

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HSTA 12385

**Nancy Manly**

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**From:** James Huesmann [ffjlh3@uaf.edu]  
**Sent:** Friday, February 22, 2008 1:13 PM  
**To:** Rep. Bob Lynn  
**Subject:** House Bill 353

Dear Representative Lynn,

My name is James Huesmann, and I am Dean of Libraries at the University of Alaska Fairbanks. A colleague today directed my attention to House Bill 353, scheduled to come before your State Affairs committee on the 28<sup>th</sup> of this month. I've read the bill, and am concerned that there are possibly some unintended consequences in the way the bill is currently drafted.

The libraries throughout the University of Alaska are open to the public. In my mind this is as exactly as it should be, as the citizens of this state help support the university budget through state appropriations, and the libraries in the UA system represent the largest group of information holdings within the entire state. We work with all the libraries throughout the state, of all types and sizes, to get information out to the Alaskans who need it. We purchase subscriptions to electronic information (such as databases, magazines, etc.), and usually try to make it available to everyone in the state as our first choice. Indeed, I'm proud to say that everyone in Alaska has access to over half of all the electronic information that a student, faculty or staff at UAF has access to, a level that far exceeds any other state in the nation. Examples include electronic access to car repair manuals, photographs and videos concerning Alaska, online tutoring for k-12 and intro-level college classes, and popular magazines as well as academic journals.

Of course, the primary mission of the University Libraries is to support the curriculum and research needs of the University of Alaska. The curriculum and research includes areas in health care, biology, anthropology, psychology, social work, and many other areas which use terms and concepts that filtering software consistently blocks. As a consequence of this, all federal legislation ever proposed or passed (that I am aware of) has specifically not included or excluded academic, medical, and other special libraries from mandatory filtering.

House Bill 353, as currently written, defines a public library as "a library that is open to members of the public" (14.53.500 (c) (2)). This definition is so broad that it would include all the libraries in the University of Alaska, most hospital libraries, and many other government, private, or corporate libraries that have opened their doors to provide knowledge and information to the greater community. Because filtering software would preclude most of these libraries from fulfilling their primary missions, one side effect of this bill as currently written would be for us all to be forced to close our doors to the general public. While this is indeed the case in some states, I am not aware of anywhere that does it because of a filtering law. I, personally, would be philosophically opposed to closing the doors of Rasmuson Library, Alaska's largest library, to the general public – yet my primary responsibility to the mission of UAF would by necessity give me little recourse to do anything but that if such a bill as currently written became law.

House Bill 353 would then require that all state and local grants to these libraries to be terminated. If that occurred, then many of the incredible benefits enjoyed by all Alaskans from the cooperation of our state's libraries would be eliminated. For example, state grants that help cover the cost of providing interlibrary loans from those libraries that loan the most books, etc., to other libraries would no longer be available to the largest lenders in the state (the university libraries), and we would be forced to reduce those services. State grants have helped support and/or establish the Alaska Digital Archives (<http://vtrla.alaska.edu/index.php>), the Statewide Library Electronic Doorway (SLED, <http://sled.alaska.edu/>), and other information services as previously mentioned, that are available to all Alaskan residents. Without those grants, some of these projects will be reduced in scope, others will not be expanded to cover other areas of the state, and there will be a complete stop to any new initiatives which are advanced by such grants.

In a personal aside concerning my experience with internet filters in this environment, I was working in the Kansas City area when the library at the University of Kansas Medical Center decided to implement internet filters. The day the filters were implemented, every computer with a filter seemed to freeze up and become useless when their internet browser was started up. The filter software company was clueless as to why this was happening.

Eventually, after a few days, someone at the library was able to figure out why every computer at the Archie **DYKES** Library would not work – "dyke", a slang term for a lesbian, was on the software's list of banned terms – and as such, the library's home page (the start-up page for the internet browser) wouldn't even appear.

I hope that this information will encourage you to reconsider the current language in House Bill 353. I would be happy to assist in any manner if so desired.

Sincerely,

James L. Huesmann  
Dean, Rasmuson Library  
University of Alaska Fairbanks  
P.O. Box 756800  
Fairbanks, AK 99775  
voice 907-474-7224  
fax 907-474-6841  
ffjlh3@uaf.edu

2/22/2008

**Nancy Manly**

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**From:** Haase, Donald J. [HaaseDJ@alyeska-pipeline.com]  
**Sent:** Monday, February 25, 2008 10:04 AM  
**To:** Rep. Bob Lynn; Rep. Bob Roses; Rep. John Coghill; Rep. Kyle Johansen; Rep. Craig Johnson;  
Rep. Andrea Doll; Rep. Max Gruenberg  
**Subject:** Support for HB353

Members of the House State Affairs Committee:

I urge you to support passage of HB353, "Blocking Certain Internet Sites at Public Libraries" when it comes before your committee. Porn-blocking software is used by most corporations and businesses to avoid costly harassment lawsuits. This includes the company I work for. It is not intrusive, and does not hamper my ability to gather information from the net.

Certainly our children deserve as much protection from the disgusting perversions found on the internet that we as employees get from our employers. This is an even more important protection for children, as there are sexual predators who use the anonymity of the internet to troll for their next victims.

Sincerely,

Don Haase  
Box 3423  
Valdez AK 99686  
(907)834-7359

February 22, 2008

Dear Representative Lynn:

I am writing about HB353 which is scheduled to be heard by the State Affairs Committee on Thursday.

Why is this bill needed? Libraries in Alaska are not providing internet access in order to allow access to pornographic materials. They provide access to information for personal or educational reasons. Many if not most of the public and school libraries already filter internet access.

My concern is that the definition of "public library" is too broad as it would include university, special, and federal libraries which are currently open to the public. I know of no legislation that has made it mandatory for university or medical libraries to install internet filtering software. HB353 will have unintended consequences.

At UAA we physically and visually monitor the use of our internet computers since the library's computers are a limited resource often in high demand. The Consortium Library's computers are intended for research and educational purposes, including accessing periodical indexes, online catalogs, full-text databases, and the Internet. The members of the general public are allowed to use our internet computers and we monitor their use as well. We monitor for computer gaming, pornographic sites, or other recreational activities that can tie up our computers preventing their use for research or educational purposes.

If this bill is passed as written, the UAA/APU Consortium Library would no longer be eligible for state library grants since installing filters is not an option for us. Filtering is not an option for university and research libraries because filters inadvertently block valid websites needed for research and educational purposes. Our health sciences program and health sciences library would in particular be crippled. Turning on and off filters to accommodate individual requests would be a nightmare to manage on site.

If state grants to the university libraries ended, the UAA/APU Consortium Library would no longer receive funding for its interlibrary loan service to other Alaska libraries or funding for the SLED and databases for Alaskans program. Last year this funding exceeded \$120,000.

If HB353 is passed as written, it appears that the university libraries would be required to install filtering software since we provide members of the public with access to the Internet. Since installing filters is not an option for the university libraries, the libraries would be forced to stop serving the general public. I have to believe that you are not interested in seeing this result.

While I seriously question the need for this bill, my recommendation is that university libraries should be exempt from the filtering requirement and not included in the definition of a public library. At the UAA/APU Consortium Library we currently monitor the use of our internet computers without the need for filtering software. Filtering

software would hinder the libraries in serving the university community by inadvertently blocking relevant websites.

Steve Rollins

Dean, UAA/ APU Consortium Library

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# Position

# Papers

# PROTECTING OUR CHILDREN



### ISSUE

Children walking into many of Alaska's publicly funded libraries today are only a click away from pornography, obscenity and Internet predators. All libraries that receive funds from the State of Alaska should have filters installed on their public accessible computers.

### ALASKA FAMILY COUNCIL POSITION

The Alaska Family Council supports efforts to decrease the widening reach of pornography in our communities. Alaskans should not be under a false impression that they are powerless to take a stand regarding the "sexualization" of our culture. The Alaska Family Council will seek to work with legislators, community activists and concerned citizens to curtail the spread of pornography and obscenity in our communities and neighborhoods. We support Rep. Keller's efforts to ensure that all of our publicly funded libraries in Alaska protect our children from the dangers associated with modern technology.

### IMPORTANT FACTS

The federal Children's Internet Protection Act, which was upheld by the U.S. Supreme Court in 2003, requires schools and libraries to place filters on computers in order to receive federal funds. Twenty-one states have internet filtering laws that apply to public schools or libraries. Some states go further by requiring publicly funded institutions to install filtering software on library public access terminals or school computers. Those in favor of filters argue that libraries are to be sanctuaries of learning and that children's access to information and the desire to learn should not be put at risk by allowing them access to harmful material.

HB353, a bill introduced in the House by Rep. Wes Keller (R) Wasilla, would require all state-funded public libraries to utilize filtering devices or software to prevent internet access to obscene materials before they receive any state funds. This legislation is designed to hold libraries accountable by making state funding contingent upon its compliance with the requirements.

The National Research Council's report, "Youth, Pornography, and the Internet," identified the most effective tools for libraries, including offering "users a variety of choices regarding filtered and unfiltered access," using software to "clear" browser histories and making information on the filtering policy conspicuously available. By enacting this legislation, Alaska would join numerous states across the country that have taken major steps to ensure the safety of children and internet use in public libraries. As much media attention has been given to child predators soliciting young children over the internet, it is imperative that when unsupervised children enter a library the necessary steps have been taken to protect them and ensure their safety.

### PROBLEM

Not all of Alaska's publicly funded libraries currently have internet filters to protect children from sexually explicit web sites, online predators and other high-tech threats.

### FACTS

Pedophiles, pornography distributors and other groups routinely use marketing strategies to attract children. According to one report, 20-30% of Internet pornography consumption is by children aged 12-17.

Currently, only those public libraries receiving a federal discount on their internet access, known as E-Rate, are required by law to have internet filters in place to protect children. Many public funded libraries in Alaska do not or choose not to receive the E-Rate discount and are thus not required to have filters on their computers.

### SOLUTION

Encourage legislators to vote **YES** on HB353.

**ACTION ITEM**  
**SUPPORT HB353**

## State Funded Libraries Not Currently Using Internet Filters on Computers

|                                    |                 |                     |                   |                               |
|------------------------------------|-----------------|---------------------|-------------------|-------------------------------|
| Big Lake Public Library            | Big Lake        | Margaret Cosmah     | 745-9633          | mcosmah@matsugov.us           |
| Cordova Public Library             | Cordova         | Cathy Sherman       | 424-66678         | tech@cityofcordova.net        |
| Delta Community Library            | Delta Junction  | Joyce McCombs       | 895-4102          | deltaibrary@wildak.net        |
| Tri-Valley Community Library       | Healy           | Amanda Austin       | 683-2507          | aaustin@dbsd.org              |
| Hollis Public Library              | Hollis          | Tom Gregg           | 530-7133          | hriver@starband.net           |
| Homer Public Library               | Homer           | Helen Hill          | 235-3180 x 4201   | hhill@ci.homer.ak.us          |
| Hope Sunrise Library               | Hope            | Bob Sherrick        | 782-1439          |                               |
| Hyder Public Library               | Hyder           | Libby Caffall-Davis | 636-2594          | lcaffalldavis@netscape.net    |
| Juneau Public Library              | Juneau          | Jeremy Frank        | 586-0442          | jeremyf@juneau.lib.ak.us      |
| Kenai Community Library            | Kenai           | Cynthia Gibson      | 283-4400          | cgibson@ci.kenai.ak.us        |
| A. Holmes Johnson Memorial Library | Kodiak          | Kris Brewster       | 486-8619          | kbrewster@city.kodiak.ak.us   |
| Chukchi Consortium Lib.            | Kotzebue        | UA OIOT             | 800-478-4667      |                               |
| Lake Minchumina Community Library  | Lake Minchumina | Shawna Hytry        | 674-3127          | shytry@starband.net           |
| Martin Monsen Regional Library     | Naknek          | Dana Raffaniello    | 246-3434          |                               |
| Ninilchik Community Library        | Ninilchik       | Jackie Bear         | 567-3333          | nincomlib@alaska.net          |
| Kegoayah Kozga Library             | Nome            | Jim Dory            | 443-6604          | engineer@ci.nome.ak.us        |
| Palmer Public Library              | Palmer          | Pat Kilmain         | 746-4700          | whowatt@palmerak.org          |
| Pelican Public Library             | Pelican         | John Haffendorfer   | 735-2500          | louisaw@pelicancity.net       |
| Petersburg Public Library          | Petersburg      | Chris Weiss         | 772-3349          | libtech@ci.petersburg.ak.us   |
| Jessie Wakefield Memorial Library  | Port Lions      | Kodiak Comp         | 487-4996          | kodiakcomputer@bigfoot.com    |
| Seldovia Public Library            | Seldovia        | Savannah Lewis      | 234-8701          | seldovia.library@gmail.com    |
| Seward Community Library           | Seward          | Scott Couillard     | 362-1687          | scouillard@cityofseward.net   |
| Kettleson Memorial Library         | Sitka           | Gerry VonRekowski   | 747-4023          | gary@cityofsitka.com          |
| Soldotna Public Library            | Soldotna        | Brice Cunningham    | 262-9107          | bcunningham@ci.soldotna.ak.us |
| Sutton Public Library              | Sutton          | Margaret Cosmah     | 745-9633          | margaret.cosmah@matsugov.us   |
| Talkeetna Public Library           | Talkeetna       | Margaret Cosmah     | 745-9633          | mcosmah@matsugov.us           |
| Thorne Bay Public Library          | Thorne Bay      |                     |                   |                               |
| Tok Community Library              | Tok             | Kathy Morgan        | 883-5320 home     | toklib@aptalaska.net          |
| Trapper Creek Library              | Trapper Creek   | Margaret Cosmah     | 745-9633          | margaret.cosmah@matsugov.us   |
| Valdez Consortium Library          | Valdez          | Christ Farmer       | 835-4313 ext 3453 | cfarmer@ci.valdez.ak.us       |
| Wasilla Public Library             | Wasilla         | Jean Powell         | 376-5913 ext 16   | jpowell@ci.wasilla.ak.us      |
| Naqalaksrat Library                | White Mtn.      | Edward Silcox       | 638-3411          |                               |
| Willow Public Library              | Willow          | Margaret Cosmah     | 745-9633          | mcosmah@matsugov.us           |

