

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HSTA 12384 30

## **GIFTS – COMPASSIONATE REASON**

- Compassionate gifts may be received from anyone (including a lobbyist) as long as the aggregate amount does not exceed \$250 in a calendar year from the same person.
  - Compassionate gift requirements apply to legislator, legislative employee and immediate family member
  - Compassionate gift: intended to aid or comfort in contending with a catastrophe, tragedy or health-related emergency
  - Pre-approval required by Legislative Council and Ethics Committee

### **\*\*\* DISCLOSURES \*\*\***

AS 24.60.105 and AS 24.60.115

*The requirement to file a disclosure applies to legislators, staff to legislators, LAA staff, other legislative staff, employees of the Office of the Ombudsman and Office of Victims' Rights.*

## **NEW REPORTING REQUIREMENTS**

- ALL DISCLOSURES are now due within 30 days
  - of the association
  - or receipt of certain gifts
- Annual disclosures: "association" disclosures are due annually within the first 30 days of session
- Final Day of Service disclosures: any disclosures not previously reported are due within 90 days after final day of service

Please review the information below to determine if you need to file a disclosure under the new provisions of the Legislative Ethics Act. The ethics web site, found on the Legislature's home page by clicking on "Ethics" and then "Disclosures," will show an updated list of current disclosures.

## **ASSOCIATION DISCLOSURES**

- Membership on a Board of Directors - AS 24.60.030(f) – Are you an officer or board member of any organization?  
NEW – all board memberships must be reported. New board memberships must be disclosed within 30 days of appointment.  
ACTION REQUIRED: Complete a disclosure by August 7 of all boards you currently serve on or have served on since April 10, 2007.
- Participation in Certain State Benefit and Loan Programs - AS 24.60.050(c)(d) - Do you presently have an outstanding benefit or loan amount administered through the state?

funds? Always due within 30 days of receipt of the gift.

- **Gift Received by Family Member Because of Legislative Connection – AS 24.60.080(i) -**  
Did an immediate family receive a gift worth \$250 or more because of your legislative connection? For example, did a family member accompany you to a conference and some or all of the costs associated with the conference were paid for by an organization/entity. Always due within 30 days of receipt of the gift.
- **Gift of Legal Services Related to Legislative Matters - AS 24.60.080(c)(8) –** Did you receive a gift of legal services related to legislative matters worth \$250 or more? Monetary gifts to be used for legal services must not exceed the gift limit of \$250. In-kind gifts, i.e., reduced rates, pro- bono services, etc. that is more than \$250 in value must be disclosed. Always due within 30 days of receipt of the gift.
- **Gift for Compassionate Reasons - AS 24.60.075 - (NEW Disclosure)**  
Compassionate gifts must be pre-approved by Legislative Council and the Ethics Committee. Compassionate gifts requirements apply to a legislator, legislative employee and immediate family member. A compassionate gift is intended to aid or comfort in contending with a catastrophe, tragedy or health-related emergency. Contact the Ethics Office for more information if this exemption applies to you or an immediate family member.

**Gift from Another Government – AS 24.60.080(f) –** Have you received a gift from another government or official from another government worth \$250 or more? Must be delivered to Legislative Council within 60 days.

**IMPORTANT:** Fines are levied for late disclosures. The fine is \$2.00 per day up to a maximum of \$100. Committee policy has been to allow for one late disclosure before levying fines. A late disclosure is a “one time only” waiver.

- **NEW** forms for all disclosures are on the ethics website. Discard old forms.
- Please give the Ethics Office a call if you have questions about what to disclose.

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### **When completing disclosures, please keep in mind:**

1. PLEASE **PRINT CLEARLY** OR TYPE YOUR DISCLOSURE INFORMATION. Remember, the Ethics Office and the Senate Secretary or House Clerk must be able to read the information on your disclosure form.
2. An original copy of the disclosure is not required. A fax copy is acceptable. Keep the original in your Ethics file for future reference if needed.
3. Please complete all required information. Remember, these are public disclosures and the public has a right to know.
4. Under the “address” section for the discloser, keep in mind if you list your home address, your home address will be printed in the Legislative Journal. It is appropriate to list your legislative office address.

bill, testimony indicated that this provision was designed to permit legislators to report promptly to their constituents on special legislative sessions held after the regular session and before the next state primary or general election.

Section 21 of the bill would require legislators and legislative employees to disclose to the Select Committee every board of an organization on which they serve. Current law requires disclosure only of service on boards of organizations that regularly have substantial interest in the legislator's or legislative employee's legislative activities. A person affected by this disclosure requirement might claim that it violates the right of privacy under art. 1, sec. 22 of the Alaska Constitution and similar protections under the United States Constitution. Article I, sec. 22 provides, in part, that "[t]he right of the people to privacy is recognized and shall not be infringed."

The outcome of a constitutional challenge to the disclosure provision on these grounds is uncertain. Although a challenge might succeed, we believe we could defend that provision in good faith.

Section 22 of the bill would require publication of legislators' and legislative employees' disclosures of their own and immediate family members' interests in state contracts and leases. The disclosures would be published in the appropriate journal or supplemental journal not later than the next regularly scheduled publication of ethics disclosures.

Section 23 of the bill would require that disclosures of legislators' and legislative employees' participation in state programs or loans also be published in the appropriate supplemental journal not later than the next regularly scheduled publication of ethics disclosures. The Select Committee could keep any part of a disclosure confidential if the committee determined that making the entire disclosure public would unjustifiably invade personal privacy.

Section 24 of the bill would eliminate an exception to the Legislative Ethics Act's requirements for reporting close economic associations. Legislators and legislative employees currently must disclose their close economic associations with public officials unless the officials are appointed municipal officers. Section 24 of the bill would eliminate that exception.

Section 25 of the bill would make changes to conform to sec. 16's lobbying prohibition on spouses and domestic partners of legislators and legislative employees.

Section 26 of the bill would create an exemption from gift restrictions in the Legislative Ethics Act for "compassionate gifts." The exemption would allow gift to a legislator or legislative employee to aid or comfort the recipient or a member of the recipient's immediate family because of a catastrophe, tragedy, or health-related emergency. The exemption would apply only if the chair of the Legislative Council and the chair or vice-chair of the Select Committee approved in writing a written request for approval of the gift. The gifts would also be subject to a value limit: the cumulative, fair market value of an individual's compassionate gifts to a particular legislator or legislative employee during a calendar year would be required to be less than \$250.

## What is a “compassionate gift?”

“... a solicited or unsolicited gift intended to aid or comfort a recipient or a member of the recipient’s immediate family in contending with a catastrophe, a tragedy, or a health-related emergency.”

AS 24.60.075

# ALASKA STATE HOUSE OF REPRESENTATIVES



Session

**Contact:**

Interim Address:

**3340 Badger Road  
North Pole, AK 99705  
(907)-488-5725  
Fax# (907)-488-4271**

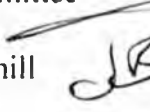
(907)-465-3719  
FAX# (907)-465-3258  
**State Capitol  
Room 214**

## REPRESENTATIVE JOHN COGHILL

### MEMORANDUM

Date: January 23, 2008

To: Representative Bob Lynn, Chairman  
House State Affairs Committee

From: Representative John Coghill 

Re: HB 317 - Compassionate Gifts

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I am respectfully requesting a hearing for HB 317, "An Act eliminating the limit on compassionate gifts that a legislator or legislative employee may solicit, accept, or receive under the Legislative Ethics Act; and providing for an effective date". I am asking for expediency the hearing be scheduled at your earliest convenience.

I have attached the bill and sponsor statement.

Thank you for your consideration.

**HB**

**318**

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 318  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB318-DOA-APOC-2-14-08 Dept. Affected: Administration  
Title: "An Act relating to the location of the convening..." RDU: AK Public Offices Commission  
Sponsor: Representative Gatto Component: AK Public Offices Commission  
Requester: House State Affairs Component Number: 70

**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
<b>OPERATING EXPENDITURES</b>								
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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	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
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

This bill amends the campaign disclosure law by prohibiting legislative candidates from soliciting or accepting campaign contributions wherever the legislature is convened and amends the lobbying law by changing "capital city" to "location of the session." This bill will not increase the operating costs for APOC.

Prepared by: Brooke Miles  
Division: Alaska Public Offices Commission  
Approved by: Rachael Petro, Deputy Commissioner  
Department of Administration

Phone 907-334-1726  
Date/Time 2/14/08 3:33 PM  
Date 2/14/2008

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB318  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB318-LEG-SES-02-18-08 Dept. Affected: Legislature  
 Title: \_\_\_\_\_ RDU: Legislative Council  
 Component: Session Expenses  
 Sponsor: Representative Gatto  
 Requester: House State Affairs Component Number: 782

**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
<b>OPERATING EXPENDITURES</b>								
Personal Services	26.0		26.0	26.0	26.0	26.0	26.0	26.0
Travel	206.4		206.4	206.4	206.4	206.4	206.4	206.4
Contractual	81.3		11.3	11.3	11.3	11.3	11.3	11.3
Supplies								
Equipment	97.0							
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>410.7</b>	<b>0.0</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	410.7		243.7	243.7	243.7	243.7	243.7	243.7
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>410.7</b>	<b>0.0</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>	<b>243.7</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

HB 318 states that a special session may only be convened at a location on the interconnected state road system. The most likely places a special session would be convened under this bill would be Anchorage or Fairbanks, as appropriate facilities exist in these locations to house the day to day operations of the special session. Sufficient lodging facilities are available in these locations to house the Legislators, staff and members of the public who would attend.

For purposes of this fiscal note, a 14 day special session is assumed to take place in Anchorage. For comparison purposes, this analysis includes the cost of a similar special session in both Juneau and Fairbanks. Cost for an actual special session on the interconnected road system could vary considerably depending on the expectations and direction of legislative leadership.

Prepared by: Karla Schofield, Deputy Director  
 Division: Legislative Affairs Agency  
 Approved by: Pamela Varni, Executive Director  
Legislative Affairs Agency

Phone: 465-6626  
 Date/Time: 2/18/08 11:23 AM  
 Date: 2/18/2008

	<b>Special Session Anchorage</b>	<b>Special Session Juneau</b>	<u>Difference</u>
<b><u>Personal Services</u></b>			
One-time costs for support staff for set up would be incurred to install equipment, check connectivity and make sure all systems and equipment worked correctly in locations other than the Capital City. Daily employee costs for a special session, except for the addition of set up personnel, are similar regardless of the location of the session as all or part of the work is performed in Juneau.			
One time costs to set up	26.0	0.0	
Daily cost 14.0 * 14 days	<u>196.0</u>	<u>196.0</u>	
	222.0	196.0	26.0
<b><u>Travel</u></b>			
Typically, 14 staff to Legislators travel to Juneau for a special session. 50 support staff and 7 staff to Legislators would travel to Anchorage for a special session.			
<b><u>One time travel costs</u></b>			
Legislators	30.0	50.0	
Staff	30.0	8.0	
<b><u>Daily Per Diem</u></b>			
Legis - Per Diem 14 days*14.8	207.2	Legis-14 days*13.0	182.0
Staff - Per Diem 14 days*15.9	<u>222.6</u>	Staff - 14 days*3.1	<u>43.4</u>
	489.8	283.4	206.4
<b><u>Contractual</u></b>			
Space would need to be rented in Anchorage in FY09. Space rental in either Anchorage at the Egan Convention Center or at the Carlson Center in Fairbanks is subject to <i>availability</i> . For purposes of this fiscal note it is assumed that Block 39 legislative space would be available. This space includes large conference rooms which could be used to hold special sessions in Anchorage. Legislators would need to either share office space with Anchorage Legislators for the 14 day special session or use their hotel rooms as offices. Most Legislators have blackberries and these could be used for main contact telephone numbers. Freight costs would be incurred to ship equipment, and copiers would need to be rented.			
Space - 5.0*14	70.0	0.0	
Freight - 1 time cost	2.5	1.0	
Copier Rental - .7*14	<u>9.8</u>	<u>0.0</u>	
	82.3	1.0	81.3
<b><u>Supplies</u></b>			
No increased costs			
<b><u>Initial Outlay for HB318 - Equipment Purchases</u></b>			
Portable Voting Machine - 85.0	97.0	0.0	97.0
Portable AV Systems to record, teleconference, and stream committee meetings - 12.0			
			410.7

**Note 1:**

Additional costs for a special session held in Fairbanks versus Juneau would be 438.9.

**Note 2:**

This is an estimate only. Actual costs for a special session can vary significantly depending on the issue and direction from Legislative leadership related to support needs and expenditures.

