

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10467 HOUSE STATE AFFAIRS

Delegate.

Election District No. 18—
Twelve Delegates.

Election District No. 19—One
Delegate.

Election District No. 20—One
Delegate.

Election District No. 21—Eight
Delegates.

Election District No. 22—Seven
Delegates.

Section 5. A special election for the election of delegates shall be held throughout Alaska on September 13, 1955. The Governor of Alaska shall prepare and furnish all ballots, certificates, and forms necessary for the holding of the election, which shall in general be conducted, including the making of returns, the canvassing of ballots, and the ascertaining of results substantially in the manner fixed by the laws governing the election of legislators in general elections in Alaska, including rotation of names on the ballot. The Governor may employ such technical and other personnel as may be necessary to assist him in the preparation for and conduct of the election provided for herein. The Governor may make such reasonable rules and regulations regarding the conduct of the election, the counting of ballots, the preparation, transmission and canvassing of returns, and other matters relating to the election, as may appear necessary and are consistent with the purposes of the special election provided for herein.

Section 6. Candidates for the of-

rice of delegate shall be nominated by petition filed in person or by mail with the clerk of the court of the judicial division in which the candidate is a resident on or before May 10, 1955. Each petition shall be accompanied by a fee of ten dollars, except that the fee for candidates for election from the Territory at large shall be forty dollars. Each nominating petition shall be signed by legally qualified voters of Alaska residing within the election district in and for which the delegates nominated are to be elected equal in number to at least five per cent of the number of votes cast in the election district in the General Election of 1954, provided that no nominating petition need contain more than two hundred signatures nor may it contain less than fifty signatures, in any election district.

Section 7. Each nominating petition shall contain the name of not more than one candidate and shall set forth the name, place of residence and post office address of the candidate thereby nominated, that the nomination is for the office of delegate to the constitutional convention to be convened on November 8, 1955, that the petitioners are legally qualified to vote for such candidates and pledge themselves to support and vote for the person named in such petition, and that this petition, together with all other petitions theretofore signed by them, does not nominate a greater number of candidates than the number of delegates to be elected in the election district for which

the nominations are made. Every voter signing a nominating petition shall add to his signature his place of residence, post office address, and street number, if any. No voter shall sign a petition or petitions for a greater number of candidates than are to be elected in the election district in which he resides, except that any petitioner may sign not more than seven petitions of candidates for election as delegates from the district composed of the Territory of Alaska at large, in addition to the petition or petitions of candidates from the petitioner's local and judicial election districts. It is the intent of this Act that qualified petitioners may sign not more nominating petitions than there are delegates authorized from the local and judicial election districts in which the petitioner resides, and in addition may sign not more than seven nominating petitions for candidates seeking election from the Territory at Large.

Section 8. Each nominating petition shall, before it may be filed with the clerk of the court, contain an acceptance of such nomination in writing, signed and verified by an oath or affirmation of the candidate therein nominated, upon or annexed to such petition. Such acceptance shall certify that the candidate shall have been a resident of the election district for which he is nominated for at least one year and that he is a qualified voter in the election district for which he is nominated. Such acceptance shall also certify that the nominee

consents to enter as a candidate at the ensuing special election for the election of delegates to a constitutional convention, and that if elected he agrees to take office and serve as a delegate from the election district in which he is nominated.

Section 9. If any delegate from any election district shall die, resign, or otherwise become disqualified from serving, or if a vacancy occurs for any reason whatsoever, the vacancy shall be filled by the candidate not theretofore certified as elected who received the next highest number of votes amongst the candidates in the election district in which the vacancy occurred. If a vacancy should again occur in such district, it shall be filled in like manner from amongst the remaining candidates. Any election contest which results in a tie shall be resolved by the drawing of lots between the competing candidates, and the loser of the drawing shall be considered second only to the winner and shall hold such standing among the balance of the winning candidates.

Section 10. All nominating petitions and their acceptances shall when filed be and remain open for public inspection during regular business hours, at the office where filed until May 20, 1955; thereafter they shall be transmitted to the Governor of Alaska for determination of the candidates nominated and for permanent filing in the office of the Secretary of Alaska. Deter-

mination of the validity of petitions shall be made initially by the Governor of Alaska, and recourse by candidates believing themselves aggrieved may be had by appeal from the determination of the Governor to the canvassing board, the decision of which shall be final. Objections to petitions may be raised by any qualified voter of the election district from which the candidate is nominated, and such objection must be stated in writing to the Governor of Alaska on or before May 25, 1955. Not later than May 31, 1955, the Governor shall make his determination as to the candidates nominated from each election district and shall thereupon certify the names designated for placement on the ballot for each such district.

Section 11. The election of delegates shall be conducted without any reference to the political party affiliations of the candidates, and the ballots used shall be nonpartisan in every respect. A separate ballot shall be prepared for each local election district, and each such ballot shall contain (a) the names of the candidates running for the office of delegate from that district, (b) the names of the candidates running for the office of delegate from the judicial division election district in which the local election district is situated, and (c) the names of the candidates running for the office of delegate from the district which comprises the Territory at Large.

Section 12. The candidate or candidates receiving the greatest number of votes in the election district for which nominated shall be deemed elected for that district, and the Governor of Alaska shall issue to them certificates of election in the manner otherwise prescribed by law for persons elected to the Legislature of Alaska.

Section 13. The Governor of Alaska shall open the convention and preside until temporary officers are selected. The convention shall be the judge of the qualifications of its members, their election, or appointment. It shall have the power by vote of a majority of the delegates to which the body is entitled to choose a president and secretary and all other appropriate officers, to prescribe their functions, powers and duties, and to make rules and regulations for the conduct of its business. Following its organization the convention shall declare on behalf of the people of the proposed State that they adopt the Constitution of the United States; thereafter, the convention shall proceed to prepare a constitution, which shall be republican in form and shall contain the provisions expressly required by any Act of the Congress of the United States providing for the admission of Alaska as a State, and a State government for the proposed State, and for this purpose the convention shall have power to make ordinances and to take all measures necessary or proper in preparation for the admission of Alaska as a

State of the Union.

Section 14. After a constitution and State government have been framed, the convention shall provide by ordinance for submission of the constitution, and such ordinances as may properly be submitted, to the people of the proposed State for ratification or rejection at an election to be held at a date to be fixed by the convention not less than forty nor later than one hundred twenty days from the date of adjournment of the convention, at which election the persons entitled to vote for delegates under this Act shall be entitled to vote on the ratification or rejection of the constitution and the ordinances submitted, under such rules and regulations as the convention may prescribe. The returns of this election shall be made to the Governor of Alaska and shall be canvassed substantially in the manner now provided by law for the canvass of votes cast in Territorial elections.

Section 15. The convention shall provide by ordinance that after the constitution and ordinances submitted shall have been ratified by the people of the Territory by a majority of the legal votes cast thereon, the Governor shall forthwith submit a certified copy of the same through the President of the United States to the Congress for approval or disapproval, together with a statement of the votes cast thereon.

Section 16. The convention shall

provide by ordinance that in case of the ratification of the constitution by the people and of its approval by the Congress, or by the President, as may be provided in the Enabling Act, there shall be a process of election, at such time and in such manner as the convention may prescribe, in which the qualified voters of Alaska shall choose officers for a full State government, including a governor, members of the legislature, such other officers as the constitution shall prescribe, and the authorized number of Representatives and Senators in the Congress of the United States. The persons elected hereunder shall assume their offices, and the State government shall become in effect, at the time and in the manner that the Congress may provide in enabling the admission of Alaska as a State.

Section 17. Until the admission of Alaska as a State, all of the officers of the Territory shall continue to discharge the duties of their respective officers in and for the Territory of Alaska, and the laws of the Territory shall also remain in force and effect.

Section 18. The convention shall have power to incur such expenses as may be necessary, including but not limited to expenses for employment of such clerical, technical, and professional personnel as it may require, in order to exercise the powers conferred and to perform the duties imposed by this Act.

Section 19. The delegates shall receive a per diem of twenty dollars for each day in attendance at, including time spent going to and returning from, the convention; and they shall be reimbursed for their actual travel costs incurred in attending upon their duties as delegates. In addition they shall receive for their services the sum of fifteen dollars per day as compensation for each day's attendance while the convention is in session.

Section 20. There is hereby appropriated the sum of \$300,000, or so much thereof as may be necessary, for defraying the expenses of the elections provided for herein

and the expenses of the convention, including compensation of the delegates, and for all other purposes of this Act. The disbursements for all costs attributable to the elections of delegates to the convention, not to exceed \$60,000, shall be made upon vouchers certified by the Governor of Alaska. All other disbursements of moneys appropriated hereunder shall be made upon vouchers certified by the president of the convention.

Section 21. This Act shall be in effect on and after its passage and approval, or upon its becoming law without such approval.

Approved March 19, 1955

CHAPTER 47

AN ACT

Relating to financing roads, airfields, and water and harbor facilities; increasing the motor fuel tax; setting rates for motor fuel and aviation fuel; providing refunds for taxes paid on non-highway use fuels; amending Subsection (a) of Sec. 48-5-1, ACLA, 1949, as amended by Ch. 56 Session Laws of Alaska 1949; amending Sec. 48-5-2, ACLA, 1949, as amended by Sec. 1 of Ch. 30, SLA, 1951; amending Sec. 1 of Ch. 34, SLA 1949; repealing subsection 4 of Sec. 14 A. of Ch. 123, SLA, 1949; and setting an effective date.

(C. S. for H. B. 13)

Be it Enacted by the Legislature of
the Territory of Alaska:

Section 1. Section 48-5-2, Alaska
Compiled Laws Annotated, 1949, as

SCR

4



ALASKA STATE LEGISLATURE
SENATOR RANDY PHILLIPS
Senate District L

Session (Jan-May)
State Capitol, Rm 103
Juneau, AK 99801
(907) 465-4949
(907) 465-4979 Fax
Toll Free Anchorage Area
800-478-4950

Interim
P.O. Box 142
Eagle River, AK 99577
(907) 694-4949
(907) 694-4948 Fax

March 1, 2001

Honorable John Coghill
Senate State Affairs Committee
State Capitol
Juneau, AK 99801

Re: SCR 4 Tartan Day
Sponsor Statement

Dear Chairman Coghill,

In recognition of Americans of Scottish descent and in support of their cultural activities, which enhance the spectrum of diversity in Alaska, I proudly sponsor SCR4, designating April 6, 2001 as Alaska Tartan Day.

If you have any questions or need additional information, please do not hesitate to call my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Phillips".

Senator Randy Phillips

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FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Captain Cook's Own



ALASKA HIGHLANDERS

3624 DeBarr Road

Anchorage, Alaska 99508

(907) 278-3639



The Alaska Highland Pipe & Drum, being partners in the Alaska Highlanders is organized under Alaska State law as a not-for-profit corporation. Thus, any donations to the Highlanders are tax deductible under IRS regulations.

