

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11362 SENATE STATE AFFAIRS

# FISCAL NOTE

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

Fiscal Note Number: 1  
 Bill Version: HB 14  
 (H) Publish Date: 2/19/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title Permanent Fund Allowable Absences BRU Revenue Operations  
 Component Permanent Fund Dividend  
 Sponsor Representative Fate  
 Requester House State Affairs Committee Component No. 981

**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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)*  
 This legislation would amend AS 43.23.008(a)(7) to add "providing care for the individual's terminally ill ... grandparent" to the list of allowable absences from the state while retaining eligibility for the annual Alaska Permanent Fund dividend. The statute currently lists care for a terminally ill parent, spouse, sibling, child or stepchild as an allowable absence.

The Permanent Fund Dividend Division generally accepts a doctor's statement in determining if the relative is terminally ill and does not substitute its judgment for that of a health care professional.

The addition of one more allowable absence to the dividend program will not impact the budget of the division, nor is it expected to have a measurable effect on the amount of the annual dividend.

Prepared by: Larry Persily, Deputy Commissioner Phone 465-5469  
 Division Department of Revenue Date/Time 2/16/03 12:37 PM  
 Approved by: Larry Persily, Deputy Commissioner Date 2/16/2003  
 Agency Department of Revenue

MAY 09 2003



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SSA  
 Committee on HB 14 - Permanent Fund ADSD Dated May 6, 2003  
 Bill / Subject

After hearing repeated "horor" stories about "Alaskan residents" bragging about how they are beating the permanent fund residency system, I am convinced that allowing <sup>annual</sup> six months absences from Alaska is way too long!

Maybe allowing an occasional absence would be reasonable, but the persons would have to return and Reside in Alaska before they get any more checks <sup>(or unio benefits)</sup> only to be mailed to Alaskan addresses.

I/we feel this restriction should positively include transferred military people. Anyone can express the "intention" to return and never actually do so, but continue to reside outside full time by figuring out the loop holes in your program.

Too many recipients live (in nice homes elsewhere) outside of Alaska more than the six months of many years.

SIGNED: Lanette & Glen Hummer  
 Testifier  
ourselves  
 Representing  
3740 Davis Road Fairbanks, AK  
 Address / Phone Number

**HB**

**24**

# SENATE COMMITTEE REPORT

DATE: 5/8/03

FURTHER: Resources

DATE TURNED  
IN TO OFFICE: 5/17/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 24(JUD)

## HB 24 AGREEMENTS ON MANAGEMENT OF FISH AND GAME

"An Act relating to intergovernmental agreements with the federal government regarding management of fish or game in the state."

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#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
H. RES.	5/1/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>				

# FISCAL NOTE

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

Fiscal Note Number: 1  
 Bill Version: CSHB 24(RES)  
 (H) Publish Date: 3/10/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Agreements on management of fish ar BRU \_\_\_\_\_  
 Sponsor Representative Weyhrauch Component \_\_\_\_\_  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
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Miscellaneous						
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<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)

Prepared by: Jim Pound Phone 465-2338  
 Division: Resources Committee Date/Time 3/7/03 4:32 PM  
 Approved by: Representative Fate Date 3/7/2003  
 Agency: Co-Chair House Resources Committee

# ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4

ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3744  
FAX (907) 465-2273

CS FOR HB 24 (JUD)

## CO-MANAGEMENT AGREEMENTS GLACIER BAY NATIONAL PARK AND PRESERVE

The committee substitute, adopted by the Judiciary Committee, states that nothing in AS 16 authorizes the department of Fish and Game or a board to enter into an agreement with a department or agency of the federal government that cedes state authority for the management of fish and game in the state of Alaska to the federal government.

HB 24 includes transitional language stating that any current intergovernmental agreement or severable portion of an agreement that was entered into before the effective date is voided on or after July 1, 2004.

The intent is to prevent government officials from ceding the state's management jurisdiction over fish and game resources by means of a contract without a full airing of the public policy implications through the legislature.

Rep. Bruce Weyhrauch  
Contact: 465-3744

Updated: May 3, 2003

# ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4

ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3744  
FAX (907) 465-2273

CS for HB 24 (JUD)

Co-Management Agreements Regarding  
Glacier Bay National Park & Preserve

## Sectional Analysis

Section 1 of the bill amends AS 16.20.010 by adding a new subsection providing that no provision of AS 16 grants authority to the department or a board to enter into agreements with the a department or agency of the federal government that cedes state authority for the management of fish and game in the state to the federal government.

In this subsection, "management" means the regulation of the method, manner means, time, or place of taking fish or game or the regulation of the amount of fish or game that may be taken.

This subsection does not prevent the department or a board from entering into agreements with other federal agencies involving the Migratory Bird Treaty Act, Northern Pacific Halibut Act, Marine Mammal Protection Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, or the Pacific Salmon Treaty Act.

Section 2 of the bill is a transitional provision providing for legislative review of current intergovernmental agreements by adding a new section to read:

### STATUS OF EXISTING AGREEMENTS REGARDING MANAGEMENT OF FISH AND GAME IN THE STATE.

An agreement, or a severable portion of an agreement between the Department of Fish and Game, the Board of Fisheries, or the Board of Game and a department or agency of the federal government that was entered into before the effective date of this Act and that cedes any state authority for the management from the state to the federal government is void on and after July 1, 2004

*Updated: May 3, 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

April 8, 2003

**SUBJECT:** CSHB 24(RES); Legislative approval of intergovernmental agreements with the National Park Service regarding management of fish and game in Glacier Bay National Park and Preserve (Work Order No. 23-LS0135\U)

**TO:** Representative Bruce Weyhrauch

**FROM:** George Utermohle  
Legislative Counsel

You have inquired whether the requirement of CSHB 24(RES) for legislative approval of intergovernmental agreements between the Department of Fish and Game, the Board of Fisheries, or the Board of Game and the National Park Service regarding management of fish and game in Glacier Bay National Park and Preserve would violate the doctrine of separation of powers under the Alaska Constitution.

Alaska recognizes the separation of powers doctrine as inherent in the Constitution of the State of Alaska.<sup>1</sup> In Bradner v. Hammond, 553 P.2d 1, 5 (Alaska 1976) the Alaska Supreme Court observed:

In Alaska State-Operated School System v. Mueller, 536 P.2d 99, 103 (Alaska 1975), we observed that [those] who wrote our constitution followed the traditional framework of American government. The governmental authority of the State of Alaska was distributed among the three branches, the executive, the legislative and the judicial. Analyzing this tripartite form of government provided for Alaska, this court concluded, in Public Defender Agency v. Superior Court, Third Judicial District, 534 P.2d 947, 950 (Alaska 1975), that . . . it can be fairly implied that this state does recognize the separation of powers doctrine. Our recent opinion in Continental Insurance Cos. v. Bayless & Roberts, Inc., 548 P.2d 398, 410-11 (Alaska 1976), acknowledges that the underlying rationale of the doctrine of separation of powers is the avoidance of tyrannical aggrandizement of power by a single branch of government through the mechanism of diffusion of governmental powers. It is clear that the doctrine is not a common law concept; it is, however, a brooding

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<sup>1</sup> "The separation of powers doctrine and its complementary doctrine of checks and balances are implicit in the Alaska Constitution." State v. Planned Parenthood of Alaska, Inc., 28 P.3d 904, 913 (Alaska 2001).

omnipresence by virtue of its conceptually central role in the structure of American constitutional government.

Article III, sec. 1, Constitution of the State of Alaska, provides that "[t]he executive power of the State is vested in the governor." Article III, sec. 16, Constitution of the State of Alaska, further provides that:

The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

In the Bradner case (cited above), the legislature sought to compel that certain state officers, other than commissioners of principal departments and members of regulatory and quasi-judicial boards, be subject to legislative confirmation. The Alaska Supreme Court struck down the requirement for legislative confirmation of those officers because the requirement was a violation of the doctrine of separation of powers. The Alaska Constitution states in art. III, secs. 25 and 26 which officers of the executive branch were subject to legislative confirmation. The legislature did not have the power to expand the number or type of executive officers that were subject to confirmation beyond those set out in the Alaska Constitution.

In a number of instances the Alaska Supreme Court has reviewed challenges to legislative action affirming or rejecting actions undertaken by the executive branch. In most cases, the requirement for legislative approval was upheld, but in the A.L.I.V.E. Voluntary case, the Alaska Supreme Court struck down the legislative veto of regulations adopted by the agencies of the executive branch. State v. L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980). The court reached its conclusion that the legislature had exceeded its constitutional authority because the legislature had chosen to veto regulations by means of a concurrent resolution. The court found that the legislature could annul regulations, which were themselves law, only by the enactment of law. The legislative process for the adoption of legislative resolutions did not comport with the constitutionally mandated procedures for the enactment of law and thus was ineffective in repealing regulations. "While the power to void agency regulations could be exercised by either the legislature or by an agency, when the legislature exercises such power it must do so while acting as a legislature." Id. at 778. The A.L.I.V.E. Voluntary case did not hold that the legislature could not annul regulations of executive branch agencies, instead it merely held that the legislature may do so only by law.

In the Baxley case, legislative approval of amendments of oil and gas leases issued by the Department of Natural Resources was upheld in spite of challenges on a number of constitutional grounds. Baxley v. State, 958 P.2d 422 (Alaska 1998). In the Public Employees Local 71 case, the court enforced a statute that required legislative approval

Representative Bruce Weyhrauch

April 8, 2003

Page 3

by law of the monetary terms of a collective bargaining agreement under AS 23.40.215. Public Employees Local 71 v. State, 775 P.2d 1062 (Alaska 1989); also, Public Safety Employees Association v. State, 895 P.2d 980 (Alaska 1995); and University of Alaska Classified Employees Association v. University of Alaska, 988 P.2d 105 (Alaska 1999). In each of the cases mentioned in this paragraph, just as in CSHB 24(RES), statutory authority was conferred on an agency of the executive branch to negotiate certain agreements subject to legislative approval by law before the agreements could take effect.

Though A.L.I.V.E. Voluntary, Baxley, and the collective bargaining agreement cases are supportive of the authority of the legislature to make actions of executive branch agencies subject to legislative approval, none of the cases involved a specific separation of powers challenge. There is a lingering possibility that the court could reconsider its acceptance of the requirements for legislative approval in these cases, in light of the separation of powers doctrine, and find that such requirements do violate the separation of powers doctrine.