**Note 1:**

It is worth noting that the one day special session held in Anchorage in June of 2007 cost more than 112.0. This session was accomplished with minimal support staff and staff to Legislators volunteered as pages. During a 14 day special session staff to Legislators would most likely be working on legislation and be unavailable for volunteer duties. If you allow for one time costs and calculate what the one day session would have cost in Anchorage if it extended for 14 days, cost would be in excess of 750.0. By contrast, using the estimate above a 14 day special session in Juneau would cost 438.4.

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 318  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB318-GOV-OMB-01.28.08 Dept. Affected: ALL EXECUTIVE  
 Title: Location of Special Sessions RDU: ALL  
 Component: ALL  
 Sponsor: Rep. Gatto  
 Requester: House State Affairs Component Number: \_\_\_\_\_

**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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		.	.	.	.	.	.	.

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF								
1004 GI								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>		.	.	.	.	.	.	.

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

Costs can not be determined at this time. However the following factors influence potential costs  
 1) Location of the legislative session, 2) Duration of the legislative session 3) Subject matter covered in the call for the session, and 4) Time of year that the session is called. The following variables would be influenced by 1, 2, 3 & 4 and could vary greatly depending upon the combination of location, duration, timing and subject matter of the special session.  
 Travel costs are likely to vary significantly depending upon which community the special session was held, the duration of the session and the time of the year that the session is held. Potential additional costs such as office space and furnishings, telephone/telecommunication services, and other executive branch support costs will vary depending on the location

Prepared by: John Boucher, Senior Economist Phone: 465-4677  
 Division: Governor's Office of Management and Budget Date/Time: 01-28-2008 12:45pm  
 Approved by: Karen J. Rehfeld, Director Date: 1/28/2008  
Governor's Office of Management and Budget



**CITY OF PETERSBURG**  
P.O. BOX 329 • PETERSBURG, ALASKA 99833  
TELEPHONE (907) 772-4519  
FAX (907) 772-3759

March 26, 2008

Honorable Representative:

Follows is the City of Petersburg's Resolution # 1837 that urges the legislature to vote no on HB 293; HB 54 and HB 318. Your support of retaining all legislative sessions in Juneau is appreciated.

Thank you.

*Karoly O'Keefe*  
*City Clerk*

**RESOLUTION #1837  
A RESOLUTION TO ENCOURAGE THE LEGISLATURE TO VOTE NO  
ON HB293, HB54 and HB318**

**Offered by: Hofstad  
Supported by: Nilsen**

**HB293** - An Act relating to the location of the convening of the legislature in session and to the relocation of functions of state government; and providing for an effective date.

**HB54** - An Act relating to construction of a legislative hall; and repealing provisions relating to relocating the capital, the legislature, or any of the present functions of state government.

**HB318** - An Act relating to the location of the convening of the legislature in a special session; and providing for an effective date.

**WHEREAS** The FRANK Initiative was passed by Alaska voters so that Alaska's public would be aware of the full costs associated with moving the capital (Legislature) outside of Juneau; and

**WHEREAS** HB 293 and HB 54 both relating to moving the capital (Legislature) have language that would repeal the FRANK Initiative, thereby causing the transparency of government to be compromised by removing any obligation to reveal the costs related to a capital (Legislature) move as desired by Alaska voters; and

**WHEREAS** HB 318 relating to moving special legislative sessions outside of the capital does not include disclosure of the costs of conducting special sessions in other locations; and

**WHEREAS** a capital (Legislature) move with unknown, and unapproved costs by Alaska voters, would divert resources that could be better spent on economic development activities or municipal revenue sharing; and

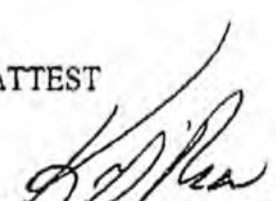
**WHEREAS** a capital (Legislature) move would have devastating effects on Southeast Alaska's already declining economies and population.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Petersburg City Council requests the Alaska Legislature to vote no on HB293, HB54 and HB318 as contrary to transparency in government and contrary to the desire of Alaska citizens to be informed of costs associated with moving the capital (Legislature).

Passed and Approved unanimously by the Petersburg city Council on March 17, 2008

ATTEST

  
Kathy O'Rear, City Clerk

  
Al Dwyer, Mayor

**CS FOR HOUSE BILL NO. 318( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE GATTO

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the location of the convening of the legislature in a special session;  
2 and providing for an effective date."

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

4 \* Section 1. AS 15.13.072(d) is amended to read:

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

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

12 (2) in a place other than the

13 (A) capital city if the legislature is in regular session; or

14 (B) municipality or other location of the session if the

1                    legislature is in special session.

2       \* Sec. 2. AS 15.13.072(g) is amended to read:

3                    (g) A candidate or an individual who has filed with the commission the  
4                    document necessary to permit that individual to incur election-related expenses under  
5                    AS 15.13.100 for election or reelection to the office of governor or lieutenant governor  
6                    may not solicit or accept a contribution in the

7                    (1) capital city while the legislature is convened in a regular [OR  
8                    SPECIAL] legislative session; or

9                    (2) municipality or other location of the session while the  
10                    legislature is convened in a special session.

11       \* Sec. 3. AS 24.05.100(b) is amended to read:

12                    (b) A special session may be held at any location in the state if the first day of  
13                    the special session is within 30 days before the day a regular session first  
14                    convenes or if the first day of the special session is within 10 days after the day a  
15                    regular session ends. Otherwise, a special session may be held only at a location  
16                    in the Railbelt area that includes Anchorage and Fairbanks. If a special session is  
17                    called under (a)(1) of this section [IS TO BE CONVENED AT A LOCATION  
18                    OTHER THAN AT THE CAPITAL], the governor shall designate the location in the  
19                    proclamation. If a special session is called under (a)(2) of this section [IS TO BE  
20                    CONVENED AT A LOCATION OTHER THAN AT THE CAPITAL], the presiding  
21                    officers shall agree to and designate the location in the poll conducted of the members  
22                    of both houses.

23       \* Sec. 4. AS 24.10.030 is amended to read:

24                    **Sec. 24.10.030. Chief clerk and senate secretary.** Each house shall select  
25                    from outside its membership a person of known stenographic and administrative  
26                    ability to serve as chief administrative clerk; a chief clerk in the house of  
27                    representatives and a secretary in the senate. When nominated and elected in  
28                    conformity with the uniform rules, they continue to serve for the duration of the  
29                    legislature at the pleasure of the house to which assigned. Pending the organization of  
30                    a new legislature, they may continue to serve at the request and direction of the  
31                    legislative council until their respective houses formally reappoint or replace them.

1 The chief clerk and senate secretary are responsible for the performance of duties  
2 provided for by law, the uniform rules, and orders of the house. They may be  
3 requested to report to the legislative council for duty for a period not to exceed two  
4 weeks immediately preceding the convening of the session and shall remain at the  
5 location of the session [CAPITAL] until the completion of their work relating to  
6 that session [IS DETERMINED BY THE DIRECTOR OF THE COUNCIL].

7 \* Sec. 5. AS 24.45.041(b) is amended to read:

8 (b) The registration form prescribed by the commission must include

9 (1) the lobbyist's full name and complete permanent residence and  
10 business address and telephone number, as well as any temporary residential and  
11 business address and telephone number in the location of the session [STATE  
12 CAPITAL] during a legislative session;

13 (2) the full name and complete address of each person by whom the  
14 lobbyist is retained or employed;

15 (3) whether the person from whom the lobbyist receives compensation  
16 employs the person solely as a lobbyist or whether the person is a regular employee  
17 performing other services for the employer that include but are not limited to the  
18 influencing of legislative or administrative action;

19 (4) the nature or form of the lobbyist's compensation for engaging in  
20 lobbying, including salary, fees, or reimbursement for expenses received in  
21 consideration for, or directly in support of or in connection with, the influencing of  
22 legislative or administrative action;

23 (5) a general description of the subjects or matters on which the  
24 registrant expects to lobby or to engage in the influencing of legislative or  
25 administrative action;

26 (6) the full name and complete address of the person, if other than the  
27 registrant, who has custody of the accounts, books, papers, bills, receipts, and other  
28 documents required to be maintained under this chapter;

29 (7) the identification of a legislative employee or public official to  
30 whom the lobbyist is married or who is the domestic partner of the lobbyist;

31 (8) a sworn affirmation by the lobbyist that the lobbyist has completed

1 the training course administered by the commission under AS 24.45.031(a) within the  
2 12-month period preceding the date of registration or registration renewal under this  
3 chapter, except that this paragraph does not apply to a person who is a representational  
4 lobbyist as defined under regulations of the commission;

5 (9) a sworn affirmation by the lobbyist that the lobbyist has not been  
6 previously convicted of a felony involving moral turpitude; in this paragraph, "felony  
7 involving moral turpitude" has the meaning given in AS 15.60.010, and includes  
8 convictions for a violation of the law of this state or a violation of the law of another  
9 jurisdiction with elements similar to a felony involving moral turpitude in this state.

10 \* Sec. 6. AS 24.60.030(a) is amended to read:

11 (a) A legislator or legislative employee may not

12 (1) solicit, agree to accept, or accept a benefit other than official  
13 compensation for the performance of public duties; this paragraph may not be  
14 construed to prohibit lawful solicitation for and acceptance of campaign contributions,  
15 solicitation or acceptance of contributions for a charity event, as defined in  
16 AS 24.60.080(a)(2)(B), or the acceptance of a lawful gratuity under AS 24.60.080;

17 (2) use public funds, facilities, equipment, services, or another  
18 government asset or resource for a nonlegislative purpose, for involvement in or  
19 support of or opposition to partisan political activity, or for the private benefit of  
20 [EITHER] the legislator, legislative employee, or another person; this paragraph does  
21 not prohibit

22 (A) limited use of state property and resources for personal  
23 purposes if the use does not interfere with the performance of public duties and  
24 either the cost or value related to the use is nominal or the legislator or  
25 legislative employee reimburses the state for the cost of the use;

26 (B) the use of mailing lists, computer data, or other information  
27 lawfully obtained from a government agency and available to the general  
28 public for nonlegislative purposes;

29 (C) the legislative council, notwithstanding AS 24.05.190, from  
30 designating a public facility for use by legislators and legislative employees for  
31 health or fitness purposes; when the council designates a facility to be used by

1 legislators and legislative employees for health or fitness purposes, it shall  
2 adopt guidelines governing access to and use of the facility; the guidelines may  
3 establish times in which use of the facility is limited to specific groups;

4 (D) a legislator from using the legislator's private office [IN  
5 THE CAPITAL CITY] during a legislative session, and for the 10 days  
6 immediately before and the 10 days immediately after a legislative session, for  
7 nonlegislative purposes if the use does not interfere with the performance of  
8 public duties and if there is no cost to the state for the use of the space and  
9 equipment, other than utility costs and minimal wear and tear, or the legislator  
10 promptly reimburses the state for the cost; an office is considered a legislator's  
11 private office under this subparagraph if it is the primary space in the location  
12 of the session [CAPITAL CITY] reserved for use by the legislator, whether or  
13 not it is shared with others;

14 (E) a legislator from use of legislative employees to prepare  
15 and send out seasonal greeting cards;

16 (F) a legislator from using state resources to transport  
17 computers or other office equipment owned by the legislator but primarily used  
18 for a state function;

19 (G) use by a legislator of photographs of that legislator;

20 (H) reasonable use of the Internet by a legislator or a legislative  
21 employee except if the use is for election campaign purposes;

22 (I) a legislator or legislative employee from soliciting,  
23 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable  
24 organization in a state facility;

25 (J) a legislator from sending any communication in the form of  
26 a newsletter to the legislator's constituents, except a communication expressly  
27 advocating the election or defeat of a candidate or a newsletter or material in a  
28 newsletter that is clearly only for the private benefit of a legislator or a  
29 legislative employee; or

30 (K) full participation in a charity event approved in advance by  
31 the Alaska Legislative Council;

1 (3) knowingly seek, accept, use, allocate, grant, or award public funds  
2 for a purpose other than that approved by law, or make a false statement in connection  
3 with a claim, request, or application for compensation, reimbursement, or travel  
4 allowances from public funds;

5 (4) require a legislative employee to perform services for the private  
6 benefit of the legislator or employee at any time, or allow a legislative employee to  
7 perform services for the private benefit of a legislator or employee on government  
8 time; it is not a violation of this paragraph if the services were performed in an  
9 unusual or infrequent situation and the person's services were reasonably necessary to  
10 permit the legislator or legislative employee to perform official duties;

11 (5) use or authorize the use of state funds, facilities, equipment,  
12 services, or another government asset or resource for the purpose of political fund  
13 raising or campaigning; this paragraph does not prohibit

14 (A) limited use of state property and resources for personal  
15 purposes if the use does not interfere with the performance of public duties and  
16 either the cost or value related to the use is nominal or the legislator or  
17 legislative employee reimburses the state for the cost of the use;

18 (B) the use of mailing lists, computer data, or other information  
19 lawfully obtained from a government agency and available to the general  
20 public for nonlegislative purposes;

21 (C) storing or maintaining, consistent with (b) of this section,  
22 election campaign records in a legislator's office;

23 (D) a legislator from using the legislator's private office [IN  
24 THE CAPITAL CITY] during a legislative session, and for the 10 days  
25 immediately before and the 10 days immediately after a legislative session, for  
26 nonlegislative purposes if the use does not interfere with the performance of  
27 public duties and if there is no cost to the state for the use of the space and  
28 equipment, other than utility costs and minimal wear and tear, or the legislator  
29 promptly reimburses the state for the cost; an office is considered a legislator's  
30 private office under this subparagraph if it is the primary space in the location  
31 of the session [CAPITAL CITY] reserved for use by the legislator, whether or

1 not it is shared with others; or

2 (E) use by a legislator of photographs of that legislator.