Based on their Last names the following Alaskan Senators and Representatives could be Scottish:

Senators:

Davis
Ellis
Green
Halford
Kelly
Leman
Olson
Phillips
Taylor
Ward

Tartan:

Davidson Clan
Tweedside District
Roxburgh District
Inverness District
MacDonald Clan
Lamont Clan
Caledonia
MacDonald of Glencoe & Keppoch
Taylor Clan
Tweedside District

10 Senators have Scottish names.

Representatives:

Coghill
Crawford
Davies
Dyson
Foster
Halcro
Harris
Hays
Hudson
James
McGuire
Morgan
Porter
Stevens
Williams
Wilson

Tartan:

Sutherland District
Crawford Clan
Davidson Clan
Davidson Clan
MacDonald Clan
Sinclair Clan
Campbell Clan
Hay Clan & Leith District
MacDonald Clan
Tyneside District
MacQuarrie Clan
MacKay Clan
MacNaughton Clan & Glen Lyon District
Stephenson Clan
Gunn & McKay Clans
Wilson, Gunn & McKay Clans

16 Representatives have Scottish names.

Maiden names and mothers maiden names could add to our totals.

For the Highlanders,
Jan Henderson
Jan Henderson
Pipe Major



ALASKA STATE LEGISLATURE
SENATOR RANDY PHILLIPS
Senate District L

Session (Jan-May)
State Capitol, Rm 103
Juneau, AK 99801
(907) 465-4949
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Toll Free Anchorage Area
800-478-4950

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(907) 694-4948 Fax

March 1, 2001

Honorable John Coghill
House State Affairs Committee
State Capitol
Juneau, AK 99801

Re: SCR 4 Tartan Day
Request for Hearing

Dear Chairman Coghill,

As sponsor of SCR4, designating April 6, 2001, as Alaska Tartan Day, I respectfully request a hearing in the House State Affairs Committee as soon as possible.

I would also like to request a teleconference to the Anchorage LIO so that Mr. Ray McDonald may testify in favor of the resolution.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Phillips".

Senator Randy Phillips

Captain Cook's Own



ALASKA HIGHLANDERS

3624 DeBarr Road

Anchorage, Alaska 99508

(907) 278-3639



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Based on their Last names the following Alaskan Senators and Representatives could be Scottish:

Senators:

Davis
Ellis
Green
Halford
Kelly
Leman
Olson
Phillips
Taylor
Ward

Tartan:

Davidson Clan
Tweedside District
Roxburgh District
Inverness District
MacDonald Clan
Lamont Clan
Caledonia
MacDonald of Glencoe & Keppoch
Taylor Clan
Tweedside District

10 Senators have Scottish names.

Representatives:

Coghill
Crawford
Davies
Dyson
Foster
Halcro
Harris
Hays
Hudson
James
McGuire
Morgan
Porter
Stevens
Williams
Wilson

Tartan:

Sutherland District
Crawford Clan
Davidson Clan
Davidson Clan
MacDonald Clan
Sinclair Clan
Campbell Clan
Hay Clan & Leith District
MacDonald Clan
Tyneside District
MacQuarrie Clan
MacKay Clan
MacNaughton Clan & Glen Lyon District
Stephenson Clan
Gunn & McKay Clans
Wilson, Gunn & McKay Clans

16 Representatives have Scottish names.

Maiden names and mothers maiden names could add to our totals.

For the Highlanders,

Dan Henderson
Pipe Major

SCR

23

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 1, 2002

FURTHER REFERRALS:

Date of Committee Action: 21 MAR 02

The STATE AFFAIRS Committee considered:

SCR 23

SENATE CONCURRENT RESOLUTION NO. 23

ALASKA TARTAN DAY

Relating to declaring April 6, 2002, as Alaska Tartan Day.

Recommends it be replaced with CS () [] Same Title [] New Title

For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

[] attach amendments

[] add new referral to _____ Committee

[] Letter of Intent _____ Committee

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

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
LAA				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Alfred Tate</i>	Tate	✓			
<i>James Stross</i>	JAMES	✓			
<i>Stross</i>	STROSS	✓			
<i>Henry T Crawford Jr</i>	CRAWFORD	✓			
<i>Regan Wilson</i>	wilson	✓			
Chair: <i>John Coghill</i>	Coghill	✓			
Chair: <i>John Coghill</i>	Coghill	✓			



ALASKA STATE LEGISLATURE
SENATOR RANDY PHILLIPS
SENATE DISTRICT L

Session (Jan-May)
State Capitol, Room 103
Juneau, AK 99801
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Toll Free Anchorage Area
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Interim
P.O.Box 142
Eagle River, AK 99577
(907) 694-4949
(907) 694-4948 Fax

SCR 23 – Declaring April 6th, 2002, as Alaska Tartan Day

Sponsor Statement

In recognition of Americans of Scottish descent and in support of their cultural activities, which enhance the spectrum of diversity in Alaska, I proudly sponsor SCR 23, designating April 6, 2002 as Alaska Tartan Day.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCR 23
 (S) Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Alaska Tartan Day BRU _____
 Component _____
 Sponsor Senator Phillips
 Requester Senate State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimat of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: SENATE STATE AFFAIRS COMMITTEE Phone 465-4797
 Division _____ Date/Time _____
 Approved by: /s/ Senator Therriault, Chair Date 2/19/02
 Agency _____



Alaskan Scottish Club

**Post Office Box 10-3471
Anchorage, Alaska 99510**

www.alaskascottish.org

Randy Phillips
Alaska State Legislature
Juneau, AK 99801

Dear Senator Phillips:

The Board of Directors and Members of the Alaskan Scottish Club join together with Clan Campbell Society of Alaska in support of declaring April 6th as Alaska Tartan Day in perpetuity. The first Tartan Day in the United States was observed at the national level on April 6, 1997. Previously, there had been observances by individual states, counties and other regional entities, but the year 1997 was the first time the observance swept across the nation. The United States Congress passed Resolution 155 Tartan Day is celebrated around the United States and Canada where many Scottish immigrants settled after the uprising of 1745 and "cleansing" of the Highlands.

Americans of Scottish descent have played a vibrant and influential role in the development of the United States. From the framers of the Declaration of Independence to the first man on the moon and beyond, Scottish-Americans have contributed mightily to the fields of the arts, science, exploration, politics, law, and more.

Today, over eleven million Americans claim Scottish and Scotch-Irish roots --making them the eighth largest ethnic group in the United States. These are the people and the accomplishments that are honored on National Tartan Day, April 6th.

The contributions of people of Scottish descent in the development of the United States, including the Great State of Alaska have been myriad. The wearing of the tartan, once inviting a sentence of death, proudly speaks to those who continue to fight for freedom and self-rule in the world today. The wearing of the tartan reminds us of the fires walked through for our own freedom and self-rule. The wearing of the tartan honors those who came before, and who are here now, to build, develop, invent, and sustain the United States. Along with the famous are the many ordinary families who silently toiled throughout the years and whose stories may never be told. They all were proud to be Scottish and even prouder to be Americans.

We urge you to submit resolution to the Alaska State Legislature making April 6th an officially recognized holiday to be celebrated by Scots and those who appreciate the contributions of this stalwart group.

Sincerely,

Stephanie H. Bissland
Secretary, Alaskan Scottish Club
Editor, Tundra Thistle

Clan Campbell Society
(North America)

Russ Madigan
Alaska Commissioner
P.O. Box 771943
Eagle River, AK 99577-1943
(907) 694-7877
rmadigan@mtaonline.net

www.ccsna.org



Paul Campbell
Deputy Commissioner
5800 Glenn Hwy. # 41
Anchorage, AK 99504
(907) 338-4198
campbellnorth@excite.com

Feb. 11, 2002

Senator Randy Phillips
State Capitol
Room 103
Juneau, AK 99801-1182

Dear Senator Phillips,

I would like to thank you for your continuing support of the Alaska Tartan Day Resolution. We Alaskans with Scottish blood in our veins appreciate all the work you have done. We are proud of our heritage and the Tartan is a very visible part of it.

The Alaskan Scottish Highland Games are also an important part of the Eagle River summer activities. I would like to invite you and your family to attend the games on June 22 at the Eagle River Lion's Park. If you choose to attend, please stop at the Clan Campbell Tent for some Scottish hospitality.

If you have any questions concerning the Highland Games, the Alaskan Tartan Day Faire or Scottish culture in general, please feel free to contact my deputy, Paul Campbell or myself.

Thank you again. I look forward to meeting you in the not too distant future.

Sincerely,

A handwritten signature in black ink, appearing to read "Russ Madigan".

Russ Madigan
Alaska Commissioner



National Tartan Day

United States Senate Resolution



Sen. Trent Lott (R-MS), Senate Majority Leader and sponsor of Senate Resolution 155 for National Tartan Day. Senate Resolution 155, 105th U.S. Congress

Whereas April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document:

Whereas this resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry, Scottish Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times;

Whereas this resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans that have led to America's preeminence in the fields of science, technology, medicine, Whereas April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document;

Whereas this resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry, Scottish Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times; Whereas this resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans that have led to America's preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts;

Whereas this resolution commends the more than 200 organizations throughout the United States that honor Scottish heritage, tradition, and culture, representing the hundreds of thousands of Americans of Scottish descent, residing in every State, who already have made the observance of Tartan Day on

April 6 a success; and

Whereas these numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed:

Now, therefore, be it Resolved, That the Senate designates April 6 of each year as 'National Tartan Day'.

A Letter from Siol nan Gaidheal

As a Scottish ultra-Nationist organisation whose very name, Siol nan Gaidheal (Seed of the Gael) articulates the inheritance and decendance of our historic national and cultural community thrown to the four winds through centuries of emigration (both voluntary and enforced) and deportation, we regard as paramount the maintaining of a dialogue between all of Scotland's far-flung children, home and abroad, and it is in this spirit that we remember the particular experiences of the American diaspora and salute their contemporary progeny.

American of Scottish origin are thought to number 23 million today and while many are proud of their links to Scotland and celebrate their cultural inheritance vociferously at Highland Games and in Caledonian or Burns Clubs, it is a constant source of regret for many of us in Scotland that so little is still done to reassert the bonds of friendship and mutual descent that binds Scots at home and those of Scottish descent on the other side of the Atlantic. Its all very well that Scots/Americans attend and join the aforementioned Clubs and take the obligatory visit back to the "auld country" at least once in their lives, and feel that the dollars they spend whilst here will help to keep the Scottish economy afloat, and therefore "have done their bit". Instead, we would ask them to take a deeper interest in exactly what is going on in Scotland politically and culturally, and aid and support us during the difficult years ahead as we struggle to achieve our rightful place as a free independent nation.

The recent news about Tartan Day has gone some way in assuring us that our people in America are aware of our country's existence, so for this we say...God Bless America and congratulations to the American people and in particular to the United States Congress and all Scottish Americans for the successful campaign which led to the decision by the U.S. Senate to declare 6th April, the date of the Declaration of Arbroath in 1320, as National Tartan Day. This is a victory for all Scots and those of Scottish descent from all around the world.

