

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672  
11042 HOUSE STATE AFFAIRS

in support of 1% for art program

**Subject: in support of 1% for art program**

**Date:** Wed, 02 Apr 2003 21:46:14 +0000

**From:** Clark <seewhy@alaska.com>

**To:** "ginny\_austerman@legis.state.ak.us" <ginny\_austerman@legis.state.ak.us>

**CC:** "Representative\_Max\_Gruenberg@legis.state.ak.us" <Representative\_Max\_Gruenberg@legis.st

Hello,

I have been working for various architectural firms in Anchorage since 1983. I have been involved in several publicly funded projects which were part of the 1% for Art Program. I consider the program highly successful and I cannot imagine what anyone believes is wrong? (Are people marching on the state capital and demanding its termination?) One can easily tour Anchorage and see some incredible works which have been installed over the years because the 1% program exists. It's easy to imagine that most of them never would have happened if they hadn't been mandated. One can also admire a consistent high level of quality - due mostly to the work of selection committees who volunteer their time and expertise. The interaction of architects and artists infuses energy into both groups - and the public benefits, in many obvious and not so obvious ways. The 1% program has been around so long now, I think most people take it for granted. It is something we should continue to pay for. The system of taking the funds out of the project budget is pragmatic and easily implemented. If the current effort to end the program is successful, I will consider that the legislature has acted disgracefully.  
Clark Yerrington 517 north hoyt street anchorage AK

**Subject: Opposition to HB215 Cutting Percent for Art Program**

**Date:** Wed, 2 Apr 2003 21:06:17 -0900

**From:** "L. Saunders McNeill" <saundersmcneill@worldnet.att.net>

**To:** <ginny\_austerman@legis.state.ak.us>

Dear Ms. Austerman,

I am opposed to HB215. Eliminating the Percent for Art Program will in my opinion have the following impact on the state:

1. Homogenize the economic opportunities for residents of the state (including all of the professional staff that work to create, incorporate and install art in public places) and eliminates real jobs for real artists.
2. Significantly reduce public access to the arts. Daily exposure to arts incorporated in public buildings broadens individuals intellect, encourages the pursuit of excellence, enhances the value of esthetics, and excites public discussion.
3. Robs the state of a viable and growing economic engine in the state, the Arts!
4. Implies to state residents and an outside visiting public a lack of pride in our public buildings, infrastructure and community.

Thank you for sharing this with the review committee.

Sincerely,

L. Saunders McNeill  
Barra Productions  
HC 4 Box 9107  
Palmer, AK 99645  
Home Studio Tel: 907-745-7286

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L. Saunders McNeill <saundersmcneill@att.net>

**Subject: House Bill 215**

**Date: Thu, 03 Apr 2003 10:29:09 +0000**

**From: "Sheila Wyne" <shewyne@hotmail.com>**

**To: ginny\_austerman@legis.state.ak.us**

Sheila Wyne  
2911 Willow Street  
907.274.6414  
Anchorage, AK 99517  
907.360.2382

shewyne@hotmail.com  
voice mail

cell

fax

907.274.6416

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**TO:** The House of Representatives State Affairs Committee  
Rep. Weyhrauch Committee Chair  
Fax 907.465.2273

**RE:** House Bill 215

I strongly encourage you to oppose House Bill 215. It does not serve the public interest, business interests, nor the state's interest. The current statute promotes a robust small business economy within the capitol budget.

You will hear from many citizens that support the aesthetic enhancements and quality of life benefits by having the 1% for Public Art Program in Alaska. I am an artist based in Anchorage who has participated in several 1% for Public Art projects at municipal, borough and state levels. I would like to inform you about the financial disbursements of these capitol projects from the perspective of a small business owner who has worked on such projects.

There is a misperception that "1% for Art" means that this pool of money goes directly into artists' pockets and stays there. In reality, the bulk of this funding passes from the artist to small Alaskan businesses that are the backbone of our communities.

As a sculptor working in the public art realm, I have hired excavators, metal fabricators, electricians, landscapers, engineers, commercial painters, and various local, specialty vendors such as stain glass suppliers. All of these businesses are based in Alaska - owned and operated by Alaskans. It is capitol project work that is not just for the artist. Based on my experience, approximate 80% of any given art project goes to construction and installation. The other 20% is divided between design fees, insurance, office management, documentation, etc.

The repeal of this program through House Bill 215 would undermine one of the few public projects that potentially has Alaskan participation at every level. It starts when the Alaskan site is chosen, moves to the local jury who selects the artwork, then to the businesses who provide the services to get the artwork completed, and finally to the public experience.

Thank you for your time and attention.

Sincerely,  
Sheila Wyne

**Subject:** [Fwd: HB 215]  
**Date:** Thu, 03 Apr 2003 06:55:29 -0900  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

ginny

please put in the bill file

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**Subject:** HB 215  
**Date:** Wed, 2 Apr 2003 16:31:12 -0900  
**From:** Matt Johnson <mattjohnson@resdat.com>  
**To:** "Representative\_Bruce\_Weyhrauch@legis.state.ak.us" <Representative\_Bruce\_Weyhrauch@legis.state.ak.us>

Dear Representative Weyhrauch,

I am writing to express my strong support for the arts in Alaska, particularly the One Percent for Art program.

The Percent for Art Program has enriched communities across the state, creating artistic landmarks that will bring beauty and nuance to our public spaces for generations to come.

The cost of the Percent for Art program is negligible, while the value of the program to our collective quality of life is immeasurable.

Directly and indirectly, the arts enrich the lives of all Alaskans in countless ways: educationally, spiritually, and economically.

I urge you to support the arts in Alaska, particularly the One Percent for Art Program.

Thank you,

Matt Johnson  
124 East 23rd  
Anchorage, Alaska 99503  
907-276-1725

To Representative Bruce Weyrauch

*Chair, House State Affairs Committee*

Dear Representative Weyrauch,

I would like to request this letter be included in packets for the House State Affairs Committee when you meet to consider HB215 .

I recently learned that HB215 would repeal the percent for art program in Alaska. This program is so wonderful, and has been so beneficial to the public, that I hope this bill is defeated.

Here in Sitka we have seen two "percent for art" projects recently at Sitka High School and at Baranof Elementary School. Mainly local artists participated, and I hope you get a chance to see their work. The high school project takes what would have been a sterile institutional building and makes it into one that tells the students they are really valued, and makes a beautiful space. The project at Baranof is extremely popular with the young students there as well as with adults - a colorful, three dimensional sea life fantasy.

Our community is a better place for this art.

These projects benefit Alaskan artists as well as the public, who have objects of beauty and culture in public spaces. It is small amount of money with huge benefits.

Alaska's program is a model for other states. A local committee makes the selection of art. With more and more public buildings designed for strict utilitarianism, the percent for art is a cheap way to improve the environment and elevate our minds. Permanent art installations are even cheaper when you consider the years of public enjoyment.

Thank you for your attention,

Rebecca Poulson  
Sitka, Alaska

Jeffrey R. Patrick

4010 Woronzof Dr.  
Anchorage, AK 99517

April 2, 2005

Dear Rep. Weyhrauch:

I am writing to you to express my concerns over HB 215, "An act repealing statutes that relate to art works in public buildings and facilities and that require a set percentage of construction costs to be spent on art."

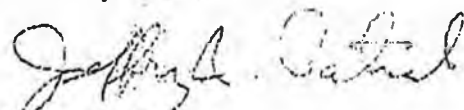
I think this Bill is nonsense. I think it's shortsighted and regressive. I think it's an easy way to make it appear that the state government is practicing fiscal responsibility. But, in fact, this Bill simply proposes to "save" money by not spending it on something we need. And when one individual or a whole community *needs* something, and I don't mean wants something, not providing it is bad government and foolish.

If our state is to prosper, if it is to gain a mature identity; then we must pay attention to more than economic development. We have to nurture the cultural and intellectual soul of the State. The Art in Public Places program provides a necessary part of our cultural foundation. Public art serves as a context and gives us alternatives. All forms of art serve to allow us new ways of seeing and gives voice to our thoughts.

I believe that state government exists to provide for the citizens in all possible ways. It is all well and good to expect private enterprise to develop our cultural institutions, but theirs is a role of enhancement, whereas it is the *responsibility* of government to provide the basis, the foundation. I do not want to hear from any State official about which of our cultural institutions will be cut next in the budget. That course of action won't make the community better nor will it make our economy grow. What I want to hear is that our governor and the Legislature are going to find ways to increase the overall arts budget. I want to hear it said that Alaskans deserve the best and that the State is going to find a way to make it happen. I want the proponents of HB 215 to stop crying that the economic sky is falling and to start actually doing something as constructive for the community as do public artists.

I urge you to defeat HB 215.

Sincerely,



Jeffrey R. Patrick

**Subject:** [Fwd: AS 35.27 should NOT be repealed by HB215]  
**Date:** Wed, 02 Apr 2003 14:22:33 -0900  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

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**Subject:** AS 35.27 should NOT be repealed by HB215  
**Date:** Wed, 02 Apr 2003 10:07:23 -0900  
**From:** Donald Ricker <donaldricker@gci.net>  
**To:** Chairman Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@legis.state.ak.us>, Paul Seaton <Representative\_Paul\_Seaton@legis.state.ak.us>, HB215 Sponsor Bill Stoltze <Representative\_Bill\_Stoltze@legis.state.ak.us>

Mr Chairman, Vice-Chairman, and esteemed members of the House State Affairs Committee ---

It is my understanding that you will meet to consider HB215 which contains language repealing the Alaska Statute 35.27 providing that 1% of Capital Project spending will be devoted to Art. I hope you will table or refuse this bill which has been sponsored because it has no merit. I feel confident that your constituents also support the results of the current statute, in place since 1975. Alaskans are justly proud of the state's inventory of Art in Public Places, and other states have modeled their programs after ours.

I do feel that the experience and wisdom gained from administering this program should lead to modifications which would improve the statute and make it more purposeful and sensible to comply with. However, repealing the law with the false premise that it will reduce state spending is mathematically illogical and reprehensible in its mean purpose of transferring allocated funds away from things of beauty and of the spirit.

I have taken the liberty of BCC'ing this message and your contact information to Patrons and Subscribers to ArtSceneAK, a bimonthly web review of the Visual Arts in Alaska, to its interested readers and members of the press community, and to Anchorage Museum of History and Art contributors.

Sincerely, Donald R Ricker  
<http://www.exegv.com>

BTW: the following text is from AS 35.27.010 & .020 which HB215 seeks to repeal.

### **AS 35.27.010. Purpose.**

The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities.

### **AS 35.27.020. Art Requirements For Public Buildings and Facilities.**

(a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

(d) A building or facility with an estimated construction cost of less than \$250,000 is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works.

[Fwd: 1% for art]

**Subject:** [Fwd: 1% for art]

**Date:** Wed, 02 Apr 2003 14:29:28 -0900

**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

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**Subject:** 1% for art

**Date:** Wed, 2 Apr 2003 09:18:30 -0900

**From:** "Dan DeRoux" <d\_deroux@hotmail.com>

**To:** <Representative\_Bruce\_Weyhrauch@legis.state.ak.us>

Dear Representative Weyrauch,

As a lifetime Juneau resident of 51 years and a career artist here for 30 years. I EMPLORE you to save the State's 1% for art statute. It is not only an integral part of Alaska's culture, it is a valuable educational tool for many schools. This statute also offers a critical vehicle for the survival of many many artists in the state. There has been an exodus of artists from the state since the "oil days" were over, and the state should not further encourage this exodus by removing the statute. 1% for art in a year represents less than the cost of a mile of one of the Governor's proposed roads...and it goes a LOT further than a mile!

Thank you,

Daniel DeRoux

[Fwd: 1% for art-Winston Churchill]

**Subject:** [Fwd: 1% for art-Winston Churchill]  
**Date:** Wed, 02 Apr 2003 14:22:00 -0900  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

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**Subject:** 1% for art-Winston Churchill  
**Date:** Wed, 02 Apr 2003 12:42:01 -0900  
**From:** "daniel deroux" <d\_deroux@hotmail.com>  
**To:** Representative\_Bruce\_Weyhrauch@legis.state.ak.us

Dear Representatives,

Winston Churchill, in response to criticism of spending money on the arts during wartime, had replied "Then what are we fighting for?".

A civilization without art is not. You can quote me on that.

Daniel DeRoux

for a good time, go to [www.danielderoux.com](http://www.danielderoux.com)

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**Subject:** [Fwd: Fw: % for Art in Public Buildings Program- AS 35.27- House Bill 215]  
**Date:** Wed, 02 Apr 2003 14:21:06 -0900  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

please put this in the committee member's bill file.

Bruce

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**Subject:** Fw: % for Art in Public Buildings Program- AS 35.27- House Bill 215  
**Date:** Wed, 02 Apr 2003 11:58:49 -0900  
**From:** Donald Ricker <donaldricker@pci.net>  
**To:** Paul Seaton <Representative\_Paul\_Seaton@legis.state.ak.us>,  
Chairman Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@legis.state.ak.us>,  
HB215 Sponsor Bill Stoltze <Representative\_Bill\_Stoltze@legis.state.ak.us>

----- Original Message -----

**From:** "Linda Boochever" <lboochever@craciun.com>  
**To:** "HB215 Sponsor Peggy Wilson"  
**Cc:** <Robert\_Boochever@ca9.uscourts.gov>  
**Sent:** Wednesday, April 02, 2003 10:17 AM  
**Subject:** % for Art in Public Buildings Program- AS 35.27- House Bill 215

Dear Representative:

I am writing to express my strong opposition to the proposed House Bill 215 and that I understand will be discussed tomorrow morning in committee.