3 \* Sec. 7. AS 24.60.031(a) is amended to read:

4 (a) A legislator or legislative employee may not

5 (1) on a day when either house of the legislature is in regular or special  
6 session, solicit or accept a contribution or a promise or pledge to make a contribution  
7 for a campaign for the state legislature; however, a legislator or legislative employee  
8 may, except in the capital city during a regular session or in the location of the  
9 session during a special session, solicit or accept a contribution, promise, or pledge  
10 for a campaign for the state legislature that occurs during the 90 days immediately  
11 preceding an election;

12 (2) accept money from an event held on a day when either house of the  
13 legislature is in regular or special session if a substantial purpose of the event is to  
14 raise money on behalf of the member or legislative employee for state legislative  
15 political purposes; however, this paragraph does not prohibit a legislator or legislative  
16 employee from accepting money from an event held in a place other than the location  
17 of the session [CAPITAL CITY] during the 90 days immediately preceding an  
18 election; or

19 (3) in a campaign for the state legislature, expend money that was  
20 raised on a day when either house of the legislature was in a legislative session by or  
21 on behalf of a legislator under a declaration of candidacy or a general letter of intent to  
22 become a candidate for public office; however, this paragraph does not apply to  
23 money raised in a place other than the location of the session [CAPITAL CITY]  
24 during the 90 days immediately preceding an election.

25 \* Sec. 8. AS 24.60.080(c) is amended to read:

26 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section  
27 for a person who is a legislator or legislative employee to accept

28 (1) hospitality, other than hospitality described in (4) of this  
29 subsection,

30 (A) with incidental transportation at the residence of a person;  
31 however, a vacation home located outside the state is not considered a

1 residence for the purposes of this subparagraph; or

2 (B) at a social event or meal;

3 (2) discounts that are available

4 (A) generally to the public or to a large class of persons to  
5 which the person belongs; or

6 (B) when on official state business, but only if receipt of the  
7 discount benefits the state;

8 (3) food or foodstuffs indigenous to the state that are shared generally  
9 as a cultural or social norm;

10 (4) travel and hospitality primarily for the purpose of obtaining  
11 information on matters of legislative concern;

12 (5) gifts from the immediate family of the person; in this paragraph,  
13 "immediate family" means

14 (A) the spouse of the person;

15 (B) the person's domestic partner;

16 (C) a child, including a stepchild and an adoptive child, of the  
17 person or of the person's domestic partner;

18 (D) a parent, sibling, grandparent, aunt, or uncle of the person;

19 (E) a parent, sibling, grandparent, aunt, or uncle of the person's  
20 spouse or the person's domestic partner; and

21 (F) a stepparent, stepsister, stepbrother, step-grandparent, step-  
22 aunt, or step-uncle of the person, the person's spouse, or the person's domestic  
23 partner;

24 (6) gifts that are not connected with the recipient's legislative status;

25 (7) a discount for all or part of a legislative session, including time  
26 immediately preceding or following the session, or other gift to welcome a legislator  
27 or legislative employee who is employed on the personal staff of a legislator or by a  
28 standing or special committee to the location of the session [CAPITAL CITY] or in  
29 recognition of the beginning of a legislative session if the gift or discount is available  
30 generally to all legislators and the personal staff of legislators and staff of standing and  
31 special committees; this paragraph does not apply to legislative employees who are

1 employed by the Legislative Affairs Agency, the office of the chief clerk, the office of  
2 the senate secretary, the legislative budget and audit committee, the office of victims'  
3 rights, or the office of the ombudsman;

4 (8) a gift of legal services in a matter of legislative concern and a gift  
5 of other services related to the provision of legal services in a matter of legislative  
6 concern;

7 (9) a gift of transportation from a legislator or a legislative employee to  
8 a legislator or a legislative employee if the transportation takes place in the state on or  
9 in an aircraft, boat, motor vehicle, or other means of transport owned or under the  
10 control of the donor; this paragraph does not apply to travel described in (4) of this  
11 subsection or travel for political campaign purposes; or

12 (10) a contribution to a charity event from any person at any time; in  
13 this paragraph, "charity event" has the meaning given in (a)(2)(B) of this section.

14 \* Sec. 9. AS 44.99.007 is amended to read:

15 **Sec. 44.99.007. Emergency transfer of seat of government.** When, due to an  
16 emergency resulting from the effects of enemy attack or an imminent enemy attack, it  
17 becomes imprudent, inexpedient, or impossible to conduct the affairs of state  
18 government at the normal location of the state capital or to hold a legislative session  
19 at the location designated under AS 24.05.090 or 24.05.100(b), the governor shall,  
20 as often as the exigencies of the situation require, declare by proclamation an  
21 emergency temporary location or locations for the seat of government or for the  
22 session at a place or places, inside or outside the state, that would not normally be  
23 considered military target sites and that the governor may consider advisable under the  
24 circumstances. The governor shall take [SUCH] action and issue [SUCH] orders as  
25 may be necessary for an orderly transition to the emergency temporary location or  
26 locations. The temporary location or locations shall remain the emergency seat of  
27 government or location of the legislative session until the emergency is declared to  
28 be ended by the governor and the seat of government or session is returned to its  
29 normal location.

30 \* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

## Changes in CSHB 318( ), E Version

- Section 3 AS 24.05.100(b) is amended to read:

(b) A special session may be held at any location in the state if the first day of the special session is within 30 days before the day a regular session first convenes or if the first day of the special session is within 10 days after the day a regular session ends. Otherwise, a special session may be held only at a location in the Railbelt area that includes Anchorage and Fairbanks.

This language was added/amended, per the concerns raised by Rep. Coghill, to clarify the breadth of locations possible for a special session, and allow the legislature or governor, the flexibility of maintaining special session in Juneau immediately following regular session and up to 30 days before regular session. Therefore, HB 318 would only apply between 10 days after regular session and before 30 days before regular session.

Finally, per the question raised, by Rep. Gruenberg, on the constitutionality of HB 318, a legal opinion is attached with Legal Services Director Tam Cook's analysis.

# 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 19, 2008

**SUBJECT:** Location of special sessions (HB 318)

**TO:** Representative Carl Gatto  
Co-chair of the House Resources Committee  
Attn: Rick VanderKolk

**FROM:** Tamara Brandt Cook  
Director *TBC*

You ask whether HB 318 raises constitutional issues. In my view, the bill does not pose significant constitutional problems. The heart of the bill consists of an amendment to AS 24.05.100(b) to require that special sessions, but not regular sessions, be held on the interconnected state road system. This subsection now permits special sessions to be held in any location in the state, so HB 318 actually limits the possible special session locations rather than expanding them.

Article XV, sec. 20 of the state constitution states in full: "The capital of the State of Alaska shall be at Juneau." However, the Alaska Supreme Court has already considered the question of whether, in view of this constitutional language, the capital can be moved to another location by law rather than through the process of amending the constitution itself and has concluded that it can be moved by law, whether enacted by the legislature or through initiative. (*Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962)) While the court has not considered the question of whether the location of legislative sessions, rather than the capital itself, may be moved by law, it seems that moving the location of legislative sessions, being less extreme than moving the capital, would be encompassed within the authority to act by law that has been recognized in the *Starr* case.

AS 44.06.010 designates Juneau as the state capital. By way of observation, one common definition of "capital" is the location where the legislature meets. It might, therefore, be possible to urge that the location of legislative sessions must coincide with the location of the capital and that, in short, while the capital may be moved by law, moving the legislature alone may not. Such an argument would, so far as I know, be unique and I cannot guess whether it would be received with sympathy by the court. Obviously, HB 318 does not go so far as to move the location of the legislature, as under that bill only special sessions would be held outside the capital. Regular sessions would continue to be convened at the capital.

DIANNE M. KELLER  
MAYOR

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CITY OF WASILLA  
290 E. Heming Ave.  
Wasilla, AK 99654-7091  
Phone: (907) 373-9055  
Fax: (907) 373-9096

February 19, 2008

Representative Carl Gatto  
AK State Capitol, Room 108  
Juneau, AK 99801-1182

RE: Support of HB318

Dear Representative Gatto,

Thank you for introducing HB318 which will greatly benefit the residents of Alaska in many ways. By allowing the legislative session to be located along the road system it will encourage Alaskans all over the State to become involved and bring the elected officials closer to their constituents.

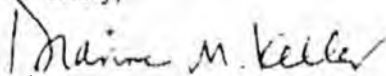
Additionally, this move will allow a significant cost savings for the State. Many, many times elected officials and those visiting Juneau often experience flight layovers while in Juneau, diversions while traveling to Juneau, all of which increases visits to participate in the governing process.

One of the most important reasons to allow the session to be held on the road system is our children. Only a small percentage of Alaskan children are able to experience a visit to meet their elected officials and see their government in action. This action will allow engagement for our smallest Alaskans so they can better understand civics and how they can participate and impact issues facing all Alaskans. I was born and raised in Alaska and my first opportunity to visit and participate in the legislative session happened only after I became an elected official for Wasilla.

We know that other areas of the State can support this move as was proven in 2007 when the Governor called the special session in Anchorage. We witnessed much more participation from our residents, and Alaskans became involved at a level we had never witnessed before.

Again, thank you for introducing HB318 as this move is long overdue. Please let us know if there is anything we can do to help move this bill forward so Alaskans statewide have more of an opportunity to participate in our democratic process.

Sincerely,



Dianne M. Keller  
Mayor, City of Wasilla

*Library*

HB 318A Talking Points  
Randy Wanamaker  
February 19, 2008

My name is Randy Wanamaker, I live at 3814 Killewich Drive Juneau, Alaska.

I currently serve as Deputy Mayor of the City & Borough of Juneau. Thank you for this opportunity to offer some comments regarding HB318A and thank you for your service on behalf of the people of Alaska.

Over the years, the Juneau Assembly has consistently supported both completion of the Juneau Access Road Project and funding for the Alaska Marine Highway. To me the current Alaska Marine Highway System is and the Lynn Canal Road will be part of the "interconnected state road system." The Federal Department of Transportation shares this view and provides federal highway funds for various systems across Alaska.

If HB 318A is truly making the statement that the Legislature considers neither the Alaska Marine Highway System nor Juneau Access part of the interconnected state road system, passage of this bill could hinder both federal or state funding for these transportation modes throughout Westward and SE Alaska. Is that what the legislature actually hopes to accomplish?

Although the sponsor statement for HB 318A states the bill would provide the "... the Legislature the flexibility to convene where deemed most appropriate, efficient, and accessible to the greatest number and diversity of Alaskans" the bill would actually reduce flexibility. The legislature already has the flexibility to call a special session wherever it wants as it did for the one day session in Anchorage in 2007.

HB 318A assumes that all future special sessions must have proximity to the most populous part of the state and that this choice will always be appropriate, no matter what the issue, no matter what the circumstances, and no matter what unforeseen events overtake us.

For example, the bill assumes there is no project or issue in Alaska's future so unique to the people and resources of another region of the state that the legislature would never consider holding a special session in that region. Is that what is intended? Is that a wise decision?

Is there truly no foreseeable event or natural disaster affecting Alaska's largest city or cities on the road system that might give us pause to say let us keep the present law that permits the legislature to call special sessions wherever, in its wisdom, it chooses?