Where, as in CSHB 24(RES), the legislature proposes to withhold discretionary authority to enter into certain intergovernmental agreements, circumscribing the authority of the Department of Fish and Game and the boards of fisheries and game, to ensure compliance with objectives consistent with the legislature's perception of the statement of policy under article VIII, section 1 and the general authority provided under article VIII, sections 2, 3, and 6 for management of state land and natural resources by the legislature, it hardly seems that the legislature is engaged in action constituting a violation of separation of powers. It is by statute that the legislature determines and prescribes the nature of an executive agency's duties and, unless the enactment is arguably contrary to a constitutional provision, a statutory grant of authority to the agency does not thereafter keep the legislature from providing for reasonable regulation and oversight of the agency's actions by law.

In conclusion, the history of the separation of powers doctrine in this state cautions that legislative oversight and regulation of the discretion bestowed on executive branch agencies may exceed the legitimate bounds of legislative authority but, at the same time, does not describe where the boundary between legitimate legislative oversight and regulation and excessive legislative interference in matters of the executive branch lies. Until the Alaska Supreme Court considers a separation of powers challenge to a requirement for legislative approval of executive branch actions, there will be no meaningful guidance as to whether the legislature can require the Department of Fish and Game and the boards of fisheries and game to submit intergovernmental agreements to the legislature for approval. However, given the available judicial precedent in the state, I cannot say that CSHB 24(RES) exceeds the scope of legitimate legislative oversight and regulation of executive branch agency actions.

If I may be of further assistance, please advise.

GU:med

03-375.med

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

\*7500 Alaska Stat. § 16.20.010

WEST'S ALASKA STATUTES  
TITLE 16. FISH AND GAME  
CHAPTER 20. CONSERVATION AND  
PROTECTION OF ALASKAN  
WILDLIFE  
ARTICLE I. STATE GAME REFUGES

*Current through 1999 1st Reg. Sess. and 2nd Sp.  
Sess.*

§ 16.20.010. Legislative recognition

(a) The legislature recognizes that

(1) the state has jurisdiction over all fish and game in the state except in those areas where it has assented to federal control;

(2) the state has not assented to federal control of fish and game in

(A) those areas that were set apart as National Bird and Wildlife Refuges while the state was a United States territory; and

(B) Glacier Bay National Park and Preserve or the navigable waters within or adjoining the park and preserve;

(3) special recognition of the value to the state and the nation of areas of unspoiled habitat and the game characteristic to it will be demonstrated by designating as state game refuges those federal lands that were National Bird and Wildlife Refuges or Ranges at the time that Alaska achieved statehood.

(b) In recognition of the fact that the state has not assented to federal control of fish and game in Glacier Bay National Park and Preserve or the navigable waters within or adjoining the park and preserve, that the power to control the management of fish and game within the boundaries of the state is an incident of state sovereignty, and that the federal government cannot commandeer the lawmaking processes of the states to compel the state to enact and enforce a federal regulatory program, an agency, employee, or agent of the state may not expend

funds to adopt or enforce the implementation of the federal regulatory program or a part of the program for control of fish and game in the park and preserve or the navigable waters within or adjoining the park and preserve that is in conflict with a state statute or regulation regarding management of fish or game within the park or preserve. This subsection does not prohibit an agency, employee, or agent of the state from

(1) taking action necessary to protect life or property;

(2) commenting on proposed federal statutes or regulations;

(3) collecting data relating to claims of economic harm arising from the closure of the park and preserve to commercial fishing; or

(4) participating in or cooperating with a federal program established under 16 U.S.C. 703--712 (Migratory Bird Treaty Act); 16 U.S.C. 773--773k (Northern Pacific Halibut Act of 1982); 16 U.S.C. 1361--1421h (Marine Mammal Protection Act); 16 U.S.C. 1531--1544 (Endangered Species Act); 16 U.S.C. 1801--1883 (Magnuson-Stevens Fishery Conservation and Management Act); 16 U.S.C. 3631--3644 (Pacific Salmon Treaty Act of 1985).

\*7501

*Amended by Laws 1999, c. 56, §§ 2, 3, eff. Sept. 2, 1999.*

HISTORICAL NOTES

HISTORICAL AND STATUTORY NOTES

Laws 1999, c. 56, § 1 provides:

"FINDINGS. (a) The legislature finds that

"(1) sustained yield management of fish and game in accordance with the mandate of the Constitution of the State of Alaska assures the maintenance of healthy populations of fish and game and provides the opportunity for a wide range of uses of the fish and game resource;

"(2) the State of Alaska recognizes the value of Glacier Bay National Park and Preserve, one of our nation's crown jewels;

"(3) the State of Alaska has demonstrated competence by state managers in assuring healthy, viable populations of fish and game within the park and preserve, with no deleterious

effects on the resources or the aesthetic appeal of the area, and the State of Alaska desires to continue to do so;

"(4) current uses of the park and preserve, including limited and controlled commercial and subsistence uses, constitute integral parts of the park and preserve and reflect precisely the purposes for the executive withdrawal that created the original Glacier Bay National Monument.

"(b) The legislature further finds that

"(1) the State of Alaska is the only entity responsible for and capable of assuring the sustained yield management of fish and game throughout the entire state;

"(2) the multitude of federal entities that have authority to provide for the management of fish and game in Alaska have jurisdiction over only a patchwork of land and water in Alaska and operate under a variety of legal mandates regarding fish and game;

"(3) only the State of Alaska bears the public trust responsibility of providing a single, comprehensive scheme

of sustained yield management of fish and game to compensate for diverse management objectives pursued by the many federal agencies;

"(4) the State of Alaska has consistently demonstrated a greater sensitivity than the federal agencies to sound conservation principles, which, for example, resulted in a dramatic recovery of Alaska's fisheries following statehood in 1959 after a lengthy period of misguided federal management;

"(5) the State of Alaska is committed to continuing its public trust responsibility for the navigable waters within Glacier Bay National Park and Preserve;

\*7502 "(6) it is not in the best interest of the State of Alaska to acquiesce in and assist in federal takeover of fisheries management in the park and preserve in the face of pending litigation challenging federal preemption of state management."

Search this disc for cases citing this section.

6800

S 501

One Hundred Sixth Congress  
of the  
United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday,  
the twenty-fourth day of January, two thousand

An Act

To address resource management issues in Glacier Bay National Park, Alaska.

Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park  
Resource Management Act of 2000".

SEC. 2. DEFINITIONS.

As used in this Act—

- (1) the term "local residents" means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;
- (2) the term "outer waters" means all of the marine waters within the park outside of Glacier Bay proper;
- (3) the term "park" means Glacier Bay National Park;
- (4) the term "Secretary" means the Secretary of the Interior; and
- (5) the term "State" means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

~~THE MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.~~

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105-277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State,

the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the congressional committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such committees on a biennial basis.

#### SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) ~~STUDY.—The Secretary, in consultation with local residents,~~ shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

# Alaska State Legislature



## Representative Bruce Weyhrauch

District 4

State Capitol Building, Room 102  
Juneau, Alaska 99801-1182  
(907) 465-3744, Fax (907) 465-2273

FOR IMMEDIATE RELEASE: May 7, 2003  
CONTACT: J.D. Wallace, House Majority Press Secretary  
(907) 465-5369

## **House Protects State Management of Fish and Game Agreements with Federal Agencies Cannot Give Up State Control**

(JUNEAU) – The Alaska House of Representatives unanimously approved House Bill 24 by a vote 34 to zero on Wednesday. Sponsored by the Representative Bruce Weyhrauch (R-Juneau) and Representative Jim Whitaker (R-Fairbanks), HB 24 allows the Department of Fish and Game, the Board of Fisheries, or the Board of Game to enter into management agreements with federal agencies; however, these agreements cannot cede authority to a federal agency. If any agreement allows a federal agency to override the established authority of the state's fish or wildlife enforcement, that contract will be void after July 1<sup>st</sup>, 2004.

"Enforcement of hunting and fishing regulations is a big responsibility in Alaska, and that requires cooperation between our state and federal agencies," Weyhrauch said. "However, the state must ensure that it maintains the authority of its own boards and departments over state resources."

"Cooperation between state and federal law enforcement is a crucial part of successful government," Whitaker said. "Maintaining the proper jurisdiction of state fish and wildlife is just as important."

HB 24 moves to the Senate.

###

**Broadcasters' Note:** Actualities available at 1-800-478-6540 or [www.akrepublicans.org](http://www.akrepublicans.org).

**HB**

**34**

# SENATE COMMITTEE REPORT

DATE: 4/4/03

FURTHER: Judiciary

DATE TURNED  
IN TO OFFICE: 4/15/03

State Affairs Committee considered HOUSE BILL NO. 34

HB 34 REPEAL SUNSET OF NEGOTIATED REG.MAKING

"An Act relating to negotiated regulation making; and providing for an effective date."

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):**

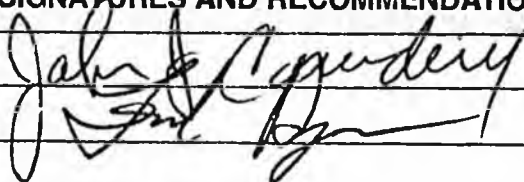


Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
DOS	3/19/03		✓	1
DOR	3/19/03		✓	2

APPROPRIATION - no fiscal note

**SIGNATURES AND RECOMMENDATIONS:**

	Do PASS	Do NOT PASS	No REC	AMEND
	✓			
	✓			
CHAIR: 	✓			

STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

# Representative Jim Holm



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TEL 456-7423, FAX 451-9293

House District 9

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## SPONSOR STATEMENT

3/31/3

### House Bill 34

#### *Repealing the Sunset of Negotiated Regulation Making*

A process called Negotiated Regulation Making ("Neg-Reg") was authorized in statute in SLA 1998, Ch 117. The original bill, House Bill 264, has a sunset date of July 1, 2003. House Bill 34 repeals that sunset, thus allowing the Neg-Reg process to continue.

Negotiated regulation making is widely supported because it makes the regulation-writing process more applicable to reality. It allows a team of affected, interested parties to negotiate and submit recommendations BEFORE the regulations are published for public review.

Most notable successes to date have been cruise ship regulations and charitable gaming regulations, two extremely contentious issues that were favorably resolved using the negotiated regulation process. Though it does involve some up-front efforts to assemble the negotiating team, it saves far more at the other end of the process by eliminating lawsuits and lengthy public appeals.

Another important advantage is that the affected industries are involved from the beginning so the resulting regulations are far more practical, enforceable, and business-friendly.

Passage of HB 34 before the end of the 2003 legislative session will allow this valuable "Neg-Reg" process to remain in statute.

