SENATE BILL NO. 94
"An Act adding a second verse to the official Alaska state song."
SB 94-SECOND VERSE OF ALASKA'S STATE SONG

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____(_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero
3	ALL			↘

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN	X			
Peggy Wilson	WILSON				X
Wes Keller	Keller				X
Mike Hawker	Gruenberg	✓			
Paul Seaton	SEATON			V	
Bill Petersen	PETERSEN	X			
Chair: Bob Lynn	LYNN	X			
Chair:					

ALASKA STATE LEGISLATURE

Senate
Health & Social
Services
Committee
Chair
•
Senate
Education Committee
Vice-Chair

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

Senate
Labor & Commerce
Committee
Member
•
Legislative Council
Member
•
Joint Armed
Services
Member

Senate Bill 94 Sponsor Statement

Senate Bill 94 would add a second verse to The Alaska's Flag Song. The late Carol Beery Davis wrote a beautiful second verse, which gives recognition to Alaska Natives and to Benny Benson, who designed the Alaskan flag.

Similar bills have been introduced in the past. Last year The Alaska's Flag Song was performed with both verses as the Senate gaveled in on the first day of session. Also last year, the Senator from District G introduced SB 43. It passed the Senate, but stalled in the House.

This year is the year to join me in supporting a long overdue addition of the second verse to the Alaska Flag Song. By passing this bill you will be recognizing history, our progress as a state and our first people.

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 West 4th Ave., Suite 400, Anchorage, AK 99501 Phone: (907) 269-0144 • Fax: (907) 269-0148

SB 94
BACKGROUND
MATERIAL

Why a second verse for 'Alaska Flag Song'?

Editor's Note: A copy of the following letter to Betty Kjare, secretary of Pioneers of Alaska Auxiliary No. 8 in Fairbanks, was submitted for publication.

Dear Be[illegible]:

I have received your letter dated March 27, in which you objected to the adoption of the second verse of the "Alaska Flag Song."

I would like to explain to you why I introduced HB 117 and why I hope you will change your decision to oppose the bill.

No one loves the flag song any more than I do. For many years, I have sung it for groups, meetings, conventions, commencements and even for Gov. Bill Egan's memorial service here in Juneau. I offer the second verse out of deep respect for the first verse and for its recognition of Alaska's history. I believe the second verse complements the first verse and gives recognition not to one ethnic group, but to all Alaskans and their ability to work together in a unified and harmonious way.

The addition of a second verse has been discussed for many years by various groups. At one time, funds were inserted into the House's version of the budget to hold a contest for selecting a second verse. Carol Beery Davis was asked to write another verse to the flag song to recognize the contribution of Native Alaskans, who were here long before you or I, or even the Pioneers. She did so, and offered it as a gift to the State of Alaska. I was asked to support its adoption and to introduce a bill to make it officially recognized by the state. I did so, and it has passed the House.

In order to understand the special significance of this verse, you must know about Carol Beery Davis, a former poet laureate of Alaska. She is a 69-year resident of Juneau. Her husband, Trevor, was born here 94 years ago, and is the only living member of the original selection committee for the design of Alaska's flag, which selected Benny Benson's North Star and Big Dipper (to whom the second verse refers in lines 1 and 2). Carol has written dozens of books about Alaska, including "The Alaska Flag Song" book which is credited with helping to make the song so well-known. I have enclosed a copy of this book. She new personally both Elinor Dusenbury and Marie Drake, the two women who decided to write the song and offer it to the state, just as Carol has done.

oneer, is still contributing to her loved state by offering this beautiful verse, a tribute to unity of all Alaskans:

"A Native lad chose the Dipper's stars
For Alaska's flag that there be no bars
Among our cultures..."

She is recognizing history and our progress as a state:

"Be it known
through years, the Natives' past has grown,
To share life's treasures, hand in hand,
To keep Alaska our Great Land."

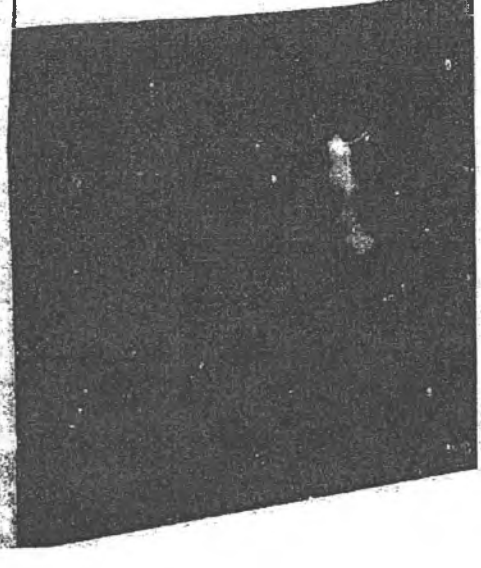
She is focusing our attention on the natural beauty of our land and reminds us of the treasures of its beauty:

"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 a last frontier."

It is hard for me to understand why anyone who has read these words could object to them. It is impossible for me to understand how anyone who knows who Carol Beery Davis is and the contributions she has made to art, music and literature in Alaska could object to her offering this beautiful gift.

Why did this legislator propose HB 117? Out of respect for a beautiful Alaskan lady who has offered a beautiful verse to a beautiful song about a great state.

Sincerely,
Rep. Fran Ulmer
Juneau



FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 3
Bill Version **SB 94**
(S) Publish Date 4/1/11

Identifier (file name)
Title SB 94 - Second Verse of Alaska's State Song
Sponsor Senate Finance Committee
Requester Senate Finance Committee

Dept. Affected All
Appropriation
Allocation
OMB Component Number

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
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 (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Darwin Peterson, Senate Finance Committee staff
Phone 465-3873
Date/Time 3/31/11 5:50 PM

Senator Bert Stedman, Co-Chair Senate Finance Committee
Date 3/31/2011
Senator Lyman Hoffman, Co-Chair Senate Finance Committee

(Revised 1/27/2011 OMB)

FISCAL NOTE #3

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB 94

Analysis

ALASKA STATE LEGISLATURE

Senate
Health & Social
Services
Committee
Chair
•
Senate
Education Committee
Vice-Chair

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

Senate
Labor & Commerce
Committee
Member
•
Legislative Council
Member
•
Joint Armed
Services
Member

Memorandum

To: Representative Bob Lynn
House State Affairs Committee

From: Senator Bettye Davis

Date: April 12, 2011

Re: Request for Hearing of SB 94 on Thursday.

Thank you for taking the time to come down and talk with me today. I have spoken to everyone on the House State Affairs Committee, with the exception of Representative Kelly. Everyone has agreement to hear SB 94.

Please schedule a committee hearing before the House State Affairs Committee.

Please contact my staff member Pamela Marsch at 465-3822 with any questions or comments regarding this request.

Thank you,

Bettye Davis

Senator Bettye Davis

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 West 4th Ave., Suite 400, Anchorage, AK 99501 Phone: (907) 269-0144 • Fax: (907) 269-0148

SCR 11

<TARGET><BILL>SCR 11</BILL><SUBJECT>SCR 11</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: April 14, 2011 **FURTHER REFERRALS:**

Date of Committee Action: 1-26-2012

The STATE AFFAIRS Committee considered: **SCR 11**

SENATE CONCURRENT RESOLUTION NO. 11
Designating August 18, 2011, as Walter J. Hickel Day of the Arctic.

SCR 11-WALTER HICKEL DAY OF THE ARCTIC

Recommends it be replaced with [ ] HCS *or* [X] CS *for* SCR 11 (STA)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
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CRT
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DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero
2.	LEG			X

PREVIOUS FISCAL NOTES

FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle Johansen	JOHANSEN	X			
Wes Keller	Keller	X			
M Gruenberg	Gruenberg	✓			
Paul R Seaton	SEATON	✓			
Pete Petersen	Petersen	X			
Chair: Bob					
Chair:		X			

HOUSE CS FOR SENATE CONCURRENT RESOLUTION NO. 11(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, McGuire, Menard, Egan, Davis, Thomas, Stedman, Huggins, Wagoner, Olson, Wielechowski, Dyson, Meyer, Stevens

REPRESENTATIVES Kawasaki, Holmes

A RESOLUTION

Designating August 18, 2012, as Walter J. Hickel Day of the Arctic.