[Click here to go to Alaska Family Council Home Page](#)

**3/20/08 Meeting**

**Additional Documents for  
HB 353  
*Public Library Internet Filters***

**Please Bring Bill Packet from 2/28, 3/04 and 3/06/2008 Meetings**



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

Committee on HB 353- Public Lib. Internet Filters dated 3-4-08  
bill # / subject public hearing date

Representative Bob Lynn.

Per your request, I am forwarding the information regarding the effectiveness of internet filters.

|        |     |
|--------|-----|
| Text   | 85% |
| Images | 38% |
| Video  | 33% |

The following statistics came from <sup>testing the</sup> filtering software programs - Cyber Patrol, Filter Gate, & Web Sense done by San Jose Public Library.

Date of the report: February 4, 2008.

Signed: Kathleen Heus  
Testifier

Representing (optional)

4540 Kenaitze Ct, Kenai, AK 99611  
Address

907 283-7930  
Phone number

In response to the committee's request for information regarding the cost of implementing filtering I am supplying the following. These are estimates of possible costs, as well as some actual figures as noted.

**Unalaska (Actual Cost) 2006 Population 3,940**

- Installation cost: \$11,620 which included in-house (on-line) training for one tech.
- Annual subscription maintenance: \$1,162
- Annual Library staff cost to disconnect filters for adults: \$1,999.40

**Haines (Estimate): 2006 Population 2,241**

- software installation : \$480
- required hardware upgrades: \$3500
- staff time for installation/training: \$3000
- software maintenance (licenses): \$300/year
- technology staff support \$3120/year
- Total installation cost: \$6980
- library staff questions/maintenance/ongoing training (turning off filters and managing use): \$1560/year

Pricing is quoted on the number of stations that will host the software. This makes it difficult to project costs for individual libraries. Vendors generally quote a price based on the size of the network. Pricing for network versions are higher and require more expertise to install and maintain. Network filters restrict wireless users and staff workstations.

Individual station software costs on average \$50 for commercially available filtering software sold to the home market. This cost would be per station. These are designed for home use. Most libraries purchasing the same software would pay a minimum of \$199. Staff time would be required to install and then turn filters on and off.

Only the very largest libraries in the state have in-house IT staff and most libraries operate with volunteers who may not have the expertise to turn filters on and off.

Many libraries also have computers that came to them via the Gates Foundation. These computers have security on them to prevent tampering. In order to turn filters on and off the security would have to be disabled first. This is a very complicated and time consuming task.

Mary Jo Joiner, President, Alaska Library Association

*Mary Jo Joiner*

March 17, 2008

Dear Representative Lynn:

Thank you for your help with HB353. With the CS that was approved by the committee, it appears that the current version of HB353 will not apply to the university or specialized libraries in Alaska.

I am still concerned however about HB353 and its negative impact on public libraries in the state. There are several important unanswered questions.

1. What is the cost for installing internet filters?
2. Can the small public libraries afford the cost of filtering?
3. Since visually monitoring of public internet computers is an effective method for managing the public computers in a library, why impose filtering as the only solution?
4. How effective is filtering in blocking images and video?
5. Are there any criminal liabilities for librarians who forget to reset a filter?

Thank you again for your attention and I hope as Chair of the State Affairs Committee you can delay HB353 until these questions are answered.

Steve Rollins

# ALASKA STATE LEGISLATURE

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Wasilla, Alaska 99654  
Phone (907) 373-1842  
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**Session:**

State Capitol Building  
Juneau, Alaska 99801-1182  
Phone: (907) 465-2186  
Fax: (907) 465-3818

## REPRESENTATIVE WES KELLER DISTRICT 14

### MEMO

To: Representative Bob Lynn

Fm: Jim Pound

Cc:

Date: March 19, 2008

Re: HB 353 (Internet Filters in Libraries)

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As you are aware HB 353 is scheduled for its second hearing tomorrow in State Affairs. During its previous hearing some questions were brought up regarding costs and the extra work that may be required to maintain these programs.

Since we do not claim to be computer experts, in fact turning them on and off is sometimes an effort, we asked the Department of Administration to give us some information. DOA is responsible for the monitoring and controlling the filter system for the state.

I hope their brief explanation will answer your questions. I have included sales presentations for the three programs referenced in DOA's response.

Thanks

The information contained in this memo is CONFIDENTIAL and/or privileged. This memo is intended to be reviewed initially by only the individual named above. If the reader of this page is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of this memo or the information contained herein is prohibited. If you have received this memo in error, please immediately notify the sender by telephone and return this memo to the sender at the above address.

Thank you

E-Mail: [Representative Wes Keller@legis.state.ak.us](mailto:Representative_Wes_Keller@legis.state.ak.us)  
Call Juneau Toll free: (800) 468-2186  
Website: [www.akRepublicans.org/keller/](http://www.akRepublicans.org/keller/)

## Fact Sheet Web Filtering

Prepared For HB 353: *Act relating to the blocking of certain Internet sites at public libraries and to library assistance grants:*

### **State URL filtering background:**

Web filtering is accomplished by placing a device in between a user and the internet within the State's Executive Branch networking infrastructure. The device, when configured, will categorize all website requests and determine, via established policy, whether to allow or deny the web requests to the end user. Web use policy can be customized to allow diverse agency business needs. Currently, the State network uses Uniform Resource Locator (URL) filtering via an enterprise-wide software solution called Blue Coat.

In general, URL filtering at the State level is used for a number of reasons, including:

### **Employee Productivity:**

With unmanaged internet access, employees can be distracted by non-work related or unproductive activities. URL filtering helps manage employee access to websites, minimizing lost time on the internet, and lowering operating costs by minimizing bandwidth use to State business purposes.

### **Legal Liability:**

Personal internet use can expose organizations to legal liability when employees engage in illegal or inappropriate activities. URL filtering helps manage employee internet access and enforce personal use policies to mitigate legal liability up-front.

### **Internet Bandwidth usage:**

Depending on network capacity, the use of bandwidth-intensive applications such as streaming media or the downloading of music or videos by even a few employees can slow or shut down entire networks. URL filtering helps enforce internet usage policies based on bandwidth needs to prevent business losses and other issues that result from limited access to mission-critical applications.

### **Website security filtering:**

Web filtering solutions protect against: malicious websites, spyware, phishing and other frauds, potentially unwanted software, bot networks, keyloggers and other potentially harmful internet content.

### **URL Filtering Options:**

HB 353 contemplates securing independent internet connectivity in libraries throughout the State. With such independent connections, an end-point home solution, such as **NetNanny, Norton Internet Security or WebWatcher for \$60-\$100 per station** would accomplish the goals sought in HB 353. These various solutions offer different filtering settings per authenticated user, and obtain automatic updates from the manufacturer as new websites come online. This type of software is easy to install and maintain on an individual workstation basis.



\$39.99

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Why a Subscription?



MORE DETAILS

## Net Nanny™

**2007** Simply put- the Internet can be dangerous and contains unacceptable content. Children can be protected with filtering software and this is the best.



- Top Ten Reviews

ContentWatch parental controls software has been the Gold Award winner 3 years running

"1 in 5 children aged 10 to 17 have received a sexual solicitation over the Internet." Net Nanny is a powerful, yet simple to install parental control solution that helps parents protect their children and monitor their Internet use. More than an Internet Filter, it is *peace of mind*.

### Blocks Pornography and Protects Families and Children

Much more important than how it works, is that you know that Net Nanny *does* work. You have the peace of mind of knowing that you are protecting your children and family. Net Nanny can block not only pornography, but hate sites, questionable chat rooms and other dangers of the Internet. You can even configure Net Nanny to block online game and gambling sites, and even make it so your children can only install and play computer games with parental ratings that you deem appropriate.

### Integration With Popular Search Engines

The new Net Nanny integrates seamlessly with "Safe Search" options found in popular search engines such as Google, Yahoo, Dogpile, AltaVista, Lycos, AllTheWeb, and MSN. This means your children can't search on a search engine and even see links to blocked sites. This new feature enables better protection against pornographic images when doing an "image only" search. If a child attempts to turn off the safe search capability from the search engine, Net Nanny will turn it back on in real-time as the search is occurring. The only way to bypass the safe search is with your unique administrator password, which only you as the parent knows. Believe it or not, Net Nanny actually blocks content in multiple languages to provide even more enhanced protection for your family.



### More than Just Web Protection

Did you know that there are many ways your children can access pornography and questionable content on the Internet? Net Nanny provides full protection on not just the World Wide Web, but also less known but equally dangerous parts of the Internet like the Usenet, Peer-to-Peer downloading networks, Chat Rooms, Instant Messages, FTP, Forums and email. If you have never heard of some of those areas of the Internet, it is possible that your kids have. But don't worry. Net Nanny knows about them, and protects your children from the bad content on them.



### Enhanced Reporting

Already recognized as best in class, Net Nanny reports have provided parents with a first class presentation of Internet activity of children. As a parent you will know what sites your children have visited, and what sites they have attempted to visit. You will also be able to see full text of the actual Instant Messages. Net Nanny empowers parents to monitor and or block children's access to certain areas of the Internet. *Internet Predators don't have a chance against parents armed with Net Nanny.*

### TESTIMONIALS

*It's the first time we have been able to relax while our children were on the Internet.*

*It is beyond valuable, probably closer to "absolutely necessary."*

*It helped me discover a serious addiction one of my sons had to pornography.*

[more](#)

### CASE STUDIES

[Parents Protecting Children](#)

### AWARDS



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MANAGE

**Remote Management**

Net Nanny has enhanced its administration tools. Powerful Remote Management tools exist to help parents to manage and maintain Internet policies remotely if an Internet connection exists. Monitor web browsing and instant messaging from anywhere!