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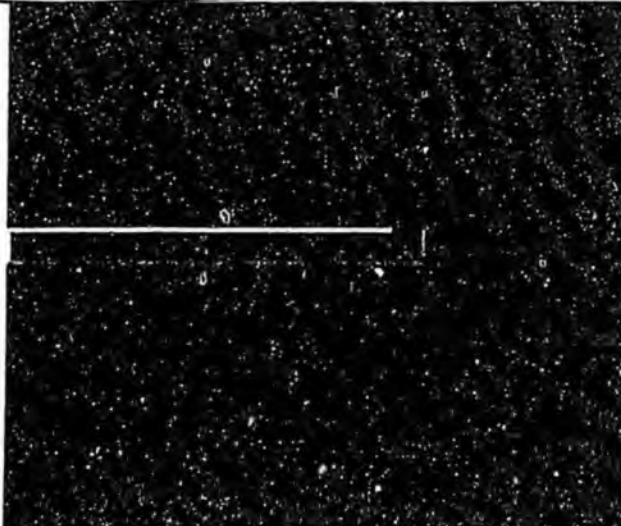
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Last modified: August 13, 2002

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**Cruise Ship Waste Disposal and Management**

*\* Negotiated Regulations*



**Final Regulations**

MS Word      Adobe PDF

**18 AAC 15 Administrative Procedures** (MS Word 139KB, Adobe PDF 154KB)

Dear Interested Party Letter

Analytical Testing Methods for the Commercial Passenger Vessel Environmental Compliance Program

Final Report of the Commercial Passenger Vessel Environmental Compliance (CPVEC) Committee

Environmental Compliance Committee Meeting January 22-23, 2002

Environmental Compliance Committee Meeting February 26-27, 2002

Environmental Compliance Committee Meeting April 5, 2002

Negotiated Regulations Committee

**Reports available**

Ms. Ernesta Ballard  
Ballard & Associates

Mr. Mark Buggins, Environmental Superintendent  
City and Borough of Sitka

Gershon Cohen, Phd  
Alaska Conservation Alliance

Mr. W. David Eley, President  
Cape Decision International Services, Inc.

Mr. Loren Gerhard, Executive Director  
Southeast Conference

Lieutenant Wade Gilpin  
Waterways Management Coordinator  
17th U.S. Coast Guard District

Mr. Paul Johnsen, Senior Port Engineer  
Alaska Marine Highway System

Alternate: Mr. Tom C  
AMHS - Ketchikan  
Alternate: George Po  
AMHS - Juneau

Ms. Gretchen Keiser, Wastewater Program Manager  
AK Dept. of Environmental Conservation

Mr. Randy Ray, President  
US Cruise Ship Association

Mr. Robert Reges  
Cruise Control, Juneau  
Mr. Reggie Ward  
Tlingit & Haida Central Council

CPVEC Committee Consultants  
Project Manager

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Ms. Vivian Kinnaird  
Ecology & Environment, Inc

Facilitator:  
Mr. Brian Rogers  
Info Insights, Inc

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State of Alaska

Department of Revenue

Tax Division

Gaming Group



## ANNUAL REPORT

*Calendar Year 2001*

Issued December 2002

Alaska Department of Revenue

Tax Division

Dan E. Dickinson, Director

Larry E. Meyers, Deputy Director

PO Box 110420

Juneau, AK 99811-0420

Phone: (907) 465-2320

Fax: (907) 465-3098

Home page: <http://www.tax.state.ak.us/>

### Division Concerns and Focus

Alaska's gaming laws limit the amount of expenses that may be incurred under a gaming permit to ensure that permit holders receive at least a minimum financial benefit from their gaming activities. Beginning in 1998 the Division's focus has been on compliance with the expense limitations and minimum profit distributions.

The Department of Revenue, with the assistance of the Department of Law, has committed substantial resources to bring into compliance the activities of Multiple-Beneficiary Permit holders (MBPs). The first step in this process was to ensure that MBPs complied with minimum distribution requirements. In 1997, MBPs failed to meet their statutorily required payment distributions by \$850,000. With a concerted effort, the Division was able to increase compliance on payment so that there were no MBP deficits in 2001.

The second step in the process focused on ensuring that MBPs not only met the minimum distributions, but also adhered to authorized expense limitations provided by statute. With the increased enforcement, one MBP ceased operations and two others agreed to suspend operations for a year as a result of being out of compliance in 1999.

MBP gaming activities in 2000 and 2001 appeared to meet the minimum requirements as set out in the statutes, with one exception. The MBP that did not meet the minimums later agreed to dedicate a certain percentage of its net proceeds over a period of two years to the Alaska Children's Trust. The Division still remains concerned whether the amount of proceeds received by some qualified organizations is sufficient. The Division, along with the Department of Law, is working to ensure that only bona fide expenses reasonably necessary to conduct gaming activities are allowed. The focus has been, and will continue to be, directed toward excessive rents, compensation and fees charged in conjunction with running or managing gaming operations.

In 2001, the Division proposed regulations and held public hearings in an effort to address various issues including unlicensed operators, conflicts of interest, methods of accounting, capital contributions, loans and gifts, and rules for MBPs. The comments received during the public hearing process indicated unhappiness with the process and confusion with the proposed regulations. As a result, the Department of Revenue decided to go forward with a process known as negotiated rule-making in an effort to garner input and suggestions about how to present the best possible regulations to deal with the issues at hand.

\*

### Division Concerns and Focus

The rule-making committee, appointed by the Commissioner of Revenue, consisted of eleven members, who represented the interest of permittees, operators, MBPs, distributors, vendors, the public and the Department. Using the Department's 2001 proposed regulations as a working document, the committee held nine meetings over five months in Anchorage, Fairbanks and Kenai to take public testimony, review, discuss and draft new proposed regulations. The committee issued its final report on July 31, 2002. The report reflected consensus on every provision of its proposed regulations, except the issue of whether a person who manages more than one permittee must become an operator, and the provision that a distributor cannot be a lessor of property used to conduct gaming activity. The vote on the affected provisions was nine for and two against.

\* Public hearings on the rule-making committee's proposed regulations were held in Fairbanks, Anchorage, Soldotna and Juneau, August 26, through August 29, 2002. The department used the consensus of the committee, public testimony and written comments as a basis for the regulations it adopted on November 19, 2002. These regulations will be effective January 1, 2003.

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB34  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Office of the Governor  
 Title An Act relating to negotiated BRU Executive Operations  
regulation making Component Lieutenant Governor  
 Sponsor Representative Holm  
 Requester House Judiciary Component No. 11

**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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)*  
 This legislation has no fiscal impact on the Office of the Lieutenant Governor.

Prepared by: Linda J. Perez, Director Phone 465-3876  
 Division Office of the Governor, Administrative Services Date/Time 3/19/03 11:08 AM  
 Approved by: Annette Kreitzer Date 3/19/2003  
 Agency Office of the Lieutenant Governor

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB34  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title Repeal Sunset BRU Administration and Support  
of Negotiated Regulation Making Component Commissioner's Office  
 Sponsor Representative Holm  
 Requester House Judiciary Component No. 123

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

This legislation would repeal the July 1, 2003 termination (sunset) date for the statutory authority for negotiated regulation making. This legislation, which would continue the authority for negotiated regulation making, will not have an effect on the operating expenses of the Department of Revenue.

The Tax Division of the Department of Revenue last year used the negotiated regulation making process to draft and adopt new regulations for charitable gaming, and found the process useful and effective.

Prepared by: Larry Persily, Deputy Commissioner Phone 465-5469  
 Division Department of Revenue Date/Time 3/19/03 10:37 AM  
 Approved by: Larry Persily, Deputy Commissioner Date 3/19/2003  
 Agency Department of Revenue

**HB**

**45**

# SENATE COMMITTEE REPORT

DATE: 2/7/03

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 5/2/03

State Affairs Committee considered HOUSE BILL NO. 45

## HB 45 SECOND VERSE OF ALASKA'S STATE SONG

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

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#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
UOA	1/30/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
	✓			
			✓	
	✓			
	✓			
CHAIR:				

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HB 45 - Pass 1st 29-7

Robin Taylor - Senator  
465-3873

465-3922 - Fax #

To State #2 Fair

Please consider House 45

Albert P. Reetz

P.O. Box 202475

Anchorage, AK 99520-2475

Phone # 465-9966

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Version: rel5.1.0, SourceID 1.6412.1.133

3/1/03

Dawell -

This gentleman called earlier  
and asked that his version  
of the 2nd version be considered.

Kelly

## Second Verse of the "Alaska's Flag"

A rainbow of the great Northern Lights  
Shine forever to the Native nights.  
Under God's great grace, the homebound  
state

The precious gift and the open gate.  
The cold of a dream long time ago  
Be a true wonder on what we know.  
The Forty-Ninth state of the  
midnight sun

A dance and rhythm for Native fun.  
Alaska state is the one I love  
Give many thanks to the One above.  
To the old and young Alaskan friends  
The Alaska's Flag will never end.

- Albert Paul Reetz

# ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4



HB 45

ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3744  
FAX (907) 465-2273

## The Second Verse to the "Alaska Flag Song"

This legislation would allow for the gift of a second verse to be recognized and adopted as part of the official state song.

"Alaska's Flag" written by Marie Drake and composed by Elinor Dusenbury was adopted as the official state song in 1956, and was gifted to the University of Alaska in April 1960. Carol Beery Davis wrote the second verse to the state song and gifted the words to the University of Alaska Foundation in February 1987.

In order to understand the special significance of this verse, one must learn a little about its author, Carol Beery Davis, former poet laureate of Alaska. As well as being an oral historian, Carol's contribution to art, music and literature were prolific during the 70 years she lived in Juneau. At the time Carol composed the verse, her husband, Trevor was the only living member of the original selection committee for the design of Alaska's flag, which picked Benny Benson's North Star and Big Dipper. Carol wrote dozens of books about Alaska, including, "The Alaska Flag Song" book, which was credited for making the Alaska Flag Song so widely known. As well, Carol was a true and beloved pioneer whose contributions have outlasted her charmed life. Penned during her 95<sup>th</sup> year, the 2<sup>nd</sup> verse was her final gift:

*"a Native lad chose the Dipper's stars for Alaska's flag  
that there be no bars among our cultures.*

Be it known through the years, the Natives' past has grown to share life's  
treasures hand in hand, to keep Alaska our great land!

We love the northern, midnight sky, the mountains, lakes and streams nearby.  
The great North Star with its steady light will guide all cultures clear and bright,  
with nature's flag to Alaskans dear, the simple flag of the last frontier."