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

WHEREAS Walter J. Hickel worked in service to the state and the peoples of the Arctic in the interest of the public good; and

WHEREAS he served as the Governor of Alaska twice, from 1966 - 1969 and 1990 - 1994, and as United States Secretary of the Interior under President Nixon from 1969 - 1970; and

WHEREAS, during the fight for Statehood, he played a major role in winning the battle for a resource base for the state that included 103,000,000 acres of land; and

WHEREAS, as the state's second governor, he successfully pushed to open Prudhoe Bay to oil development; and

WHEREAS, as United States Secretary of the Interior, Hickel oversaw the permitting process for the Trans Alaska Pipeline and helped gain the votes in the United States Congress to authorize its construction, played a key role in the settlement of Alaska Native land claims, advocated nationally for the 200-mile limit to protect Alaska's fisheries, and placed all eight species of great whales on the endangered species list; and

WHEREAS, in his second term as governor, he was the architect of a $1,000,000,000 universal legal settlement of the damages caused by the Exxon Valdez disaster, assisted in establishing the Alaska SeaLife Center in Seward, pushed for community development quotas, and took the problem of wasteful bycatch fishing practices to the United Nations Conference on Environment and Development, also known as the Earth Summit, in 1992 in Rio de Janeiro, where he was the only United States governor asked to speak; and

WHEREAS, in his later years, Hickel co-founded Commonwealth North with Governor William A. Egan, co-founded the Northern Forum, and founded the Institute of the North, and those organizations continue to promote Alaska public policy issues, highlight the state's role as an Arctic state, and connect the state to others on the national and international stages; and

WHEREAS, in 1973, Readers Digest published his article, "The Day of the Arctic has Come," and he spent the rest of his life advocating for "the reality, the richness, and the responsibility of the North"; and

WHEREAS, in 1988, he participated in the first Friendship Flight between Alaska and the Russian Far East; and

WHEREAS he was the first non-Russian appointed to the board of the Non-commercial Partnership of the Coordination of the Northern Sea Route Usages, and he was the first non-Russian to speak to Vladimir Putin's People's Chamber, which was established to address some of Russia's most challenging problems; and

WHEREAS, throughout his life, he advocated for local control and local responsibility for the land and natural resources of the state; and

WHEREAS his concept of Alaska as an Owner State has shaped the thinking of, and inspired, peoples around the world who live on rich and environmentally sensitive land; and

WHEREAS he died May 7, 2010, at 90 years of age and, at his request, was buried standing up so he could, if necessary, "come out fighting" for Alaska, as he had always done; and

WHEREAS August 18 is the day of his birth;

BE IT RESOLVED that the Alaska State Legislature recognizes and honors Walter J. Hickel by designating August 18, 2012, as Walter J. Hickel Day of the Arctic, to recognize his service to his country, to Alaska, to the peoples of the North, and to the world.

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: April 14, 2011

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Senator Hollis French

RE: Explanation of Changes – SCR 11 Walter Hickel Day of the Arctic

---

No changes have been made to SCR 11 since introduction.

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: April 14, 2011

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Senator Hollis French

RE: Hearing Request – SCR 11 Walter Hickel Day of the Arctic

This is a request that you schedule SCR 11 – Walter Hickel Day of the Arctic – at the earliest possible date. For your use, I have attached a copy of the resolution, a sponsor statement, a zero fiscal note and some backup materials.

If you have any questions about this legislation, please contact Andy Moderow in my office at 907-465-4923.

Thank you for your consideration.

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: April 14, 2011

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Senator Hollis French

RE: Potential Witness – SCR 11 Walter Hickel Day of the Arctic

---

When a bill hearing is scheduled on SCR 11, the following individual will likely testify:

- Nils Andreassen, Managing Director, Institute of the North

If you have any questions, contact Andy Moderow in my office at 907-465-4923.

27-LS0774\M
Wayne
1/20/12

HOUSE CS FOR SENATE CONCURRENT RESOLUTION NO. 11(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, McGuire, Menard, Egan, Davis, Thomas, Stedman, Huggins, Wagoner, Olson, Wielechowski, Dyson, Meyer, Stevens

REPRESENTATIVES Kawasaki, Holmes

A RESOLUTION

Designating August 18, 2012, as Walter J. Hickel Day of the Arctic.

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

WHEREAS Walter J. Hickel worked in service to the state and the peoples of the Arctic in the interest of the public good; and

WHEREAS he served as the Governor of Alaska twice, from 1966 - 1969 and 1990 - 1994, and as United States Secretary of the Interior under President Nixon from 1969 - 1970; and

WHEREAS, during the fight for Statehood, he played a major role in winning the battle for a resource base for the state that included 103,000,000 acres of land; and

WHEREAS, as the state's second governor, he successfully pushed to open Prudhoe Bay to oil development; and

WHEREAS, as United States Secretary of the Interior, Hickel oversaw the permitting process for the Trans Alaska Pipeline and helped gain the votes in the United States Congress to authorize its construction, played a key role in the settlement of Alaska Native land claims, advocated nationally for the 200-mile limit to protect Alaska's fisheries, and placed all eight species of great whales on the endangered species list; and

WHEREAS, in his second term as governor, he was the architect of a $1,000,000,000 universal legal settlement of the damages caused by the Exxon Valdez disaster, assisted in establishing the Alaska SeaLife Center in Seward, pushed for community development quotas, and took the problem of wasteful bycatch fishing practices to the United Nations Conference on Environment and Development, also known as the Earth Summit, in 1992 in Rio de Janeiro, where he was the only United States governor asked to speak; and

WHEREAS, in his later years, Hickel co-founded Commonwealth North with Governor William A. Egan, co-founded the Northern Forum, and founded the Institute of the North, and those organizations continue to promote Alaska public policy issues, highlight the state's role as an Arctic state, and connect the state to others on the national and international stages; and

WHEREAS, in 1973, Readers Digest published his article, "The Day of the Arctic has Come," and he spent the rest of his life advocating for "the reality, the richness, and the responsibility of the North"; and

WHEREAS, in 1988, he participated in the first Friendship Flight between Alaska and the Russian Far East; and

WHEREAS he was the first non-Russian appointed to the board of the Non-commercial Partnership of the Coordination of the Northern Sea Route Usages, and he was the first non-Russian to speak to Vladimir Putin's People's Chamber, which was established to address some of Russia's most challenging problems; and

WHEREAS, throughout his life, he advocated for local control and local responsibility for the land and natural resources of the state; and

WHEREAS his concept of Alaska as an Owner State has shaped the thinking of, and inspired, peoples around the world who live on rich and environmentally sensitive land; and

WHEREAS he died May 7, 2010, at 90 years of age and, at his request, was buried standing up so he could, if necessary, "come out fighting" for Alaska, as he had always done; and

WHEREAS August 18 is the day of his birth;

BE IT RESOLVED that the Alaska State Legislature recognizes and honors Walter J. Hickel by designating August 18, 2012, as Walter J. Hickel Day of the Arctic, to recognize his service to his country, to Alaska, to the peoples of the North, and to the world.

Alaska State Legislature

Senator Hollis French

SCR 11 - WALTER HICKEL DAY OF THE ARCTIC

Sponsor Statement

SCR 11 establishes August 18, 2012 as Walter J. Hickel Day of the Arctic. The date has been selected to match our former Governor's birthday, and the title 'Day of the Arctic' has been chosen to honor what Walter Hickel knew to be true decades ago - that Alaska, rich with resources, can provide for Alaskans and the world for centuries to come.

During the 1950s Walter Hickel played a major role in the fight to get Alaska's statehood land entitlement, which gave us 103 million acres of land to hold in common. From 1966-1969, he served as the second Governor of Alaska. During his term, he successfully pushed to open Prudhoe Bay to oil development, creating the foundation for our economy today.

From 1969 to 1970 Walter Hickel served as the US Secretary of the Interior. This was when the critical permitting process for our Trans-Alaska Pipeline was taking place. In that capacity, he helped turn plans into a construction project, getting our valuable resource to market.

