

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11327 SENATE STATE AFFAIRS



# HAVA Technology 2004

---

Last year, the Director and Regional Supervisors discussed a plan for implementing the "Touch Screen" units (DREs) in 2004. The Division is planning to initiate a "pilot project" and implement the touch screen voting system, in a very limited number of locations, in the 2004 election cycle.

Since that time, legislators, party chairmen and Alaskans have expressed concerns that the voting equipment should not be utilized until voter verifiable printed receipts are required. Just like the Accu-Vote Optical Scan units, the Accu-Vote Touch Screen units have a verifiable audit capacity. The units record the votes, not only on the memory card, but also on a redundant memory built into the system. In addition, the Touch Screen units purchased by the State have the ability to generate ballots for recount purposes.

HAVA requires at least one Touch Screen unit in each precinct, but not until 2006. If the Legislature requires voter verifiable printed receipts, the Division cannot implement the Touch Screen units in 2004. While the units purchased can be modified, that modification has yet to be certified by the FEC/FEAC Standards Board. The Division will not implement "modified" equipment that would jeopardize the public's trust in our election system - regardless of our confidence in our process, our people and the equipment. If the Division is able to implement the touch screen units in 2004, the following reflects the locations the equipment will be utilized:

- ★ The four regional office absentee voting stations.
- ★ Absentee voting stations, such as Access Alaska, as determined by the director and regional supervisors.
- ★ Select polling place locations such as senior centers or those in which there is greater chance of reaching voters with a disability.

In order to place the touch screen units at absentee voting stations, other than those at the regional offices, a change in state law is necessary to allow for "Early Voting" at additional locations. This legislation is being introduced in 2004.



## 2004 Legislation

---

The Division of Elections will be introducing legislation to the Alaska State Legislature in February. The major impacts to the Division if this legislation is passed are as follows:

- ★ Expansion of Early Voting to other absentee voting locations in addition to the regional offices.
- ★ Reducing the witnessing requirements to allow one witness signature for absentee by mail voting if no official is available to witness the ballot for the voter.
- ★ Establish that vote tallying equipment must meet voting system standards approved by the Federal Election Commission.
- ★ Define the requirements, procedures and accountability for initiative, referendum and recall processes.
- ★ Define the process on how a political group may gain recognized political party status.



# HAVA and the Future

---

The Division of Elections must accomplish the following by 2006:

- ★ Implement one Touch Screen unit in each precinct for those with disabilities. In addition, the Touch Screen equipment will also meet the needs of alternate language accessibility as required by the Department of Justice.
- ★ Purchase and implement a new statewide voter registration system to replace our 1985 mainframe system.
- ★ Survey all polling place locations in 2005 to determine any additional accessibility needs. Currently, the Division is working with the State ADA Coordinator, Don Brandon, to improve the accessibility survey currently used by the Division to assist in identifying any additional issues that may exist.
- ★ Establish an interactive statewide voter list. This will be part of the "free access" system in which a questioned voter may be able to confirm if their ballot was counted and if not counted, the reason. Other uses would allow a voter to check their voter registration status on line, locate their polling place and check the status of their absentee ballot.

EO

104

# LEGAL SERVICES

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

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

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

## MEMORANDUM

March 17, 2003

**SUBJECT:** Are any additional statutory changes needed to accomplish move of EEO program from the governor's office to the administration? (Executive Order 104)

**TO:** Senator Gary Stevens  
Attn: Katrina

**FROM:** Barbara R. Craver *BRC*  
Legislative Counsel

You had asked whether there are any additional statutory changes needed to accomplish the move of EEO program from the governor's office to the administration pursuant to Executive Order 104. I have reviewed the order and the statutes and I do not see any other changes that need to be made to accomplish the move.

If I may be of further assistance, please advise.

BRC:med  
03-311.med

**EO**

**105**

# LEGAL SERVICES

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

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

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

## MEMORANDUM

March 17, 2003

**SUBJECT:** Executive Order No. 105 (Work Order No. 23-GH1053\A)

**TO:** Senator Gary Stevens  
Attn: Katrina

**FROM:** Terri Lauterbach  
Legislative Counsel

*Terri Lauterbach*

You have asked for review of Executive Order No. 105, transferring the Alaska Seismic Hazards Safety Commission from the Office of the Governor to the Department of Natural Resources.

My opinion, after reviewing the order, is that

(1) there are no statutory provisions that were omitted from the order that ought to have been included;

(2) no provision of the order goes beyond the governor's power to reorganize the executive branch under art. III, sec. 23 of the state constitution; and

(3) there are no other types of errors in the order that warrant correction.

If I may be of further assistance, please advise.

TML:med  
03-315.med

EO

106

March 31, 2003

## LEGAL SERVICES

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

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

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

### MEMORANDUM

March 31, 2003

**SUBJECT:** Executive Order 106 (Work Order No. 23-GS1067\A)

**TO:** Senator Gary Stevens  
Attn: Katrina Matheny

**FROM:** Kathryn L. Kurtz *KLK*  
Legislative Counsel

You have asked for a review of Executive Order No. 106, transferring the Alaska Coastal Policy Council and the functions of the office of coastal management to the Department of Natural Resources.

In my view, the order makes the statutory changes necessary to accomplish the transfer, and does not exceed the scope of what can be done in an executive order.

Please contact me if you have questions.

KLK:mdr  
03-050.mdr

EO

107

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

## Wilderness Inspirations™



*Featuring the Images of  
Iaxo and Dorothy Keeler*

P.O. Box 190647  
Anchorage, Alaska 99519  
TEL. (907) 248-9916  
FAX (907) 248-8589  
e-mail: [info@akwildlife.com](mailto:info@akwildlife.com)  
<http://www.akwildlife.com>

March 24, 2003

Dear Senator Stevens,

Please allow "House and Senate Concurrent Resolution Number 1" to pass out of your committee so the full House and Senate can vote on it. My reasons follow.

Governor Murkowski is trying to give the appearance of providing a sound financial plan to balance the budget. He is desperate... his campaign for Governor promised income of up to \$300,000,000.00 a year from the McCovey oil well, and that well was plugged and abandoned in February. He promised income from resource development would close the fiscal gap and is now willing to sacrifice the long term health of our fish and wildlife so he can look better during his term as governor.

Moving the habitat permitting authority from Fish & Game to the Dept. of Natural Resources is inviting the fox to guard the henhouse. I am appalled, yet not surprised, by the governor's arrogance in continuing to promote the idea when all five of the last Fish and Game Commissioners, who served under three governors, opposed the idea, citing a basic conflict of interest as the underlying reason.

Sure, his plan will save money this year. However, his plan is like using DDT to increase crop yield... both are guaranteed to work for the short term, but the long-term consequences, both planned and unexpected, will not be worth the cost. When a system of checks and balances is eliminated to save money, the State of Alaska will suffer long after Murkowski is no longer governor. Responsible members of the Legislature must not allow this to happen.

We must not allow his desperation and arrogance to forever ruin the state we love. I implore you... vote to oppose Executive Order 107.

Thank you for the opportunity to express my views.

Sincerely,

Dorothy Keeler

## Wilderness Inspirations™



*Featuring the images of  
Leo and Dorothy Keeler*

P.O. Box 190647  
Anchorage, Alaska 99510  
TEL (907) 248-9916  
FAX (907) 248-8389  
e-mail: [info@akwildlife.com](mailto:info@akwildlife.com)  
<http://www.akwildlife.com>

March 24, 2003

Dear Senator Stevens,

Please allow "House and Senate Concurrent Resolution Number 1" to pass out of your committee so the full House and Senate can vote on it. My reasons follow.

I oppose passage of Governor Murkowski's Executive Order 107 directing that the Habitat Division of Fish and Game be reduced in size and moved into the Department of Natural Resources. I have been in Alaska for over 20 years and, through my federal job dealing with lands, have had numerous opportunities to work with both the Habitat Division of ADF&G and DNR. I have always found DNR extremely difficult to work with and never responsive to problems. The long history of DNR's budget being reduced has only made that problem worse. Recently I have been told if I wanted DNR to act on my request for road access, that I would need to provide the funding to hire someone to do their paperwork.

With their attitude that those that pay get service, only large companies will gain the attention of DNR's staff, and thus the permits they need. This process will prevent diversification of our economy through developing small businesses.

The logging of Native lands throughout Alaska is a prime example of poor environmental oversight by DNR staff. The DNR Forester from Glenallen was responsible for assuring that Tyak Corporations logging near Cordova was done properly. He was able to visit the site twice a year for a few days, not nearly enough time to cover the ground and assure fish streams and wildlife habitat were protected. The results showed the lack of oversight.

My working with ADF&G, though not always pleasant, has always left me with the feeling that they were protecting the resource for future generations. The staff in Habitat often present new ideas to problems I have encountered and are willing to discuss them.

I ask all legislators to require they be presented a thorough analysis of the benefits to be gained before allowing Governor Murkowski to implement this plan. To date, no information has been presented to support moving Habitat into DNR. All that is presented are political statements of support, statements with no facts to support such a position.

The fact that five Fish and Game Commissioners stand against this action should raise many red flags warning of danger. I look at the fact that DNR and DOT Commissioners stand to gain by supporting moving Habitat. I also see Alaska's resources being raped and its people being ran over by big business interests.

Time is not of the essence in this situation and there is no reason to rush into a new management system. Please stop the pending move of Habitat into DNR.

Sincerely,

Leo Keeler

EO 107

To: Senate State Affairs Committee Chair Gary Stevens

MAR 31 2002

If Alaskans looked to a social and economic future that included only mining, the obvious course would be to dismantle environmental regulation in an effort to boost Alaska's Policy Potential Index. I don't believe that Alaskans are that foolish, as was readily evident from public testimony at the Senate Resources Committee (3/10/03) and to the House State Affairs Committee (3/11/03) public hearings. **The vast majority (approximately 75%) of testimonies clearly informed the legislature that EO 107 is not an acceptable way to do business in Alaska. Sentiment at the House Special Fisheries Committee hearing on EO 107 (March 26, 2003) overwhelmingly opposed EO 107. The administration's answers were vague and the administration could not make a legitimate case for EO 107.**

The relevance of what has been reported above is that:

- 1) The administration is trying to convince us that the myth - Habitat Division as an obstruction to economic progress - they have fabricated with half-baked and insufficient knowledge is an economic necessity.
- 2) Contrary to Commissioner Irwin's version of the Fraser Institute's *Annual Survey of Mining Companies* report, the results do not support the Murkowski administration's assertion that ADF&G - Habitat Division is an obstruction to development and therefore a drag on Alaska's economy.
- 3) Despite the numerous documented false allegations and documented misinterpretations, the administration blatantly continues to promote EO 107.
- 4) Despite recent Senate and House committee hearings where public testimony, and ADNR Commissioner Irwin and Acting ADF&G Commissioner Duffy, made it clear that there is a resounding lack of supportable justification for EO 107, Governor Murkowski's supporters in the legislature may not be doing anything to correct the administrations behavior.
- 5) Despite the numerous documented false allegations and documented misinterpretations, the Murkowski administration wants us to believe them when they tell us there will be no decrease in the level of fish and fish habitat protection under EO 107.
- 6) Because EO 107 is neither a cost cutting measure nor an administrative efficiency measure (as has been clearly proven and documented in numerous public forums and media) the cabinet members are forced to support and promote EO 107 via deceit.
- 7) Based on ADNR Commissioner Irwin's significant and blatantly flawed representation of the Fraser Report data, there is no doubt that the legislature should probe deeply the validity of the rest of Murkowski administration's justifications (many of which have been proven illegitimate already) for EO 107 (and against ADF&G Habitat Division) and demand that EO 107 be brought to the floor for immediate disapproval.
- 8) Based on number 1, 2, 3, 4, 5, and 6 above, if certain members of the legislature behave in a manner that prevents EO 107 from being **DISAPPROVED (REJECTED)**, they should not be considered worthy of representing our supposed democratic republic.

Distributed by Anchorage L.I.O.

Re: Fraser Report – “Annual Survey of Mining Companies” & Executive Order 107

To: Alaska Senate Resource Committee hearings regarding EO 107 – 3/10/03

To: State Affairs Committee hearings regarding EO 107 – 3/11/03

From: Doug Hill of Anchorage, Alaska (I am testifying on behalf of myself).

Tom Irwin (Commissioner of ADNR) and Kevin Duffy (Acting Commissioner of ADF&G), have cited the Fraser Report as one of the justifications for moving fish habitat protection authority from ADF&G to ADNR on the following occasions:

3/7/03 - Press Conference, Habitat Title 16 Permitting Reorganization Plan

3/10/03 - Senate Resource Committee hearing, EO 107: Transferring Fish Habitat Functions from DFG to DNR (public testimony occurred) ▲

3/11/03 - House State Affairs Committee hearing, E.O. 107 Transfer of Habitat Functions from ADFG to DNR (public testimony occurred)

**ADNR Commissioner Irwin has provided the legislature and the public with a MISINTERPRETATION of the FRASER REPORT. The results of the Fraser Institute's "Annual Survey of Mining Companies" do not support the administration's case against ADF&G Habitat Division.**

What is the Fraser Report? Since 1997 the Fraser Institute (Vancouver, British Columbia, Canada) has been surveying junior and senior mining companies annually to assess how mineral potential and governmental policy factors affect exploration and investment decisions. The factors included in the assessment include: (1) environmental regulations, (2) regulatory duplication and inconsistencies, (3) uncertainty concerning the administration/interpretation/enforcement of existing regulations, (4) uncertainty concerning what areas will be protected as wilderness or parks, (5) uncertainty concerning native land claims, infrastructure, (6) labor regulation/employment agreements, (7) socio-economic agreements/community development conditions, (8) infrastructure, (9) taxation, and (10) mineral potential. As the survey has grown it has expanded to include more governments/geographical regions from around the world. The Fraser Report currently queries 162 companies for their opinions about the investment attractiveness of 47 jurisdictions around the world. The Fraser Report is essentially a “report card” that rates the mining company perception of governments/geographical regions investment attractiveness.

The Fraser Report provides several indices of how the mining industry perceives a given jurisdiction as a place to do business. However the three major indices are the Policy Potential Index, the Mineral Potential Index, and the Investment Attractiveness Index. The Policy Potential Index is a composite index that measures the affects nine government policy factors on the willingness of mining companies to do business in Alaska. The factors included in the assessment include: (1) taxation, (2) environmental regulations, (3) administration and duplication of regulations, (4) uncertainty concerning native land claims, (5) protected areas, (6) labor issues, (7) infrastructure, (8) socioeconomic agreements, and (9) political stability. The Mineral Potential Index rates a region's attractiveness based on mining company executives' perceptions of geology. The Investment Attractiveness Index is a combination of the nine Policy Potential Index factors assessed and the Mineral Potential Index. The index rating numbers that a government/geographical region receives are a composite index derived from a compilation of the ratings provided by a subset of the companies that responded. **The index numbers do not indicate that a particular jurisdiction was rated; say 50 out of 100 jurisdictions. The index numbers are simply scores; the same as a score that one receives on a math test. The scores can then be used to depict an area's relative ranking for the particular topic being considered.**

**The following statements are direct quotes from ADNR Commissioner Irwin's testimony at various public forums where he used the Fraser Report as a reason for supporting EO 107.**

March 7, 2003 – Administration Press Conference\*

ADNR Commissioner Irwin stated:

“A Fraser Report was just completed, to give you an example, and this is a sorry story. This... (inaudible)...No! The Fraser Report, it's a large company, it's a mining report. They interview the mining companies around the world. And Curt Freeman (*President/CEO Avalon Development Corporation*, Fairbanks based geological consulting firm) just gave a presentation down here couple of weeks ago on it. And in the Fraser Report there's one section that talks about how the major mining companies perceive various areas. They include all the states, they include numerous countries, they include the provinces of Canada. Zero is terrible, 100's perfect. Every year over the last several years, Alaska [presumably *Alaska's Fraser Report ranking*] has been dropping. Now, the title of Curts' report, if I can remember it is “Perception Is Reality”. These are the decision makers in mining companies; they ranked Alaska with a score of 50 [presumably Policy Potential Index] as place to do business. Part of that was the permitting process. They actually, this year ranked Alaska, well for last year, the report came out this year, they ranked Alaska lower than Russia and China as politically acceptable places to do work. That's totally unacceptable to me, it should be totally unacceptable to every Alaskan.”