With respect, the time has come to recognize the contributions of all Alaskans, whether it was our sourdoughs who dreamed of gold in the streams nearby or a Native lad whose simple stars without bars remind us how Alaskans live and live together.

*Updated January 27, 2003*

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 45  
(H) Publish Date: 1/31/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: University of Alaska  
Title SECOND VERSE OF ALASKA'S STATE SONG BRU Systemwide  
Component \_\_\_\_\_  
Sponsor REPRESENTATIVE(S)WEYHRAUCH, Gruenberg  
Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

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

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

<b>CAPITAL EXPENDITURES</b>						
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<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  
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: Paul Jenny Phone 907-474-5889  
Division University of Alaska Date/Time 1/30/03 2:08 PM  
Approved by: Pat Pitney Date 1/30/2003  
Agency University of Alaska



University of Alaska Foundation

University of Alaska Foundation  
and  
Statewide Office of Development

Office of Development

February 7, 2003

Linda Sylvester  
Office of Representative Bruce Weyhrauch  
Alaska State Capitol, Room 102  
Juneau, AK 99801-1182

Dear Ms. Sylvester:

This letter is in response to your telephone call to me yesterday regarding the proposed adoption by the Alaska State Legislature of a second verse to the State Song.

The University of Alaska Foundation (Foundation) holds the copyright to the words and music of a musical work entitled "Alaska's Flag" which has been named by the Alaska State Legislature (AS 44.09.040) as the "official song of the state." The Foundation also holds the copyright to a work entitled "Alaska's Flag (second verse)." It is my understanding that the Legislature is considering an amendment to the statute which would act to add the words of the second work "Alaska's Flag (second verse)" to the "official song of the state."

Although this is not a legal opinion, I do not think that the proposed action by the Legislature causes any copyright problems. The Foundation will continue to defend the copyright of both works (now combined in one for the purposes of identifying the "official state song" of Alaska). The same ability of the Legislature to reprint the words of the original song in statute without obtaining a license applies to the newly defined song. The same right of Alaskans (and others) to use the original song for purposes such as criticism, comment, news reporting, teaching, scholarship, research, and for non commercial performance at public events and schools etc. would apply to the newly amended song. In short the Foundation would treat the newly defined "official state song" in the same fashion as it treated the original: providing licenses for its commercial use and allowing non commercial uses (and other uses as described above) to continue unlicensed under our interpretation of the copyright doctrine of "fair use."

I hope this answers the questions Legislators have. If there are others, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Taylor", with a long horizontal flourish extending to the right.

Scott Taylor  
Executive Director

Cc: Wendy Redman



**Grand Camp**

*Alaska Native Brotherhood  
Alaska Native Sisterhood*



February 3, 2003

Representative Eruce Weyhrauch  
Alaska State Legislature  
Juneau, AK 99801-1182

FAX (907) 465-2273

Dear Representative Weyhrauch:

I am writing in support of HB 45 that will allow for the gift of a second verse to be recognized and adopted as part of the official state song. The words to the second verse illustrate the foresight of Benny Benson's design of the Alaska Flag and honor the composer of the second verse Carol Beery Davis and the Native people of Alaska with their commitment to share life's treasures.

My name is Sam Jackson and I am the elected Grand President of the Alaska Native Brotherhood Grand Camp. We are the oldest Native Organization in the state established in 1912. I represent many camps with membership throughout the many communities in Southeast Alaska with additional camps in Anchorage, Kenai and Seattle, Washington. On behalf of our organization, we applaud your efforts to bring this piece of legislation before the Alaska State Legislature. Please contact me at (907) 785-3221 if you need additional information or if our organization can be of any help in getting this legislation passed.

Sincerely,

*Sam Jackson*  
Sam Jackson  
Grand President

CC. Representative Albert Kookesh  
Senator Georgianna Lincoln

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF EDUCATION**

*DIVISION OF EDUCATIONAL PROGRAM SUPPORT*

GOLDBELT PLACE  
801 WEST 10th STREET  
POUCH F  
JUNEAU, ALASKA 99811

April 29, 1986

Karen Cedzo  
University of Alaska Relations  
Signers' Hall, Suite 210  
Fairbanks, Alaska 99775

Dear Ms. Cedzo:

As per our conversation, this letter addresses my request to add a verse to the Alaska's Flag song that addresses other culture's in addition to "sour-doughs." Over the years, I could not help but feel that this lovely song needs to honor the Alaska Natives who held the land, welcomed newcomers, and designed the simple flag of the last frontier.

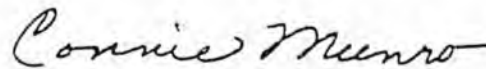
I feel that Alaskan's would be open to the added verse and can envision many celebrations connected to the introduction. I have interviewed school teachers, members of the Alaska Native Brotherhood and Alaska Native Sisterhood, music masters, and citizens of Alaska about the feasibility of adding another verse addressing Alaska Natives, all with positive encouragement.

I have included with this letter a copy of Carol Berry Davis' book "Alaska's Flag," which addresses her participation in the creation of the original Alaska Flag song. Carol, now 95 years young, has volunteered to write the added verse. She was very excited about the possibility of addressing the "First Alaskans." Also included is a rough copy of Carol's added verse.

If you have any questions, please call me at 465-2841.

Please let me know which steps need to follow. Again, thank you for your encouragement.

Sincerely,



Connie Munro, Program Manager  
Community Education

Enclosure

cc: Marshall L. Lind  
Commissioner of Education,

CM/abc  
5571S

CERTIFICATE OF COPYRIGHT REGISTRATION

FORM TX  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TXU 258-946

EFFECTIVE DATE OF REGISTRATION

AUG 19 1986



OFFICIAL SEAL

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

*[Signature]*

REGISTER OF COPYRIGHTS  
United States of America

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1** TITLE OF THIS WORK ▼  
ALASKA'S FLAG

PREVIOUS OR ALTERNATIVE TITLES ▼  
ALASKA'S FLAG

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼  
Song composed for State sponsored by the American Legion

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

**2 a** NAME OF AUTHOR ▼ Carol Beery Davis DATES OF BIRTH AND DEATH  
Year Born ▼ 1890 Year Died ▼

Was this contribution to the work a "work made for hire"?  Yes  No (requested)

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country U.S.A.  
Citizen of U.S.A.  
OR Domiciled in Juneau, Alaska

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼  
Wrote the second verse to the Alaska Flag Song.

**b** NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  Yes  No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
Citizen of  
OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

**c** NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  Yes  No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
Citizen of  
OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

**3** YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases. June 1984 Year

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Complete this information ONLY if this work has been published. Month Day Year Nation

**4** COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼  
CAROL B. DAVIS  
114 East Sixth St.; Juneau, Alaska 99801

APPLICATION RECEIVED  
OCT. 27, 1986

ONE DEPOSIT RECEIVED  
AUG 19 1986

TWO DEPOSITS RECEIVED

REMITTANCE NUMBER AND DATE

DO NOT WRITE HERE OFFICE USE ONLY

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-11) on the reverse side of this page.  
• See detailed instructions. • Sign the form at line 10.

DO NOT WRITE HERE

**NOTE**  
Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided give the employer (or other person for whom the work was prepared) as "Author" of that part, and save the space or dates of birth and death blank.

EXAMINED BY

*Lee Hill*

FORM TX

CHECKED BY

CORRESPONDENCE  
Yes

DEPOSIT ACCOUNT  
FUNDS USED

FOR  
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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼
- This is the first published edition of a work previously registered in unpublished form.
- This is the first application submitted by this author as copyright claimant.
- This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

MANUFACTURERS AND LOCATIONS If this is a published work consisting preponderantly of nondramatic literary material in English, the law may require that the copies be manufactured in the United States or Canada for full protection. If so, the names of the manufacturers who performed certain processes, and the places where these processes were performed must be given. See instructions for details.

Names of Manufacturers ▼ Places of Manufacture ▼

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- Phonorecords Only

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

Carol B. Davis  
114 East Sixth St.  
Juneau, Alaska 99801

Area Code & Telephone Number ▶ (907) 586-1584

CERTIFICATION I, the undersigned, hereby certify that I am the

Check one ▶

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of

*Carol Bery Davis*

Name of author or other copyright claimant, or owner of exclusive right(s) ▼

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.

Carol B. Davis

date ▶ August 15, 1986

Handwritten signature (X) ▼

*Carol Bery Davis*

MAIL CERTIFICATE TO

Certificate will be mailed in window envelope

Name ▼	CAROL B. DAVIS
Number/Street/Apartment Number ▼	114 East Sixth St.
City/State/ZIP ▼	Juneau, Alaska 99801

Have you:

- Completed all necessary spaces?
- Signed your application in space 10?
- Enclosed check or money order for \$10 payable to Register of Copyrights?
- Enclosed your deposit material with the application and fee?

MAIL TO: Register of Copyrights  
Library of Congress, Washington  
D.C. 20559

January 26, 1987

Dear Representative Ulmer,

The Alaska Flag song was originally written as a jingle for school children to sing during the Alaska Flag ceremony. Written by Marie Drake, secretary to the Commissioner of Education and a neighbor and friend of Carol Berry Davis and Trevor who were very involved in the flag contest and ceremony. (see inclosed booklet titled The Alaska Flag by Carol Berry Davis)

Over the years I have had many discussions with Alaska Native leaders and legislator's about the song and the reference to sourdough's and the land but not any mention of the First Alaskan's-the Alaska Native. Former Legislator Alvin Osterback and his wife Marie especially were interested in the possibility of an added verse, however monies to run a statewide contest did not materialize and the matter was put aside but not forgotten. Additionally, a statewide contest to single out a group of people may have been embarrassing and I had hoped someone would just offer to submit one.

At a meeting with Carol Berry Davis in April of 1986 I once again asked Carol, then 95 years young if she would be interested in writing a verse or find someone who would. I was concerned that she was about the last of the many people who were on the flag and ceremony committee. Carol's background in music in Alaska dates back to the 1930's and her leadership in establishing music in education, Alaska Association's in Music and her experience as a teacher of music to native student's deemed her as an outstanding candidate for such an honor, in my opinion. I must admit that it was my own personal pursuit to start the process moving, after 15 years of talking about it.

I called the University of Alaska in Fairbanks and talked to Karen Cedzo in the Office of University Relations who gave me information on submitting a new verse. Carol stayed up all night working on the attached verse. Representative Frank Ferguson looked at the new verse and said he would be interested in introducing it to the house if the University accepts it.