I was born and raised in Juneau. My parents came to Alaska in 1946 and lived here for more than 45 years. My mother, Connie Boochever, was a leader in the Arts in Alaska, a founding member and Chair or Vice Chair for eight years of the Alaska State Council on the Arts, founder of Juneau Little Theater, Juneau Art's and Humanities Forum, board member of the Alaska Repertory Theater, Arts Alaska and many other organizations and programs that benefited our entire state.

She along with many others campaigned tirelessly for many years to secure passage of Percent for Art in Public Buildings legislation which finally passed in 1975 as AS35-27. Well known for the success of our program, Alaska is joined by 29 other states that have instituted similar Public Art programs. The results of AS35.27 can be seen everywhere and are a legacy of my mother and those who worked so hard with her to assure that Alaska would always have a place for art and artists, to give our lives beauty and inspiration.

Public art helps support artists, and is a small investment to enhance the quality of life in our communities, which in turn attracts new business and residents to our state. The program also supports the Alaska State Council on the Arts Contemporary Art Bank that has over 600 pieces that are loaned to state and congressional offices for display. Local public committees decide on the art which is appropriate for their community, making the program truly PUBLIC ART.

I grew up knowing the meaning and importance of art in people's lives. For that I am grateful to my mother and to those legislators who also had the foresight to recognize its value. I would be ashamed to live in a state that didn't recognize the value that art and in particular this program has

given to all our residents. I urge you to refuse this bill in committee.

Linda Boochever  
Trustee, Alaska Arts & Culture Foundation  
8100 Majestic Court  
Anchorage, AK 99501

To: Representative Bruce Weyhrauch  
Alaska State Capitol  
Room 102  
Juneau, Alaska

From: Daniel DeRoux  
19191 Randall Rd.  
Juneau, Alaska 99801

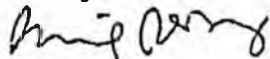
Re: 1% for Art

Date: April 2, 2003

Dear Representative Weyhrauch,

As a lifetime Juneau resident of 51 years and a career artist here for 30 years. I EMPLOYE you to save the State's 1% for art statute. It is not only an integral part of Alaska's culture, it is a valuable educational tool for many schools. This statute also offers a critical vehicle for the survival of many many artists in the state. There has been an exodus of artists from the state since the "oil days" were over, and the state should not further encourage this exodus by removing the statute. 1% for art in a year represents less than the cost of a mile of one of the Governor's proposed roads...and it goes a LOT further than a mile!

Thank you.



Daniel DeRoux

Chair and Members  
House State Affairs Committee  
Alaska State Legislature  
State Capitol (MS 3100)

HB 215

Written comments to follow up on oral testimony Friday, April 24, 2003 9am.

Page 1 Line 1. The Title as it stands is unclear and cumbersome.

5. Reducing the amount for art by lowering the bar is no real saving. Study after study show the economic benefits resulting from the % for Art laws in the U. S. alone.
7. The word "rural" needs rethinking. It is problematic.
8. There should be a clear statement of the reasons for differential in suggested funding.
14. We strongly urge that this money for maintenance be "additional to" rather than "from" the % for Art and that a cap to be set on the accumulated funds with provisions made for this money to be designated for additional works of art.

Page 2. Line 6. The ground stating Alaskan artists only to receive commissions has been gone over many times. It raises many questions.  
The conclusion usually reached is not to compromise quality by insisting on the residency of the artist.

Additional statement:

The % for Art program benefits all citizens of Alaska.

- It encourages tourism, an industry vital to the economy of every village and city in Alaska.
- It benefits school children in developing a learning environment in which they often participate and help create and therefore feel connected to.
- It supports and promotes all artists and their audiences in Alaska.

Respectfully submitted,

Pauline Lee, Pres.  
Petersburg Arts Council  
Box 251  
Petersburg AK 99833

HB 215

April 24, 2003

Christopher Constant  
P.O. Box 244283  
Anchorage, AK 99524

Representative Bruce Weyhrauch  
State Capitol, Room 102  
Juneau, AK 99801-1182

Dear Representative Weyhrauch and State Affairs Committee Members,

My name is Christopher Constant, and I am an artist living in Anchorage. I am writing to respectfully express my opposition to House Bill 215, a bill to repeal the Public Art Statute. I wish that I could be testifying today, however I will be working when your committee meets, and I will not be able to be there. I cannot express in these small words how much this program means to me as an individual, and a citizen of the great state of Alaska. I will do my best.

I listened to the telecast of the committee hearing on April 3, 2003. Representative Stoltze clearly stated in his testimony that he proposed this bill not as a protest to the emotional value of the artwork, but to bring light the economic impact that the statute has on the state budget. The percent for art programs statewide have a very real economic impact on individual artists, on local merchants selling the supplies and equipment needed to construct the art, on engineers and architects required to certify these projects, and even on families living in proximity to the facilities, as the public art improves the quality of life in the neighborhood.

Not only that, Percent for Art Commissions at public facilities often enhance property values, increase tax resources, and develop overall profitability for communities. The financial resources invested by the legislature are magnified, reinvested in the community, and result in substantial capital products, Art! Art that lasts for the life of the building. These commissions should in fact be considered capital from a construction perspective. They are integrated into the building. The money is not just spent and then gone, but rather, it is spent, reinvested, and the impact is felt for many years. These pieces of art make a direct contribution to urban and rural economies

After listening to the previous committee hearing, I understand that there may be problem with the organization, administration, and oversight of this program and the dedicated funds. I fully support setting in place benchmarks that will allow the legislature to concretely measure the costs and benefits of this project. But please do not eliminate this 100% positive program that improves so much.

I will close this letter by quoting Robert Lynch, president of Americans for the Arts...

Understanding and acknowledging the incredible economic impact of the arts, we must always remember the fundamental value of the arts. They foster beauty, creativity, originality, and vitality. The arts inspire us, sooth us, provoke us, involve us, and connect us . . . but they also create jobs and contribute to the economy."

Representative Weyhrauch, and esteemed representatives, I respectfully request that you hold House Bill 215, keeping it from moving out of this committee. Thank you very much for taking time to read my testimony.

Sincerely,

Christopher Constant

As a postscript, I hope to address one thing that I heard in the committee before. As I understand it, when a prison is built, or any other semi-public facility, the Percent for Art commission is calculated only for the portion of the building that is actually public, not prison cells, for example. The waiting rooms, and such are the only portions of the building that are calculated in that one percent allocation.

Please browse some of the art commissions made in Anchorage, by the Municipality of Anchorage  
[http://www.anchoragemuseum.org/mww\\_browse.asp](http://www.anchoragemuseum.org/mww_browse.asp)

If you would like to read about the national impact of arts funding, you can see some concrete data at the website of Americans for the Arts  
[www.americansforthearts.org/economicimpact](http://www.americansforthearts.org/economicimpact)

Thanks.

Christopher Constant

P.O. Box 244283 ∞ Anchorage, AK 99524 ∞ (907) 258-3328 ∞ [constant@uci.net](mailto:constant@uci.net)

**Donald Ricker**

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**From:** "Donald Ricker" <donaaldricker@gci.net>  
**To:** "Alaskan Art Enthusiast" <ArtSceneAK@exegy.com>  
**Sent:** Wednesday, April 30, 2003 10:12 AM  
**Subject:** 'Amended' HB215 Still Repeals % for ART in ALASKA

Respected Patrons, Subscribers, and interested readers of ArtScenesAK —

In keeping with our Orwellian times, the Act to Repeal AS 35.27 is now a lot of highminded talk seemingly empowering the Alaska State Council on the Arts with some of the authority it needs to improve its administration of this Statute providing for Art in Public Places while it actually contains language in Sec. 4 EXPLICITLY REPEALING AS 35.27 without replacing it with any authority for the State to continue this popular program, known as % for Art.

Here is the text of the bill, sponsored by the same Stoltze, Walker, and Wilson gang, which must NOT make it out of committee:

<http://www.law.state.ak.us/pdf/23/Bills/HB0215A.PDF>

This is a mean-spirited effort to eliminate beauty from our public places and to limit state art to war memorials only, that does not deserve serious discussion because of its duplicitous nature. It is far better to leave the good statute in place than to allow this mean 'improvement' to be considered by the full legislature.

If you support the benefits and righteousness of the present program, please fax a brief statement of support for AS 35.27 and condemning HB215 to the members of the State Affairs Committee listed below, who meet Thursday May 1, 2003 to consider this pernicious language.

Sincerely, DRR  
<http://www.exegy.com>

BTW: I guess you can tell how I feel about it!

**Subject:** [Fwd: I Oppose HB 215 - Repeal 1 Percent for Art]  
**Date:** Fri, 11 Apr 2003 09:59:54 -0800  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

bill file

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**Subject:** I Oppose HB 215 - Repeal 1 Percent for Art  
**Date:** Fri, 11 Apr 2003 13:05:57 EDT  
**From:** MKathH@aol.com  
**To:** Representative\_Bruce\_Weyhrauch@legis.state.ak.us

Dear Representative Weyhrauch:

Congratulations on your election and thank you for your positive representation of our community.

I urge you to oppose HB 215-Repeal 1 Percent for Art. The art in our airports, schools, and other public buildings makes a positive statement about who we are as a society in general and more specifically as Alaskans. It serves the purpose of uplifting spirits and teaching about the unique aspects and spirit of our state.

I would no more wish for our public buildings to be devoid of art than I would my private home. The 1 percent for art program is a valid use of public resouces in good times and bad.

Sincerely:

Jim Heumann  
11070 Sundown Drive  
Juneau, Alaska 99801

[Fwd: I Oppose HB 215 - Repeal 1 Percent for Art]

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**Date:** Fri, 11 Apr 2003 09:59:54 -0800  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

bill file

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**Subject:** I Oppose HB 215 - Repeal 1 Percent for Art  
**Date:** Fri, 11 Apr 2003 13:05:57 EDT  
**From:** MKathH@aol.com  
**To:** Representative\_Bruce\_Weyhrauch@legis.state.ak.us

Dear Representative Weyhrauch:

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Sincerely:

Jim Heumann  
11070 Sundown Drive  
Juneau, Alaska 99801

**Subject: 1% for art**

**Date:** Thu, 03 Apr 2003 13:34:03 -0900

**From:** Dylan Thomas <kiwiDylan@netscape.net>

**To:** ginny\_austerman@legis.state.ak.us

I am writing this email in support for the 1% for art program. I believe that it would be a step back in the evolution of art and culture in this state to take away one of only a few avenues for artists and the public to enrich there lives with art. Historians measure the advancement of cultures over the centuries by the quality and proficiency of art. All the best in saving this great program and lets make it 2%.

Dylan Thomas  
1045 C St.  
Anchorage  
Alaska 99501

Don't cut funding for the arts!

**Subject: Don't cut funding for the arts!**

**Date:** Fri, 4 Apr 2003 09:13:55 -0900

**From:** "Gordon Howell" <GHowell@ruralcap.com>

**To:** <ginny\_austerman@legis.state.ak.us>

I am writing in response to the proposed bill to cut funding for the arts. Please don't do this! The positive influence of the arts spreads far and wide and positively influences all people. The urge to create art is inherent in the human race, and all cultures have expressed this urge since time immemorial. It is one of the primary identifying cornerstones of any given culture of people. The positive effect on all-children through elders, men and women, all races and cultures-is priceless. I strongly urge you to take action that enhances and supports the arts, not curtails them. Don't do this to the people of Alaska.

Respectfully, Gordon Howell

**Subject:** [Fwd: Less than 1 %]

**Date:** Thu, 03 Apr 2003 11:43:37 -0900

**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

please put in the bill file.

---

**Subject:** Less than 1 %

**Date:** Thu, 03 Apr 2003 10:34:20 -0900

**From:** "WANDA SEAMSTER" <anwes@uaa.alaska.edu>

**To:** Representative\_Bruce\_Weyhrauch@legis.state.ak.us,  
"sandy\_gillespie@eed.state.ak.us" <sandy\_gillespie@eed.state.ak.us>,  
Hal Gage <halgage@alaska.net>, youngjh@ci.anchorage.ak.us

Dear Representative Weyhrauch,

I understand that there is a move afoot to repeal the % for Art program. I know several reasons why it is an ineffective means to combat capital expenditures.

The % for Art program does not take all building costs into account when fixing the art allotment.

Design fees, many change orders, and other costs are not included; the result is that the 1% for Art program usually amounts to .3 to .5% of the building costs (not a substantial amount of capital expenditures).

The % for Art does not decrease the costs of the structures; the building budget will simply allot the monies for other costs, possibly overruns or change orders. No monies will be saved, only reassigned.

The % for Art program does not apply to all capital projects. Warehouses, some utility facilities, and other kinds of structures are not part of the program. UAA considers the program optional at its own discretion; UAF considers it very important and applies it to its capital projects. Bradley Lake dam did not use the program (it was built in an isolated area) while fish hatcheries near Seward used the program. It would be illogical to calculate the "savings" (reallotment) to all capital projects or major maintenance projects--that would give the public the idea that much much money is being saved by eliminating this program and that simply is not true.

The % for Art program is one of the most successful "Local Hire" programs in Alaska. While other local hire programs are subject to litigation, lack of local expertise, or reliance on seasonal help, the % for Art program gives opportunities to Alaska artists.