March 10, 2003 – Senate Resource Committee EO 107 Hearing\*

ADNR Commissioner Irwin stated:

“I heard a talk about a week and a-half two weeks ago. And this talk was [titled] “Perception Is Reality” [by Curt Freeman]. There's a Fraser Report done every year. And this Fraser Report is specifically mining related, but it speaks really for industry in general. And all of the large significant large mining companies world wide, just not Alaska, but worldwide are poled, on, each state, each province in Canada, and numerous countries throughout the world. And that pole [Fraser Report] came out last year for 2002, very disappointing. Its [presumably Alaska's Policy Potential Index] been dropping the last “several” years. And Alaska ranked 50 on perception of public companies who want to invest here. Zero is bad, 100 is good. We ranked 50 in perception politically. We have now fallen below China and Russia as areas, even though we have the resources, areas we would politically be acceptable to do work in. Perception is reality, when people vote with their pocketbooks they take their exploration and development dollars elsewhere.”

March 11, 2003 – House State Affairs Committee EO 107 Hearing\*

ADNR Commissioner Irwin stated:

“Some of you folks have heard me talk about the Fraser Report. And the Fraser Report comes from my background, the mining side, but it applies to the perception of how Alaska is seen in this day and age. And it’s very sobering to read it. They pole the major mining companies in the world and they do that every year. The results have been put out for the year 2002. And I’m embarrassed for our state. There’s two sections in this report. It poles the decision makers in companies. And it poles them on two things; are the resources here, and they look at Alaska and all the other states, they look at the provinces in Canada, they look at other countries. We rank very high and very well on the resources. The political perception, on a score of zero’s horrible and a 100’s good, this last year we ranked 50 [presumably Alaska’s Policy Potential Index]. Now, whether it’s perception or reality, they vote with their pocketbooks. They’re telling us now, that the major mining companies find it more politically acceptable to do investment in both Russia and China than Alaska.”

**◆◆◆ CONTRARY TO WHAT ADNR COMMISSIONER IRWIN HAS STATED:**

- **ALASKA WAS NOT RANKED 50 OVERALL IN 2002/2003**
- **ALASKA WAS RANKED “MORE POLITICALLY ACCEPTABLE” FOR BUSINESS THAN CHINA AN RUSSIA**

\*(See Table 1 and Figures at end of report this report)\*

- **ALASKA RANKED 12th “OVERALL” as a PLACE TO DO BUSINESS.**  
47 jurisdictions were ranked worldwide.  
Taking tie scores into account resulted in 34 ranks.  
The criteria assessed include those identified above.  
(Investment Attractiveness Index - Fraser Report - 2002/2003)
  
- **ALASKA’S RANKED 20th “OVERALL” as a “POLITICALLY ACCEPTABLE” PLACE TO DO BUSINESS.**  
**CHINA RANKED 29th and RUSSIA RANKED 34<sup>th</sup>**  
47 jurisdictions were ranked worldwide.  
Taking tie scores into account resulted in 36 ranks.  
The nine criteria assessed include those identified above.  
(“Policy” Potential Index - Fraser Report - 2002/2003)

- **ALASKA RANKED 3rd "OVERALL" as a "POLITICALLY STABLE" PLACE TO DO BUSINESS.**  
**CHINA RANKED 16th and RUSSIA RANKED 24<sup>th</sup>**  
 From: Percent of Companies Who Indicate "POLITICAL STABILITY" "ENCOURAGES" DOING BUSINESS IN ALASKA.  
 47 jurisdictions were ranked worldwide.  
 Taking tie percentages into account resulted in 28 ranks.  
 ("Political" Stability Ranking - Fraser Report - 2002/2003)
- **Alaska's "OVERALL" Policy Potential Index Ranking HAS "NOT" BEEN DROPPING OVER THE LAST "SEVERAL" YEARS.**
- Alaska's Policy Potential ranking increased from 14<sup>th</sup> place in the 1998/1999 (FIRST year Alaska was included in the survey) survey, to 12<sup>th</sup> place in the 2001/2001 survey. Alaska's Policy Potential rank increased as the survey expanded to include more governments/geographical regions. Alaska's Policy Potential ranking dropped only in the 2002/2003 survey. (Fraser Report 1998-2003).
- **ALASKA RANKED SIGNIFICANTLY HIGHER THAN CHINA AND RUSSIA IN TERMS OF BEING A POLITICALLY ACCEPTABLE PLACE TO DO BUSINESS.**

Alaska's Policy Potential (and Political Stability) ranking does not justify the extreme measures taken by the Murkowski administration against ADF&G Habitat Division

**No where in the Fraser Report is STATE GOVERNMENT implicated as an impediment to "doing business".**

**In fact:**

In contrast to the administration's case against ADF&G - Habitat Division, Liv Fredricksen (Fraser Institute - "Annual Survey of Mining Companies" survey Research Co-coordinator) has indicated that, mining company perception of uncertainty about Environmental Protection Agency regulatory consistency and the actions of environmental activists may have something to do with the recent drop in Alaska's 2002/2003 Policy Potential Index score  
 (personal communication, 3/18/03)

**Quote:**

...democrats would leave the country and federal EPA closed.  
 -President of a junior mining company  
 (Quote provided by Liv Fredricksen, Fraser Institute - "Annual Survey of Mining Companies" survey Research Co-coordinator, 3/18/03)

Without a review of politics and events on a national and global scale there can be no honest and thorough evaluation of the Fraser Report results.

◆◆◆ CONTRARY TO WHAT ADNRC COMMISSIONER IRWIN HAS STATED:

- Alaska's "OVERALL" Investment Attractiveness Index ranking HAS "NOT" BEEN DROPPING OVER THE LAST "SEVERAL" YEARS.
- Alaska's Investment Attractiveness ranking increased from 9th place in the 1998/1999 survey (first year Alaska was ranked) to 5<sup>th</sup> place in the 2001/2002 survey. Alaska's Investment Attractiveness ranking increased as the survey expanded to include more governments/geographical regions. Alaska's Investment Attractiveness ranking dropped only in 2002/2003 - Alaska, China, and Russia received basically equal rankings (Alaska ranked 12th - Russia ranked 11th - China ranked 10<sup>th</sup>). However, remember that the Investment Attractiveness Index is a combination of the Mineral Attractiveness Index and the Policy Potential Index. And, the Investment Attractiveness Index was weighted 60% mineral and 40% policy in the 2001/2002 and 2002/2003 surveys. Further, China and Russia's Mineral Potential ranking rose above Alaska's Mineral Potential ranking in the 2002/2003 Fraser Report and Alaska's Mineral Potential ranking dropped from the 2001/2002 ranking of 5th place to 11th place in 2002/2003.

Liv Fredricksen (Fraser Institute - "Annual Survey of Mining Companies") survey Research Co-coordinator, 3/18/03) confirmed the obvious fact that the 60% mineral weighting of the Investment Attractiveness Index would have a noticeable affect on the overall Investment Attractiveness score; in this case a downward pull on Alaska's overall score.  
(Personal communication, 3/18/03).

- Once again, contrary to Commissioner Irwin's statements, ALASKA'S POLICY POTENTIAL RANKING WAS HIGHER THAN CHINA AND RUSSIA IN BOTH 2001/2002 and 2002/2003 (China and Russia were included only in the 2001/2002 & 2002/2003 Fraser Reports).  
(Fraser Report 1998-2003)

Alaska's "OVERALL" increase in Investment Attractiveness Index ranking as a favorable place to do business occurred while ADF&G Habitat Division controlled fish and fish habitat protection authority and during the so-called extreme pro-environmental administration of the ex-Governor Tony Knowles.

Since inception of considering Alaska in the survey (1998), when considering only the United States, Alaska has received a "composite" Investment Attractiveness Index ranking that has been second only to Nevada each year of the survey.  
(Fraser Report 1998-2003)

Russia has unfavourable policies, including "political, regulatory and legal harassment (freezing accounts) because of refusal to cooperate with continuing and increasing layoffs"

-Evaluations Manager, senior mining company  
(2002/2003 Fraser Report, Graphical Results section, page 32)

"Indonesia and Russia [are] corrupt [and take] too long for permitting. [We] never know if we own the mining title."

-President of a junior mining company

(2002/2003 Fraser Report, Graphical Results section, page 32)

"Alaska" has the most favorable policies. "Promotion of natural resource development [is] mandated by state constitution-- [the] state actively supports mining by loans, grants, etc., 3-year production tax (state) moratorium at start up, enhance by bottom line exploration expenditure write off re exploration at each property..."

-President of a junior mining company

(1999/2000 Fraser Report, Graphical Results section, page 9)

**◆◆◆CONTRARY TO WHAT ADNRC COMMISSIONER IRWIN HAS STATED:**

- **ALASKA WAS RANKED "MORE POLITICALLY ACCEPTABLE" FOR BUSINESS THAN CHINA AN RUSSIA in the 2001/2002 and the 2002/2003 Fraser Report**
- Percent of companies who indicate MINERAL POTENTIAL ASSUMING CURRENT REGULATIONS/LAND USE POLICIES "**ENCOURAGES**" DOING BUSINESS IN ALASKA.  
47 jurisdictions were ranked worldwide.  
Taking tie percentages into account resulted in 34 ranks.  
**ALASKA RANKED 10th OVERALL** as a PLACE TO DO BUSINESS  
**CHINA RANKED 17th and RUSSIA RANKED 25th**  
(Fraser Report 2002/2003)
- Percent of companies who consider uncertainty concerning the ADMINISTRATION, INTERPRETATION, and ENFORCEMENT of EXISTING REGULATIONS a "**STRONG DETERRENT**" to DOING BUSINESS IN ALASKA.  
47 jurisdictions were ranked worldwide.  
Taking tie percentages into account resulted in 40 ranks worldwide.  
**ALASKA RANKED 17th OVERALL** as a PLACE TO DO BUSINESS  
**CHINA RANKED 33rd and RUSSIA RANKED 40th**  
(Fraser Report 2002/2003)
- Percent of companies who consider REGULATORY DUPLICATION AND INCONSISTENCIES a "**STRONG DETERRENT**" to DOING BUSINESS IN ALASKA.  
47 jurisdictions were ranked worldwide.  
Taking tie percentage into account resulted in 37 ranks.  
**ALASKA RANKED 16th OVERALL** as a PLACE TO DO BUSINESS  
**CHINA RANKED 25th and Russia RANKED 36th**  
(Fraser Report 2002/2003)

- Percent of companies who consider TAXATION a "**STRONG DETERRENT**" to DOING BUSINESS IN ALASKA.  
 47 jurisdictions were ranked worldwide.  
 Taking tie percentage into account resulted in 29 ranks.  
**ALASKA RANKED 9th OVERALL** as a PLACE TO DO BUSINESS  
**CHINA ranked 18th and RUSSIA ranked 26th**  
 (*Fraser Report 2002/2003*)
- Percent of companies who consider LABOR REGULATION a "**STRONG DETERRENT**" to DOING BUSINESS IN ALASKA  
 47 jurisdictions were ranked worldwide.  
 Taking tie percentages into account resulted in 23 ranks.  
**ALASKA RANKED 9th OVERALL** as a PLACE TO DO BUSINESS  
**CHINA RANKED 13th and RUSSIA RANKED 21st**  
 (*Fraser Report 2002/2003*)
- Percent of companies who consider SOCIOECONOMIC AGREEMENTS a "**STRONG DETERRENT**" to DOING BUSINESS IN ALASKA.  
 47 jurisdictions were ranked worldwide.  
 Taking tie percentages into account resulted in 30 ranks.  
**ALASKA RANKED 5th OVERALL** as a PLACE TO DO BUSINESS  
**CHINA RANKED 23rd and Russia RANKED 29th**  
 (*Fraser Report 2002/2003*)
- The Fraser Report survey does not include all the U.S states. In 2002/2003 the survey considered 47 jurisdictions worldwide – fewer jurisdictions were considered in previous years. As we all know there are 50 states in the United States.

### **BEWARE**

"Mining Watch", a pan-Canadian group whose aim is to ensure that mineral development practices are consistent with the goals of sustainable communities and environmental health and advocates policies to improve the efficiency and reduce the risks of mineral development, released a critique of the *Fraser Report*. Mining Watch issued the following statement regarding the *Fraser Report*, "**It is clear from the report that a vote for mining friendly policy is a vote against fair taxation, against collective bargaining, against environmental protection, against aboriginal land rights, and against protected areas.**" In light of this statement, remember that ADNR Commissioner Irwin cited the *Fraser Report* as justification for transferring fish and fish habitat authority from ADF&G to the state agency (ADNR) that is responsible for mining, oil, and gas development.

---

ADNR Commissioner Irwin has been involved in the mining industry in Nevada and Alaska for a number of years. I have a hard time believing that he does not understand the content of the Fraser Report. Commissioner Irwin told the Petroleum News • Alaska (March 2, 2003; page 8) that he has watched the Fraser survey results for years. If it is true that he does not understand the report, what faith can I have in a man who spreads doctrine without knowing what it is that he is promoting. Or, if he is deliberately misinterpreting the Fraser Report's Alaska rankings what faith can I have in his integrity. In either case I am led to suspect that ADNR Commissioner Irwin (Governor Murkowski's messenger) may not have the best interest of the public trust, Alaska's social well being, or the overall future well being of Alaska's future economy - which should include fish and fish habitat as well as mining – in mind as he promotes EO 107.

If Alaskans looked to a social and economic future that included only mining, the obvious course would be to dismantle environmental regulation in an effort to boost Alaska's Policy Potential Index. I don't believe that Alaskans are that foolish, as was readily evident from public testimony at the Senate Resources Committee (3/10/03) and to the House State Affairs Committee (3/11/03) public hearings. **The vast majority (approximately 75%) of testimonies clearly informed the legislature that EO 107 is not an acceptable way to do business in Alaska.**

The relevance of what has been reported above is that:

- 1) The administration is trying to convince us that the myth - Habitat Division as an obstruction to economic progress -- they have fabricated, with half-baked and insufficient knowledge is an economic necessity.
- 2) Contrary to Commissioner Irwin's version of the Fraser Institute's Annual Survey of Mining Companies report, the results do not support the Murkowski administration's assertion that ADF&G – Habitat Division is an obstruction to development and therefore a drag on Alaska's economy.
- 3) Despite the numerous documented false allegations and documented misinterpretations, the administration blatantly continues to promote EO 107.
- 4) Despite recent Senate and House committee hearings where public testimony, and ADNR Commissioner Irwin and Acting ADF&G Commissioner Duffy, made it clear that there is a resounding lack of supportable justification for EO 107, Governor Murkowski's supporters in the legislature may not be doing anything to correct the administrations behavior.

- 5) Despite the numerous documented false allegations and documented misinterpretations, the Murkowski administration wants us to believe them when they tell us there will be no decrease in the level of fish and fish habitat protection under EO 107.
- 6) Because EO 107 is neither a cost cutting measure or an administrative efficiency measure that favors forums Alaskan's (as has been clearly proven and documented in numerous public forums and media) the cabinet members are forced to support and promote EO 107 via deceit.
- 7) Based on ADNR Commissioner Irwin's significant and blatantly flawed representation of the Fraser Report data, there is no doubt that the legislature should probe deeply the validity of the rest of Murkowski administration's justifications (many of which have been proven illegitimate already) for EO 107 (and against ADF&G Habitat Division) and demand that EO 107 be brought to the floor for immediate disapproval.
- 8) Based on number 1, 2, 3, 4, and 5 above, if certain members of the legislature behave in a manner that prevents EO 107 from being **DISAPPROVED (REJECTED)**, they should not be considered worthy of representing our supposed democratic republic.

