

ALASKA LEGISLATURE COMMITTEE FILES 2000-2008 HSTA 12346

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB021-DOA-GS-1-30-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to the proper disposal of the RDU State Owned Facilities
State flag." Component Facilities
 Sponsor Representatives Harris, Hawker, Dahlstrom et al
 Requester _____ Component No 2429

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill should have no fiscal impact on the agency.

Prepared by: Vern Jones, Chief Procurement Officer
 Division: General Services
 Approved by: Kevin Brooks, Deputy Commissioner
 Agency: Department of Administration

Phone: 465-2200
 Date/Time: 1/30/07 11:00 AM
 Date: 1/30/2007

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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

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To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 4

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Re: State Affairs Final CS for HB 21

Please draft a final CS for HB 21. The committee adopted a CS for House Bill 21 Version E which was amended.

- 1) Use Version E (attached 1 page)
- 2) Amendment #1 - 25-LS0137\A.2 (attached 2 pages)

adopted

25-LS0137AE
Bullock
2/1/07

CS FOR HOUSE BILL NO. 21()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES HARRIS, HAWK P, DAHLSTROM AND WILSON, Lynn, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the proper retirement of an official state flag."**

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

3 *** Section 1. AS 44.09.030 is amended by adding a new subsection to read:**

4 (c) An official flag of the state that is no longer a fitting emblem for display
5 because it is worn, tattered, or otherwise damaged may be respectfully retired by fire.

AMENDMENT #1

OFFERED IN THE HOUSE
TO: HB 21

BY REPRESENTATIVES GRUENBERG
AND DOLL

1 Page 1, line 1, following "Act":

2 Insert "relating to the state flag; and"

3

4 Page 1, following line 2:

5 Insert a new bill section to read:

6 **** Section 1.** AS 44.09.020 is amended to read:

7 **Sec. 44.09.020. State flag.** The design of the official flag is eight gold stars in
8 a field of blue, so selected for its simplicity, its originality, and its symbolism. The
9 blue, one of the national colors, typifies the evening sky, the blue of the sea and of
10 mountain lakes, and of wild flowers that grow in Alaskan soil, the gold being
11 significant of the wealth that lies hidden in Alaska's hills and streams.

12 The stars, seven of which form the constellation Ursa Major, the Great Bear, the most
13 conspicuous constellation in the northern sky, contains the stars which form the
14 "Dipper," including the "Pointers" which point toward the eighth star in the flag,
15 Polaris, the North Star, the ever constant star for the mariner, the explorer, hunter,
16 trapper, prospector, woodsman, and the surveyor. For Alaska the northernmost star in
17 the galaxy of stars represents Alaska, [AND WHICH AT SOME FUTURE TIME
18 WILL TAKE ITS PLACE AS] the forty-ninth star in the national emblem.

19 The flag of the Territory of Alaska is the official flag of the state. The standard
20 proportions and size graphically delineated herein shall be used in the manufacture of
21 the official flag of Alaska. The stars shall be the color of natural yellow gold and the
22 field of blue shall be of the same shade of blue used in the official manufacture of the
23 national emblem of the United States. The design, standard proportions, and size are

1 as follows:

2

3 (THE DESIGN, STANDARD PROPORTIONS, AND SIZE OF THE STATE FLAG
4 ARE SET OUT IN THE PRINTED STATUTES.)"

5

6 Page 1, line 3:

7 Delete "Section 1"

8 Insert "Sec. 2"

TRANSACTION REPORT

FEB-06-2007 TUE 11:59 AM

FOR: REPRESENTATIVE BOB LYNN 907 465 4316

SEND (M)

DATE	START	RECEIVER	PAGES	TIME	NOTE	M#
FEB-06	11:58 AM	2029	4	1' 00"	OK	15

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TO: HB 21

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AND DOLL

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LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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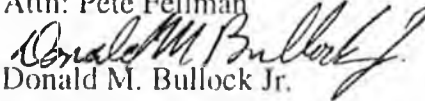
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 1, 2007

SUBJECT: Fixing the title to more closely conform with subject of the bill (CSHB 210()); Work Order No. 25-LS0137(E)

TO: Representative John Harris
Speaker of the House of Representatives
Attn: Pete Fellman

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

You requested that the word "shall" on page 1, line 5 of CSHB 21(), be replaced with the word "may." Please review the enclosed bill draft to ensure that it is consistent with your intent.

Please note that I changed the bill's title from, "An Act relating to the proper disposal of the state flag," to "An Act relating to the proper retirement of an official state flag." This change more closely matches the substance of the body of the bill that refers to "an official flag of the state" and provides for its "retirement."

The draft bill proposes to add a new subsection to AS 44.09.030. That section describes the proper display of the official flag of the state. The subsection that is proposed in the draft bill describes how a flag displayed under that section may be retired when it is no longer fit for display. The proposed subsection should be read in the context of AS 44.09.030.

If I may be of further assistance, please advise.

DMB:med
07-063.med

Enclosure

25-LS0137AE
Bullock
2/1/07

CS FOR HOUSE BILL NO. 21()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HARRIS, HAWKER, DAHLSTROM AND WILSON, Lynn, Kerttula

A BILL
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Alaska State Legislature

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John Harris
Speaker of the House

Sponsor Statement **House Bill 21- Proper Disposal of the State Flag**

House Bill 21 provides for the proper and respectful disposal of worn-out or damaged state flags in the same manner as the American flag. Currently, the state of Alaska has no statutory provision allowing the American Legion and the Veterans of Foreign Wars to include the Alaska state flag in their ceremonies for disposal of the American flag. If enacted, House Bill 21 will provide statutory authority to allow state flags to be included in those ceremonies.

The Ceremony for Disposal of Unserviceable Flags was approved through Resolution No.440 by the National Convention of The American Legion meeting in New York, New York, September 20-23, 1937, and has been an integral part of American Legion ritual since that date.

The American Legion was chartered by Congress in 1919 as a patriotic, mutual-help, war-time veteran's organization. It is a community-service organization that now numbers nearly 3 million in nearly 15,000 American Legion Post worldwide.

The VFW is a similar organization providing services for veterans of America's military who have served in a time of war

Continue

Ceremony for the Disposal of Unserviceable Flags

The Post assembles in meeting, out-of-doors, at night. Members are aligned in two parallel rows about twenty feet apart, facing each other. Officers at their stations as shown. A small fire is burning opposite the Commander and beyond the rows of members.

Sergeant-at-Arms: "Comrade Commander, we wish to present a number of unserviceable Flags of our Country for inspection and disposal."

Commander: "Comrade Sergeant-at-Arms advance with your detail and present the Flags for disposal and inspection."

(Sergeant-at-Arms calls his detail to attention. They form at the Post of the Sergeant-at-Arms, take the Flags which are to be inspected march abreast down center until opposite the Second Vice-Commander, turn right and halt two paces in front of the Second Vice-Commander. The Sergeant-at-Arms steps one pace forward and salutes.)

Sergeant-at-Arms: "Comrade Vice-Commander, we present these unserviceable Flags for your inspection."

Second Vice-Commander: "Is the present condition of these Flags the result of their usual service as the Emblem of our Country?"

Sergeant-at-Arms: "These Flags have become faded and worn over the graves of our departed comrades and the soldier and sailor dead of all our nation's wars."

Second Vice-Commander: "Present these Flags to the First Vice-Commander for his inspection." (The Sergeant-at-Arms salutes, about faces, commands the detail), "About Face," (crosses behind the detail and takes his post at its left, commands) "Forward March." (The detail marches to within two paces of the First Vice-Commander, halts and proceeds as before.)

Sergeant-at-Arms: "Comrade Vice-Commander, we present these Flags which have been inspected by the Second Vice-Commander, for your further inspection."

First Vice-Commander: "Have any of these Flags served any other purpose?"

Sergeant-at-Arms: "Some of these Flags have been displayed in various public places." First Vice-Commander, "Present them to the Commander for final inspection and fitting disposal."

(The Sergeant-at-Arms salutes, about faces, commands the detail), "About Face," (crosses behind the detail and takes position on its left commands), "Forward March." (The detail marches to center, turns left, halts within two paces of the Commander. Sergeant-at-Arms steps one pace forward and salutes.)

Sergeant-at-Arms: "Comrade Commander, we have the honor to present for final inspection and proper disposal these Flags of our Country."

Commander: "Have these Flags been inspected by the First and Second Vice-Commanders?"

Sergeant-at-Arms: "They have."

Commander: "Comrade Second Vice-Commander, what does your inspection show and what do you recommend?"

Second Vice-Commander: "Comrade Commander, since these Flags have become unserviceable in a worthy cause, I recommend that they be honorably retired from further service."

Commander: "Comrade First Vice-Commander, what does your inspection show and what do you recommend?"

First Vice-Commander: "Comrade Commander, since these Flags have become faded and worn in a tribute of service and love, I also recommend that they be fittingly destroyed."

Commander: "Comrades, we have presented here these Flags of our Country which have been inspected and

condemned as unserviceable. They have reached their present state in a proper service of tribute, memory and love.

"A Flag may be a flimsy bit of printed gauze, or a beautiful banner of finest silk. Its intrinsic value may be trifling or great; but its real value is beyond price, for it is a precious symbol of all that we and our comrades have worked for and lived for, and died for—a free Nation of free men, true to the faith of the past, devoted to the ideals and practice of Justice, Freedom and Democracy.

"Let these faded Flags of our Country be retired and destroyed with respectful and honorable rites and their places be taken by bright new Flags of the same size and kind, and let no grave of our soldier or sailor dead be unhonored and unmarked. Sergeant-at-Arms, assemble the Color Guard, escort the detail bearing the Flags and destroy these Flags by burning. The members shall stand at attention."

(Color Guard forms The detail about faces. Preceded by the Color Guard the detail marches down center to the fire. National Colors cross over and take position on the right of the fire, facing the Commander. Post Standard takes position on left of fire. The detail lines up behind the fire, which is burning low.)

Commander: "The Chaplain will offer prayer."

Chaplain: "Almighty God, Captain of all hosts and Commander over all, bless and consecrate this present hour,

"We thank Thee for our Country and its Flag, and for the liberty for which it stands. "To clean and purging flame we commit these Flags, worn-out in worthy service. As they yield their substance to the fire, may Thy Holy Light spread over us and bring to our hearts renewed devotion to God and Country. Amen."

Commander: "Hand salute."

(Color Guards present arms. Post Standard is dipped. All officers and members except those on the Flag detail salute. Members of the Flag detail dip the condemned Flags in kerosene and place them on a rack over the fire).