This program keeps our school, civic, and public service buildings from resembling Wal-Mart stores. Concrete block abounds in Alaska; only architectural sensitivity and public art prevent us from looking like a series of block stores.

This program produces very good results for small costs. Art choices for these projects are the result of committees formed by the users, community members, and the architects, making this program a successful way of allowing citizens input into a public decision.

Please find more productive ways to cut budgets that this small amount. If you think that small amounts are the way to approach budget cuts, let

me suggest a few alternatives:

Computers for state administrative offices cannot be replaced any faster than every five years, the exception being shared data bases such as those for the police and troopers. This would extend the life of office computers and keep costs lower.

State vehicles should be given longer life use and specified with fewer options and less engine power, saving money and gas.

Legislative representatives, serving as examples for Alaska citizens, reduce per diem for themselves by .5 to 2%.

Thank you for your time. I would appreciate a timely response from you or your staff, if possible.

Wanda Seamster

Member, API Percent for Art Program  
Past member, Municipal Art in Public Places selection committees  
Graphic designer, UAA  
Anchorage artist

For State Affairs CS Language for HB 215 - % for Art  
4/22/03

1. **Exemption of correctional facilities, etc.** and other facilities that are not frequented by the public.
2. **Percent for Art (change):** \$10 million limit for 1% for art; ½% thereafter. Percent for Art will only apply to General Fund dollars; unless additional dollars from other funding sources are appropriated by the legislature. Specifying general fund dollars will let the agencies know the exact percent for art and resolve the difficulty in how it is currently being applied (some include federal funds, some don't) waiting for completion of the project - - total construction costs. Each session percent for art can be figured by the GF dollars appropriated; it will be obvious. This makes it easier for monitoring by audit, etc.
3. **Local hire** (Alaskan resident) focus strengthened (see page 2 of the fax which is from 1989 legislation).
4. **Monitoring.** All artwork \$500 and over must have an identification tag or some discernable tracking mechanism (building number if it is built into the structure) and be included in the state's fixed asset identification database. Otherwise, it must be identifiable (ex: incorporated into a building use the building number) - tagging of artwork and inclusion in annual inventory. All artwork not entered into the state system shall be monitored (ex: school district) and reported to ASCA and Legislative Audit on an annual basis. (At the time of the audit, the University only had moveable artwork costing more than \$2,500 listed.)
5. **Reporting on an annual basis to the Legislative Budget and Audit Committee** (and ASCA) an annual list of projects receiving percent for art; list of the artwork purchased with inventory tag reference, amount spent, amount set aside for maintenance (cleaning) of the artwork to keep up the value (this could be 5% of the price of the art into the art fund- ex: \$500 piece and \$50 would go into the art in public places fund maintained by the ASCA). Not all artwork will require cleaning (ex: rock, metal, etc. maintenance would be lower). All entities would have to work with the ASCA for restoration, etc. ASCA would be required to provide the amount spent on this with their annual budget each year.

1        The authorization may not be granted unless the building or facility  
2        is subject to substantial public use or the works of art will have  
3        substantial public visibility.

4        \* Sec. 3. AS 35.27.020(g) is amended to read:

5                (g) Each selection committee established under AS 35.27.021 [THE  
6        ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON

7        THE ARTS] shall encourage the use of state cultural resources in these

8        art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists  
9        for the commission of these art works who are residents of the state  
10       under AS 01.10.055. A work of art shall be identified by a permanent  
11       plaque installed on or near the work of art. The plaque must contain  
12       the name or title of the work of art, the name of the artist, and the  
13       year of completion.

14       \* Sec. 4. AS 35.27 is amended by adding a new section to read:

15                Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes

16        a work of art for a public school shall be selected by a majority vote

17        of a committee, with the approval of the school board. The committee

18        shall be composed of the superintendent or principal, one represen-

19        tative from the school district staff, and three members of the public

20        who reside in the community where the school is located. The presi-

21        dent of the school board or a designee shall provide reasonable public

22        notice that public member seats on the committee are available. The

23        school board shall select the representative from the school district

24        and the members of the public. The committee may consult with the

25        Alaska State Council on the Arts, the architect, and the project

26        manager administering the facility construction project.

27                (b) Except as provided in (a) of this section, an artist who

28        executes a work of art for buildings and facilities shall be selected

29        by a majority vote of a committee convened by the project manager

# LEGISLATIVE RESEARCH REPORT

APRIL 30, 2003



REPORT NUMBER 03.204

## ALASKA'S "PERCENT FOR ART" PROGRAM

PREPARED FOR REPRESENTATIVE BILL STOLTZE

BY KATHLEEN L. WAKEFIELD, LEGISLATIVE ANALYST,

You asked what percentage of construction funds have been allocated to the "Percent for Art" program during the past three years.

As you may know, the legislature created the "Percent for Art" program in 1975.<sup>1</sup> The law, AS 35.27.010, stipulates that a portion of the funds appropriated for capital projects for public facilities (including schools, office buildings, court buildings, and state ferries) be set aside for the purchase of works of art. At least one percent of a project's construction or renovation costs must be dedicated to purchase of art, although schools in Rural Education Attendance Areas (REAs) may reserve a lower amount (no less than one-half of one percent). If the project's costs are under \$250,000 or the project will receive minimal public use, the amount reserved for art is placed in the Art in Public Places Fund.<sup>2</sup> The Alaska State Council on the Arts manages this fund and uses it to acquire art for other public buildings or to provide additional monies to a project if the actual cost for a work of art exceeds available funding.<sup>3</sup>

During fiscal years 2000-2002, the legislature appropriated about \$3.6 billion for all capital projects statewide.<sup>4</sup> Of course, many of these projects were not for public facilities and did not qualify for the percent for art requirement. During that same time, the Alaska Court System and the Department of Transportation and Public Facilities (which also manages projects for other state departments) spent about \$1.1 million for art purchased under the "Percent for Art" program. This amount is less than one-half of one percent of the total authorized capital budgets for those years.

<sup>1</sup> For a more detailed legislative history of the "Percent for Art" program, you may wish to review Legislative Research Services Report 97.016, "Legislative History of Alaska's Percent for Art Program."

<sup>2</sup> AS 44.27.060.

<sup>3</sup> The Alaska State Council on the Arts' website contains additional information on the "Percent for Art" program, <http://www.educ.state.ak.us/aksca/visual.htm>.

<sup>4</sup> *Fiscal Summaries*, Division of Legislative Finance.

This \$1.1 million figure includes only two years' worth of expenditures by the Court System. During those two years, the Court System spent approximately \$8,000 for art. Expenditures vary from year to year, based on which projects are actually funded in the capital budget. In the previous two years (FY98-99), for example, the Court System spent almost \$279,000 for acquisitions under the "Percent for Art" program.<sup>5</sup>

The total figure for FY00-02, however, does not include amounts spent during those years for art for school construction and renovation projects. The Department of Education and Early Development does not track expenditures for art separately from other project costs, since school projects are managed by the individual school districts, and so was unable to provide us with firm cost figures. The department, which provides bond and grant funding to school districts for qualifying projects, spent almost \$584 million for school construction, renovation, and maintenance projects in FY00-02. Grant funding provides only 65 to 98 percent of the total project cost, so this figure is not the full construction amount.

However, based on the information for these projects provided by the department, we estimate that about \$3.6 million in state funds *may have been spent* on art for school projects for fiscal years 2000-2002. *Please note that this is our estimate only—actual expenditures may have been quite different.*<sup>6</sup>

It is important to note that there is no centralized repository of information on amounts spent for art in public places. For example, although the Alaska State Council on the Arts tracks expenditures for art on projects managed by the Department of Transportation and Public Facilities (based on information provided by the department!), other entities, such as the Alaska Court System and individual school districts, maintain their own accounting records on their projects.

With these exceptions, if we include our estimate for art in schools, the state may have spent approximately \$4.8 million on the "Percent for Art" program for fiscal years 2000-2002. This figure is just over one percent of the total capital projects budget for those three years.

Table 1 contains the amounts spent for art for capital projects by the Alaska Court System and the Department of Transportation and Public Facilities for fiscal years 2000-2002, as well as our estimates for the Department of Education and Early Development for those years.

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<sup>5</sup> Although for fiscal years 2000-2002 the Department of Transportation and Public Facilities spent almost \$1.1 million for art in public places, in the previous two years it spent only \$32,000.

<sup>6</sup> We arrived at the \$3.6 million estimate by calculating one percent for art for urban school construction and renovation projects, and one-half of one percent for REAA school projects funded (in part) by the department for FY00-02, based on amounts for the projects provided to us by the department. These amounts, of course, are not total project costs and do not include any federal or local funding sources. We excluded any projects that appeared to be maintenance work (roof repair or replacements, deferred maintenance, asbestos abatement, ADA upgrades, structural upgrades, fuel tank upgrades, etc.) and projects that were for technology installations or upgrades. Since the total funding for school projects is a mix of state, local, and sometimes federal monies, this estimate is probably lower than the actual amount spent for art in schools.

**Table 1: Expenditures for the "Percent for Art" Program, FY2000-2002**

Fiscal Year	Alaska Court System <sup>1</sup>	Department of Transportation and Public Facilities <sup>2</sup>	Department of Education and Early Development <sup>3</sup> (estimate)	Total
2000	\$5,000	\$240,614	\$1,190,530	\$1,436,144
2001	\$3,000	\$134,309	\$1,177,094	\$1,314,403
2002		\$698,722	\$1,327,531	\$2,026,253
<b>Total</b>	<b>\$8,000</b>	<b>\$1,073,645</b>	<b>\$3,695,155</b>	<b>\$4,776,800</b>

**Notes:** 1. The amounts listed in this table for the Alaska Court System are for the fiscal year in which funds were authorized, not the year in which the art was purchased. 2. The amounts listed for the Department of Transportation and Public Facilities are for projects for several state departments, and are for the years in which the actual expenditures for art were made. 3. The amounts listed for the Department of Education and Early Development are for certain school construction and renovation projects, and are for the year the construction funds were appropriated. By law, Rural Education Attendance Area (REAA) schools may allocate one-half of one percent to art, instead of the full one percent. *Please note: amounts for the Department of Education are estimates only, based on the amount of state grants or bonds allocated to the project and do not reflect total project costs. Total funding for school projects is a mix of state, local, and sometimes federal monies.* Actual project costs, including the amount spent for art, are accounted for by the individual school districts.

**Sources:** Alaska Court System; Alaska Department of Education and Early Development; Alaska State Council on the Arts.

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



REPRESENTATIVE BILL STOLTZE

Representative\_Bill\_Stoltze@legis.state.ak.us

FACSIMILE TRANSMITTAL SHEET

TO:	Kathryn Kurtz	FROM:	Representative Stoltze
COMPANY:	LAA Legal	DATE:	4/30/2003
FAX NUMBER:	(907) 465-2029	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:	(907) 465-2450	SENDER'S REFERENCE NUMBER:	
RE:	Revised CS for H (STA)	YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Kathryn:

Attached are changes that I have discussed with the Alaska State Council on the Arts. The changes we would like to incorporate are marked: A, B, C, D, E, and F. They appear to be straightforward and shouldn't be too time consuming.

A - Clarifies that the 5% set aside for maintenance will come from the 1% for art.

B - Reiterates that for projects exempt from % for art or not subject to substantial use, 1% must be deposited into the Art in Public Places Fund. This should specify it is only applicable to state funds (GF and GO bonds) also to make everything consistent.

C - For monitoring, adds photo documentation for use in the art bank database; better monitoring and provides recognition to the artists.

D - Specifies that the % for art is strictly on the amount of state funding set-aside for a project and does not include cost-over runs, etc. This would provide clear designated

funding for the % for art program and allow them to set aside funds at or prior to construction being initiated.

**E** – Again, clarifies that the 5% set aside for maintenance comes from the % for art; they've also made a request to capitalize the "Art in Public Places Fund" because it is a proper name.

**F** – This is a request to safeguard the funds appropriated to the AIPPF for maintenance. Two different methods appear to be possible (let me know if you have other suggestions.) One would be to have spending authority that fluctuates with the ebb and flow of the additional funds put into the Art in Public Places Fund for maintenance. Having some sort of revolving fund? For something this small, it may be overkill. It is my understanding that any lapsing funds could always be re-appropriated, but the concern if they were re-appropriated on an annual basis that the funds may end up going for some other cause. If you have any suggestions here, that would be helpful.

**Other issues** discussed during the hearing are the bonds and when this act takes effect, which we discussed over the phone. I will speak with the Representative who was interested in including the bonds passed in November and clarify the legal issues it may raise (agreements already negotiated, etc.).

One other issue that was broached was "**subject to substantial public use**" versus "**designed for**". Questions about the difference between the two were asked in the hearing and a definition of each is needed. We had talked about this a little bit and I recall we were trying to create consistency in the statutes. It appears to me you could have a structure that was designed for substantial public use but the building wasn't placed in an area with a significant population. Then, the building wouldn't be subject to substantial public use due to its location. (Prisons would fall under not subject to substantial public use to me.) The definition "subject to substantial public use" would fluctuate with the need for use of the building. Since the % for Art is appropriated off the total construction costs and before the building is actually in use, wouldn't the "designed for substantial public use" be the clearest wording to use?

Please let me know your thoughts on this one!

Following are the changes designated A,B,C,D,E,F with written comments.

Thanks for all your help!