These are not just rhetorical questions but the real questions that HB 318A does not answer.

The argument that a Capital or a legislature must be in located in the largest city or in close physical proximity to the greatest number of people is not one that most states have adopted. In 33 of the 50 U.S states, the state capital is not located in the largest city.

I mentioned earlier that the Juneau Assembly has consistently supported construction of Juneau Access and funding for the Marine Highway System. I should also point out that the Juneau Assembly has consistently supported the Kensington Gold Mine as a means of diversifying our local and regional economy. In fact the Assembly has authorized the filing of two amicus briefs in support of the Kensington. We are doing our part to stabilize and diversify our economy. The passage of this bill will weaken our economy.

What we as Alaskans need to do is to continue to improve all modes transportation and communication for and between regions. I urge you to preserve the current flexibility the legislature already has in law to call special sessions wherever, in its wisdom, it chooses.

Thank you again for this opportunity to speak.

**Bill History/Action for 25th Legislature**

BILL: HB 318

SHORT TITLE: LOCATION OF SPECIAL SESSIONS

BILL VERSION:

CURRENT STATUS: (H) STA  
THEN FIN

STATUS DATE: 01/15/08

SPONSOR(s): REPRESENTATIVE(s) GATTO

TITLE: "An Act relating to the location of the convening of the legislature in a special session; and providing for an effective date "

Bill Number:  [Display Bill](#) [Next Bill](#)

[Full Text](#)

[Sponsor Statement](#)

[Display Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/15/08	1704	(H) READ THE FIRST TIME - REFERRALS
01/15/08	1704	(H) STA FIN
01/15/08	1704	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

- CAMPAIGNS
- CAPITAL STATE
- ETHICS
- LEGISLATURE
- LOBBYISTS

Bill Number:  [Display Bill](#)

[Next Bill](#)

[Return to Basis Main Menu \(25th Legislature\)](#)

# Alaska State Legislature

**Interim:**  
600 E. Railroad Ave  
Wasilla, AK 99654

Phone: (907) 376-3725  
Fax: (907) 376-4768



**Session:**  
Alaska State Capitol, Rm 108  
Juneau, AK 99801-1182

Phone: (907) 465-3743  
Fax: (907) 465-2381  
Toll Free: (800) 565-3743  
Rep\_Carl\_Gatto@legis.state.ak.us

**Representative Carl Gatto**  
Co-Chair, House Resources Committee  
District 13 - Palmer

## SPONSOR STATEMENT HB 318

### **“An Act relating to the location of the convening of the legislature in a special session; and providing for an effective date.”**

House Bill 318 establishes the location of special sessions on the interconnected state road system. HB 318 provides both the governor and legislature the flexibility to convene where deemed most appropriate, efficient, and accessible, to the greatest number and diversity of Alaskans.

HB 318 does not propose moving the capital—only the location the legislature convenes during special session.

Special sessions are called for specific and critical purposes; their subject matter is of great interest to the public and the primary road system provides the most logical means of making Alaskans' legislators accessible and accountable.

Secondly, there is significant cost-savings by convening on the road system: Per diem, travel, and housing expenses are much lower due to the proximity of districts anywhere from the main road arteries. Moreover, seasonal tourism in the Southeast impedes housing options for lawmakers and staff.

Third, the potential of delay for legislative business is reduced. As witnessed every year, Juneau weather translates to added expense and hindrance to holding session due to flight layovers, flight diversions, and general logistic difficulty.

Finally, we have an example to follow: A precedent for convening special session on the road system has been set. In 2007, the governor called session to be in Anchorage. The result was extraordinary. Resources, such as municipal facilities and legislative information offices, exist and may accommodate session in many areas. It is incumbent upon the government to recognize current resources and the need to bring elected officials closer to constituents.

Your support is appreciated for House Bill 318.

# 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

January 21, 2008

**SUBJECT:** Location of the convening of special sessions; sectional summary  
(HB 318, Work Order 25-LS1303\A)

**TO:** Representative Carl Gatto  
Co-chair of the House Resources Committee  
Attn: Rick Vanderkolk

**FROM:** Tamara Brandt Cook  
Director *TBC*

**Sections 1 and 2.** Technical conforming change to accommodate location of special sessions outside of the capital city required under bill sec. 3.

**Section 3.** Permits a special session to be held only at a location on the interconnected state road system. If the governor calls the special session, the governor designates the location. If the legislature calls the special session, the presiding officers must agree to and designate the location in the poll conducted of the legislators.

**Section 4.** Requires the chief clerk and senate secretary to remain at the location of a session until completion of their work relating to that session.

**Sections 5 - 9.** Technical conforming changes to accommodate the fact that regular sessions will be held in the capital and special sessions will be held at various locations.

**Section 10.** The Act has an immediate effective date.

TBC:med  
08-030.med

## **Introduction to House Bill 318**

### **House State Affairs Committee, Feb2008**

Before you is HB 318—A bill requiring future special sessions be held on Alaska's interconnected road system. This bill also provides a mechanism for selecting a location as well as procedures for supporting legislative functions at the desired location (SS, sectional, and data are attached).

"Interconnected road system" is defined as any location reachable by continual hard surface roadway travel (anywhere from Homer, for instance, to Prudhoe Bay).

There are many good reasons for having special session on the main road system. The arguments for this proposal fit into 3 categories: **Precedent, Price, and Proximity.**

**Precedent:** Last year, by call of the governor, both the legislative body and Alaskans in general, experienced a session near the state's population base. The majority of Alaskans had the opportunity to watch face-to-face, the legislative process. Additionally they were able to communicate their views to all elected officials, especially their own. This session lasted 7 hours and prevented significant loss of time and resources.

Interestingly, many if not most legislative and administrative hearings already take place on Alaska's interconnected road system. These hearings included PFD hearings in the 1970s, the notorious Exxon/Valdez spill hearings, gas-line presentations, last year's AGIA hearings, and the upcoming AGIA town-hall meetings. These forums reflect a rich history of "bringing government to the people" and the need to acknowledge the economic and population center of Alaska.

Just as Juneau was recognized as the hub of commerce and population, thereby replacing Sitka as the new seat of government so, too, it is a matter of principle and practicality to recognize Alaska's exponential growth in other areas by bringing government to the People on the primary road system. In short, to avoid Alaska's junction of commerce and community, is to ignore the majority of Alaskans.

- **Holding session on Alaska's main road system is a natural extrapolation of historical and current endeavors.**

**Price:** Fiscal notes are just becoming available from the LAA and other state agencies. Several agencies reflect either an indeterminate or zero note. LAA itemizes some things, but many figures appear to be challengeable when approaching the effort with all civic and LIO resources available to off-set costs—then there's the savings in per diem, lodging, and travel. Conversely, there is added cost & difficulty for legislators (and constituents) locating lodging in JNU during the tourist season.

- **Perhaps, most importantly, convening special session on the main road system constitutes a direct and vital savings on the pocketbook of the citizens of Alaska.**

Juneau's climate and geography create challenging logistics. The attachment on the costs incurred to constituents is worthwhile reading. And we should not forget the loss of time and wages "on the job" for the average Alaskan to participate in the democratic process when session is in Juneau.

## **Proximity:**

This is where principle and practicality intersect.

- There is a verifiable cost-savings to the state from convening special session on the road system. There is also greater efficiency and an increase in reliability for convening outside SE Alaska. Conducting special legislative business in Juneau is expensive, inefficient, and unreliable. On average, nearly 1/3rd of all flights, on most months, are delayed, cancelled, or diverted. Nearly 1/3. These are not my statistics; they come from the USDOT.
- **Constituents, who wish to travel, are faced with the same challenge.**

However, there are vital non-quantifiable attributes of greater value:

- **Special sessions often deal with a single, important, and controversial subject; the nature of the session and subject necessitate closer proximity so a greater number of interested Alaskans can observe and participate in the process.**
- **Notwithstanding actual cost-savings, what price-tag can be placed on the need for accessibility and accountability on government?**
- **With respect to types of participation: What qualitative distinction exists between constituent contact by fax or phone versus direct, in-person testimony? If electronic interaction is sufficient, why are legislators required to appear for official business?**
- Finally, it is undeniable that communication and participation is most effective and accurate when in-person. For Alaskans outside Juneau, it costs hundreds of dollars in travel, lodging, and time off work to accomplish a visit to Juneau. Due to the exorbitant physical and financial burden of participation, a legislative session which is remote is also discriminatory. Equal and fair connection to government as expressed in voting access and district representation is fundamental; the logical extension of this Right should apply to general, fair access to the ongoing processes of government such as special session.

Thank you for your time and consideration; I request the honor of your vote on House Bill 318.

## **Response to questions. . .**

**"What about the economic impact on Juneau?"**

We considered this question at the outset of the bill by gathering data, and an analysis, from the Institute of Social & Economic Research [ISER]. The memorandum is forthcoming, but preliminary exchanges with the economists indicate the effect on Juneau is negligible: special session is, after all, in its "extreme" form the transfer of three local legislators and approximately 40 support staff for only several days. Rep. Gatto's office will furnish the full report once available.

Moreover, though a special session would have minimal "impact" on the municipality of Juneau, a fresh analysis of economic trend and activity in Juneau stands in stark contrast to concerns raised over the past two years with respect to population decline and litigation surrounding Kensington Mine.

For instance:

- **Tourism:** no other area can compete with Juneau's ability to draw visitors and their spending. The area can now confidently expect approx. 1 million visitors, per year, via cruise ships alone. Without calculating the tremendous economy from that activity, the city also assesses a \$5 head tax on passengers.
- **Mining:** taxes are collected from Greens Creek and Kensington.
- **Re: Kensington Mine,** operations continue and litigation is expected to resolve—the net effect producing over 300 new jobs, millions in retail sales, and the largest taxpayer to the city and Borough of Juneau.
- **Redcorp Ventures,** of Tulsequah mining operations, highlights the retail sales estimated over the next 10 years, exclusive to Juneau, to be nearly \$300 million. With the state issuing a "revocable" permit for operations of their new hover barge, the fishery should be easily protected.

These are recent trends in the area often not included in the local literature when referencing Juneau's economic status.

**"Isn't this bill merely a slippery slope to a capital move?"**

There was no knowledge or collaboration between the sponsor's office and the inception of any other pending legislation with respect to the location of session or related subjects. We maintain the concept of locating special session near the economic and population center of Alaska stands on its own by virtue of its merits—a cost-effective and ethical proposal.

The fact that collaboration between sponsors did not exist furthers the argument that the public is eager to see greater accountability and accessibility in the way government operates.

**"Many states have government located away from their main city."**

48 states (Hawaii excluded) access their Capital by road, and the average travel time is several hours—short enough to plan for a single day visit, avoiding hotel accommodations, and providing certainty for scheduling. These cost and time savings are of vital importance to constituents. With Alaska's sheer size, how much more important is it for us to centralize the democratic process?

**All fares represent prices to Juneau with a minimum two week notice during legislative session, 2008, on Alaska Airlines and/or Frontier Flying Service.**

	Departing Flight:	Return Flight:	Round Trip after taxes
Anchorage	\$186.00	\$155.00	<b>\$360.50</b>
Bethel	\$345.00	\$291.00	<b>\$665.00</b>
Barrow	\$392.00	\$330.00	<b>\$749.50</b>
Kotzebue	\$369.00	\$371.00	<b>\$764.50</b>
Fairbanks	\$247.00	\$212.00	<b>\$492.50</b>
Galena		NA (ANC RT = \$578)	<b>\$938.50</b>
Nome	\$369.00	\$371.00	<b>\$764.50</b>
Kodiak	\$299.00	\$247.00	<b>\$565.50</b>
Dillingham	\$336.00	\$291.00	<b>\$646.50</b>
Aniak	\$305.50	\$274.50	<b>\$599.50</b>
Homer	\$266.00	\$235.00	<b>\$520.50</b>
Kenai	\$246.00	\$215.00	<b>\$480.50</b>
<b>SE</b>			
Ketchikan	\$247.00	\$216.00	<b>\$479.50</b>
Wrangell	\$243.00	\$212.00	<b>\$467.00</b>
Petersburg	\$243.00	\$212.00	<b>\$467.00</b>
Sitka	\$237.00	\$206.00	<b>\$459.50</b>

\* **Note:** For SE community residents to travel to ANC, for example (roundtrip aggregate), add -\$150.00 = costs are lower than other central community ticket prices for roundtrip travel to JNU.