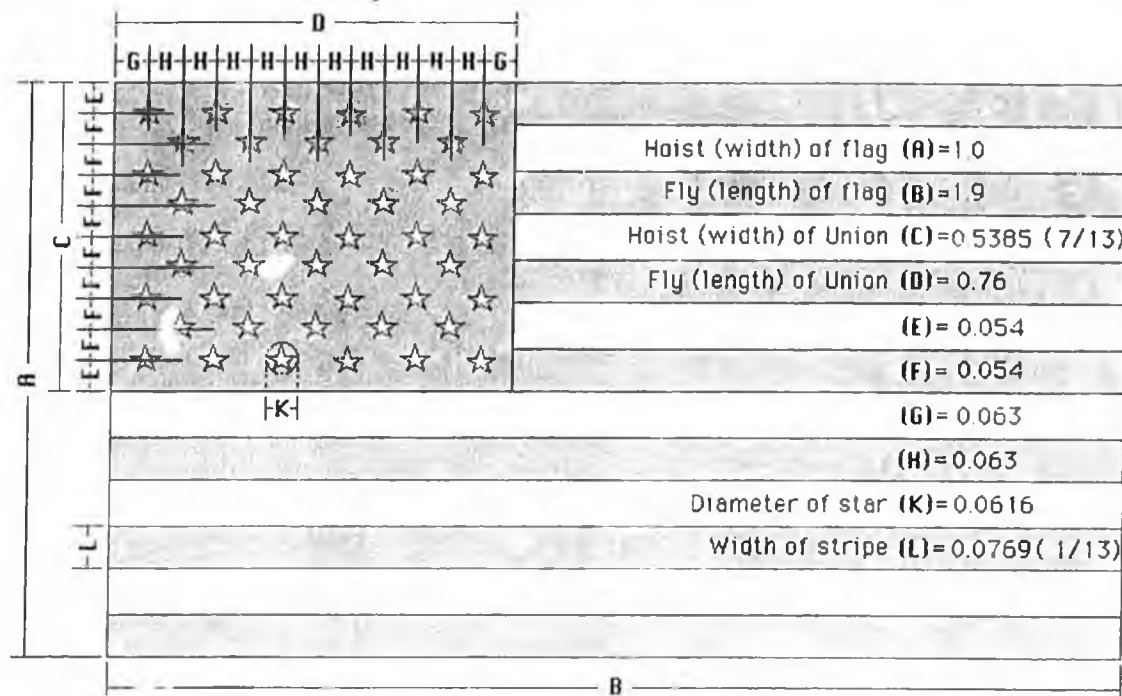
(Bugler sounds "To the Colors.")

Commander: (at conclusion of "To the Colors") "Two."

(The Color Guard shall resume its station and detail is dismissed.)

(Color Guard advances down center and places Colors. Members of the detail resume their places among the members.)

. Standard Proportions For The United States Flag



THE FLAG IS PRECISELY DEFINED BY LAW

On June 14, 1776, Congress made the following resolution: "The flag of the United States shall be thirteen stripes, alternate red and white, with a union of thirteen stars of white on a blue field..." Because Congress made no rule for the arrangement of the stars, they were displayed in different ways, most usually in a circle. As new states joined the Union, they demanded representation in the stars and stripes of the flag. In 1795 Congress voted to increase to 15 the number of stars and stripes. Legislation enacted in 1818 reestablished the number of stripes at 13 and instituted the policy, "That on the admission of every new state into the Union, one star be added to the Union of the flag..."

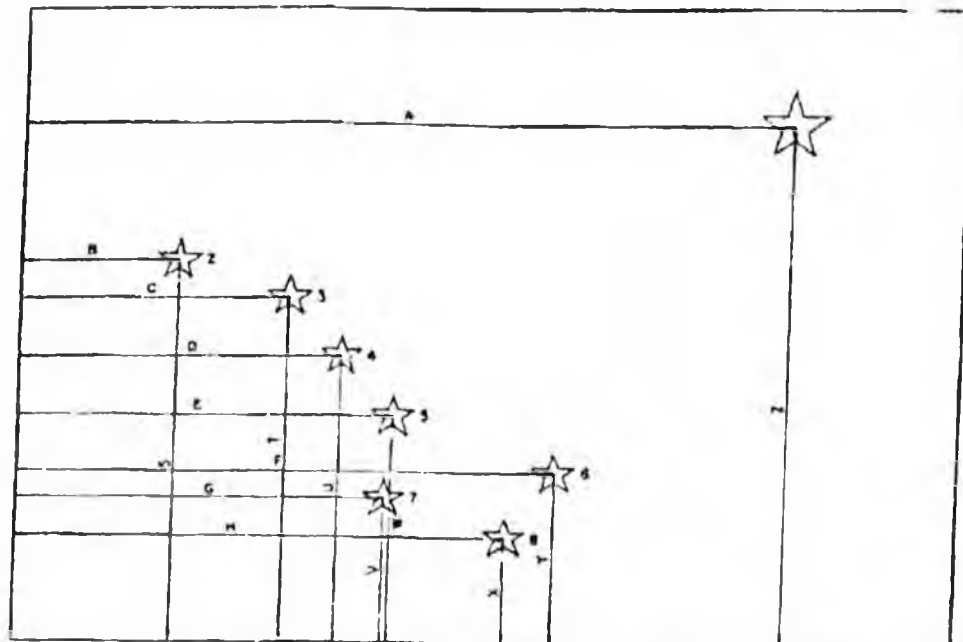
An executive order issued by President William Howard Taft on Oct. 29, 1912, fixed the overall width and length of the U.S. flag, known technically as the hoist and fly, respectively, in a ratio of 1: 1.9. The thirteen stripes were fixed at equal width. The hoist of the blue field containing the stars was fixed at seven-thirteenths of the overall hoist, that is, as extending from the top of the flag to the bottom of the seventh stripe. The fly of the blue field was fixed at a tiny fraction over three-fourths the overall hoist. The diameter of each star was established as a minute fraction under one-sixteenth of the overall hoist.

"The flag of the United States shall be thirteen horizontal stripes, alternating red and White; and the union of the flag shall be forty eight stars, white in a blue field." 61 Stat. 642, July 30, 1947, ch. 389. 4 U.S.C.A.1. **This describes the civil flag of the United States, as it is to be flown in the District of Columbia, its enclaves and overseas on ships and embassies.**

Currently, the Flag of the united States of America is defined as :

The American Flag of Peace of the united States of America is described as red, white and blue, with thirteen alternating red and white horizontal stripes, and a blue field (union) with 50 stars, one to represent each of the several States. The Flag is proportional, (1 X 1.9) . This proportion is easily determined by measuring the length (fly) and dividing by the measurement of the width (hoist). The length divided by the width should be very nearly 1.9. If the flag is not to the correct 1 X 1.9 proportion, it is not an official Title 4 U.S.C. 1, 2 American Flag of Peace of the united States of America.

Title 4 U.S.C. 1, 2 and Presidential Executive Order 10834, found in the Federal Register at Vol. 24. No. 166, P.6365 - 6367.



STATE PROPORTIONS AND SIZE

HOIST (WIDTH VERT) 1.000
 FLY (LENGTH HORZ) 1.416
 DIAM. LARGE STAR .104
 DIAM. SMALL STARS .062

1		2		3		4		5		6		7		8	
A	Z	B	S	C	T	D	U	E	W	F	Y	G	V	H	X
1.158	.818	.229	.604	.396	.542	.479	.463	.563	.360	.813	.271	.552	.229	.740	.167



United States Embassy Stockholm

The Flag of the United States
The Stars and Stripes

UNITED STATES CODE FLAG CODE

November 2001

- [What is the U.S. Code?](#)
- [About the U.S. Flag Code](#)
- [United States Code Title 36 Chapter 10](#)

Miscellaneous References

- [United States Code Title 4 Chapter 1](#)
- [United States Code Title 4 Chapter 2](#)
- [United States Code Title 5 Part III Chapter 29](#)
- [United States Code Title 5 Part I Chapter 1](#)
- [United States Code Title 18 Part I Chapter 33](#)
- [United States Code Title 2 Part I Chapter 9A](#)

What is the U.S. Code?

The United States Code is the official, subject matter order, compilation of the Federal laws of a general and permanent nature that are currently in force. In accordance with section 285b of title 2 of the U.S. Code, the Code is compiled by the Office of the Law Revision Counsel of the United States House of Representatives. The Code is divided into 50 titles by subject matter. Each title is divided into sections. Sections within a title may be grouped together as subtitles, chapters, subchapters, parts, subparts, or divisions. Titles may also have appendices which may be divided into sections, rules and/or forms.

The subjects covered by the 50 titles of the U.S. Code are:

1. General Provisions
2. The Congress
3. The President
4. Flag and Seal, Seat of Government, and the States
5. Government Organization and Employees
6. Surety Bonds (repealed by the enactment of Title 31)
7. Agriculture
8. Aliens and Nationality
9. Arbitration
10. Armed Forces
11. Bankruptcy
12. Banks and Banking
13. Census
14. Coast Guard
15. Commerce and Trade
16. Conservation
17. Copyrights
18. Crimes and Criminal Procedure
19. Customs Duties

20. Education
21. Food and Drugs
22. Foreign Relations and Intercourse
23. Highways
24. Hospitals and Asylums
25. Indians
26. Internal Revenue Code
27. Intoxicating Liquors
28. Judiciary and Judicial Procedure
29. Labor
30. Mineral Lands and Mining
31. Money and Finance
32. National Guard
33. Navigation and Navigable Waters
34. Navy (eliminated by the enactment of Title 10)
35. Patents
36. Patriotic Societies and Observations
37. Pay and Allowances of the Uniformed Services
38. Veterans' Benefits
39. Postal Service
40. Public Buildings, Property, and Works
41. Public Contracts
42. The Public Health and Welfare
43. Public Lands
44. Public Printing and Documents
45. Railroads
46. Shipping
47. Telegraphs, Telephones, and Radiotelegraphs
48. Territories and Insular Possessions
49. Transportation
50. War and National Defense

The " Flag Code "

All the states, at one time or another, have enacted laws relating to the United States Flag. Whereas the Federal Flag Code does not provide penalties for certain conduct or may not govern certain practices, state laws often do. At the national level, the Federal Flag Code (Title 36, U.S. Code, paragraph 170-178) provides uniform guidelines for the display of, and respect shown to, Our Flag, and conduct during playing of the National Anthem and the Pledge of Allegiance to the Flag. The Code is designed 'for the use of such civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments' of the federal government, such as the armed forces. The Flag Code does not prescribe any penalties for non-compliance nor does it include enforcement provisions. Rather, it functions as a guide to be *voluntarily* followed by civilians and civilian groups.