"In general, the United States has the least favourable policies towards mining, with certain exceptions such as Nevada and Alaska." "Move mining lands out of federal jurisdiction and give them to the states "  
Vice President Exploration, junior mining company  
(Quote provided by Liv Fredricksen (*Fraser Institute* – "Annual Survey of Mining Companies" Research Co-coordinator)

"Alberta, Alaska [have] low tax levels, welcoming attitudes, and accept natural resources as a responsible industry...Governments must set and adhere to their laws and regulations for extended periods (5 to 10 years), taxation rates must be lower and considerate of the payback periods (must be shorter)...  
-CEO, senior mining company  
(2001/2002 *Fraser Report*, page 16)

On a number of occasions both ADNR Commissioner Irwin and Acting ADF&G Commissioner Duffy had to publicly defer to Chris Kennedy (Assistant Attorney General) for answers about basic policy procedure questions such as, when there is a contentious issue will the debate rise to commissioner or the deputy commissioner? These are the men that may be implementing EO 107 and it appears that neither one them have done their EO 107 homework, yet they blindly support and promote EO 107. Do they not have a clear understanding of what it is they are promoting or do they not want the legislature or the general public to understand the true nature of EO 107?

EO 107 places supervision of fish and fish habitat protection under the Deputy Commissioner and the State Forester. The Governor appoints neither position. In other words, the board recommends neither position and neither position receives legislative scrutiny and approval. Currently Title 16 is under the ultimate supervision of the Commissioner of the ADF&G who must be approved publicly by the legislature. What happened to the transparency in government that Governor Murkowski spoke of on numerous occasions during his campaign?

EO 107 is neither a cost cutting measure nor an administrative streamlining measure. EO 107 is the Murkowski administration's Hydro-Ax that is idling and ready to clear a right of way for development at the cost of salmon, resident fish, fish habitat, wildlife and humans supported by fish and fish habitat, nearshore and inland subsistence, sport, commercial, and personal use fisheries.

Salmon have benefited Alaskan socially and economically for thousands of years. Look to the overall future of Alaska's social and economic well-being and do not allow salmon, resident species of fish, and wildlife and humans that depend on fish and fish habitat to be trampled in the stampede for the "New Wealth" of Alaska. **I support responsible development, therefore the only choice I have is to strongly urge the legislature and all Alaskans to DISAPPROVE Governor Murkowski's transfer of fish and fish habitat protection authority from ADF&G to ADNR. Please bring EO 107 to the floor for DISAPPROVAL.**

Thank you for allowing this testimony.  
Doug Hill  
P.O. Box 220236  
Anchorage, Alaska 99522  
Home Phone: 348-8519  
email: deeryard2001@yahoo.com

I am willing to discuss this issue with anyone. I can provide copies of text and figures.

**\*ADNR Commissioner Irwin Quotes From The Following KTOO Gavel To Gavel Audio Archives - (<http://www.ktoo.org/gavel/audio.cfm>)**

3/7/03 - Press Conference, Habitat Title 16 Permitting Reorganization Plan  
Time Start: 25:12 – Time Stop 26:50

3/10/03 - Senate Resource Committee hearing, EO 107: Transferring Fish Habitat Functions  
Time Start: 8:13 – Time Stop 10:12

3/11/03 - House State Affairs Committee hearing, E.O. 107 Transfer of Habitat Functions from ADFG to DNR (public testimony occurred)  
Time Start: 11:34 – Time Stop 13:16

**Biography**

My name is Doug Hill

I am an Alaska resident.

I am 44 and have been in Alaska since my teens.

I have lived on and off the road system – most of my life in Alaska has been spent in rural areas.

I am currently an employee of the ADF&G – Habitat Division Biologist  
MY POSITION IS SLATED FOR TRANSFER TO ADNR IF EO 107 IS NOT DISAPPROVED.

I assist the permitting biologist (permit scoping comments, field inspections), work in the schools on restoration projects, and watershed awareness curricula.

I work part time for Wildlife Conservation Division/Waterfowl Section.

I also supervise the ADF&G camp at Redoubt Bay Critical Habitat Area (joint Habitat/Wildlife Conservation bear/angler project).

I also have extensive field experience with Alaska's inshore and inland fisheries while working for the Alaska Department of Fish and Game's Habitat, Wildlife, Sportfish and Commercial fisheries Division. I have a degree in biology from UAF and I have approximately 14 years of combined technician and biologist experience with ADF&G.

I have worked as a building construction carpenter

I have worked for Alaska Packers unloading fish and as a carpenter.

I have been a village maintenance worker for the catholic diocese

I have extensive experience with Alaska's inshore and inland fisheries as a commercial fisherman, a personal use fisherman, a sport fisherman, and a subsistence fisherman.

While living in the Yukon River village of St Marys I spent summers with Yupik friends gillnetting (commercial/subsistence) and putting fish up for the winter at their fish camp on Manning Island near the mouth of the Yukon River.

In the winters I worked blackfish traps and gillnets with friends from the village, as well as ice fishing I spend a lot of personal time fishing, hunting, and paddling on the inshore and inland waterways of Alaska.

Re: *Fraser Report* – “Annual Survey of Mining Companies” & Executive Order 107.

**Testimony of Doug Hill (Anchorage, Alaska) - Testifying on Behalf of Myself**

Testimony To: Alaska Senate Resource Committee hearings regarding EO 107 –3/10/03

Testimony To: State Affairs Committee hearings regarding EO 107 – 3/11/03

Fraser Report - "Annual Survey of Mining Companies"

Summary of Fraser Report's Composite Indices

	<u>Rank</u>					<u>Rank</u>		<u>Rank</u>	
	<b>ALASKA*</b>					<b>CHINA**</b>		<b>RUSSIA**</b>	
<b>Year</b>	<b>1998/1999</b>	<b>1999/2000</b>	<b>2000/2001</b>	<b>2001/2002</b>	<b>2002/2003</b>	<b>2001/2002</b>	<b>2002/2003</b>	<b>2001/2002</b>	<b>2002/2003</b>
<b>POLICY Potential Index</b>	14	14	13	12	20	28	29	33	34
<b>Mineral Potential Index</b>	16	3	4	5	11	10	8	7	4
<b>Investment Attractiveness Index</b>	9	8	7	5	12	13	10	12	11

\* Survey initiated in 1997 - Alaska was not included in the 1997 survey.

\*\* China and Russia were included only in the 2001/2002 and 2002/2003 survey.

Figure 21: Policy Potential Index (North America)

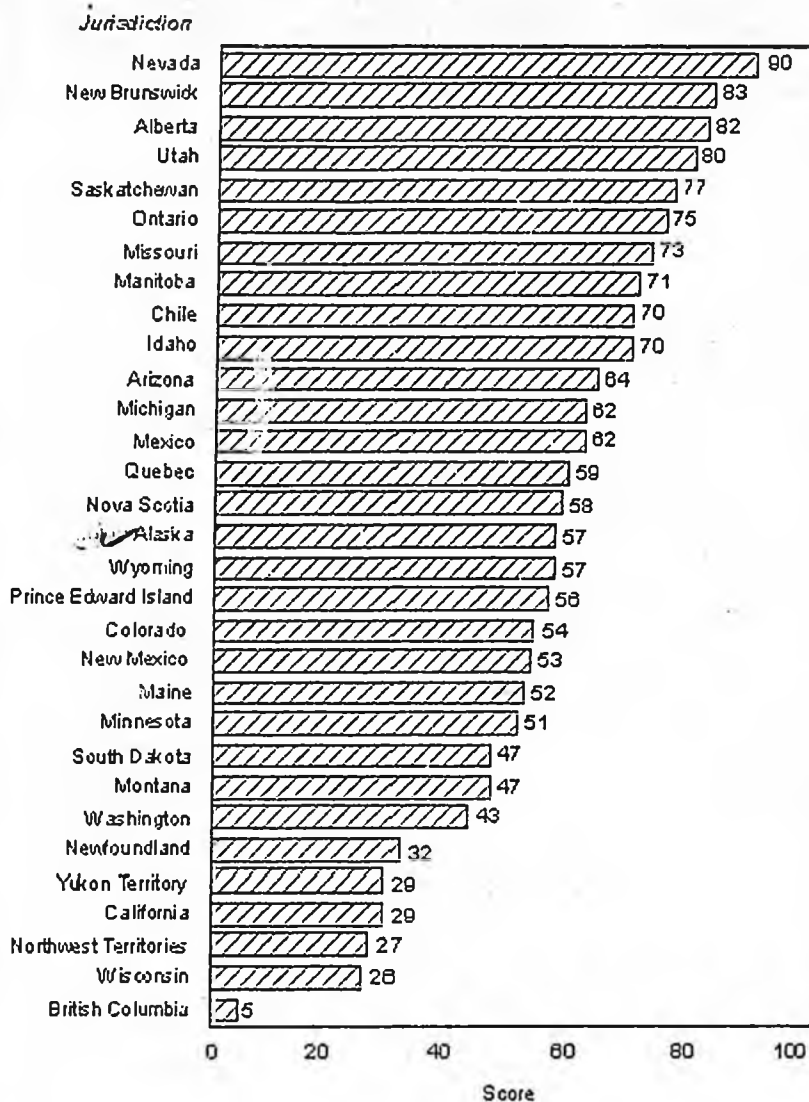


Figure 20: Mineral Potential Index (North America)

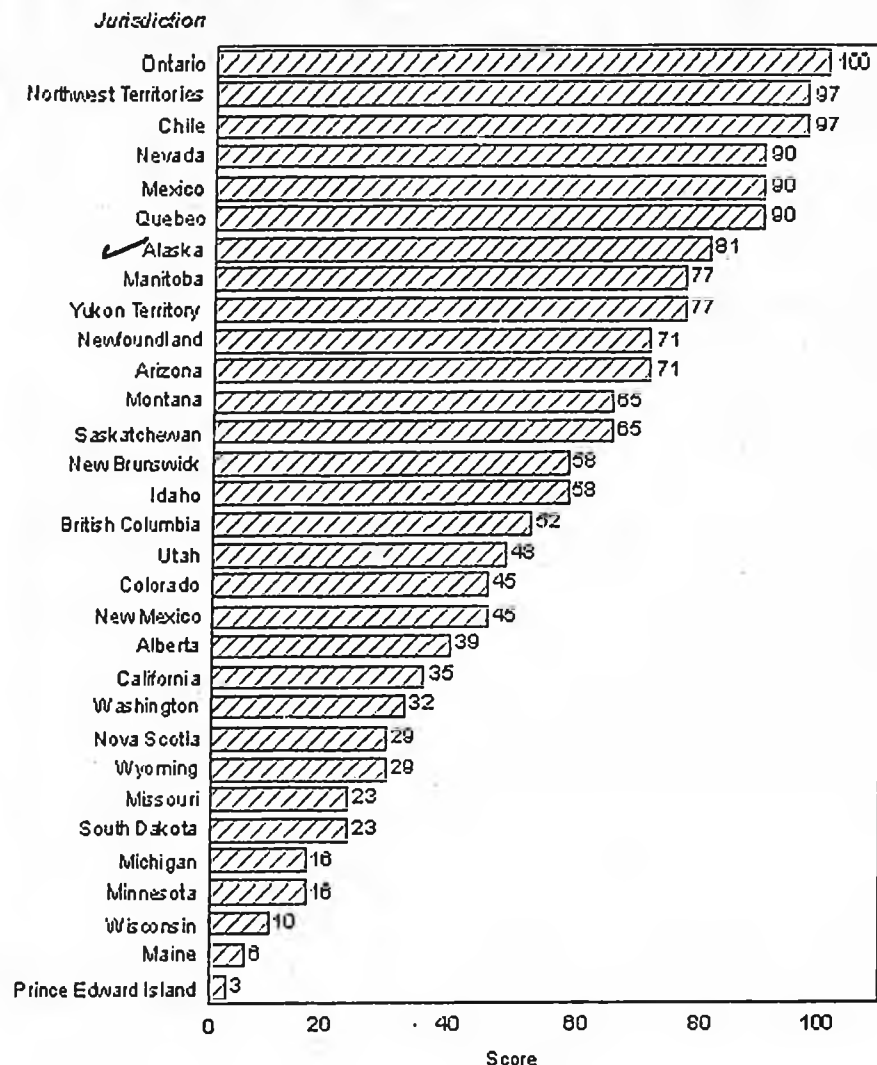


Figure 22: Investment Attractiveness Index (North America)

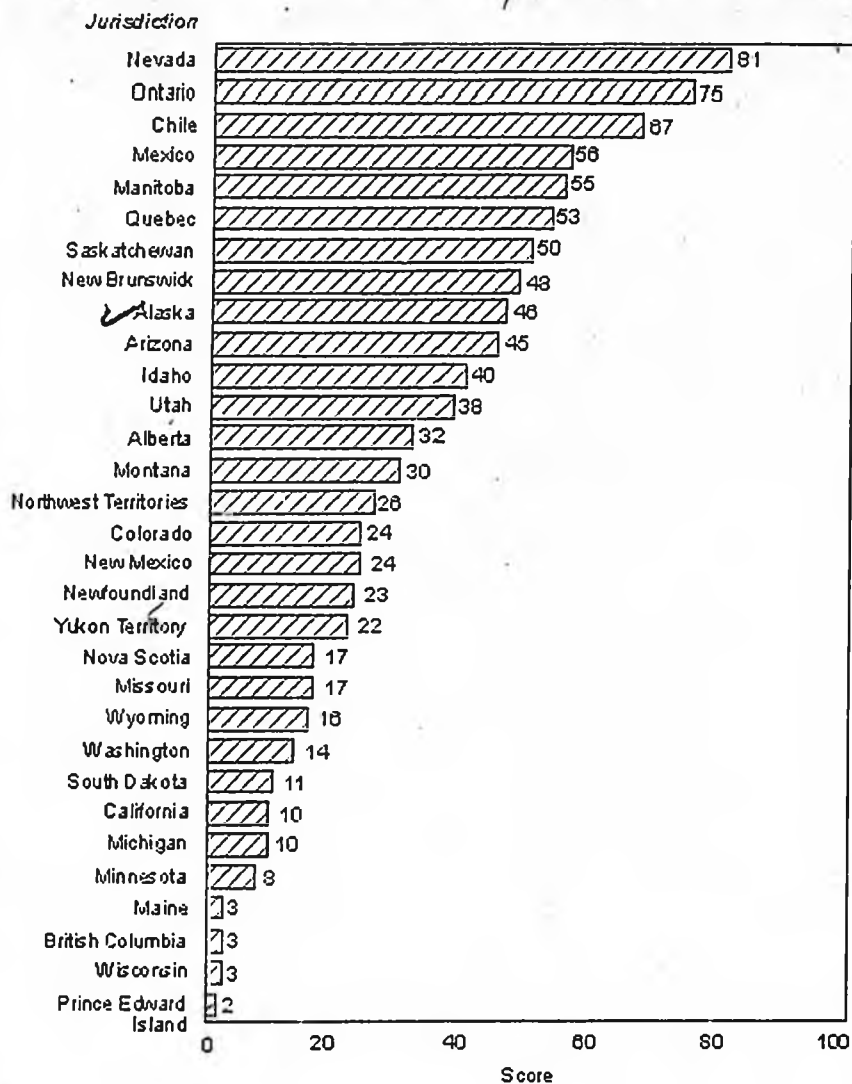
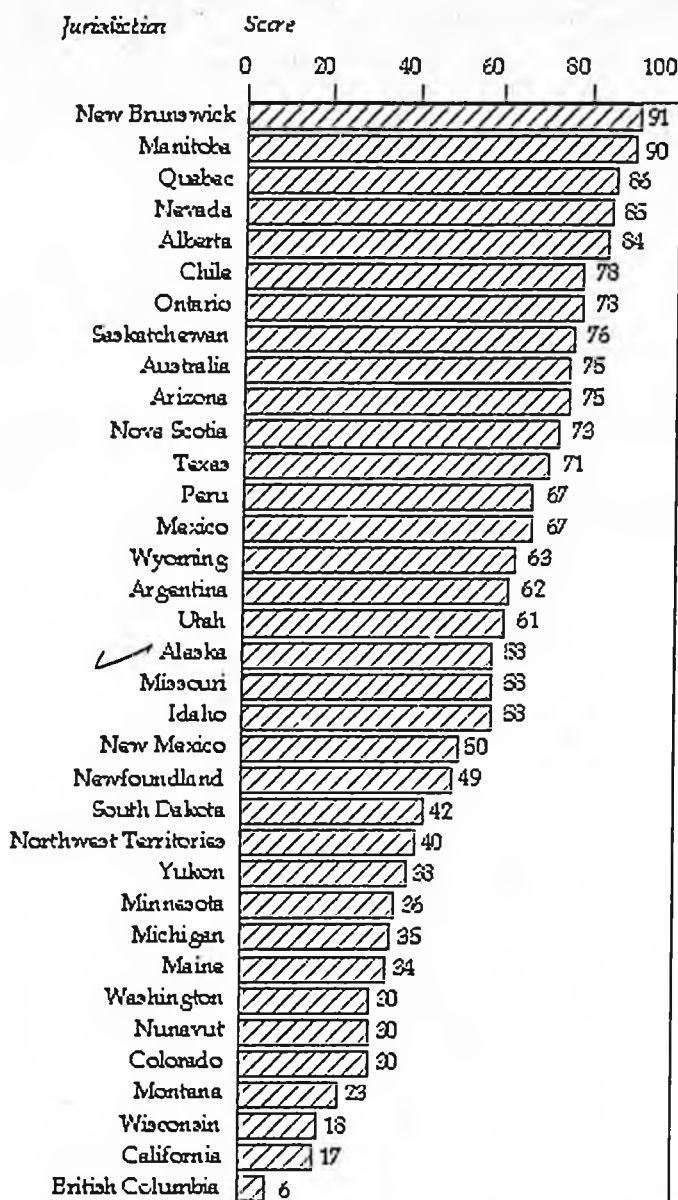