For constituents, attending JNU session. Add costs for at least 1 night accommodations, taxi service, and meals. The lowest possible outcome, in the current market, is -\$550.00 per 1 day/person.

## Summary Statistics

Destination Airport: Juneau International (JNU)

\* Average of all airlines operating at this airport.

Source: Bureau of Transportation Statistics

Time April 01 2007 to April 30 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	305	14.75
Time May 01 2007 to May 31 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	372	23.92
Time June 01 2007 to June 30 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	501	28.74
Time July 01 2007 to July 31 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	528	35.99
Time August 01 2007 to August 31 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	527	34.54
Time September 01 2007 to September 30 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	377	34.49
Time October 01 2007 to October 31 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	336	25
Time November 01 2007 to November 30 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	296	20.61
Time December 01 2007 to December 31 2007		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	305	29.51
Time April 01 2006 to April 30 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	303	13.86
Time May 01 2006 to May 31 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	376	11.43
Time June 01 2006 to June 30 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	501	22.96
Time July 01 2006 to July 31 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	532	29.7
Time August 01 2006 to August 31 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	527	35.11

Time: September 01 2006 to September 30 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	374	23.79
Time: October 01 2006 to October 31 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	337	19.28
Time: November 01 2006 to November 30 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	296	37.16
Time: December 01 2006 to December 31 2006		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	306	43.79
Time: April 01 2005 to April 30 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	301	18.27
Time: May 01 2005 to May 31 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	345	38.84
Time: June 01 2005 to June 30 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	501	50.5
Time: July 01 2005 to July 31 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	563	45.83
Time: August 01 2005 to August 31 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	562	34.17
Time: September 01 2005 to September 30 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	380	26.57
Time: October 01 2005 to October 31 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	338	16.86
Time: November 01 2005 to November 30 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	293	17.4
Time: December 01 2005 to December 31 2005		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	306	26.14
Time: April 01 2004 to April 30 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	312	16.34
Time: May 01 2004 to May 31 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	372	24.47

Time June 01 2004 to June 30 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	516	19.19
Time July 01 2004 to July 31 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	567	24.34
Time August 01 2004 to August 31 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	563	21.67
Time September 01 2004 to September 30 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	393	30.28
Time October 01 2004 to October 31 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	340	27.64
Time November 01 2004 to November 30 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	293	25.94
Time December 01 2004 to December 31 2004		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	306	38.89
Time April 01 2003 to April 30 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	305	13.77
Time May 01 2003 to May 31 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	355	11.54
Time June 01 2003 to June 30 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	505	18.02
Time July 01 2003 to July 31 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	566	16.96
Time August 01 2003 to August 31 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	568	17.43
Time September 01 2003 to September 30 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	371	20.22
Time October 01 2003 to October 31 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	335	16.72
Time November 01 2003 to November 30 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	294	28.23

Time December 01 2003 to December 31 2003		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	306	29.08
Time April 01 2002 to April 30 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	304	12.83
Time May 01 2002 to May 31 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	354	18.36
Time June 01 2002 to June 30 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	522	20.69
Time July 01 2002 to July 31 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	596	19.64
Time August 01 2002 to August 31 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	598	22.4
Time September 01 2002 to September 30 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	387	20.93
Time October 01 2002 to October 31 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	336	36.31
Time November 01 2002 to November 30 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	292	22.94
Time December 01 2002 to December 31 2002		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	304	37.17
Time April 01 2001 to April 30 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	302	21.52
Time May 01 2001 to May 31 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	353	17.85
Time June 01 2001 to June 30 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	491	26.88
Time July 01 2001 to July 31 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	596	25.91

Time August 01 2001 to August 31 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	597	23.79
Time September 01 2001 to September 30 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	410	30
Time October 01 2001 to October 31 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	336	27.68
Time November 01 2001 to November 30 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	293	24.91
Time December 01 2001 to December 31 2001		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	304	32.23
Time April 01 2000 to April 30 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	302	24.84
Time May 01 2000 to May 31 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	352	17.89
Time June 01 2000 to June 30 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	456	34.65
Time July 01 2000 to July 31 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	568	30.27
Time August 01 2000 to August 31 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	566	27.57
Time September 01 2000 to September 30 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	408	25.98
Time October 01 2000 to October 31 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	337	23.74
Time November 01 2000 to November 30 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	291	30.58
Time December 01 2000 to December 31 2000		
Carriers	All Flights - Total Number	Total % Cancelled, Diverted, and Late
All*	305	34.1

	<b>Special Session Anchorage</b>	<b>Special Session Juneau</b>	<b><u>Difference</u></b>
<b><u>Personal Services</u></b>			
One-time costs for support staff for set up would be incurred to install equipment, check connectivity and make sure all systems and equipment worked correctly in locations other than the Capital City. Daily employee costs for a special session, except for the addition of set up personnel, are similar regardless of the location of the session as all or part of the work is performed in Juneau.			
One time costs to set up	26.0	0.0	
Daily cost 14.0 * 14 days	<u>196.0</u>	<u>196.0</u>	
	222.0	196.0	26.0

**Travel**

Typically, 14 staff to Legislators travel to Juneau for a special session. 50 support staff and 7 staff to Legislators would travel to Anchorage for a special session.

**One time travel costs**

Legislators	30.0	50.0	
Staff	30.0	8.0	

**Daily Per Diem**

Legis - Per Diem 14 days*14.8	207.2	Legis-14 days*13.0	182.0	
Staff - Per Diem 14 days*15.9	<u>222.6</u>	Staff - 14 days*3.1	<u>43.4</u>	
	489.8		283.4	206.4

**Contractual**

Space would need to be rented in Anchorage in FY09. Space rental in either Anchorage at the Egan Convention Center or at the Carlson Center in Fairbanks is subject to *availability*. For purposes of this fiscal note it is assumed that Block 39 legislative space would be available. This space includes large conference rooms which could be used to hold special sessions in Anchorage. Legislators would need to either share office space with Anchorage Legislators for the 14 day special session or use their hotel rooms as offices. Most Legislators have blackberries and these could be used for main contact telephone numbers. Freight costs would be incurred to ship equipment, and copiers would need to be rented.

Space - 5.0*14	70.0	0.0	
Freight - 1 time cost	2.5	1.0	
Copier Rental - 7*14	<u>9.8</u>	<u>0.0</u>	
	82.3	1.0	81.3

**Supplies**

No increased costs.

**Initial Outlay, or HB318 - Equipment Purchases**

Portable Voting Machine - 85.0;	97.0	0.0	97.0
Portable AV Systems to record, teleconference, and stream committee meetings - 12.0			

**Additional cost to hold a special session on the road system versus Juneau 410.7**

**Note 1:**

Additional costs for a special session held in Fairbanks versus Juneau would be 438.9.

**Note 2:**

This is an estimate only. Actual costs for a special session can vary significantly depending on the issue and direction from Legislative leadership related to support needs and expenditures.

**Note 1:**

It is worth noting that the one day special session held in Anchorage in June of 2007 cost more than 112.0. This session was accomplished with minimal support staff and staff to Legislators volunteered as pages. During a 14 day special session staff to Legislators would most likely be working on legislation and be unavailable for volunteer duties. If you allow for one time costs and calculate what the one day session would have cost in Anchorage if it extended for 14 days, cost would be in excess of 750.0. By contrast, using the estimate above a 14 day special session in Juneau would cost 438.4.

This is what LAA estimates insofar as actual staff needed for a 14 day special session.

**Support Staff likely to travel to a Special Session of the Alaska Legislature**

Chief Clerk	1	Manager of Information Services (DP)	29
Assistant Chief Clerk	2	Network Programming Supervisor (Shay)	30
Assistant Chief Clerk	3	Analyst Programmer (Iin)	31
Assistant Chief Clerk	4	Micro Computer/Network Specialist (Erika)	32
Assistant Chief Clerk	5	Technical Services Supervisor (Frank)	33
		Help Desk Technician (Kurt Hopewe!!)	34
Senate Secretary	6		
Assistant Senate Secretary	7	Executive Director	35
Assistant Senate Secretary	8	Admin Assist to the Director	36
Assistant Senate Secretary	9	Human Resources Manager	37
Assistant Senate Secretary	10	Deputy Director	38
		Supply Assistant	39
Senate Sergeant at Arms	11	Supply Assistant	40
House Sergeant at Arms	12		
		Manager of Information and Teleconferencing	41
Senate Records Supervisor	13	Info Technology Coordinator	42
Senate Records Secretary	14	Info Technology Moderator	43
Senate Records Secretary	15	Information Assistant	44
		Information Assistant	45
House Records Supervisor	16		
House Records Secretary	17	Printshop Manager	46
House Records Secretary	18	Machine Operator	47
		Machine Operator	48
Senate Finance Secretary	19	Machine Operator	49
House Finance Secretary	20		
Legal Services Director	21		
Revisor of Statutes	22		
Bill Drafting Attorney	23		
Legal Editor	24		
Assistant Legal Editor	25		
Bill Typist Enroller	26		
Bill Typist Enroller	27		
Legal Services Specialist	28		

ALASKA STATE LEGISLATURE

Rep. Carl Gatto



**MEMORANDUM**

TO: Rep. Bob Lynn, Chair – House State Affairs Committee  
FROM: Rep. Carl Gatto  
DATE: January 28, 2008  
RE: Request for hearing – HB318: Location of the convening of special session.

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Dear Rep. Lynn,

I request a hearing before the House State Affairs Committee for HB 318 on **Saturday, February 9, 2008** or at the committee's earliest possible opportunity.

A sponsor statement, sectional analysis, and bill are enclosed; further materials will follow at least three days before the hearing for the committee's consideration.

Please call my staff, Rick VanderKolk at ext. 5025 with questions or comments about this request.

Thank you for your assistance.

**HB**

**342**



# Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 9 Fairbanks

## MEMORANDUM

Date: Tuesday, February 19, 2008

To: Representative Bob Lynn, Chair  
House State Affairs

From: Scott Kawasaki  
Representative District 9

A handwritten signature in black ink, appearing to read "Scott Kawasaki".

*For: Scott Kawasaki*

RE: House Bill 342

---

I respectfully request that you schedule a hearing in the House State Affairs Committee for HB 342, "Open Meeting Guidelines".

A copy of the bill, a sponsor statement, sectional, and additional support material are attached.

There are several people who wish to testify from various locations around the state. Please provide teleconferencing capabilities in Fairbanks, Anchorage and Mat-Su Legislative Information Offices.

If you have any questions or need additional information, please call Brodie Anderson at 465-3466.



# Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 9 Fairbanks

## House Bill 342 Sponsor Statement

### **"An Act relating to open meetings guidelines for legislative bodies; and providing for an effective date."**

Trust is the fundamental concept necessary for a representative government. It's critical to have open government and the public must be able to see and hear the actions of their elected representatives. Any attempt to remove the public from any part of government is a violation of the public's trust.

The intent of HB 342 is to strengthen ethics legislation and increase the transparency and openness in government. HB 342 brings the Legislature into alignment with the same guidelines for open meetings that the rest of the local assemblies and councils are required to follow. The bill will remove all exemptions from the Open Meeting Act for the Alaska State Legislature. The most glaring exemption lies in the guidelines that specifically allow for closed door caucus meetings. The discussion is required to be limited to 'political strategy.' By eliminating the exemptions to the Open Meeting Act the public will have better access to the Alaska Legislature.

Alaska deserves to keep the process of deciding public policy in the open. I urge your support for strengthen ethics in the Legislature through HB342.



# Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 9 Fairbanks

## **MEMORANDUM**

Tuesday, February 19, 2008

RE: Sectional Analysis – HB 342

To: Chairman Lynn, House State Affairs

From: Representative Scott Kawasaki

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**Section 1.** Amends AS 24.60.037(e) to permit executive session to be held under Rule 22(b) of the Uniform Rules of the Alaska State Legislature. The procedures of the executive session are covered under Rule 22(c) of the Uniform Rules of the Alaska State Legislature. The Uniform Rules of the Alaska State Legislature prevail if a conflict between AS 24.60.37(e) and the Uniform Rules of the Alaska State Legislature occur.

**Section 2.** Amends AS 24.60.037(g)(2) the definition of “legislative body” by removing all forms of Alaska State Legislature bodies from the exemptions list.