## Norton 360 Version 2.0

Comprehensive, automated protection

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### Key Technologies

|                         |   |
|-------------------------|---|
| Antivirus               | Firewall protection                     |
| Antispyware             | Automatic backup and restore            |
| Email scanning          | 2 GB of secure online storage*          |
| Antiphishing            | PC performance tuneups                  |
| Rootkit detection       | Automatic updates†                      |
| Identity protection     | Embedded support                        |
| Web site authentication | Optional Antispam and Parental controls |
| Network monitoring      |   |

### Key Benefits

**PC security defends you against a broad range of online threats**—protects your computer and makes your online experience more secure  
**Identity protection safeguards you against online identity theft**—protects against fraud and theft **IMPROVED**  
**Automatic backup and restore protects your important files from loss**—safeguards irreplaceable photos, movies, music, and more **IMPROVED**  
**PC tuneup keeps your PC running at peak performance**—helps your PC run faster and keeps it running the way it's supposed to  
**Network monitoring**—helps protect your home network. **NEW**

### Features

**Enhanced performance**—Provides industry-leading protection without sacrificing performance

Fast scan and browse speeds  
Less memory use than the average used by competing products  
PC Security with industry-leading virus, spyware and firewall protection

**Identity Safe**—Protects your personal information and your identity when you buy, transact, and browse online. **NEW**

Blocks fraudulent Web sites and verifies trusted ones  
Conveniently and securely manages user names and passwords for you  
Phishing Protection guards online attempts to steal your personal information by blocking fraudulent websites and verifies trusted ones

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Protects photos, music, and documents with automatic backup  
Supports new backup destinations including Blu-ray Disc, HD-DVD, and iPod  
Automatically detects and backs up your critical files  
Includes 2 GB of secured online storage (with option to purchase additional storage)†

#### Network monitoring

Lets you view your wireless network and each device connected to it  
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Alerts you when you connect to an unsecured wireless network

**Browser Protection**—Protects against Web-based drive-by downloads that use vulnerabilities in your browser to insert malware on your PC

**Easy protection of your PC and online activities**—Norton 360 threat handling scans, and tuneups are conducted quietly in the background

Automatically optimizes and maintains your PC for peak performance  
Automatically cleans up unnecessary Internet clutter and temporary files  
Helps optimize Windows® performance by removing unneeded registry files

**One-click support**—Provides one-click access to expert support right from your Norton product

Fast access to expert support through email, live chat, or phone

**Protection updates**—Includes protection updates and new product features as available throughout the renewable service period†

**Ongoing protection**—Keeps your computer protected from the latest Internet risks by automatically renewing your subscription at the regular subscription price (plus applicable tax), so you don't have to do it. For more information, [click here](#)

**Optional antispam and parental controls**—Enables you to download antispam and parental controls via the Norton™ Add-on Pack

[Click here to read in-depth Norton Version 2.0 features list](#)

### Award-Winning Protection

March 2008 PC Magazine Editors' Choice Award  
February 2008 Computer Shopper's "Shopper's Choice Awards"  
Best Software for Utility Package  
April 2007 Laptop Magazine Editors' Choice Award  
March 2007 PC Magazine Editors' Choice Award\*\*\*  
February 2007 CNET Editors' Choice Award

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## Norton Add-On Pack Version 2.1

Purchase

### Antispam, Parental Controls, and Confidential Information Blocking

\$0.00

ADD TO CART

For Norton 360 Version 2 & Norton Internet Security 2008

For Norton 360 Version 1

For Norton Internet Security 2007

For Windows XP/Vista/7\*

How It Works System Requirements

Block unwanted or offensive online content with per-user account parental controls and antispam in the Norton™ Add-on Pack 2008, an optional download for Norton Internet Security 2008 and Norton 360 customers (available at no additional cost). The Add-on Pack also includes a confidential information blocking feature to prevent all sensitive private data that you specify from being transmitted out of your computer.

#### Key Technologies

- Parental Controls
- Antispam
- Confidential information blocking

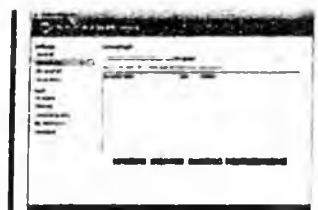
#### Key Benefits

- Blocks unsuitable websites** — parental controls allow you to limit website access for your children based on individual user profiles.
- Filters spam out of your inbox** — Deletes or moves annoying spam email to a junk mail folder.
- Protects against transmission of sensitive private data** — Automatically prevents data identified as completely confidential from being transferred out to the Internet from your computer.

#### Key Features

- Adds optional parental controls, antispam and confidential information blocking features to your Norton Internet Security or Norton 360 solution.
- Provides password protected, pre-defined control profiles for adult, teen, and child customizable for the individual user. **NEW**
- Blocks inappropriate websites based on user profile settings and logs attempts to access blocked websites. **NEW**
- Antispam diverts annoying, offensive or even dangerous spam away from your Outlook inbox to a junk mailbox for later review or deletion.
- Antispam filter automatically adds past spam filter white and black lists from your Outlook and previous Norton antispam upon installation. **NEW**
- Intelligent antispam engine learns to identify what kinds of emails you do not consider spam with a pre-scan of existing email upon installation. **NEW**
- Smart antispam engine learns over time more precisely what kinds of email you do and don't consider spam.
- Blocks sensitive information (identified as confidential) from inadvertent transfer out of your computer.
- Includes protection updates and new versions of Norton Add-on Pack as available throughout your service period for Norton 360 or Norton Internet Security. †

#### Videos and Screenshots



Choose a Screenshot  
 Screenshot 1 | Screenshot 2 | Screenshot 3 |  
 Screenshot 4 | Screenshot 5 |

#### Screenshots

\*Multiplatform minimum Windows Vista operating system requirements.

† The Norton Add-on Pack 2008 requires that you have Norton Internet Security™ 2008 or Norton 360™ version 1.0.0 installed. If you choose to download and install the Norton Add-on Pack 2008, you will have the right to use it until the expiration of your current Norton product subscription, subject to acceptance of the Symantec License Agreement included with your Norton product and available for review at [www.symantec.com](http://www.symantec.com). Protection updates and new product versions as available during your subscription period are included. Product features may be added, modified or removed during your subscription period.

# webwatcher | kids

Your Online Chaperone



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[Read every email](#)

[Record instant messages](#)

[Record/Block Web](#)

[Filter All Content](#)

[Impossible to detect](#)

[System requirements](#)

[WebWatcher Mobile](#)

## Features

### WebWatcher Overview

For a detailed description of all the Features, click the links to the left.

WebWatcher is the most trusted name on Parental Control software available today.

### Why? Testimonials

Because we don't think of WebWatcher as a *product*; instead, we consider it a "**Parenting Tool**" that allows you to level the playing field and protect your children against the dangers of the Internet. As parents, we struggle because we either do not have the computer skills of our kids, nor have good in sight into how our children use the Internet.

Please realize that is not only **your right to protect and monitor your children**, but it is your *responsibility as their parent*.

WebWatcher is the most powerful and easy to use computer monitoring software available. WebWatcher allow you to:

- Monitor children's key strokes real-time from anywhere
- Block ANY webpage based on content or web address
- Read Instant Message (IM or "Chat") Conversations
- Read Incoming and Outgoing Email
- Log every keystroke
- Take pictures of screenshots so you can see EXACTLY what is typed, surfed or read
- Record online and offline activities
- Quickly sift through data using unique keyword system

Here are just a few reasons why WebWatcher is consistently ranked as the Gold Standard:

**Protect your child and monitor Internet usage from anywhere.**

With WebWatcher's parental control software you will easily begin monitoring Internet usage for your child from any computer in the world. Using the same 128-bit encryption that protects online credit card transactions, WebWatcher ensures this information stays secure.

**Read and monitor email instantly.**

See what your child is up to as they're doing it! Using our secure servers, you'll be able to react to situations before they become problems. With competing software, that information is stuck on the machine, or worse, emailed over unsecured lines!



Questions?  
Chat with us live

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watch our  
video demo

[click here](#)

instantly download  
now for **\$97.00**

[click here](#)

**Easy-to-use interface makes it simple to monitor Internet usage.**

We make child Internet safety easy and dependable. Unlike other Internet monitoring software, you don't have to be a computer expert to use it. WebWatcher has a simple, intuitive design that's easy to use.

**Control and monitor Internet usage and general computer use.**

While some competitors' programs monitor Internet activity and others allow you to block Internet access, **only WebWatcher does both!** From recording keystrokes and taking screenshots of your child's activities, to blocking specified websites and filtering content in real-time, WebWatcher does it all. Rest assured, since child Internet safety is paramount to you, and us, we block pornography and adult content—even if it's a site no one has ever heard of.

**WebWatcher does all the work for you.**

With WebWatcher's special set of easy-to-use Internet filters, you can sort, sift, rearrange, and prioritize recorded data instantly. This feature makes finding the information you need effortless.

**It is completely invisible.**

Designed to meet the exacting standards of intelligence agencies worldwide, WebWatcher is far better than the so-called "invisible key loggers" — it's completely invisible. Kids today are often more computer savvy than their parents so it's essential to have a program that's up to the task.

**Your satisfaction is guaranteed or your money back.**

WebWatcher is the most advanced and easiest to use keystroke logger and Internet monitoring software available anywhere. But don't take our word for it. Try our key logger out for yourself. If you're not completely satisfied, we'll issue you a full refund!\*

\* No questions asked. You have five days from the time of purchase to request a refund.

For a complete description of all the Features, click the links to the left.

[Home](#) | [Features](#) | [About](#) | [FAQ](#) | [Support](#) | [Contact](#) | [Buy Now](#) | [Website Blocking](#) | [Content Filtering](#) | [Read Every Email](#) | [Record IMs](#) | [See Every Word Typed](#) | [Screenshots](#) | [Invisibility](#) | [Monitor from Any Computer](#) | [Affiliate Program](#) | [Privacy Policy](#) | [Terms of Service](#) | [Site Map](#)

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

**Member**  
Judiciary Committee  
Joint Armed Services Committee

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



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

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

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

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

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

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

## FAX

To: Legal Services/Terry Bannister

Fax #: 2029

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

# of Pages (including cover): 3

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

*Checked  
all ok*

Re: HB 353 Public Library Internet Filters

3/20/08

HB 353 25-LS1356/M passed out of committee with one amendment. Please draft a final CS.

Conceptual Amendment #1 (Roses)  
25-LS1356/M.1

25-LS1356M.1  
Bannister  
3/5/08

AMENDMENT

OFFERED IN THE HOUSE

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

- 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.



# LEGAL SERVICES

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

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

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

## MEMORANDUM

March 20, 2008

**SUBJECT:** CSHB 353(STA) relating to the blocking or monitoring of certain Internet sites at public libraries and to library assistance grants (Work Order No. 25-LS1356K)

**TO:** Representative Bob Lynn  
Chair of the House State Affairs Committee  
Attn: Nancy Manly

**FROM:** Theresa Bannister  
Legislative Counsel

This memo accompanies the bill described above.

Free speech. The bill raises an issue under the First Amendment of the United States Constitution and art. I, sec. 5 of Alaska's constitution,<sup>1</sup> which limit the state's ability to impose restrictions on forms of speech based on the content of the speech involved. Internet site filtering by a library in order to protect children has been upheld by the U.S. Supreme Court in one case ("decision").<sup>2</sup> However, there were different concurring opinions, as well as dissenting opinions, and it is difficult to predict whether the specifics of this bill will satisfy the requirements of that case.

If I may be of further assistance, please advise.

TLB:med  
08-208.med

Enclosure

---

<sup>1</sup> The state's provision is meant to be at least as protective of free expression as the federal provision. See Mickens v. City of Kodiak, 640 P.2d 818, 820 (Alaska 1982), citing the Proceedings of the Alaska Constitutional Convention 1305-07 (Jan. 5, 1956).

<sup>2</sup> United States v. American Library Association, Inc., 539 U.S. 194 (2003).

*Passed Out of Committee*

25-LS1356M  
Bannister  
3/5/08

**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**

*3/29/08 amend 4 / proposed  
Bill 3480 to 4/12/08*

*M has been adopted  
Public testimony is closed*

**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, <sup>4</sup> 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  
2  
3  
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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-DEFD-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<br>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>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> | <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

**3/20/08 Meeting**

**Additional Documents for  
HB 353  
*Public Library Internet Filters***

**Please Bring Bill Packet from 2/28, 3/04 and 3/06/2008 Meetings**



Faxed 3-4-08

# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

Committee on HB 353 - Public Lib. Internet Filters dated 3-4-08  
bill # / subject public hearing date

Representative Bob Lynn -

Per your request, I am forwarding the information regarding the effectiveness of internet filters.

|        |     |
|--------|-----|
| Text   | 85% |
| Images | 38% |
| Video  | 33% |

The following statistics came from <sup>testing the</sup> filtering software programs - Cyber Patrol, Filter Gate, & Web Sense done by San Jose Public Library.

Date of the report: February 4, 2008.

Signed: Kathleen Heus  
Testifier

Representing (optional)

4540 Kenaitze Ct, Kenai, AK 99611  
Address

907 283-7930  
Phone number

In response to the committee's request for information regarding the cost of implementing filtering I am supplying the following. These are estimates of possible costs, as well as some actual figures as noted.