Barbara



MEMO TO: Representative Stoltze, Barbara Bitney  
FROM: Charlotte Fox *Charlotte a fox*  
RE: CS for HB 215  
DATE: April 25, 2003

*\* Make change*  
**A, B, C, D, E, F**

I have included below some specific recommendations for language changes in the proposed legislation. I apologize if I gave the impression during our brief meeting on Wednesday afternoon that I completely understood and agreed with all the language in the Committee Substitute bill.

Below, we have not addressed concerns of the other State Affairs committee members that were specifically addressed to Ms. Bitney. Instead, we have analyzed the old language of both statutes and the new language, and have attempted to clarify some old misunderstandings about the way the two statutes work – or don't work – together.

*We need this to*

*Clarify the 5% needs to come out of the 10% for art*

*\* A*

**(New Language) section 1, relating to AS 35.27.020(c):**  
five percent of the "cost of each work of art" (line 14) needs to read five percent of the "total percent set aside for works of art"

*This would enable ASCA to reduce the number of expenditure transfers, as opposed to taking 5% of each piece of artwork*

*We want it left as it is but may change it later*

**(New Language) Sec. 2: AS 35.27.020(g) Alaska resident requirement**  
*The original language says that "selection of Alaskan artists shall be encouraged". As I explained in our meeting, for larger commissions, there is a limited pool of artists who are capable of doing the work. Also, there are Alaskan artists who earn money by doing Percent for Art commissions outside of Alaska. If we closed our commissions to only Alaskan artists, other states may do the same, therefore restricting employment. The reality is that – all other things being equal – Alaskan artists are almost always chosen to create the work.*

*Projects under \$250,000*

**(Existing Language) AS 35.27.020 (d)**  
*Also clarify only applicable to Fed Funds*  
For the purpose of clarification regarding the relationship between AS 35.27.020 and AS 44.27.06; add a sentence at the end of (d) that a building or facility exempt under AS 35.27.020 must comply with AS 44.27.060.

*Clarify only applicable to State Funding sources*

*We noticed that AS 35.27.020 made this exemption, but didn't make the department comply with AS 44.27.06*

**Alaska State Council on the Arts**

411 West 4th Avenue, Suite 1E, Anchorage, Alaska 99501-2343 • (907) 269-6610 • Fax: (907) 269-6601  
Toll Free: 1-888-278-7424 • E-mail: aksca\_info@eed.state.ak.us • Website: www.eed.state.ak.us/aksca

**C**

**(New Language) AS 35.27.022 (c)**

Please add a fourth part of the required report:  
(4) photo documentation (as specified by ASCA) of artwork

Like DOT control  
they communicate w/ASCA

DOT is a control we want to leave this

**(Existing Language) Sec. 4 AS 35.27.030 Definitions.**

(b)(2) was written before the procurement breakup, when DOT commissioner oversaw all construction. Therefore, we need to delete "commissioner" means commissioner of transportation and public facilities". Because now, I presume, this means the commissioner of the respective department in charge of construction.

Funds set aside @ beginning of projects

**D**

**(Existing Language) AS 35.27.030 Definitions. (B) (3)**

In the past, these construction costs have included cost overruns and change orders. We suggest that such costs be excluded from this legislation and we support a change in the definition of "construction cost" to make these costs "exclusive of" change orders and overruns.

Clarify w/Charlotte this is to make it easier to identify "total" const costs  
Yes!

new language

5% of all 1% for Art projects funding needs to go into Art Fund

**E**

**(New Language) Sec 6. AS 44.27.060 (e) lines 31-32**

As stated above, change "the cost of each work of art" to the "total percent set aside for works of art."

Also- could you please capitalize Art In Public Places Fund in that section, since it is a proper name?

One final concern is the annual appropriation for maintenance. Although I don't anticipate this, if there are funds to be carried over from one fiscal year to the next, I would appreciate an outline of how that will be accomplished. I am not familiar enough with the nuances of state government to fully comprehend this process. I am also mindful that we do not want this fund to grow too large.

Reappropriate that funding will be reappropriated to next fiscal year or increase the ASCA spending authority to grow and recede with fluctuation of AF

**F**

In closing, let me reiterate, Representative Stoltze, as I said in my testimony, how very much I appreciate your work to make this program better in many ways. My testimony before the committee was honest - I had not had sufficient time to review closely this new language. After more than 25 years of these two statutes living many times in conflict with one another, I feel strongly that we needed to examine this very close. Until I had done that, and consulted members of my staff and members of the Council, I could not, in good conscious, support the Committee Substitute.

Reappropriation of funds from one yr to next or create language to Eb + Flow w/ amt of \$ in the account due to adding maintenance (5% of I<sup>08</sup>) so ASCA can spend the funds on artwork before end of fiscal year or \$ appropriated to ASCA

TRANSACTION REPORT

APR-30-2003 WED 12:24 PM

FOR: REPRESENTATIVE STOLTZE 907 465 4928

SEND (M)

DATE	START	RECEIVER	PAGES	TIME	NOTE	M#
APR-30	12:22 PM	94652029	4	1' 47"	OK	38

HB

221

Bill pulled  
from calendar  
by sponsor  
prior to hearing

23-LS0886U  
Kurtz  
4/11/03

**CS FOR HOUSE BILL NO. 221( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE HOLM**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making it a class C felony to knowingly make a false statement relating to**  
2 **citizenship or residency on an application for voter registration or reregistration; and**  
3 **relating to evidence of citizenship."**

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

5 **\* Section 1. AS 15.07.060(a) is amended to read:**

6 (a) Each applicant who requests registration or reregistration shall supply the  
7 following information:

8 (1) name and sex;

9 (2) address and other necessary information establishing residence,  
10 including the term of residence in the state and in the district, if requested;

11 (3) whether the applicant has previously been registered to vote in  
12 another jurisdiction, and, if so, the jurisdiction and the address of the previous  
13 registration;

14 (4) a declaration that the registrant will be 18 years of age or older

1 within 90 days after [OF] the date of registration;

2 (5) a declaration that the registrant is a citizen of the United States;

3 (6) date of application;

4 (7) signature or mark;

5 (8) any former name under which the applicant was registered to vote  
6 in the state;

7 (9) an attestation that the information provided by the applicant in (1) -  
8 (8) of this subsection is true; and

9 (10) a certification that the applicant understands that a false statement  
10 on the application may make the applicant subject to prosecution for a felony or  
11 misdemeanor under this title or AS 11.

12 \* Sec. 2. AS 15.56.040(a) is amended to read:

13 (a) A person commits the crime of voter misconduct in the first degree if the  
14 person

15 (1) votes or attempts to vote in the name of another person or in a  
16 name other than the person's own;

17 (2) votes or attempts to vote more than once at the same election with  
18 the intent that the person's vote be counted more than once;

19 (3) intentionally makes a false affidavit, swears falsely, or falsely  
20 affirms under an oath required by this title;

21 (4) knowingly votes or solicits a person to vote after the polls are  
22 closed with the intent that the vote be counted; or

23 (5) knowingly makes a false statement relating to citizenship or  
24 residency while applying for voter registration or reregistration.

25 \* Sec. 3. AS 15.56.040 is amended by adding a new subsection to read:

26 (c) In a prosecution under (a)(5) of this section, any of the following  
27 documents are prima facie evidence of citizenship:

28 (1) a passport;

29 (2) a birth certificate;

30 (3) a certificate of United States citizenship or United States citizen  
31 identification card issued by the federal government;

1 (4) sworn affidavits knowingly given under penalty of perjury under  
2 AS 09.63.020 from two individuals attesting that the applicant is a citizen;

3 (5) a Bureau of Indian Affairs identification card or an Indian Treaty  
4 Card.

5 \* Sec. 4. AS 15.56.050(a) is amended to read:

6 (a) A person commits the crime of voter misconduct in the second degree if  
7 the person

8 (1) registers to vote without being entitled to register under  
9 AS 15.07.030;

10 (2) knowingly makes a material false statement, other than a  
11 statement relating to citizenship or residency, while applying for voter registration  
12 or reregistration; or

13 (3) votes or attempts to vote in an election after being disqualified  
14 under AS 15.05.030.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: HB221-Law-CDCO-1-9-2  
 Bill Version: HB 221  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act making it a class C felony to RDU Criminal  
knowingly make a false statement...voter registration or reregistration." Component Criminal Justice Litigation  
 Sponsor Representative Holm  
 Requester House State Affairs Committee Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill adds to the crime of voter misconduct in the first degree, a class C felony, knowingly making a false statement relating to citizenship or residency while applying for voter registration or reregistration.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughetee, Director Phone 465-3673  
 Division Administrative Services Date/Time 1/9/04 3:20 PM  
 Approved by: Kathryn Daughetee for Gregg D. Renkes, Attorney General Date 1/9/2004  
 Agency Department of Law

## **Support for HB 221**

### **Voter Registration Fraud**

Because of the Federal "motor voter act", Alaska is required to offer every drivers license applicant, the opportunity to register to vote. Currently a person with a valid license in another state (possibly with lower standards than our state) can come to Alaska and while changing their license they may fill out a voter registration form.

The current form reads, "WARNING: If you provide false information on this application, you can be convicted of a misdemeanor." I feel that a fraudulent statement of citizenship and residency in order to vote is deserving of more attention than a misdemeanor and that the penalty should give pause to the person considering the crime. Also, after having to consider the high cost of committing that crime, the individual who proceeds, more clearly demonstrates his/her malicious intent.

Though this law may at first seem to be dangerous or worrisome, keep in mind that a conviction should never arise or be applied in the case of an actual (at the time) citizen or resident because at some point documentation or simple accumulation of affidavit and sworn testimony in court will prove out.

Only American citizens should vote for or against United States office holders and it's laws. Please join me in supporting this truth. A thruth which is spoken to in our greatest documents.

Alaska Constitution states, "Every citizen of the united states who is at least eighteen years of age, who meets residency requirements... and who is qualified to vote under this article..."

United States Constitution states, "Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States..." (14<sup>th</sup> Amendment)

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state..." (15<sup>th</sup> Amendment)

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 221  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title "An act making it a class C felony to knowingly BRU Elections  
make a false statement relating to citizenship on a or... Component Elections  
 Sponsor Representative Holm  
 Requester House State Affairs Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The division historically revises and reprints forms annually to accommodate any changes to Alaska's laws affecting elections. The division feels that we can absorb the costs for reprinting the necessary forms associated with this bill as long as it is within the normal forms revision cycle. If the forms need to be reprinted outside the normal revision cycle, it will cost the division an additional \$1,500.

Prepared by: Lauri Allred Phone \_\_\_\_\_  
 Division: Division of Elections Date/Time 4/8/03 4:45 PM  
 Approved by: Laura A. Glaiser, Director/LJP Date 4/8/2003  
 Agency: Division of Elections

STATE OF ALASKA
VOTER REGISTRATION APPLICATION / CHANGE FORM
Revised March 5, 2002

NOTE: This is not an electronic form.
Print it, complete it, then it can be mailed, faxed or hand-delivered.
It can be used to register to vote or to change your registration information.

1. Name (Last, First, MI, Suffix): \_\_\_\_\_

2. Previous Name: \_\_\_\_\_

3. Alaska Residence Address (DO NOT USE PO, PSC, HC or RR Box): \_\_\_\_\_

4. Mailing Address (include zip code): \_\_\_\_\_

5. Optional, confidential information, for identification only: FOR OFFICE USE ONLY:

Alaska Voter Number: \_\_\_\_\_
Social Security Number: \_\_\_\_\_
Place of Birth: \_\_\_\_\_
Date of Birth (MO/DD/YR): \_\_\_\_\_
Daytime Phone Number: \_\_\_\_\_
Evening Phone Number: \_\_\_\_\_
VN \_\_\_\_\_
D/P \_\_\_\_\_
Codes/Comments/Init \_\_\_\_\_
Received Date \_\_\_\_\_

6. Gender: [ ] Male [ ] Female
7. Affiliation: [ ] Alaska Democratic Party [ ] Alaska Libertarian Party [ ] Alaskan Independence Party [ ] Green Party of Alaska [ ] Republican Moderate Party
[ ] Republican Party of Alaska
[ ] non-partisan (no party affiliation)
[ ] undeclared (no party declared)
[ ] \_\_\_\_\_

8. I am currently registered to vote in another state; please cancel that registration (City, State, County, Zip Code): \_\_\_\_\_

9. If you need special assistance, indicate the type of assistance needed: \_\_\_\_\_

10. [ \_ ] Check this box if you would like to serve on an election board. Phone \_\_\_\_\_

11. Voter Certification: I certify, under penalty of perjury, that: I am a United States Citizen; I am a resident of Alaska; I will be at least 18 years old within 90 days of this registration; I am not a convicted felon (unless unconditionally discharged); and I am not registered to vote in another state, or I have included the necessary information to cancel that registration. WARNING: If you provide false information on this application, you can be convicted of a misdemeanor. AS 15.56.050
RELATIVE TO CITIZENSHIP OR RESIDENCY

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

MAKE A FELONY UNDER AS 15.56.040

Mail this form to the office nearest you:
Region I Elections Office Region II Elections Office

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—

(A) IN GENERAL.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:

(i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

(B) INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of

Notification.

# HELPING AMERICA VOTE



After more than 200 years of voting, the United States is about to make a massive investment in the neglected elections infrastructure. The feds have made a down payment, but will all the money be there?

By Tim Storey

Every vote counts.

Nobody has to remind Wyoming Representative Liz Gentile of that. When the votes were tallied in her race for Wyoming House District 36 last fall, the Associated Press reported that she lost—by just one vote.