While the Code empowers the President of the United States to alter, modify, repeal or prescribe additional rules regarding the Flag, no federal agency has the authority to issue 'official' rulings legally binding on civilians or civilian groups. Consequently, different interpretations of various provisions of the Code may continue to be made. The Flag Code may be fairly tested: 'No disrespect should be shown to the Flag of the United States of America.' Therefore, actions not specifically included in the Code may be deemed acceptable as long as proper respect is shown.

United States Code Title 36 Chapter 10

Patriotic Customs

- § 170. National anthem; Star-Spangled Banner.
- § 171. Conduct during playing.
- § 172. Pledge of allegiance to the flag; manner of delivery.
- § 173. Display and use of flag by civilians; codification of rules and customs: definition.
- § 174. Time and occasions for display.
- § 175. Position and manner of display.
- § 176. Respect for flag.
- § 177. Conduct during hoisting, lowering or passing of flag.
- § 178. Modification of rules and customs by President.
- § 179. Design for service flag; persons entitled to display flag.
- § 180. Design for service lapel button; persons entitled to wear button.
- § 181. Approval of designs by Secretary of Defense; license to manufacture and sell; penalties.
- § 182. Rules and regulations.
- § 182a to 184. Repealed.
- § 185. Transferred.
- § 186. National motto.
- § 187. National floral emblem.
- § 188. National march.
- § 189. Recognition of National League of Families POW/MIA flag.

§170. National anthem; Star-Spangled Banner

The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.

§171. Conduct during playing

During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

§172. Pledge of allegiance to the flag; manner of delivery

The Pledge of Allegiance to the Flag, 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

§173. Display and use of flag by civilians; codification of rules and customs; definition

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of title 4 and Executive Order 10834 issued pursuant thereto.

§174. Time and occasions for display

- (a) Display on buildings and stationary flagstaffs in open; night display

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

- (b) Manner of hoisting

The flag should be hoisted briskly and lowered ceremoniously.

- (c) Inclement weather

The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

- (d) Particular days of display

The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veteran's Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

- (e) Display on or near administration building of public institutions

The flag should be displayed daily on or near the main administration building of every public institution.

- (f) Display in or near polling places

The flag should be displayed in or near every polling place on election days.

- (g) Display in or near schoolhouses

The flag should be displayed during school days in or near every schoolhouse.

§175. Position and manner of display

The flag when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

- (a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.
- (b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.
- (c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or

in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

- (d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.
- (e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.
- (f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.
- (g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.
- (h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.
- (i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.
- (j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.
- (k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.
- (l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.
- (m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. As used in this subsection -
 - (1) the term 'half-staff' means the position of the flag when it is one-half the distance between the top and bottom of the staff;
 - (2) the term 'executive or military department' means any agency listed under sections 101 and 102 of title 5; and
 - (3) the term 'Member of Congress' means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.
- (n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.
- (o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it

should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

§176. Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

- (a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
- (b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
- (c) The flag should never be carried flat or horizontally, but always aloft and free.
- (d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.
- (e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- (f) The flag should never be used as a covering for a ceiling.
- (g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
- (h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- (i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
- (j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.
- (k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

§177. Conduct during hoisting, lowering or passing of flag

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

§178. Modification of rules and customs by President

Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

§179. Design for service flag; persons entitled to display flag

The Secretary of Defense is authorized and directed to approve a design for a service flag, which flag may be displayed in a window of the place of residence of persons who are members of the immediate family of a person

serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

§180. Design for service lapel button; persons entitled to wear button

The Secretary of Defense is also authorized and directed to approve a design for a service lapel button, which button may be worn by members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

§181. Approval of designs by Secretary of Defense; license to manufacture and sell; penalties

Upon the approval by the Secretary of Defense of the design for such service flag and service lapel button, he shall cause notice thereof, together with a description of the approved flag and button, to be published in the Federal Register. Thereafter any person may apply to the Secretary of Defense for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person, firm, or corporation who manufactures any such service flag or service lapel button without having first obtained such a license, or otherwise violates sections 179 to 182 of this title, shall, upon conviction thereof, be fined not more than \$1,000.

§182. Rules and regulations

The Secretary of Defense is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections 179 to 182 of this title.

§182a to 182d. Repealed. Pub. L. 89-534, § 2, Aug. 11, 1966, 80 Stat. 345

§183, 184. Repealed. Pub. L. 85-857, § 14(84), Sept. 2, 1958, 72 Stat. 1272

§185. Transferred

§186. National motto

The national motto of the United States is declared to be 'In God we trust.'

§187. National floral emblem

The flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.

§188. National march

The composition by John Philip Sousa entitled 'The Stars and Stripes Forever' is hereby designated as the national march of the United States of America.

§189. Recognition of National League of Families POW/MIA flag

The National League of Families POW/MIA flag is hereby recognized officially and designated as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.

Miscellaneous References

United States Code Title 4 Chapter 1 - The Flag

§1. Flag; stripes and stars on

The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

§ 2. Same; additional stars

On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

§ 3. Use of flag for advertising purposes; mutilation of flag

Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words 'flag, standard, colors, or ensign', as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

United States Code Title 4 Chapter 2 - The Seal

§ 41. Seal of the United States

The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States.

§ 42. Same; custody and use of

The Secretary of State shall have the custody and charge of such seal. Except as provided by section 2902(a) of title 5, the seal shall not be affixed to any instrument without the special warrant of the President therefor.

**United States Code Title 5 Part III
Chapter 29 - Commissions, Oaths, Records, and Reports
Subchapter I - Commissions, Oaths, and Records**

§ 2902. Commission; where recorded

(a) Except as provided by subsections (b) and (c) of this section, the Secretary of State shall make out and record, and affix the seal of the United States to, the commission of an officer appointed by the President. The seal of the United States may not be affixed to the commission before the commission has been signed by the President.

United States Code Title 5 Part 1
Chapter 1 - Organization

§ 101. Executive departments

The Executive departments are:

The Department of State.
 The Department of the Treasury.
 The Department of Defense.
 The Department of Justice.
 The Department of the Interior.
 The Department of Agriculture.
 The Department of Commerce.
 The Department of Labor.
 The Department of Health and Human Services.
 The Department of Housing and Urban Development.
 The Department of Transportation.
 The Department of Energy.
 The Department of Education.
 The Department of Veterans Affairs.

§ 102. Military departments

The military departments are:

The Department of the Army.
 The Department of the Navy.
 The Department of the Air Force

United States Code Title 18 Part I.
Crimes and Criminal Procedure
Chapter 33 - Emblems, Insignia, and Names

This Title Was Enacted By Act June 25, 1948, Ch. 645, S ., 62 Stat. 683

§ 700. Desecration of the flag of the United States; penalties

- (a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.
- (2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.
- (b) As used in this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.
- (c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.
- (d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by a United States district court ruling upon the constitutionality of subsection (a).
- (2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.

United States Code Title 2
Chapter 9A - Organization

§ 285b. Functions

The functions of the Office shall be as follows:

- (1) To prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States which conforms to the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form, separately stated, with a view to the enactment of each title as positive law.
- (2) To examine periodically all of the public laws enacted by the Congress and submit to the Committee on the Judiciary recommendations for the repeal of obsolete, superfluous, and superseded provisions contained therein.
- (3) To prepare and publish periodically a new edition of the United States Code (including those titles which are not yet enacted into positive law as well as those titles which have been so enacted), with annual cumulative supplements reflecting newly enacted laws.
- (4) To classify newly enacted provisions of law to their proper positions in the Code where the titles involved have not yet been enacted into positive law.
- (5) To prepare and submit periodically such revisions in the titles of the Code which have been enacted into positive law as may be necessary to keep such titles current.
- (6) To prepare and publish periodically new editions of the District of Columbia Code, with annual cumulative supplements reflecting newly enacted laws, through publication of the fifth annual cumulative supplement to the 1973 edition of such Code.
- (7) To provide the Committee on the Judiciary with such advice and assistance as the committee may request in carrying out its functions with respect to the revision and codification of the Federal statutes.

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Last Updated: Monday January 24 2005

Alaska State Legislature

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John Harris
Speaker of the House

Memorandum

To: Representative Bob Lynn
Chairman, House State Affairs Committee

From: Representative John Harris
Speaker of the House

Date: Jan.6, 2007

Ref: Scheduling House Bill 21

Please schedule House Bill 21 "An Act relating to the proper disposal of the state flag" as soon as your committee calendar will allow. Currently, the State of Alaska has no provision for the disposal of worn, out or damaged state flags.

If you have any questions or concerns regarding HB 21 please contact my staff, Pete Fellman, at 465- 6578.

Thank you for your consideration in scheduling House Bill 21.

HB

37

Session:
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Alaska State Legislature
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District 8

SPONSOR STATEMENT

House Bill 37

**“An Act establishing the first Saturday of every March as
Susan Butcher Day.”**

No one exemplified the ideals of Alaska better than Susan Howlett Butcher. Resourceful, self-reliant, generous, adventuresome, and tough, Susan was the worldwide face of not just Alaska's state sport of dog mushing but of the Great Land itself. As the Twenty-fourth Alaska Legislature noted in its Citation In Memoriam, her death August 5, 2006 was as if one of the stars had fallen from Alaska's flag.

HB 37 honors Susan Butcher by establishing a ceremonial state holiday in her name on the traditional start date of the Iditarod Trail sled dog race.

Susan came to Alaska in 1974. She flourished in the wilderness, learning the ways of Alaska's first people, scrimping and saving to build a dog team, and loving Alaska ever more deeply with each passing season. The Iditarod Trail sled dog race became her passion. She amassed twelve top five Iditarod finishes; no one has dominated the race since. In races and her near-constant training in preparation for them, Susan faced magnificent but rugged, unforgiving terrain, rampaging moose, stubborn bison, and howling Arctic storms with a potent combination of physical strength, mental discipline, and an indomitable positive attitude. That combination led to championships in 1986, 1987, 1988, and 1990. More people have walked on the moon than have won the Iditarod four times.

Susan became a widely hailed sports hero, role model, and mushing icon, but the world's most famous dog musher never strayed from her down-to-earth approach to life and its challenges. It is her smile – a brilliant, joyous, infectious smile – Alaskans will miss most. When Susan unleashed that grin, it revealed the self-confident delight of someone who was living exactly as she wanted, someone always ready to share her joy with her fellow travelers on planet Earth.

HB 37 seeks to perpetuate her memory and remind all Alaskans of this Alaskan hero and the lofty ideals she symbolized. I urge your support of HB 37.

**A Citation
By The Alaska State Legislature
In Memoriam
Susan Howlett Butcher**

The Twenty-fourth Alaska Legislature joins in mourning the death of Susan Howlett Butcher. A true Alaskan, she was smart, tough, unpretentious, and epitomized the independent spirit of the north. She sharpened competitive dog mushing and came to symbolize it so thoroughly, her image became synonymous with the state's signature sport and even Alaska itself. Her loss to leukemia is as if one of the stars has fallen from Alaska's flag.