I feel it is appropriate for Carol to write the verse and I hope that I will be able to sing the verse officially in 1987.

Thank you very much for your interest and possible sponsorship.

Sincerely,

*Connie*

Connie Munro

VOL 1078 PAGE 401

GIFT OF MUSICAL WORK

KNOW ALL MEN BY THESE PRESENTS: That we, MARIE C. DRAKE and ELINOR DUSENBURY, respectively the author and composer of the song "ALASKA'S FLAG", for and in consideration of the sum of One (\$1.00) Dollar, the receipt whereof is hereby acknowledged, and other good and valuable consideration, do hereby give, donate, transfer and assign unto the Board of Regents of the University of Alaska, as trustees for and on behalf of the benefit of said university, all of their right, title and interest in and to that certain musical work known as "ALASKA'S FLAG" together with all of their right, title and interest in and to the copyright thereof.

Dated this 3 day of April, 1960.

Witnessed in the presence of:

<u>Mrs. Margaret King</u>	<u>Marie C. Drake</u> Marie C. Drake
<u>Harold L. Kinnear</u>	
<u>W. May. LeLewski</u>	<u>Elinor Dusenbury</u> Elinor Dusenbury
<u>J.D. Eastman</u>	

GIFT OF MUSICAL WORK

KNOW ALL MEN BY THESE PRESENTS: That I, Carol Beery Davis, the author of the attached lyrics entitled "Alaska's Flag (second verse)," for and in consideration of the sum of One (\$1.00) Dollar, the receipt whereof is hereby acknowledged, and other good and valuable consideration, do hereby give, donate, transfer and assign unto the Board of Trustees of the University of Alaska Foundation, all of my rights, title and interest in and to those certain lyrics known as "Alaska Flag (second verse)" together with all of my rights, title and interest in and to the copyright thereof.

Dated this 24<sup>th</sup> day of February, 1987.

*Carol Beery Davis*

STATE OF ALASKA )  
 ) ss.  
 FIRST JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this 24<sup>th</sup> day of February, 1987, before me, the undersigned, a Notary Public and for the State of Alaska, personally appeared Carol Beery Davis, known to me and to me known to be the individual named in and who executed the foregoing document and she acknowledged to me that she executed the foregoing document as her free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and notarial seal the day and year first hereinabove writte.

*[Signature]*  
 Notary Public in and for Alaska  
 My Commission Expires: \_\_\_\_\_  
 District Court Judge

Contributions by Carol Beery Davis in Performing Arts, Prose and Poetry

*Music*

- 1920 - Theatre organist and pianist for the silent movies at the Palace Theatre  
Developed piano and organ class and taught until her 84th year.
- 1939 - *Songs of the Totem*, her early collection of Tlingit trade songs, expanded into *Totem Echoes* in 1984; song motifs first taken down by ear and on rubber discs.  
President, **Juneau-Douglas Concert Association**; served on Board for 25 years
- 1940 - Gave concert tours throughout Alaska with other local and western states' musicians.  
Co-founder of **Alaska Music Trail**, a twenty-five-year old organization of tours, featuring national and international professional musicians
- 1960 - Arranged accompaniment for *Sing Away*, a dozen children's songs by Cleone Secrist.
- 1990 - *Aurora Images*, a lifelong collection of some of her own Alaskan song and verse, used for light entertainment and now in print at the local museums.
- 1975 - Promoted and coordinated the trip for a Tlingit dance group, **The Juneau Dancers**, to participate in the U.S. Bicentennial at Baltimore and Washington, D.C., using pageantry from *Songs of the Totem*.

*Prose and Poetry*

- 1946 - Founder and President of the eight-year **Juneau Creative Writers**
- 1953 - Published first book of poetry, *Alaska Driftwood*.
- 1964 - Published *Alaska's Flag*, a first-hand account of the story of our flag.
- 1965 - Founder and President of the seventeen-year **Alaska Poetry Society** which produced the anthology, *One Hundred Years of Alaska Poetry*, which won a Gold and Silver plaque. (Alaska Purchase Commission). Also listed in *Who's Who of American Women* (3rd Ed.).
- 1967 - 1969 - Alaska Poet Laureate
- 1968 - Awarded the Silver cup, second prize, for ballad, *Saga of the Islander*, from Greater Anchorage, Inc., and for *Unseen Presence* in 1969 in Legends of Alaska contest.
- 1969 - Listed in *The Two Thousand Women of Achievement*
- 1970-1971 - Listed in *International Who's Who in Poetry*
- 1973 - Honored by the 2nd World Congress of Poets to be a delegate to Taiwan for a large . conference. Funds were raised to send her on an Alaska Day celebration sponsored by the Juneau Arts & Humanities Council. She received the Congress' Gold medal on that occasion.
- 1974 - Published second book of poetry, *Home is North*, and *Tiger of Taku*, the story of a local personality.
- 1975 - Received a Gold crown, signifying Woman of the Year of the International Poets Laureate
- 1976 - Awarded Gold plaque for contributions to poetry, Silver crown for leadership in poetry by 3rd World Congress of Poets.
- 1977 - Certificate of Excellence in support of The Performing and Literary Arts presented by Governor Jay Hammond.
- 1978 - Published 3rd book of poetry, *Fiber Grass*.
- 1983 - Awarded an Honorary Doctorate in the Humanities, UAS., and published autobiography.
- 1987 - Won World of Poetry Golden Poet Award for poem *Backward, Turn Backward*.  
Poem published in Campbell's *World Treasury of Great Poems*, Vol. II.

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## About the University of Alaska Foundation



The University of Alaska Foundation is a private nonprofit corporation, operated as a public Foundation, which was established in 1974 to solicit, manage and invest donations for the exclusive benefit of the University of Alaska. The Foundation is a tax-exempt organization as described in Subsection 501 (c) (3) of the Internal Revenue Code and donations made to the Foundation are deductible according to schedules established under income and estate tax regulations.

The Foundation qualifies as a public charitable organization under Subsection 170 (b) (1) (A) (vi) of the Internal Revenue Code.

The Foundation is legally separate and distinct from the University of Alaska and is organized under its own Articles of Incorporation and Bylaws. Its members are its College of Fellows and it is governed by its own Board of Trustees. This thirty member board is composed of prominent Alaskans and includes the University President, the three University Chancellors, as well as two members of the Board of Regents.

The Board meets three times annually and establishes the Foundation's investment policy for the endowments, manages donated property and oversees the distribution of the Foundation's assets to its sole beneficiary, the University of Alaska system.

The Board of Regents of the University of Alaska has recognized the University of Alaska Foundation as the entity which should manage private gifts and governmental gifts restricted to 501 (c) (3) organizations made to support all campuses of the University of Alaska system. The Regents Policies further direct that all unrestricted gifts to the University of Alaska must be transferred to the Foundation. It further states that restricted gifts, too, may be transferred to the


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## Student Guide

### Symbols

**Statehood:** January 3, 1959

**State Population:** 621,400 in 1998

**State Flag:** Eight stars of gold on a field of blue

**State Seal:** Designed in 1910 while Alaska was a Territory

**Motto:** North to the Future

**Nickname:** The Last Frontier Frontier

**State Flower:** Forget-Me-Not

**State Bird:** Willow Ptarmigan

**State Land Mammal:** Moose

**State Marine Mammal:** Bowhead Whale

**State Fish:** King Salmon

**State Insect:** Four Spot Skimmer Dragonfly

**State Gem:** Jade

**State Mineral:** Gold

**State Tree:** Sitka Spruce

**State Sport:** Dog Mushing

The Alaska State Flag was designed by Benny Benson, a seventh-grade Aleut student in 1926. The flag was adopted by the Territorial Legislature in May, 1927 as Alaska's official flag. The Flag is made up of the North Star (in the upper right corner) and the Big Dipper on a field of Blue. The "Alaska's Flag" song was written by Marie Drake in 1935 and was put to music by Mrs. Elinor Dusenbury. In 1955, The Territorial Legislature adopted "Alaska's Flag" as the official song.



Alaska's Flag ©



Click on the symbol to hear the music. This is a midi file.

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

Word and Music of the Alaska Flag Song: Copyright 1985, The University of Alaska Foundation, All Rights Reserved



The Seal of the State of Alaska was adopted as the official seal in 1959. Prior to becoming the Official seal of the State of Alaska, it was the Territorial seal from 1912 - 1958. The seal was first designed for the District of Alaska in 1884. In 1910, Governor Clark redesigned the seal to represent all aspects of Alaska's natural resources and economy.

The official motto of the State of Alaska, *North to the Future*, was adopted by the legislature during Alaska's Purchase Centennial in 1967. Created by veteran newsman Richard Peter, the motto is meant to represent Alaska as a country of promise. According to Peter, the motto "...is a reminder that beyond the horizon of urban clutter there is a Great Land beneath our flag that can provide a new tomorrow for this century's 'huddled masses yearning to be free.'"

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



The Alaska State Flower is the forget-me-not, adopted by the Territorial Legislature in 1917. This abundant wild flower grows all over Alaska. It has blue petals with a yellow center.

The willow ptarmigan was adopted as the State Bird in 1955 by the Territorial Legislature. This small arctic grouse is brown in the summer and turns white during winter. The willow ptarmigan lives in the willow trees, on open tundra and around muskeg. They are very common throughout Alaska.



In 1998, the moose was adopted as the Alaska State Land Mammal. Choosing the State Land Mammal was a project of the students of Kalifornsky Beach Elementary School. For more information on how these students choose the moose and conducted this project, please follow this link:

<http://www.akrepublicans.org/spstsb265020298.htm>

---

The Alaska State Marine Mammal is the Bowhead Whale, adopted in 1983 by the Alaska State Legislature. The Bowhead whale was nearly destroyed by commercial fishing in the late 1880's and they now enjoy a protected status. In 1994 the Bowhead population was around 8,000 and is growing by about 199 whales per year.

---

The King Salmon was adopted as the State fish in 1962. The Kenai River King has a minimum weight of 75 lbs., whereas the minimum weight of most King Salmon across Alaska is 50 lbs. In 1985 a record 97 lb., 4 oz. King Salmon was caught in the Kenai River by Lester Anderson.



---

Alaska school children led the charge to make the four-spot skimmer dragonfly the official State of Alaska insect. In 1995, Legislation was introduced on behalf of elementary students in District R. The four-spot skimmer dragonfly was adopted as the official State of Alaska insect by the 19th Legislature in 1995.

---

Jade was adopted by the Alaska Legislature in 1968 as the State Gem. Most deposits of Jade are found near the Kobuk River and Jade Mountain, also near the Dall and Shungnak rivers.