When she called the courthouse to confirm, she was thrilled to learn that she had, in fact, won by one vote. "I always said to people, your vote does count," says Gentile.

The story, of course, didn't end there. First, there was the inevitable recount that gave her two more votes. Then county elections officials discovered "voting irregularities." Thirteen people were given the wrong ballot and shouldn't have voted for District 36 representative. With the margin of victory being only three votes and no way to determine who the 13 incorrect voters had chosen, the state canvassing board ordered a new election. This time Gentile won by a more convincing 323-vote margin.

"In a way, I'm glad it was so close because it let people know that every vote really does matter," she says.

Murky elections are nothing new, and although the election for Wyoming House District 36 was not as high profile as the 2000 presidential election, both reveal a pressing need for a major restructuring of the way elections are administered. From outdated voting equipment to a chronic shortage of qualified election workers, the infrastructure has been crumbling from a lack of attention and funding.

Many states started to identify critical areas for improving the process after the 2000 election. More than half appointed a special task force or committee to examine every aspect of elections. Numerous national organizations, including the National Conference of State Legislatures, contributed to the debate by offering recommendations on how to improve the process.

## MAJOR REFORM FROM WASHINGTON

A few states, including Florida, Georgia and Maryland, enacted sweeping reforms in 2001 and 2002, complete with major cash infusions. Others pursued low cost fixes like clarifying voter intent and



Representative  
Liz Gentile  
Wyoming

recount procedures. Most states, however, were holding back and waiting for a big investment in elections by the federal government. Would Congress follow through on its rhetoric and enact meaningful reform backed up with desperately needed federal dollars?

True to its word, Congress passed landmark election reform with broad bipartisan support just three weeks before the 2002 general election. The 161-page law addresses most, if not all, of the problems that led to the 2000 Florida debacle. And it authorizes more than \$3.8 billion in federal money (only partially appropriated) to shore up the election process and infrastructure.

"The administration of elections is primarily a state and local responsibility," President Bush said when he signed the Help America Vote Act of 2002 (HAVA) last October. "The federal government will help state and local officials conduct elections that have the confidence of all Americans."

Ohio Congressman Bob Ney, a key sponsor of the legislation, called it a move forward with "real reform and real solutions that will ensure America's voting system is the best in the world."

The law requires states to reform numerous aspects of the way elections are run. Of course, some of the updates are extremely costly, so a big question remains whether Congress will fully appropriate the promised \$3.8 billion and when?

"This must not turn into another unfunded mandate from Washington," says New Mexico House Elections Committee Chair Representative Ed Sandoval. "The federal money appropriated in February is a great start, but states like New Mexico are counting on Congress to make good on its promise."



Representative  
Ed Sandoval  
New Mexico

## PAYING FOR REFORM

Full funding is far from assured despite a promising up-front investment from Congress in February. Just when states were starting to get nervous, Congress made a substantial down payment with the FY 2003 omnibus budget bill. The long overdue bill appropriated \$1.5 billion for election reform. This money will help states get started in earnest with some of the early mandates. Uncertainty remains as to future full funding. The president's FY 2004 budget request has only \$500 million for elections reform, far short of the

Tim Storey is NCSL's elections and redistricting expert.

## COMPLYING WITH THE HELP AMERICA VOTE ACT

There was an enormous surge in state election reform legislation after the 2000 Florida presidential election. The high volume continues this session, with a new twist—many state legislatures are looking at what their state must do to comply with the new Help America Vote Act.

States didn't wait on the federal government to release money for HAVA before they acted—at least 28 introduced compliance bills in advance of the federal funding. Some are comprehensive bills that seek to bring most sections of the state's election code into line with the federal act—Arizona, Idaho, Indiana, Mississippi, Missouri, New Hampshire, New Jersey and Oregon have such bills. Pennsylvania has already passed a comprehensive compliance bill.

These comprehensive bills address voter registration, provisional voting, centralized statewide voter registration systems, voting systems, voter intent, funding, chief election official responsibilities, voter identification and more.

Other states are addressing a narrower section of the voting act. For instance, Colorado has a bill to update its statutes on military and overseas voters. Illinois may update its provisional voting regulations. Nebraska is considering creating a uniform statewide voter registration database. And Utah has a bill to update its voter registration procedures. Nine states have taken the basic first step of creating a fund to receive federal money disbursed under the voting act.

NCSL's database of election reform has been updated to make searching easier. Visit the database at [www.ncsl.org/programs/legman/elect/elections.cfm](http://www.ncsl.org/programs/legman/elect/elections.cfm) and select the topic "HAVA Compliance" to view a full list of these bills.

### STATES WITH HAVA COMPLIANCE LEGISLATION IN 2003

Arizona	Mississippi	Rhode Island
Colorado	Missouri	South Dakota
Hawaii	Montana	Tennessee
Idaho	Nebraska	Utah
Illinois	New Hampshire	Virginia
Indiana	New Jersey	Washington
Kentucky	North Dakota	West Virginia
Maryland	Oklahoma	Wyoming
Massachusetts	Oregon	
Minnesota	Pennsylvania	

—Jennifer Bowser, NCSL

\$1.5 billion originally authorized for 2004.

"The biggest hurdle, or uncertainty, to date has been the money," says Doug Chapin of [electionline.org](http://electionline.org), an information clearinghouse set up after the Florida disaster. "States can't plan without the money, and can't get the money without a plan."

The new money from Congress includes \$650 million in "early money" to be paid to states based on population. That money is intended for planning, new equipment and general improvements, and it comes with relatively few strings and no required match from the states. An additional \$850 million will be distributed as federal grants with a 5 percent match.

States are optimistic that the total amount promised will eventually be available. In mid-February, bills were pending in at least 10 legislatures to establish the special election funds required by the new law. At least two states, Hawaii and Wyoming, were already looking at setting aside enough money to meet the state matching requirements. Another 15 states were examining major pieces of legislation to comply with the act.



Senator  
Hob Bryan  
Mississippi

Mississippi Senator Hob Bryan, chair of the Senate election committee, is pushing legislation in the Magnolia State to implement the federal voting act. "The most difficult thing for us is not necessarily the money, but deciding how to implement the federal law. However, the money gets us off square one and started on real reform." Mississippi's share of the federal money could be well over \$35 million.

The sobering fact is that no matter what level of funding ultimately comes from the feds, the voting act requires states to make a number of fundamental changes in how elections are run. Some states, like Florida and Georgia, are in relatively good shape thanks to reforms enacted in the past two years. Others have a daunting task ahead with some onerous deadlines looming.

"States must get going immediately on planning and making the necessary statutory changes to comply with the law," says Leslie Reynolds, executive director for the National Association of Secretaries of State.

### WHAT'S REQUIRED?

If your legislature is not already looking at the election code side by side with the HAVA, make it a priority; the law mandates considerable changes for almost every state.

One of the first things to look at is a voter registration database. The federal law requires states to install a computerized, uniform, centralized, interactive, statewide voter registration database by 2006. "This will be the biggest challenge for many states," warns Reynolds.

Only 10 states have a fully unified system, according to [electionline.org](http://electionline.org). Eleven have essentially no system at all. At least eight states are moving quickly toward a statewide system, including Pennsylvania, which passed a HAVA compliance bill in December. (North Dakota is exempt because it does not require any voter to register before voting.)

Glenn Newkirk, president of Infosentry, a North Carolina company that helps states and counties develop voter registration systems, notes that the new requirements will be very complex, rivaling the largest IT systems that states presently operate.

It's simply "a huge system," says Newkirk. He also points out that some "80 percent of large technology projects come in late, over budget or fail outright." He says states must start developing systems now. And "legislators must get involved early so they don't have sticker shock when they see the final costs of installing and maintaining them." Finally, Newkirk observes that this provision represents a "massive shift in election administration from local governments to the states."

Another big-ticket mandate is improving access for disabled voters. The new law requires states to offer at least one fully accessible voting machine at every polling place. The equipment must allow the disabled to vote without assistance and in private. There were more than 187,000 precincts for the 2002 election, according to Washington-based Election Data Services, and now accessible equipment will have

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

to be purchased for the majority of those polling sites. The new law also authorizes \$100 million in federal grants to improve access to the polling sites and train election workers to assist disabled voters. This reform may have the most direct impact on voting. "The nation's disabled will see a huge change in how they vote," says Doug Lewis, executive director of the Houston-based Election Center.

#### UPGRADING EQUIPMENT

Voting machines and systems get full attention in the new legislation. Early money can be used to replace antiquated lever and punch card machines, used by more than 36 percent of Americans, according to a 2002 report from Election Data Services.

The federal act also requires that all systems allow voters to check their ballot for errors before leaving the polling place. Voters must be able to correct ballots if they discover that they have "overvoted" (selected two candidates for one office). States are required to define in law what constitutes a vote on any system being used—something many have already done.

The most controversial aspect of the new bill may be its fraud prevention measures. "Politically, the voter ID provision could be difficult, very divisive and partisan," says Chapin. Under the new law, states must ask new registrants for either a driver's license number or the last four digits of a Social Security number. If they haven't either, the state will assign them a unique identifying number. Voters who register by mail must either enclose a copy of positive identification, such as a driver's license or electric bill or they will have to show identification when they show up to vote. Some civil rights groups fear the voter ID requirements could discourage voters from going to the polls. While the National Association for Advancement of Colored People was generally pleased with the final version of election reform, it has reservations about the ID section. In an alert to members it said: "Many low-income Americans do not have a photo ID. In some ways, this adds an additional burden to first-time voters akin to the poll taxes that were eliminated in the 1965 Voting Rights Act."

#### MORE INFORMATION ON THE WEB

For a complete and detailed summary of the Help America Vote Act, prepared jointly by NCSL and the National Association of Secretaries of State, go to NCSL's elections homepage at: [www.ncsl.org/programs/legman/elect/elect.htm](http://www.ncsl.org/programs/legman/elect/elect.htm). The site features a database of pending and enacted state legislation from the past three years dealing with all facets of election reform.

NCSL is planning an early summer conference to help legislators and state policymakers discuss best practices for effectively implementing the voting act. The Web site will have more details about the conference. It includes links to many other useful sites on election reform, like [www.electionline.org](http://www.electionline.org) that offers up-to-the-minute news and analysis on election reform.

The new law also requires all states to establish a complaint process for voters who feel their rights were violated. Grievances will have to be submitted in writing and notarized. The law spells out a tight timetable for states to hear complaints and address them.

#### NEVER TURNED AWAY AGAIN

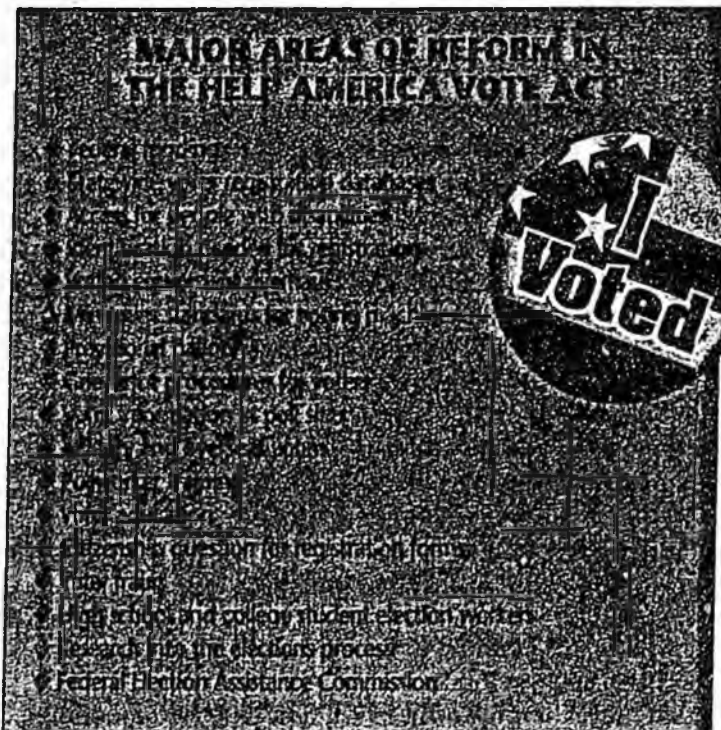
Voters should never be turned away from the polls again. The law mandates that states establish provisional voting that allows citizens to cast ballots even if their names don't show up on precinct lists. Elections officials would then review each provisional ballot to determine the voter's eligibility. Lewis says this is a reform that most states should enact swiftly. "Provisional voting shouldn't cost that much on the front end," he says.

A series of smaller, yet crucial, reforms also are part of the act. They call for better pollworker training, improved voter education, outreach efforts to high school and college students, guidelines for overseas and military voting, and increased voter information at polling sites. The National Association of Secretaries of State's Reynolds fears that these vital programs could get shortchanged if funding is not adequate. "I don't know if the states will be able to follow through on voter education, pollworker training and reforms like that if the federal commitment is not what was promised," she says.

#### NEW COMMISSION

The Help America Vote Act sets up a new federal Election Assistance Commission of four full-time, bipartisan commissioners appointed by the White House. This commission will receive state plans for using the HAVA money and issue voluntary guidelines on how to comply. The law also sets up two advisory boards to the commission including a 37-member board that will have two members appointed by NCSL. The commission is expected to spearhead research on the American election process and is required by law to conduct several specific studies immediately, including one on how "human factors" affect the conduct of elections.

That brings us back to Wyoming Representative Gentile. When asked if this new federal reform bill will guarantee that her election scenario was a one-time occurrence, she seemed skeptical saying, "Any time you have humans involved in the system, there's potential for error." The Help America Vote Act will undoubtedly improve things, but who knows when another perfect storm will converge to throw an election into chaos.