**Section 3.** Repeals AS 24.60.72(c).

**Section 4.** Establishes the effective date under AS 01.10.070(c).

In Juneau ◊ State Capitol Juneau, Alaska 99801

In Fairbanks ◊ 1292 Sadler Way Fairbanks, Alaska 99701

Juneau ◊ (907) 465-3466 ◊ Fax (907) 465-2937 ◊ Fairbanks ◊ (907) 456-7423 ◊ Fax (907) 451-9293

Email: Representative\_Scott\_Kawasaki@legis.state.ak.us

**ALASKA STATE LEGISLATURE**  
**UNIFORM RULES**



ADOPTED 1981

by the

**TWELFTH LEGISLATURE - FIRST SESSION**

**AS AMENDED 1985, 1988, 1989, 1991, 1998, 2001, 2003, 2004**

**Legislative Affairs Agency**

committee. A standing, special, or joint committee which acts between legislative sessions may consider any legislative matter which is consistent with the jurisdiction of the committee. A standing, special, or joint committee which acts between legislative sessions constitutes a subcommittee of the Legislative Council for administrative purposes. A special or joint committee may expend money only in accordance with an appropriation made for the work of the committee.

(d) A committee may not be established unless authorized by law or by the Uniform Rules.

### OPEN AND EXECUTIVE SESSIONS

**Rule 22. Open and Executive Sessions.** (a) All meetings of a legislative body are open to all legislators, whether or not they are members of the particular legislative body that is meeting, and to the general public except as provided in (b) of this rule.

(b) A legislative body may call an executive session at which members of the general public may be excluded for the following reasons:

(1) discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit;

(2) discussion of subjects that tend to prejudice the reputation and character of a person;

(3) discussion of a matter that may, by law, be required to be confidential;

(4) discussion of a matter the public knowledge of which would adversely affect the security of the state or nation, or adversely affect the security of a governmental unit or agency.

(c) When a legislative body desires to call an executive session in accordance with (b) of this rule, the body shall first convene as a public meeting and the question of holding an executive session shall be determined by a majority vote of the members present.

(d) The provisions of this rule may not be interpreted as permitting the exclusion of a legislator from an executive session, whether or not the legislator is a member of the body that is meeting. A legislator not a member of the body holding an executive session shall, however, be subject to the same rules of confidentiality and decorum as pertain to regular members of the body.

Open Meeting Legislation vary from state to state but three areas of importance can be compared: the application of Open Meeting Laws to state legislatures, the definition of what constitutes a "meeting" under the law, and the degree of exemptions and exceptions from the law. Alaska is included in the lists below with the other 49 states and separated by italics.

**Application:** In regards to the interpretation and application of open meeting legislation, the various states can be separated into three categories. The "Narrow" category is an approach used by state legislatures that narrowly defines the legislation to favor public transparency while the "Broad" category is an approach that broadly defines the legislation to favor secrecy for political expediency.

Narrow (19 states)

Alabama	Kansas	Montana	South Carolina
Arizona	Kentucky	New Hampshire	Tennessee
Colorado	Maine	New Jersey	Virginia
Idaho	Michigan	North Carolina	West Virginia
Illinois	Missouri	North Dakota	

Moderate (21 states)

Arkansas	Louisiana	New York	Rhode Island	Wisconsin
California	Maryland	Ohio	South Dakota	
Connecticut	Minnesota	Oklahoma	Texas	
Georgia	Mississippi	Oregon	Utah	
Florida	Nevada	Pennsylvania	Vermont	

Broad (10 states)

<i>Alaska</i>	Massachusetts
Delaware	Nebraska
Hawaii	New Mexico
Iowa	Washington
Indiana	Wyoming

**Meeting:** The definition of "meetings" is also separated into three categories. "Narrow" signifies states that have narrow definitions on what constitutes a meeting, such as inclusion of "serial" meetings" and "chance" meetings. "Broad" signifies states with no or few stipulations on the definition of a "meeting". There is a forth sections for those states that lack of judicial or legislative action.

Narrow (22 states)

Arizona	Hawaii	Minnesota	North Carolina	Wisconsin
Arkansas	Iowa	Mississippi	Rhode Island	Wyoming
Delaware	Kentucky	Missouri	Vermont	
Florida	Maine	Montana	Virginia	
Georgia	Michigan	New Hampshire	Washington	

Moderate (15 states)

California	Maryland	North Dakota
Colorado	Massachusetts	South Carolina
Connecticut	Nebraska	Texas
Idaho	New York	Utah
Indiana	Oklahoma	West Virginia

Broad (7 states)

Alabama	Tennessee
Alaska	Pennsylvania
Kansas	
New Jersey	
Ohio	

Unknown (6 states)

Illinois	South Dakota
Louisiana	
Nevada	
New Mexico	
Oregon	

**Exemptions/Exclusions:** Strong Open Meeting legislation is weakened by the exemptions and exclusions in the states. The "Narrow" category includes states that have exemptions/exclusions that are narrowly defined to limit secrecy while "Broad" signifies states that have broadly defined exclusions and exemptions.

Narrow (22 states)

Alaska	Illinois	Nebraska	North Dakota	Tennessee
Arizona	Maryland	Nevada	Pennsylvania	Utah
California	Maine	New Hampshire	Rhode Island	Vermont
Colorado	Minnesota	New Jersey	South Carolina	
Georgia	Montana	New York	South Dakota	

Moderate (20 states)

Arkansas	Indiana	Missouri	Texas
Connecticut	Kansas	Mississippi	Washington
Florida	Louisiana	New Mexico	West Virginia
Iowa	Massachusetts	Ohio	Wisconsin
Idaho	Michigan	Oregon	Wyoming

Broad (7 states)

Alabama	Oklahoma
Delaware	Virginia
Hawaii	
Kentucky	
North Dakota	

**Nancy Manly**

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**From:** Brodie Anderson  
**Sent:** Tuesday, February 19, 2008 1:21 PM  
**To:** Nancy Manly  
**Cc:** James Glisson  
**Attachments:** Brodie Anderson.vcf; LEG.HB342.Packet.S08.PDF

I would like to request a hearing in the House State Affairs for HB 342, "Guidelines for Open Meeting".

I have included electronic attachments of the complete HB 342 bill packet as requested by the House State Affairs Memorandum on Hearing Requests.

If you have any questions or need additional information, please call me at 465-3466.

Thank you for your time and consideration.

Brodie Anderson  
Legislative Aide  
Representative Scott Kawasaki  
District 9 Fairbanks  
State Capitol  
Juneau, AK 99801  
(907) 465-3466  
(907) 465-2937 fax  
Brodie\_Anderson@legis.state.ak.us

**HB**

**353**



# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Member**  
Judiciary Committee  
Economic Development, Trade & Tourism  
Committee  
Education Committee  
Joint Armed Services Committee

**Finance Subcommittees**  
Labor & Workforce Development  
Community & Economic Development  
Military & Veterans' Affairs



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 31 Anchorage**

**E-Mail:** Representative\_Bob\_Lynn@legis.state.ak.us  
"Bob Lynn's Alaska Blog" AlaskaDistrict31.blogspot.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. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

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

## HB 353 Changes from Version E to Version M

This CS amends the bill to define what a public library means. This meaning has similar language used in AS 14.56.400. The intent is to exclude postsecondary institutions and other type libraries that do not specifically meet the meaning of "public library". For example, the University of Alaska says they would be exempt from electronic filtering because they do not provide, free of charge to members of the public, access to interlibrary loan services (See Page 2 Line 10 of Version M)

Page 2 Line 6 after the word "means" *deleted* a library that is open to members of the public and *inserted* a library that provides the following services free of charge to members of the public:

- (A) establishment and maintenance of a collection of books and other materials for loaning;
- (B) access to interlibrary loan services
- (C) reading or other educational programs for children; and
- (D) reference information

*Question Maintained Obj. by  
Cochit remained in objection*

25-LS1356M.1  
Bannister  
3/5/08

**AMENDMENT # 1**

*Passed*

*votes on Amend # 1*

OFFERED IN THE HOUSE

TO: CSHB 353(STA), Draft Version "M"

*Whelan Y  
Walters Y  
Powers N  
Dall Y  
Lynn Y  
Loren Y  
Klein Y*

- 1 Page 1, line 1, following "blocking":
- 2       Insert "or monitoring"
- 3
- 4 Page 1, line 11, following "filters":
- 5       Insert "or monitoring"
- 6
- 7 Page 1, line 13, following "shall":
- 8       Insert "(1)"
- 9
- 10 Page 1, line 14, following "AS 11.61.128(1)(A) - (F)":
- 11       Insert "; or
- 12                       (2) use an alternate monitoring system to prevent the viewing of
- 13       Internet sites that depict the items described in AS 11.61.128(1)(A) - (F)"
- 14
- 15 Page 2, line 3:
- 16       Delete "technology measure "
- 17       Insert "Internet software filter for the adult or not use the alternate monitoring system"
- 18
- 19 Page 2, following line 5:
- 20       Insert a new paragraph to read:
- 21                       "(2) "alternate monitoring system" means a monitoring system that
- 22       does not use Internet software filters; in this paragraph, "monitoring system" includes
- 23       a method that enables public library staff to see the screens of computers in the public

25-LS1356M.1

- 1 library;"
- 2
- 3 Renumber the following paragraph accordingly.

25-LS1356M  
Bannister  
3/5/08

*adopted*

**CS FOR HOUSE BILL NO. 353(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KELLER, Wilson, Gatto**

*Version M  
has already  
been adopted*

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the blocking of certain Internet sites at public libraries and to  
2 library assistance grants."

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

4 \* **Section 1.** AS 14.56 is amended by adding a new section to read:

5       **Sec. 14.56.335. Internet blocking compliance.** Notwithstanding the other  
6 provisions of AS 14.56.300 - 14.56.340, the department may not make a grant under  
7 AS 14.56.300 - 14.56.340 to a public library that provides members of the public with  
8 access to the Internet unless the public library is complying with AS 14.56.500. In this  
9 section, "public library" has the meaning given in AS 14.56.500.

10 \* **Sec. 2.** AS 14.56 is amended by adding a new section to article 6 to read:

11       **Sec. 14.56.500. Internet blocking filters required.** (a) Except as provided by  
12 (b) of this section, a public library that provides members of the public with access to  
13 the Internet shall install and maintain in good working order Internet software filters  
14 that block Internet sites that depict the items described in AS 11.61.128(1)(A) - (F).

1  
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12

(b) If an adult has a research or other lawful purpose to access Internet sites that depict the items described in AS 11.61.128(1)(A) - (F), a public library may disable the technology measure for the adult.

(c) In this section,

(1) "adult" means an individual who is 18 years of age or older;

(2) "public library" means a library that provides the following services free of charge to members of the public:

(A) establishment and maintenance of a collection of books and other materials for loaning;

(B) access to interlibrary loan services;

(C) reading or other educational programs for children; and

(D) reference information.

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 353  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB 353: HB353-DEED-LAM-02-22-08  
 Title: An Act relating to the blocking of certain internet sites.  
 Dept. Affected: Education & Early Development  
 RDU: Librarians & Museums  
Library Operations

Sponsor: Representative Keller  
 Requester: House State Affairs Component Number: 208

**Expenditures/Revenues** (Thousands of \_\_\_\_\_)  
 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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
TOTAL								
Other Interagency Receipts								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

No cost to the Department of Education and Early Development.  
 Individual libraries will incur cost ranging from \$100 each year for very small libraries, to as much as \$20,000 for the largest library systems in the state. The costs are for software, annual licensing fees, maintenance, and staff time for this program. Libraries will also incur costs for required updates.  
 The Act would also increase the number of libraries eligible to receive Public Library Assistant Grants from the state. This would result in each library receiving a reduced amount since the grants are currently being prorated.

Prepared by: Katherine H. Shelton, Alaska State Librarian and Director  
 Division: Division of Libraries, Archives, and Museums  
 Approved by: Barbara Thompson, Interim Commissioner

Phone 465-2911  
 Date/Time 2/22/08 3:00 PM  
 Date 2/22/2008

FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

ANALYSIS CONTINUATION

Terry Banister  
x 6/15/08

**HOUSE BILL NO. 353**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES KELLER, Wilson**

**Introduced: 2/6/08  
Referred: State Affairs, Finance**

Handwritten notes on the right side of the page, including "Public Library" and "Clerk".

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the blocking of certain Internet sites at public libraries and to  
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12 (b) of this section, a public library that provides members of the public with access to  
13 the Internet shall install and maintain in good working order Internet software filters  
14 that block Internet sites that depict the items described in AS 11.61.128(1)(A) - (F).

1 (b) If an adult has a research or other lawful purpose to access Internet sites  
2 that depict the items described in AS 11.61.128(1)(A) - (F), a public library may  
3 disable the technology measure for the adult.