---

The Alaska State Mineral has changed the face of Alaska in more ways than one. Check out the [history page](#) for days and places of Gold rushes across Alaska. In the summer of 1998, the state's largest gold nugget was discovered near the Ruby district. The nuggets weighed an impressive 294 troy ounces (or equivalent to 24.5 pounds). The Discovery claim on Anvil creek near Nome is where many of Alaska's large nuggets were mined. Gold was adopted as the state mineral in 1968.

---

The Sitka Spruce was adopted as the State Tree in 1962. Located throughout Southeast, the Kenai Peninsula, the Gulf Coast and the west coast of Cook Inlet, the Sitka Spruce (*Picea Sitchensis*) grows up to 160 feet in height and 5 feet in diameter. The Sitka Spruce is a cone bearing tree and has long dark green needles.

---

THE ALASKA STATE  
CHAMBER OF COMMERCE

[ascjuno@ptialaska.net](mailto:ascjuno@ptialaska.net)

[ascanch@ptialaska.net](mailto:ascanch@ptialaska.net)

The State sport of dog mushing was adopted in 1972. The most notable of Dog mushing events is the annual run of the Iditarod Dog Sled Race from Anchorage to Nome. To find out more information on this and other dog sled races, check out the Iditarod Trail web page at <http://www.iditarod.com/>. Or call the Alaska Dog Mushers Association at 907/457-6874.

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## Flag song addition



SEANNA O'SULLIVAN / THE ASSOCIATED PRESS

Connie Davis, left, and Harriet H. Roberts of Alaska Native Sisterhood of Juneau Camp 2 react to a House of Representatives vote to add a second verse to the Alaska State Flag song on Wednesday at the Capitol. Davis is the daughter of Carol Beery Davis, who wrote the verse approved by the House.

learn would find trees about the right distance for a lean-to. Then we'd cut down everything else in sight. We needed poles to lash together for the lean-to frame and lots of boughs — to weave into the poles and to make beds for our sleeping bags. We also needed firewood. We never left a winter survival site looking like anything but a British Columbia clear-cut.

Once we had the shelter built, we turned our attention to the fire. The Scouts taught lots of ways to make a fire with nothing but available materials. But we didn't use any of them. Instead, we employed a form of fire starting first explained to me by a friend of my dad.

"The best way to start a fire is our way, the Indian way," he said.

"How's that?" I asked.

"Blazo," he said, "and a steel-jacketed bullet."

Our scout leaders had an irrational — nay, un-American — aversion to having us kids go out into the woods armed. So we had to make do with lighter fluid and kitchen matches. Nothing like lighter fluid to get one of those black spruce fires smoldering real good.

After that, it was charring some meat for dinner, crawling into our bags and falling asleep, while the adults snuck back to the vehicles to warm up.

Piece of cake, really. In fact, I can only think of one better way to survive winter. The way I use now. The way every real Alaskan teaches his children: Stay indoors, and try to make it to Hawaii for a couple of weeks every winter.

■ Mike Doogan's opinion column appears each Tuesday, Friday and Sunday. His telephone number is 257-4350, and his e-mail address is mdoogan@adn.com.

## ■ TUSSELE: Jerome Logan accused of killing man after basketball game.

By NICOLE TSONG  
Anchorage Daily News

Billy Watterson's life ended on a summer night in 2000 when a fight fueled by alcohol exploded in racial taunts after a pickup basketball game, attorneys said as Jerome Logan's murder trial began Monday in Anchorage Superior Court.

Prosecutors say Logan — who faces one count of first-degree murder, two counts of second-degree murder and one count of third-degree assault — shot and killed 21-year-old Watterson at a party in East Anchorage.

In opening statements before Judge Mike Wolverton, assistant district attorney Hollis French told the jury that Logan had opportuni-

es to leave the party after a fight. Instead, he took a gun from his car and returned, French said.

"Jerome Logan should have walked away. Anger and alcohol clouded his judgment," the prosecutor said.

But defense attorney Rex Butler said Logan, 22, didn't intend to shoot anyone when he brandished the gun. Logan was angry because of racial taunts directed at him after the basketball game, Butler said. The gun went off during a struggle between Logan and other people, he said.

"I suspect evidence will show that during the course of this fight ... that the gun ended up discharging at least twice, maybe three times, and unfortunately Billy Watterson is dead," Butler said.

See Page B-3, SHOOTING

Billy Watterson was 21 when he was shot and killed in 2000 at a party in East Anchorage.



Jerome Logan faces assault charges as well as first- and second-degree murder charges.

## ■ PICKLE: Info

troubles create Joshua Wade c

BY SHEILA TOOMEY  
Anchorage Daily News

Prosecutors in murder case have on their way to Their most impc the ones who wore ed Wade apparen he killed Della Br fall 2000, have b armed robbery.

The fact that wi be criminals isn't t mants often have l get worked out by know about some havior for reduce own case.

The problem l Daniel Troxel an are charged with first-degree rob felonies that con prison for 10 years ed. According to ment, the robbery beatings.

It is unlikely l can be resolved b al, scheduled fo That means Tr could be called a: Wade with the ch them.

If prosecutor puts the two on th torney Cindy Str tainly have a righ the robberies '1

# Choir belts out 2nd verse to state song



SEANNA O'SULLIVAN / The Associated Press

House Speaker Brian Porter, R-Anchorage, has joined 14 representatives in sponsoring a bill to add a verse to "Alaska's Flag."

## ■ BILL: House of Representatives hears the proposed addition to 'Alaska's Flag.'

By CATHY BROWN  
The Associated Press

JUNEAU — The Alaska Youth Choir gave the state House of Representatives a chance to hear — literally — one of the bills they'll probably vote on this year.

During opening ceremonies in the House on Monday, the children's choir chimed out two verses of "Alaska's Flag" instead of one.

Fourteen representatives, including House Speaker Brian Porter, are sponsoring a bill to officially add the second verse, which honors the contributions of Alaska Natives, to the state song.

Adoption of the second verse was among more than 100 measures Gov. Tony Knowles' Commission on Tol-



See Page B-3, SONG

11/15/02  
Juneau  
Empire

# State song would acknowledge Native boy

By **TIMOTHY INKLEBARGER**  
JUNEAU EMPIRE © 2003

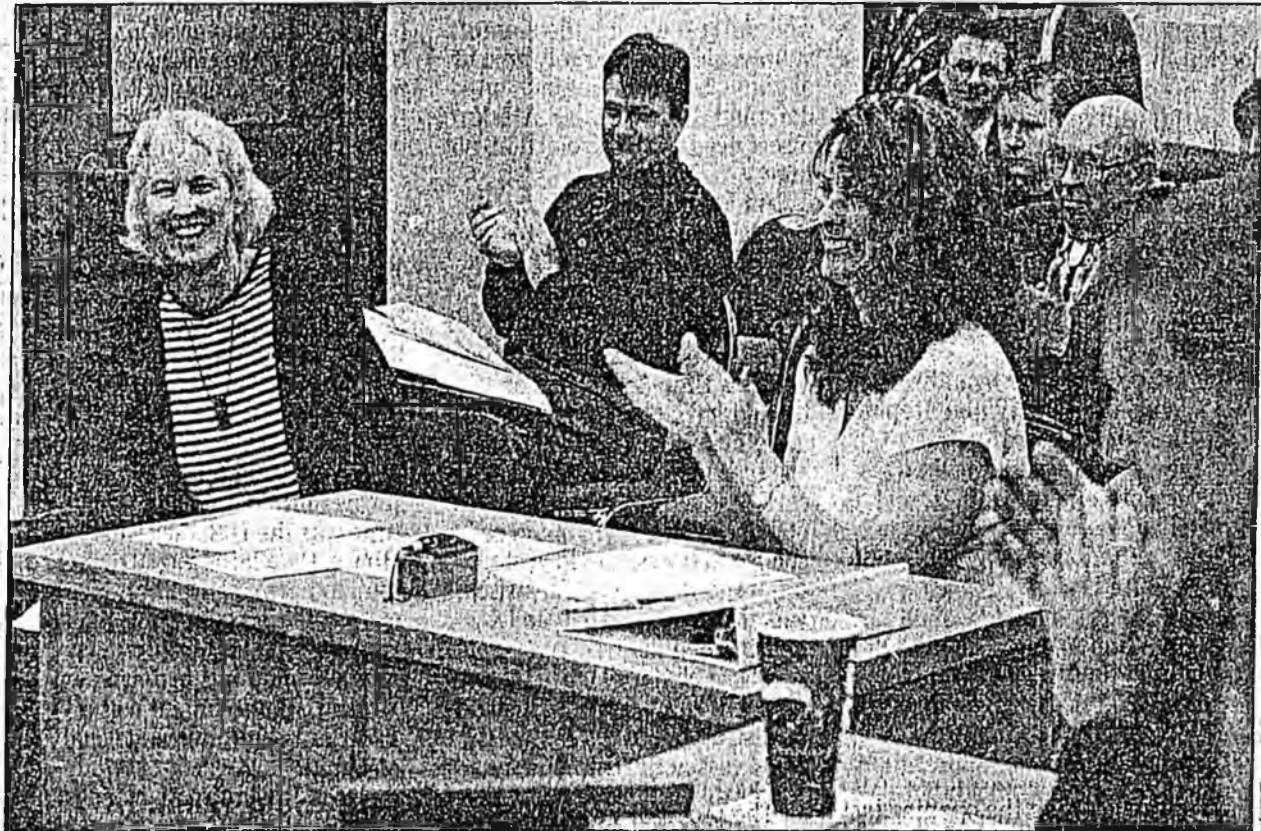
Members of the House Community and Regional Affairs Committee were serenaded today with a proposed new verse to the "Alaska Flag Song" that honors the Native youth who designed the state flag.

The measure, authored by Juneau Republican Rep. Bruce Weyhrauch, was approved by the committee and now goes to the State Affairs Committee. Weyhrauch is chairman of the latter committee.

The "Alaska Flag Song" - adopted as the official state song in 1956 - was written by Marie Drake and composed by Elinor Dusenbery. The second verse was written by Carol Beery Davis and donated to the University of Alaska Foundation in 1987.

Teri Tibbett, a legislative staff member for Rep. Max Gruenberg, an Anchorage Democrat who co-authored the bill, sang both verses of the song at the early morning committee meeting.