Many items that *could* be used to obtain a state license or I.D. card, do not actually show citizenship. Keep in mind that no states require citizenship to obtain a license but because of motor voter, most states are required to offer the registration form to all applicants.

The attached pages describe the documents that can be offered to obtain a license.

<b>State of Alaska Division of Motor Vehicles Standard Operating Procedures</b>	SOP No. D-20	Page No. 1 - 3
	Effective Web Site	
<b>Subject:</b>  <b>IDENTIFICATION AND PROOF OF DATE OF BIRTH</b>	Supersedes D-20	Dated 6/1/00
	Approved	
<b>Statute: AS 28.15.061</b>	<b>Regulation: 13 AAC 08.330 (b)</b>	<b>Form No.</b>

**ORIGINAL ALASKA DRIVER'S LICENSE or IDENTIFICATION CARD**

Every person who makes an original application for a driver's license or permit must furnish documentary proof of his/her date of birth (See Primary Identification Documents) and at least one form of identification to verify his/her name (See Secondary Identification Documents). IF A PERSON HAS A VALID PHOTO DRIVER'S LICENSE ISSUED BY A STATE DMV, NO OTHER IDENTIFICATION IS REQUIRED.

**CERTIFICATION BY CORRECTIONS, PROBATION OR ALASKA CHILDREN'S SERVICES IS NOT ACCEPTABLE.**

**PRIMARY IDENTIFICATION DOCUMENTS**

1. An original or certified copy of a United States or Canadian birth certificate. The certificate must have a raised seal and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and baptismal certificates are not acceptable.
2. Canadian Department of Indian Affairs issued identification card. (Tribal issued card is not acceptable. A U.S. issued Department of Indian Affairs card is not acceptable.)
3. Court order which must contain the individual's full name, date of birth and court seal. Some examples include an adoption document, a name change document, gender change document, etc. It does not include an abstract of criminal or civil conviction.
4. Drivers license/permit issued by a State/Canadian DMV. Cannot be expired over one year.
5. Identification card issued by a State or Canadian DMV. Cannot be expired over one year.
6. Microfilm/copy of a drivers license issued by a State or Canadian DMV, provided it has been certified by DMV.
7. Microfilm/copy of an identification card that has been certified by the issuing DMV.
8. Military identification card for active duty, retiree or reservist. (Service member only. Dependent military ID's are not acceptable as a primary document.)
9. Passport - U.S. or Canadian.
10. Report of Birth Abroad by a Citizen of the United States, issued by a U.S. consular officer.
11. The following Immigration and Naturalization Service (INS) documents are acceptable. The document must be an original and expired documents are unacceptable:
  - a) Certificate of Naturalization (N-550, N-570, or N-578)
  - b) Certificate of Citizenship (N-560, N-561, or N-645)
  - c) Northern Marianas Card
  - d) American Indian Card
  - e) United States Citizen Identification Card (I-179 or I-197)
  - f) Resident Alien Card or Permanent Resident Card (I-551)
  - g) Temporary Resident Card (I-688)
  - h) Arrival-Departure Record (In a valid foreign passport) (I-94)
  - i) Valid foreign passport containing an I-551 stamp
  - j) Re-entry Permit (I-327)
  - k) Refugee Travel Document (I-571)

- l) Employment Authorization Card or Employment Authorization Document (I-688A, I-688B, or I-766)
- m) Arrival-departure Record stamped "Refugee" (I-94) (Refugee's I94 will not likely be in a foreign passport)
- n) Canadian Immigration Record and Visa or Record of Landing (IMM 100).

### SECONDARY IDENTIFICATION DOCUMENTS

1. All primary documents
2. Bureau of Indian Affairs card or an Indian Treaty Card. (Some tribal cards are more reliable than the BIA card. DMV's can make their own determination.)
3. Driver license or ID card that has been expired over a year.
4. Court order that does not contain the applicant's date of birth.
5. Photographic employer identification card.
6. Foreign birth certificate.\*
7. Foreign passport.\*
8. Health insurance card [Blue Cross/Shield, Kaiser, Aetna, or a Health Maintenance Organization (HMO)].
9. Internal Revenue Service (IRS) or state tax form. A W-2 form is not acceptable.
10. Marriage license or certificate.
11. Individual's medical records from a doctor or a hospital.
12. Military dependent identification.
13. Military discharge or separation papers. (DD214)
14. Parent or guardian affidavit for minors, only. The parent or guardian must appear in person and prove their identity and submit a certified or notarized affidavit regarding the child's identity.
15. Gun permit.
16. Pilot's license.
17. Certified school record or transcript.
18. Social Security card (D-17). A metal card is not acceptable.
19. Photographic school identification card.
20. Vehicle title. A vehicle registration is not acceptable.
21. Welfare card.
22. Prison release document.

\*See the following page for further information on foreign documents.

### **LOST ALASKA DRIVER LICENSE/PERMIT/I.D. CARD REQUIREMENTS:**

- Two items from either the primary or secondary identification document list. In offices with ALVIN terminals the information on the computer may be used in place of one of the items provided the person can verify address, date of birth, place of birth, Social Security number and the physical description matches.
- Offices without computer terminals must contact a terminal office to verify that the status of the license is clear, in addition to the requirement of two items.
- In extreme cases, you may request a photo of the applicant from the Department of Public Safety, OL Photos. Examples of extreme cases are when an applicant is the victim of a house fire or when all identification documents have been lost or stolen. In these cases, request the photo by e-mail or by calling OLPHOTOS. (Appendix D) Please include the full name of the applicant and their license or identification number, as well as the SSN and DOB, if available.

**NOTE:** Rent receipts, credit cards, and similar type documents are not to be used as proof of identity for issuance of an *original* driver license or ID card. They may be used for issuance of a duplicate OL or ID as a *last resort* and in conjunction with the ALVIN record.

**LOST OUT-OF-STATE LICENSE/PERMIT REQUIREMENTS:**

- Furnish documentary proof of his/her identity and date of birth, the same as for an original license.
- Obtain verification of their license status from the state the applicant is currently licensed in.
- A PDPS check is required to verify eligibility.

**ALTERATIONS**

Any document that contains an alteration that changes the name, date of birth, or other pertinent information will not be accepted.

**FOREIGN DOCUMENTS**

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**STATE OF ALASKA  
DIVISION OF MOTOR VEHICLES  
CERTIFICATE OF ACCURACY OF TRANSLATION**

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(NAME OF TRANSLATOR)

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(FOREIGN LANGUAGE)

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\_\_\_\_\_ for \_\_\_\_\_  
(DOCUMENT TYPE) (LEGAL NAME OF APPLICANT)

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_____ <small>ADDRESS</small>	
_____ <small>SIGNATURE</small>	_____ <small>DATE</small>

(8/2001) [www.state.ak.us/dmv/](http://www.state.ak.us/dmv/)

Cross Reference:

Appendix D - DMV Addresses

HB

228





# Representative Beth Kerttula

---

Alaska State Legislature, District 3  
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748  
E-mail: Representative\_Beth\_Kerttula@legis.state.ak.us • <http://www.kerttula.net>

## Sponsor Statement

### House Bill 228

***“An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date.”***

House Bill 28 would keep state employees who are fighting for our country, and their families, from suffering financial hardships by allowing the Governor to continue their salary and benefits. State of Alaska employees who volunteer their time with the Alaska National Guard, Alaska Naval Militia, and Alaska State Defense Force and are called to active duty would benefit from passage of this bill.

Our soldiers should not have to worry about whether their families will still have medical benefits and be able to pay the rent while they are on active duty. Governors of many other states already possess this authority and Alaska should join their ranks.

I appreciate your timely consideration of this bill.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: House Bill No. 228  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Military and Veterans Affairs  
 Title: State Employees called to active military duty BRU: \_\_\_\_\_  
 Component: \_\_\_\_\_  
 Sponsor: Kertulla Component No.: \_\_\_\_\_  
 Requester: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>
-----------------------------	-------------	-------------	-------------	-------------	-------------	-------------

<b>CHANGE IN REVENUES ( )</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>
-------------------------------	-------------	-------------	-------------	-------------	-------------	-------------

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

House Bill No. 228 states that "the governor, through an administrative order, may authorize state employees who are members of a reserve or auxiliary component of the armed forces of the United States, including the organized militia of Alaska, consisting of the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Defense Force, and who are called to active duty by the appropriate state or federal authority continue to receive the equivalent of their state compensation and some or all of their state benefits."

Prepared by: John Cramer  
 Division: Administrative Services  
 Approved by: General Craig Campbell  
 Agency: Department of Military and Veterans Affairs

Phone 465-4602  
 Date/Time 4/14/2003  
 Date 4/14/2003

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 228(MLV)  
 (H) Publish Date: 5/2/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Military and Veterans Affairs  
 Title State Employees called to active military duty BRU \_\_\_\_\_  
 Sponsor Kertulla Component \_\_\_\_\_  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>
-----------------------------	-------------	-------------	-------------	-------------	-------------	-------------

<b>CHANGE IN REVENUES ( )</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>
-------------------------------	-------------	-------------	-------------	-------------	-------------	-------------

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

House Bill No. 228 states that "the governor, through an administrative order, may authorize state employees who are members of a reserve or auxiliary component of the armed forces of the United States, including the organized militia of Alaska, consisting of the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Defense Force, and who are called to active duty by the appropriate state or federal authority continue to receive the equivalent of their state compensation and some or all of their state benefits."

Prepared by: John Cramer  
 Division: Administrative Services  
 Approved by: General Craig Campbell  
 Agency: Department of Military and Veterans Affairs

Phone 465-4602  
 Date/Time 4/14/2003  
 Date 4/14/2003

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 228(MLV)  
 (H) Publish Date: 5/2/2003

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: All  
 Title "An Act relating to state employees  
who are called to active duty..." BRU All  
 Component All  
 Sponsor Kertula, Lynn  
 Requester \_\_\_\_\_ Component No. All

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**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)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2003) cost: \_\_\_\_\_

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Current year funding requirements are unknown at this time.

Out year funding is indeterminate. There is no way to predict the number of emergencies for which an Administrative Order under the proposed legislation might be considered.

Prepared by: David Stewart  
 Division: Division of Personnel  
 Approved by: Mike Miller, Commissioner  
 Agency: Department of Administration

Phone 465-4431  
 Date/Time 5/2/03 12:53 PM  
 Date 5/2/2003

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### State workers called to military duty will keep regular pay

By The Associated Press  
February 23, 2003

NASHVILLE - State workers called to active military duty with the National Guard or Armed Forces Reserves will continue to get paid the same salary they make in their civilian jobs, under an executive order signed Saturday by Gov. Phil Bredesen.

"Signing this document is the least that we can do for hard-working state employees, Guardsmen, Reservists and their families," Bredesen told more than 500 people at the 74th Annual Conference of the National Guard Association of Tennessee.

Shortly after the speech, Bredesen took a plane to Washington, where he is attending the National Governors' Association meeting.

The executive order renews a pledge by former Gov. Don Sundquist that was set to expire March 11.

It requires government agencies and departments to extend military leave and provide offsetting pay to state employees whose active-duty wages are less than their normal salary.

For example, if an employee normally earning \$2,619 a month - the average government salary - is called to active duty making only \$2,100 a month, the state will pay \$519 a month. The benefit is capped at \$1,000 a month.

Bredesen also encouraged private employers to supplement pay of their workers who are deployed.

"Guardsmen and Reservists already have given so much," Bredesen said. "They should not have to sacrifice financially in order to defend our freedom and security."

An estimated 480 state employees were members of the Tennessee Army and Air National Guards in January 2002, the most current number available from the Department of Personnel. An unspecified number serve in the Armed Forces Reserves.

The Tennessee National Guard now has more than 2,200 members on active duty.

It was unclear how many state workers have been called to duty.

Bredesen said he will keep renewing the new order as long as the nation is at a high risk of war.

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## States Act To Protect Citizen Soldiers' Income

Pamela M. Prah, Staff Writer

*Stateline.org*

April 1, 2003



While pressed for cash, several states are acting to make sure National Guard troops and reservists called on to fight against Iraq or terrorism don't lose out financially.

Florida, New York, Tennessee and Virginia recently acted to assure that state employees don't get less income while they are on active duty. Connecticut went farther by also guaranteeing health care coverage for activated state workers. New York is offering the most generous package. It includes health care, pay differential and tuition breaks.

Despite facing some of the most wrenching budget decisions in decades, state leaders are choosing to put the welfare of those serving in uniform – and their families – as a top priority.

"What we've seen since September 11 is that many states and municipalities recognize the sacrifices that especially the Guards make, since it's the National Guard troops who are called up for Homeland Security" said John Goheen, spokesman for the National Guard Association of the United States.

"They [states and municipalities] want to step up and want to improve benefits and provide more as a means for recruiting and retention and as a way to thank the National Guard for their sacrifices," Goheen said. His Washington, D.C. –based association represents National Guard members.

---

**"While we applaud those states and municipalities that have offered up pay differentials, we certainly understand that some states and municipalities just can't do it because the only way they could do it is to cut someplace else."**

*John Goheen, National Guard Association of the United States*

---

Many cash-strapped states may find it difficult to offer generous pay and health care benefits for reservists and their families. Collectively, the states deficits will be nearly \$90 billion in fiscal 2004, according to the National Association of State Budget Officers.