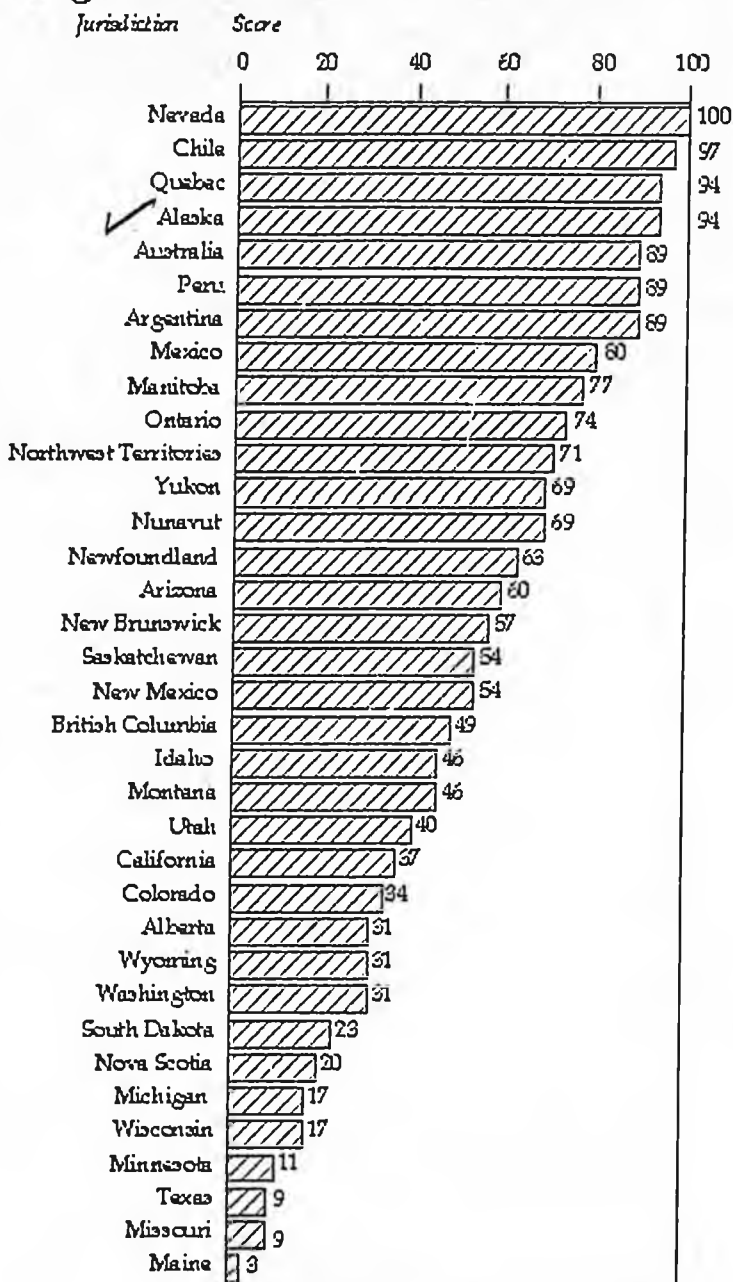
Figure 1: Policy Potential Index



### The Mineral Potential Index

The Mineral Potential Index rates a region's attractiveness based on companies' perceptions of geology. The top-rated regions are Nevada, with a perfect score of 100, Chile (97), Quebec and Alaska (tied at 94), Australia, Peru, and Argentina (tied at 89). The worst-rated regions on this index include Maine (3), Missouri and Texas (tied at 9), Minnesota (11), and Michigan and Wisconsin (tied at 17).

Figure 2: Mineral Potential Index



**The Investment Attractiveness Index Shows the Best and Worst Rated Places to Spend Exploration Dollars**

An overall Investment Attractiveness Index is constructed by combining the mineral potential index, which rates regions based on geological attractiveness, and the policy potential index, a composite index that measures the effects of government policies on exploration investment.

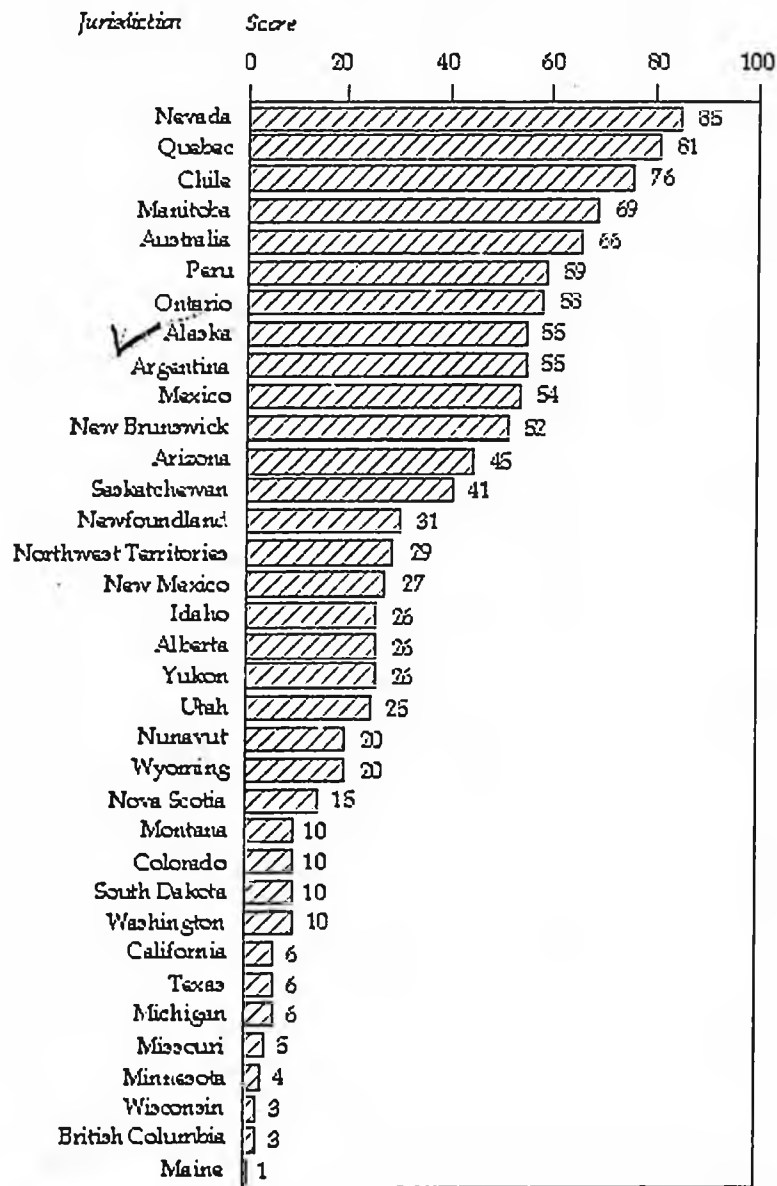
The State of Nevada is the highest rated jurisdiction for overall investment attractiveness for the second year in a row with a score of 85 points out of a possible 100. The high rating is a result of the state's top rating on mineral potential (100) and its high rating on policy (85). The next top rated regions are Quebec (81), Chile (76), Manitoba (69), and Australia (66). Nevada and Quebec beat third and fifth place contenders Chile and Australia in terms of investment attractiveness, even though the two latter countries have reputations of attracting high levels of exploration investment based on mineral potential

and favourable investment environments.

Also placing in the top ten jurisdictions for overall investment attractiveness are Peru (59), Ontario (58), Argentina and Alaska (tied at 55), and Mexico (54).

On the other end of the scale, Maine (1), Wisconsin and British Columbia (tied at 3), Minnesota (4), and Missouri (5), were rated the least attractive areas for new mining investment. British Columbia's low rating on the investment attractiveness index is mainly due to its abysmal performance on the policy potential index. Wisconsin's low investment attractiveness score suggests the results of its moratorium on mining and well-publicized anti-mining attitude as well as its low score on the mineral potential index. Maine did poorly because of its bottom rating on the mineral potential index and its mediocre performance on policy. Other low scoring jurisdictions include Michigan, Texas and California (tied at 6).

Figure 3: Investment Attractiveness Index



[Previous] [Contents] [Next]

Figure 1: Policy Potential Index

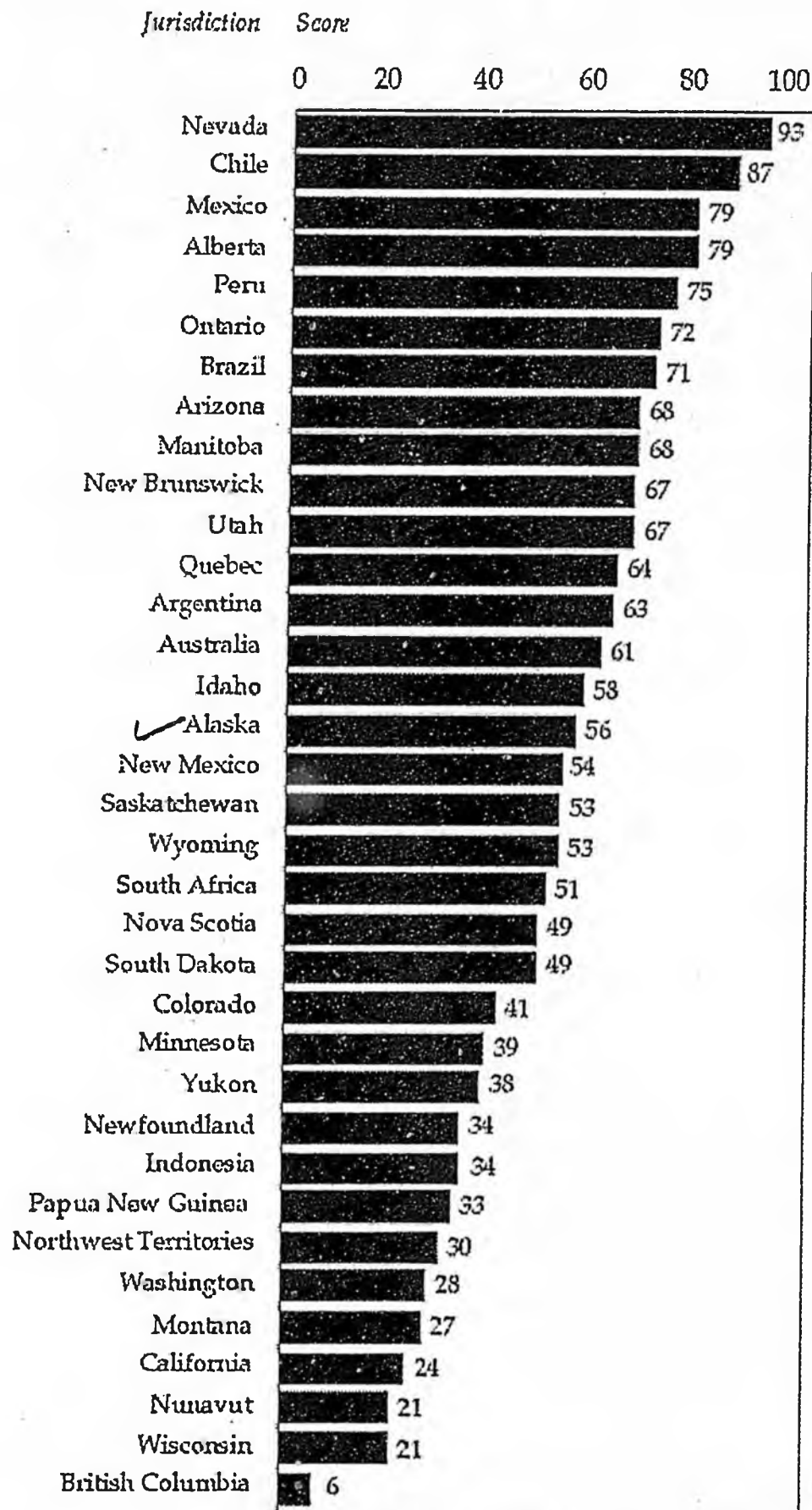
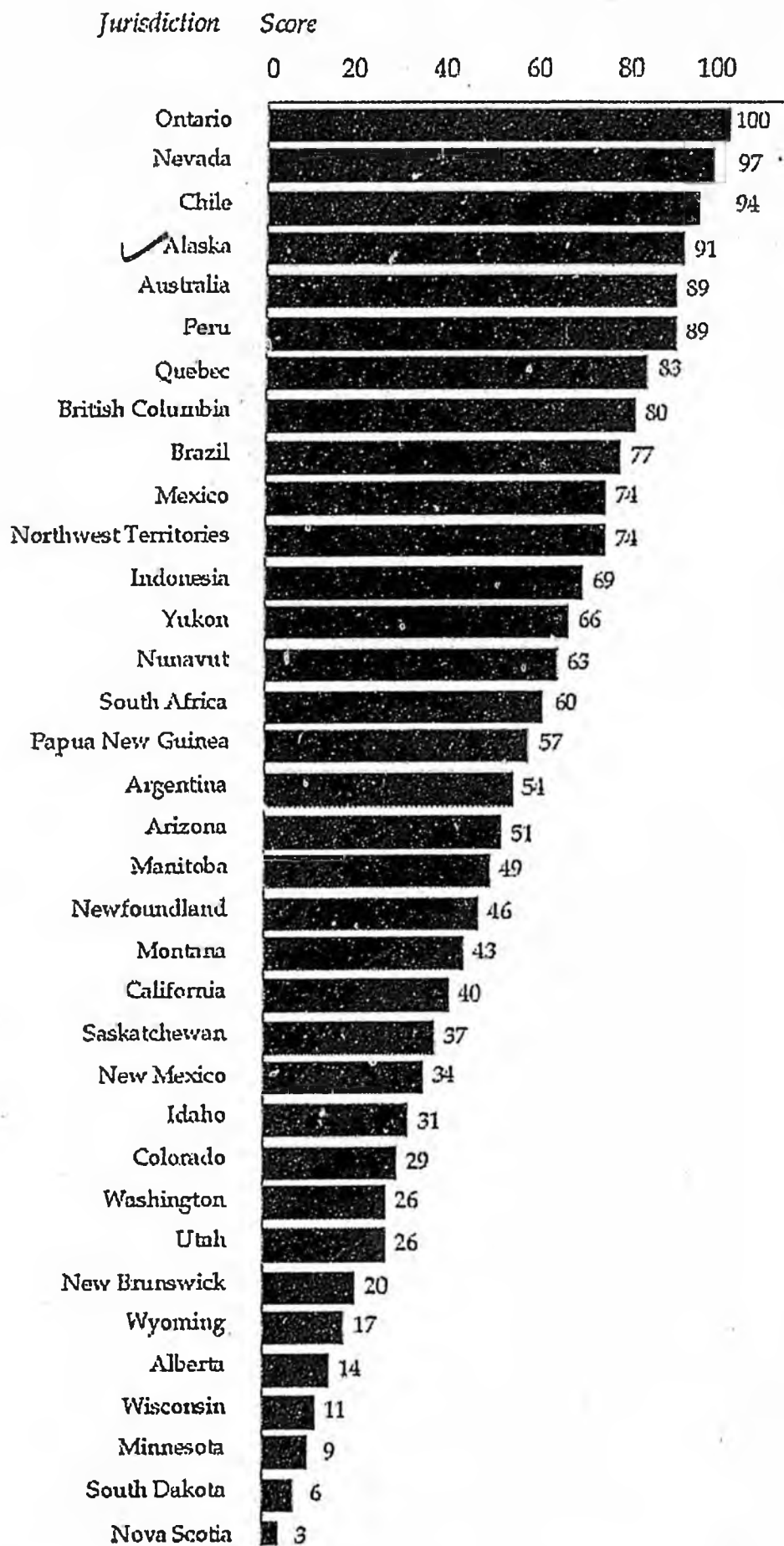
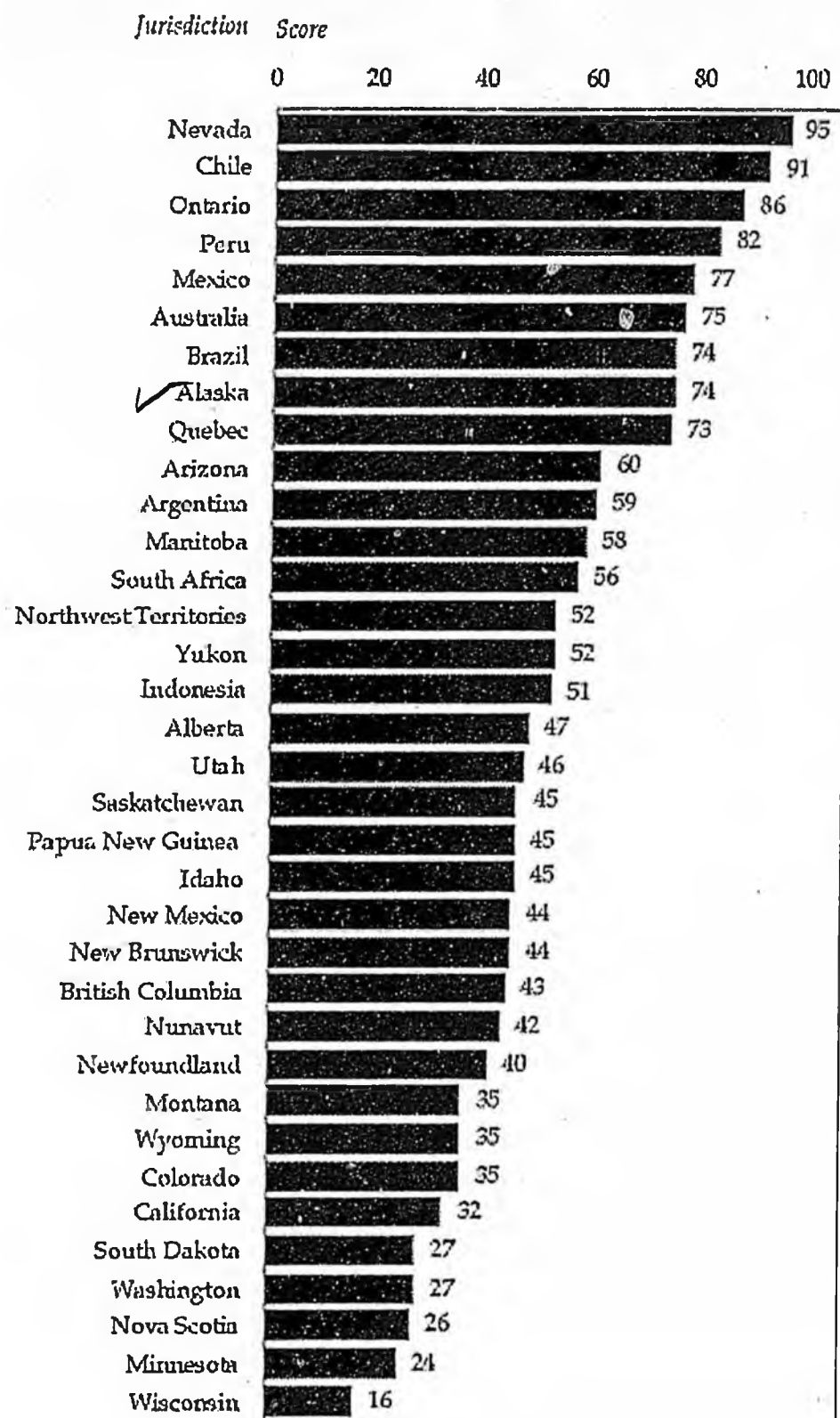