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FOLLOWING
DOCUMENT(S)
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Tartan Day is a celebration of all things Scottish and a recognition by the American people and Senate that 6th April 1320, the day that Abbot Bernard of Linton and the Earls and Barons of Scotland signed The Declaration of Arbroath is to quote Trent Lott, the Senate majority leader "an important day in the history of all free men" the Declaration of Arbroath was an inspiration for that other great document of liberty, The American Declaration of Independence.

There is a direct line of ancestry from the 1320 Declaration of Arbroath which put the rights of personal liberty and popular sovereignty above the privileges of Kings, to the great American war for freedom and independence against an English dominated Britain in the 18th century.

Tartan Day honours Scotland's role in the human struggle for liberty. It is, we would hope, a sign of recognition in the contemporary world by the United States for a kindred nation struggling to be free. It is fitting that the torch of freedom ignited by the Scottish people in 1320 should be symbolically passed back to us by America, "the land of the free", with encouragement and assistance to achieve our goal, Scotland, also "the land of the free".

Freedom, as the United States of America knows only too well, means complete political independence and democracy. It has nothing to do with the half-measure Parliament grudgingly ceded to us by the British Labour Party and endorsed by the Scottish people in the Devolution Referendum of 1997. Power devolved, as the late Enoch Powell so rightly stated, is power retained by the English State. It was not possible to set a limit to the concept of freedom in America, and it is not possible to do so here in Scotland in this day and hour.

The struggle for Scottish Independence is an ongoing one and there will be many hardships ahead, but it is encouraging to those of us in Scotland who have been involved in the National Movement all our lives, to see such a magnificent gesture of support coming from the American people and especially Scottish Americans to whom our heartfelt thanks are due.

Let us then celebrate the special relationship between Scotland and the United States of America. Let us join together with the tens of millions of Scottish Americans to commemorate not only that great document of freedom, The Declaration of Arbroath, but also the contribution to American life made by Scots and those of Scottish ancestry.

There is much to celebrate, it is accepted that 21 Scots were among the 56 signatories of The American Declaration of Independence. A Dumfries and Galloway man John Paul Jones, founded the U.S.

Navy. Another American revolutionary hero was Alexander McDougall, born in Islay, Scotland, and went on to run the military academy at West Point. There were dozens of U.S. Presidents of Scottish ancestry, from George Washington to Bill Clinton. Enterprising Scottish industrialists like tycoon Andrew Carnegie built up America and Scots-born environmentalist John Muir helped to preserve America's natural heritage. Scots inventors like Alexander Graham Bell gave America the edge in technology.

The contribution of the Scots according to the Senate resolution which brought in National Tartan Day has led to America's pre-eminence in the fields of Science, Technology, Medicine, Government, Politics, Economics, Architecture, Literature, Media, Visual and Performing Arts. (See list of notable Scots & Scottish Americans after this article).

Scottish Americans "boldly went where no-one had gone before", the first man on the moon, Neil Armstrong's family came from Langholm in Dumfriesshire and of course it wasn't Christopher Columbus who discovered America in the first place, it was a 15th century Scot called Henry Sinclair of Orkney.

National Tartan Day marks a milestone for all of us who have struggled to raise Scottish consciousness and thereby increase the self-confidence of Scots to claim once more for Scotland a place among the nations of the world.

Americans of Scottish ancestry and especially those who campaigned to get the Senate to pass the Tartan Day resolution should feel proud of their very valuable efforts, enjoy the success of this important victory, remember your roots and your ancestral homeland, Scotland/Alba, but more importantly, spare a thought for the Scots still living here, spare a thought for the struggle to gain independence, spare a final thought for Siol nan Gaidheal and others like us who continue to dedicate our lives to the cause of Scotland's freedom, without Scotland free and whole again there can be no Scottish heritage with any real meaning or significance in the world.

We in Siol nan Gaidheal continue the fight for Scotlands Freedom:

"For liberty alone which no good man loses but with his life" Saor Alba

Alaska Highlanders 3624 DeBarr Road Anchorage, Alaska 99508 (907) 278-3639

The Alaska Highlanders - Mission



Founded in 1986 and headquartered in Anchorage, **The Alaska Highlanders**, also known as **The Alaska Highland Pipes & Drums**, is a non-profit cultural and educational organization dedicated to the promotion of Celtic Culture with specific instruction on the playing of the Great Highland Warpipe, Scottish Snare, Tenor and Bass Drums as well as Scottish Country and Highland Dance and all things Scottish.



Our mission is supported by donations for our performances and by members and friends.

Alaska Highlanders 3624 DeBarr Road Anchorage, Alaska 99508 (907) 278-3639

Captain Cook's Own



ALASKA HIGHLANDERS

3624 DeBarr Road

Kenai, Alaska 99508

(907) 278-3639



The Alaska Highland Pipe & Drum, being located in the Alaska Highlanders is organized under Alaska state laws as a not-for-profit corporation. Thus, any donations to the Highlanders are tax deductible under IRS regulations.

Based on their Last names the following Alaskan Senators and Representatives could be Scottish:

Senators:

Davis
Ellis
Green
Halford
Kelly
Leman
Olson
Phillips
Taylor
Ward

Tartan:

Davidson Clan
Tweedside District
Roxburgh Distirict
Inverness District
MacDonald Clan
Lamont Clan
Caledinia
MacDonald of Glencoe & Keppoch
Taylor Clan
Tweedside District

10 Senators have Scottish names.

Representatives:

Coghill
Crawford
Davies
Dyson
Foster
Halcro
Harris
Hays
Hudson
James
McGuire
Morgan
Porter
Stevens
Williams
Wilson

Tartan:

Sutherland District
Crawford Clan
Davidson Clan
Davidson Clan
MacDonald Clan
Sinclair Clan
Campbell Clan
Hay Clan & Leith District
MacDonald Clan
Tyneside District
MacQuarrie Clan
MacKay Clan
MacNaughton Clan & Glen Lyon District
Stephenson Clan
Gunn & McKay Clans
Wilson, Gunn & McKay Clans

16 Representatives have Scottish names.

Maiden names and mothers maiden names could add to our totals.

For the Highlanders,

Dan Henderson
Pipe Major

SCR

29

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2327
Fax: (907) 465-5241



Interim:
119 N. Cushman
Fairbanks, AK 99701
Phone: (907) 456-8161
Fax: (907) 456-8163

Senator Pete Kelly
District P

SCR 29 Sponsor Statement

Relating to urging the Governor to institute a hiring freeze on state government.

The State of Alaska is facing a billion dollar deficit and unfortunately the constitutional budget reserve fund cannot fill the gap. Revenue officials project it will be drained by July 2004 if the proposed fiscal year 2003 budget is funded. This budget includes an increase of 858 full-time state positions from the current fiscal year with a price tag of \$115 million.

In the face of such an enormous budget deficit, state spending must be reduced. The most logical first step you take when you have a fiscal problem is a hiring freeze. It will be impossible for the state to sustain such an increase in state employees. A hiring freeze will reduce the number of state positions through attrition, a much better solution than forced layoffs a year down the road.

This hiring freeze will include all positions funded with general funds **except** those temporary positions needed to respond to emergencies or needed for reasons involving health and safety.

The Alaska State Legislature respectfully requests the Governor to institute an immediate hiring freeze.


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Office of Governor Gary Locke

FOR IMMEDIATE RELEASE - February 19, 2002

Contact: Governor's Communications Office, 360-902-4136

Locke may order across-the-board budget cuts

OLYMPIA – Gov. Gary Locke today said a worsening state revenue outlook will likely mean deeper budget cuts and may require him to order an across-the-board budget reduction.

"Today's announcement by the state **Office of the Forecast Council** is sobering," Locke said, referring to the official state revenue forecast downturn of \$246.8 million. "We are now looking at a deficit of more than \$1.5 billion in the 2001-03 biennial budget and that deficit may grow with tomorrow's forecast on school enrollment, rising social service caseloads and increasing prison populations."

Noting that Washington's situation is not unique, Locke said, "A national economic recession intensified by the events of September 11 has left our state and 39 others facing budget shortfalls in the billions of dollars. Today's revenue announcement means we must tighten our belts even more."

Locke said he already has taken action to impose a hiring freeze in addition to the 1,685 full-time equivalent (FTE) reductions since July. He also restricted state employee travel and imposed a freeze on equipment purchases. He added that more severe measures will be necessary to offset the serious revenue losses caused by the effect of the Sept. 11 terrorist attacks on the national and state economies.

The governor met this morning with legislative leadership and budget chairs and pledged to work with them to find a solution to the growing budget problem.

"As I have said all along, it remains my hope that the state budget be balanced without a general tax increase," Locke said.

The governor also will ask the **Legislature** to consider eliminating cost of living adjustments (COLAs) for state workers and state vendors.

Locke suggested other cost-saving options including an additional across-the-board reduction in all state agency budgets.

In addition to budget cuts, Locke suggested increasing revenue by closing outdated tax exemptions. The governor has asked the **Office of Financial Management** to review the tax exemptions and report back on its findings.

"These are difficult times but we have gotten through them before and we will get through them again if we work together," Locke concluded.

SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsourc.com/local/59009_revenue20.shtml

Locke puts a freeze on state hiring

Also possible: Tax increase, program cuts, delayed raises

Wednesday, February 20, 2002

By ANGELA GALLOWAY

SEATTLE POST-INTELLIGENCER REPORTER

OLYMPIA -- Gov. Gary Locke yesterday imposed an immediate state hiring freeze and said the state may need to raise taxes, make sweeping program cuts and stall pay raises for state workers -- even blocking voter-mandated teacher raises -- to fill a budget gap of \$1.6 billion.

While saying it's still his "hope" that he and the Legislature can avoid a broad tax increase, such as to sales or business taxes, Locke offered his softest stance on that yet. "Any general tax increase should be a last resort," the Democratic governor said. "And I'm not prepared to say that we need to go there."

But he did say that it is time to consider repealing more state tax exemptions, as many lawmakers -- particularly Democrats -- have said for weeks.

State officials yesterday announced the third consecutive drop in the state's revenue forecast. Projected tax income over the next 16 months -- which had already dropped by \$914 million since September -- fell another \$247 million to below \$21 billion yesterday.

Today, another forecast council is expected to announce about \$100 million in unanticipated state program cost increases, such as for health care for the poor and public school enrollments.

That would bring the state's budget gap of \$1.25 billion in January up to \$1.6 billion. Most of that would have to be made up in the second year of the current \$23 billion biennial operating budget.

"It's very, very grave," said Rep. Jack Cairnes, R-Covington, a leader of the House Finance Committee.

In some corners, the news has even spurred new interest in one proposal to temporarily raise sales tax by about half a cent, dubbed the "freedom surcharge."