Born in Boston, Massachusetts December 26, 1954, Susan came to Alaska in 1974, fulfilling a first grade essay she wrote that simply said "I hate the city. I love the country." She flourished in the wilderness, learning the ways of Alaska's first people, scrimping and saving to build a dog team, and loving Alaska ever more deeply.

The Iditarod Trail sled dog race became her passion. In races and her near-constant training in preparation for them, Susan faced rugged, magnificent terrain, rampaging moose, stubborn buffalo, and howling Arctic storms with a potent combination of physical strength, mental discipline, and an indomitable positive attitude. That combination led to championships in 1986, 1987, 1988, and 1990. She amassed twelve top five Iditarod finishes; no one has so dominated the race since. "I do not know the word 'quit'," she said. "Either I never did or I have somehow abolished it from my language." She and Iditarod founder Joe Redington, Sr. were the first and only mushers to take a dog team to the summit of Mt. McKinley.

Susan became a widely hailed sports hero, role model, and mushing icon, but the world's most famous dog musher never strayed from her down-to-earth approach to life and its challenges. Worldwide media coverage tried to portray her as a remarkable feminist, but she would have none of it. "Yes, I am a woman, and yes it is a victory for me to win the Iditarod," she said, "but it *isn't* amazing – I did it because I am capable, and women are capable."

It is her smile – a brilliant, joyous, infectious smile – Alaskans will miss most. When Susan unleashed that grin, it revealed the self-confident delight of someone who was living exactly as she wanted, someone always ready to share her joy with her fellow travelers on planet Earth. Her last entry in the journal of her medical treatment concluded, "...I feel blessed to have the strength to walk and the companionship of David and others on these walks." All Alaskans are grateful Susan walked among us, even for far too short a time.

Susan Butcher died in Seattle August 5, 2006. She was preceded in death by her parents, and her brother Evan, who died at age 3 of the same disease that claimed her life. She is survived by her husband David Monson, daughters Tekla and Chisana, and legions of friends and fans around the world. She will be greatly missed.

Alaska's Designated Days of Honor

Title 44. Chapter 12. Article 02. DESIGNATED DAYS OF HONOR

Sec. 44.12.030. Wickersham Day.

August 24 is designated Wickersham Day in honor of James Wickersham, and is the occasion for school assemblies with appropriate programs, and other suitable observances and exercises by civic groups and the public in general.

Sec. 44.12.040. Anthony J. Dimond Day.

November 30 is designated Anthony J. Dimond Day in honor of "Tony" Dimond, and shall be observed by appropriate school assemblies and programs, and other suitable observances and exercises by civic groups and the public at large.

Sec. 44.12.045. Martin Luther King Day. [Repealed, Sec. 3 ch 109 SLA 1989].

Repealed or Renumbered

Sec. 44.12.050. Ernest Gruening Day.

Ernest Gruening Day is established on February 6 of each year to honor Ernest Gruening, doctor, editor, and statesman, for a lifetime of service to the territory and state of Alaska and the nation. Ernest Gruening Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.055. Bob Bartlett Day.

Bob Bartlett Day is established on April 20 of each year to honor E.L. "Bob" Bartlett, the "architect of Alaska statehood," for a lifetime of public service to Alaska and the nation. Bob Bartlett Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.060. William A. Egan Day.

William A. Egan Day is established on October 8 of each year to honor William "Bill" Egan, the first governor of the state of Alaska, for a lifetime of service to the territory and state of Alaska. William A. Egan Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.065. Elizabeth Peratrovich Day.

Elizabeth Peratrovich Day is established on February 16 of each year to honor Elizabeth Peratrovich, past Grand President of the Alaska Native Sisterhood, for her courageous,

unceasing efforts to eliminate discrimination and bring about equal rights in Alaska. Elizabeth Peratrovich Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.070. Alaska Flag Day.

Alaska Flag Day is established on July 9 of each year to honor the creation of the design of the official flag of the state by Benny Benson and its importance as a symbol of the state. Alaska Flag Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.072. Alaska Day of Prayer.

The Alaska Day of Prayer is established on the first Thursday in May each year as an opportunity for residents of all faiths to join in united prayer to give thanks for blessings received, to request healing for wounds endured, to ask divine guidance for our leaders, and to bring wholeness to the citizens of our state and our nation.

Sec. 44.12.075. Family day and family preservation month.

Family Day is established on May 1 of each year to celebrate the institution of the family. The month of May each year is established as Preservation of the Family Month to encourage the preservation of the institution of the family. Family Day and Preservation of the Family Month may be observed by suitable observances by families, such as a family discussion of the role of families, the rights and responsibilities of children and parents, and appropriate methods for the resolution of violent feelings in family conflict, and by exercises by civic groups and the public. In observance of Family Preservation Month, the Department of Health and Social Services shall encourage the prevention of child abuse and neglect in Alaska families.

Sec. 44.12.076. Prisoners of War and Missing in Action Recognition Days.

(a) Former Prisoners of War Recognition Day is established on April 9 of each year to recognize and honor all former prisoners of war (POWs) from our nation's wars who have returned home. These POWs repeatedly demonstrated their devotion to duty, honor, and country, despite enduring captivity and sometimes brutal treatment by their captors. The governor shall issue a proclamation to commemorate the day, and the POW/MIA flag shall be flown that day at sites identified by the governor. Former POW Recognition Day may be observed by suitable observances and exercises by civic groups and the public.

(b) Prisoners of War and Missing in Action Recognition Day is established on the third Friday of September each year to honor all prisoners of war (POWs) and those missing in action (MIAs), unaccounted for from all our nation's wars or who died in captivity. These POWs and MIAs repeatedly demonstrated their devotion to duty, honor, and country, despite enduring captivity and sometimes brutal treatment by their captors.

The fate of those unaccounted for and missing in action from our nation's wars causes considerable uncertainty for their families, friends, fellow soldiers, and veterans. This day is also an occasion for Alaskans to remember our country's enormous responsibility to do everything possible to account for those still missing in action. The governor shall issue a proclamation to commemorate the day, and the POW/MIA flag shall be flown that day at sites identified by the governor. POW and MIA Recognition Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.078. Women Veterans Day.

Women Veterans Day is established on November 9 of each year to acknowledge and commemorate the sacrifices endured and valor displayed by American women veterans and to recognize their increasing role in the military. The governor shall issue a proclamation to commemorate Women Veterans Day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.080. Pearl Harbor Remembrance Day.

Pearl Harbor Remembrance Day is established on December 7 of each year to commemorate the attack on Pearl Harbor on December 7, 1941, and to honor the individuals who died as a result of the attack. The governor shall issue a proclamation to commemorate the day and shall direct that the Alaska flag be flown at half-mast on that day. Pearl Harbor Remembrance Day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.083. Alaska Territorial Guard Day.

Alaska Territorial Guard Day is established on October 18 of each year to acknowledge and commemorate the service of the members of the Alaska Territorial Guard in defense of Alaska and the United States during World War II. The governor shall issue a proclamation to commemorate Alaska Territorial Guard Day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.085. Dutch Harbor Remembrance Day.

Dutch Harbor Remembrance Day is established on June 3 of each year to commemorate the attack on Dutch Harbor on June 3, 1942, and to honor the individuals who died as a result of the attack and those inhabitants of Attu and Kiska who fell into enemy hands three days later and were held captive in Japan until the end of World War II. On Dutch Harbor Remembrance Day the many servicemen who died in 1943 while recapturing Attu and Kiska from the Japanese are also honored for their diligent service to the United States and to the state. The governor shall issue a proclamation to commemorate Dutch Harbor Remembrance Day and shall direct that the Alaska flag be flown at half-mast on that day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.090. Juneteenth Day.

Juneteenth Day is established on the third Saturday in June each year to commemorate the abolition of slavery throughout the United States and its territories in 1865. The governor shall issue a proclamation to commemorate the day. On Juneteenth Day, citizens of the state are urged to reflect on the suffering endured by early African-Americans and to appreciate the unique freedom and equality enjoyed by all state citizens today.

Sec. 44.12.095. Drunk Driving Victims Remembrance Day.

Drunk Driving Victims Remembrance Day is established on July 3 of each year to commemorate the victims of drunk driving. The governor shall issue a proclamation to commemorate the day. The day may be observed by suitable observances and exercises by civic groups and the public.

Sec. 44.12.098. Avalanche Awareness Month.

The month of November each year is established as Avalanche Awareness Month. Avalanche Awareness Month may be observed by schools, community groups, and other public and private agencies and individuals with appropriate activities that increase the public's awareness of avalanche dangers, how to respond to avalanches, and the use of appropriate equipment in avalanche areas.

Sec. 44.12.100. Older Alaskans' Day.

The second Wednesday of September of each year is established as Older Alaskans' Day to honor residents of the state who are 60 years of age or older for the many contributions made by older Alaskans to the state. The day may be celebrated by public ceremonies and by quiet appreciation.

Session:
State Capitol, Room 13
Juneau, AK 99801
(907) 465-4457 Office
(907) 465-3519 Fax
(800) 928-4457 Toll Free

Alaska State Legislature
Representative David Guttenberg

Interim:
119 N. Cushman
Suite 211
Fairbanks, AK 99701
(907) 456-8172
(907) 451-9293 Fax

District 8

The Honorable Bob Lynn, Chair
House of State Affairs Committee
Alaska House of Representatives
Alaska State Capitol, Suite 104
Juneau, AK 99801

January 19, 2007

Dear Representative Lynn:

Please consider this as my formal request for your committee to hear House Bill 37, which establishes the first Saturday in every March as Susan Butcher Day in Alaska. I hope you will agree with me that this is a suitable bill with which to begin this first session of the Twenty-fifth Alaska Legislature. This simple measure carries a zero fiscal note and enjoys broad public and bipartisan legislative support. HB 37 is an excellent opportunity to demonstrate lawmakers' ability to work together and act quickly.

Ideally, the full Legislature will pass this measure in time for the start of this year's Iditarod Trail sled dog race on March 3, 2007. The Iditarod Trail Committee's planned special ceremony honoring Susan that day would be the perfect opportunity for Governor Palin to sign this bill into law. As yours is the only committee of referral in the House, I hope you'll see your way clear to schedule a hearing at your earliest possible opportunity.

I look forward to working with you and your committee and ask for your favorable consideration of HB 37.

Best regards,


Representative David Guttenberg

HB

38

Dave Jones,
The state ethics
lawyer, won't be
available to testify
on HB 38 = HB 55.

It's need^{ed} on-line
for Senate State Affairs.
Which starts in a few
minutes.