Figure 2: Mineral Potential Index



**Figure 3: Investment Attractiveness Index**

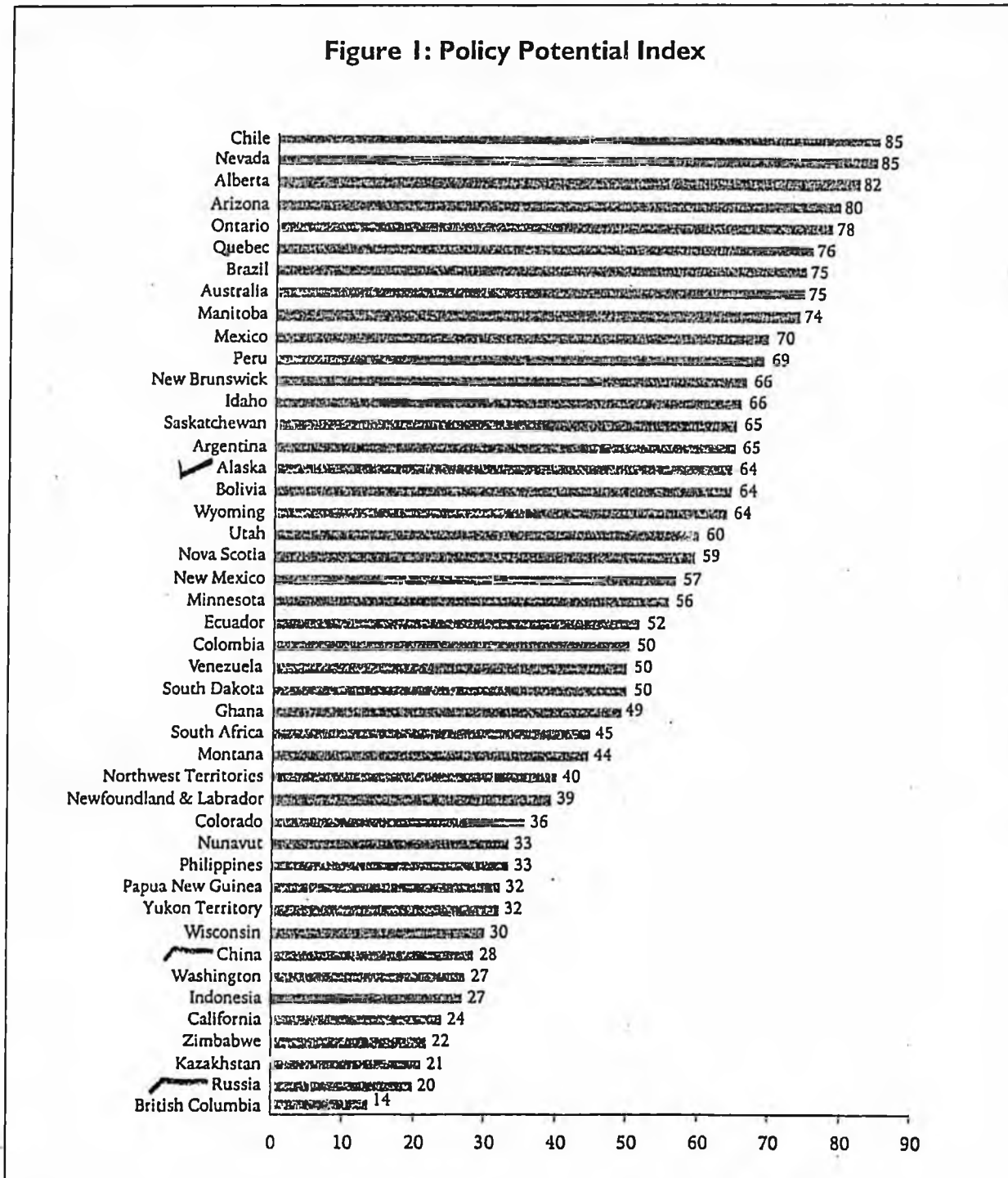


**The Investment Attractiveness Index Shows the Best- and Worst-Rated Places to Spend Exploration Dollars**

An overall Investment Attractiveness Index is constructed by combining the mineral

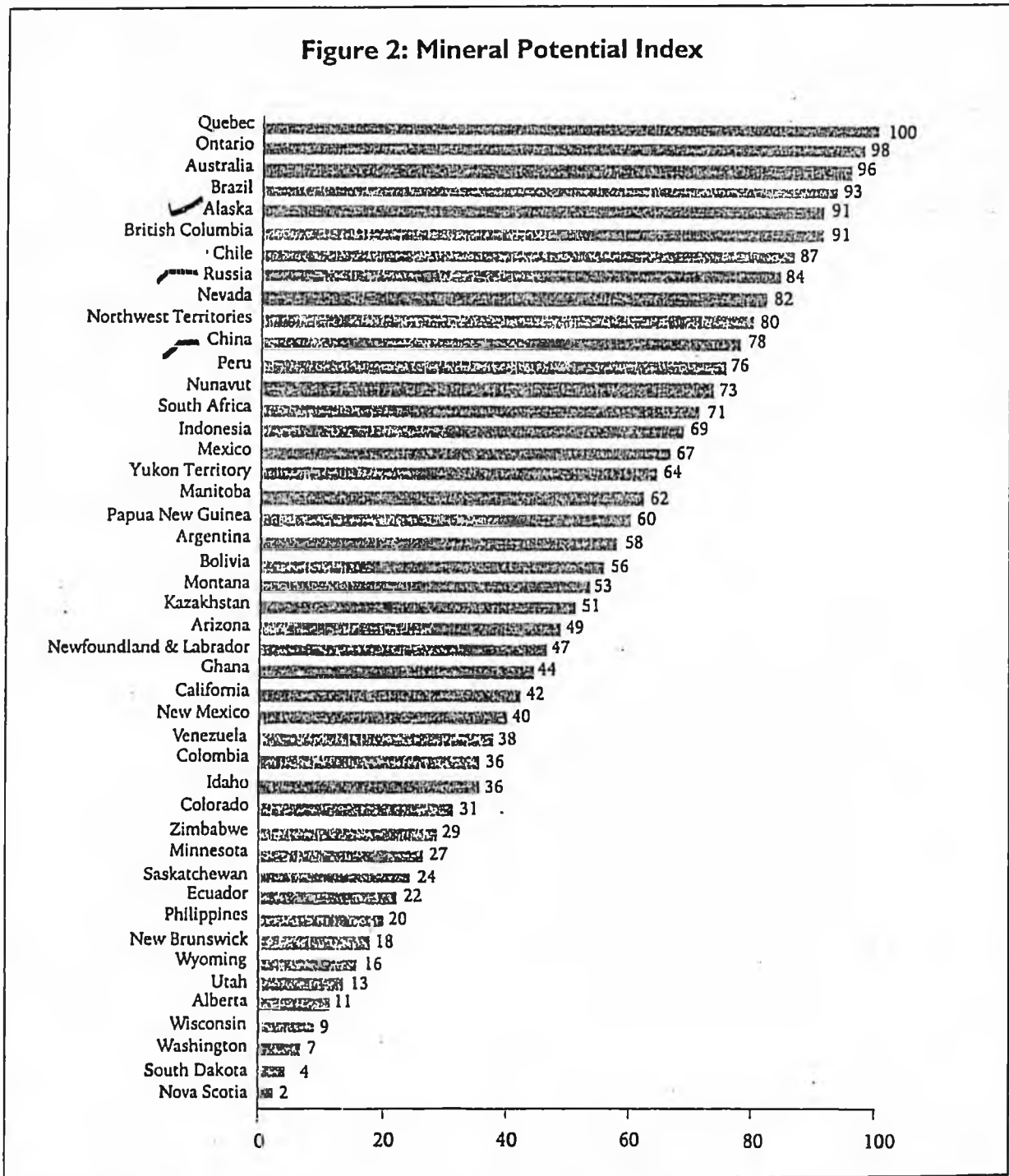
year's first place, rates a close second with a score of 98. Other top jurisdictions include Australia (96), Brazil (93), Alaska (91), British Columbia (91), Chile (87), Russia (84), Nevada (82) and the Northwest Territories (80). The worst-rated regions on this index include Nova Scotia (2), South Dakota (4), Washington (7), Wisconsin (9), and Alberta (11).

Figure 1: Policy Potential Index



## The Investment Attractiveness Index takes both Mineral and Policy Potential into Consideration

An overall Investment Attractiveness Index is constructed by combining the mineral potential index, which rates regions based on geological attractiveness, and the policy potential index, a composite index that measures the effects of government policy on attitudes towards exploration investment.



In past years, we have given equal weight to the policy and mineral scores. This year we asked respondents what weights they would put on policy and mineral potential. We used the median result, which puts a 60 percent weight on mineral potential and a 40 percent weight on policy.