4 (c) In this section,

5 (1) "adult" means an individual who is 18 years of age or older;

6 (2) "public library" means a library that is open to members of the

7 public.

AS 14.56.400

**If you have questions regarding House Bill 353 which is scheduled for tomorrow morning I hope this information may help. Shay Wilson is with our DP and assisted in this effort.**

**If you need any additional information please feel free to call 465-4899.**

**Thanks**

**Jim Pound**

**From:** Shay Wilson  
**Sent:** Monday, February 25, 2008 9:19 AM  
**To:** Jim Pound  
**Subject:** Blocking costs

We have 3 different URL blocking mechanisms in place at the legislature.

1st we have Squid which is all manually placed in, so we can't possibly keep up with all the web sites that are created, but large ones that we don't want people going to we can, it requires someone somewhat technical to run it and a server to run it on, but the product itself is free.

2nd we have snort which is also free, runs off of pattern matching and you need someone quite technical to run it and keeping it running will take a fair bit of their time. You also need a server on which to run it.

3rd we have a product called websense which many devices allow you to use on your router (that's the exit to the real world), This requires very little to set up (no extra tech people making sure it keeps running), costs about \$500-\$1000 for a high end websense enabled router (versus \$50-\$100 for a simple router) and the state pays about \$20/user per year for licensing you can bet for a smaller user base it will be closer to \$100/user per year.

A little research I found some products that are installed on the client computer at this URL <http://www.ala.org/ala/pla/plapubs/technotes/internetfiltering.cfm> (the link speaks directly about public Library filtering, and meeting CIPA requirements?) These products are about \$40 a year per computer require very little knowledge to make work (the librarians should be able to run them.) I think this type of product serves your needs the best (unless you can get all the libraries on the same system running off a state run server).

If you need more information on how these different products work, please let me know there is a large difference between the way different methods of URL filtering work which may also figure into what solution you want to put into place.

ALA American Library Association

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## MEETING CIPA REQUIREMENTS WITH TECHNOLOGY

By Richard W. Boss

Public libraries have been concerned with the issue of access control versus access management for a number of years. While some public libraries have sought to deny access by children to some Web sites, a larger number have focused on managing access, including authenticating patrons, providing links to selected Web sites, metering of use, and compiling of reports. As recently as 2002, fewer than 25 percent of public libraries had blocking or filtering products on all public Internet workstations and 17 percent had blocking or filtering products on only some. More than 58 percent used nothing at all. With the adoption of the Children's Internet Protection Act (CIPA), the issue has become financial as well as philosophical because schools and libraries will lose federal funds if they do not control access by minors to sites that are proscribed by the legislation.

Despite the fact that the terms "blocking" and "filtering" are often used interchangeably, including by legislators, they do have different meanings. "Blocking" refers to stopping access to something based on its URL; "filtering" refers to stopping access to something based on its content. Almost all of the available products do blocking, but not all do filtering. Nevertheless, vendors may refer to a product that does only blocking as a "filter."

CIPA compliance is required when using funds for particular purposes from three federal programs: E-rate, ESEA Title II D, and LSTA. When a school or library receives discounts from the E-rate program and either or both of the other programs, its CIPA requirements take precedence over the requirements in the ESEA or LSAT programs. A related act known as the Neighborhood Children's Internet Protection Act (NCIPA) focuses on what has to be included in a school or library's Internet safety policy.

There are two basic requirements in the CIPA legislation:

1. A school or library must have some type of blocking or filtering technology on all of its computers from which there is access to the Internet. Both patron and staff computers are affected. The technology must protect against access to visual depictions described as obscene, child pornography, or harmful to minors in the Act. CIPA does not require the blocking or filtering of text. The law does not address the question of laptops brought in by staff and patrons, but a consensus has emerged that these need not be blocked or filtered.
2. A school or library must have an Internet safety policy and hold a public

meeting to review the policy. The policy must incorporate the criteria described in NCIPA.

Whether a school or library blocks and filters content other than the visual depictions defined in the law is a local decision.

The FCC has ruled that if a member of a consortium is not in compliance with the law, only the non-compliant members will be penalized.

The law states that any authorized school or library staff member may disable the blocking or filtering product to allow an adult to have unrestricted Internet access for any lawful purpose. Adults are defined as persons 17 years of age or older. A strict reading of the law would preclude coding the status of a patron in the library card and automatically turning off the blocking or filtering when the I.D. was entered.

The Federal Communications Commission (FCC) is charged with enforcement of CIPA/NCIPA for the E-rate program. The Department of Education (DOE) and the Institute for Museum and Library Services (IMLS) are charged with ESEA and LSTA enforcement respectively, but a school or library receiving E-rate discounts and ESEA or LSTA funding needs to comply with CIPA's E-rate requirements to obtain funding from any of the programs. Schools not receiving E-rate discounts, must certify that they have an Internet Safety Policy in place in order to receive ESEA funding that will be used for Internet access; public libraries not receiving E-rate discounts must certify that they have an Internet Safety Policy in place in order to receive LSTA funding that will be used for Internet access.

It is not possible to discuss all of the available blocking and filtering products in this TechNote. The eight that appear to have been most widely adopted by libraries are discussed herein. For additional objective evaluation of blocking and filtering products, consult a report by Australia's CSIRO for iNetAlert and the Australian Broadcasting Authority at [www.aba.gov.au/internet/research/filtering/filtereffectiveness.pdf](http://www.aba.gov.au/internet/research/filtering/filtereffectiveness.pdf)

All of the products were developed before CIPA, either as products for home use or for organizations seeking to control the activities of employees. They, therefore, block and filter words as well as images. All of the products contain a list of URLs that are blocked, but the list is often not available for review. Some also contain content analysis tools that filter. Only two use object analysis. For example, a graphic image with a great deal of flesh tones will be filtered. All of the products are password controlled. Online and telephone technical support is available for all of the products.

The products developed for home use are client-based; those developed for organizations are server based. However, two vendors of client-based products introduced a server option after CIPA was passed.

### **Blocking and Filtering Products**

Best N2H2 is a server-based blocking product that can be run on a wide variety of platforms, including firewall servers and network servers. The company targets corporate and institutional users. Best employs a full-time staff to categorize Web content. The 45 categories include adults only, drugs, lingerie, nudity, personals, sex, swimsuits, and violence. More than 150,000 sites that are blocked. A purchaser can select the categories to be blocked. The product may be used to block e-mail and chat rooms. There is a 30-day free evaluation period, however,

the time and effort required to configure the product on a server make it a good idea to undertake careful screening by consulting reviewing media before undertaking a trial.

A study by eTesting Labs for the U.S. Department of Justice in 2001 determined that N2H2 had the highest accuracy rate of any product it tested. It blocked 98 percent of the inappropriate sites used in the test. The study report does not appear to be available.

The author's own experience with N2H2 is that it blocks a lower percentage of non-pornographic sites than others.

**CyberPatrol 6.1** is a client-based blocking and filtering product developed to be run on Windows 98/Me/NT/2000/XP PCs. While it targets home users, it has been purchased by a number of small libraries because it is relatively inexpensive. Its list price is \$39 for a one-year subscription. The price includes software updates to CyberList, a "blacklist" of unacceptable sites, and online or telephone support. A 14-day free trial is available for evaluation.

The CyberList sorts sites into a number of content categories, including partial nudity, full nudity, sexual acts/text, gross depictions/texts, sex education, and drugs/drug culture. All categories are blocked by default, but a purchaser can select the categories that are to be accessible without blocking. There are also settings that restrict access to e-mail, chat rooms, and newsgroups. The product also does filtering using keyword analysis in content. It is also possible to enter specific words that are to be filtered.

A server based option is now available to larger libraries. Prices are quoted on request.

**CyberSitter 2003** is a client-based blocking and filtering product designed to be run on a PC with Windows 95/98/Me/NT/2000/XP. While it targets home users, it has been purchased by a number of small libraries because it is inexpensive, takes very little disk space, and easy to install. The list price is \$39.95 for a single computer license, \$59.95 for two, \$74.95 for three, \$99.95 for five, and \$199.00 for ten licenses. There are free list updates for one year. A two-year subscription to program upgrades is \$20. The program takes just 3.0 MB of disk space. Even though there are 30 categories of filtering, the menus are simple.

The subscription service not only uses a list of sites that deal with sex, drugs, hate, and violence, but also uses a content recognition system on sites that are not on the list. It filters access or will allow access after deleting words and phrases that appear to be objectionable. This can make a page impossible to read. The content recognition also results in a somewhat higher error rate than with a list of sites that have been examined by a vendor's staff. There is a way to add sites to block and there is a mechanism for overriding blocked sites. It can be set to filter out words in newsgroups, mail, chat, or messaging programs. URLs that have been blocked, but that are deemed suitable for minors, can be added to a "white list" so that they will not be blocked in the future. There is a simple on/off switch that can be accessed by someone with the appropriate password.

CyberSitter has won *PC Magazine's* Editor's Choice award for several years in a row.

A server-based option is available to larger libraries. The company quotes prices on request.

**CybraryN Solutions** Libraries that want only the blocking and filtering module and do not have a Dynix or VTLS system should deal directly with Fast Data Technology as that will result in a lower price. Pricing begins at 25 concurrent users and goes to a site license for more than 1,000 concurrent users. There is no published price list. FastTracker is also available as a hosted service.

FastTracker uses not only a URL list, but also a content analysis tool. The company estimates that 75 percent of the sites that are blocked are on its list, and 25 percent are filtered as the result of content analysis. There does not appear to be a word list available, nor is there a way of permitting access to sites that contain words that are objectionable for reasons other than pornography. Its 30 categories are unusually broad, including job search and shopping sites. That is due to the fact that the product was developed for organizations that are concerned about staff time lost due to surfing of the Internet that is not work-related. One of the claimed advantages of FastTracker is that policies for staff users can be set differently than for patrons, and extensive reports are provided on where users went and for how long.

**I-Gear 3.5** is a server-based blocking and filtering product that can be run on a Windows NT Server 4.0 or later, Sun Solaris 2.x server or later, or Red Hat Linux server 5.2 or later. It groups Web sites it has examined into 27 categories that can be blocked or not blocked. In addition it uses a Dynamic Document Review (DDR) that examines incoming text using key words and phrase that have both positive and negative weights. The resultant points score for a document is compared with threshold to determine whether the document should be filtered. Updates are available online via a single button click or the updates can be set to download automatically as they are released.

Prices are quoted after a library submits information about its size. They are negotiable.

**McAfee Parental Controls 1.0** is a client-based blocking and filtering product that can be used on any PC or Mac. It is priced at \$49.99, but is most often sold as part of McAfee InternetSecurity 5.0, a \$79.99 package that includes antivirus, firewall, and privacy features. The price includes free updates and free technical support for life.

The product has both a blocked-sites list and a word filter for detecting inappropriate content. Each can be locally edited. This gives librarians the opportunity to improve the accuracy of the blocking and filtering. It can filter pop-up ads and file sharing services. A unique feature of the product is object analysis. Unfortunately, it does not differentiate very well between famous paintings and pornography.

**NetNanny 5.0** is a client-based blocking and filtering product designed to be run on Windows 98/93SE/ Me/ NT 4.2/XP PCs. It targets home, school, and library users. It is inexpensive at \$39.95 list, but it requires substantially more computer resources than its major competitors. It requires a minimum of 32 MB of RAM and 60 MB of hard drive space. While earlier versions required a tedious manual set-up, the current release is self-installing. It defaults to the most secure setting.

There are built-in lists of URLs and permitted and restricted words that can be modified by someone with an appropriate password. New lists of URLs can be downloaded manually or automatically on a daily, weekly, or monthly basis. It is possible to add URLs locally. Quota-based filtering makes it possible to filter Web pages containing more than a specified number of restricted words from the

complete word list. An option allows access to be limited to sites that have been specifically authorized. A "Can Go" list of 3,000 Website recommended for children is available.

One unique feature is that it includes object analysis. As is the case with McAfee Parental Controls 1.0, it does not reliably differentiate between art and pornography. Another unique feature is that it can prevent family names, addresses, phone numbers and credit card numbers being sent from the PC.

Websense Enterprise is a server-based product that was developed for Fortune 500 companies to enable them to improve productivity and security. It manages Internet access, blocks peer-to-peer file sharing, and blocks undesirable sites using a large database of URLs that is updated daily. There are 88 categories. Particularly useful is the separation of sex and sex education sites. A companion product called Websense Enterprise Reporter has more than 80 pre-defined report templates.