In addition to softened anti-tax rhetoric -- including from the GOP -- substantial spending cuts are on the table:

- Locke said he is "actively" considering across-the-board cuts of about 6 percent to all state programs -- including public schools and prisons -- although basic education would be protected. But some leading Democrats said that's too Draconian. "It's like taking a machete to the budget," said Seattle Democrat Helen Sommers, chairwoman of the House Appropriations Committee.
- Lawmakers agreed that substantial cuts to state programs would be necessary, from slashes in social services to temporary park closures, said Spokane Democratic Sen. Lisa Brown, the upper chamber's budget writer. Also, the Senate probably will propose triple the public school cuts that Locke recommended in December, and colleges probably face both tuition increases and funding cuts, she said.
- In December, Locke proposed stalling July cost-of-living raises for state employees by two months,

Yesterday, he suggested skipping altogether the 2.6 percent raises for the state's 100,000 workers next year -- saving about \$85 million but raising the specter of worker walkouts. In addition, Locke said the state might need to save \$90 million by blocking the 3.4 percent raises for public schoolteachers that voters approved in a November 2000 statewide initiative. That would require a two-thirds vote of the Legislature.

- In addition to freezing hiring, Locke froze equipment purchases and restricted state worker travel. Critical services such as prison guards and Washington State Patrol troopers are exempt from the hiring freeze, he said.

The revenue forecast was not the only bad news yesterday. The state continues to have among the worst unemployment rates in the country, with a new 8.2 percent jobless rate.

State figures also show that 65,000 jobs were lost last year, barely counting recent layoffs at The Boeing Co. Of those, 85 percent were in King County. Many were in construction and Internet-related businesses, said Chang Mook Sohn, the state's chief economist.

Unlike in the national economy, there's no indication that Washington will recover anytime soon from its recession, officials said.

"King County is clearly leading the rest of the state into a much deeper recession than any time since the 1980s," Sohn said.

It adds up to a grim political battle facing the Legislature and governor. Senate Democrats had planned to release their budget proposal next week -- but now predict delay while they hammer out unpopular spending cuts and politically painful tax increases.

And both sides staked out traditional but sobered partisan positions. Democrats said tax hikes must be on the table. Republicans said all state spending should be re-examined.

"I don't see how it is possible to tax ourselves out of this," Cairnes said. "My caucus will not look at significant tax increases until we see a good-faith effort on the part of the Democrats to control spending."

But he did not rule out at least incremental tax increases, saying, "I'm not sure we can get through this just strictly with cuts."

Rep. Lynn Kessler, Democratic majority leader, said it's time to revive proposals to expand gambling to raise more in taxes, such as a bill that would allow thousands of slot machines in mini-casinos, bars and restaurants. "We have to go scouring through and see what we can dig out," Kessler said.

And some are interested in the two- or three-year sales tax surcharge suggested by Sen. James Hargrove, D-Hoquiam, she said. "I don't know if we have to do that. We don't want to close the door on anything," Kessler said.

Brown, the budget chairwoman, yesterday introduced legislation to allow the Legislature to raise taxes and take money out of reserves by a simple majority -- rather than the two-thirds vote required by 1993's voter-approved Initiative 601.

"It just gives us some flexibility for solving the budget crisis," Brown said. "I'm just putting a couple options out there."

• GOP lawmakers -- who had been calling for a state hiring freeze for months -- said it was about time Locke responded.

But the governor needs to offer more than talk on the other ideas he floated yesterday, such as state worker pay freezes, some said.

"He's been considering it for the last year. It's time to make a recommendation or not," said Rep. Barry Sehlin, R-Oak Harbor. "But I certainly endorse the ideas."

Greg Devereux, of the largest state employee's union, said walkouts are possible if the state freezes pay. Weeks ago, the union backed a hiring freeze, he added. But "eliminating (cost-of-living adjustments) is just another tax on state employees," Devereux said.

Rich Wood, spokesman for the statewide teachers' union, the Washington Education Association, said, "Now is not the time to cut public education."

The state's economic pain is most obvious in the job market. The Washington jobless rate jumped to 7.5 percent last month, fueled in part by mass Boeing layoffs.

The state job market for seasonal workers is even worse. The unemployment rate unadjusted for seasonal variations, such as holiday hiring and construction work, soared to 8.2 percent in January from 7.3 percent in December, according to state data.

Since the state economy began cooling early last year, the unemployment rate has steadily risen, from 5.5 percent last January to 7.4 percent in December, the Employment Security Department reported yesterday. The rates are adjusted for seasonal changes.

Last month, the jobless rate stood at its highest point in nine years, according to one local economist.

"The overall picture remains the same: namely, a recession more severely concentrated in the metropolitan Seattle economy than in the rest of the state," said Roberta Pauer, a Seattle-based economist for the Employment Security Department.

Pauer predicts Washington will remain mired in recession at least through this summer.

Seattle continues to experience the most severe contraction, absorbing 78 percent of the 63,700 jobs lost around the state in the past year, Pauer said.

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SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsourc.com/local/58441_welfare15.shtml

Locke cuts back welfare programs

Demand outstrips money available; subsidized child care takes a hit

Friday, February 15, 2002

By ANGELA GALLOWAY
SEATTLE POST-INTELLIGENCER REPORTER

OLYMPIA -- Gov. Gary Locke is eliminating nearly \$60 million in welfare reform programs -- partly by cutting 1,000 working poor families off subsidized child care -- to fill a new deficit in welfare money.

For years, Washington state enjoyed surpluses of \$200 million a year in its \$900 million annual budget for welfare reform, thanks to a drop in caseloads of more than 40 percent.

And the Legislature and Locke diverted much of the state's share of the surpluses into social and other programs. About \$200 million went to education, officials said.

But, in recent months, demand for the WorkFirst reform program has outstripped what's left of the money. For example, the state underestimated demand for child care assistance -- today the largest program within welfare, even surpassing cash grants -- by \$35 million over the next 18 months. In August, 43,000 families received such subsidies -- 2,000 more than anticipated.

In addition, demand in the last two months for public assistance has grown because of the recession. In December and January alone, 2,800 new families qualified for Temporary Assistance for Needy Families (TANF).

"We told them this would happen...that when the economy went down there would be more people in there," said Sen. Darlene Fairley, D-Lake Forest Park.

Yakima Republican Sen. Alex Deccio added that the state should have waited to see how the first five years of welfare reform went before raiding the surpluses.

The federally mandated program aims to move people off public assistance rolls and into jobs through training, child care and other help. About 60 percent of the money comes from the federal government and the rest is from the state.

No one will lose those TANF grants in Locke's cuts, officials said. The cuts to child care subsidies amount to \$22.6 million from an annual budget of \$300 million.

But some politicians and social service advocates say the cuts could have been prevented -- particularly cuts Locke made to child care and education programs.

"This does have grave implications -- there's no doubt," Rep. Kip Tokuda, D-Seattle, said of the cuts.

And some lawmakers say it's time to rein in the sole discretion they granted the governor in how to spend surpluses in 1997. "It's a consideration -- which I wasn't willing to say several months ago," Tokuda said.

Locke's cuts include:

Reducing income eligibility for subsidized child care from 225 percent of the federal poverty level to 200 percent, saving \$3 million. For a family of three, the top allowed income drops from nearly \$33,000 a year to \$29,260.

Increasing co-payments for child care by \$5 a month, up to between \$15 and about \$300 a month, to raise \$13.5 million.

\$7.5 million for Families That Work, which helped parents with literacy, parenting and basic job skills. Ken Miller, Locke's welfare adviser, said the program hasn't failed, but its benefits aren't enough to justify its cost in the current budget climate.

\$5.4 million for the Job Success Coach program, designed to keep people in jobs.

\$3 million for a practice job program that placed welfare reform participants in unpaid work so they could learn job skills. The program hasn't worked, Miller said.

\$3.1 million for new pilot projects. The welfare reform program was constantly trying new ways to move people from public assistance to the work force, Miller said, but can't afford to experiment now.

In addition to diverting hundreds of millions of welfare surplus dollars into the general fund, the state used them to create other programs for the poor. That's in part because federal officials warned states to spend down surpluses because they wouldn't look good in welfare reform budget talks in Congress this year, said Marty Brown, Locke's budget director.

Miller said, "There are a lot of things to use the money for and we think they were used wisely."

For example, \$24 million a year went to tuition and child care assistance for vocational students of community colleges, he said. Another \$2.4 million went to legal aid for the poor. Locke cut the legal aid yesterday.

"I can't disagree with how the state spent (that) money," said Jean Colman, director of the Welfare Rights Organizing Coalition. "I do argue with the state putting TANF dollars into some (other welfare) programs and moving those dollars into state general fund programs.

"Making it harder for families to receive assistance in a recession is just really mean-spirited."

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SJR

8

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSJR 8(STA)
 (S) Publish Date: 2/2/01

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: Supporting polling places at military installations BRU: _____
 Sponsor: Senator Leman Component: _____
 Requester: _____ Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: SENATE STATE AFFAIRS COMMITTEE Phone 465-4522

Senator: /s/ SENATOR THERRIault Date 2/1/01
 Committee Chair

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX



During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

Sponsor Statement for House CS for CS SJR 8(MLV)

“Relating to supporting polling places at military installations.”

SJR 8 expresses the Legislature’s support for locating polling places at military installations to provide convenient access for military men and women to vote. SJR 8 responds to a Department of Defense (DoD) directive issued before the last election that advised installation commanders not to allow their facilities to be used for polling places.

For many years polling places have been located at military bases, posts, armories and other installation facilities, such as elementary schools. Denying access to these facilities means denying a military voter convenient access to the ballot box.

The impact of the DoD directive on the last election was temporarily avoided. U.S. Senator Ted Stevens helped postpone the effective date of the DoD directive until December 31, 2000 through a congressional insert in an appropriations bill. That time has expired, and the DoD directive is now in full effect. Thousands of military men and women in Alaska, therefore, could be in jeopardy of being denied access to their traditional polling locations.

SJR 8 calls upon the President of the United States and Secretary of Defense to rescind the DoD directive so military men and women are able to freely exercise the same Constitutional right they defend for every American.

**Prepared by Paul Roetman, Legislative Aide to Senator Loren Leman (907-465-3712)
Last updated: February 14, 2001**

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2025
465-3510 FAX



During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

Sponsor Statement for CSSJR 8(STA)

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Prepared by Paul Roetman, Legislative Aide to Senator Loren Leman (907-465-3712)
Last updated: February 4, 2001

Table of Contents



- I. Fiscal Note (front page)
- II. Request for hearing
- III. Sponsor Statement
- IV. CSSJR8 Committee Substitute
- V. (SJR8) Senate Joint Resolution 8
- VI. Support Documents
- VII. Witness list
- VIII. Miscellaneous



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

Memorandum

To: Representative Mike Chenault, Chairman
House Special Committee on Military & Veterans' Affairs

From: Senator Loren Lemman *Loren Lemman*

Date: February 7, 2001

Re: Hearing request for SJR 8 Voting Sites at Military Installations

Please schedule a committee hearing for SJR 8 at your earliest convenience.

SJR 8 expresses the Legislature's support for voting at military installations.

I have attached a copy of the sponsor statement and the original resolution. Please contact my staff aide Paul Roetman at extension 3712 if you require additional information.