The new verse reads: "A Native lad chose the Dipper's stars, for Alaska's flag that there be no bars among our cultures. Be it known through years the Natives' past has grown to share life's treasures, hand in hand, to keep Alaska our great land; We love the northern, midnight sky, the mountains, lakes, and streams nearby. The great North Star with its steady light will guide all cultures, clear



MICHAEL PENN. / JUNEAU EMPIRE

**Song addition:** Teri Tibbett of Juneau is applauded after singing the first and proposed second verse to the "Alaska Flag Song" during this morning's meeting of the House Committee on Community and Regional Affairs. Rep. Bruce Weyhrauch, is sponsoring HB. 45 to make the second verse official. Linda Sylvester, legislative aide to Rep. Weyhrauch, center, presented the bill to the committee.

and bright, with nature's flag to Alaskans dear, the simple flag of the last frontier."

The verse refers to Benny Benson, a Native boy, 13, who designed the state flag, which features the Big Dipper.

Weyhrauch's bill is not the first effort by lawmakers to add the second verse to the song.

Linda Sylvester, a staff member for Weyhrauch who presented the bill before the committee, noted the first attempt was made in

1987 by then-Rep. Fran Ulmer of Juneau. Last session Rep. Carl Morgan, an Aniak Republican, sponsored the bill. It received approval in the House but did not make it to a floor vote in the Senate.

HB

46

## SENATE COMMITTEE REPORT

DATE: 3/6/03

FURTHER: Judiciary

DATE TURNED  
IN TO OFFICE: 3/19/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 46(STA)

### HB 46 PRIMARY ELECTION BALLOTS

"An Act relating to printing of ballot titles and propositions on primary election ballots."

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#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Gov	3/19/03		✓	1

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>	✓			
CHAIR: <i>[Signature]</i>				

# Representative Mike Hawker

## Alaska State Legislature



*Session:*

State Capitol  
Juneau, AK 99801  
907 465-4949 direct  
800 478-4950 toll free  
907 465-4979 fax

*Interim:*

716 W 4<sup>th</sup> Avenue  
Anchorage, AK 99501  
907 269-0244 office  
907 269-0248 fax

*Member:*

House Finance Committee  
Legislative Budget  
& Audit Committee

*House District 32:*

Eagle River  
Anchorage  
Rainbow  
Indian  
Bird  
Girdwood  
Portage  
Whittier  
Sunrise  
Hope

### **Committee Substitute for House Bill 46 (STA) Sponsor Statement**

Committee Substitute for House Bill 46(STA) amends statute to require that ballot propositions be placed on the same ballots as those with candidates of a party. CSHB 46(STA) also directs the Director of the Division of Election to prepare and print a separate ballot with only ballot titles and propositions required to appear on the primary election ballot.

This bill does not change the closed-primary election system created by HB 193 in the 22<sup>nd</sup> Alaska Legislature. CSHB 46(STA) offers voters the additional choice of a "no-party" "issues only" ballot.

This bill responds to concerns raised by citizens who desire to vote on the ballot issues, but who prefer not to declare a party affiliation or are bound by their religious beliefs against declaring a party affiliation.

CSHB 46(STA) allows Alaskans to exercise their right and obligation as voters, while preserving their privacy right to refrain from declaring any political party affiliation.

CSHB 46(STA) has a zero fiscal note as it is the opinion of the administration that the activity contemplated in this bill can be accomplished within the existing appropriation to the Division of Elections and will require no incremental appropriation in the future.

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# Representative Mike Hawker

## Alaska State Legislature



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907 269-0248 fax

*Member:*

House Finance Committee  
Legislative Budget  
& Audit Committee

*House District 32:*

Eagle River  
Anchorage  
Rainbow  
Indian  
Bird  
Girdwood  
Portage  
Whittier  
Sunrise  
Hope

### **Sectional Analysis**

### **Committee Substitute for House Bill 46 (STA)**

#### **Section 1.**

Amends AS 15.25.060 – Preparation and distribution of ballots

- a) Requires that ballot propositions be placed on the same ballots as those with candidates of a party. Also instructs the Director of Elections to prepare and print a separate ballot to include only ballot titles and propositions required to be on the ballot at the primary election.

Sec. ~~15.25.060~~. Preparation and distribution of ballots.

(a) The primary election ballots shall be prepared and distributed by the director in the manner prescribed in this section. The director shall prepare and provide a primary election ballot for each political party that contains all of the candidates of that party for elective state executive and state and national legislative offices. The director shall print the ballots on white paper and place the names of all candidates who have properly filed in groups according to offices. The order of the placement of the names for each office shall be as provided for the general election ballot. Blank spaces may not be provided on the ballot for the writing or pasting in of names.

(b) A voter may vote only one primary election ballot. A voter may vote a political party ballot only if the voter is registered as affiliated with that party, is allowed to participate in the party primary under the party's bylaws, or is registered as nonpartisan or undeclared rather than as affiliated with a particular political party and the party's bylaws do not restrict participation by nonpartisan or undeclared voters in the party's primary. For the purpose of determining which primary election ballot a voter may use, a voter's party affiliation is considered to be the affiliation registered with the director as of the 30th day before the primary election. If a voter changes party affiliation within the 30 days before the primary election, the voter's previous party affiliation shall be used for the determination under this subsection.

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

Subject: House Bill 46

Date: Mon, 03 Mar 2003 23:10:12 -0900

From: Randy Ruedrich <rraep@gci.net>

To: RPA <rpa@acsalaska.net>

CC: Representative Mike Hawker

<Representative\_Mike\_Hawker@legis.state.ak.us>

To All Representatives:

House Bill 46 is excellent legislation.

The Bill adds a ballot for non partisan voters to participate in the primary election ballot measures. Many Alaskans have requested this NP ballot since their religion or other personal beliefs do not allow their participation in a partisan primary.

I urge all legislators to support this constructive change in our primary process.

Randy Ruedrich

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX 110017  
JUNEAU, ALASKA 99811-0017  
PHONE: (907) 465-4611

## CS HB46

**An Act relating to printing of ballot titles and propositions on primary election ballots**

**Summary Statement by the Division of Elections  
House State Affairs Committee  
February 20, 2003**

Last year, as Alaskans began to understand the state's new primary election law passed by the Legislature in 2001, many voters expressed the following concern to the Division of Elections:

- ◆ In order to vote on the preferential voting initiative that was to appear on the primary election ballot along with candidates running for office, they would have to choose the ballot of one political party in order to do so.

In August 2002, 51 percent of the state's voters (230,319 voters) were registered either undeclared or non-partisan. A number of these voters told the Division they wished to vote only on the initiative, not for candidates of one political party. The Division's response was that the law did not provide for a separate primary election ballot that included only propositions on it, such as initiatives. The Division received complaints not only before the election but also following the election.

CS for House Bill No. 46 addresses this issue. It would amend AS 15.25.060(a) to require the Division Director to prepare and print a separate primary election ballot that includes only the ballot titles and propositions that will appear on the ballot. At the same time, in new language, it requires that party ballots, in addition to including candidates, will also include the ballot titles and propositions. Current law addresses only the inclusion of candidates on party ballots.

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

## Religious faith at odds over new ballot

### **BAHA'I: Belief system doesn't allow involvement in partisan politics.**

The Associated Press  
(Published: July 31, 2002)

Juneau -- Alaska's new closed primary system, which requires voters to choose a ballot from one of six political parties, has members of the Baha'i faith in a quandary.

The religion prohibits involvement in partisan politics but encourages its members to exercise their civic duty of voting. But leaders of the faith say they don't know what to say to their 4,000 members in Alaska about a nonpartisan ballot measure on the Aug. 27 primary.

Members who want to vote on the measure must select a ballot from one of the state's six political parties to cast their vote.

The Baha'i of Alaska's spiritual assembly is scheduled to meet in Anchorage in less than two weeks to discuss the primary, said general secretary David Baumgartner.

The governing body plans to discuss how to convey guidance on the primary-election issue to Baha'i followers across the state, Baumgartner said.

The "preferential voting" ballot measure would institute a system of instant runoff voting in which candidates are chosen in order of preference.

If no candidate gets a majority of the vote, the candidate receiving the fewest first-choice votes would be eliminated. Those who voted for that candidate would have their second-choice counted. That would go on until a candidate receives a majority of the votes.

Baumgartner said voting is an important civic duty of Baha'i followers. An election process should allow them to vote in a way that does not require members to pick a party, he said.

Alaska law changed the state's previous blanket primary, in which all candidates from all parties are listed on the same ballot, after a U.S. Supreme Court decision.

The Republican Party of Alaska had been a proponent of holding separate primaries for the state's six recognized political parties.

"I don't think anyone had contemplated this problem arising," said Randy Ruedrich, state Republican Party chairman.

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Page last updated/revised 020731

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 46  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title "An Act relating to ballots." BRU Elections  
 Component Elections  
 Sponsor Representatives Hawker and Coghill  
 Requester House State Affairs Committee 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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)

The Legislature appropriated an additional 269.5 in FY '03 to cover the cost of implementing a six-ballot primary. If that appropriation is maintained in subsequent election-year budgets, it would be possible for the Division to absorb the cost of printing an additional ballot.

Prepared by: Lauri Allred, Administrative Officer Phone 465-2644  
 Division: Office of Lt. Governor, Division of Elections Date/Time 2/19/03 12:58 PM  
 Approved by: Linda J. Perez, Director Date 2/19/2003  
 Agency: Office of the Governor, Administrative Services

**HB**

**52**

# SENATE COMMITTEE REPORT

DATE: 3/6/03

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 4/10/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 52(JUD)

## HB 52 SEX CRIME AND PORNOGRAPHY FORFEITURES

"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

and recommends:

- be replaced with Senate CS 41352 (STA)
- 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#

**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>John J. Casper</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SCS CSHB 52 (STA)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An Act relating to the crime of BRU Alaska State Troopers  
distribution of child.... Component AST Detachments  
 Sponsor Representative McGuire  
 Requester Senate Judiciary Component No. 2325

**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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)  
 This bill folds SB 96 into HB 52. Neither original bill had any fiscal impact, nor does this Senate CS.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390  
 Division Alaska State Troopers Date/Time 4/16/03 10:01 AM  
 Approved by: William Tandeske, Commissioner Date \_\_\_\_\_  
 Agency Department of Public Safety

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SCS CSHB 52  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to distribution and forfeiture BRU Legal and Advocacy Services  
of property used in sexual offense Component Public Defender Agency  
 Sponsor Rep. McGuire  
 Requester (S) STA Component No. 1631

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

This bill would have some effect on Agency operations, simply because if the state requests forfeiture, it will make the sentencing more complicated in some cases. However, we do not anticipate much of an impact.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
 Division Public Defender Agency Date/Time 4/10/03 11:17 AM  
 Approved by: Mike Miller, Commissioner Date 4/10/2003  
 Agency Department of Administration

# Alaska State Legislature

*Session:*  
State Capitol  
Juneau, AK 99801  
Phone: (907) 465-2995  
Fax: (907) 465-6592



*Interim:*  
716 W 4<sup>th</sup> Avenue, Suite 300  
Anchorage, AK 99501-2133  
Phone: (907) 269-0250  
Fax: (907) 269-0249

**Representative Lesil McGuire**  
Chair, Judiciary Committee

## House Bill 52

“An Act relating to the forfeiture of property used to possess or distribute child pornography”

### Sponsor Statement and Sectional Analysis

While providing instant access to useful and valuable information for business and academic research, the expansion of the Internet and corresponding development of computer technology have also created an environment in which new types of criminal enterprise are flourishing. Perhaps the most pernicious and predatory are the ever-increasing crimes against children.