In 1990, he was elected to his second term as Governor of Alaska. During this term he led the way internationally on the issue of by-catch fish waste, and negotiated the $1 billion Exxon Valdez oil spill settlement.

In 1973, Walter Hickel authored a piece for Readers Digest that declared 'the Day of the Arctic has come.' Today, the points he made in that article are still applicable. The Walter Hickel Day of the Arctic will honor the vision and legacy he left for all Alaskans, and I urge your support.

A Reader's Digest
REPRINT

The Day of the Arctic Has Come

"The eyes of the world are turning north. We must start using our Arctic resources—including natural beauty and fossil fuel—right now"

By Walter J. Hickel
Governor of Alaska, 1966-69; Secretary of the Interior, 1969-70

Up here in my office in Anchorage, I sit 90 minutes flying time east of Soviet territory and 90 minutes south of our rich North Slope oil fields, and I wish there was some way I could make the rest of America grasp the urgent importance to our nation of Alaska and this whole top of the world.

It is a vast, forbidding territory as mysterious as the moon, yet under its cover of ice and snow lies a unique opportunity for the future.

Take a good look at a schoolroom globe. Look down at the Arctic—ten million square miles, extending roughly from the 60th parallel up and across the North Pole. Within it lie most of Alaska, almost half of Canada, all of Greenland and Iceland, parts of Scandinavia, an incredible sweep of northern Russia and Siberia, plus most of their continental shelves and islands. In area, it's as big as Western Europe, the continental United States, Japan, India and China combined—nations which support two billion people. The Arctic, just as big, is practically unpeopled, and all but unknown.

Now, focus in on Alaska. Note that the shortest air route from New York to Tokyo, or to Peking, is not through Honolulu but along the Great Circle route through Alaska. Note, too, how the Pacific coasts of North America and Asia stretch south like legs of a wishbone, and how Alaska sits there strategically, atop the entire Pacific basin.

More than this, Alaska is a treas-

ure-house of natural beauty and fossil fuel—fuel that lies undeveloped and unused, at a time when we desperately need it to produce energy to run our country.

How much fuel? Nobody knows. Some 30 billion barrels of oil have already been located on the North Slope—enough to supply the "lower 48" with two million barrels a day, from now until the year 2000. And that's not all. Estimates of other Alaska oil reserves, both on- and offshore, add another 20-30 billion barrels. And if you count potential continental-shelf reserves out to a depth of 200 meters, the total swells unbelievably, by another 600-780 billion barrels. To top all this, Alaska's coal reserves may exceed 120 billion tons, and natural-gas reserves are estimated at 238-438 trillion cubic feet.

Thus, Alaska is 1) geographically a crossroads of the globe, 2) a place of incalculable economic potential. In world politics, these two things add up to tremendous clout. But the northern regions of Russia, Siberia and Canada share similar strategic locations and the same rich potential. This is why the whole Arctic is destined to become a dominant force in the economic-political balance of the world. This is why I believe the world's power center is destined to shift from the Middle East to the Arctic.

What should we Americans be doing about it right now? I am convinced that we should get on with the job of extracting North Slope oil, so that we can reduce our dependence on Venezuela and the Middle East, and start damming up the critical and unnecessary flow of American dollars abroad.

As living space for man, the Arctic will never compete with the softer climates; no one is going to buy a retirement home on Prudhoe Bay. That is why the Arctic is a perfect location for a storehouse of wealth. And what a storehouse, for everything from mineral resources to the rarer resources of natural beauty and wildlife—perhaps most precious of all, in the long run. They will refresh the spirit of man as long as he inhabits earth.

The unique Arctic conditions encourage two opposite points of view. One says: "Exploit it fast. Get in—grab—and get out." The other warns: "The Arctic is a precious wilderness, so delicate and fragile we should lock it up. Man should stay out forever."

Both viewpoints are wrong. Today we can get the oil out—and the gas, the iron and the copper—without seriously disrupting the environment. We know better now than simply to take over the engineering techniques that worked in Texas and Oklahoma. We have learned to work *with* the Arctic elements, rather than against them.

This is something the Russians have learned, too. It began when they built the Trans-Siberian railroad in the 1890s, across 5500 miles of blizzard-swept desolation—"rusty streaks of iron through the vastness

of nothing to the extremities of nowhere," as detractors scoffed. Then, recognizing potential in the region, Lenin in 1921 set up an institute to study the waters north of Siberia, the "Northeast Passage" between the Atlantic and the Pacific.

Fearful of depending on other nations, Soviet leaders were determined to find and develop raw materials within their own borders. As a result, new cities have materialized in the Soviet Arctic and sub-Arctic at fantastic speeds, and established ones have grown. Novosibirsk, on the River Ob in Siberia, now has a population of 1.1 million.

Today, oil-production plans for western Siberia stagger the mind: two million barrels a day by 1975, and double that by 1980, or some 40 percent of the U.S.S.R.'s total. Overall, including offshore areas, the Soviet Arctic may contain nearly a half-*trillion* barrels of oil, or almost as much as the "proved" reserves (540 billion barrels) of the rest of the world. Even more overwhelming are the Soviet Arctic's natural-gas reserves, estimated in 1970 at 425 trillion cubic feet (15 trillion more than ours at that time).

The Russians have laid down some 18,000 miles of oil pipelines plus 39,000 miles of gas pipelines, and will soon begin piping gas—probably to Austria and West Germany this year, Italy next year, and later Belgium. Before long, we may even be depending on Russia to ease *our* energy crisis. For example, under Soviet study now is the feasibility of constructing two 56-inch pipelines, one to carry western Siberian natural gas northwest to Murmansk for tanker shipment to our East Coast, the other to convey eastern Siberian gas southeast to a port near Vladivostok for shipment to our West Coast. Their combined length: 4000 miles—five times that

of our proposed trans-Alaska oil pipeline.*

Understandably, the Russians now say, "There is no Russia without Siberia." They have turned a corner in their attitude toward the Arctic. It is time for us to do the same. The Arctic is not as difficult as it is different. Our challenge is to appreciate that difference. Let's stop being afraid of the Arctic. Let's roll up our sleeves and get started.

We need, for example, information about the continental shelf and the offshore lands of the Arctic. We need up-to-date polar maps. We need answers to questions about international sovereignty over Arctic waters and their seabeds. We ought to know more about Arctic transportation and communications systems, about the problems of large human settlements in the far north. We need a comprehensive study, leading to a coördinated national policy for Arctic development.

It is a responsibility we share with all the nations that rim the Arctic Ocean: the Soviet Union, the Scandinavian countries and, closest of all, Canada, on whose Mackenzie River delta and Arctic islands oil and natural gas have recently been discovered in enormous quantities. The region can become a hostile arena of economic and possibly military conflict. Or it can become a shining example of how nations can plan, live and work together, intelligently and wisely, with love for their planet Earth. We must join other Arctic nations in a federated approach to our common problems and opportunities. We owe it to future generations of the whole world.

As much as we have yet to learn, one thing is clear to me here in Anchorage—as clear as the peak of Mt. McKinley, 20,300 feet high against the blue Alaskan sky across the inlet. We need to move *right now*. The eyes of the world are turning north. We must start using our Arctic resources, those of natural beauty and those that meet man's other needs. And we must take the first steps, whatever our government and Congress judge them to be, toward coöperative international development of the whole polar region.

I have dreamed of the day when Americans would change their attitude toward Alaska and the Arctic. It begins to look as though history, economics and world politics are with me, and as though the day has begun.

*See "The Great Alaska Pipeline Controversy," The Reader's Digest, November '72.

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A Tribute
to
Walter J. Hickel
from
The President of Iceland
Ólafur Ragnar Grímsson

As we in the North look back over the life of Walter Hickel on his 90th birthday, we salute a visionary leader, a true statesman who has transformed our view of the world.

Now, in the early 21st century, the Arctic and the Northern regions are finally being recognized as the Earth's most crucial territory, of monumental significance for the future of mankind.