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

Sponsor Statement for CSSJR 8(STA)

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**Prepared by Paul Roetman, Legislative Aide to Senator Loren Leman (907-465-3712)
Last updated: February 4, 2001**



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

Memorandum

To: Leona Oberts, Office of Representative Mike Chenault
House Special Committee on Military & Veterans' Affairs

From: Paul Roetman, Office of Senator Loren Lemman

Handwritten signature of Paul Roetman in black ink.

Date: February 8, 2001

Re: Backup information for Committee Packets - SJR 8 Voting Sites at Military Installations

Here is backup material for SJR 8 Voting Sites at Military Installations. I have marked the different documents for your convenience.

Please call me at extension 3712 with any questions.



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189 Session: State Capitol, Juneau AK 99801 465-2095

SJR 8 – VOTING SITES AT MILITARY INSTALLATIONS

Witness List

Tuesday, February 13, 2001
3:30p.m.

Senator Loren Leman, SPONSOR,

465-2095

Shelly Growden, Election Supervisor,
(Region III Election Office,
Division of Elections, Fairbanks

Fairbanks LIO 452-4448
contact: (907) 451-2835

Carol Thompson, Election Supervisor,
Region II Election Office,
Division of Elections, Anchorage

Anchorage LIO 269-0111
contact: (907) 522-8683

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TO AIG 8777
SECDEF WASHINGTON DC//LA/GC/WHS-FVAP//
CJCS WASHINGTON DC//LA//
OLA WASHINGTON DC
OSAF WASHINGTON DC//LA//
HQDA WASHINGTON DC//SALL//
CMC WASHINGTON DC//OLA//
INFO SECDEF WASHINGTON DC//OASD-PA/PDASD-PA/DPL/DDI/DPCR//
BT
UNCLAS

SUBJECT: PUBLIC AFFAIRS POLICY GUIDANCE - ELECTIONS FOR PUBLIC OFFICE

- A. SECDEF MSG 171527Z MAY 99, PUBLIC AFFAIRS POLICY GUIDANCE -- ELECTION YEAR 1999
- B. DOD DIRECTIVE 1344.10, POLITICAL ACTIVITIES BY MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY
- C. 5 U.S.C. 7321 - 7326, HATCH ACT
- D. 5 C.F.R. PART 734, POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES
- E. DOD DIRECTIVE 5230.9, CLEARANCE OF DEPARTMENT OF DEFENSE INFORMATION
- F. DOD DIRECTIVE 1000.4, FEDERAL VOTING ASSISTANCE PROGRAM
- G. DOD INSTRUCTION 5120.4, DOD NEWSPAPERS AND CIVILIAN ENTERPRISE PUBLICATIONS
- H. DOD INSTRUCTION 1100.13, SURVEYS OF DEPARTMENT OF DEFENSE PERSONNEL
- I. DOD DIRECTIVE 5120.20, ARMED FORCES RADIO AND TELEVISION SERVICE (AFRTS)
- J. DOD REGULATION 5120.20-R, MANAGEMENT AND OPERATION OF ARMED FORCES RADIO AND TELEVISION SERVICE (AFRTS)
- K. DOD DIRECTIVE 5410.18, COMMUNITY RELATIONS
- L. DOD INSTRUCTION 5410.19, ARMED FORCES COMMUNITY RELATIONS
- M. 2000-2001 VOTING ASSISTANCE GUIDE
- N. DOD DIRECTIVE 1344.13, IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT

1. THE FOLLOWING PUBLIC AFFAIRS POLICY GUIDANCE IS PROVIDED TO ASSIST COMMANDERS AND PUBLIC AFFAIRS OFFICERS (PAOS) IN HANDLING REQUESTS FOR SUPPORT OF ELECTIONS DURING THE ELECTION YEAR PERIOD, AS DEFINED IN PARAGRAPH D. COMMANDERS AND PAOS WILL COMPLY WITH THIS GUIDANCE IN THE CONDUCT OF ACTIVITIES ASSOCIATED WITH POLITICAL CAMPAIGNS FOR ELECTIONS

PROVIDING COMMERCIAL PROGRAMMING, WILL NOT CARRY ANY PARTISAN DISCUSSIONS, PROGRAMS, EDITORIALS, OR COMMENTARIES DEALING WITH POLITICAL CAMPAIGNS, CANDIDATES, OR ISSUES. THIS DOES NOT PRECLUDE THE ABOVE SYSTEMS, I.E., AFRTS AND NON-AFRTS MILITARY RADIO/TELEVISION SYSTEMS, FROM USING SPOT ANNOUNCEMENTS ENCOURAGING ARMED FORCES PERSONNEL AND THEIR ELIGIBLE FAMILY MEMBERS TO REGISTER AND VOTE, EITHER BY ABSENTEE BALLOT OR AT THE POLLS, PROVIDING THESE ANNOUNCEMENTS HAVE BEEN APPROVED BY THE FEDERAL VOTING ASSISTANCE PROGRAM (SEE SECTION 2 BELOW).

E. INSTALLATION COMMANDERS SHOULD NOT PERMIT THE USE OF INSTALLATION FACILITIES BY ANY CANDIDATE (EITHER INCUMBENTS OR NEW OFFICE SEEKERS), MEMBERS OF THEIR STAFFS OR THEIR CAMPAIGN REPRESENTATIVES FOR: ASSEMBLIES OR MEETINGS; MEDIA EVENTS, INCLUDING SPEECHES; FUND-RAISING EVENTS FOR POLITICAL CANDIDATES, PARTIES, OR CAUSES REGARDLESS OF THE SPONSORSHIP; PRESS CONFERENCES; ANY OTHER ACTIVITY THAT COULD BE CONSTRUED AS POLITICAL IN NATURE.

(1) INSTALLATION COMMANDERS ARE ADVISED NOT TO ALLOW THEIR INSTALLATION FACILITIES TO BE USED FOR POLLING OR VOTING SITES. LOCATING POLLING OR VOTING PLACES ON A MILITARY INSTALLATION MAY RESULT IN CONDUCT WHICH COULD INADVERTENTLY VIOLATE ONE OR MORE OF THE FOLLOWING STATUTORY PROHIBITIONS, AMONG OTHERS: 18 U.S.C. (592, 593, 594, 596, 602, 603, 606, 607, 609). MORE INFORMATION ON THESE AND OTHER STATUTES MAY BE FOUND ON THE INTERNET AT [HTTP://USCODE.HOUSE.GOV/USC.HTM](http://uscode.house.gov/uscode.htm).

(2) MEMBERS OF CONGRESS, WHETHER OR NOT CANDIDATES FOR RE-ELECTION TO NATIONAL OFFICE, MAY VISIT MILITARY INSTALLATIONS TO RECEIVE BRIEFINGS, TOURS AND/OR INFORMATIONAL MATERIALS. IF THE CANDIDATE IS CURRENTLY A GOVERNMENT OFFICIAL AND HIS/HER DUTIES REQUIRE A VISIT TO AN INSTALLATION FOR RELATED OFFICIAL DUTIES, THE RESPONSE TO THE REQUEST FOR THE VISIT WILL INCLUDE A REMINDER THAT THE CANDIDATE MAY NOT USE THE VISIT AS A CAMPAIGN VEHICLE. OTHER CANDIDATES FOR NATIONAL OFFICE WHO ARE NOT CURRENT MEMBERS OF CONGRESS OR SERVING GOVERNMENTAL OFFICIALS MAY BE GIVEN THE SAME ACCESS TO INSTALLATIONS AS ANY OTHER UNOFFICIAL VISITOR. SERVICE CHIEFS OF LEGISLATIVE LIAISON SHOULD BE CONSULTED FOR SPECIAL INSTRUCTIONS/ADVICE IF THERE IS ANY DOUBT ON HOW TO HANDLE A SPECIFIC REQUEST.

(3) CANDIDATES, EITHER INCUMBENTS OR NEW OFFICE SEEKERS, FOR LOCAL AND/OR STATE OFFICES MAY BE GIVEN THE SAME ACCESS TO INSTALLATIONS AS ANY OTHER VISITOR.

(4) IN ALL CASES, COMMANDERS WILL INFORM CANDIDATES THAT WHILE ON A MILITARY INSTALLATION, ALL POLITICAL ACTIVITIES AND MEDIA EVENTS ARE PROHIBITED, INCLUDING ON-POST/BASE MEDIA COVERAGE OF THE CANDIDATE'S VISIT. (NOTE: IF THE CANDIDATE HAS BEEN INVITED TO A MILITARY INSTALLATION AS PART OF AN OFFICIAL INSTALLATION ACTIVITY WHICH INCLUDES MEDIA COVERAGE OF THAT ACTIVITY, THE CANDIDATE MAY BE ALLOWED TO APPEAR ON CAMERA AND IN PHOTOS AS AN OFFICIAL PARTICIPANT; HOWEVER, CANDIDATES WILL NOT BE ALLOWED TO MAKE STATEMENTS OR RESPOND TO QUERIES WHILE ON THE INSTALLATION.) IF ASKED FOR THE RATIONALE FOR THIS DECISION, THE FOLLOWING GUIDANCE IS APPROVED FOR USE: QUOTE: "DEPARTMENT OF DEFENSE POLICY HAS FOR MANY YEARS PROHIBITED THE USE OF MILITARY INSTALLATIONS FOR ANY ACTIVITY THAT COULD BE CONSTRUED AS POLITICAL IN NATURE, INCLUDING NEWS MEDIA COVERAGE OF ANY PORTION OF A POLITICAL CANDIDATE'S ACTIVITIES WHILE ON A MILITARY INSTALLATION REGARDLESS OF THE PURPOSE OF THE VISIT." END QUOTE. AN EXCEPTION TO THIS RULE PERMITS NEWS MEDIA COVERAGE OF CERTAIN PORTIONS OF VISITS TO MILITARY INSTALLATIONS BY THE PRESIDENT, VICE PRESIDENT, AND THE SPEAKER OF THE HOUSE AS EXPLAINED IN THE FOLLOWING

equal to the fair market value of the drydock at the time of the sale, as determined by the Secretary.

SEC. 120. Subsection (6) of section 509 of title 32, United States Code, is amended by striking "Federal" and inserting "Department of Defense".

SEC. 121. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of the enactment of this section and before December 31, 2000.

SEC. 122. Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2326), is amended—

(1) in the matter preceding the first proviso, by striking "\$20,000,000" and inserting "\$30,000,000"; and

(2) in the second proviso, by inserting after "property damages" the following: ", and for other claims under applicable Status-of-Forces Agreements,".

(RESCISSIONS)

SEC. 123. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts in the specified amounts:

Under the heading "Shipbuilding and Conversion, Navy, 1989/1993":

- DDG-51 destroyer program, \$9,100,000;
- T-AO fleet oiler program, \$6,645,000;
- T-AGOS surveillance ship program, \$3,420,000;
- Outfitting and post delivery, \$1,298,000;
- Research, Development, Test and Evaluation, Air Force, 1999/2000, \$7,000,000;
- Military Personnel, Army, 2000, \$98,700,000;
- Military Personnel, Navy, 2000, \$49,127,000;
- Military Personnel, Air Force, 2000, \$82,000,000;
- Reserve Personnel, Air Force, 2000, \$4,500,000; and
- National Guard Personnel, Army, 2000, \$24,826,000.