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

FAX

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

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

Re: HB 38 Final CS

Please draft a Final CS for HB 38. The State Affairs Committee passed Version K with no amendments. Thank you!

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*           TRANSACTION REPORT
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*           FOR: REP LYNN
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*           MAR-06-2007 04:37 AM
*           4654316
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25-LS0219K
Luckhaupt
3/5/07

CS FOR HOUSE BILL NO. 38()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GARA, CRAWFORD, GARDNER, DOLL, KAWASAKI, BUCH, DOOGAN AND GRUENBERG, Lynn, Roses

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to bribery, receiving unlawful gratuities, and campaign contributions."**

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

3 *** Section 1.** AS 11.56.130 is amended to read:

4 **Sec. 11.56.130. Definition.** In AS 11.56.100 - 11.56.130, "benefit" has the
5 meaning ascribed to it in AS 11.81.900 but does not include

6 (1) political campaign contributions reported in accordance with
7 AS 15.13 unless the contribution is made or received in exchange for an
8 agreement to alter an elected official's or candidate's vote or position on a
9 legislative, statewide, or municipal matter;

10 (2) concurrence in official action in the cause of legitimate
11 compromise between public servants; or

12 (3) support, including a vote, solicited by a public servant or offered by
13 any person in an election.

14 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

1 APPLICABILITY. This Act applies to offenses occurring on or after the effective date
2 of this Act.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

Memorandum

HB 38: "An Act relating to bribery, receiving unlawful gratuities, and campaign contributions."

Changes in CS

1. Title change
2. In 11.56.130(1). We replace the exemption allowing bribery through a campaign contribution. It is rewritten to prohibit campaign contributions made or received to "alter an elected official's or candidate's vote or position on a legislative, statewide, or municipal matter."
3. Applies only to offenses after the effective date of this legislation.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB038-DOA-APOC-1-29-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to legislators and candidates and RDU AK Public Offices Commission
to candidates for the legislature and to certain... Component AK Public Offices Commission
 Sponsor Reps. Gara, Crawford, Gardner, Doll, et al.
 Requester House State Affairs Component No. 70

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 Nothing in this bill is connected directly with the statutes administered by the Alaska Public Offices Commission. It should have no fiscal impact on the Public Office Commission.

Prepared by: Brooke Miles, Executive Director Phone 907-334-1726
 Division: Alaska Public Offices Commission Date/Time 1/29/07 12:00 PM
 Approved by: Kevin Brooks Date 1/29/2007
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB038-LAW-CJL-1-31-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to improper contributions to RDU Criminal
legislators. Component Criminal Justice Litigation
 Sponsor Representative Gara
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill makes it a class B felony for an individual to make or accept a campaign contribution that is explicitly intended to alter a legislator's or candidate's position on a legislative matter. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director Phone 465-5427
 Division: Administrative Services Division Date/Time: 1/31/07 7:44 AM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date: 1/31/2007
 Agency: Department of Law

25-LS0219\M
Luckhaupt
2/28/07

CS FOR HOUSE BILL NO. 38()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES GARA, CRAWFORD, GARDNER, DOLL, KAWASAKI, BUCH,
DOOGAN AND GRUENBERG, Lynn, Roses**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to bribery, receiving a bribe, and receiving unlawful gratuities."**

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

3 *** Section 1.** AS 11.56.130(1) is repealed.

4 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 **APPLICABILITY.** This Act applies to offenses occurring on or after the effective date
7 of this Act.

(c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions. (AS 39.52.220, ch 87 SLA 1986)

NOTES TO DECISIONS

Significance of personal or financial interest. — Substantial evidence supported the hearing officer's findings that Department of Corrections' official had neither a personal nor a financial interest in the awarding of a contract concerning the housing of

minimum security prisoners to a bidder for whom she had served as vice-president of operations. *KILA, Inc. v. State, Dep't of Admin.*, 876 P.2d 1102 (Alaska 1994). Cited in *Gates v. City of Tenakee Springs*, 822 P.2d 455 (Alaska 1991).

HB 38

Sec. 39.52.120. Misuse of official position. (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of the communications equipment in the governor's residence so long as there is no special charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office; or

(ii) political party or group;

(B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.

(c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.

(d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.

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(e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

(1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or

(2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record. (§ 1 ch 87 SLA 1986; am § 5 ch 121 SLA 1992; am §§ 81, 82 ch 74 SLA 1998; am § 59 ch 163 SLA 2004)

Cross references. — For prohibition against nepotism, see AS 39.90.020.

Effect of amendments. — The 2004 amendment, effective July 1, 2005 added subsection (e).

NOTES TO DECISIONS

Official action not required. — The statute prohibiting use of official position for personal gain does not require "official action," but only that employees use their position for personal gain or to seek employment. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Solicitation of compensation sufficient. — Since the ethics statute does not require that a viola-

tion involve actual or present receipt of money, solicitation of compensation, including prospective or contingent economic benefits, suffices. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Cited in *Gates v. City of Tenakee Springs*, 822 P.2d 455 (Alaska 1991).

Sec. 39.52.130. Improper gifts. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment.

(b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt

(1) if the public officer may take or withhold official action that affects the giver; or

(2) if the gift is connected to the public officer's governmental status.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.

(d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipal-

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB038-DOA-APOC-1-29-07
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to legislators and candidates and RDU AK Public Offices Commission
to candidates for the legislature and to certain... Component AK Public Offices Commission
Sponsor Reps. Gara, Crawford, Gardner, Doll, et al.
Requester House State Affairs Component No. 70

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Nothing in this bill is connected directly with the statutes administered by the Alaska Public Offices Commission. It should have no fiscal impact on the Public Office Commission.

Prepared by: Brooke Miles, Executive Director
Division: Alaska Public Offices Commission
Approved by: Kevin Brooks
Agency: Department of Administration

Phone: 907-334-1726
Date/Time: 1/29/07 12:00 PM
Date: 1/29/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB038-LAW-CJL-1-31-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to improper contributions to RDU Criminal
legislators. Component Criminal Justice Litigation
 Sponsor Representative Gara
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill makes it a class B felony for an individual to make or accept a campaign contribution that is explicitly intended to alter a legislator's or candidate's position on a legislative matter. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director
 Division: Administrative Services Division
 Approved by: Robert Meiners for Talis Colberg, Attorney General
 Agency: Department of Law

Phone 465-5427
 Date/Time 1/31/07 7:44 AM
 Date 1/31/2007

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA
REPRESENTATIVE HARRY CRAWFORD
REPRESENTATIVE BERTA GARDNER
REPRESENTATIVE ANDREA DOLL
REPRESENTATIVE SCOTT KAWASAKI
REPRESENTATIVE BOB BUCH
REPRESENTATIVE MIKE DOOGAN

HB 38: "An Act relating to legislators and candidates for the legislature and to certain campaign contributions made in exchange for certain agreements."

Sponsor Statement

A recent Legislative Research Services report reveals a loophole in Alaska's Ethics and Bribery laws. That report is attached.

Currently it is not a crime for a candidate or legislator to agree to change their vote on an issue in exchange for a campaign contribution. This loophole undermines the public's confidence in their elected representatives. Trading a vote for a campaign contribution is currently a federal crime, and constitutes a potential civil ethics code violation under state law. It should be a crime under state law. Trading a vote for money is among the most serious ethical breaches possible by a legislator, and should be punished accordingly.

This bill is narrowly drafted, to recognize that a candidate should not be prevented from accepting a legal campaign donation just because the candidate agrees on an issue with a donor. Under House Bill 38 (HB 38) the donor and candidate will only be held criminally liable if the prosecution proves, beyond a reasonable doubt, that the Legislator and donor had an express, specific agreement that the Legislator would change his or her position on a matter in exchange for a donation.

Please do not hesitate to contact us if you have any questions or if you need additional information.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA
REPRESENTATIVE HARRY CRAWFORD
REPRESENTATIVE BERTA GARDNER
REPRESENTATIVE ANDREA DOLL
REPRESENTATIVE SCOTT KAWASAKI
REPRESENTATIVE BOB BUCH
REPRESENTATIVE MIKE DOOGAN

HB 38: "An Act relating to legislators and candidates for the legislature and to certain campaign contributions made in exchange for certain agreements."

Sectional Analysis

A new section is added: AS 11.56

Sec. 11.56.135:

Section 1:

(a) Improper legislative campaign contribution: makes it a crime for a legislator or candidate for office to change or promise to change a position on an issue in exchange for a campaign contribution.

(b) Improper campaign contribution is a Class B Felony.

Section 2. Applicability. This Act applies to crimes occurring on or after the effective date.

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

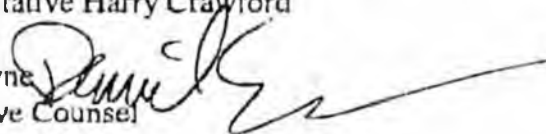
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

October 12, 2006

SUBJECT: Campaign Contributions as Bribes (Work Order No. 25-LS0112)

TO: Representative Les Gara
Representative Harry Crawford

FROM: Dan Wayne 
Legislative Counsel

There is nothing in current criminal law that prohibits a legislator from changing a vote in exchange for a campaign contribution. As requested, here is a summary of how accepting a campaign donation as a bribe would be treated under current Alaska criminal statutes and the legislative ethics code.

Alaska has strict bribery statutes that treat giving, offering to give, or accepting a bribe (a benefit given or received in exchange for influence of a public servant) as class B felonies.¹ A companion misdemeanor statute prohibits a public servant from soliciting, receiving, or agreeing to receive a benefit for the performance of an official duty.² The term "public servant" as used in these statutes includes legislators and legislative candidates, among others.³ The term "benefit," as used in these statutes, means "a present or future gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary."⁴ *All three statutes exempt campaign contributions, by definition.*⁵ Therefore, persons giving, offering to give, soliciting, accepting, or agreeing

¹ AS 11.56.100 and 11.56.110. (See Appendix A of this memo).

² AS 11.56.120. (See Appendix A of this memo).

³ AS 11.81.900(b)(54). (See Appendix A of this memo).

⁴ AS 11.81.900(b)(4).