Figure 3: Investment Attractiveness Index

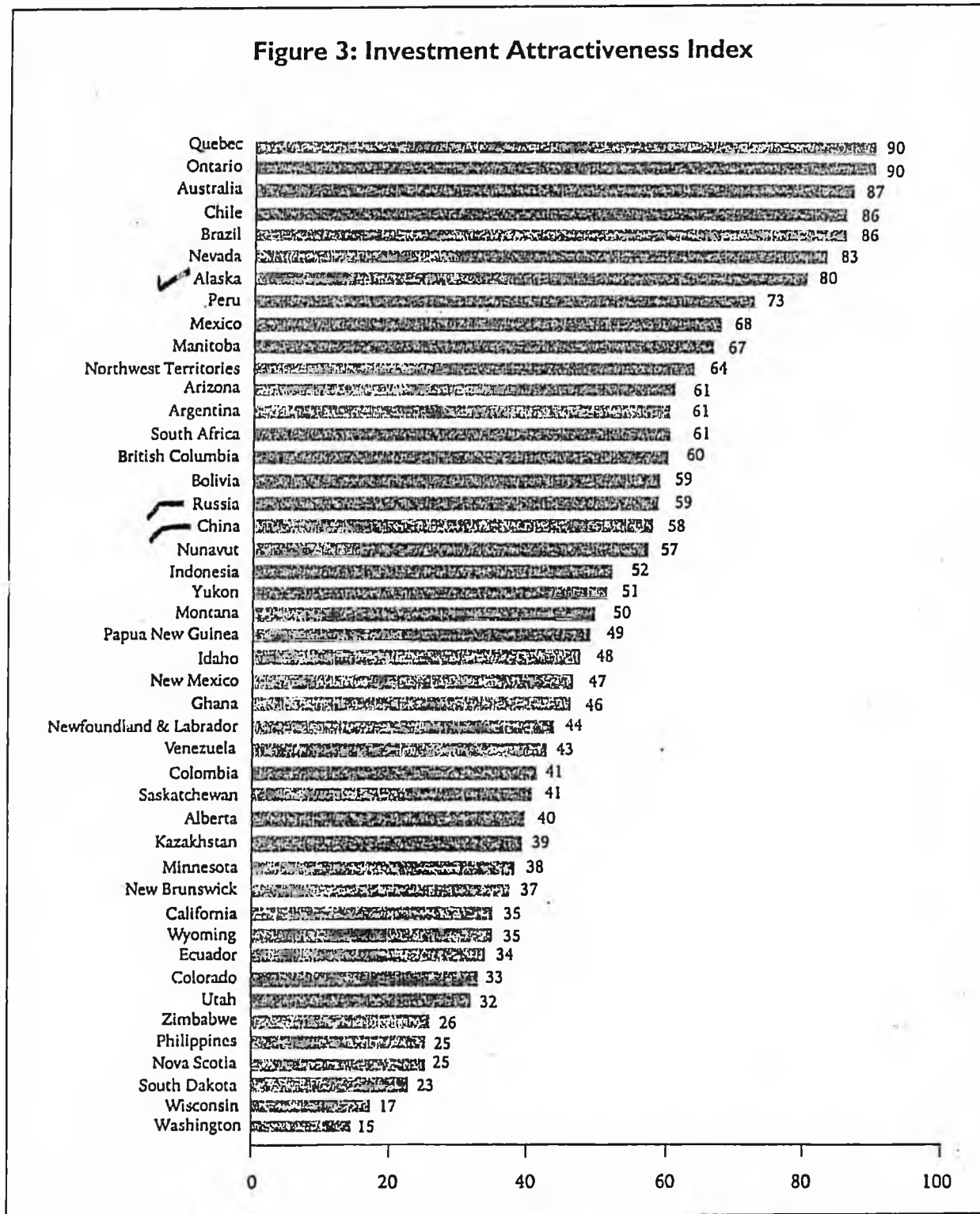


Figure I: Policy Potential Index

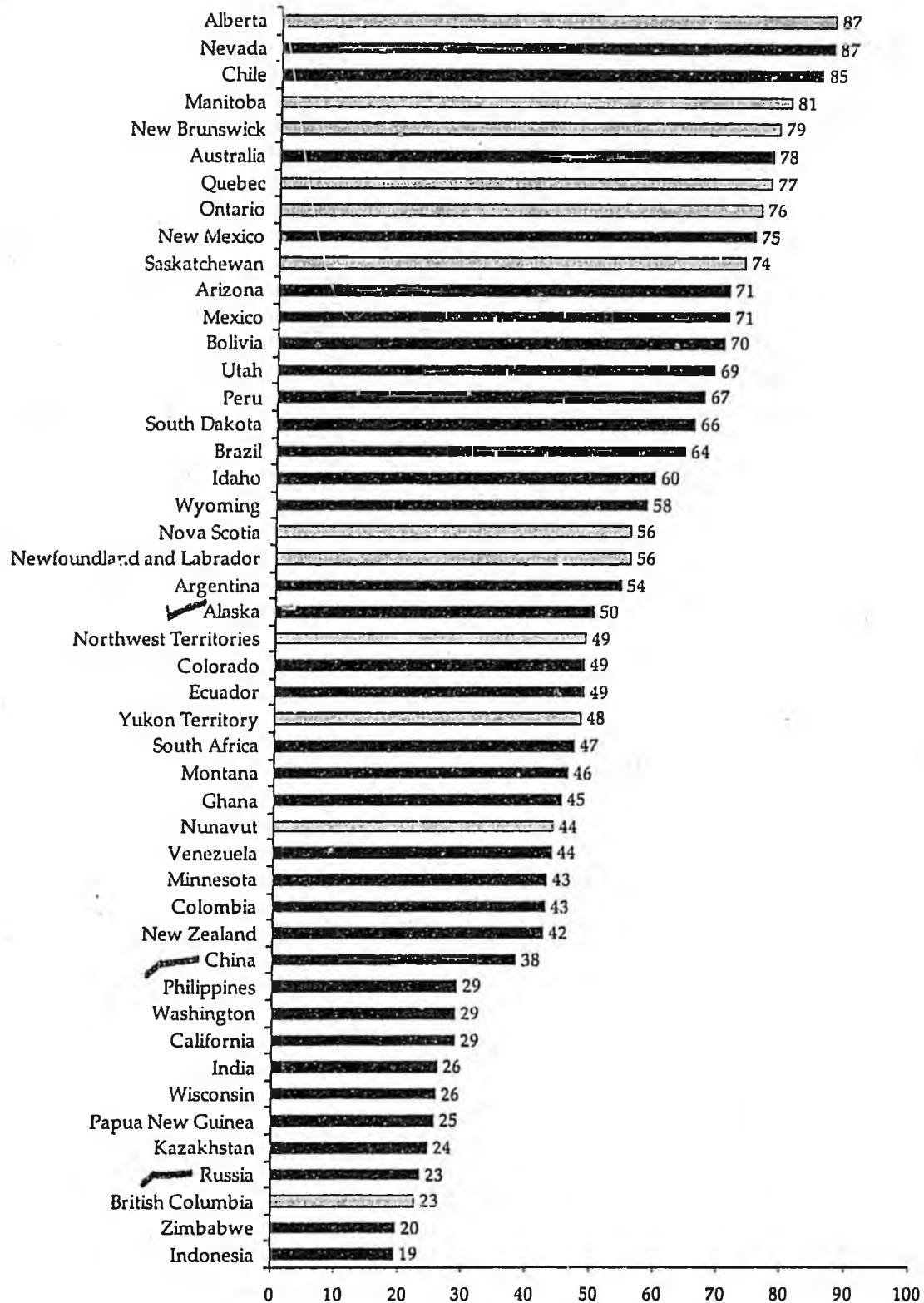


Figure 2: Mineral Potential Index

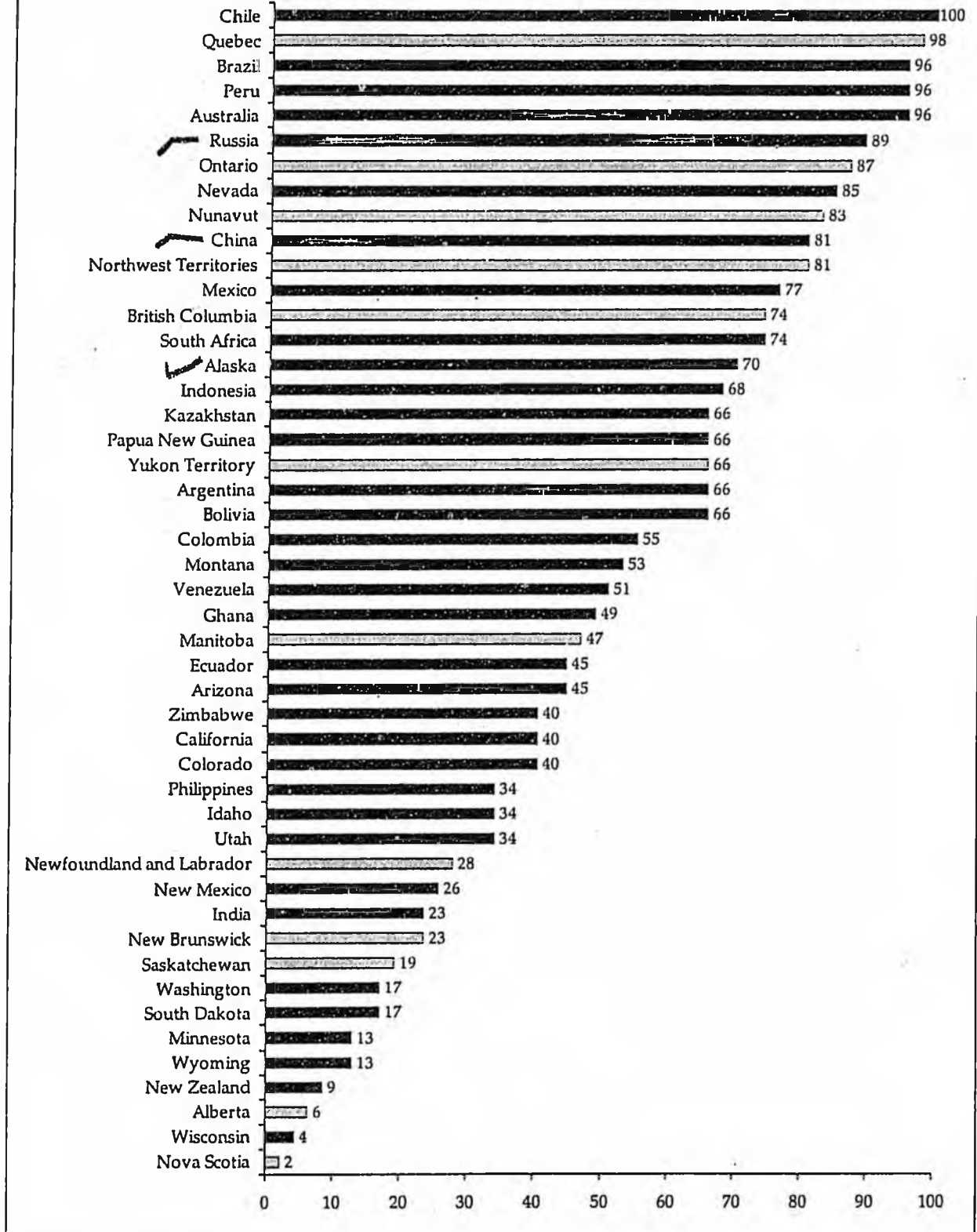
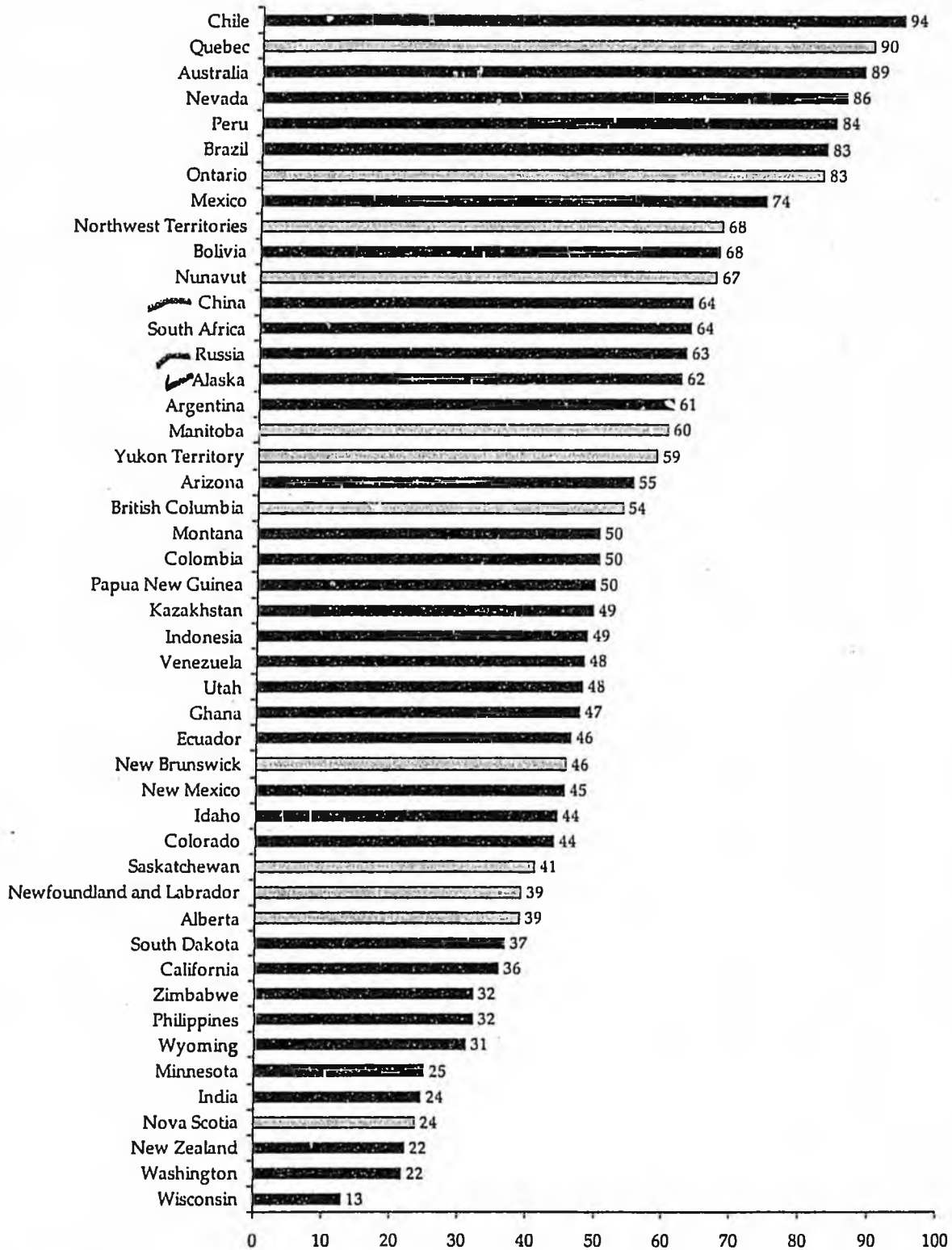


Figure 3: Investment Attractiveness Index



Jeff Fair  
4741 E. 112<sup>th</sup> Ave.  
Anchorage, AK 99516  
Tel/fax 907-346-4555  
[fairwinds@gci.net](mailto:fairwinds@gci.net)

Fax to Senator Gary Stevens  
State Affairs Committee  
907-465-3517

March 25<sup>th</sup>, 2003

Dear Senator Stevens:

Please help facilitate the passage of HOUSE AND SENATE CONCURRENT RESOLUTION NUMBER 1 out of your committee for a full House and Senate vote.

And PLEASE, PLEASE VOTE AGAINST EO 107, the executive order transferring permitting authority from ADF&G to the DNR. This is a poorly structured and fully unjustified action destined to degrade our habitat and fisheries, throw state government checks and balances out of balance, allow for political and unbased vindictiveness affecting the lives of many state employees, and cost all Alaskans and their children in the future.

Thank you for your kind attention to this matter.

Yours sincerely,





*American Fisheries Society*

ALASKA CHAPTER

FEB 12 2002

February 10, 2003

Governor Frank Murkowski  
Office of the Governor  
P.O. Box 110011  
Juneau, AK 99811-0001



Dear Governor Murkowski:

The members of the Alaska Chapter of the American Fisheries Society urge you not to transfer habitat permitting from the Department of Fish and Game to the Department of Natural Resources. We believe that this action will cause long-term, cumulative harm to Alaska's fishery resources. Fish are Alaska's most valuable renewable natural resource and have critical historical, cultural, and economic importance to Alaska's subsistence, commercial, and sport users. This valuable resource also represents additional opportunity for economic development.

The American Fisheries Society is the oldest and largest international scientific organization of professional fisheries scientists with nearly 8000 members dedicated to wise management and use of our sustainable aquatic resources and the continuing education of fishery scientists. The Alaska Chapter is one of over 100 subunits of the American Fisheries Society and includes more than 400 fisheries professionals who work in state and federal government, academia, and the private sector. A primary mission of the American Fisheries Society is "to ensure self-sustaining populations that support commercial and recreational fishing both now and in the future."

The Alaska Constitution states that fish and wildlife resources must be managed by the State for the sustained yield, maximum benefit and common use of all people. The framers of our State Constitution were concerned for the long-term viability of Alaska's most important renewable resource when they enacted safeguards to ensure that fish habitats would be maintained. These safeguards are a "check and balance" to assure that fishery and aquatic resources have equal standing with other important resources. This is accomplished by a review of project plans that may affect fish habitat by an independent professional fisheries scientist.

There is ample evidence from States in the Pacific Northwest that poorly designed, installed, or maintained culverts result in loss of access by fish to thousands of miles of productive habitat. Fishery scientists have estimated that the production of anadromous fish in Washington and Oregon is about three percent of historic levels; resident fish abundance is affected as well. Most of the productivity loss has been attributed to loss of aquatic habitat. Alaska is not immune to such loss; for example, recent studies of the State road system and logging roads on the Kenai Peninsula revealed that more than half of culverts block or impede fish passage to spawning, rearing and overwintering habitats.