"It's tough times for the states," Goheen said. "While we applaud those states and municipalities that have offered up pay differentials, we certainly understand that some states and municipalities just can't do it because the only way they could do it is to cut someplace else," Goheen said.

Federal law requires that employers -- including states and municipalities -- keep the

same or similar jobs, pay and benefits waiting for employees who are away on military duty. But employers are not required to pay workers while they are serving.

The cost of such programs is hard to determine in advance since states often don't know how many Guard members and reservists will be called up. Generally, however, state employees in the National Guard or the National Guard Reserves number in the hundreds, not thousands. Virginia figures it will cost the state about \$600,000 a year to make up the pay difference for the 200 state employees currently deployed, said Ellen Qualls, spokeswoman for Virginia Gov. Mark R. Warner (D).

"It's more common now than it ever was for employers to be providing some kind of differential pay, if not a continuation of pay, and some kind of health benefits, if not an extension of health benefits, for their Reservists and Guard members," said Lt. Colonel Vince Savoia, a spokesman for the Employer Support of the Guard and Reserve (ESGR), a Department of Defense agency that helps employers understand troop and reservists' rights.

California, Delaware, Kansas, New Jersey, Ohio, Oklahoma, West Virginia, Washington and Wyoming are among the states that have policies that expand pay differential and/or medical coverage for state Reserve and National Guard members called to active duty, according to ESGR.

Connecticut, New York and Virginia have all enacted measures in March that go beyond the Uniformed Services and Employment and Reemployment Rights Act of 1994, the federal law that mandates job protections for reservists.

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**"It's more common now than it ever was for employers to be providing some kind of differential pay, if not a continuation of pay, and some kind of health benefits, if not an extension of health benefits, for their Reservists and Guard members."**

*Lt. Colonel Vince Savoia, Employer Support of the Guard and Reserve*

---

The most sweeping proposal comes from New York Gov. George E. Pataki (R) who outlined his "Patriot Plan" in early March and is implementing provisions of it via executive orders, with the most recent March 24.

Pataki's executive orders ensure the following for all military personnel, not just state workers:

- continued health care coverage while on active duty
- automatic renewal of their drivers' licenses
- free passes to family members to state parks and beaches
- free high-speed Internet access at state colleges and universities for families to contact their enlisted relatives

Other components of Pataki's proposed plan require state lawmakers' approval, such as giving free college tuition to children and spouses of New York military personnel killed on duty. An estimated 4,000 New York National Guard troops are on state and federal active duty, the governor's office said.

Connecticut Gov. John G. Rowland signed legislation March 27 extending health care and providing pay differential for state employees called to active duty while Virginia Gov. Warner signed an executive order March 26 providing pay differential.

In Indiana, state Rep. Jeff Espich (R) plans to introduce a measure ordering the state to make up any difference in pay for state workers, according to Espich spokeswoman Karen L. Howe.

Forty-one percent of reservists reported they lost money when called to active duty compared to 29 percent who said they got a pay boost, according to a recent survey of reservists by the General Accounting Office, a federal watchdog agency.

Private employers also have acted voluntarily to provide more pay and benefits, according to the ESGR. The employers include American Express, Boeing Co., Coca Cola, Ford Motor. Co., Hewlett Packard, Miller Brewing Co., Sara Lee, United Parcel Service and Xerox.

Contact Pamela M. Prah at [pprah@stateline.org](mailto:pprah@stateline.org)

March 25, 2003

**Julie Benson's Testimony to the State Affairs Committee on March 25th**

Mr. Chairman and members of the committee. I know you are busy during this session and I want to sincerely thank you for hearing SB 26. My name is Julie Benson and I am married to a State Trooper and Air National Guardsman. This bill is important to us both individually and as a family. My husband, Adam, originally planned to testify today but, as frequently happens, was called to work on his day off.

My husband has been a Trooper for 4 years and we are currently stationed in Ketchikan. We have one daughter with another child due in July. My husband is a US Army trained helicopter pilot and left full time military service to pursue his dream of living in Alaska where he had been stationed. Upon leaving the Army, Adam joined the Alaska Air National Guard as a KC135 crew chief. Last year, after the tragic events of September 11th, Adam was activated for 6 months during Operation Enduring Freedom and spent time in the Middle East last summer.

I would like to help you understand that SB 26 is essential legislation for state employees who make the difficult choice to serve not only their state, but also their country. When my husband was activated last summer, our benefits through his employment as a trooper were immediately discontinued. This resulted in lost retirement contributions, as well as the loss of certain pay raises he would have received had he remained employed by the state. Adam and I feel that any loss of pay and benefits due to activation is just not right.

The individuals who choose to perform service to their country as well as their state are exemplary public servants and should not be penalized by the state, especially at a time of significant national crisis. These people are federal and state servants because they choose to be, not because they have to be.

My husband is a unique individual who feels compelled to serve in every aspect of his professional life. When he left the Army, there was never a question of whether or not he would continue to serve his country. He immediately joined an active air guard unit that is frequently deploying its members worldwide. Though we understood the potential sacrifice of this decision, it was never up for debate. Civil service is what Adam is all about. And despite the family compromises that we make, I am so thankful for men and women like my husband and I am proud to be his wife.

The passage of this bill is the right thing to do. Under current state policy, the men and women who are called to serve are punished by their employer, the State of Alaska. I doubt that the passage of this bill will change any of their decisions to continue their voluntary military service. It's just what they do because it's the right thing for them to do. The right thing for the rest of us to do

is to use every avenue available, to support them as they, and their families, make incredible sacrifices to protect and defend.

Please support the men and women who choose to serve our great nation and our great state by supporting SB 26. I'm happy to answer any questions you may have for me. Thank you for your time.

As my testimony indicates, my family was significantly affected last year when my husband was called to active duty. He lost pay in addition to state retirement and health benefits. SB 26 would correct what we believe is wrong with the state's current treatment of employees who are called to serve their country.

As stated in my testimony, if you have any questions for me or my husband, please feel free to contact us via email or by phone at 225-0328. Thank you again for your work on this bill.

Julie Benson

---

### **Call to Active Duty Military Service**

If you are called to active duty either voluntarily or involuntarily during your active PERS service and you return to the same PERS employer within 90 days of honorable discharge from active duty, your military service is considered membership service time. You will need to submit a written request, along with a copy of your military discharge papers, to have this service time credited. There is no cost for this service.

### **Claimed Service**

You may purchase certain types of service credit in order to increase the number of service years used in the calculation of your retirement benefit. The cost differs depending on the type of service you are eligible to claim.

The following types of service credit can be purchased in the PERS:

- Full-time temporary service credit;
- Military service credit;
- Alaska Bureau of Indian Affairs credit;
- Unlicensed Vessel Participant Annuity Retirement Plan;
- Village Public Safety Officer service;
- Rural Public Safety Officer service;
- Workers' Compensation; and
- Temporary Legislative service prior to July 1, 1979.

For more information on specific service purchases, please refer to the individual brochures. Brochures may be downloaded from our web site at [www.state.ak.us/drj](http://www.state.ak.us/drj).



# Representative Beth Kerttula

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Alaska State Legislature, District 3

State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748

E-mail: Representative\_Beth\_Kerttula@legis.state.ak.us • <http://www.kerttula.net>

## Memorandum

**Date:** May 2, 2003

**To:** Representative Bruce Weyhrauch, Chair  
Representative Jim Holm, Vice-Chair  
House Committee on State Affairs

**From:** Representative Beth Kerttula, District 3 *Beth*

**Re:** CS House Bill 228 (Military & Veterans Affairs)

---

I respectfully request that you schedule a hearing in the House Committee on State Affairs for CS HB 228, benefits for state employees who are called to active duty, at your earliest convenience. This bill would keep state employees who are fighting for our country, and their families, from suffering financial hardships by allowing the Governor to continue their salary and benefits. Attached you will find a copy of the bill and sponsor statement. Please call me or my staff, Tracy Wendt, at 465-4766 if you have any questions.

Thank you.

**HB**

**229**



AMENDMENT TO HOUSE BILL NO. 229

AMENDMENT NO. 1

OFFERED BY: Rep. Wajsbrauck

- 1 At page <sup>3</sup>~~2~~, line <sup>2</sup>~~28~~, delete "and"
- 2 At page <sup>3</sup>~~2~~, line <sup>6</sup>~~29~~, after "noticeably" add:
- 3 "; and <sup>7</sup>~~(6)~~ an appropriate discharge plan has been formulated that addresses basic life
- 4 domains for the prisoner, including care coordination, housing, eligibility for public
- 5 benefits, and health care (including necessary medication)."

*Adopted*

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 229  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Department of Corrections  
Title Parole for Medical/Cognitive Disability BRU Administration & Operations  
Component Inmate Health Care  
Sponsor \_\_\_\_\_  
Requester \_\_\_\_\_ Component No. 705

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

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

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

The annual average savings from passage of this legislation is calculated to be approximately \$500,000. The numbers of inmates who qualify for medical parole and their cost of care may vary greatly from year to year. The Governor's FY 04 budget contains a \$500,000 decrement to inmate medical care which assumes passage of this legislation.

Prepared by: Jerry D. Burnett, Director  
Division: Administrative Services  
Approved by: Portia C.K. Parker, Deputy Commissioner  
Agency: Department of Corrections

Phone 465-3339  
Date/Time 4/9/03 11:05 AM  
Date 4/9/2003

CS FOR HOUSE BILL NO. 229( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): HOUSE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to special medical parole and to prisoners who are severely medically  
2 or cognitively disabled."

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

4 \* Section 1. AS 33.16.085(a) is amended to read:

5 (a) Notwithstanding a presumptive, mandatory, or mandatory minimum term a  
6 prisoner may be serving or any restriction on parole eligibility under AS 12.55, a  
7 prisoner who is serving a term of at least 181 days, may, upon application by the  
8 prisoner or the commissioner, be released by the board on special medical parole if the  
9 board determines that

10 (1) [FOR A PRISONER CONVICTED OF

11 (A) AN OFFENSE OTHER THAN A VIOLATION OF  
12 AS 11.41.434 - 11.41.438, THAT] the prisoner is severely medically or  
13 cognitively disabled [OR A QUADRIPLAGIC] as certified in writing by a  
14 physician licensed under AS 08.64 [, WAS NOT SEVERELY MEDICALLY

1 DISABLED OR A QUADRIPLAGIC AT THE TIME THE PRISONER  
2 COMMITTED THE OFFENSE OR PAROLE OR PROBATION  
3 VIOLATION FOR WHICH THE PRISONER IS PRESENTLY  
4 INCARCERATED; OR

5 (B) A VIOLATION OF AS 11.41.434 - 11.41.438, THAT  
6 THE PRISONER IS A QUADRIPLAGIC AS CERTIFIED BY A  
7 PHYSICIAN LICENSED UNDER AS 08.64 AND WAS NOT A  
8 QUADRIPLAGIC AT THE TIME THE PRISONER COMMITTED THE  
9 OFFENSE OR PAROLE OR PROBATION VIOLATION FOR WHICH THE  
10 PRISONER IS PRESENTLY INCARCERATED]; [AND]

11 (2) [THAT] a reasonable probability exists that

12 (A) the prisoner will live and remain at liberty without  
13 violating any laws or conditions imposed by the board;

14 (B) because of the prisoner's medical or cognitive disability  
15 [BEING SEVERELY MEDICALLY DISABLED OR A QUADRIPLAGIC],  
16 the prisoner will not pose a threat of harm to the public if released on parole;  
17 and

18 (C) release of the prisoner on parole would not diminish the  
19 seriousness of the crime;

20 (3) the prisoner

21 (A) was not suffering from the medical or cognitive  
22 disability at the time the prisoner committed the offense or parole or  
23 probation violation for which the prisoner is presently incarcerated; or

24 (B) was suffering from the medical or cognitive disability at  
25 the time the prisoner committed the offense or parole or probation  
26 violation for which the prisoner is presently incarcerated and the medical  
27 or cognitive disability has progressed so that the likelihood of the  
28 prisoner's committing the same or a similar offense is low;

29 (4) the care and supervision that the prisoner requires can be  
30 provided in a more medically appropriate or cost-effective manner than by the  
31 department;

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(5) the prisoner is incapacitated to an extent that incarceration does not impose significant additional restrictions on the prisoner; and

(6) the prisoner is likely to remain subject to the medical or cognitive disability throughout the entire period of parole or to die and there is no reasonable expectation that the prisoner's medical or cognitive disability will improve noticeably.

\* Sec. 2. AS 33.16.087(a) is amended to read:

(a) If the victim of a crime [AGAINST A PERSON OR ARSON IN THE FIRST DEGREE] requests notice of a scheduled hearing to review or consider special medical parole for a prisoner convicted of that crime, the board shall send notice of the hearing to the victim at least 30 days before the hearing. The notice must be accompanied by a copy of the prisoner's or commissioner's application for parole submitted under AS 33.16.085. However, the copy of the application sent to the victim may not include the prisoner's proposed residence and employment addresses.

\* Sec. 3. AS 33.16.900(11) is amended to read:

(11) "severely medically or cognitively disabled" means that a person has a medical condition, or a cognitive condition (due to irreversible dementia), that substantially reduces [ELIMINATES] the [PHYSICAL] ability to commit an offense similar to the offense for which the person was convicted or to commit an offense in violation of AS 11.41 that is punishable as a felony, and the person is likely to

(A) remain subject to the medical or cognitive condition throughout the entire period of parole; or

(B) die from the medical or cognitive condition;

\* Sec. 4. AS 33.16.900(12) is amended to read:

(12) "special medical parole" means the release by the board before the expiration of a term, subject to conditions imposed by the board and subject to its custody and jurisdiction, of a prisoner who is severely medically or cognitively disabled [OR A QUADRIPLAGIC].