⁵ AS 11.56.130 (with emphasis added) reads:

Definition. In AS 11.56.100 - 11.56.130, "benefit" has the meaning ascribed to it in AS 11.81.900 but *does not include*

(1) *political campaign contributions reported in accordance with AS 15.13;*

(2) *concurrence in official action in the cause of legitimate compromise between public servants; or*

Representative Les Gara
Representative Harry Crawford
October 12, 2006
Page 2

to accept a campaign contribution in exchange for influence of a legislator, for example, may not be charged by the state with bribery, receiving a bribe, or receiving an unlawful gratuity -- as long as the campaign contribution is disclosed to the Alaska Public Offices Commission under AS 15.13.⁶

It is interesting to look at the evolution of the bribery and receiving unlawful gratuity statutes in Alaska.⁷ In 1899, a criminal code based mostly on Oregon law was adopted for Alaska. Most of that criminal code was still in effect in 1975 when the legislature called for the formation of a commission, which was formed and later became a subcommission, to revise it. In January 1978, an Act containing the subcommission's recommendations was introduced in the House, and after many public hearings and further revision, a new criminal code was signed by Governor Hammond in July of that year. A commentary on the new code was revised throughout the legislative process and published in final draft in Senate Journal Supplements 47 and 48 and reprinted by the Legislative Affairs Agency in July of 1978.

I have enclosed a copy of the reprinted commentary.

Regarding the bribery statutes, an excerpt from page 68 and 69 says:

In using the broad term "benefit" the bribery statutes insure coverage in all appropriate cases. However, benefits which serve only to provide a "climate for discussion" with a public servant (i.e., picking up a dinner tab or golfing fee) are beyond the scope of the statutes because the granting of the "benefit" is not in itself intended or expected to influence an official

(3) support, including a vote, solicited by a public servant or offered by any person in an election.

⁶ This may be because a statute criminalizing campaign contributions that are intended to influence a public servant would be difficult to enforce, since it would be a prosecutor's burden to prove "intent" beyond a reasonable doubt. There is also a possible constitutional issue. The first amendment of the Constitution of the United States protects freedom of speech and freedom of association. The freedom of speech is not absolute, *Messerli v. State*, 626 P.2d 81, 86 (Alaska 1981), but any content-based restriction on speech must serve a "compelling" state interest, *Mickens v. City of Kodiak*, 640 P.2d 818, 821 (Alaska 1982). Political campaign contributions and expenditures fall within the protections of the first amendment. *Buckley v. Valeo*, 424 U.S. 1 (1976).

⁷ I summarize the history of the revised criminal code with help from the introduction to the August 1985 Criminal Law Manual published by the Department of Law, a manual that provides an in-depth comparison of the original code and the revised code through 1985, with source material including the Commentary on the Alaska Revised Criminal Code cited in this memo.

Representative Les Gara
Representative Harry Crawford
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Page 3

decision. The giving and receiving of such insignificant benefits, though not covered by the Code, is, however, an appropriate topic to be addressed in conflict of interest statutes and ethical conflict regulations and standards.

Insofar as they are reported in accordance with AS 15.13 (State Elections Campaigns), political campaign contributions have been specifically excluded from the definition of "benefit". This qualification is intended to make it clear that legitimate, reported political campaign contributions made with an intent to advance a political viewpoint, are not to be punished as bribery.

Regarding the statute that prohibits a public servant from soliciting or receiving an unlawful gratuity, language excerpted from page 71 says:

... when the public servant accepts a benefit (under the statute), without soliciting it, the benefit must have a value of \$50.00 or more for the crime to have occurred.

It must be emphasized that the Judiciary Committees do not approve the practice of public servants accepting tips. However, the Committees concluded that regulation of such activity is more properly left to personnel regulations and ethical guidelines rather than to criminal law.

AS 11.56.850, prohibiting official misconduct, is the exception in that it does *not* exempt campaign contributions from the definition of "benefit." The statute reads:

(a) A public servant commits the crime of official misconduct if, with intent to obtain a benefit or to injure or deprive another person of a benefit, the public servant

(1) performs an act relating to the public servant's office but constituting an unauthorized exercise of the public servant's official functions, knowing that that act is unauthorized; or

(2) knowingly refrains from performing a duty which is imposed upon the public servant by law or is clearly inherent in the nature of the public servant's office.

(b) Official misconduct is a class A misdemeanor.

This statute does not prohibit quid pro quo campaign contributions.

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Alaska's code of legislative ethics has a provision similar to the criminal "receiving a bribe" statute.⁴ AS 24.60.030(a)(1) says:

A legislator . . . may not

(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions or the acceptance of a lawful gratuity under AS 24.60.080;

This subsection prohibits legislators from soliciting, accepting or agreeing to accept quid pro quo campaign contributions, because under another subsection, AS 24.60.030(e)(1), a legislator may not even *imply*, personally or through a third-party, that a campaign contribution will cause the legislator to take or withhold official action of any kind. It says:

(e) A legislator may not directly, or by authorizing another to act on the legislator's behalf,

(1) agree to, threaten to, or state or imply that the legislator will take or withhold a legislative, administrative, or political action, including support or opposition to a bill, employment, nominations, and appointments, as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value;

Other statutes limit the *opportunity* for quid pro quo campaign contributions. For example, AS 15.13.072(d) says:

(d) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 for election or reelection to the state legislature may not solicit or accept a contribution while the legislature is convened in a regular or special legislative session unless the solicitation or acceptance occurs

(1) during the 90 days immediately preceding an election in which the candidate or individual is a candidate; and

(2) in a place other than the capital city.

In summary, a solicitation or acceptance of a campaign contribution disclosed under AS 15.13, and solicited or accepted with an understanding there will be a quid pro quo, is not punishable under our criminal bribery or unlawful gratuity statutes. Under the code

⁴ Also note that AS 15.13.112(a) provides that campaign contributions can only be used for election campaign expenses, and AS 15.13.112(b)(1) states that "campaign contributions held by a candidate or group may not be . . . used to give a personal benefit to the candidate or to another person."

Representative Les Gara
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Page 5

of legislative ethics, solicitation or acceptance of a campaign contribution with an understanding there will be a quid pro quo is prohibited by AS 24.60.030(a)(1) and 24.60.030(e)(1).

If I may be of further assistance, please advise.

DCW:ljw
06-339.ljw

Representative Les Gara
Representative Harry Crawford
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Page 6

(Work Order No. 25-LS0112)
Appendix A -- Relevant Alaska Statutes

AS 11.56.100. Bribery.

(a) A person commits the crime of bribery if the person confers, offers to confer, or agrees to confer a benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, action, decision, or exercise of official discretion.

(b) In a prosecution under this section, it is not a defense that the person sought to be influenced was not qualified to act in the desired way, whether because that person had not assumed office, lacked jurisdiction, or for any other reason.

(c) Bribery is a class B felony.

AS 11.56.110. Receiving a bribe.

(a) A public servant commits the crime of receiving a bribe if the public servant

(1) solicits a benefit with the intent that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced; or

(2) accepts or agrees to accept a benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced.

(b) Receiving a bribe is a class B felony.

AS 11.56.120. Receiving unlawful gratuities.

(a) A public servant commits the crime of receiving unlawful gratuities if, for having engaged in an official act which was required or authorized and for which the public servant was not entitled to any special or additional compensation, the public servant

(1) solicits a benefit, regardless of value; or

(2) accepts or agrees to accept a benefit having a value of \$50 or more.

(b) Receiving unlawful gratuities is a class A misdemeanor.

AS 11.81.900(b)(54), "public servant" means each of the following, whether compensated or not, but does not include jurors or witnesses:

(A) an officer or employee of the state, a municipality or other political subdivision of the state, or a governmental instrumentality of the state, including legislators, members of the judiciary, and peace officers;

(B) a person acting as an advisor, consultant, or assistant at the request of, the direction of, or under contract with the state, a municipality or other political subdivision of the state, or another governmental instrumentality; in this subparagraph "person" includes an employee of the person;

(C) a person who serves as a member of the board or commission created by statute or by legislative, judicial, or administrative action by the state, a municipality or other political subdivision of the state, or a governmental instrumentality;

Representative Les Gara
Representative Harry Crawford
October 12, 2006
Page 7

(D) a person nominated, elected, appointed, employed, or designated to act in a capacity defined in (A) - (C) of this paragraph, but who does not occupy the position;

AS 15.13.112. Uses of campaign contributions held by candidate or group.

(a) Except as otherwise provided, campaign contributions held by a candidate or group may be used only to pay the expenses of the candidate or group, and the campaign expenses incurred by the candidate or group, that reasonably relate to election campaign activities, and in those cases only as authorized by this chapter.

(b) Campaign contributions held by a candidate or group may not be

(1) used to give a personal benefit to the candidate or to another person;

(2) converted to personal income of the candidate;

(3) loaned to a person;

(4) knowingly used to pay more than the fair market value for goods or services purchased for the campaign;

(5) used to pay a criminal fine;

(6) used to pay civil penalties; however, campaign contributions held by a candidate or group may be used to pay a civil penalty assessed under this chapter if authorized by the commission or a court after it first determines that

(A) the candidate, campaign treasurer, and deputy campaign treasurer did not cause or participate in the violation for which the civil penalty is imposed and exercised a reasonable level of oversight over the campaign; and

(B) the candidate, campaign treasurer, and deputy campaign treasurer cooperated in the revelation of the violation and in its immediate correction; or

(7) used to make contributions to another candidate or to a group.

(c) A candidate may use up to a total of \$1,000 in campaign contributions in a year to pay the cost of

(1) attending, or paying the cost for guests of the candidate to attend, an event or other function sponsored by a political party or subordinate unit of a political party;

(2) membership in a political party, subordinate unit of a political party, or other entity within a political party, or subscription to a publication from a political party; and

(3) co-sponsorship of an event or other function sponsored by a political party or by a subordinate unit of a political party.



AKPIRG

A ALASKA LASKA PUBLIC INTEREST RES ALASKA PUBLIC INTEREST RESEARCH
PO Box 101093 ♦ Anchorage, Alaska 99510-1093 ♦ Ph: (907) 278-3661 ♦ Fax: (907) 278-9300 ♦ email: akpirg@akpirg.org

AkPIRG Supports HB 38

AkPIRG urges support for HB 38. This is common sense. Candidates and legislators should not be able to sell or exchange their vote for campaign contributions. It's that simple. Money should not be allowed to buy votes in Alaska. This bill would also make it illegal for person to attempt to bribe elected officials as well. It is important that both of sides of this equation know that Alaska State law prohibits such behavior and that there are consequences for breaking that law.