**Unalaska (Actual Cost) 2006 Population 3,940**

- Installation cost: \$11,620 which included in-house (on-line) training for one tech.
- Annual subscription maintenance: \$1,162
- Annual Library staff cost to disconnect filter for adults: \$1,999.40

**Haines (Estimate): 2006 Population 2,241**

- software installation : \$480
- required hardware upgrades: \$3500
- staff time for installation/training: \$3000
- software maintenance (licenses): \$300/year
- technology staff support \$3120/year
- Total installation cost: \$6980
- library staff questions/maintenance/ongoing training (turning off filters and managing use): \$1560/year

Pricing is quoted on the number of stations that will host the software. This makes it difficult to project costs for individual libraries. Vendors generally quote a price based on the size of the network. Pricing for network versions are higher and require more expertise to install and maintain. Network filters restrict wireless users and staff workstations.

Individual station software costs on average \$50 for commercially available filtering software sold to the home market. This cost would be per station. These are designed for home use. Most libraries purchasing the same software would pay a minimum of \$199. Staff time would be required to install and then turn filters on and off.

Only the very largest libraries in the state have in-house IT staff and most libraries operate with volunteers who may not have the expertise to turn filters on and off.

Many libraries also have computers that came to them via the Gates Foundation. These computers have security on them to prevent tampering. In order to turn filters on and off the security would have to be disabled first. This is a very complicated and time consuming task.

Mary Jo Joiner, President, Alaska Library Association

*Mary Jo Joiner*

March 17, 2008

Dear Representative Lynn:

Thank you for your help with HB353. With the CS that was approved by the committee, it appears that the current version of HB353 will not apply to the university or specialized libraries in Alaska.

I am still concerned however about HB353 and its negative impact on public libraries in the state. There are several important unanswered questions.

1. What is the cost for installing internet filters?
2. Can the small public libraries afford the cost of filtering?
3. Since visually monitoring of public internet computers is an effective method for managing the public computers in a library, why impose filtering as the only solution?
4. How effective is filtering in blocking images and video?
5. Are there any criminal liabilities for librarians who forget to reset a filter?

Thank you again for your attention and I hope as Chair of the State Affairs Committee you can delay HB353 until these questions are answered.

Steve Rollins

**Nancy Manly**

---

**From:** Annie Dougherty [adougherty@gci.net]  
**Sent:** Tuesday, March 04, 2008 7:25 AM  
**To:** Rep. Bob Lynn  
**Subject:** HB353

**I support HB353 and pray that you do too.  
Please fight for our children.**

**Sincerely,**

**Annie Dougherty**

**Nancy Manly**

---

**From:** Ann Myren [amyren@aptalaska.net]  
**Sent:** Tuesday, March 04, 2008 8:18 PM  
**To:** Rep. Bob Lynn  
**Cc:** Rep. John Coghill; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Andrea Doll; Rep. Max Gruenberg  
**Subject:** Testimony RE: HB 353 for House State Affairs Committee

Dear Representative Lynn and members of the House State Affairs Committee:

Thank you for the opportunity to share my thoughts on HB 353 – filtering in public libraries.

I have grave concerns about filtering in general and also the definition of public libraries as presented in HB3

Filtering in public libraries should be a local decision based on community input that includes thoughtful consideration of all sides of the internet safety issue and how best to address it. Each community has a different group of patrons whose needs for access to information and resources they work to meet through public library services. Libraries should not be required to use filtering as a solution to internet safety. There are numerous studies that show that filters are renowned for blocking legitimate sites and causing problems for those using the resources. Filters are not necessarily easy fixes, nor are they fail safe. They give a false sense of security. They will take staff time to install and maintain. They can be extremely frustrating to people doing legitimate research. I believe that filters are not the best answer to "internet safety" instead I would encourage you to consider the following.

It is my understanding that libraries develop internet safety policies which address issues such as safety of minors, confidentiality of information and other aspects including uses that violate existing laws. These types of policies provide a strong foundation for internet safety, based on local issues and concerns as well as state and national considerations. I believe that providing training opportunities on how to use the internet responsibly, how to analyze websites and the information they include, working with parents and children in identifying safe activities on the web so kids learn how to use this resource is a better approach.

Why restrict use of the Internet for everyone just because some people don't follow the rules? Library policies that address proper and safe use of the internet and that address the consequences of breaking the policies help individuals learn to become responsible for their own actions. Training people to use the internet safely, establishing policies regarding safe use of the resource and implementing consequences and holding people responsible for their actions are activities that build life-long skills. Building individual skills on how to be safe and wise in your searching will have many more positive long-term impacts and benefits than installing a filter.

Cost of filtering can be an unnecessary burden on small communities and libraries. I do not want my tax dollars spent on filters; I would rather have them invested in activities that build skills and knowledge for citizens of all ages – from senior citizens to preschoolers.

I would like to encourage you to think of ways to support communities as they make their own decisions on whether filtering is the answer or whether they have other ways to address this issue that is a better investment of time and money in their community– one that will leave all of us empowered to understand how to safely use the vast resources available on the web, one that will be with us no matter where we are when searching the internet.

Thank you for considering my thoughts.  
Ann

3/5/2008

Ann Myren  
Resources and Results Consulting  
P.O. Box 951  
Haines AK 99827

907.766.2584 ph/fax  
[amyren@aptalaska.net](mailto:amyren@aptalaska.net)

**Nancy Manly**

**From:** Dan Masoni [akunak@ci.unalaska.ak.us]  
**Sent:** Tuesday, March 04, 2008 5:43 PM  
**To:** Rep. Bob Lynn; Rep. Bob Roses; Rep. John Coghill; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Andrea Doll; Rep. Max Gruenberg; Rep. Bryce Edgmon  
**Cc:** mjoiner@ci.kenai.ak.us  
**Subject:** House Bill 353

I'm sorry, but I simply couldn't contain the information I wished to convey in a 50 word legislative input message.

I manage the Unalaska Public Library and represent myself as a librarian and taxpayer.

Unalaska Public filters Internet Access based on a City Council decision that was carefully made following public input at both the City Council and Library Advisory Committee levels. The City Council decided that the Federal E-Rate Phone Funds (over \$20,000 per year) were important to pursue and also felt that filters should be set at the lowest possible level. We use N2H2 at the server level and the system is updated automatically every night. Unalaska has 24 Internet Access Units. The original Advisory Committee recommendation to the Council was to refuse the federal e-rate, filter computers used by youth under the age of 18 and to not filter units used by adults and emancipated minors.

Installation cost: \$11,620 which included in-house (on-line) training for one tech.  
 Annual subscription maintenance: \$1,162

Annual Library staff cost to disconnect filters for adults: \$1,999.40

Average time spent handling each request is 5 minutes, and we handle approximately 10-12 requests per week (call it 1 hour per week of total staff time)  
 so: 24.68/hour + 13.77 fringe benefits X 1 hour per week X 52 weeks = \$1,999.40

Annual Cost to evaluate Patron requests to BLOCK/UNBLOCK sites that are filtered by N2H2: \$11,662.95

As was noted in your hearing this morning the filter system is not fool-proof, therefore a mechanism is in place to both add to, and subtract from, filter coverage.

The mechanism to permanently unblock filtered sites that are harmless requires a form filled out by a member of the public that is acted upon by the City Librarian.

We average 5 such requests each week and our service standard is to evaluate the request and either unblock the site or leave it blocked within 24 hours. The patron is always informed in writing of the Librarian's decision. Each request requires about 30 minutes for evaluation plus approximately 15 minutes of tech time to actuate unblocking. The vast majority of sites which are incorrectly blocked are in the field of health and hygiene (71% thus far according to my records). Side comment: GMAIL was blocked because it uses a secure server.

Librarian's Time per year: 42.76/hour + 23.85 fringe benefits X 2.5 hours per week X 52 weeks = \$8,659.30  
 Tech time per year: 29.66/hour + 16.55 fringe benefits X 1.25 hour per week X 52 weeks = \$3,003.65

Library patrons can use the same form to request that we add sites to the filtering system. To date, no requests to add sites to the filtering system have been submitted.

We continue to maintain that the best "filter" available is a parent sitting with a child as they discover knowledge on the Internet.

HB 353 will place a burden on small libraries which simply cannot afford to implement its language. The libraries which will be most affected by the bill already run on the annual Public Library Assistance Grant using volunteer help and will be faced with eliminating Internet Access or going out of business. Based on testimony heard today,

University libraries will probably end public access. HB 353 attempts a State Solution to a problem that is best handled by local governing bodies.

If the sponsor and the Committee are truly interested in addressing the issues that HB 353 brings to the fore, then I would suggest a constructive solution:

Parents and children should have the opportunity for "Family Friendly" computer classes which teach responsibility and managed use of computer facilities. Local libraries should be able to access specialized materials to teach such classes throughout the year. We offer such classes in Unalaska. The creation of such a database of materials would be a great step forward compared to the punitive approach advanced by Representative Keller. All the compilation of such a database would require is a one-time Legislative Grant.

Teaching rather than dictating is a slower solution, but one which would be utilized. The discussion your Committee is having is parallel to conversations which have already been held throughout Alaska by governing bodies which provide library services. Virtually every governing body has considered the same issues you are presently facing and has come up with appropriate local solutions.

HB 353 overreaches in its supposition that local government can't come up with solutions and simply isn't needed.

Thank you for your time and effort on behalf of all Alaskans.

Dan Masoni  
Librarian  
Unalaska Public Library

## Nancy Manly

---

**From:** Nancy Manly  
**Sent:** Thursday, March 20, 2008 5:16 PM  
**To:** Crystal Koeneman; Rep. Bob Roses; Rep. Wes Keller; Jim Pound  
**Subject:** Final STA CS for HB 353 Version K and Legal Memo

**Attachments:** 3-20-08 HB 353 Final STA CS Legal Memo and Version K.pdf



3-20-08 HB 353  
Final STA CS Le...

Crystal: I have reviewed the final STA CS for HB 353 and it looks like it was amended as your boss had intended. I would appreciate your looking it over prior to my taking it to the Chief Clerk's office so it can be read across on Tuesday 3/25/08. I will also copy the sponsor for their review too. Thanks.

Nancy Manly, Chief of Staff and  
House State Affairs Committee Aide for  
**Representative Bob Lynn**  
**House District 31**  
907-465-2794 Fax: 907-465-4316

Kathy Morgan  
Box 342  
Tok, AK 99780

April 4, 2008

Representative Bob Lynn  
State Capitol, Room 3  
Juneau, AK 99801-1182

RE: HB 353, Public Library Internet Filters

Dear Representative Lynn:

I strongly oppose this bill and ask that you vote against it if it makes it to the House floor. Individual parents and communities should be deciding what restrictions to place on library public access computers in their community. Individual communities, rather than the State, should be deciding their own spending priorities and how best to protect their young people within the context of their community's culture and lifestyle.

Some statements in support of the bill have implied that federal law already requires similar filtering, but that is not true. Only libraries that accept federal assistance to help pay the cost of their Internet access must comply with the filtering requirements of CIPA; that doesn't apply to small libraries like ours who can't afford the federal assistance. (For us, the cost of applying would be greater than the cost of our Internet service, even before considering the cost of filtering software.)

Cost of filtering software for even a very small library, due to licensing terms which are different from home computers for single family use, would likely be about \$1,000 - \$2,000 per year; larger libraries with more patrons would pay far more.

That would be cost prohibitive for our small library, so if this law is passed we will have to discontinue public access to the Internet. We can't afford to give up State financial aid, so we would have to disconnect the public access computer from the Internet. Even doing that will also adversely affect us financially, since that means we will no longer be able to refer patrons to the Internet for current reference information. Instead, we will have to spend much of our collection development money for reference texts which very quickly fall out of date, leaving little money to purchase other materials for children and adults.

Some will argue that it would only cost about \$50 per year, but this is also a lie. Those inexpensive filters are specifically for use on a single computer "within a

dwelling or single household." (For a specific example of one of these licenses, see <http://www.netmanny.com/eula/contentprotect>) Using this software in the library would be an illegal violation of the licensing terms.

Supporters of the bill claim that it is easy even in a small library with only a part time librarian to temporarily disable the filtering for an adult. Our library is very small and very poor; we cannot afford to hire even a part time librarian. Our library is staffed by a dedicated group of volunteers who each volunteer in the library for several hours a week. None of them is particularly computer literate, and several of them barely know how to turn the computer on. Teaching all of them to disable the hard-drive protection on our Gates computer, disable the filters, and re-enable the hard-drive protection prior to allowing the patron to use the computer, and then reverse the procedure after the adult is finished with the computer, may not be possible. Certainly it would be so cumbersome, intrusive, and time-consuming that I believe a court challenge based on freedom of speech would succeed.

We believe that for our library, having the librarian or a parent monitor computer use by juveniles provides adequate protection to our children. More importantly, we believe it should be up to the parents and the community to decide how best to keep our children safe. What works for us may not be appropriate in another community and vice versa.