It is becoming far more common for pedophiles to seek new victims through on-line chatrooms and email and for child pornography profiteers to use these technologies as a means to distribute their materials. HB 52 will provide the state courts and law enforcement agencies another tool to combat these sexual predators by giving the courts additional punitive sentencing options and, in turn, awarding forfeited computer technology back to law enforcement agencies for ongoing monitoring operations.

HB 52 will make it possible for law enforcement to stay on top of this rapidly changing industry without spending more government dollars. Advances in technology seem to happen on an almost daily basis, and new technology can frequently outperform previous models. This creates greater restrictions for police detection and monitoring operations thus leaving them at a disadvantage. In order for law enforcement to effectively combat computer crime, they must have access to the necessary hardware.

There are forfeiture laws in place across the country and at the federal level. Several other states already have similar laws on the books relating to the forfeiture of computers used in sex crimes. The use of computers in the commission of sex crimes is a national problem, and Alaska can look toward other states' laws in this area to draw realistic conclusions about the likely impact here in our own state.

HB 52 will amend AS 11.41 and AS 11.61, respectively, by adding the necessary statutory language for the forfeiture of hardware used either in a sexual offense or in indecent viewing or photography or child pornography.

# Alaska State Legislature

*Session:*  
State Capitol  
Juneau, AK 99801  
Phone: (907) 465-2995  
Fax: (907) 465-6592



*Interim:*  
716 W 4<sup>th</sup> Avenue, Suite 300  
Anchorage, AK 99501-2133  
Phone: (907) 269-0250  
Fax: (907) 269-0249

## Representative Lesil McGuire

Chair, Judiciary Committee

### HB 52 – Sectional Analysis

**Section 1.** Provides legislative intent that in cases where the owner of the forfeited property is innocent of the crime, their property is returned to them following existing procedure and as the courts deem reasonable.

**Section 2.** Adds a new section that authorizes forfeiture of property, specifically electronic equipment as defined in the section, used to aid in the commission of a sexual offense under AS 11.41.410 – 11.41.470 including inchoate forms of those sexual offenses.

**Section 3.** Adds a new section that authorizes forfeiture of property, specifically electronic equipment as defined in the section, used to aid in the commission of indecent photography or child pornography under AS 11.61.123 – 11.61.127 including inchoate forms of those offenses.

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 52  
(H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An Act related to forfeiture of property BRU Legal and Advocacy Services  
used in sexual offense Component Public Defender Agency  
Sponsor Rep. McGuire  
Requester (H) STA Component No. 1631

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

This bill would have some effect on Agency operations, simply because if the state requests forfeiture, it will make the sentencing more complicated in some cases. However we do not anticipate much of an impact.

Prepared by: Linda K. Wilson, Deputy Director  
Division Public Defender Agency  
Approved by: Mike Miller, Commissioner  
Agency Department of Administration

Phone (907)-334-4416  
Date/Time 2/11/03 7:07 AM  
Date 2/11/2003

# FISCAL NOTE

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

Fiscal Note Number: 2  
 Bill Version: HB 52  
 (H) Publish Date: 2/12/03

Revision Date/Time (Note if correction): N/A Dept. Affected: Public Safety  
 Title An act relating to the forfeiture of property used BRU AST Detachment  
to possess or distribute child pornography... Component AST Detachment  
 Sponsor Representative McGuire  
 Requester House State Affairs Component No. 2325

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

No fiscal impact to the department.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390  
 Division: Alaska State Troopers Date/Time 2/11/03 8:09 AM  
 Approved by: William Tandeske, Commissioner Date 2/11/2003  
 Agency: Department of Public Safety

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

House Bill 52

It'll,

My name is ~~Traci~~ Brad I'm  
co-founder of a group called P.O.P.  
I'm a mom whose life has been  
affected by a sexual predator. My  
daughter was raped by her father...  
my husband.

During the investigation there was a  
variety of electronic evidence...

1) Video Tapes of children while they  
sleep showing their private areas

2) Video Tapes of an unconscious  
victim being sexually assaulted & raped

3) A voyeur type video taken in my  
home of a family member taking a  
shower

4) Audio cassettes of a sexual  
assault

5) Pictures of unknown females...  
No faces just body parts

6) Scanned pictures with enlarged  
body parts & repeated 002N 160  
times

This evidence was documented  
back 20 years.

The Computer & Video Camera  
ALONG WITH A 35mm CAMERA played  
A big part in fulfilling this predator's  
fantasies. To return these items  
to him upon <sup>his</sup> release from jail would  
surely be a catastrophe. Being in  
denial that he has a problem &  
with access to these items will  
definitely guarantee a new victim.  
The return of any of these (condemned)  
items needs to be denied.

So I'm asking you for my  
daughter and any future victims to  
support HB#52. Give these  
sexual predators one less avenue  
to having access to our children  
"put ~~their~~ rights of our  
children first... <sup>no deep</sup> <sup>as</sup> well as thought  
making their  
lives safer & more secure  
~~thereby putting the needs~~  
~~of our child~~

Thank you



George P. Wuerch,  
Mayor

# Municipality of Anchorage

Anchorage Police Department

Walt Monegan, Chief

Anchorage



2002

February 6, 2003

Representative Lesil McGuire, Chair  
House Judiciary Committee  
716 W. 4<sup>th</sup> Avenue, Suite 300  
Anchorage, AK 99501-2133

Dear Representative McGuire:

*This letter is written in support of HB 52, An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense.*

Law enforcement agencies are often required to return equipment used in these crimes to the perpetrator or to another person whom the perpetrator has designated. Many of these items have been specially designed or adapted for no other purpose than to commit specific criminal acts. This equipment is generally costly and sometimes hard to obtain.

We feel it is necessary and appropriate to deprive those convicted of sexual crimes of the means to commit them again or allow others to use them for the same purpose. We therefore offer our support for House Bill 52. Thank you for bringing this legislation forward.

Sincerely,

William Miller  
Deputy Chief

## Journal Text



03-05-2003 House Journal 0403  
HB 52

The following, which had been read the second time and held in second reading to today's calendar (page 362), was again before the House:

03-05-2003 House Journal 0404  
CS FOR HOUSE BILL NO. 52 (JUD)

"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

Amendment No. 1 was offered by Representative Berkowitz:

Page 1, line 1 (title amendment) and Page 2, lines 5 and 16:

Delete "property"  
Insert "instrumentality of a crime"

Page 2, line 5:

Delete "Property"  
Insert "Instrumentality of a crime"

Page 2, lines 9, 17, and 21:

Delete "property"  
Insert "instrumentality of a crime"

Page 2, line 9, following "means":

Delete through line 14.  
Insert "property, other 'han real property, that contributes directly and materially to the commission of a crime."

Representative Berkowitz moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative McGuire objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 52 (JUD)  
Second Reading  
Amendment No. 1

YEAS: 11 NAYS: 27 EXCUSED: 1 ABSENT: 0 VACANT: 1

03-05-2003 House Journal 0405  
Yeas: Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Joulé, Kapsner, Kerttula, Kookesh, Moses

Nays: Anderson, Chenault, Coghill, Croft, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Masek,

McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Whitaker

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 52(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 52(JUD) was read the third time.

The question being: "Shall CSHB 52(JUD) pass the House?" The roll was taken with the following result:

CSHB 52(JUD)  
Third Reading  
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 1 VACANT: 1

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Whitaker

Absent: Moses

And so, CSHB 52(JUD) passed the House and was referred to the Chief Clerk for engrossment.

Bill Root:  Display Bill Root



TO REPORT PROBLEMS WITH BASIS INQUIRY

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

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March 17, 2003

Representative Lesil McGuire  
State Capitol  
Juneau, Alaska 99801-1182

Dear Representative McGuire;

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for co-introducing House Bill No. 52, an act relating to sex crime and pornography forfeiture.

The APOA State Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

As you are aware, those convicted of child pornography, and other sexual offenses, all too often possess state of the art computers, video and photographic equipment. Far better equipment than most law enforcement agencies utilize while attempting to identify and arrest suspects of these particular types of crime. Your proposed forfeiture of such equipment could greatly aid local and state law enforcement in their further pursuit of these sexual offenders. We believe that this proposed legislation will be of benefit to both the citizens and law enforcement of Alaska.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo J. Brandlen  
State President

**Subject:** [Fwd: HB 52 - Forfeiture of Property Used in Child Pornography]  
**Date:** Mon, 24 Mar 2003 10:57:35 -0900  
**From:** Gary Stevens <Senator\_Gary\_Stevens@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Katrina Matheny <Katrina\_Matheny@legis.state.ak.us>

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**Subject:** HB 52 - Forfeiture of Property Used in Child Pornography  
**Date:** Thu, 20 Mar 2003 10:57:22 -0900  
**From:** "Usera, Nancy Bear" <N.Usera@alaskausa.org>  
**To:** "Senator\_Gary\_Stevens@legis.state.ak.us" <Senator\_Gary\_Stevens@legis.state.ak.us>, "Senator\_John\_Cowdery@legis.state.ak.us" <Senator\_John\_Cowdery@legis.state.ak.us>

I note that HB 52 has been referred to your committee for review. Obviously, the intent of this legislation is both noble and appropriate. However, whenever the state moves to seize property used in the commission of a crime, there are complications that arise with respect to ownership. Computer and other audio/visual equipment is very frequently financed through a financial institution, finance company or retailer. The equipment collateralizes the loan. Until that financial obligation is paid in full, the financing entity has ownership interest in the property.

As I read the bill, I am not sure that these ownership interests are currently protected. Can you verify this before moving the bill out of committee?

Thank you for your consideration.

**Nancy Bear Usera**

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