The server can be a Pentium III or greater processor with 512 MB of RAM or a Sun Ultra 10 Processor with 512 MB of RAM. The operating system can be Windows 2000 or 2003 Server, Red Hat Linux 8.0-9.0, or Sun Solaris 2.6-9.

The product is suitable only for libraries that have a large number of workstations because the license fee is \$15,000 a year. A single license covers up to 1,000 workstations.

#### **Questions to Ask of Vendors**

The American Library Association's E-rate Task Force has developed a list of questions to ask vendors. There were 70 questions on the list as of March 1, 2004. Each question will not be relevant for all libraries. The list is available at

#### **Related Files**

PLA is a division of the American Library Association. Copyright Statement.

PLA Tech Note prepared by Karen Schneider

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Senior Security Manager  
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internet safety software  
protecting an online generation

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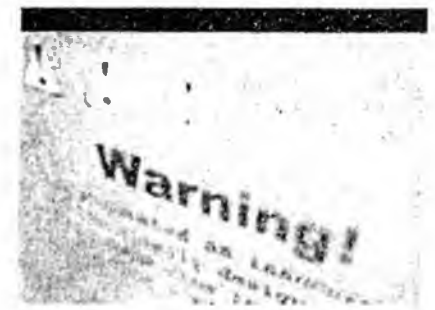
Schools & Libraries

The Internet is essential within these learning environments, but it's also a risky place. This is highlighted by the U.S. Department of Education in its Internet Guide for Parents,

*"Even without trying, your children can come across materials on the Internet that are obscene, pornographic, violent, hate filled, racist, or offensive in other ways."*

Children are at risk of:

- Offensive and harmful material
- Solicited for sex by predators
- Sold products they shouldn't have  
...and much more



Shortcuts

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They are also targets for viruses and malicious code - both of which can disrupt learning and negatively impact the budgets of schools and libraries alike. To reduce these risks, government and educators recommend using filters on Web content.

CyberPatrol is designed for Windows-based standalone PCs, can be used on small networks of up to 50 PCs, and CyberPatrol 7.6 delivers powerful Remote Management capabilities making it even easier for administrators to manage multiple installations in an educational setting. Download a copy of our new [Remote Management Guide](#) now

CyberPatrol lets you identify and restrict Web content based on:

- User
- Groups of Users
- Time of day
- Time spent online
- Specific website or page
- Web content category (pornography, racist, hate, hacker, etc)
- Programs available for use

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## Monitor

Parents and employers can get an insight into the kinds of places and things their kids and employees are getting into on the ever-growing Internet – letting you see if they have safe surfing habits!

### Monitoring and Logging

Gives a quick and accurate picture of Web surfing and Instant Override activity. The activity data is encrypted and securely stored to stop unauthorized viewing. Any recorded Web address can be viewed, highlighted and added to a users Allowed or Blocked List of sites.



### Monitoring Reports

They clearly show important information such as Web pages visited, time of visit, Web address, allowed or blocked details and much more!

### Real-time Activity Monitor

The Real-time Activity Monitor gives you an understanding of Web activity in real-time providing details of the URL, images files, and active server pages, together with the program that requested it. It's a valuable tool for fine-tuning and troubleshooting filter settings and helping in creating a custom YES list.



**CyberPatrol's extensive monitoring and logging tools lift the lid on where users go online...  
...and leaves them no where to hide!**

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## Filter

CyberPatrol's powerful filtering tools let's you control how, when and to whom Internet access is allowed, filtered or blocked, as well as decide where they surf online – even when you can't be there!

### Filtering

Filter or block websites, newsgroups and search engine image results based on all CyberLIST database categories, which can be fine-tuned by adding your own blocked or allowed sites or list of sites. CyberPatrol uses a combination of powerful layered filtering technologies comprising the CyberLIST database, as well as dynamic filtering technologies that capture new sites not yet in the database.

[Learn More](#) 

### Chat and Instant Messaging

Block specific or all chat and instant messaging programs to stop access to them. Chat sessions can be filtered to prevent important information, like names/addressess/phone numbers, being revealed to predators and objectionable words and phrases can be removed.



### YES List

Restrict users surfing to a pre-approved list of vetted sites created by you. It's even easier to create and is ideal for parents of very young kids.



### Preset Filter Strengths

Select from age specific Web filtering protection for quick filtering set-up. It can be reviewed and fine-tuned to a user's needs at any time.



### Web Category Filter Strengths

Easy-to-use click and drag sliders allow you to customize the filter strength level for all CyberLIST categories.



### Stealth Filtering

Offers a discreet mode of filtering that lets you block access to unsuitable sites by displaying a user-friendly 'The page cannot be displayed' Blocking Page Style.



### Criminal Activity & Phishing Category

This CyberLIST category has been renamed to accurately reflect its content. It includes Phishing sites to help minimize the threat of visiting those that pretending to be well-known trusted companies that dupe users into revealing personal passwords and log-in information.

### Spyware Category

Spyware has been added to the CyberLIST database categories to let you prevent access to sites that provide or promote potentially malicious software, which put you and your users identities at risk and debilitate the performance of your computer.

### Blocking Page Styles

With 12 Blocking Page Styles to choose from, they present a customized user-friendly online experience and can be further customized to offer users a password protected Instant Override option.



### Weekly List Updates

These are automatically delivered on a weekly or twice weekly basis, and have all dead and/or inactive sites removed and thousands of new sites added.



### Filtering Flexibility

CyberPatrol comes with 'ready-to-go' filtering, or settings can be created and customized for each user or groups of users. Settings can be easily fine-tuned and quickly overridden.

**CyberPatrol delivers the most advanced client-based, browser independent, Internet safety software...**

**...for Windows-based standalone PCs!**

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## Protect

With all things in real life creating a balance is vital - the same applies online. For this reason, CyberPatrol can help you create the online environment you want for your users that helps protect them, you and your PC!

### Time Management

You can limit Internet activity and restrict access to programs on your PC like computer games, or block access to home finance packages. Limits can be based on time of day, daily and weekly cumulative time allowances.



### Program Downloads

Programs downloads can be blocked, ensuring users seek permission before downloading games, music, images and videos, and/or P2P programs etc. This helps secure your PC against Spyware and viruses and can prevent the download of illegal or copyrighted material.



### Protect Privacy

Helps safeguard against predators and identity thieves, by stopping users from revealing personal information online like names, addresses, phone numbers, credit card information etc.

### Security

Delivering extra protective features to help you and your users get the most from the Internet, including:

- *Customized Ready-to-go Filtering*

Simple installation and set-up need not take more than a few minutes with Broadband. During set-up CyberPatrol lets you select your Environment and User Type to tailor your ready-to-go filter settings - it's ideal for the novice user. Filtering settings and additional User Profiles can be quickly created and fine-tuned for each user or groups of users.



- *Unlimited User Profiles*

Enables you to create as little or as many Profiles as you need.

- *User Profile Creation Wizards*

Creating a User Profile is even easier with the use of these Wizards, as they lead you through the process step by step.



- *Windows User Name Integration*

For seamless access to your CyberPatrol User Profile filter settings.



- *Override Mode*

Active filtering settings can be quickly and easily overridden through the password protected Override Mode button on the HQ Toolbar.



- *Instant Override*

Password protected or warn only Instant Override option can be offered to users on Blocking Pages.



- *Fast User Switching*

Windows XP is supported.

- *Auto Time-out*

A great safety feature that keeps watch over an active User Profile, so when it's left idle it will switch to the <Default> profile.



- *Compatibility*

CyberPatrol is rigorously tested for compatibility with the most popular applications, the latest being the Blackberry Desktop Manager, Corel WordPerfect Office, and AOL 9 SE.

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## Technology

In combating today's Internet threats it's vital to use multiple layers of defense. In response to this need, CyberPatrol uses **powerful layered filtering technologies** comprising a database of accurate, current and relevant categorized sites, as well as dynamic filtering technologies that capture new sites not yet in its database.

### Filter Strengths

Depending on the Filter Strength you select, determines which technologies are active.



Active Filtering Technologies				
Web Filter Strength	CyberLIST	CyberPATTERNS	Web Page Analysis	Web Link Analysis
Allow All				
Low	✓			
Medium	✓	✓		
High	✓	✓	✓	
Maximum	✓	✓	✓	✓

### CyberLIST

The CyberLIST database is at the heart of CyberPatrol's filtering technology. It has been reconstructed and expanded to include tens of thousands of new sites. Automatic updates are delivered on a weekly or twice weekly basis, with all dead and/or inactive sites removed and thousands of new sites added.



CyberLIST Categories - [Learn more](#)

Accurate, Current & Relevant Filtering - [Learn more](#)

### CyberPATTERNS

These are based on contextual keyword pattern technology. It checks and dynamically categorizes URLs to trap the mass of sexually explicit sites, as well as filters offensive and descriptive search engine requests.

### Web Page Analysis

Offers powerful neural network technology. It dynamically reviews sites visited that are not yet categorized within the CyberLIST, by reviewing the site content and its underlying HTML source code.

### Web Link Analysis

Stops inappropriate images in search engine requests from reaching computer screens, as even innocent search words and phrases can return unsuitable content.

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# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 353  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB 353: HB353-DEED-LAM-02-22-08  
Title: An Act relating to the blocking of certain internet sites.  
Dept. Affected: Education & Early Development  
RDU: Librarians & Museums  
Library Operations

Sponsor: Representative Keller  
Requester: House State Affairs Component Number: 208

**Expenditures/Revenues** (Thousands of \_\_\_\_\_)

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

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

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
TOTAL							
Other Interagency Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time							
Part-time							
Temporary							

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

No cost to the Department of Education and Early Development.  
Individual libraries will incur cost ranging from \$100 each year for very small libraries, to as much as \$20,000 for the largest library systems in the state. The costs are for software, annual licensing fees, maintenance, and staff time for this program. Libraries will also incur costs for required updates.  
The Act would also increase the number of libraries eligible to receive Public Library Assistant Grants from the state. This would result in each library receiving a reduced amount since the grants are currently being prorated.

Prepared by: Katherine H. Shelton, Alaska State Librarian and Director  
Division: Division of Libraries, Archives, and Museums  
Approved by: Barbara Thompson, Interim Commissioner

Phone 465-2911  
Date/Time 2/22/08 3:00 PM  
Date 2/22/2008

Sec. 14.56.400. Public libraries.

(a) A public library established under this section shall provide at least the following services free of charge to the residents of the municipality or community:

- (1) establish and maintain a collection of books and other materials for loaning;
- (2) provide access to interlibrary loan services;
- (3) provide reading or other educational programs for children; and
- (4) provide reference information.

(b) A public library established under this section shall submit an annual report of its operations and the services it provides to the director of the division that has responsibility for state libraries.

Chapter 14.57. MUSEUMS

*→ Plus in Monitoring ←*

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Sec. ~~11.61.128~~. Electronic distribution of indecent material to minors.

(a) A person commits the crime of electronic distribution of indecent material to minors if

(1) the person, being 18 years of age or older, knowingly distributes to another person by computer any material that depicts the following actual or simulated conduct:

(A) sexual penetration;

(B) the lewd touching of a person's genitals, anus, or female breast;

(C) masturbation;

(D) bestiality;

(E) the lewd exhibition of a person's genitals, anus, or female breast; or

(F) sexual masochism or sadism; and

**Rep. Wes Keller**

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**From:** Timothy Merrymon  
**Sent:** Tuesday, February 19, 2008 10:47 PM  
**To:** Rep. Wes Keller  
**Subject:** HB353

Dear Rep. Keller,  
Thank you for seeking to protect our children against pornography with HB353.  
Sara Merrymon

**Rep. Wes Keller**

**From:** Jack and Teresa Nordby  
**Sent:** Tuesday, February 19, 2008 6:37 PM  
**To:** Rep. Wes Keller  
**Subject:** HB353

Representative Keller:

Thank you for your introduction of this House Bill to protect our children at the Library. We should'nt have to do this kind of thing were it not for the ever decreasing sense of morality in society. But that is the reality we live in. I'm thankful that you are standing for principles that may be going against the "flow".

Teresa Nordby  
Anchorage

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**Rep. Wes Keller**

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**From:** Frank McGilvary  
**Sent:** Wednesday, February 20, 2008 1:18 PM  
**To:** Rep. Peggy Wilson; Rep. Wes Keller  
**Subject:** HB353

Hi Peggy and Wes,  
Thank you for pushing for this common sense blocking in our public libraries.

Our children have enough "stuff" to distract them from what is right and good. They need this protection.

THANK YOU,  
Frank and D. A. McGilvary of Fairbanks