24. Funds appropriated by this Act, or made available by or of funds in this Act, for intelligence activities are to be specifically authorized by the Congress for purposes of the National Security Act of 1947 (50 U.S.C. 414).

25. The following provisions of law are repealed: sections 8176 of the Department of Defense Appropriations Act, (Public Law 106-79), as amended by sections 214 and 215, re- of H.R. 3425 of the 106th Congress (113 Stat. 1501A- enacted into law by section 1000(a)(5) of Public Law 106-

26. Any amount appropriated in this chapter that is des- the Congress as an emergency requirement pursuant to (b)(2)(A) of the Balanced Budget and Emergency Deficit t of 1985, as amended, shall not be available for obliga-

15.15.090

Prohibition to use polling places on military installations – comments by Shelly Growden, Region III Election Supervisor

Precincts Affected in Region III

32-225 Fort Wainwright – 7,205 registered voters
2000 gen. turnout = 1545 + 572 questioned voters
1998 gen turnout = 871 + 162 questioned voters
1996 gen turnout = 1088 + 299 questioned voters

34-065 Eielson – 6,087 registered voters
2000 gen turnout = 1700 + 291 questioned voters
1998 gen turnout = 1083 + 119 questioned voters
1996 gen turnout = 1425 + 263 questioned voters

Regional Perspective

I first learned of the policy on April 26, 2000 by reading the Election Administration Reports newsletter. We contacted Eielson and Fort Wainwright on April 28th and they did not know about the DOD directive and had already signed and returned our polling place agreement. We asked them to please confirm if we would be able to use our existing polling places on base. For Region III, it was extremely difficult getting a firm decision from the bases. After numerous attempts, I requested the division director to obtain assistance from Sen. Steven's office.

To move a polling place, we have to submit preclearance to DOJ, which can take up to 60 days. We also notify each registered voter of the polling place change. I informed the installation voting officers of AS 15.15.170 which prohibits political persuasion within 200 feet of the polling place. The military precincts are wholly contained meaning that only voters living on base are assigned to the precinct. I also passed along my concerns that we would adversely be affecting voter turnout among military voters if we moved the polling place off base. We try to make voting very easy and encourage the military to vote in local and state elections, not just presidential elections.

Moving these voters to another polling place off base would be difficult. All of the public facilities near the base are already being used. It would be difficult to merge another polling place into these facilities. It causes voter confusion when more than one precinct is in a polling place. I am also concerned about transportation to the polling place if a close facility could not be found and/or used.

Timelines

On Fort Wainwright – received word on June 4th that we could use a location on base, but wanted the polling place moved to the school instead of the post library. This gave

us plenty of time to submit for preclearance and notify the voters. The school has actually worked out to be a better polling location.

On Eielson – July 6, 2000 the staff judge advocate told the installation voting officer that we could not have a polling place on base. I passed along this information to the division director who passed it along to Steven's office. This late time frame did not allow enough time for Elections to receive preclearance for a new polling place. When I relayed my concerns to the voting officer, he was going to bring to the commander's attention, however we wouldn't be able to get the commander's decision until July 17th. Again, only voters residing on Eielson are assigned to the Eielson voting precinct. On July 20th, the installation voting officer called to say that General DeQuire(?) said we could not have a polling place on Eielson. I let him know that the President had just signed the appropriations bill, which prohibited DOD from not allowing the use of polling places on military installations. July 21st the voting officer called back and said YES we could use the polling place.

The amendment to the appropriations bill was only effective until December 31, 2000. In 2001, we have municipal elections in Anchorage and Fairbanks North Star Borough. Alaska needs to know if our military installations will allow the use of polling places on base.

January 26, 2001

Military Polling Place Review

Currently the Region II Elections office is responsible for two military installations. Elmendorf Air Force Base, District 14 Precinct 297, has approximately 7,025 registered voters and Fort Richardson, District 23 Precinct 425, has approximately 5,808 registered voters.

Region II became aware of the DoD directive in April of 2000. At the time we became aware of the DoD directive, we had just mailed out our polling place agreement letters on April 20, 2000. The agreement for Elmendorf AFB was sent to our 1999 contact for the Talkeetna Theatre. The request to use Ursa Major Elementary school, Fort Richardson's polling place, was sent to the Anchorage School District. We received a Facilities Use Permit from the Anchorage School District on May 16, 2000.

In May of 2000 we did not receive a response from our contact for the use of the Talkeetna Theatre and thus we began attempting to contact our contact person. At that time, we learned of a new contact person for the Talkeetna Theatre and a new agreement was duly mailed. As a side note, it was not unusual for Region II to have some difficulty in acquiring the use of the Talkeetna Theatre facility on Elmendorf AFB.

After sending the second agreement we received a telephone call from the new contact person who informed us that we were unable to use the Talkeetna Theatre because of a prior commitment to use the facility by another entity. At that point, we immediately began researching a new facility to use on base by conducting the necessary accessibility requirements and determined that Mt Spurr Elementary school would meet our needs. On June 22 and June 23 a request was sent to the Anchorage School District, minority contacts were informed of the recommended polling place change and the necessary paperwork was sent to the director's office for submission to the Department of Justice for preclearance.

On July 31, 2000 change of polling place notifications were sent to the registered voters in Precinct 297.

At the first of August Region II received a telephone call from the Anchorage School District who had received a call from Elmendorf AFB informing them that there was a problem in the division using the facilities on base, specifically Mt. Spurr. Region II contacted the person who had contacted the school district and

we were told that it was a problem for us to use the polling place location on base, once again, specifically Mt. Spurr.

Region II did not pursue this issue with the contact person. Since the Director of Elections had resolved the Eielson AFB issue we contacted the director to request that a telephone call be made to her contact person on base. The issue was resolved.

Overall, Region II did not feel the potential impact of losing a polling place on base in comparison to Region III. However, always in the back of our mind was the thought of the potential of losing polling place on base. For Elmendorf AFB the impact would not have been as great as Fort Richardson since other facilities are just outside of the gates into Elmendorf AFB. Fort Richardson, on the other hand, is a distance from Anchorage and Eagle River area facilities. These voters would have needed to travel an extended distance to their polling place location in order to vote since there are not any facilities outside of the main gate onto the base.

106TH CONGRESS
2D SESSION

H. R. 5174

AN ACT

To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

106TH CONGRESS
2D SESSION

H. R. 5174

AN ACT

To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. USE OF BUILDINGS ON MILITARY INSTALLA-**
4 **TIONS AND RESERVE COMPONENT FACILI-**
5 **TIES AS POLLING PLACES.**

6 (a) USE OF MILITARY INSTALLATIONS AUTHOR-
7 IZED.—Section 2670 of title 10, United States Code, is
8 amended—

9 (1) by striking “Under” and inserting “(a) USE
10 BY RED CROSS.—Under”;

11 (2) by striking “this section” and inserting
12 “this subsection”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(b) USE AS POLLING PLACES.—(1) Notwith-
16 standing chapter 29 of title 18 (including sections 592 and
17 593 of such title), the Secretary of a military department
18 may make a building located on a military installation
19 under the jurisdiction of the Secretary available for use
20 as a polling place in any Federal, State, or local election
21 for public office.

22 “(2) Once a military installation is made available as
23 the site of a polling place with respect to a Federal, State,
24 or local election for public office, the Secretary shall con-
25 tinue to make the site available for subsequent elections

1 for public office unless the Secretary provides to Congress
2 advance notice in a reasonable and timely manner of the
3 reasons why the site will no longer be made available as
4 a polling place.

5 “(3) In this section, the term ‘military installation’
6 has the meaning given the term in section 2687(e) of this
7 title.”.

8 (b) USE OF RESERVE COMPONENT FACILITIES.—(1)
9 Section 18235 of title 10, United States Code, is amended
10 by adding at the end the following new subsection:

11 “(c) Pursuant to a lease or other agreement under
12 subsection (a)(2), the Secretary may make a facility cov-
13 ered by subsection (a) available for use as a polling place
14 in any Federal, State, or local election for public office
15 notwithstanding chapter 29 of title 18 (including sections
16 592 and 593 of such title). Once a facility is made avail-
17 able as the site of a polling place with respect to an elec-
18 tion for public office, the Secretary shall continue to make
19 the facility available for subsequent elections for public of-
20 fice unless the Secretary provides to Congress advance no-
21 tice in a reasonable and timely manner of the reasons why
22 the facility will no longer be made available as a polling
23 place.”.

24 (2) Section 18236 of such title is amended by adding
25 at the end the following new subsection:

1 “(e) Pursuant to a lease or other agreement under
2 subsection (c)(1), a State may make a facility covered by
3 subsection (c) available for use as a polling place in any
4 Federal, State, or local election for public office notwith-
5 standing chapter 29 of title 18 (including sections 592 and
6 593 of such title).”.

7 (c) CONFORMING AMENDMENTS TO TITLE 18.—(1)
8 Section 592 of title 18, United States Code, is amended
9 by adding at the end the following:

10 “‘This section shall not prohibit the use of buildings
11 located on military installations, or the use of reserve com-
12 ponent facilities, as polling places in Federal, State, and
13 local elections for public office in accordance with section
14 2670(b), 18235, or 18236 of title 10.’”.

15 (2) Section 593 of such title is amended by adding
16 at the end the following:

17 “‘This section shall not prohibit the use of buildings
18 located on military installations, or the use of reserve com-
19 ponent facilities, as polling places in Federal, State, and
20 local elections for public office in accordance with section
21 2670(b), 18235, or 18236 of title 10.’”.

22 (d) CONFORMING AMENDMENT TO VOTING RIGHTS
23 LAW.—Section 2003 of the Revised Statutes (42 U.S.C.
24 1972) is amended by adding at the end the following:
25 “‘Making a military installation or reserve component facil-

1 ity available as a polling place in a Federal, State, or local
2 election for public office in accordance with section
3 2670(b), 18235, or 18236 of title 10, United States Code,
4 shall be deemed to be consistent with this section.”.

5 (e) AVAILABILITY OF POLLING PLACES FOR 2000
6 FEDERAL ELECTIONS.—If a military installation or re-
7 serve component facility was made available as the site
8 of a polling place with respect to an election for Federal
9 office held during 1998, the same or a comparable site
10 shall be made available for use as a polling place with re-
11 spect to the general election for Federal office to be held
12 in November 2000.

13 (f) CLERICAL AMENDMENTS.—(1) The heading of
14 section 2670 of title 10, United States Code, is amended
15 to read as follows:

16 **“§ 2670. Buildings on military installations: use by**
17 **American National Red Cross and as poll-**
18 **ing places in Federal, State, and local**
19 **elections”.**

20 (2) The item relating to such section in the table of
21 sections at the beginning of chapter 159 of such title is
22 amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross
and as polling places in Federal, State, and local elections."