Thank you for your support of this legislation.
Sincerely,

Steve Cleary
AkPIRG Director

Founded in 1974, the Alaska Public Interest Research Group (AkPIRG) is a non-profit, non-partisan, citizen-oriented statewide organization researching, educating and advocating on behalf of the public interest. AkPIRG has 2,000 Alaskan members.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARDNER

TO: HB 38

1 Page 1, line 1:

2 Delete "legislators and candidates for the legislature"

3 Insert "state and municipal elected officials and candidates for state and
4 municipal elected office"

5

6 Page 1, line 5:

7 Delete "legislative"

8

9 Page 1, line 6:

10 Delete "legislative"

11

12 Page 1, lines 8 - 9:

13 Delete "member of the legislature or a candidate for the legislature"

14 Insert "state or municipal elected official or a candidate for a state or municipal elected
15 office"

16

17 Page 1, lines 10 - 11:

18 Delete "legislator or the candidate to alter the legislator's or candidate's position on a
19 legislative matter"

20 Insert "lected official or candidate to alter the official's or candidate's position on a
21 matter or issue related to the official duties of the statewide or municipal elected office held or
22 sought"

23

1 Page 1, line 12:

2 Delete "member of the legislature or a candidate for the legislature"

3 Insert "state or municipal elected official or a candidate for state or municipal elected
4 office"

5

6 Page 1, line 14:

7 Delete "legislator's or candidate's position on a legislative matter"

8 Insert "official's or candidate's position on a matter or issue related to the official
9 duties of the statewide or municipal elective office held or sought"

10

11 Page 2, line 1:

12 Delete "legislative"

AMENDMENT

OFFERED IN THE HOUSE

TO:

1 Page _____, line _____:

2 Insert "relating to state and municipal elected officials and candidates for state
3 and municipal elective office; relating to certain campaign contributions made in
4 exchange for certain agreements;"

5

6 Page _____, line _____:

7 Insert a new bill section to read:

8 **** Section 1.** AS 11.56 is amended by adding a new section to article 1 to read:

9 **Sec. 11.56.135. Improper campaign contribution and agreement.** (a) A
10 person commits the crime of improper campaign contribution and agreement if the
11 person

12 (1) explicitly agrees to make a campaign contribution to a state or
13 municipal elected official or a candidate for a state or municipal elective office, and
14 makes that contribution, in exchange for an agreement by the elected official or
15 candidate to alter the official's or candidate's position on a matter or issue related to
16 the official duties of the statewide or municipal elective office held or sought; or

17 (2) as a state or municipal elected official or a candidate for state or
18 municipal elective office, accepts a campaign contribution and explicitly agrees, in
19 exchange for that contribution, to alter the official's or candidate's position on a matter
20 or issue related to the official duties of the statewide or municipal elective office held
21 or sought.

22 (b) Improper campaign contribution and agreement is a class B felony."
23

1 Page _____, line _____:

2 Insert a new bill section to read:

3 **** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 **APPLICABILITY.** Section 1 of this Act applies to offenses occurring on or after the
6 effective date of sec. 1 of this Act."

Nancy Manly

To: Londi Ensor

Subject: STA fiscal notes

Attachments: HB006-DOA-APOC-2-1-07.pdf; HB003-DOA-DMV-2-23-07.pdf; HB038-DOA-APOC-1-29-07.pdf; HB038-LAW-CJL-1-31-07.pdf; HB109-DOA-APOC-1-29-07.pdf

Londi: Attached are fiscal notes for bills that have passed out of the House State Affairs Committee.

HB 6 (1 fiscal note)

HB 3 (1 fiscal note)

HB 38 (two fiscal notes)

HB 109 (1 revised note - you have the others)

3/6/2007

ALASKA STATE LEGISLATURE




REPRESENTATIVE LES GARA
REPRESENTATIVE HARRY CRAWFORD
REPRESENTATIVE BERTA GARDNER
REPRESENTATIVE ANDREA DOLL
REPRESENTATIVE SCOTT KAWASAKI
REPRESENTATIVE BOB BUCH
REPRESENTATIVE MIKE DOOGAN

MEMORANDUM

DATE: January 16, 2007

TO: Rep. Bob Lynn, Chair
Rep. Bob Roses, Vice-Chair
House State Affairs Committee

FROM: Rep. Les Gara 

RE: Hearing Request for House Bill 38, Campaign Contributions

I respectfully request that House Bill 38, relating to campaign contributions, be scheduled for a hearing in the House State Affairs Committee. Please feel free to contact me, or my aide Meagan Foster, with questions or thoughts at 465-2647.

Attached you will find a background packet for House Bill 38. This includes the current version of the bill, a sponsor's statement, and backup materials.

Thank you for your consideration.

HB

44

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB44(MLV)
() Publish Date: _____

Identifier (file name): CSHB44(MLV)-DOR-PFD-3-17-08 Dept. Affected: Revenue
Title: VETERAN INFO ON PFD APPLICATIONS RDU: Tax and Treasury
Sponsor: Guttenburg, Dahlstrom, Kerley Component: Permanent Fund Dividend Division
Requester: House State Affairs Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	32.5	16.7	16.7	16.7	16.7	16.7	16.7	16.7
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	32.5	16.7	16.7	16.7	16.7	16.7	16.7	16.7

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
1050 PFD Fund	32.5	16.7	16.7	16.7	16.7	16.7	16.7	16.7
TOTAL	32.5	16.7	16.7	16.7	16.7	16.7	16.7	16.7

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

HB 44 will require changes to PFD's paper and online applications, and their associated databases. Programming & Application rewrite costs are one time.

Data entry for paper applications will result in an increase over our current volume and will be ongoing. Data entry is performed by Administrative Clerk I/II

Qualifying Veterans Associations & managing the Memorandum of Agreements with them will require ongoing effort by an Administrative Clerk III and results an increase over current volume.

Prepared by: Debbie Richter, Division Director Phone: 465-4785
Division: Permanent Fund Dividend Date/Time: 03/17/08 5:15PM
Approved by: Jerry Burnett Date: 3/17/2008
Department I of Revenue

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

FAX

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

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

Re: HB 44 Veteran Info on PFD Applications

3-18-08

HB 44 Version C passed out of the House State Affairs Committee this morning with one passed amendment. Please draft a final STA CS. Thank you.

Version 25-LS0229\C

Conceptual Amendment #1 (Roses)
Line 10 after the word "request" insert of the department

Amendment #2 (Gruenberg)
Failed

*
* TRANSACTION REPORT *
* MAR-17-2008 09:06 PM *
* FOR: REP LYNN 4654316 *

* SEND *

* DATE START RECEIVER PAGES TIME NOTE *

* MAR-17 09:05 PM 2029 1 27" OK *

ALASKA STATE LEGISLATURE



Sponsor

Statement

SESSION
Alaska State Capitol, Room 418
Juneau, AK 99801
(907) 465-4457 Office
(907) 465-3519 Fax
(800) 928-4457 Toll Free

INTERIM
1292 Sadler Way, Suite 304
Fairbanks, AK 99701
Office (907) 456-8172
Fax (907) 456-2490

Representative David Guttenberg

House Bill 44 – Veteran Info on PFD Application

HB 44 adds the question to the Permanent Fund Dividend application: Are you an American military veteran? By offering veterans the option to identify themselves as veterans on the PFD application, as well as their military branch and dates of service, we will be better able to find and engage our veterans and their families in helping them secure their legal rights to programs and benefits they have earned under federal and state laws.

With 74,500 veterans (2005 US Census) and about 35,000 active duty, National Guard, and Reserves across our state, Alaska has the highest veteran's population per capita in the nation. HB 44 seeks to enable the State of Alaska and Alaskan-based Veteran Service Organizations to better inform these veterans of changes in programs or policies that affect them and their families.

It is in the best interest of Alaska to ensure that all resident veterans receive the federal benefits they have earned from the Veterans Administration, the Department of Defense, and other agencies. The retirement checks and/or benefits of Alaska veterans represent over a billion dollars to our economy every year, yet only one in five veterans receive benefits. If we were to double the number of veterans receiving benefits, we could create a significant economic impact in communities throughout the state.

As a result of federal and state privacy laws, it has become almost impossible to find and connect with our veterans. It is clearly in the State's best interest to ensure all veterans are informed of their rights to VA healthcare, burial rights, disability compensation, survivor benefits, housing loans, spousal assistance, college assistance, and vocational assistance. HB 44 attempts to reach these veterans who, for whatever reason, are not currently receiving the benefits they have earned or may be unaware of changes in the status of these programs.

Only the state and congressionally chartered and state approved Veteran Service Organizations will have access to this register for the purposes of contacting and informing our resident veterans of their legal rights and benefits they have earned.

I urge you to support this legislation.

LEGAL SERVICES

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

(907) 465-3800 or 465-2450
FAX (907) 465-0229
Mail Stop 3101

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

MEMORANDUM

January 29, 2008

SUBJECT: Information from veterans on PFD forms; sectional summary of
HB 44 (Work Order No. 25-LS0229\A)

TO: Representative David Guttenberg
Attn: Jeff Stepp

FROM: Tamara Brandt Cook
Director *TBC*

Section 1. The permanent fund dividend application form is required to include a place to voluntarily indicate that the applicant is a veteran, branch of service, and dates of service. The Department of Revenue is required to release the information only to the Department of Military and Veterans' Affairs and, if requested, to veterans service organizations.

TBC.mcd
08-009.mcd

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 44 (H) MLV
() Publish Date: _____

Identifier (file name): HB44-DMVA-NGMHQ-2-22-08 Dept. Affected: DMVA
Title An Act relating to information from veterans on the permanent RDU Military and Veterans Affairs
fund dividend application form Component NGM: IQ
Sponsor Rep. Guttenberg, Dahlstrom, Kertula, Lynn, Fairclough, Kawasaki
Requester House Special Comm on MVA, State Affairs Component Number 2135

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

No expected fiscal impact to the Department of Military and Veterans Affairs.

Prepared by: McHugh Pierre, Legislative Liaison/Director of Communications Phone 465-4402
Division: National Guard Military Headquarters/Commissioner's Office Date/Time 2/22/08 @ 2:30 pm
Approved by: Commissioner Craig Campbell Date 2/22/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 44
 () Publish Date: _____

HB Identifier (file name): HB44-DOR-PFD-02-25-08 Dept. Affected: Revenue
 Title: Information from veterans on the permanent fund dividend application form. RDU: Permanent Fund Dividend Division
 Sponsor: Guttenberg, Dahlstrom, Kertulla, etc. Component: Permanent Fund Dividend Division
 Requester: Military and Veterans Affairs Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	24.2	0.0	8.5	8.5	8.5	8.5	8.5
Travel	0.0	0.0					
Contractual	0.0	0.0					
Supplies	5.0	0.0	5.0	5.0	5.0	5.0	5.0
Equipment	0.0	0.0					
Land & Structures	0.0	0.0					
Grants & Claims	0.0	0.0					
Miscellaneous	4.9	0.0	4.9	4.9	4.9	4.9	4.9
TOTAL OPERATING	34.1	0.0	18.4	18.4	18.4	18.4	18.4

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0					
1003 GF Match	0.0	0.0					
1004 GF	34.1	0.0	18.4	18.4	18.4	18.4	18.4
1005 GF/Program Receipts	0.0	0.0					
1037 GF/Mental Health	0.0	0.0					
1050 PFD Fund	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	34.1	0.0	18.4	18.4	18.4	18.4	18.4

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The division's budget does not contain funding for this addition to the PFD application.

HB 44 will require changes to PFD's paper and online applications, and their associated databases. Physical space on the paper application is tight; the question of whether the individual has ever been in the military, the instruction that answering is voluntary, and the associated questions will not fit on the same application page; these additional questions may not fit on the (two-paged) application document. Expenses projected by the agency are based on assumption that the additional language will fit on the (two-paged) application document.

Prepared by: Amy Skow, Division Manager
 Division: Permanent Fund Dividend Division
 Approved by: Jerry Burnett
Department of Revenue

Phone 907 465-4784
 Date/Time 2/25/08 2:00 PM
 Date 2/25/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. HB44

ANALYSIS CONTINUATION

Programming and publication changes would be a one-time cost. Clerical services, supplies and miscellaneous (postage) expenditures would recur annually.

It is assumed that follow up letters and processing would occur with some incomplete answers. PFD's 2007 dividend data file indicates there were 13,000+ active duty members of the US Armed Forces in 2006. In order to estimate clerical time and expense, we have estimated that two times that number of individuals are veterans, and many active duty members will respond to the question, resulting in a rough pool of 39 000 potential information providers.

PFDD Division suggests a change in the bill: PFDD will provide the information to the Dept. of Military and Veterans Affairs automatically, at the time the on-time application file is complete. Dept. of Military and Veterans Affairs will determine which veterans service organizations in the state shall receive the information, and DMVA will distribute the information to those organizations. IF PFDD is required to determine which veterans service organizations in the state should qualify, it will incur contractual costs for Department of Law advice, at the rate of approx. \$150/hour. We believe that the Dept. of Military and Veterans Affairs would best be able to make a clean distinction on which organizations qualify as veterans service organizations.

LEGAL SERVICES

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

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

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

MEMORANDUM

February 28, 2008

SUBJECT: Information from veterans on the permanent fund dividend application forms (CSHB 44(MLV); Work Order No. 25-LS0229\C)

TO: Representative David Guttenberg
Attn: Jeff Stepp

FROM: Tamara Brandt Cook
Director *TBC*

You ask what changes are proposed to the original HB 44 under CSHB 44(MLV). The special committee added after "branch of service" a reference to the Alaska Territorial Guard as being included within that term. In the context of providing the information regarding a veteran, the special committee also replaced the words "not mandatory" with "is voluntary."

TBC:ljw
08-123.ljw

Representative Bob Lynn, Chair
House State Affairs Committee
State Capitol
Juneau, AK 99801

February 28, 2008

Dear Chairman Lynn,

Our combat wounded veterans' organization lends its full support to HB44. The question of "Are you an American Veteran?" on the PFD application is critical to enable all Alaska veteran organizations to be able to reach out to the many Alaska veterans who are in remote locations. Those Alaska veterans who do not have ready access to the assistance centers in major cities still need and have justly earned the benefits they have long been denied. By passing HB44 we in the major population centers will have a vehicle that will enable us to provide the support that those military members in remote areas have earned.

The MOPH (Military Order of the Purple Heart) is proud to be in full support of HB44. We ask that you assist in the cause of providing us a means to reach out to those veterans who are denied the easy access to the benefits they have justly earned as result of their honored military service.

Ron Siebels

MOPH, Sr-Vice, Dept of Alaska
MOPH, Commander, Chapter 593. Anchorage

ALASKA VETERANS POLITICAL ACTION COMMITTEE

(AK VET PAC) 2/20/08

Vietnam Veterans of America/Alaska Veterans of Modern Warfare/Alaska Military Order of the Purple Heart/Anch Alaska Veterans Foundation, Inc. Alaska Veterans Business Alliance

The purpose/function of this newsletter is to let you know who in Juneau and Washington, DC are supporting veterans by their actions and not just more talk. It will also help you keep up with legislation or executive actions of interest to veterans in Alaska and assist you in participating in them.

HB44 – FINDING ALASKA'S VETERANS

Originally introduced as HB44 by Rep Guttenberg, Dahlstrom, Kerttula, and Lynn in January 2007, it remains in the House Special Committee on Military and veterans' Affairs pending a hearing. We have been working with a number of interested parties on any concerns and have address all informed questions on ensuring the lists protection with some new language. We have asked that this critical legislation be rewritten to address the lists confidentiality concerns.

The PFD application is the only instrument that can provide this *voluntary* information annually and does no harm to the PFD process while providing significant help to likely thousands of Alaskan veterans and their families. We have not found any other means to accomplish this goal, and the return on this small effort will be in the tens of millions of dollars a year to our veterans and their families. The bill number will be announced with its reintroduction.

Alaska has just less than 80,000 veterans (2000 US Census 74,500), the highest per capita in the nation. But given new federal and state privacy laws, we are no longer able to find our veterans using driver's licenses and agency lists. We found a way to do this voluntarily with the cooperation of the Permanent Fund Board.

Why is it important to find our veterans and their families? Hundreds of millions of dollars in direct payments and services to our veterans and their families await their request. Currently, the Veterans Administration in Alaska serves less than 20% of our veterans, yet this and other programs, generate over a billion dollars in revenue to Alaska annually. By providing our veterans and their families the annual booklet of VA services and a listing of Alaska services, we can directly improve the lives of thousands of Alaskan veterans and their families. *These are rights and services earned by service and sacrifice, not welfare.*

If you consider that every veteran has at least two family members in Alaska, this single group represents at least one third of our state's population.

Very simply, the PFD Application asks, "Are you an American veteran?" This is a voluntary question that in no way affects the dividend itself. Annually collected from all Alaskans, this information would be provided via a simple computer program to the Alaska Department of Military and Veterans Affairs so that they can mail out state/federal veteran benefits booklets and information. Any Alaskan veteran who wishes to avail themselves of these services would do so through the regular processes of the Veterans Administration or other federal or state agency showing they meet the requirements of that program.

This weekly update is provided as a free service to all veterans and their families who may be concerned with state and federal legislation that may impact their lives. If you discover any errors or omissions, please contact Ric Davidge and inform him of such. Email: ricdavidge.ak@gci.net office (907) 222-6927 fax (907) 222-6933

LEGISLATIVE RESEARCH REPORT

FEBRUARY 8, 2008



REPORT NUMBER 08.154

ACTIVE MILITARY PERSONNEL AND VETERANS IN ALASKA

PREPARED FOR REPRESENTATIVE DAVID GUTTENBERG

BY PATRICIA YOUNG, MANAGER

You asked for information on the current military population and the number of veterans in Alaska. Specifically, you wished to know the number of active duty military personnel and the numbers of National Guard and Reserve forces currently in the state. You also wished to know the number of veterans in Alaska and how Alaska compares to other states in regard to the percent of the population who are veterans.

The Alaska Department of Military and Veterans Affairs provided the following data on active, Guard, and Reserve forces in the state as of December 31, 2007.

Active Military Population in Alaska (December 31, 2007)		
Active Forces	Army	11,402
	Navy	27
	Air Force	8,000
	Marines	22
	Coast Guard	2,116
Total Active Forces		21,567
National Guard and Reserves	Army National Guard	1,972
	Air National Guard	1,920
	Army Reserves	399
	Air Force Reserves	164
	Navy Reserves	78
	Marine Reserves	46
Total Guard and Reserves		4,579
Canadian Forces		30
Total Military Population in Alaska		26,176

SOURCE: Alaska Command (US Department of Defense and Alaska Department of Military and Veterans Affairs).

The U.S Department of Veterans Affairs (VA)—using data from the VA, from the Department of Defense (DoD), and from the Bureau of the Census—provides official estimates and projections of the veteran population using a specifically designed model (VetPop2007) that is updated periodically for improved methodology, more recent data, and changing needs. Each year, the model generates the estimated number of veterans by certain selected characteristics at the state and national levels. According to the VA model, as of September 30, 2007, the number of veterans in Alaska was 74,557.

In order to arrive at an estimate of the percent of the Alaska population represented by veterans, and to compare that with the percentage in other states, we combined the VA model estimates of state veteran populations with Census Bureau estimates of state populations as of July 1, 2007. Using those figures, we calculate that veterans currently make up approximately 11 percent of the total Alaska population. Veterans make up more than ten percent of the overall population in only six states, with similar percentages in Maine, Alaska, and Montana, followed closely by percentages in Wyoming, Virginia, and New Hampshire.

Looking at the portion of the population that is 18 years or over, however, may provide a more realistic picture of how veterans fit into state demographics. Because the most current available estimates of population by age group are for July 1, 2006, we paired those data with VA model estimates for September 30, 2006. Using these data, we calculate that in 2006, veterans made up 15 percent of the adult population of Alaska, the highest percentage in the nation.¹

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

¹ Montana and Wyoming followed Alaska, with 14.4 percent and 14.2 percent, respectively.



Military Order of the *Purple Heart*

Department of Alaska
"Combat Wounded Veterans"



Date: February 28, 2008

Our combat wounded veteran's organization lends its full support to HB44. The question of "Are you an American Veteran" on the PFD application is critical to enable all Alaska veteran organizations to be able to reach out to the many Alaska veterans who are in remote locations. Those Alaska veterans who do not have ready access to the assistance centers in major cities still need and have justly earned the benefits they have long been denied. By passing HB44 we in the major population centers will have a vehicle that will enable us to provide the support that those military members in remote areas have earned.

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Ron Siebels

Ron Siebels

MOPH, Sr-Vice, Dept of Alaska

MOPH, Commander, Chapter 593, Anchorage



Chapter 904 - Anchorage, Alaska "An Agenda of Service"

February 26, 2008

Chairman Lynn
House State Affairs Committee
Juneau, AK

Mr. Chairman:

This is to inform you of our strong support for the passage of HB44.

In these trying times our veterans, old and new, need all of the support that our state and country can possibly give them. Let us not forget all of the sacrifices our veterans have made for us. Lots of veterans get out of the service not knowing and not caring about benefits that are rightfully theirs. They just want to be left alone. Each and every day, in our work with veterans of all wars, we are finding more and more down and out and needy veterans that don't have a clue that they have any kind of help coming from the VA. A lot of these veterans have suffered through forty years without any sort of VA help to which they are entitled.

THIS HAS TO BE CORRECTED NOW, and Alaska has a unique opportunity to do this through the PFD application question: "Are you an American Veteran?"

HB44 will go a long way in helping find Alaska's vets and informing them of their benefits.

Hats off to every legislator supporting this bill. You have our vote.

Best wishes,

Al Baffone
Vice President, VVA Chapter 904 (Anchorage)