*American Fisheries Society*

ALASKA CHAPTER

We, the Alaska Chapter of the American Fisheries Society, believe that if Alaska's fisheries resources are to be sustained for the benefit of all Alaskans, common property fisheries and aquatic resources must be given equal consideration with other land uses at the highest level. The best way to achieve this is to maintain the time-tested process enacted by the first State Legislature. We believe that if the review and permitting function is transferred from the Alaska Department of Fish and Game to the Department of Natural Resources the invaluable system of checks and balances that have existed in

State Statute since statehood will be lost. We believe that professional fisheries scientists within the Department of Fish and Game must continue to review and approve the design and installation of all proposed projects that affect our fish and aquatic resources in Alaska to ensure responsible stewardship of our sustainable fisheries and the healthy habitats that support them.

We encourage a dialogue (public hearings for example) concerning this matter and members of the Alaska Chapter of American Fisheries Society are available to assist if that will be useful. Please feel free to contact us if you have questions about our fishery and aquatic resources ([akafs@hotmail.com](mailto:akafs@hotmail.com)).

Thank you,  
Alaska Chapter of the American Fisheries Society

cc:  
Senate and House Legislators

**David M. Johnson**

7410 Foxridge Way Apt E  
Anchorage, AK 99510 U.S.A.  
Tel. +1.907.336-8717 \* Cell +1.907.748-5417  
[dmjohnson@outam.com](mailto:dmjohnson@outam.com)

Saturday, March 29, 2003

Committee Chairmen  
House State Affairs Committee, Resources  
Committee, Finance Committee, Labor and  
Commerce Committee  
Senate State Affairs Committee, Resources  
Committee  
Alaska State Capitol  
Juneau, AK 99811

**RE: HSCR1 Disapproving  
Executive Order No. 107,  
transferring habitat  
protection responsibilities  
from ADFG to ADNR.**

Dear Committee Chairman:

I am writing to ask you to bring HSCR1 that would disapprove Gov. Murkowski's EO 107 out of committee and to a vote.

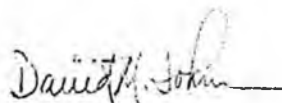
As a 31-year Alaska resident, I understand and appreciate the Governor's desire to increase efficiency of state government operations. However, efficiency cannot be the only yardstick in measuring the appropriateness of change in government. Alaska's fish and wildlife resources are crucial to our well-being -- from a variety of perspectives.

The missions of the Departments of Fish & Game and Natural Resources are significantly different. Moving habitat protection responsibilities into Natural Resources...with fewer staff at that...will actually mean LESS efficiency for natural resource development and use permitting AND LESS protection for fish and wildlife.

Please do not allow this ill-advised executive order to pass into effect without at least a vote of the legislature.

I thank you for your consideration.

Sincerely,



David M. Johnson

**adn.com**  
Anchorage Daily News

Earn two graduate business degrees  
in the time it usually takes to earn one.

Click H

News

24-Hour News

Go to....

Classifieds

Today's ads  
Search ads  
Place an ad

Marketplace

Transportation  
Employment  
Real Estate

Services

Restaurants  
Directory  
Alaska stores

Around Alaska

Visitors Guide  
Wild City  
Winter Guide

Specials

Iditarod  
Photo Galleries  
Editors' Picks

Alaska

Money

Sports

Outdoors

Life

Entertainment

Obituaries

Perfect World

Video Clips

Legislature

Mike Doogan

Opinion

Letters to the  
Editor

Voice of the  
Times

Corrections

Weather

Newsletters

Help

Home

Search  
in today's news

Search

- Previous days' news
- Advanced search
- Archives search

Editors' Picks

Read adn.com's best  
recent stories.

Top Ten Stories

See which stories other



Printer  
version



E-mail  
this story



Download  
story to PDA

**MONEY & BUSINESS**

### Habitat biologists brace for layoffs

**FISH AND GAME:** Employees may receive pink slips as soon as Friday.

By PAULA DOBBYN  
Anchorage Daily News

*(Published: March 5, 2003)*

State habitat biologists may get their layoff notices as early as Friday under a controversial plan by Gov. Frank Murkowski to streamline permitting for development projects.

From a total Habitat Division payroll of 86, some 16 full-time employees are slated to lose their jobs along with five temporary workers, according to internal staff memos obtained by the Daily News. Three of the 16 people targeted for layoff are regional supervisors Lance Trasky of Southcentral, Al Ott of the Interior and Bill Hanson of Southeast, Trasky told his staff this week.

"All of the regional supervisors will be terminated," Trasky wrote.

Trasky confirmed the contents of his memo Tuesday but said the layoffs and transfers remain subject to the approval of Jim Clark, Murkowski's chief of staff. Clark is expected to sign off and Murkowski will release the plan when he unveils his budget proposal tonight, Trasky said.

Of the 16 layoffs, one is in Fairbanks, six positions are Anchorage and nine are in Juneau and the Southeast region, Hanson wrote in an e-mail to his supervisor.

Twenty habitat staffers would be transferred to the Sport Fish and Wildlife Conservation divisions of the Department of Fish and Game, and 35 would go to the Department of Natural Resources, where they would work under the state forester and deputy commissioner.

The remaining staffers, who work for the Exxon Valdez Oil Spill Trustee Council and the Kachemak Bay National Estuarine Research Reserve, would stay at Fish and Game.

The names of the biologists, supervisors and administrative workers being let go should be public by Thursday, with layoff notices going out on Friday, Hanson wrote.

readers are sending to their friends:

**Crossword**

Play our interactive puzzle online.

**ALASKA.com**

Get information on travel, relocation and entertainment. The business directory allows you to locate stores and services statewide.

**School News**

Find your child's classroom in SchoolNews.

**Community News**

Check our free Web sites for non-profit groups.

**Where will you be in 10 months?**

Learn more



**Whales, Wildlife & Glacier Cruises from \$39.99**



**OPEN YEAR ROUND**

**Affordable USED CARS**

**Now on the Web!**

Buying or Selling a Car?

**MLM Rookie earns \$20,000 Per Month in only 7 months!**

**More Details**

Kevin Brooks, chief administrative officer for Fish and Game, said more than \$1 million in federal funds for habitat work cannot be transferred to Natural Resources because of legal guidelines over who administers the money.

The federal dollars will remain at Fish and Game but will be channeled to Sport Fish and Wildlife Conservation divisions, Brooks said.

The layoffs and transfers essentially gut the Habitat Division and reassign the Fish and Game commissioner's legal authority to protect fish habitat to Natural Resources, a state agency that promotes and regulates development.

Murkowski laid out the shift through an executive order last month, saying that habitat biologists have stymied too many development projects ranging from logging to highway improvement to hydroelectric projects.

The executive order takes effect in mid-April unless the Legislature blocks it, but few expect the Republican majority to buck the governor.

Fishermen, hunters, scientists, wildlife advocates and others have condemned the plan as an environmental rollback that will cause long-term harm to Alaska's salmon, among other species. Others, including shellfish farmers, loggers, road engineers and some fishermen, have said the changes are long overdue and don't necessarily spell doom for the environment.

Although several biologists suspected that big changes were in store for them if Murkowski got elected last fall, the demise of the Habitat Division is happening more quickly than most expected.

"The incredible pace of these changes and the uncertainties involved make it very difficult to deal with in an organized and logical way. Essentially, the requirement for the governor to submit the budget by Thursday is driving the process," Hanson wrote.

Daily News reporter Paula Dobbyn can be reached at [pdobbyn@adn.com](mailto:pdobbyn@adn.com) or 257-4317.

 McClatchy Company Privacy Policy

**David M. Johnson**

7410 Foxridge Way Apt E  
Anchorage, AK 99518 U.S.A.  
Tel. +1.907.336-8717 ★ Cell +1.907.748-5417  
[dmjohnson@outam.com](mailto:dmjohnson@outam.com)

Saturday, March 29, 2003

Committee Chairmen  
House State Affairs Committee, Resources  
Committee, Finance Committee, Labor and  
Commerce Committee  
Senate State Affairs Committee, Resources  
Committee  
Alaska State Capitol  
Juneau, AK 99811

**RE: HSCR1 Disapproving  
Executive Order No. 107,  
transferring habitat  
protection responsibilities  
from ADFG to ADNR.**

Dear Committee Chairman:

I am writing to ask you to bring HSCR1 that would disapprove Gov. Murkowski's EO 107 out of committee and to a vote.

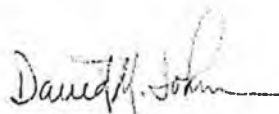
As a 31-year Alaska resident, I understand and appreciate the Governor's desire to increase efficiency of state government operations. However, efficiency cannot be the only yardstick in measuring the appropriateness of change in government. Alaska's fish and wildlife resources are crucial to our well-being -- from a variety of perspectives.

The missions of the Departments of Fish & Game and Natural Resources are significantly different. Moving habitat protection responsibilities into Natural Resources...with fewer staff at that...will actually mean LESS efficiency for natural resource development and use permitting AND LESS protection for fish and wildlife.

Please do not allow this ill-advised executive order to pass into effect without at least a vote of the legislature.

Thank you for your consideration.

Sincerely,



David M. Johnson

ONLY PAGE

MARCH 30, 2003

TO: GARY STEVENS  
STATE AFFAIRS COMMITTEE  
FAX: 465-3517

FROM: FRED & DODY FROEHLICH (28-year Alaska residents)  
FAX: 345-1125  
ADDRESS: 5801 BEVERLY DRIVE  
ANCHORAGE, AK 99516 (No Mail)

RE: HOUSE & SENATE CONCURRENT RESOLUTION NUMBER 1

WE ASK THAT YOU MAKE CERTAIN THAT THIS RESOLUTION PASSES FROM YOUR COMMITTEE.

WE ARE APPALLED AT RECENT ACTIONS BY THIS GOVERNOR! IT IS TIME THAT THE WILL OF THE PEOPLE WAS HONORED, AND ONLY YOU CAN DO THAT.

EVERY THINKING AND CARING INDIVIDUAL KNOWS THAT THE HABITAT PERMITTING AUTHORITY BELONGS WITH FISH & GAME, WHICH IS THE ONLY ENTITY WITH THE BACKGROUND, INTELLIGENCE AND COMPASSION TO DEAL WITH THIS MATTER.

THANK YOU.

*Dody Froehlich*

*Fred Froehlich*

# LEGAL SERVICES

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

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

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

## MEMORANDUM

March 17, 2003

**SUBJECT:** Executive Order 107 (Work Order No. 23-GS1071\A)  
(Revised Memo)

**TO:** Senator Gary Stevens  
Attn: Katrina Matheny

**FROM:** George Utermohle *GU*  
Legislative Counsel

This memorandum is in response to your request for information regarding possible statutory amendments that may be necessary if Executive Order 107 takes effect.

Executive Order 107 (cited herein as E.O. 107) provides for the transfer of certain permitting and other functions from the Department of Fish and Game to the Department of Natural Resources and for the transfer of certain functions within the Department of Natural Resources.

ONE: There are two provisions of E.O. 107 where the governor appears to have exceeded his authority.

First, in sec. 5 of the executive order, a new sec. 41.14.165 is added to provide that a peace officer may issue a citation for violations of the requirements of the fishway and anadromous fish stream permits. Included in the new sec. 41.14.165 is a requirement that the Alaska Supreme Court determine which misdemeanors under the new AS 41.14 are appropriate for disposition without court appearance. Also included in that section is a requirement that the court establish an advisory committee consisting of certain members, including judges and the chairs of the House and Senate judiciary committees. The governor's executive order authority is a limited authority to restructure the executive branch of state government. That authority does not allow the governor to place duties on either the legislative or judicial branch of government. In this case, both the Alaska Supreme Court and the legislature could completely ignore the requirements imposed by this section because the governor does not have the authority to impose any duty on them through an executive order.

Second, in sec. 45 of the executive order, a provision is added to protect certain Department of Fish and Game employees from losing their "police officers retirement benefits" if they are transferred to the Department of Natural Resources by the order. This section does not involve a reorganization of functions of the executive branch.

Senator Gary Stevens  
March 17, 2003  
Page 2

Instead, it relates to the retirement benefits accorded to state employees under law. The governor does not have the power to change laws regarding employee retirement benefits by an executive order.

In both instances, the change the governor sought to make may be necessary and appropriate to fully achieve the intent of the executive order. However, the changes cannot be made in an executive order. In the event that the executive order does take effect, it would be advisable that the legislature enact these provisions in legislation so that there would be no legal uncertainty as to the duty of the Alaska Supreme Court in regard to bailable offenses and bail schedules for offenses under AS 41.14 and as to the status of retirement benefits for certain employees who are transferred to the Department of Natural Resources under the executive order.

TWO: Executive Order 107 makes a number of technical conforming amendments to the numerous statutes that must be changed in order to accomplish the transfer of responsibility from the commissioner of fish and game under AS 16.05.870 to the deputy commissioner of natural resources under AS 41.14.870. However, the executive order fails to contain two statutes that should be amended to correct soon to be obsolete references to AS 16.05.870. AS 46.15.035(c) and 46.15.037(c) provide for the reservation of a volume of water necessary to protect fish habitat in anadromous fish streams identified, as of July 1, 1996, by the Department of Fish and Game under AS 16.05.870 when the state approves the transfer of water from one hydrologic unit to another, or when the state sells water from a hydrologic unit. Both of these statutes should be amended to replace the reference to "AS 16.05.870" with "former AS 16.05.870".

THREE: Section 3 of the executive order makes a technical conforming amendment to AS 16.05.925(a) by deleting the reference to AS 16.05.860 in order to conform to the repeal of AS 16.05.860 by sec. 44 of the Order. The amendment also adds "AS 41.14.860" to the list of statute sections that establish specific penalties for certain fish and game crimes that are not covered by the penalty described in AS 16.05.925(a). This amendment to AS 16.05.925(a) appears to be an error. There is no provision of AS 16.05 or AS 16.20 that would impose a penalty for violation of AS 41.14, so there is no reason to make an exception for AS 41.14.860 in AS 16.05.925(a). Thus AS 16.05.925(a) should be amended to delete the reference to AS 41.14.860.

\* \* \*

In order to implement the changes discussed in this memorandum, the legislature must pass a bill that includes these changes.

If I may be of further assistance, please advise.

GU:med  
03-312.med

EO

108

# LEGAL SERVICES

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

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

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


## MEMORANDUM

March 28, 2003

**SUBJECT:** Executive Order No. 108 (Work Order No. 23-GH1070A)

**TO:** Senator Gary Stevens  
Attn: Katrina

**FROM:** Terri Lauterbach  
Legislative Counsel



You have asked for an analysis of Executive Order No. 108 with respect to

- (1) whether it includes substantive provisions that go beyond the governor's authority to reorganize the executive branch under the constitution; and
- (2) whether there are additional statutes that need to be amended because of the executive order.

In my opinion, there are a number of substantive provisions in the order (or substantive effects that occur because of failure to make an appropriate amendment in the order) that do not simply transfer duties, and there are quite a few additional statutes that would need to be amended to change references if the executive order takes effect.

### SUBSTANTIVE PROVISIONS OR EFFECTS

The areas of the statutes that have substantive effects (rather than simply being transfers of authority) are as follows:

**Section 3.** The new language that refers to AS 47.25.007 - 47.25.009 is narrower than the reference it is replacing [AS 14.38.100]. AS 14.38.100, which corresponds to AS 47.25.001 in this order, refers to agreements with providers of services under AS 14.38.100 - 14.38.199, which corresponds to AS 47.25.001 - 47.25.009 in this order. So the reference that should appear as underlined language in sec. 3 that would make the procurement code apply in the same way as in current law is either "AS 47.25.001" or "AS 47.25.001 - 47.25.009."

**Section 21.** In AS 47.35.010(a)(2) and (3), references to "certification" should be added because that word appears in AS 14.37.020, which is repealed by this order. Also, AS 47.35.010(a)(5) is not found in AS 14.37.020, so to the extent that it authorizes DHSS to accept licenses "issued by other organizations, etc." for child care facilities, this section is a substantive change.

**Section 24.** In AS 47.35.017(b)(5), the phrase at the end that says that the records that can be reviewed by DHSS must be relevant "to the type of license for which the application has been submitted" does not appear in AS 14.37.040(b)(5) (repealed by this order), so it is a substantive change (a new limitation) with respect to records that can be reviewed by DHSS with respect to applications for licensure of child care facilities.