Passed the House of Representatives October 12,
2000.

Attest:

Clerk.



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

OCT 10 2000

RECEIVED
00 OCT 11 PM 5:13
COMMITTEE ON
HOUSE ADMINISTRATION

26316
RB
DK

The Honorable William M. Thomas
Chairman
Committee on Administration
U.S. House of Representatives
Washington, DC 20515-0157

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 5174, 106th Congress, a bill "To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office."

The Department of Defense opposes this legislation.

The Department has a longstanding policy prohibiting the use of military installations as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process. The policy of separating the military and partisan politics is critically important to maintaining public support for and confidence in our Armed Forces, as well as maintaining good order and discipline within military ranks.

The principle of separating the military from the political process is also reflected in two federal criminal statutes. 18 U.S.C. § 592 provides that:

[w]hoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years or both. . . .

Similarly, 18 U.S.C. § 593 subjects members of the Armed Forces to criminal penalties if they "impose or attempt to impose any regulations for conducting any general or special election in a State, different from those prescribed by law," or "interfere in any manner with an election officer's discharge of his duties." Placement of voting sites on military installations in which "troops or armed men" are likely to come into close contact with voters is fundamentally incompatible with the concept of maintaining separation between the military and politics.



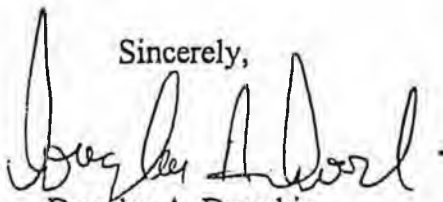
If enacted, H.R. 5174 would reverse Department of Defense policy by authorizing the use of military installations as polling places. We strongly disagree that it is appropriate for the fundamental political activity of voting to take place at locations that the Department of Defense strives to make politically neutral and nonpartisan. The proposed legislation also would not effectively amend the criminal statutes referenced above to relieve military personnel from potential criminal liability. Specifically, the amendments to the criminal statutes proposed in section 1(c) of H.R. 5174 would only clarify that it is not a crime for polling places to be placed on military installations. It would not address at all the placement of troops or armed men at polling places. It would not be practical simply to prohibit military personnel from approaching or entering a polling place on a military installation during voting hours. The commander of a military installation must at all times have complete control over the facilities within his or her authority. It is possible that circumstances could arise that would require a commander to order military personnel to enter a building designated as a polling site if that building is located on a military installation. We believe it is therefore prudent to retain the prohibition on the use of military buildings as polling places.

We recognize that some installations have overlooked the Department's policy on this issue in the past and that some military facilities have been used as polling places in some localities. In some cases, short-term waivers of the policy have been granted if an alternative location could not be identified in time to avoid disruption to an upcoming election. In such cases, local election officials have been advised to designate a new polling place as soon as possible. Furthermore, section 121 of the Military Construction Appropriation Act for Fiscal Year 2001 requires that military facilities that have been used as polling places over recent years must be permitted to be used as polling places for the November election. Enactment of H.R. 5174 is not necessary, therefore, to relieve any possible inconvenience to voters in the November election resulting from enforcement of the Department of Defense policy.

Finally, we want to point out that our policy does not apply to National Guard armories or other Guard facilities. These buildings are subject to the control of state Governors through their Adjutant Generals, not the Department of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the Committee.

Sincerely,



Douglas A. Dworkin

cc: The Honorable Steny H. Hoyer
Ranking Member

Congress of the United States

Washington, DC 20515

October 17, 2000

Secretary of Defense William Cohen
U.S. Department of Defense
Room 3E966, The Pentagon
Washington, D.C. 20301

Dear Secretary Cohen:

We are writing to ask that you reconsider the Department of Defense (DOD) opposition to H.R. 5174, a bill to clarify DOD's authority to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State and local elections. As you are aware, the House adopted H.R. 5174 by an overwhelmingly bipartisan 297 to 114 vote.

The attached letter from the DOD General Counsel, expressing the Department's opposition to H.R. 5174, came to us less than one hour before consideration of the bill on the floor of the House, despite correspondence to DOD on September 8th and September 18th providing copies of the bill and indicating our intent to bring this legislation to the floor. Since we had no opportunity before the floor consideration to address the concerns and issues raised by it, we wish you would consider the following in your review.

We believe that the ability of citizens to vote in elections is a fundamental tenet of democracy and that the act of voting is, at its heart, a non-partisan activity. Thus H.R. 5174 seeks to facilitate the participation in the electoral process of those who serve our country in uniform, consistent with the historical concerns about ballot secrecy and freedom from intimidation. Moreover, H.R. 5174 seeks to facilitate voting in places where suitable alternative non-DOD facilities do not exist – a likely occurrence given that, in some cases, DOD has assigned people to isolated and difficult posts for the purpose of defending the nation.

We note that the General Counsel cites a Civil War era law, 18 U.S.C. § 592, as the basis for DOD's decision to suddenly end the current practice of locating voting sites on DOD property. We would like to point out that the cited provision also states: "This section shall not prevent any office or member of the armed forces of the United States from exercising the right of suffrage in any election district. . . ." We think that without the clarifying, discretionary authority of H.R. 5174, DOD will find itself, in some circumstances, hindering or denying "the right of suffrage" in some election districts.


Furthermore, we conclude that while the provision cited by the General Counsel was intended to prevent intimidation of voters at polls by the military, it does not prohibit

merely the location of a voting site on DOD property. In our view, H.R. 5174 recognizes that when election officials voluntarily locate sites on DOD property, and voters voluntarily choose to vote there, there is no coercion or intimidation. In fact, by enabling DOD to offer voters an easy way to cast their ballots in the privacy of a voting booth at a facility of their choosing, H.R. 5174 enhances both ballot secrecy and freedom from intimidation.


Allowing and even encouraging people to exercise their right to vote does not involve the military in "partisan politics" as the General Counsel alleges. In fact, we are surprised that any DOD counsel would make such an argument in view of DOD's active and well-regarded voter assistance program. Helping military personnel and families, whether stationed overseas or in the U.S., to vote certainly does not involve the military in politics.

Finally, H.R. 5174 provides ample discretion to the Department in choosing to allow these election operations when they are compatible with the facilities' mission. The practice of some base commanders who have made facilities available for service men and women, their families, and support staff is commendable especially in isolated areas. It shows that the idea already works. If, however, for national security reasons, DOD must remove an election site from DOD property, H.R. 5174 gives the Department that authority.

We would like to stress that citizens serving our country in the armed services and their families deserve to vote just like anyone else. We think that H.R. 5174 facilitates that democratic tenet, and we urge you to reconsider the Department's position on H.R. 5174.



Bob Stump, Chairman
Veterans' Affairs Committee



Bill Thomas, Chairman
House Admin. Committee



Floyd Spence, Chairman
Armed Services Committee

SJR

12

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SJR 12
 (S) Publish Date: 2/7/01

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: Eliminate Marriage Tax Penalty BRU: _____
 Sponsor: Senator Leman Component: _____
 Requester: _____ Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: SENATE STATE AFFAIRS COMMITTEE Phone 465-4522

Senator: /s/ SENATOR THERRIault Date 2/5/01
 Committee Chair

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX

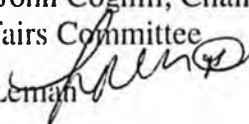
During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX



Senator Loren Lemman

Memorandum

To: Representative John Coghill, Chairman
House State Affairs Committee

From: Senator Loren Lemman 

Date: February 12, 2001

Re: Request committee hearing for SJR 12: Eliminate Marriage Tax Penalty

Please schedule SJR 12 for a hearing in the House State Affairs Committee at your earliest convenience.

SJR 12 expresses the Legislature's support for reducing the marriage tax penalty.

I have attached a copy of the sponsor statement and original resolution. Please contact my staff aide Paul Roetman at extension 3712 if you require additional information.

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX

During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX

Senator Loren Leman

SJR 12 – Eliminate Marriage Tax Penalty(title am)

“Urging the United States Congress to amend the Tax Code to eliminate the marriage tax penalty.”

SJR 12 expresses the Legislature’s support for eliminating the imbalance in the federal Tax Code that taxes married couples disproportionately more than unmarried couples earning the same level of income.

The marriage penalty impacts millions of married couples. According to the Congressional Budget Office (CBO), under current tax laws married couples pay an average of \$1,480 more in taxes each year than two unmarried people.

The two primary penalties are the standard deduction and the graduated rate structure. First, the standard deduction amount for joint filers is not twice that for those claiming single status. This means an unmarried couple can deduct more from their income than a married couple. Second, income rate structures that push taxpayers into higher brackets are less than twice for joint filers than for those claiming single status. This means that a married couple may be forced into a higher tax bracket before an unmarried couple earning the same combined income.

Congress attempted to deal with the marriage penalty last year when it passed the “Marriage Tax Relief Reconciliation Act of 2000.” This would have provided tax relief to married couples penalized under current tax laws, but President Clinton vetoed the measure. Because President Bush and his Cabinet have expressed strong support for reducing taxes, Congress should revisit the marriage penalty.

**Prepared by Paul Roetman, Staff Aide to Senator Loren Leman (907-465-3712)
Last update: February 9, 2001**

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Senator Loren Leman

SJR 12: ELIMINATE MARRIAGE TAX PENALTY

I. Many people are effected by the Marriage Penalty

Income Category	Percentage of Tax Returns Filed Showing Marriage Penalty
Less than \$20K	12%
\$20 - \$50K	44%
\$50 - \$100K	54%
\$100K and above	54%

(Congressional Budget Office)

II. Income Tax Rates Are Lower for Two Single Filers compared to Married Joint Filers

Single filer	Married Joint
\$25K - \$3,754 (2 singles = \$7,508)	\$50K - \$8,307
\$35K - \$6,395 (2 singles = \$12,790)	\$70K - \$13,907

(based on information provided in IRS 2000 Tax Rate Schedule)

- These examples show that a married couple pays more tax than two single people living together who earn the same income.

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Senator Loren Lemman

SJR 12 – ELIMINATION OF MARRIAGE PENALTY

Witness List

Hour: State Affairs Committee
8:00a.m. Tuesday, February 20, 2001

Senator Loren Lemman, SPONSOR,

465-2095
Juneau

Bob Sramek, CPA
Sramek Hightower CPAs, P.C.

907-563-6722
Anchorage

During Session, January - May:
State Capitol, Room 115
Juneau, Alaska 99801
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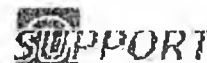


Number of Couples Affected by Marriage Penalty at the State and Congressional District Level

Alaska

State	Congressional District	Name of Representative		Party	Number of Couples Affected By Marriage Penalty
AK	At Large	Don	Young	R	66,876

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A REPORT OF THE HERITAGE CENTER FOR DATA ANALYSIS

No. 00-02

February 8, 2000

WHO PAYS THE MARRIAGE PENALTY?