All his life, Wally has been the champion of the North, from the times of President Eisenhower to the Administration of Barack Obama.

He has served with distinction, not only America but also all nations of the North; convinced people in every continent of the importance of the resource-rich commons.

He has been both a visionary and a man of action – a proud Alaskan who has inspired us all.

It was my great fortune to welcome Wally to the Presidential Residence in Iceland in the early years of my presidency. That meeting transformed my mission. Ever since then, it has been my privilege to serve as a footsoldier in Wally's forces, to benefit from his wisdom and insights, his comments and conclusions; to enjoy his stories and his jokes.

Wally Hickel has shown as a campaigner, as a Governor, as an activist and as a statesman, how one man can change the world.

On the occasion of his 90th birthday, Dorrit and I, and all Wally's friends and admirers in Iceland, send our congratulations to him and his family.

The people of the North salute a great leader and thank him for his work and inspiration.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **SCR 11**
Fiscal Note Number: 2
() Publish Date: 1/24/2012

Identifier (file name)
Title: SCR 11 -- Walter Hickel Day of the Arctic
Sponsor: Senator French
Requester:

Dept. Affected
Appropriation
Allocation
OMB Component Number

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by: House State Affairs Committee
Division:
Phone: 465-2794
Date/Time: 1/24/2012 3:40pm
Approved by: Representative Bob Lynn, Chair
Date:

(Revised 11/18/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SCR 11

Analysis

No fiscal impact.

SCR 18

<TARGET><BILL>SCR 18</BILL><SUBJECT>SCR 18</SUBJECT><COMM>HSTA27</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 24, 2012 **FURTHER REFERRALS:**

Date of Committee Action: 3-15-2012

The STATE AFFAIRS Committee considered: **SCR 18**

SENATE CONCURRENT RESOLUTION NO. 18
Establishing August 4, 2012, as Raoul Wallenberg Remembrance Day.
SCR 18-RAOUL WALLENBERG REMEMBRANCE DAY

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____ (_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

***NEW* FISCAL NOTES**
*FN# is assigned by Chief Clerk's Office

*FN#	List by Dept(s):	Fiscal	Indet.	Zero

***PREVIOUS* FISCAL NOTES**

FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	LEG			X

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
Kyle B Johansen	JOHANSEN	X			
Will Greenberg	Greenberg	—			
Paul K Seaton II	Seaton	✓			
Pete Peterson	Peterson	X			
Chair: Wm. Kerns	Kerns	A			
Chair:					

SENATOR FRED DYSON

SPONSOR STATEMENT

SCR 18
A Resolution Establishing August 4, 2012, as Raoul Wallenberg Remembrance Day

The purpose of this Resolution is to establish August 4, 2012, as Raoul Wallenberg Remembrance Day in commemoration of the extraordinary life and sacrifice of this Swedish diplomat, credited with saving more than 100,000 Jews during the Holocaust, on the 100th anniversary of his birth.

Raoul Wallenberg was born August 4, 1912 in Sweden. His father, Raoul Wallenberg Sr., was an officer in the Swedish Navy, and grandfather Gustav Wallenberg was the Swedish Ambassador to Japan. Raoul Wallenberg attended college in the United States, graduating from the University of Michigan in 1935 with a baccalaureate degree in Architectural Design.

In 1939 Wallenberg's business dealings brought him to Hungary, where he began to know the Hungarian Jewish community and became increasingly concerned with the fate of Europe's Jewish communities who were beginning to fall prey to Hitler's advance across Europe. In 1944 during WWII, United States Secretary of State Cordell Hull requested the cooperation of Sweden, a neutral nation, in protecting the lives of 750,000 Hungarian Jews facing extermination at the hands of the Nazis. Raoul Wallenberg agreed to the request, and went to Hungary to protect Jews and victims of the Nazis under his official profession as a Swedish diplomat.

With extraordinary courage and with total disregard for the constant danger to himself, this young diplomat out-dueled Nazi Lieutenant Colonel Adolf Eichmann in Budapest, Hungary from July through December 1944 and miraculously saved more than 100,000 innocent men, women and children from the death camps. Raoul Wallenberg then endured tragic imprisonment and death in a Soviet Gulag in violation of Wallenberg's diplomatic immunity and international law.

The late U.S. Congressman Tom Lantos, rescued by Wallenberg in Budapest, served for several years as economic adviser and chief of staff to former Alaska Congressman Mike Gravel. In 1981 President Ronald Reagan posthumously awarded Mr. Raoul Wallenberg the highest Congressional award making Wallenberg an Honorary Citizen of the United States.

SCR 19 is brought forth in honor of the courageous valor of Raoul Wallenberg whose life demonstrated moral courage and love in the face of incomprehensible evil, and showed us that one person can make a difference.

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

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Raoul Wallenberg 2012

The Government has decided to commemorate, in Sweden and internationally, Raoul Wallenberg´s centenary in 2012 by honouring his memory with various events and activities.
This web portal will function as a guide for the year's events.

Swedish diplomat Raoul Wallenberg made a unique contribution in the second half of 1944 by saving tens of thousands of Jews in Budapest from the Holocaust. His actions show that one person´s courage and ability can make a difference. His actions are a model for us, not least at a time when more people need to stand up against persecution, xenophobia and anti-Semitism.

Raoul Wallenberg was captured by the Soviet Union and taken to the notorious Ljubljanka prison in Moscow. No one knows for sure what happened next, and the Swedish Government is still demanding an explanation. Raoul Wallenberg fought against one of the terror dictatorships of his time, and was killed by the other.

- Swedish version
- RAOUL WALLENBERG 2012 ON FACEBOOK

Related

- Carl Bildt opens Wallenberg exhibition in Budapest
- Debate article in New York Times by US Secretary of State Hillary Rodham Clinton and Swedish foreign minister Carl Bildt: Wallenberg's Life-Giving Legacy
- Press release: Start of the Raoul Wallenberg year!
- Quote from Carl Bildt, Swedish Minister for Foreign Affaires

External links

- Read current article in New York Times by Hillary Rodham Clinton and Carl Bildt
- Washington Post article
- Raoul Wallenberg Award Scholarship in Tel Aviv
- Haaretz article
- The Global Herald: "We Can Learn From Raoul Wallenberg´s Example in Budapest - Eskil Franck"
- On the Radio: The Raoul Wallenberg exhibition
- Vancouver Straight article
- Interview with The Swedish Foreign Minister and Coordinator Olle Wästberg

• A HERO FOR OUR TIME •

Raoul Wallenberg: A Hero For Our Time
By Rachel Oestreicher Bernheim, 1981

Prologue
In Tribute

A monument to Raoul Wallenberg by the Hungarian Sculptor

In these dark and cynical times, when there is so very little for mankind to believe in, when the historian and the investigative reporter have trained us to expect the worst of the great, it is little wonder that the world does not quite know what to make of Raoul Wallenberg - or that too many governments have chosen to maintain a shameful silence.

Sadly, noble words are robbed of their meaning. We hear him called "righteous Gentile," "hero of the Holocaust," "unsung martyr of World War II." Now and then some scholar addresses himself anew to the question of how and by what means Wallenberg managed to save one hundred thousand lives, or probes the psychosocial impulses which compelled him to forsake wealth and ease and undertake so dangerous a mission.

But when we have set down the last pious platitude, made our tallies and pondered his motives, something in Raoul Wallenberg still eludes us. He remains a mystery, as do all pure-souled, whole-hearted, thoroughly moral men. We are left only with the everlasting memory of what he did - and what Raoul Wallenberg did was to fulfill, as none in his time would or could, the terms of the contract which binds each of us to humanity. The Talmud summed up that contract in these words: "Whoever saves a single soul, it is as if he saved the whole world."

Therefore we must do more than cling to his memory. We must proclaim to all the nations that Raoul Wallenberg lives, tirelessly champion his cause, tirelessly press for news of his fate - till the day, if it please God, that Raoul Wallenberg returns to us from the long, bitter totalitarian night.

Raoul, aged 3, with his widowed mother, Maj Wising.

Raoul Wallenberg was born August 4, 1912. His parents came from two of Sweden's most outstanding families, whose members included diplomats, bankers, and bishops of the Lutheran Church, as well as artists and professors.

Wallenberg's birth was surrounded by tragedy. His handsome father (after whom he was named), an officer in the Swedish Navy and the sone of the Swedish ambassador to Japan, died after a brief illness at the age of 23 - eight months after his marriage and three months before the birth of his son.

Raoul Wallenberg senior aged 23

Raoul's mother, Maj Wising Wallenberg, was only 21 at the time. Three months after Raoul's birth, his grandfather Wising died suddenly of pneumonia. Many years later, **Nina Lagergren**, Raoul's half-sister said, "All of a sudden, in that once-happy house, there were two widows and this baby boy." The two bereaved women focused all of their love on the child who, says Nina Lagergren, "gave and received so much love that he grew up to be an unusually generous, loving, and compassionate person."

In 1918, Maj Wallenberg remarried. Her second husband, Fredrik von Dardel, was a young civil servant in the health ministry. He later became the administrator of Karolinska, Sweden's largest hospital, world famous for its medical research. Two more children were born to Maj von Dardel, Guy and Nina. Both serve as leaders of the international Raoul Wallenberg effort.

This is page 8: Has a different picture to add

Ambassador Gustav Wallenberg, Raoul's grandfather, insisted that Raoul receive an education befitting a member of the Wallenberg family. Accordingly, after high school in Sweden and nine months of compulsory Swedish military service, Raoul was sent to Paris for a year. Then, at his own insistence, he attended the **University of Michigan** in Ann Arbor, where he completed the five year program at the School of Architecture in three and one half years. He graduated in 1935, along with his classmate, future President Gerald Ford.

When Raoul returned to Sweden, his grandfather insisted that it was time for his to begin studying banking and commerce. This decision was to have far-reaching implications.

Raoul's first position was with a Swedish firm in South Africa. In 1936 his grandfather arranged a position for him at the Holland Bank in Haifa, Palestine. There Raoul began to meet young Jews who had already been forced to flee from Nazi persecution in Germany. Their stories affected him deeply.

In 1939, he went to work with a Jewish refugee from Hungary named **Koloman Lauer**. Lauer was owner of the Central European Trading Company, which dealt in foodstuffs. In eight months Raoul was a junior partner of the firm. Raoul often traveled to Hungary. His partner had close relatives living in Budapest. Through them, Raoul began to know the Hungarian Jewish community.

As a Swedish Christian from an outstanding family, he was able to travel freely in Germany as well as in Nazi occupied France. He became familiar with the eccentricities of Nazi bureaucracy and was unusually successful in his required business dealings with Nazi officials.

Settlements for Jews fleeing Nazi persecution in Haifa

Wallenberg was increasingly concerned with the fate of Europe's Jewish communities. Actress **Viveca Lindfors**, a friend of Raoul's during his bachelor days in Stockholm, recalls an evening when he took her back to his office. There, he began to tell her of the plight of the Jews in Nazi Europe. His stories, told with frightening intensity, sounded impossible to her.

Between March and June 1944 427,000 Hungarian Jews were deported. In 46 working days nearly a quarter of a million of them were exterminated.

In the United States, at the behest of President Roosevelt, the **War Refugee Board** was established. Its goal was to save Jews and other Nazi victims. The WRB was well funded. Its top priority, after the partial Nazi Hungarian occupation in June 1944, became the safety of the 750,000 Hungarian Jews.

The War Refugee Board came to neutral Sweden, which had an active embassy in Budapest, looking for someone who would agree to go to Hungary. Such a person would work under the auspices of the Swedish government with the protection of a Swedish diplomatic passport, though representing and funded by the War Refugee Board.

The War Refugee Board's representative in Hungary was to be given a large sum of money and would be empowered by the Swedish government to issue passports to as many Jews as possible. Raoul Wallenberg was chosen to be the War Refugee Board's representative.

On July 9, 1944, Raoul Wallenberg, age 31, arrived at the Swedish embassy in Budapest. He traveled lightly with a backpack and a small pistol. His primary adversary was **SS Lt. Col. Adolf Eichmann**. By the time Wallenberg arrived in Hungary, all 437,000 Jews - men, women, and children - living outside Budapest had already been deported. The rest of Hungary's Jewish community consisted of the 230,000 Jews living in the capital.

Wallenberg's first job was redesigning the Swedish protective passport. This new first secretary of the embassy found the document, which was legal and could be issued only by the Swedish legation, physically unimpressive. He knew that the Nazis and their Hungarian counterparts were frequently people of little education, who would be easily impressed by a large, official looking document. How correct this simple assessment proved to be!

Wallenberg redesigned the "**Schutzpass**." He used the blue and yellow of the Swedish flag, and emblazoned the document with the symbol of the

triple crown of Sweden. This passport saved the lives of tens of thousands of Jews, as well as a great number of anti-Nazi Hungarian partisans.

According to former staff member, **Agnes Mandl Adachi**, Wallenberg printed huge placards and put them up all over the city. The billboards, which pictured and proclaimed the validity of the Schutzpass, were designed to make the Nazis familiar with the document and its authority.

In the darkest days of 1944, the Swedish protective passport even provided some humor in the midst of despair. **Edith Ernester**, who lived through that time, recalls: "It seemed so strange - this country of super-aryans, the Swedes, taking us under their wings. Often, when an Orthodox Jew went by, in his hat, beard and sidelocks, we'd say, 'Look, there goes another Swede.'

A special department was created in the Swedish embassy in Budapest with Wallenberg as its head. It was staffed primarily with Jewish volunteers. Initially, there were 250 workers; later, he had about 400 people working around the clock. Wallenberg seemed to sleep no more than an hour or two a night, and then it was wherever he happened to be working. He was everywhere.

Wallenberg persuaded the Hungarian authorities to free the Jews on his staff from wearing the Yellow Star worn at all times by other Jews. This simple exemption allowed his workers much greater freedom of movement, as well as the protection of anonymity - an essential factor in carrying out many of Wallenberg's missions.

A soup kitchen established by Wallenberg.

A hospital established by Wallenberg.

Agnes Adachi recalls the night when she and her co-workers needed to complete about 2,000 Schutzpasses and deliver them before six a.m. when the Nazis would be rounding up several thousands of Jewish women. She tells of working by candlelight in a villa on the outskirts of Budapest. Wallenberg came in and very calmly announced that the villa next door was the Gestapo headquarters. He then smilingly assured his staff that they must continue their work and not be alarmed. The Schutzpasses were completed, and each was delivered on foot before six a.m.

According to Mrs. Adachi: "He made a game out of outfoxing the Nazis, but he played it with the utmost seriousness. Most of all, he was like a big brother one looked up to, and he had the most beautiful eyes that I have ever seen. They were so beautiful and they saw everything."

Wallenberg's next step was crucial to ultimate success. In a section of Budapest designated by the Hungarian government as the "International Ghetto", Wallenberg purchased thirty buildings where he flew Swedish flags next to the Jewish Star. These buildings, and others for which he was able to negotiate, were given the full protection of the Swedish government.
In these protected houses, Wallenberg set up hospitals, schools, soup kitchens, and a special shelter for 8,000 children whose parents had already been deported or killed.

Generally, the Swedish flag and the passports held by those living in the houses were protection enough. If his spies told him that a raid was being planned by the Nazis or their Hungarian counterparts, young, blond Jewish men living in the houses would be dressed in Nazi uniforms and put outside to "guard" the houses.

Occasionally, however, all efforts failed. On Christmas Day, 1944, a gang of Hungarian Nazis entered a protective Swedish children's shelter and seventy-eight children were machined gunned and beaten with rifle butts. All died.

Because of Wallenberg's swift action in setting up shelters that offered care and protection, the other neutral legations and the International Red Cross also followed and helped greatly to expand the number of protected houses. After the war it was established that about 50,000 Jews living in the foreign houses of the International Ghetto had survived. Of these, about 25,000 were directly under Wallenberg's protection.

On October 15, 1944, the legal Hungarian government of **Admiral Horthy** fell and a pro-Nazi government called the Arrow-Cross was installed. The Germans, who had previously not been so much in evidence, came pouring across the Hungarian border.

The Arrow-Cross gendarmes, an elite, quasi-military corps, were Adolf Eichmann's greatest

allies in his march toward the "final solution". If possible, they were even more sadistic than their German counterparts, and Eichmann used their fervor accordingly.

In late 1944, with the Germans fighting on many fronts, the end of the war and an Allied victory began to seem imminent. This knowledge only seemed to spur Eichmann on to finish his "purification" of Hungary.

Women being forced at gunpoint to join a death march.

In this situation, **Jeno Levai** recalls, "It was of the utmost importance that the Nazis and the Arrow-Crossmen were not able to ravage unhindered - they were compelled to see that every step they took was being watched and followed by the young Swedish diplomat. From Wallenberg they could keep no secrets. The Arrow-Crossmen could not trick him. They could not operate freely. They were held responsible for the lives of the persecuted and the condemned. Wallenberg was the 'world's observing eye', the one who continually called the criminals to account.

As the Germans found themselves increasingly on the military defensive, they were less able to supply Eichmann with trains and trucks for deporting Jews from Hungary. On November 8, 1944, as the Russian army moved closer to Budapest, Eichmann ordered all Jewish women and children rounded up and marched on foot 125 miles to Hegyeshalom on the Austrian-Hungarian border for deportation to the death camps. The men were brought to a work camp in another location.

It took one week to walk in freezing cold and snow, with no food or heavy clothing. Women in high heels, rounded up in the street, children, and the elderly were forced to keep up with the pace set by the gendarmes. All along the route lay the dead and the dying.

Wallenberg, **Per Anger**, then second secretary of the Swedish legation, and their driver went along the route of the march by car, giving out food, clothing, fresh water and Swedish protective passports whenever possible. On the first day of the march, they rescued about 100 people with the protective passports. A few others they rescued by sheer bluff.

Jews on foot being marched westward to the border and deportation.

In the days that followed, Wallenberg made repeated trips along the march route and continued his rescue efforts at the border. He organized Red Cross truck convoys to deliver food and set up checkpoints for those with "Schutzpasses". About 1,500 people were thus rescued from transport to Auschwitz.

At the end of November, Eichmann was ordered back to Berlin by Heinrich Himmler, who was preparing to put out peace feelers to the Allies. The marches were halted and Eichmann was instructed to cease all liquidation efforts.

In December 1944, Wallenberg reported to Stockholm about the death marches. "It was possible to rescue some 2,000 persons from deportation for some reason or another." He added, almost as an afterthought, that the Swedish mission had also secured the return of 15,000 laborers holding Swedish and other protective passes.

John Bierman, in his book on Wallenberg, RIGHTEOUS GENTILE, has included a moving eye-witness account of Wallenberg's work. They are the words of **Tommy Lapid**, now director-general of the Israeli Broadcasting Authority. In 1944 Lapid was 13 years old and one of 900 people crowded into a Swedish protected house. His father was dead, and he had been allowed to remain with his mother.

Jewish women being marched through Budapest to a holding cap, prior to deportation. This photograph was taken by Wallenberg.

"One morning, a group of Hungarian Fascists came into the house and said that all the able-bodied women must go with them. We knew what this meant. My mother kissed me and I cried and she cried. We knew we were parting forever and she left me there, an orphan to all intents and purposes. Then two or three hours later, to my amazement, my mother returned with the other women. It seemed like a mirage, a miracle. My mother was there - she was alive and she was hugging me and kissing me, and she said one word: Wallenberg."

"I knew whom she meant because Wallenberg was a legend among the Jews. In the complete and total hell in which we lived, there was a savior-angel somewhere, moving around."

Wallenberg became famous among the Jews of Hungary for his many individual acts of bravery, but it was as a negotiator that he achieved his greatest results. In addition to its International Ghetto, Budapest had a general ghetto, which was guarded and sealed off. The 70,000 Jews kept there as virtual prisoners existed under the most horrible and

primitive conditions, unprotected from the violence of the Arrow-Crossmen.

Hungarian gendarmes execute an 'uncooperative' Jewish leader.

Wallenberg got word in the first days of January, 1945 that a final plan, masterminded by Adolf Eichmann before he left Hungary, was soon to be carried out. It was to be completed very quickly, before the Russian army could enter Budapest and open the ghetto. The plan called for the total massacre of the ghetto population, by a combined task force of SS men and Arrow-Crossmen led by a priest, Vilmas Lucska. An additional 200 policemen would encircle the ghetto fence, making certain that no Jews escaped.

All the documents for the extermination plan were ready and the German commander in Budapest was prepared to carry out his orders, even as the Russians shelled the city.

Wallenberg had been working behind the scenes for many months with **Pal Szalay**, a high-ranking Arrow-Crossman who was a senior police official. Szalay was horrified by the atrocities committed by his compatriots, and he quickly became an invaluable ally. In fact, he was the only prominent member of the Arrow-Cross to escape execution after the war by the People's Court; he was set free with no charges. Szalay helped to save many lives in various incidents, but his most important contribution was as Wallenberg's spokesman in negotiations with the **German general, August Schmidthuber**.

Schmidthuber was commander of the SS troops in Budapest, and Eichmann had designated one of his detachments to spearhead the ghetto action. It was far too dangerous for Wallenberg to meet personally with the SS leader; he was already wanted by the Gestapo, and there had been several attempts on his life. Any direct communication with Schmidthuber would mark Wallenberg as a dangerous international witness to the ghetto extermination.

Wallenberg sent Pal Szalay to speak for him with the general. Szalay informed Schmidthuber that, if the planned massacres took place, Wallenberg would see to it that the general was held personally responsible and would be hanged as a war criminal. With the Russian army already approaching the city, the general reconsidered. He issued the order that no ghetto action was to take place. It was Wallenberg's last victory.

When the Russian army entered Budapest, they found almost 70,000 Jewish men, women and children alive in the general ghetto. Another 25,000 people were in the protected houses, and an additional 25,000 persons of Jewish origin were found hiding in Christian homes, monasteries, convents, church basements, and other sanctuaries.

In all, 120,000 Jews of Budapest survived the "final solution". They were the only substantial Jewish community left in Europe. At least 100,000 of these people owed their lives directly to Raoul Wallenberg.
In Jewish folklore there exists a tale of "36 righteous men." This is the minimum number of anonymous, righteous men who must be living in each generation, as the world exists on their merit. These hidden saints appear in times of great danger to the Jewish community, using their powers to defeat its enemies. Perhaps such a legendary "Lamed-Vovnik," -or- "One of the Just" - made his appearance in the person of Raoul Wallenberg.

The Arrest and Disppearance of Raoul Wallenberg

On January 13, 1945 Wallenberg first contacted the Russians, then on the outskirts of Budapest, in an effort to secure food and supplies for the Jews under his protection.

On January 17 Wallenberg and his driver, **Vilmos Langfelder**, left Budapest for a meeting with the Russian commander, **Marshal Malinovsky**, in the city of Debrecen, about 120 miles east of Budapest. On the way to the meeting with the Soviet commander Wallenberg and his driver were taken into "protective custody" by the **Soviet NKVD**, the secret police later known as the KGB.

The Soviet deputy foreign minister, **Vladimir Dekanosov**, notified the Swedish Ambassador in Moscow that Wallenberg was in Russian hands: "The Russian military authorities have taken measures to protect Raoul Wallenberg and his belongings," said the note.

When he was last seen on January 17 by members of his staff, Wallenberg was already being "protected" by a Russian officer and two soldiers on motorcycles. He was carrying his knapsack, a briefcase containing his own post-war plan, and a large sum of money. It was the last time anyone ever saw Raoul Wallenberg as a free man.

In the first week of February 1945, after a trip by train to Moscow, Wallenberg and his driver were placed in separate cells in Lubianka Prison, the principal interrogation center of the Soviet Secret Police.

That month Wallenberg's mother, **Maj von Dardel**, was informed by the Russian

ambassador to Sweden, that her son was safe in Russia and would be back soon. The family was asked not to make a major issue of Raoul's absence. His safe return was assured.

On January 21, 1945, Wallenberg was placed in cell 123 of Moscow's Lubianka Prison, where he joined **Gustav Richter**, formerly a police attache at the German embassy in Ruania. Richter testified in Sweden in 1955 that Wallenberg was interrogated only once for about an hour and one half, in the beginning of February 1945. He was accused of spying, perhaps for the United States, since the War Refugee Board was an American based and funded operation. On March I, 1945, Gustav Richter was moved and his knowledge of Wallenberg ended.

On March 8, 1945, the Soviet-controlled radio in Hungary falsely reported that Wallenberg had been murdered in route to Debrecen, probably by Hungarian Arrow-Cross or still at large agents of the Gestapo.

In April 1945 **Averell Harriman**, then U.S. ambassador to Moscow, was instructed to contact the Swedish ambassador and offer any assistance necessary to help determine Wallenberg's fate.

Swedish Ambassador Staffan Soderblom declined U.S. help or involvement - potentially a major mistake. A second tactical error was committed during a meeting between Stalin and Soderblom on June 15, 1945. The ambassador told the Soviet chief of state that he personally felt Wallenberg was dead, killed by the Arrow-Cross, but would still appreciate the Soviets' looking into the matter, as his government in Stockholm had requested this inquiry. Stalin promised to investigate personally and wrote Wallenberg's name on a pad.

On August 8, 1947, the second important Soviet communique about Wallenberg was sent to Sweden. Written by **Foreign Minister Andrei Vishinsky** in reply to Swedish government inquiries, the message stated that "a search of prisoner-of-war camps and other establishments had turned up no trace of Wallenberg. In short, 'Wallenberg is not in the Soviet Union and is unknown to us'. The note concluded with the 'assumption' that Wallenberg had either been killed in the battle for Budapest or kidnapped and murdered by Nazis or Hungarian Fascists"

For another ten years, the Vishinsky note was the only official Russian word on Wallenberg's fate. When a group of Swedish citizens nominated Wallenberg for the 1948 Nobel Prize for Peace, it elicited the only public statement ever made by the Soviet Union concerning Sweden and the Wallenberg affair: A Soviet journal again accused the Nazis or the Arrow-Cross of murdering Raoul Wallenberg.

For years thereafter, there was only official Soviet silence. Then as a number of European prisoners were released in 1955, word of Wallenberg's imprisonment began to filter back to Sweden.

On February 2, 1957, a note was delivered to the Swedish government and signed by **Deputy Foreign Minister Andrei Gromyko**. The note told of a handwritten report by a Col. Smoltsov, head of Lubianka Prison's health service, to Viktor Abakumov, minister of state security. The report was supposedly written on July 17, 1947:

"I report that the prisoner Walenberg (sic) who is well-known to you, died suddenly in his cell this night, probably as a result of a heart attack. Pursuant to the instructions given by you that I personally have Walenberg under my care, I request approval to make an autopsy with a view to establishing cause of death."

Scrawled across the bottom of the page in the same handwriting was the addendum:

"I have personally notified the minister and it has been ordered that the body be cremated without autopsy. 17, July. Smoltsov."

Smoltsov and Abakumov were both dead in 1957 when Gromyko delivered the note. It is highly irregular for a Soviet prison doctor to report directly to a minister rather than to the head of the prison. The Russians never produced Col. Smoltsov's note or even a photocopy of it - an important omission, given the Russian's penchant for careful documentation.

Gromyko's communique ended by saying:

"The Soviet government presents its sincere regrets for what has occurred and expresses its profound sympathy to the Swedish Government as well as to Raoul's relatives."

On February 9, 1957, the Swedish ambassador to Moscow, Rolf Sohlman, delivered a note to Gromyko from the Swedish government, expressing outrage at the facts as reported in the Russian communique. The note continued that the Swedish government felt the investigation was incomplete. It also found it difficult to believe that everything referring to Wallenberg except the Smoltsov note had been completely obliterated. The Swedish government then pressed the Soviets to continue their investigation.

One final comment on the Gromyko letter and its continuing effect on the fate of Raoul Wallenberg is made in an article in the March, 1981 issue of McClean's Magazine. The author is **Yuri Luryi**, an expert on Soviet law who now lives and teaches in Canada:

"The sad thing is that it was Gromyko who signed the letter back in 1957. He was simply a deputy of the foreign minister then, but now he is a member of the Soviet Mount Olympus. He is one of the gods who never makes mistakes. One panelist in Sweden (Wallenberg Hearings, January, 1981) said that until Gromyko is out of power, they do not expect any positive change in the Soviet approach to Wallenberg's fate."

July 1981

It has taken the world over 50 years to truly recognize the greatness of Raoul Wallenberg - A man who acted while others watched. The survivors of the Holocaust say "NEVER AGAIN". Let us take these words and apply them further: Let us apply them to those who have stood silently as Raoul Wallenberg disappeared into the horrors of the Gulag. Raoul Wallenberg is not only a symbol of injustice, but also a symbol of indifference. Let us act now.

In Acknowledgement

We are indebted to the following authors and publications:

WITH RAOUL WALLENBERG IN BUDAPEST. Per Anger (Holocaust Library).

RIGHTEOUS GENTILE: THE STORY OF RAOUL WALLENBERG, MISSING HERO OF THE HOLOCAUST. John Bierman (Viking Press, New York. Allen Lane, London).

WALLENBERG, THE MAN IN THE IRON WEB. Elenore Lester (Prentice Hall).

RAOUL WALLENBERG: HERO OF BUDAPEST. Eugene Levai (Central European Publishing Company)

WALLENBERG. Kati Marton (Random House)

RAOUL WALLENBERG: ANGEL OF RESCUE. Harvey Rosenfeld (Prometheus Books)

ON THE 35YEAR OLD TRAIL OF A MISSING HERO. Yuri Luryhi (McClean's Magazine)

THE WALLENBERG MYSTERY-FIFTY FIVE YEARS LATER. William Korey (The American Jewish Committee)

RAOUL WALLENBERG-REPORT OF THE SWEDISH /RUSSIAN WORKING GROUP. (Ministry For Foreign Affairs)

Click here for a bibliography.

The photographs taken in Budapest are the work of Thomas Veres. Raoul Wallenberg's personal photographer. In order to escape detection, many of the photographs were taken by Veres with a camera hidden in his scarf. A tiny hole in the scarf provided access for the camera lens. These secret photographs provide a searing indictment of Nazi brutality.

Tom Veres lived and worked as a photographer in New York. When he died in 2002, the world lost a one of a kind individual and the Committee lost a great friend.

Back to Raoul Wallenberg

▲ BACK TO TOP

Our mission is to perpetuate the humanitarian ideals and the nonviolent courage of Raoul Wallenberg and to remind the world that the heroic actions of a single person have the power to make a difference.

The Raoul Wallenberg Committee of the United States
15 West 16th Street, 6th Floor, New York, NY 10011 • 917.606.8260 • fax TBA • **www.raoulwallenberg.org**

Sep 21, 2011 - Introduced in House. This is the original text of the bill as it was written by its sponsor and submitted to the House for consideration. This is the latest version of the bill currently available on GovTrack.

HR 3001 IH

112th CONGRESS
1st Session
H. R. 3001

To award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

IN THE HOUSE OF REPRESENTATIVES

September 21, 2011

Mr. MEEKS (for himself, Mr. SHERMAN, Mr. BERMAN, Ms. HAYWORTH, and Mr. GRIMM) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

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 'Raoul Wallenberg Centennial Celebration Act'.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Raoul Wallenberg was born in Europe on August 4, 1912, to Swedish Christian parents.

(2) In 1935, he graduated from the University of Michigan in Ann Arbor, completing a five-year program in three-and-a-half years.

(3) In a letter to his grandfather, Wallenberg wrote of his time in America: 'I feel so at home in my little Ann Arbor that I'm beginning to sink down roots here and have a hard time imagining my leaving it. . . . Every now and then I feel strange when I think about how tiny my own country is and how large and wonderful America is.'.

(4) Raoul returned to Sweden, where he began a career as a businessman, and afterwards, a Swedish diplomat.

(5) In 1936, Raoul's grandfather arranged a position for him at the Holland Bank in Haifa, Palestine. There Raoul began to meet young Jews who had already been forced to flee from Nazi persecution in Germany. Their stories affected him deeply.

(6) He was greatly troubled by the fate of Jews in Europe, confiding to actress Viveca Lindfors the horrific plight of Jews under Nazi Europe.

(7) Under the direction of President Franklin D. Roosevelt, the War Refugee Board was established in January 1944 to aid civilians that fell victim to the Nazi and Axis powers in Europe.

(8) One of War Refugee Board's top priorities was protection of the 750,000 Hungarian Jews still alive.

(9) It was decided that Raoul Wallenberg, aged 31 at the time, would be most effective in protecting Jews and victims of the Nazis in Hungary under the War Refugee Board. He was recruited by Iver Olsen, an agent for the Office of Strategic Services and sent to Budapest, Hungary, under his official profession as a Swedish diplomat. He was instructed to use passports and other creative means to save as many lives as possible.

(10) Wallenberg created a new Swedish passport, the Schutzpass, which looked more imposing and official than the actual Swedish passport. He reportedly put up huge place cards of it throughout Budapest to make the Nazis familiar with it. He unilaterally announced that it granted the holder immunity from the death camps. The Schutzpasses alone are credited with saving 20,000 Jewish lives.

(11) In one example of his heroism, Wallenberg was told of a Nazi plot to round up several thousand Jewish women and acted swiftly to save them. Former Wallenberg staffer, Agnes Adachi, recalls the time when she and other staff, spent the whole night making around 2,000 Schutzpasses before 6 a.m. They were all completed and personally delivered to the women in time to save their lives.
(12) Using the money the United States put into the War Refugee Board, Wallenberg was able to purchase about thirty buildings, which he used as hospitals, schools, soup kitchens, and safe houses for over 8,000 children whose parents have already been deported or killed.
(13) Tommy Lapid, a young boy who was staying with his mother in a Swedish safe house (his father was already dead), gave an eyewitness account of how his family was helped by Wallenberg and the War Refugee Board: 'One morning, a group of Hungarian Fascists came into the house and said that all the able-bodied women must go with them. We knew what this meant. My mother kissed me and I cried and she cried. We knew we were parting forever and she left me there, an orphan to all intents and purposes. Then two or three hours later, to my amazement, my mother returned with the other women. It seemed like a mirage, a miracle. My mother was there--she was alive and she was hugging me and kissing me, and she said one word: Wallenberg.'.
(14) Even as the war was coming to a close, Wallenberg remained vigilant and attentive to the people under his care. Adolf Eichmann, the SS colonel charged with the extermination of Jews in Eastern Europe, was determined to exterminate the 70,000 Jews kept as prisoners in a guarded ghetto in Budapest. As soon as Wallenberg heard of the plot, he sent Pal Szalay, an Arrow-Crossman senior official, who defected and turned to Wallenberg. Szalay was sent to speak to General Schmidthuber, who was ordered to spearhead the ghetto extermination in Budapest. Szalay informed Schmidthuber that, seeing as the war was coming to an end, if the planned massacre took place, Wallenberg would see to it personally that Schmidthuber would be prosecuted as a war criminal and hanged. The plans were ultimately abandoned and considered Wallenberg's last big victory.
(15) Of the 120,000 Hungarian Jews that survived, Raoul Wallenberg, acting under the War Refugee Board, is credited with saving an estimated 100,000 of them in a six-month period.
(16) Raoul Wallenberg's fate remains a mystery. In January 13, 1945, he contacted the Russians in an effort to secure food for the Jews under his protection--as he was still working hard to protect them.
(17) In 1981, President Ronald Reagan made Raoul Wallenberg an honorary citizen of the United States, an honor only previously extended to Winston Churchill.
(18) These findings show that Raoul Wallenberg showed exceptional heroism and bravery with his actions during the holocaust. Working with the War Refugee Board, a United State's agency, he was able to save about 100,000 Hungarian Jews, many of which were later able to immigrate to the United States.
(19) Indeed, hundreds of thousands of American Jews can directly or indirectly attribute their own lives to Raoul Wallenberg's actions during World War II. Many of the people Wallenberg saved have been influential citizens contributing to American institutions and culture, including Congressman Tom Lantos (February 1, 1928-February 11, 2008), Annette Lantos, and the Liska Rebbe, Rabbi Yoizef (Joseph) Friedlander, who carried forth the Liska Hassidic dynasty from Hungary to the United States after being saved by Raoul Wallenberg.
(20) His actions and character make him an excellent contender for a Congressional Gold Medal in time for the centennial of his birth, to celebrate his achievements and humanitarian accomplishments.

Public Law 97-54
97th Congress

Joint Resolution

Proclaiming Raoul Wallenberg to be an honorary citizen of the United States, and requesting the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

Oct. 5, 1981
[S.J. Res. 65]

Whereas the United States has conferred honorary citizenship on only one occasion in its more than two hundred years, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas during World War II the United States was at war with Hungary, and had no diplomatic relations with that country;

Whereas in 1944 the United States Government through Secretary of State Cordell Hull requested the cooperation of Sweden, as a neutral nation, in protecting the lives of Hungarian Jews facing extermination at the hands of the Nazis;

Whereas Raoul Wallenberg agreed to act at the behest of the United States in Hungary, and went to Hungary in the summer of 1944 as Secretary of the Swedish Legation;

Whereas Raoul Wallenberg, with extraordinary courage and with total disregard for the constant danger to himself, saved the lives of almost one hundred thousand innocent men, women, and children;

Whereas Raoul Wallenberg, with funds and directives supplied by the United States, provided food, shelter, and medical care to those whom he had rescued;

Whereas the Soviet Union, in violation of Wallenberg's Swedish diplomatic immunity and of international law, seized him on January 17, 1945, with no explanation ever given for his detention and subsequent imprisonment;

Whereas Raoul Wallenberg has been a prisoner in the Soviet Union since 1945;

Whereas reports from former prisoners in the Soviet Union, as recent as January 1981, suggest that Raoul Wallenberg is alive;

Whereas history has revealed that heroic acts of salvation were tragically rare during the massacre of millions of innocent human beings during World War II; and

Whereas the significance of this symbol of man's concern for his fellow man has been tainted by the wall of silence that surrounds the fate of Wallenberg: Now, therefore, be it

Raoul Wallenberg, honorary U.S. citizenship.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Raoul Wallenberg is proclaimed to be an honorary citizen of the United States of America.

SEC. 2. The President is requested to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

Approved October 5, 1981.

LEGISLATIVE HISTORY—S.J. Res. 65 (H.J. Res. 220):

HOUSE REPORT No. 97-152, pt. 1, accompanying H.J. Res. 220 (Comm. on Foreign Affairs).

SENATE REPORT No. 97-169 (Comm. on Foreign Relations) and (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 127 (1981):

Aug. 3, considered and passed Senate.

Sept. 22, H.J. Res. 220 considered and passed House; proceedings vacated and S.J. Res. 65 passed in lieu.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 41 (1981):

Oct. 5, Presidential statement.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version: **SCR 18**
Fiscal Note Number: 1
(S) Publish Date: 2/24/2012

Identifier (file name): SCR 18 Raoul Wallenberg Remembrance Day
Title:
Dept. Affected:
Appropriation:
Allocation:
Sponsor: Senator Fred Dyson
Requester: (H) State Affairs
OMB Component Number:

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**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/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by: (H) State Affairs
Division:
Phone: 465-4931
Date/Time: 2/24/12 12:00 AM
Approved by: /h/ Representative Bob Lynn, Chair
Date: 2/24/2012

(Revised 1/17/2012 OMB)

SENATOR FRED DYSON

Date: February 24, 2012

To: Representative Bob Lynn, Chair
House State Affairs

From: Senator Fred Dyson

Re: Request for Hearing - SCR 18

I respectfully request a committee hearing for SCR 18 – A Resolution establishing August 4, 2012, as *Raoul Wallenberg Remembrance Day*. Thank you.

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)

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