\* Sec. 5. AS 33.30.017(c) is amended to read:

(c) The provisions of (b) of this section do not apply to prisoners

(1) who are

*Amend #2*

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- (A) developmentally disabled; or
- (B) severely medically or cognitively disabled, as that term is defined in AS 33.16.900;
- (2) who are housed in a mental health unit or psychiatric unit of a state correctional facility; or
- (3) while placed in a state correctional facility awaiting classification under classification procedures for the purpose of making the appropriate assignment of the prisoner.

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House Finance Committee

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SECTIONAL ANALYSIS  
COMMITTEE SUBSTITUTE for HOUSE BILL 229 ( )  
*Draft 23-LS0885\H*

*“An Act relating to special medical parole and to prisoners who are severely medically and cognitively disabled.”*

**Section 1:** Amends AS 33.16.085(a). Special medical parole. Removes the language stating that a prisoner who may be considered for medical parole may not be convicted of an offense in violation of AS 11.41.434 through AS 11.41.438 (Sexual abuse of a minor 1,2,3) and was not severely medically disabled or a quadriplegic at the time of the offense.

Adds language that the prisoner must be either severely medically disabled or have a cognitive disability. In addition to the above, other provisions allowing for special medical parole are:

- The prisoner was not suffering from the medical or cognitive disability at the time of the offense was committed or the medical or cognitive disability the prisoner had at the time of offense has progressed so that the likelihood of the prisoner committing the same or similar offense is low;
- The care and supervision required of the prisoner can be provided in a more medically appropriate or cost effective manner than can be provided by the Department of Corrections;
- The prisoner is incapacitated to the extent that institutional confinement does not offer additional restrictions; and
- The prisoner is likely to die or remain subject to the condition throughout the entire period of parole and there is no reasonable expectation that the prisoner's disability will improve noticeably.

**Section 2:** Amends AS 33.16.087(a). Rights of certain victims in connection with special medical parole. Removes the words “against a person or arson in the first degree”. This allows victims of any crime to request notice of a scheduled hearing to review or consider special medical parole. The parole board is required to send notice 30 days before the hearing.

**Section 3:** Amends AS 33.16.900(11). Definitions. Adds or cognitively disabled to the definition of severely medically disabled. Also adds "or a cognitive condition due to irreversible dementia" to the definition. The words "eliminates" and "physical" are removed. Eliminates is replaced by reduces. Removal of the word "physical" allows for any disability to be considered for medical parole.

**Section 4:** Amends AS 33.16.900(12). Definitions. Amends the definition of special medical parole to include "or cognitively".

**Section 5:** Amends AS 33.30.017(c). Adds cognitively to this section of statute.

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### COMMITTEE SUBSTITUTE FOR HOUSE BILL 229 ( ) *DRAFT 23-LS0885VH* SPONSOR STATEMENT

House Bill 229 gives the Alaska Board of Parole the flexibility to grant or deny medical parole to applicants. This allows the board to release severely disabled prisoners from confinement and gives the Department of Corrections relief from the high cost of providing medical service for these prisoners.

The Alaska Parole Board has a proven track record in their decision-making abilities. Over the past seven years, the Alaska Board of Parole has granted parole to approximately 45% of all *discretionary* parole applicants. Less than 8% of these parolees have violated their conditions (i.e., missed a meeting with a parole officer) and approximately 1% committed a new offense. This number is particularly compelling when compared to the 77% return rate of *mandatory* parole violators. Two applicants were considered for special medical parole in 2002 and both were denied.

When making a determination for Medical Parole the following are considered:

1. Department of Corrections' medical report
2. The seriousness of the criminal offense
3. Release plan
4. Parole Officer/DOC recommendation
5. Will not pose a threat to the public if released

House Bill 229 will allow the Alaska Board of Parole and the Department of Corrections to work together to determine an appropriate and cost effective release plan. The cost of health care to the Department of Corrections has significantly increased over the last few years. Some of the factors causing these increases are the increased population of terminally ill inmates and hospitalization of prisoners for long-term assisted care. This bill will give the department and the Parole Board another tool to ensure public safety and at the same time, help the department reduce the rising costs associated with providing medical service for prisoners afflicted with debilitating physical and mental disabilities.

# Montana Code Annotated 2001

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## Part Contents

**46-23-210. Medical parole.** (1) The board may release on medical parole by appropriate order a person placed in a correctional institution or program, except a person under sentence of death. To be eligible for a medical parole, a person must have an examination and written diagnosis by a physician licensed under Title 37 to practice medicine. The diagnosis must include:

(a) a determination that the person suffers from an incapacitating physical condition, disease, or syndrome;

(b) a description of the physical condition, disease, or syndrome and a detailed description of the person's physical incapacity; and

(c) a prognosis addressing the likelihood of the person's recovery from the physical condition, disease, or syndrome and the extent of any potential recovery.

(2) The diagnosis must be reviewed and accepted by the department before the board may consider granting a medical parole. The board may not grant a medical parole unless the incapacitating physical condition, disease, or syndrome renders the person highly unlikely to present a clear and present danger to public safety.

(3) The board shall require as a condition of medical parole that the person agree to placement in an environment chosen by the department during the parole period, including but not limited to a hospital, nursing home, or family home. The board may require as a condition of parole that the person agree to periodic examinations and diagnoses at the person's expense. Reports of each examination and diagnosis must be submitted to the board and department by the examining physician. If either the board or department determines that the person's physical capacity has improved to the extent that the person is likely to pose a possible detriment to society, the board may revoke the parole and return the person to the custody of the department.

(4) Medical parole may be requested by the board, the department, an incarcerated person, or an incarcerated person's parent, grandparent, child, or sibling by submitting the request in writing to the administrator of the correctional institution in which the person is incarcerated.

(5) A grant or denial of medical parole does not affect the person's eligibility for nonmedical parole.

(6) Sections 46-23-203, 46-23-205 through 46-23-207, and 46-23-215 through 46-23-218 apply to nonmedical parole.

**History:** En. Sec. 1, Ch. 248, L. 1991; amd. Sec. 1, Ch. 381, L. 1993; amd. Sec. 23, Ch. 125, L. 1995; amd. Sec. 3, Ch. 420, L. 1997.

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## Administrative Rule 20.25.302A

20.25.302A MEDICAL PAROLE (1) The board may release a person on medical parole except a person under sentence of death. To be eligible for a medical parole, a person must have an examination and written diagnosis by a physician licensed under Title 37, MCA to practice medicine. The diagnosis must include a determination that the person suffers from an incapacitating physical condition, disease, or syndrome, a description of the physical condition, disease, or syndrome and a detailed description of the person's physical incapacity and a prognosis addressing the likelihood of the person's recovery from the physical condition, disease, or syndrome and the extent of any potential recovery.

(2) The diagnosis must be reviewed and accepted by the department of corrections before the board may consider granting a medical parole.

(3) The board may not grant a medical parole unless the incapacitating physical condition, disease, or syndrome renders the person highly unlikely to present a clear and present danger to the public safety.

(4) The board shall require as a condition of medical parole that the person agree to placement in an environment chosen by the department during the parole period, including but not limited to a hospital, nursing home or family home. The board may require as a condition of parole that the person agree to periodic examinations and diagnosis at the person's expense. Reports of each examination and diagnosis must be submitted to the board and department by the examining physician. If either the board or department determines that the person's physical capacity has improved to the extent that the person is likely to pose a possible detriment to society, the board may revoke the medical parole and return the person to the custody of the department.

(5) Medical parole may be requested by the board, the department, an incarcerated person, or an incarcerated person's parent, grandparent, child, or sibling by submitting the request in writing to the administrator of the correctional institution in which the person is incarcerated.

(6) After receiving a request for a medical parole hearing from the warden/superintendent or their designate, the board will schedule a hearing in a timely manner.

(7) Prior to the medical parole hearing, the board, through its staff, shall gather for the board's formal deliberations, all pertinent information on each inmate, including but not limited to the nature of the offense, social history, criminal history, institutional performance, and any medical and mental examinations which may have been made while in custody.

(8) Upon receiving notification from the department that a medical parolee is eligible for nonmedical parole, the board will consider the

person for nonmedical parole according to the rules established for nonmedical parole consideration. Unless the board otherwise orders or there has been a substantial change in the person's physical condition, disease or syndrome, after medical parole consideration an applicant may not reappear for medical parole consideration for a period of 12 months.

(9) A grant or denial of medical parole does not affect a person's eligibility for nonmedical parole.

(10) Revocation procedures for a medical parolee shall be consistent with the procedural rules adopted for revocation of release. (History: 46-23-218, MCA; IMP, 46-23-210, MCA; NEW, 1993 MAR p. 297, Eff. 2/26/93; AMD, 1994 MAR p. 168, Eff. 1/28/94; AMD, 1999 MAR p. 290, Eff. 2/12/99.)



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DEPARTMENT OF CORRECTIONS  
POLICIES AND PROCEDURES

Policy No.: DOC 4.7.1	Subject: <b>MEDICAL PAROLE</b>
Chapter 4: FACILITY / PROGRAM SERVICES	Page 1 of 6
Section 7: Releases / Placement	Revision Date: Jan. 5, 1998
Signature: /s/ by Director Rick Day 1/5/98	Effective Date: Mar. 11, 1996

**I. POLICY:**

It is the policy of the Department of Corrections that selected offenders, housed in correctional facilities or programs, may be considered for medical parole. This policy, and the Montana Codes Annotated specifically preclude persons under sentence of death from eligibility for medical parole.

**II. AUTHORITY:**

53-1-203, MCA. Powers and Duties of the Department

46-23-210, MCA. Medical Parole

Title 37, Chapter 3, MCA. Professions and Occupations, Medicine, Licensing

**III. DEFINITIONS:**

**Medical Parolee** means an offender who has been released on medical parole to the community supervision of the Department, by the Board of Pardons and Parole, after a licensed physician has determined that the person suffers from an incapacitating physical condition, disease, or syndrome and the Board of Pardons and Parole has determined that such condition renders the person highly unlikely to present a clear and present danger to public safety.

**Medical Parole Candidate (Parole Candidate)** means an offender placed in a correctional facility or program for whom the status of medical parole is under consideration.

**Division Administrator** means the Administrator of the Community Corrections Division of the Department of Corrections.

**Board** means the Board of Pardons and Parole.

**Department** means the Department of Corrections.

**IPPO** means Institutional Probation and Parole Officer.

#### **IV. PROCEDURES:**

Consideration of medical parole will be based upon a medical diagnosis that the offender suffers from an incapacitating physical condition, disease, or syndrome; a description of the disease; the offender's incapacity; and a prognosis addressing the offender's likelihood of recovery. The Board may not grant medical parole unless it finds that the incapacitating condition, disease or syndrome renders the offender highly unlikely to present a clear and present danger to public safety.

##### **A. Request for Medical Parole**

Medical parole may be requested by the Board, the Department, the offender, the offender's parent, grandparent, child, sibling or a recognized representative. The request must be made in writing to the Warden/Superintendent of the correctional facility where the offender is incarcerated, or to the Division Administrator if the offender is residing in a community corrections program. The written request must include:

1. The reasons for the requested medical parole.
2. The relationship of the parole candidate to the requesting party (if the request is not from the offender).
3. The name, address and telephone number of the proposed individual or facility which has agreed to provide care to the parole candidate.
4. The name, address and telephone number of the physician who has agreed to provide medical care to the parole candidate while on medical parole.
5. A statement documenting the parole candidate's ability to pay for residential care and on-going medical care.
6. Specific travel arrangements for transporting the medical parolee to the caretaking person or facility.
7. A statement of the requesting party's willingness to cooperate with the Board and the Department in all matters relating to the status of the medical parolee.

##### **B. Medical Documentation**

Attached to the Request for Medical Parole must be written documentation of a thorough medical examination conducted by a physician licensed to practice medicine under Title 37 Montana Codes Annotated. The written diagnosis resulting from this examination must include:

Subject: **MEDICAL PAROLE**

1. A determination that the parole candidate suffers from an incapacitating physical condition, disease or syndrome.
2. A description of the physical condition, disease or syndrome, and a detailed description of the offender's physical incapacity.
3. A prognosis regarding the offender's likelihood of recovery from the incapacitating physical condition, disease or syndrome and the extent of any potential recovery.

**C. Medical Examinations/Diagnosis**

1. The parole candidate, or another person designated in statute to make a request on behalf of the parole candidate, may submit a written request for a medical diagnosis to the Warden, Superintendent or Division Administrator. Copies of the request must be submitted to the Department medical coordinator for review and comment.
2. The medical examination and diagnosis will typically be completed by a physician named by the Department. When the Department makes the request for a medical examination and names the physician, the Department will assume the expense of the examination and the diagnosis.
3. In the event that the parole candidate or designee requests a medical examination by a physician of the candidate's choice, payment will be the responsibility of the candidate and/or the requesting party.
4. The Department reserves the right to review, and accept or deny the medical diagnosis, regardless of who designates the physician, before the Board considers granting a medical parole.

**D. Location of Placement**

1. As a condition of medical parole, placement of a parole candidate must be established at a location acceptable to the Department prior to the offender's release on medical parole.
2. Placement may be in a hospital, nursing home, family home, or other location acceptable to the Department.

**E. Approval/Disapproval of a Request for Medical Parole**