NEW ESTIMATES BY CONGRESSIONAL DISTRICT AND STATE

William W. Beach and Rea S. Hederman¹

Link to:
| [PDF \(172k\)](#) |
Optimized for [Adobe Acrobat 4.0](#).

The House and Senate tax-writing committees will try again this year to develop legislation to reform the marriage penalty in the tax code. The challenge is to craft a measure that Congress can pass and the President can sign. Last year, President Bill Clinton vetoed the Taxpayer Refund and Relief Act, which contained \$117 billion in marriage penalty relief over the next 10 years. The veto forced about 25 million working families to pay more in income taxes because of the marriage penalty, and it perpetuated the troubling second-earner bias forcing lower earning spouses to see their pay frequently taxed at higher rates than the income of their higher earning spouses.²

This *Report* contains new estimates of the number of couples in each congressional district and state who pay some form of the marriage penalty in 2000. (See [table](#).)³ These estimates are based on data from the 1999 March Current Population Survey and cover all combinations of the three most frequent reasons that marriage penalties arise:

- Married taxpayers who qualify for the Earned Income Tax Credit (EITC) see that credit phase out more quickly than if they had applied for it as single taxpayers.

Produced by
The Heritage Center for
Data Analysis

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(202) 546-4400
<http://www.heritage.org>



- Married taxpayers who do not itemize claim a standard deduction that is less than twice the standard deduction for single taxpayers.
- The taxable income threshold for the 28 percent tax rate (and all rates above 28 percent) is less than twice that of single taxpayers, which means that the income of the lower earning married worker frequently is taxed at a marginal rate that is higher than that of the higher earning spouse.



WHAT IS THE MARRIAGE PENALTY?

The marriage penalty stems from the federal government's effort to do three things: 1) tax equal-earning couples at the same rate, 2) tax them at progressive marginal tax rates, and 3) recognize the economic benefits of marriage by requiring married couples to file their taxes on a schedule of tax rates that treats them less favorably than it does single taxpayers. As the Congressional Budget Office notes, "The incompatibility of those three goals...results in continuing tension within the tax code."⁴ This tension in the tax code harms the pocketbooks of American families and the institution of marriage, and has significant implications for the economic and cultural health of the nation.

The marriage penalty is arguably the most significant of the biases affecting the secondary earner (the spouse with the lower income). As two prominent tax economists have observed, "the basic source of the marriage tax is the fact that key elements of the tax law depend on an individual's family situation, including the rate schedule, the standard deduction, and the earned income tax credit. Hence, the act of getting married per se affects individuals' tax liabilities, even if their work and saving decisions stay the same."⁵

In most cases, federal income tax laws require that married couples file joint tax returns based on the combined income of husband and wife. When a husband and wife both work, the secondary earner is, in effect, taxed at the top rate of the primary earner. As a consequence, a married couple may pay more taxes than they would if each spouse were taxed as a single wage earner.

According to the Congressional Budget Office, an estimated 42 percent of married couples incurred a marriage penalty in 1996: "more than 21 million married couples paid an average of nearly \$1400 in additional taxes in 1996 because they must file jointly."⁶ Most severely affected by the marriage penalty were couples with a more equal division of income between husband and wife and those who receive EITC benefits. Essentially, Americans with the lowest incomes and families dependent on two wage earners shoulder the largest marriage penalty burdens under the current tax policy.

Consider what happens to two \$30,000-a-year wage earners who decide to marry. As a single individual, a \$30,000-a-year wage earner would pay \$3,000 in taxes. The principle of marriage neutrality would mean that when a \$30,000-a-year wage earner marries another \$30,000-a-year wage earner, the couple's tax liability should be \$6,000. Under the current joint filing schedule, however, this married couple--that now earns a total of \$60,000--owes \$8,400 in tax per year, a \$2,400 penalty for marrying each other.

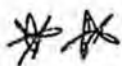
According to the ideal of marriage neutrality, tax burdens should not be altered when two people decide to marry. However, the goal of progressive taxation is violated under such circumstances.

Progressivity states that a person (or, under today's joint filing requirement, a combination thereof) who has twice the income of another would pay more than twice in taxes. The current tax system sides with the ideal of progressive taxation and punishes hardworking Americans.

THE EFFECT ON THE NATION

The marriage penalty can have significantly negative economic implications for the country as a whole. Not only does this feature of the tax system stand as a likely obstacle to marriage, it can actually discourage a spouse from entering the workforce. Edward McCaffery, a law professor at the University of Southern California has said that: "By adding together husband and wife under the rate schedule, tax laws both encourage families to identify a primary and secondary worker and then place an extra burden on the secondary worker because her wages come on top of the primary earner's. The secondary earner is on the margin."⁷

As the American family realizes lower income levels, the nation realizes lower economic output. From a strictly economic standpoint, the fact that potential workers would avoid the labor force as a result of peculiarities in the tax code is a clear sign of a failure to maximize eligible resources. As a result, the nation as a whole fails to reach its economic potential, which is demonstrated by decreased earnings, output, and international competitiveness.



METHODOLOGY

This analysis estimates the number of married taxpayers who are affected by marriage penalties in the tax code that stem from the standard deduction, taxable income thresholds for marginal tax rates, and the phase-out structure of the Earned Income Tax Credit (EITC). The vast majority of couples that we estimate to be affected by a marriage penalty are two-earner families in which the secondary earner's wages are a significant portion of a family's income and taxed at a higher marginal rate. Readers should note that these incidence estimates cannot be directly employed to estimate the dollar amount of penalty per family due to differences in the marginal rate structure and the EITC.

We employed the March 1999 Current Population Survey, which contains 1998 income and demographic data, to determine the number and type of families that suffer the marriage penalty in each state.⁸ We then used the most recent IRS Public Use File to determine the percentage of families in each tax bracket that typically use the standard deduction instead of itemizing their taxes.⁹

We assumed that married taxpayers will incur a marriage penalty if they had two earners in a tax bracket that is higher than 15 percent or if they were likely to use the standard deduction in the 15 percent bracket. We also assumed that married families receiving the EITC suffer a penalty due to the steeper phase-out of the credit for married taxpayers

than for single taxpayers. Eligibility for the EITC is determined on the qualifying income of the taxpayers. The phase-out range for married taxpayers is less than twice that of two single taxpayers. Readers should note that the number of families who do not currently receive the EITC but would if they were both single was not used in this analysis.

The estimated percentage of families suffering a penalty at the congressional district level was derived from the 1990 Census updated to the 104th Congress. The percentage of families likely to suffer a penalty was held constant for families in 1998. The overall number of families affected in 1998 is based on U.S. Treasury estimates of 25 million.¹⁰

--William W. Beach is Director of the Center for Data Analysis at The Heritage Foundation, and Rea S. Hederman is a Policy Analyst in the Center.

Tables

Number of Married Couples Affected by the Marriage Penalty by Congressional District and State

1. Alabama-California (Districts 1-9)
2. California (Districts 10-52)
3. Colorado - Florida (Districts 1-17)
4. Florida (Districts 18-23) - Illinois (Districts 1-13)
5. Illinois (Districts 14-20) - Kentucky
6. Louisiana - Massachusetts
7. Michigan - Mississippi
8. Missouri - New Jersey
9. New Mexico - North Carolina (Districts 1-4)
10. North Carolina (Districts 5-12) - Oklahoma
11. Oregon - South Carolina
12. South Dakota - Texas
13. Utah - West Virginia
14. Wisconsin-Wyoming and U.S. Total

Note: Estimates may not sum due to rounding. Population data based on 1990



FAMILY RESEARCH COUNCIL

FAMILY, FAITH AND FREEDOM

February 5, 2001

The Honorable Loren Lemam
Senate Majority Leader
State Capitol
Juneau, AK 99801-1182

Dear Majority Leader Lemam:

On behalf of Family Research Council and the American families we represent, thank you for making marriage penalty relief a top priority this year. We wholeheartedly support your resolution to eliminate the marriage penalty tax. It is because of your commitment to this important family issue that we can begin to eliminate the unjust marriage penalty.

Eliminating the marriage penalty treats married couples equally with unmarried individuals. Taking steps to relieve and eliminate the unfair marriage tax provides the government an opportunity to recognize and support the vital contribution marriage makes to the betterment of society.

Polls show that an overwhelming majority of Americans think that the marriage penalty is unfair and should be eliminated. According to an August 1999 Wirthlin Worldwide poll, **85% of Americans believe the marriage penalty is unfair, and 80% are in favor of eliminating the marriage penalty. Eighty-nine percent (89%) of married women and 89% of working and married mothers feel that the marriage penalty is unfair** (*the polling company/Wirthlin Worldwide, 10/97*). Finally, **67% of Americans support using the budget surplus to eliminate the marriage penalty** (*Harris poll, 12/97*).

Thank you again for your commitment to promoting marriage and to alleviating the tax burden on America's families. We look forward to working with you to return Americans' hard-earned money.

Sincerely,

Charles A. Donovan
Executive Vice-President

2000 Tax Rate Schedules



Use only if your taxable income (Form 1040, line 39) is \$100,000 or more. If less, use the Tax Table. Even though you cannot use the Tax Rate Schedules below if your taxable income is less than \$100,000, all levels of taxable income are shown so taxpayers can see the tax rate that applies to each level.

Schedule X—Use if your filing status is Single

If the amount on Form 1040, line 39, is: Over—	But not over—	Enter on Form 1040, line 40	of the amount over—
\$0	\$26,250	15%	\$0
26,250	63,550	\$3,937.50 + 28%	26,250
63,550	132,600	14,381.50 + 31%	63,550
132,600	288,350	35,787.00 + 36%	132,600
288,350	.....	91,857.00 + 39.6%	288,350

Schedule Y-1—Use if your filing status is Married filing jointly or Qualifying widow(er)

If the amount on Form 1040, line 39, is: Over—	Put not over—	Enter on Form 1040, line 40	of the amount over—
\$0	\$43,850	15%	\$0
43,850	105,950	\$6,577.50 + 28%	43,850
105,950	161,450	23,965.50 + 31%	105,950
161,450	288,350	41,170.50 + 36%	161,450
288,350	.....	86,854.50 + 39.6%	288,350

Schedule Y-2—Use if your filing status is Married filing separately

If the amount on Form 1040, line 39, is: Over—	But not over—	Enter on Form 1040, line 40	of the amount over—
\$0	\$21,925	15%	\$0
21,925	52,975	\$3,288.75 + 28%	21,925
52,975	80,725	11,982.75 + 31%	52,975
80,725	144,175	20,585.25 + 36%	80,725
144,175	.....	43,427.25 + 39.6%	144,175

Schedule Z—Use if your filing status is Head of household

If the amount on Form 1040, line 39, is: Over—	But not over—	Enter on Form 1040, line 40	of the amount over—
\$0	\$35,150	15%	\$0
35,150	90,800	\$5,272.50 + 28%	35,150
90,800	147,050	20,854.50 + 31%	90,800
147,050	288,350	38,292.00 + 36%	147,050
288,350	.....	89,160.00 + 39.6%	288,350