Sincerely,



Kathy T. Morgan

In response to the committee's request for information regarding the cost of implementing filtering I am supplying the following. These are estimates of possible costs, as well as some actual figures as noted.

**Unalaska (Actual Cost) 2006 Population 3,940**

- Installation cost: \$11,620 which included in-house (on-line) training for one tech.
- Annual subscription maintenance: \$1,162
  
- Annual Library staff cost to disconnect filters for adults: \$1,999.40

**Haines (Estimate): 2006 Population 2,241**

- software installation : \$480
- required hardware upgrades: \$3500
- staff time for installation/training: \$3000
- software maintenance (licenses): \$300/year
- technology staff support \$3120/year
- Total installation cost: \$6980
- library staff questions/maintenance/ongoing training (turning off filters and managing use): \$1560/year

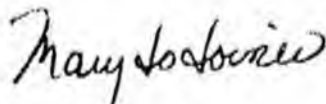
Pricing is quoted on the number of stations that will host the software. This makes it difficult to project costs for individual libraries. Vendors generally quote a price based on the size of the network. Pricing for network versions are higher and require more expertise to install and maintain. Network filters restrict wireless users and staff workstations.

Individual station software costs on average \$50 for commercially available filtering software sold to the home market. This cost would be per station. These are designed for home use. Most libraries purchasing the same software would pay a minimum of \$199. Staff time would be required to install and then turn filters on and off.

Only the very largest libraries in the state have in-house IT staff and most libraries operate with volunteers who may not have the expertise to turn filters on and off.

Many libraries also have computers that came to them via the Gates Foundation. These computers have security on them to prevent tampering. In order to turn filters on and off the security would have to be disabled first. This is a very complicated and time consuming task.

Mary Jo Joiner, President, Alaska Library Association



Dear Legislators:

I have been on the Seward Community Library Board for the past 10 years. During the past, we have had discussions pertaining to filtering the computers in order to protect our children from inappropriate content. We decided not to filter for several reasons the primary being that all monitors can be viewed from the front desk and/or the reading area. Seward Community Library has had one instance in the last ten years of a child getting into a site he probably shouldn't have and it was immediately apparent to everyone what he was doing. He was banned from using computers for three months. Adult computers are separate from teens and children computers and we monitor use frequently. Also we have problems that are bandwidth related. The more bandwidth used the more expensive the computer access. The computers have been configured to prevent downloading of large files to address that issue.

The cost for filtering and maintenance was about equal to the amount of money the library would have received from Erate. (Eligibility for Erate funds is calculated on the percentage of students in the local school district who qualify for free school lunch.) We are eligible and do receive Erate funds for telephone use. These figures vary from district to district and public library to public library.

The library assistance grant (\$6500) is considered part of the budget received from the City of Seward, and it is 2/3 of our total budget. The grant is the only state money received annually. Public libraries in the Kenai Borough are locally funded. Grant funding varies from library to library depending on the level of local funding. No funds are received from the borough. We apply for, through grants, funding from the state and federal government.

I appreciate all efforts made to protect children from inappropriate computer access, but filtering will have an adverse impact financially on our small library. We have been responsible in our efforts to ensure the children's safety. Please take these actions into consideration while making your decision.

Sincerely,

Vanta Shafer

# ALASKA STATE LEGISLATURE

**Interim:**

600 East Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 373-1842  
Fax: (907) 373-4729\*



**Session:**

State Capitol Building  
Juneau, Alaska 99801-1182  
Phone: (907) 465-2186  
Fax: (907) 465-3818

## REPRESENTATIVE WES KELLER DISTRICT 14

### MEMO

To: Representative Bob Lynn, Chair  
House State Affairs Committee

Fm: Jim Pound

Cc:

Date: February 21, 2008

Re: Request for hearing of HB 353

---

Please consider this to be a request for the House State Affairs Committee to schedule a hearing for HB 353, "An Act relating to the blocking of certain Internet sites at public libraries and to library assistance grants."

Currently some public libraries receiving state and local money do not have an incentive to use blocking programs to bar access to adult sites on the internet. This software is available at a reasonable cost and should be in place.

HB 353 will require that they purchase and install this software aimed at restricting access for our young people. The bill also takes into account that this software sometimes restricts access to sites that adults need for research and allows the librarian to turn the block off if needed.

HB 353 is a restriction on a crime that takes place everyday in a publically funded arena. I urge your consideration of this bill before the committee and your earliest convenience. Thank you for your time and consideration. If you have any additional questions please do not hesitate to contact me.

Attachments: Sponsor Statement, HB 353, First Amendment and Article 1 § 5, AS 11.61.128,  
Support e-mails

E-Mail: [Representative Wes Keller@legis.state.ak.us](mailto:Representative_Wes_Keller@legis.state.ak.us)  
Call Juneau Toll free: (800) 468-2186  
Website: [www.akRepublicans.org/keller/](http://www.akRepublicans.org/keller/)

# ALASKA STATE LEGISLATURE

**Interim:**

600 East Railroad Avenue  
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**Session:**

State Capitol Building  
Juneau, Alaska 99801-1182  
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## REPRESENTATIVE WES KELLER DISTRICT 14 SPONSOR STATEMENT HOUSE BILL 353

**"An Act relating to the blocking of certain Internet sites at public libraries and to library assistance g. ...."**

House Bill 353 will encourage public libraries to assure that our young people do not have access to adult internet sites. Presently, there is cost effective software that allows responsible adults to prevent access to sites that could be considered objectionable. Parents and guardians of children use this software to prevent access.

While children are prevented from accessing these sites at home, some public libraries do not use this blocking technology and staffing limitations prevent libraries from monitoring. A simple installation of the software will prevent children from reaching adult sites without the need for a monitor.

Because of the concern that denying access might be considered unconstitutional, and because blocking software might block sites that are necessary for research, HB 353 includes language that allows adults to request that the software be disabled. The courts have already ruled this is an acceptable compromise.

HB 353 is also reactive in its approach should a library refuse to purchase and install the software. The bill would restrict state and local grant money to the library for refusal.

In this high tech, instant access world we live in, what was once on the shelves of stores under plastic wraps is now just a click away. Passage of HB 353 will assure that public libraries are serving all of their customers in a responsible manner.

E-Mail: Representative Wes Keller [w.keller@legis.state.ak.us](mailto:w.keller@legis.state.ak.us)  
Call Juneau Toll free: (800) 468-2186  
Website: [www.akrepublicans.org/keller/](http://www.akrepublicans.org/keller/)

## AMENDMENT I.

**Freedom of religion, of speech, and of the press.** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.<sup>9</sup>

<sup>9</sup>. Proposed by Congress on September 25, 1789, and declared ratified on December 15, 1791.

### Constitution of the State of Alaska

#### Art I Section 5. Freedom of Speech.

Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

#### I. GENERAL CONSIDERATION.

**Right is not absolute.** - In expressing the rights to free speech and privacy, the framers of the state constitution appear to have recognized a right of universal freedom and a right to be left alone which is rooted in the natural inclination of human beings. But these rights, in a free society such as this, have never been recognized as absolute and without limitations. *Messerli v. State*, 626 P 2d 81 (Alaska 1980)

**Precision of regulation must be the touchstone.** - Because of the "chilling effect" that overbroad laws have on the exercise of constitutional rights, broad prophylactic rules are suspect and precision of regulation must be the touchstone. *Marks v. City of Anchorage*, 500 P 2d 644 (Alaska 1972)

First amendment freedoms are delicate and vulnerable, as well as supremely precious in American society. The threat of sanctions may deter their exercise almost as potently as the actual application of sanctions. Because first amendment freedoms need breathing space to survive, **government may regulate in the area only with narrow specificity.** *Marks v. City of Anchorage*, 500 P 2d 644 (Alaska 1972)

**Speech which is vehicle of crime.** - Speech is not constitutionally protected when it is the very vehicle of the crime itself. *Webb v. State*, 580 P 2d 295 (Alaska 1978)

**Limited restrictions allowed.** - Presumably a state can limit speech or assembly in specific places under limited circumstances. *Marks v. City of Anchorage*, 500 P 2d 644 (Alaska 1972)

It is only in the most limited circumstances that speech may be punished. *Anniskette v. State*, 489 P 2d 1012 (Alaska 1971); *Marks v. City of Anchorage*, 500 P 2d 644 (Alaska 1972)

**The category of obscenity, which is unprotected, is very narrowly defined.** *Hanby v. State*, 479 P 2d 486 (Alaska 1970)

**Erotic speech** may be punished as obscenity if the tests promulgated by the U.S. supreme court are met. *Marks v. City of Anchorage*, 500 P 2d 644 (Alaska 1972)

## II. VAGUE AND OVERBROAD.

**Former delinquency statute.** - Former statute which criminalized acts "which cause or tend to cause, encourage or contribute to delinquency" was not overbroad, since only speech which advocated imminent lawless action and which was likely to produce such action was proscribed. *Holton v. State*, 602 P.2d 1228 (Alaska 1979).

**Former AS 11.15.134(a) did not implicate constitutional rights of adults.** - Since former AS 11.15.134(a), which made it a crime to commit a lewd or lascivious act upon or with the body of a child under 16 years of age, intending to arouse the sexual desires of either the actor or the child, prohibited only lewd and lascivious physical contact with children, that section did not implicate the constitutional right of adults to possess and exhibit literature or the right of adults to privacy in their homes at least insofar as that right protects parents dressing in front of children, those who tell dirty jokes, and adults who are passionately affectionate with other adults in the presence of children. *Anderson v. State*, 562 P.2d 351 (Alaska 1977).

**When ordinance is void-for-vagueness.** - An ordinance is void-for-vagueness where it fails to give a person or ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute and where it encourages arbitrary and erratic arrests and convictions. *Marks v. City of Anchorage*, 500 P.2d 644 (Alaska 1972).

Those generally implicated by the imprecise terms of a disorderly conduct ordinance poor people, nonconformists, dissenters, idlers - may be required to comport themselves according to the lifestyle deemed appropriate by the police and the courts. *Marks v. City of Anchorage*, 500 P.2d 644 (Alaska 1972).

**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

(2) either

- (A) the other person is a child under 16 years of age; or
- (B) the person believes that the other person is a child under 16 years of age.

(b) In this section, it is not a defense that the victim was not actually under 16 years of age.

(c) Except as provided in (d) of this section, electronic distribution of indecent material to minors is a class C felony.

(d) Electronic distribution of indecent material to minors is a class B felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

(( 2 ch 97 SLA 2005; am 6 ch 24 SLA 2007))

**Effect of amendments.** The 2007 amendment, effective July 1, 2007, added the paragraph (a)(1) and (a)(2) designations, substituted "the following actual or simulated conduct:" and paragraphs (a)(1)(A) - (F) for "an act described in AS 11.41.455(a)(1) - (7)" in paragraph (a)(1), and added "either" near the beginning of paragraph (a)(2), and made related changes.

**Effective dates.** Section 2, ch. 97, SLA 2005, which enacted this section, took effect on November 28, 2005.

**Editor's notes.** Section 5, ch. 97, SLA 2005, provides that this section applies "to offenses occurring on or after November 28, 2005."

Section 36(b), ch. 24, SLA 2007, provides that the 2007 amendment of (a) of this section applies "to acts committed on or after July 1, 2007."

**Rep. Wes Keller**

---

**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 shouldn't 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**

---

**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

**HB**

**366**



*Coghill  
Moved  
out of Committee*

**HOUSE BILL NO. 366**

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

**BY REPRESENTATIVES CRAWFORD, Gardner**

**Introduced: 2/13/08  
Referred: State Affairs, Finance**

*Public testimony  
based*

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to an exemption from public disclosure of certain appropriations from**  
2 **the dividend fund; and providing for an effective date."**

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

4 **\* Section 1. AS 43.23.028(b) is amended to read:**

5 (b) To the extent that amounts appropriated for a fiscal year do not exceed the  
6 total amount that would have been paid during the previous fiscal year to individuals  
7 who were ineligible to receive dividends under AS 43.23.005(d) if they had been  
8 eligible, the notice requirements of (a)(3) of this section do not apply to appropriations  
9 from the dividend fund to

10 (1) the crime victim compensation fund established under  
11 AS 18.67.162 for payments to crime victims;

12 (2) the council on domestic violence and sexual assault established  
13 under AS 18.66.010 for grants for the operation of domestic violence and sexual  
14 assault programs;

1 (3) the Department of Corrections for incarceration and probation  
2 programs;

3 (4) the office of victims' rights; [OR]

4 (5) nonprofit victims' rights organizations for grants for services to  
5 crime victims; or

6 (6) to the Department of Revenue for grants to minor children of  
7 incarcerated individuals under a grant program established by regulations of the  
8 Department of Revenue under AS 44.62 (Administrative Procedure Act).

9 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

**Alaska State Legislature**  
House of Representatives

Alaska State Capitol  
Juneau, Alaska 99801-1182  
1-907-465-3438 (phone)  
1-888-478-3438 (toll free)  
1-907-465-4565 (fax)



Interim Address  
716 West Fourth Avenue  
Anchorage, Alaska 99501-2133  
(phone) 1-907-269-0100  
(fax) 1-907-269-0105

Representative Harry Crawford  
District 21

**SPONSOR STATEMENT: HOUSE BILL 366**

Approximately 5,000 Alaskan children do not receive child support because their non-custodial parent is incarcerated and ineligible to receive a Permanent Fund Dividend. When non-custodial parents are ordered to pay child support, but are unable to do so, their Permanent Fund Dividend is garnished to fulfill the debt. In 1996, AS 43.23.005(d) was amended, making an individual ineligible to receive a Permanent Fund Dividend if, during the qualifying year, they were incarcerated as a result of a felony; or misdemeanor if they have a prior felony; or two or more prior misdemeanors. While this has the desired effect of punishing repeat miscreants by making them ineligible to receive a Permanent Fund Dividend, the amendment has the apparent unintended consequence of denying dependent children of incarcerated parents the child support they depend on.

Under current law, the Permanent Fund Dividends of individuals found ineligible under AS 43.23.005(d) are appropriated to the Department of Corrections and to programs for the victims of crimes. HB 366 will allow the Department of Revenue to provide grants to minor children of incarcerated individuals. In doing so, this bill ensures that minor children of incarcerated individuals do not lose out on the child support they depend on.

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB366  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB366-REV-CSSD-3-17-08 Dept. Affected: Revenue  
Title: Disclosure: Appropriations From PFD Fund RDU: Child Support Services Division  
Component: Child Support Services Division  
Sponsor: Rep Crawford  
Requester: House State Affairs Component Number: 111

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

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

|                               | Appropriation<br>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   |  |            |            |            |            |            |            |            |
| 1037 GF/Mental Health      |  |            |            |            |            |            |            |            |
| 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)

Last fall we estimated that 10,188 individuals would have received a 2007 dividend, had it not been for conviction or incarceration as a felon or multiple misdemeanor.

1,499 were sentenced felons

8,689 were incarcerated convicted felons and/or incarcerated convicted multiple misdemeanants

Analysis continued on page 2

Prepared by: John Mallonee  
Division: Child Support Services Division  
Approved by: Jerry Burnett  
Department of Revenue

Phone 907 269-6801  
Date/Time 3-17-2008 2:00pm  
Date 3/17/2008

FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

BILL NO. HB 366

ANALYSIS CONTINUATION

An amount equal to what would have been paid to these individuals as dividends is appropriated to the Departments of Corrections and Public Safety each year to offset the cost of incarceration and to provide for programs for victims of crimes. House Bill 366 would add grants to the children of incarcerated parents to the permitted uses of what are commonly called "PFD Felon Funds."

There are approximately 5,000 individuals incarcerated that owe child support for their children. Most of these people have a \$50 per month child support order on which they pay very little. Unlike other citizens of Alaska, these incarcerated individuals can not apply for a Permanent Fund Dividend which Child Support Services Division would garnish and provide to the custodial parent and child. Therefore these families receive very little in the way of child support while the non-custodial parent is incarcerated.

This bill would have no impact on the number of individuals eligible to apply for the dividend nor to the amount of the dividend.

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB336-DOC-IHC-02-21-08  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB336-DOC-IHC-02-21-08 Dept. Affected: Corrections  
 Title "An act relating to an exemption from public disclosure of RDU Inmate Health Care  
certain appropriations from the dividend fund; and providing ..." Component Inmate Health Care  
 Sponsor Representatives Crawford, Gardner  
 Requester House State Affairs Component Number 705

**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        |
| Travel                        | 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        |
| Supplies                      | 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        |
| Land & Structures             | 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        |
| Miscellaneous                 | 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> |

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

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|----------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      | 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        |
| 1004 GF                    | 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        |
| 1037 GF/Mental Health      | 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        |
| <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: 0.0

**POSITIONS**

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

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

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director  
 Division: Administrative Services  
 Approved by: Dwayne Peoples, Deputy Commissioner  
Department of Corrections

Phone (907) 465-3339  
 Date/Time 2/21/08 2:00 PM  
 Date 2/21/2008

testify – either Joyce Anderson or Skip Cook – and be available for questions. I hope there will be someone available from the Department of Law.

For HB 281: Again, there is no new CS yet. I've been told that the title will be tightened and the bill should reflect the changes made in the blank CS or O version. I hope that someone from both APOC and the Select Committee will be available. I hope there will be someone from the Department of Law available as well.

I've attached copies of HB 368, L version, and HB 291, O version.

Call me if you have any questions.

Mike Sica, staff  
For Rep. Bob Lynn  
465-4965

3/19/2008

Alaska State Legislature  
House of Representatives

Alaska State Capitol  
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(fax) 1-907-269-0105

**Representative Harry T. Crawford, Jr.**

East Anchorage District 21

*E-mail: [Representative\\_Harry\\_Crawford@legis.state.ak.us](mailto:Representative_Harry_Crawford@legis.state.ak.us)*

*Website [www.akdemocrats.org](http://www.akdemocrats.org)*

**M E M O R A N D U M**

To: Representative Bob Lynn, Chairman House State Affairs Committee

From: Representative Crawford

Re: Scheduling Request, House Bill 366

Date: February 28, 2008

---

I respectfully request that the House State Affairs Committee schedule House Bill 366, "An Act relating to an exemption from public disclosure of certain appropriations from the dividend fund; and providing for an effective date," for a hearing as soon as possible.

With this request I am including a sponsor statement, and the most recent copy of HB 366. Supporting documentation will be provided as soon as it becomes available. Once a committee hearing is scheduled, any teleconference request and names of witnesses wishing to testify will also be provided.

Please contact me if you have any questions or require any additional information.

**HB**

**368**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 19, 2008

FURTHER REFERRALS: Judiciary  
Finance

Date of Committee Action: 2-26-08

The STATE AFFAIRS Committee considered:

HB 368

**HOUSE BILL NO. 368**

**ETHICS: LEGISLATIVE & GOV/LT GOV**

"An Act modifying the limitations on political fund raising during legislative sessions by candidates for governor or for lieutenant governor, and amending the Legislative Ethics Act to modify the limitation on political fund raising by legislators and legislative employees during legislative sessions, to allow legislators and legislative employees to accept certain gifts from lobbyists within their immediate families, to clarify the Legislative Ethics Act as it relates to legislative volunteers and educational trainees, to reduce the frequency of publication of summaries by the Select Committee on Legislative Ethics, to revise procedures and penalties related to the late filing of disclosures required by the Legislative Ethics Act, and to add a definition to that Act."

Recommends it be replaced with  HCS or  CS for HB 368 (STA)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LWF  
 LAW  
 LEG  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

| <u>NEW FISCAL NOTES</u>           |      |        |        |      |
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| *Assigned by Chief Clerk's Office |      |        |        |      |
| List by Dept(s):                  | *FN# | Fiscal | Indet. | Zero |
| Admin                             |      |        |        | ✓    |
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| <u>PREVIOUS FISCAL NOTES</u> |     |        |        |      |
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| <u>Signing with recommendations</u> | Printed Last Name | DP | DNP | NR | AM |
|-------------------------------------|-------------------|----|-----|----|----|
|                                     | Johnson           |    |     | X  |    |
|                                     | Roses             | X  |     |    |    |
|                                     | JOHANSEN          |    |     | X  |    |
|                                     | G. Coakley        | ✓  |     |    |    |
|                                     | D. Hill           |    |     | ✓  |    |
|                                     | LYNN              | X  |     |    |    |
| Chair:                              |                   |    |     |    |    |
| Chair:                              |                   |    |     |    |    |

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

**Member**  
Judiciary Committee  
Joint Armed Services Committee

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



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

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

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## FAX

To: Legal Services

Fax #: 2029

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

# of Pages (including cover): 1

Phone 907-465-4931

Fax: 907-465-4316

Re: Draft Final CS for HB 368 STA

---

Please draft a final CS for HB 368 (25-LS1326M) that passed out of the House State Affairs Committee with the following amendments.

Conceptual Amendment #1 (Gruenberg)  
Page 5 Line 13 after the word "subsection" ~~delete shall~~ and *replace with may*

Conceptual Amendment #2 (Coghill)  
Withdrawn

Amendment #2 (Coghill)  
~~Delete~~ all of Section 8 (Page 5 Lines 15 - 23)

Conceptual Amendment #4 (Doll)  
Withdrawn

Conceptual Amendment #5 (Gruenberg)  
Withdrawn

Conceptual Amendment #6 (Gruenberg)  
Withdrawn

Conceptual Amendment #7 (Gruenberg)  
Withdrawn

\*\*\*\*\*  
\*  
\* TRANSACTION REPORT \*  
\* FEB-25-2008 11:27 PM \*  
\* FOR: REP LYNN 4654316 \*  
\*  
\* SEND \*  
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\* DATE START RECEIVER PAGES TIME NOTE \*  
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\* FEB-25 11:26 PM 2029 1 28" OK \*  
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Library

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions. (§ 1 ch 87 SLA 1986)

NOTES TO DECISIONS

Significance of personal or financial interest.

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

minimum security prisoners to a bidder for whom she had served as vice-president of operations KILA, Inc. v. State, Dept of Admin., 876 P.2d 1102 (Alaska 1994).

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

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

(b) A public officer may not

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

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

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

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

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

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

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

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

(ii) political party or group;

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

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

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

(e) Except for sup authority to make t by the hearing office final decision in the administrative hear hearing officer or i decision in the case

(1) contact is na representatives and

(2) fact and subst parties to the hearin am § 5 ch 121 SLA

Cross references. — otism, see AS 39.90.020

Official action not re hibiting use of official po not require "official actio use their position for pers ment. Skvore v. State Po (Alaska 2000)

Solicitation of com Since the ethics statute d

Sec. 39.52.130. I receive, directly or it entertainment, hosp to the officer's pers reasonably be inferr duties, actions, or ju

(b) Notice of the r including the name c must be provided to t

(1) if the public of

(2) if the gift is co

(c) In accordance from the attorney ge ited.

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(e) A public officer or from an official of: Office of the Govern appropriate dispositi foreign government c ity, or another jurisd

(f) A public officer received a gift becau the public officer sha officer's designated s it had been received be prohibited under t

Library

# Anchorage Daily News

**Michael J. Sexton** President and Publisher  
**Patrick Dougherty** Senior Vice President & Editor  
**Matt Zencey** Editorial Page Editor

Founded in 1946 by Norman C. Brown

Walter A. Cowell, Publisher, 1993-1999  
Kathenne Fanning, Editor and Publisher, 1971-1983  
Walter E. Gaily, Publisher, 1984-1993  
Lawrence Fanning, Editor and Publisher, 1967-1971

# OPINION

## OUR VIEW

# Investigate

### *State can't rely on feds to pursue all corruption cases*

ions in the Veco corruption  
blic Offices Commission  
nd launched an investiga-  
but the chronically under-  
is going to need help. Gov.  
nt a special prosecutor to  
vidence of potential crimes  
isdiction.

o delve into the scandal  
liculously short one-year  
lies: after that, the agency  
r campaign law violations.  
r of angering legislators  
budget. And the feds ap-  
y to stay on the sidelines  
eir investigations.  
a role to play. While it can't  
it can investigate and for-  
osecutors. It is armed with  
wly hired investigator.  
stigate.

unions can, but the value of any poll information  
can't exceed \$1,000. Polls are expensive, so it is not  
easy to stay within that limit.

An obvious place for APOC to start asking ques-  
tions is Dave Dittman. He admitted Veco paid him to  
do at least two polls that sound like illegal corporate  
in-kind contributions to a lawmaker.

### MONEY LAUNDERING SCHEME

**A** second Veco scheme was illegally repaying exec-  
utives for their donations to Veco's favored candi-  
dates. Besides Bill Allen and Rick Smith, Veco's  
prolific campaign contributors included executives  
Thomas P. Corkran, Roger Chan, Pete Leathard and  
James H. Slack. If the corporation repaid their dona-  
tions, both Veco and those lower-ranking executives  
broke Alaska law. They are relatively small fish who  
may escape federal scrutiny, but they shouldn't get  
a free pass if they had a role in campaign money  
laundering.

### SPECIAL PROSECUTOR NEEDED

**N**ow that APOC is investigating, there's a  
lot for it to do. The agency needs extra  
horsepower from the attorney general's  
office, especially since that's where any evi-  
dence will end up anyway.

Attorney General Talis Colberg  
says the feds asked the state to slay  
clear of the federal investigation for  
now. But Alaskans need visible reassur-  
ance that state-level crimes in the cor-  
ruption scandal will get proper attention.

Many of the potential crimes that have  
come to light in the Veco scandal  
are state-level misdemeanors  
that the feds can't touch. The  
longer the state waits to pursue  
leads, the colder the trail of evi-  
dence grows.

Gov. Palin should appoint a  
special prosecutor who will pur-  
sue state law violations and  
other leads that don't pro-  
duce federal charges. The  
prosecutor should be full-

infected the Legislature runs much  
wider and deeper than those cur-  
rently charged. Alaska authorities  
have to make sure lower-level perpe-  
trators don't escape while the feds  
are looking higher up the political  
ladder.

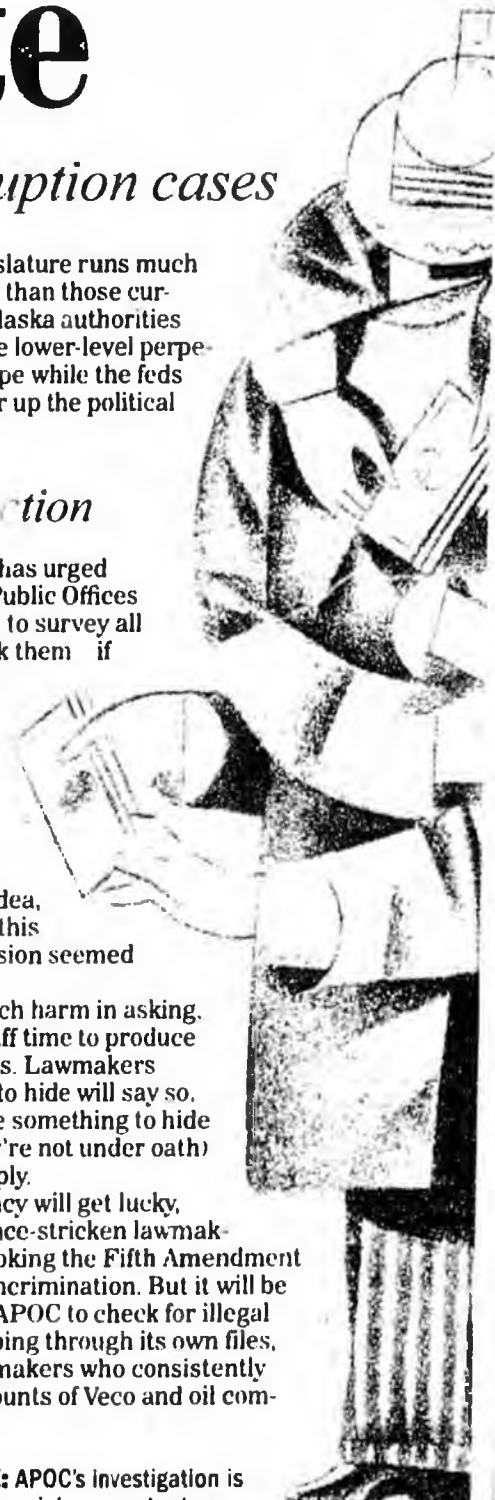
### Distraction

**R**ay Metcalfe has urged  
the Alaska Public Offices  
Commission to survey all  
legislators and ask them if  
they would be so  
kind as to volun-  
tarily incrimi-  
nate themselves  
about illegal  
campaign activi-  
ties, like taking  
free polls from  
Veco. It's a goofy idea,  
but at its meeting this  
week, the commission seemed  
eager to do it.

There's not much harm in asking,  
except wasting staff time to produce  
and mail the letters. Lawmakers  
who have nothing to hide will say so.  
Those who do have something to hide  
will either lie (they're not under oath)  
or not bother to reply.

Maybe the agency will get lucky,  
and some conscience-stricken lawmak-  
er will reply by invoking the Fifth Amend-  
ment right against self-incrimination. But it will be  
more effective for APOC to check for illegal  
polling aid by combing through its own files,  
and looking at lawmakers who consistently  
received large amounts of Veco and oil com-  
pany money.

**BOTTOM LINE:** APOC's investigation is  
a start. Let's have a special prosecutor too.



### ...LING SCHEME

l Rick Smith says the com-  
s of a hundred polls. If  
l results with candi-  
porate contribu-  
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# Los Angeles Times

<http://www.latimes.com/news/local/la-me-probe13nov13,1,7034417,print.story>  
From the Los Angeles Times

## State senator's spending probed

The Fair Political Practices Commission is looking into Democrat Carole Migden's political expenditures.

By Patrick McGreevy

Los Angeles Times Staff Writer

November 13, 2007

SACRAMENTO -- A top Democrat in the state Senate is being investigated for allegedly using credit cards to charge \$397,000 in political expenses without disclosing who was initially paid and for what, as required by campaign finance laws.

State Sen. Carole Migden (D-San Francisco), chairwoman of the Senate Democratic Caucus, said Friday that she was cooperating with the state Fair Political Practices Commission, which confirmed its investigation of her in a letter obtained by The Times.

Investigators are looking at the last seven years of credit card expenses. If found in violation, Migden could face up to \$60,000 in administrative fines.

Campaign finance experts say the failure to itemize expenses hides from the public whether the money received from campaign contributors is being spent on lavish meals, gifts or travel that improperly benefit the politician without meeting a legitimate campaign purpose.

"Expenses are required to be itemized so we can assure that campaign donations are going to expenses related to campaigns and not toward personal profit or other inappropriate expenses," said Kathay Feng, executive director of California Common Cause, a nonpartisan advocacy group.

Migden's campaign reports simply list the amount spent and the name of the credit card company.

The Fair Political Practices Commission launched an investigation of Migden's expenses after receiving a formal complaint from Assemblyman Mark Leno (D-San Francisco), who is a candidate to unseat her in the June 2008 election.

Migden, who as Senate Democratic Caucus chairwoman helps set legislative priorities, said there was no reason for anyone to file a formal complaint because she had been cooperating with the commission during the last eight months on a "top-to-bottom" audit of her campaign spending. She said any failings in her campaign reporting were inadvertent.

"We're working with the FPPC to address some issues, to resolve some errors that were self-reported," Migden said, adding that the lack of itemization of credit card expenses "would be part and parcel of that."

Campaign spending has recently become a higher-profile issue after The Times reported that Assembly Speaker Fabian Nuñez spent tens of thousands of dollars from his political accounts on travel, meals and clothing.

State law, specifically Government Code Section 84211, requires that all campaign disbursements using credit cards include an itemization of any expenses over \$100, including the name and address of the vendor paid, the amount and "a brief description of the consideration for which each expenditure was

made."

For example, if a credit card bill for \$500 is to pay for flowers from a Sacramento florist, the campaign finance report filed by the elected official would have to disclose the name and address of the florist, the amount paid and the political or governmental purpose, such as for fundraising expenses.

The Fair Political Practices Commission has fined dozens of campaigns for violating the itemization rule in the last decade, averaging \$2,000 for each violation. One of the biggest cases occurred in 2001 when the state Republican and Democratic parties were fined for not itemizing millions of dollars in expenses.

Violations are normally caught by random, routine audits by the state Franchise Tax Board. However, commission officials said Migden's campaign reports had not been audited for at least three years.

Her campaign committee reports going back to 2000 include 30 instances in which credit card bills ranging from \$219 to \$236,431 are listed but lack itemization.

Migden said she had hired James C. Harrison, a prominent campaign attorney, to represent her in dealing with the state watchdog agency.

Harrison said the mistakes stemmed from the use of volunteer bookkeepers who were not familiar with all of the state requirements for campaign finance reporting.

In campaign finance reports filed in the last year, Migden is listed as serving as her own campaign treasurer.

Harrison said the itemized expenses were all proper campaign bills but said a list of them was being compiled for disclosure.

Leno said he had his attorneys file the formal complaint, which also objects to the transfer of funds between Migden's committees, because the lack of itemization of expenses had gone on unchecked for years.

"It goes right to the heart of the cynicism voters have about the political process," he said of the incomplete reporting of expenses.

Migden had previously been charged with violations by the Fair Political Practices Commission and fined a total of \$110,600 for failing to disclose donations by deadlines set in state law, including twice last year.

[patrick.mcgreevy@latimes.com](mailto:patrick.mcgreevy@latimes.com)

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  **Hoy**

# Alaska State Legislature



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Committee

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Judiciary Committee  
Joint Armed Services Committee

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

*A Communication From*  
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**District 31 Anchorage**

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## **HB 368 Ethics: Legislative & Gov./Lt. Gov.** **Sponsor Statement for Version 25-LS1326\M**

No longer can a lobbyist blame the Legislature for not being allowed to buy their spouse a diamond ring!

Seriously, House Bill 368 makes common-sense changes to the state's ethics laws concerning gifts to and from legislators, legislative employees and lobbyists who are immediate family members.

This bill allows a legislator or legislative employee to accept a gift worth \$250 or more in value from anyone in a calendar year; and a gift of any monetary value from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist if:

"the gift is unconnected with the recipient's legislative status and is from a member of the legislator's or legislative employee's immediate family."

Other proposed changes within HB 368 include:

- Modifying the restrictions on the location where candidates for governor and lieutenant governor can raise campaign funds when the legislature is in session;
- Modifying the restrictions on the location where legislators and legislative employees who are candidates for the state legislature can raise campaign funds when the legislature is in session;
- Establishing the fine for late disclosure filings that are "willful" at \$100 for each day to a maximum of \$2,500;
- Allowing the Select Committee on Legislative Ethics to publish official summaries of decisions and advisory opinions on an annual basis;

HB 368 enhances state campaign and ethics laws with fair and sensible code revisions based on recommendations from the Select Committee on Legislative Ethics and the Alaska Public Offices Commission.

###

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

**Member**  
Judiciary Committee  
Joint Armed Services Committee

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



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

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## **HB 368 Ethics: Legislative & Gov./Lt. Gov.** **Sectional Analysis for Version 25-LS1326\M**

**Sec. 1.** Amends AS 15.13.072(g) to modify the location where a candidate for governor or lieutenant governor may not raise and spend campaign funds, changing it from the "capital city" to the "municipality in which the session is convened" when either house of the legislature is in regular or special session.

**Sec. 2.** Amends AS 24.60.031(a) to modify the location where a legislator or legislative employee who is a candidate for the state legislature may not raise and spend campaign funds, changing it from the "capital city" to the "municipality in which the session is convened" when either house of the legislature is in regular or special session.

**Sec. 3.** Amends AS 24.60.080(a) to allow a legislator or legislative employee to accept a gift worth \$250 or more in value from anyone in a calendar year; or accept a gift of any monetary value from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist if:

"the gift is unconnected with the recipient's legislative status and is from a member of the legislator's or legislative employee's immediate family."

**Sec. 4 and 5.** Amends AS 24.60.080 to restructure language for the Legislative Ethics Act as it relates to legislative volunteers and trainees.

**Sec. 6.** Amends AS 24.60.150(a) to allow the publishing of official summaries of decisions and advisory opinions by the Select Committee on Legislative Ethics on an annual basis versus a semi-annual basis.

**Sec. 7.** Amends AS 24.60.260(c) to establish the fine for a "willful" late filing to \$100 for each day to a maximum of \$2,500. The fine remains the same at \$2 for each day to a maximum of \$100 for each late filing. If the filing was "inadvertent," the maximum fine is still \$25.

**Sec. 8.** Amends AS 24.60.990(a) to include a definition for "partisan political activity."

###

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 368  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB368-DOA-APOC-2-11-08 Dept. Affected: Administration  
 Title: "An act modifying the limitation on political fundraising..." RDU: AK Public Offices Commission  
 Component: AK Public Offices Commission  
 Sponsor: House State Affairs Committee  
 Requester: House State Affairs Committee Component Number: 70

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

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

|                               | Appropriation<br>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> |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|

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

**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 the solicitation and acceptance of campaign contributions for candidates for governor and lieutenant governor on a day when either house of the legislature is in session in the municipality where the session is convened. It will not result in fiscal impact for the Alaska Public Offices Commission.

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

Phone 907-334-1726  
 Date/Time 2/19/08 12:02 PM  
 Date 2/19/2008

## Relevant Statutes for HB 368

Sec. 24.60.990. Definitions.

(a) In this chapter,

(1) "administrative action" means conduct related to the development, drafting, consideration, enactment, defeat, application, or interpretation of a rule, regulation, policy, or other action in a regulatory proceeding or a proceeding involving a license, permit, franchise, or entitlement for use;

(2) "anything of value," "benefit," or "thing of value" includes all matters, whether tangible or intangible, that could reasonably be considered to be a material advantage, of material worth, use, or service to the person to whom it is conferred; the terms are intended to be interpreted broadly and encompass all matters that the recipient might find sufficiently desirable to do something in exchange for; "anything of value," "benefit," or "thing of value" does not include

(A) an item listed in AS 24.60.080 (a)(2)(B) or (c);

(B) campaign contributions, pledges, political endorsements, support in a political campaign, or a promise of endorsement or support;

(C) contributions to a cause or organization, including a charity, made in response to a direct solicitation from a legislator or a person acting at the legislator's direction; or

(D) grants under AS 37.05.316 to named recipients;

(3) "committee" means the Select Committee on Legislative Ethics and includes, when appropriate, the senate or house subcommittee;

(4) "compensation" means remuneration for personal services rendered, including salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement for actual expenses incurred by a person;

(5) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage;

(6) "immediate family" means

(A) the spouse or domestic partner of the person; or

(B) a parent, child, including a stepchild and an adoptive child, and sibling of a person if the parent, child, or sibling resides with the person, is financially dependent on the person, or shares a substantial financial interest with the person;

(7) "income" means an asset that a person has received or expects to receive, regardless of whether it is earned or unearned; inheritances and other gifts are not income;

(8) "knowingly" has the meaning given in AS 11.81.900 ;

(9) "legislative action" means conduct relating to the development, drafting, consideration, sponsorship, enactment or defeat, support or opposition to or of a law, amendment, resolution, report, nomination, or other matter affected by legislative action or inaction;

(10) "legislative director" means the director of the legislative finance division, the legislative auditor, the director of the legislative research agency, the ombudsman, the victims' advocate, the executive director of the Legislative Affairs Agency, and the directors of the divisions within the Legislative Affairs Agency;

(11) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, including security, messenger, maintenance, and print shop employees, and other employees designated by the committee;

(12) "lobbyist" means a person who is required to register under AS 24.45.041 and is described under AS 24.45.171 , but does not include a volunteer lobbyist described in AS 24.45.161 (a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission;

(13) "political action" means conduct in which public officials, including legislators or legislative employees, use their official position or political contacts to exercise influence on state and local government employees or entities; it includes but is not limited to endorsing and pledging support or actively supporting a legislative matter, a nominee, or a candidate for public office;

(14) "registered lobbyist" means a person who is required to register under AS 24.45.041 ;

(15) "representation" means action taken on behalf of another, whether for compensation or not, including but not limited to telephone calls and meetings and appearances at proceedings or meetings;

(16) "state office" includes the office of governor, lieutenant governor, member of the legislature, or similar state office.

(b) A person has a substantial interest in legislative, administrative, or political action if the person (1) is not a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action; (2) is a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action in a way that is greater than the effect on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region; (3) has or seeks contracts in excess of \$10,000 annually for goods or services with the legislature or with an agency of the state; or (4) is a lobbyist. For the purpose of this subsection, the state, the federal government, and an agency, corporation, or other entity of or owned by the state or federal government do not have a substantial interest in legislative, administrative, or political action.

Sec. 24.60.030. Prohibitions related to conflicts of interest and unethical conduct.

(a) A legislator or legislative employee may not

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

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

**Nancy Manly**

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**From:** Will Vandergriff  
**Sent:** Wednesday, February 20, 2008 12:44 PM  
**Subject:** Press Release - Committee Proposes Ethics Changes (HB 368)  
**Attachments:** PR - Committee Proposes Ethics Changes (HB 368).doc

**FOR IMMEDIATE RELEASE:** Feb. 20, 2008

**CONTACT:** Rep. Bob Lynn, 907-465-4931

## **Committee Proposes Ethics Changes State Affairs' HB 368 Expands Restrictions on Campaigning During Session, Other Changes**

(Juneau) – The House State Affairs Committee introduced ethics legislation yesterday aimed at strengthening the State's campaign laws and rewriting sections of the law concerning gifts from lobbyists and the role of legislative interns and volunteers. The bill, HB 368, makes common-sense changes to the state's ethics laws concerning gifts involving legislators, legislative employees and lobbyists who are immediate family members.

"No longer can a lobbyist blame the Legislature for not being allowed to buy their spouse a diamond ring," joked Rep. Bob Lynn (R-Anchorage), chairman of the State Affairs Committee.

"Seriously, if something doesn't make sense, it's probably not sensible," Lynn added. "Hopefully, this bill brings us back to a fair middle ground for reasonable accountability."

HB 368 allows a legislator or legislative employee to accept a gift worth \$250 or more in value from anyone, and a gift of any monetary value from a lobbyist, as long as: the gift is unconnected with the recipient's legislative status and is from a member of the legislator's or legislative employee's immediate family.

Changes proposed within HB 368 also include:

- Modifying the restriction on campaigning during the legislative session from the Capital City to any municipality where a legislative session is taking place
- Increasing the fine for willfully failing to file disclosures by deadlines to \$100 per day up to a maximum of \$2,500; and
- Changing the frequency of publishing summaries of decisions and advisory opinions by the state Ethics Committee from semi-annually to annually.

HB 368 has been referred to the State Affairs Committee for consideration.

###

**HB**

**374**

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB374  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB374-DOA-DOP-2-20-08 Dept. Affected: Administration  
 Title: "An Act requiring publication of notice by state agencies when they RDU Central Administrative Services  
transfer positions in the classified partially exempt..." Component: Personnel  
 Sponsor: Representative(s) Doll, Keritula  
 Requester: (H)State Affairs Component Number: 56

(Thousands of Dollars)

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

|                               | Appropriation<br>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> |

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

| FUND SOURCE                |            | (Thousands of Dollars) |            |            |            |            |            |            |
|----------------------------|------------|------------------------|------------|------------|------------|------------|------------|------------|
|                            |            | FY 2009                | FY 2009    | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    |
| 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 |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

**ANALYSIS:** *(Attach a separate page if necessary)*  
 This bill requires public notice by a state agency when a position is transferred from one area of the state to another.  
  
 This bill will have no fiscal impact on the division of personnel.

Prepared by: Nicki Neal, Director  
 Division: Division of Personnel & Labor Relations  
 Approved by: Kevin Brooks, Deputy Commissioner  
Department of Administration

Phone 907-465-4429  
 Date/Time 2/20/08 12:00 AM  
 Date 2/20/2008

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 374  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB374-OOG-LGO-3-7-08 Dept. Affected: OOG  
 Title An Act requiring publication of notice by state agencies... transfer positions...from one area of the state to another. RDU Office of the Lt. Governor  
 Component Office of the Lt. Governor  
 Sponsor Representatives Doll, Kertula  
 Requester House State Affairs Component Number 11

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

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

|                               | Appropriation<br>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> |

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

**FUND SOURCE** (Thousands of Dollars)

|                                    |  |            |            |            |            |            |            |            |
|------------------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts              |  |            |            |            |            |            |            |            |
| 1003 GF Match                      |  |            |            |            |            |            |            |            |
| 1004 GF                            |  |            |            |            |            |            |            |            |
| 1005 GF/Program Receipts           |  |            |            |            |            |            |            |            |
| 1037 C <sup>2</sup> /Mental Health |  |            |            |            |            |            |            |            |
| 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: 0.0

**POSITIONS**

|           |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |  |

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

This proposed legislation will have no fiscal impact on the Office of the Lt. Governor.

Prepared by: Linda Perez, Administrative Director Phone 465-2644  
 Division: Division of Administrative Services Date/Time 3/7/08 4:50 PM  
 Approved by: Jay Pullin, Chief of Staff Date 3/7/2008  
Office of the Lt. Governor

25-LS1322\E  
Wayne  
3/14/08

**CS FOR HOUSE BILL NO. 374( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES DOLL, Kerittula**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring publication of notice by state agencies when they transfer positions in**  
2 **the classified, partially exempt, or exempt service from one area of the state to another."**

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

4 **\* Section 1.** AS 44.62.175(a) is amended to read:

5 (a) The lieutenant governor shall develop and supervise the Alaska Online  
6 Public Notice System, to be maintained on the state's site on the Internet. The  
7 lieutenant governor shall prescribe the form of notices posted on the system by state  
8 agencies. The Alaska Online Public Notice System must include

9 (1) notices of proposed actions given under AS 44.62.190(a);

10 (2) notices of state agency meetings required under AS 44.62.310(e),  
11 even if the meeting has been held;

12 (3) notices of solicitations to bid issued under AS 36.30.130;

13 (4) notices of state agency requests for proposals issued under  
14 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and

1 AS 43.40.010;

2 (5) executive orders and administrative orders issued by the governor;

3 (6) written delegations of authority made by the governor or the head  
4 of a principal department under AS 44.17.010;

5 (7) the text or a summary of the text of a regulation or order of repeal  
6 of a regulation for which notice is given under AS 44.62.190(a), including an  
7 emergency regulation or repeal regardless of whether it has taken effect;

8 (8) notices required by AS 44.62.245(b) regarding an amended version  
9 of a document or other material incorporated by reference in a regulation;

10 (9) a summary of the text of recently issued formal opinions and  
11 memoranda of advice of the attorney general;

12 (10) a list of vacancies on boards, commissions, and other bodies  
13 whose members are appointed by the governor; [AND]

14 (11) in accordance with AS 39.52.240(h), advisory opinions of the  
15 attorney general; and

16 (12) in accordance with AS 44.99.450, a notice of the transfer of a  
17 position in the classified, partially exempt, or exempt service.

18 \* Sec. 2. AS 44.99 is amended by adding a new section to read:

19 **Article 5. Transfer of State Employees.**

20 **Sec. 44.99.450. Transfer of certain state employees.** (a) At least 30 days  
21 before a state agency transfers a position in the classified, partially exempt, or exempt  
22 service from one location to another location, the state agency shall

23 (1) post a notice of the proposed transfer on the Alaska Online Public  
24 Notice System (AS 44.62.175); and

25 (2) deliver the notice in electronic format to all legislators; if the state  
26 agency does not have the technological capability to furnish the notice in electronic  
27 format to legislators, the state agency shall furnish the notice to the legislators by other  
28 means.

29 (b) In this section, "state agency" means a department, institution, board,  
30 commission, division, authority, public corporation, committee, or other  
31 administrative unit of the executive branch of state government, including the

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University of Alaska, but not including the Alaska Railroad Corporation.

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 374  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB374 GOV-OMB-3-11-08 Dept. Affected: All  
 Title Transfer of positions RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Rep. Doll Component Number \_\_\_\_\_  
 Requester House State Affairs Committee

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

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

|                               | Appropriation<br>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>0.0</b> |

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

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

**FUND SOURCE** (Thousands of Dollars)

|                            |            |            |            |            |            |            |            |            |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |            |            |            |            |            |            |            |            |
| 1003 GF Match              |            |            |            |            |            |            |            |            |
| 1004 GF                    |            |            |            |            |            |            |            |            |
| 1005 GF/Program Receipts   |            |            |            |            |            |            |            |            |
| 1037 GF/Mental Health      |            |            |            |            |            |            |            |            |
| Other 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> | <b>0.0</b> |

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

**POSITIONS**

|           |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |  |

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

This legislation would not have a significant fiscal impact on any State agency.

Prepared by Jack Kreinheder, Senior Analyst  
 Division Office of Management and Budget  
 Approved by Karen J. Rehfeld, Director  
Office of Management and Budget

Phone 465-4676  
 Date/Time 3/11/08 4:32 PM  
 Date 3/11/2008

# *Alaska State Legislature*

**Representative Andrea Doll**

*House District 4*

TO: Representative Bob Lynn

FROM: Representative Andrea Doll

DATE: February 28, 2008

RE: Hearing Request for HB 374, "An Act requiring publication of notice by state agencies when they transfer positions in the classified, partially exempt, or exempt service from one area of the state to another."

I would like to request a House State Affairs committee hearing on HB374.

Over the past eighteen months, more than 136 state jobs have been transferred from Juneau to Anchorage, with an average monthly payroll of \$641,376. Although there may be reasons for transferring particular positions from one area of the state to another, these decisions should be public and subject to appropriate review.

Thank you very much for your consideration of this request. Please let me know if you need anything further in order to schedule the bill for a hearing.