In AS 47.35.017(b)(6), the new language in subparagraph (B) on page 13 does not appear in AS 14.38 (which is repealed by this order) so it is a substantive change to place it in AS 47.35.

The provision in AS 47.35.017(b)(12) does not appear in AS 14.38 (which is repealed by this order), so, to the extent that it would now apply to child care facilities, it is a substantive change.

**Section 25.** This section is okay, but the same provision should be enacted for AS 47.35.021 because the language of AS 47.35.021 does not appear in AS 14.38 (which is repealed by this order). Application of AS 47.35.021 to child care facilities represents a substantive change.

Similarly, the language of AS 47.35.140 does not appear in AS 14.38 (repealed by this order), so its application to child care facilities represents a substantive change.

**Section 38.** AS 47.37.040(20)(C) is amended to change "department" to "department staff." I'm not sure what this means in the real world since the department can only act through staff, but it is, arguably, a substantive change that should not be in an executive order. It could also be argued, I suppose, that this is just a transfer of functions from "the department" to "department staff," which is an appropriate change for an executive order.

**Section 43.** The deletion of the language that says "subject to the approval of the commissioner" is, arguably, a substantive change that should not be in an executive order. However, as with sec. 38, above, one could argue that this is just a transfer of duties by removing the commissioner's approval as an official step in the process.

#### **OTHER AMENDMENTS THAT ARE NEEDED**

In addition to amendments noted above that would be needed to avoid substantive effects of the executive order, there are other statutes that would need to be amended if the executive order takes effect because they contain references to laws or agencies that are repealed by the executive order. The following references will be inaccurate if the repealer in the executive order takes effect:

Senator Gary Stevens  
March 28, 2003  
Page 3

Location

Citation that needs correcting

AS 11.61.195(a)(2)(B)	AS 14.37
AS 11.61.220(a)(4)(A)	AS 14.37
AS 14.43.148(h)(1)(B)(iii)	AS 14.37
AS 25.27.244(s)(2)(B)(ii)	AS 14.37
AS 28.35.032(l)	reference to div. of alcoholism & drug abuse
AS 44.66.010(a)(10)	AS 44.21.200
AS 47.24.070	AS 44.21.200
AS 47.30.016(b)(2)(D)	AS 44.21.200
AS 47.30.036(3)	AS 44.21.230(a)(10)

-----

I hope this answers your questions fully. If I may be of further assistance, please advise.

TML:mdr  
03-045.mdr

E O

1 10

# LEGAL SERVICES

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

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


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

## MEMORANDUM

March 18, 2003

**SUBJECT:** A.B.C. Board transfer in E.O. 110  
(Work Order No. 23-GH1086)

**TO:** Senator Gary Stevens  
Attn: Katrina

**FROM:** Michael F. Ford   
Legislative Counsel

You asked for my review of E.O. 110, that transfers the Alcoholic Beverage Control Board from the Department of Revenue to the Department of Public Safety. In my opinion the executive order includes the provisions of law necessary to accomplish the transfer and does not contain provisions beyond those necessary to make the transfer of authority.

Please contact me if you have further questions.

MFF:lmb  
03-088.lmb

SB

22

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 1/21/03

FURTHER: Judiciary

Date of 5-Day Notice: 4/2/03  
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4/11/03

State Affairs Committee considered      SENATE BILL NO. 22

**SB 22 CRIME VICTIMS' COMPENSATION:SEXUAL ABUSE/ASSAULT**

"An Act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

- Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DPS	4/10/03	✓		1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<b>CHAIR:</b> <i>[Signature]</i>	✓			

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB22  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An act limiting the factors that may be considered BRU Violent Crimes Comp. Board  
in making a crime victims' compensation award in Component Violent Crimes Comp. Board  
 Sponsors Senators Guess  
 Requester Senate State Affairs Committee Component No. 163

**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>	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

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

**FUND SOURCE** (Thousands of Dollars)

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

\*Indeterminate fiscal note

Prepared by: Susan L. Browne  
 Division: Violent Crimes Compensation Board  
 Approved by: William Tandeske, Commissioner  
 Agency: Department of Public Safety

Phone (907) 465-5525  
 Date/Time 4/10/03 3:27 PM  
 Date 4/10/2003

# ALASKA STATE LEGISLATURE



SENATOR GRETCHEN GUESS

## Sponsor Statement SB 22

*"An act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."*

When the state established Victims' Compensation Board over 20 years ago, it ensured the victim's role in the crime would be considered. For example, if someone started a bar brawl and was hurt, their case could be denied by the Victims' Compensation Board.

The unintended consequence of this language was child abuse and sexual assault victims could be denied funding if the board found them to have contributed to the circumstances of the crime. For example, a victim of sexual assault could be denied because they were drinking the night of their sexual assault.

Implying a victim of sexual assault somehow deserved or played a role in being victimized is in direct opposition to what we believe as a community – a victim of child abuse or sexual assault has not done anything to bring the crime on him or herself.

Toward fixing this unintended consequence, the language of this bill does the following.

- Ensures compensation is not denied based on considerations of provocation, the use of alcohol or drugs, or the prior social history of the victim.
- Retains the current language for compensation criteria for all other crimes.

The victim's compensation board is funded 60 percent by state government and 40 percent by federal government. The 60 percent from the state government comes from garnishing felon's permanent fund dividend checks. Given the nature of the funding mechanism, the fiscal note from the Department of Public Safety will be zero.

# ALASKA STATE LEGISLATURE



SENATOR GRETCHEN GUESS

## Sectional Analysis SB 22

*"An act limiting the factors that may be considered in making a crime victims' compensation award in cases of sexual assault or sexual abuse of a minor."*

Section 1: Amends AS 18.67.080 (Awarding Compensation) (c) by adding language prohibiting the consideration of provocation, the use of alcohol or drugs, or the prior social history of the victim, in the case of sexual assault or sexual abuse of a minor.

April 10, 2003

Senate State Affairs

In support of SB 22

I can not imagine that this would not pass. If the Violent Crimes Compensation Board is authorized to consider factors of provocation, the use of alcohol or drugs by the victim, or the prior social history of the victim when determining compensation ~~to~~ victims of sexual assault, victims will not file for compensation.

Considering those factors further victimizes the victim. We must stop blaming victims of sexual assault. Sexual assault is already the most unreported crime.

This bill will make it possible for victims of sexual assault to ~~get~~ receive compensation to assist with their healing in a respectful manner.

Please pass this bill.

Grace Brooks  
Sitkans Against Family Violence  
PO Box 6136  
Sitka AK 99835

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Main Office & Legal Advocacy Project  
130 Seward Street, Suite 209  
Juneau, Alaska 99801  
Phone: (907) 586-3650  
Fax (907) 463-4493  
www.andvsa.org

Pro Bono Project  
P.O. Box 6631  
Sitka, Alaska 99835  
Phone: (907) 747-7545  
Fax: (907) 747-7547

Organizational  
Members:  
Anchorage  
AWAIC  
AWRC  
STAR

Barrow  
AWIC

Bethel  
TWC

Cordova  
CFRC

Dillingham  
SAFE

Emmonak  
EWS

Fairbanks  
IAC

Homer  
SPWS

Juneau  
AWARE

Kenai/Soldotna  
K/SWRCC)

Ketchikan  
WISH

Kodiak  
KWRCC

Kotzebue  
MFCC

Nome  
BSWG

Palmer  
AFRC

Seward  
SCS

Sitka  
SAFV

Unalaska  
USAFV

Valdez  
AVV

Senator Gretchen Guess  
Room 423, State Capitol  
Juneau, Alaska 99811-1182

April 10, 2003

Dear Senator Guess:

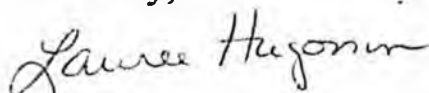
Please accept this letter as one of support for SB22.

We wish the day would have long come and gone when victims of sexual assault were routinely questioned or somehow made to feel guilty because of the clothes they chose to wear, or the fact that they may have had a drink, or that there may be something in their past they wished they had done differently. None of those things cause perpetrators to commit the crime of sexual assault or contribute to the crime. Unfortunately, the violent crimes compensation board still has similar items listed as things to be considered when determining whether or not to grant compensation to victims of sexual assault or sexual abuse of a minor.

It is difficult enough to come forward as a victim of sexual assault and enter the system to try and find some justice. Victims journeys are made more difficult when parts of the system rely on myths to respond to these crimes. Your bill will help stop the practice of victim blaming.

Thank you for your work to increase the availability of justice to victims of sexual assault.

Sincerely,



Lauree Hugonin  
Executive Director

**SB**

**24**

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/21/03

FURTHER: Judiciary  
Finance

Date of 5-Day Notice: 3/13/03  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3/19/03

State Affairs Committee considered SENATE BILL NO. 24

### SB 24 SPECIAL ABSENTEE BALLOTS

"An Act providing special absentee ballots for voters in remote areas."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical title

new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
OOG	3/14/03		✓	1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<b>CHAIR:</b> <i>[Signature]</i>	✓			

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB24  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title "An Act providing special absentee ballots for voters in remote areas." BRU Elections  
 Component Elections  
 Sponsor Senator Lincoln, Davis and French  
 Requester Senate 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)

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)  
 Many of the voters affected by this legislation already request an absentee by-mail ballot. This legislation simply requires the Division to mail these ballots 60 days prior to an election allowing additional time for these voters to receive and return their ballot. Consequently, the Division should be able to absorb the minimal cost of extending this opportunity to voters in remote areas of the State.

Prepared by: Lauri Allred, Administrative Officer Phone 465-5347  
 Division: Division of Elections Date/Time 3/14/03 9:19 AM  
 Approved by: Linda Perez, Administrative Director Date 3/14/2003  
 Agency: Office of the Governor, Administrative Services

# STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

Division of Elections  
P.O. Box 110017  
Juneau, Alaska 99811-0017  
PHONE (907) 465-4611  
FAX (907) 465-3203

## Senate Bill 24

"An Act providing special absentee ballots for voters in remote areas"

Summary Statement by the Division of Elections  
Senate State Affairs Committee  
March 18, 2003

This bill amends AS 15.20.082(a) to require the Director of Elections to prepare special absentee ballots for voters who live in a remote area of the state where distance, terrain, or other natural conditions deny the voter reasonable access to a polling place.

The Division of Elections supports SB24.

### Supporting Statements:

- ◆ The Division has already identified these voters because they are permanent absentee voters (PAVs) who apply for an absentee by-mail ballot.
- ◆ If this legislation passes, the ballot the Division would prepare for these voters is its standard Special Advance Absentee Ballot mailed to overseas Alaskan voters 60 days before a statewide election.
- ◆ The Division mails regular absentee ballots approximately 14 days before a statewide election. SB24 would allow these voters to obtain the same advance absentee ballot privilege afforded many other Alaskan voters.

The Division of Elections appreciates the opportunity to comment on this bill.





[Click here to return to the original story](#)

---

## 4 file suit for more time on absentee ballots

Friday, August 23, 2002

By DAN JOLING  
*THE ASSOCIATED PRESS*

ANCHORAGE - A Talkeetna homesteader and three other Alaskans filed suit Thursday seeking more time to receive and send in absentee ballots.

The public interest lawsuit was filed in Anchorage Superior Court on behalf of Judy M. Price and three others who said the window of opportunity for voting absentee is too narrow and that hazardous conditions prevent rural voters from picking up or mailing in ballots.

"If you're weathered in where you can't travel, you've been disenfranchised," said Valdez attorney Tim Cook, the lead attorney on the case.

The state Division of Elections had no comment on the suit.

Absentee ballots are mailed out about three weeks before the election.

The plaintiffs want the same time allowances as Alaskans who say they may be out of the country on Election Day. Those voters receive "special advance absentee ballots" sent out 60 days ahead of the election.

Cook said the plaintiffs in the past have been unable to obtain and return a regular absentee ballot within the allotted time frame.

Price lives 20 trail miles from Talkeetna, according to the lawsuit. Two years ago, according to her affidavit, dangerous freeze-up conditions prevented her from traveling to the Talkeetna post office to obtain the ballot until after the November 2000 election. She said it's likely the same thing could happen this year.

She said that she tried this year to obtain a special advance absentee ballot but was turned down.

Sen. Georgianna Lincoln, a Rampart Democrat, filed a bill in 2001 to allow special absentee ballots for rural voters, a bill supported by the Division of Elections. The bill died at the end of the session.

Plaintiff Denis Ransy lives 12 trail miles from Talkeetna and said in court

documents that travel to his homestead can be dangerous until water bodies are securely frozen. Freezing temperatures usually begin in mid-October, he said, and on several occasions he has been unable to obtain his absentee ballot.

Attorneys asked for expedited proceedings so the lawsuit can be decided in time for the general election on Nov. 5. Cook said that should be possible.

"From a legal perspective, I don't believe there are any factual issues involved," he said.

The court action will not affect the primary next week.

"Our plaintiffs don't want to upset the process," Cook said.

---

All contents ©Copyright 1997-2003 [Juneau Empire](#), [Morris Digital Works](#) & [Morris Communications Corporation](#)  
[Contact Us](#) | [About Us](#) | [Privacy Policy](#) | <SCRIPT LANGUAGE="JavaScript" TYPE="text/Jav [Advertising Information](#)

**Subject:** [Fwd: Absentee Voting]

**Date:** Tue, 24 Sep 2002 14:00:00 -0800

**From:** Senator Georgianna Lincoln <Senator\_Georgianna\_Lincoln@legis.state.ak.us>

**To:** Sara Boario <Sara\_Boario@legis.state.ak.us>

---

**Subject:** Absentee Voting

**Date:** Fri, 20 Sep 2002 15:43:04 -0800

**From:** "Buck and Charlene Stewart" <bcstewart@customcpu.com>

**To:** <senator\_georgianna\_lincoln@legis.state.ak.us>

**CC:** "Senator Lyda Green" <Senator\_Lyda\_Green@legis.state.ak.us>

Dear Senator Lincoln:

My husband and I have an ongoing problem each year in regard to getting our ballots for the November General Election. We have a cabin on Kodiak Island where we go each year during the latter part of October and the first part of November. While we are there, we have no mail service. In our conversations with the Division of Elections, we have learned that, if we were to be outside the country, we could receive an overseas ballot, but that, even though overseas ballots are available RIGHT NOW, the Division, by statute is not allowed to send any to us. We will be going to Kodiak this year on October 13th, which is before the regular absentee ballots are mailed and before we can vote in person at any location. We understand that you have been doing some work on changing the statute (Title 15, Section 15.20.082) and would like you to know that we support your effort in this direction and hope that you will soon be successful in bringing about a change which will allow overseas ballots to be sent to any Alaska resident who is unable to obtain ballots or vote within the present structure.

Would appreciate it very much if you would keep us up to date on this issue.

Thank you very much.

Buck and Charlene Stewart  
P. O. Box 1007  
Willow, AK 99688  
(907) 495-6527

TOLOVANA ROADHOUSE  
TOLOVANA, ALASKA  
BOX 281  
NENANA, ALASKA 99760  
PHONE/FAX 907.832.5258  
EMAIL- tolovana@pocketmail.com

Senator Georgiana Lincoln  
State Capitol Bldg.  
Juneau AK 99801

1/30/01

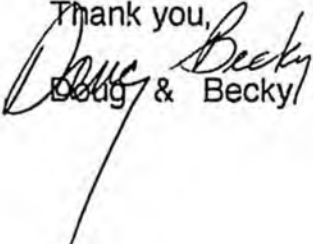
Dear Senator,

Thank you for attending to the legislation that will allow our family to vote in the fall elections.

The issue that started the letter to you on this matter was the presidential election this fall, coupled with a late freeze up. We couldn't get across the Tolovana to Manley Hot Springs (our normal polling place) or across the unfrozen lakes and sloughs to Nenana to vote a question ballot ( I'm not sure if they would have let us vote that way anyhow). We know it has happened to our neighbors up the Kantishna in the past.

It is frustrating to listen to the election returns on the radio knowing you weren't able to participate. By extending the scope of the 60 day overseas absentee ballot many disenfranchised Alaskans living in the bush will be able to exercise their right to vote.

Thank you,

  
Doug & Becky Bowers

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES