

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

February 13, 2025

1:03 p.m.

MEMBERS PRESENT

Representative Ashley Carrick, Co-Chair
Representative Ted Eischeid, Co-Chair
Representative Genevieve Mina
Representative Louise Stutes
Representative Kevin McCabe
Representative Cathy Tilton
Representative Elexie Moore

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 18

"An Act relating to the transfer of a title on the death of the owner; and providing for an effective date."

- HEARD & HELD

PRESENTATION: ALASKA LONG TRAIL~ PROJECT OVERVIEW AND UPDATE

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 18

SHORT TITLE: VEHICLES/BOATS: TRANSFER ON DEATH TITLE

SPONSOR(s): REPRESENTATIVE(S) RAUSCHER

01/22/25	(H)	PREFILE RELEASED 1/10/25
01/22/25	(H)	READ THE FIRST TIME - REFERRALS
01/22/25	(H)	TRA, STA

WITNESS REGISTER

REPRESENTATIVE GEORGE RAUSCHER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor of HB 18, presented the sponsor statement.

AZABEL ORDAZ, Staff
Representative George Rauscher
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Rauscher, prime sponsor, presented the sectional analysis for HB 18.

HALEY JOHNSTON, Deputy Director
Alaska Trails
Anchorage, Alaska

POSITION STATEMENT: Gave a PowerPoint presentation, titled "Alaska Long Trail."

ACTION NARRATIVE

[1:03:25 PM](#)

CO-CHAIR ASHLEY CARRICK called the House Transportation Standing Committee meeting to order at 1:03 p.m. Representatives Mina, Stutes, McCabe, Tilton, Moore, Eischeid, and Carrick were present at the call to order.

HB 18-VEHICLES/BOATS: TRANSFER ON DEATH TITLE

[1:04:09 PM](#)

CO-CHAIR CARRICK announced that the first order of business would be HOUSE BILL NO. 18, "An Act relating to the transfer of a title on the death of the owner; and providing for an effective date."

[1:04:54 PM](#)

REPRESENTATIVE GEORGE RAUSCHER, Alaska State Legislature, paraphrased from the sponsor statement for HB 18 [copy included in the committee packet] which read as follows [original punctuation provided]:

The process of probate in the state of Alaska can take anywhere from six months to several years, and can cost family members and beneficiaries thousands, potentially tens of thousands of dollars in legal and filing fees. While the State Legislature has already taken great strides to reduce the costs of probate,

there is still much room for improvement. House Bill 18 continues in spirit with the Uniform Real Property Transfer on Death Act (URPTDA), which unanimously passed both the House and Senate in 2014. URPTDA created the Transfer on Death (TOD) deed, which allows for non-probate transfers of real property. TOD deeds allow Alaskans to select a beneficiary who will receive the property at their passing and removes that property from the process of probate. In 2016, legislation similar to HB 18 was introduced, but the legislation failed to pass that session. HB 18 is nearly identical, although it expands the concept to apply both to vehicles and boats that are issued titles through the state. HB 18 continues the ongoing effort to reduce the costs of probate for Alaskans and creates a streamlined service through the DMV through which they can designate beneficiaries for both cars and boats through a simple form. The TOD titles will be available for all boats and vehicles for which the DMV provides titles, which also includes some mobile manufactured homes under AS 45.29.102(66). The program will be self-sustaining through fees. At no cost to the state, HB 18 will allow countless Alaskans to pass down boats, vehicles, and some manufactured homes to beneficiaries with more ease, and will help simplify and streamline the potentially complicated, costly, and painful process of probate following the death of a loved one.

REPRESENTATIVE RAUSCHER advised that the Senate State Affairs Committee has indicated "willingness to hear and advance the bill." He argued that given the bipartisan support in the past it should "move swiftly through the process."

[1:08:17 PM](#)

AZABEL ORDAZ, Staff, Representative George Rauscher, Alaska State Legislature, gave the sectional analysis of HB 18 [hard copy included in the committee packet] which read as follows [original punctuation provided]:

Section 1:

Adds a new section under AS 05.25 that allows owners of boats, for which the Department of Administration (DoA) issues titles, to obtain a transfer on death (TOD) title.

Section 2: Amends AS 13.33.101(a) to add a transfer of a boat or vehicle by a TOD title to the existing list of acceptable nonprobate transferable property.

Section 3: Creates a provision under AS 13.33 for a transfer on death (TOD) title for boats and vehicles. Creates and defines the mechanism through the Division of Motor Vehicles (DMV), by which individuals will obtain, revoke, or change their transfer on death title and defines the parameters of the transfer on death title.

(a)-(c) Obtaining a TOD Title

- Creates a provision under AS 13.33 for a transfer on death title for vehicles and boats for which DoA issues titles.

- o This includes some manufactured homes for which the DMV issues titles under AS 45.29.102(66). These homes are without a permanent foundation and transportable in one or more sections.

- Requires that the transfer of title to the designated beneficiary occurs when the sole owner or last surviving joint owner of the vehicle dies.

- Requires that owners of the boats or vehicles file a form through the DMV and pay associated fees to apply for a TOD title.

- Limits the TOD titles to two beneficiaries.

(d) TOD titles effective without notice or consideration

- Provides that TOD titles will not require notice or acceptance by the designated beneficiary

- Provides that TOD titles will not be subject to consideration, the process by which there is an exchange or "quid pro quo" required from the recipient of the assets.

- o Language taken from TOD deed statute under AS 13.48.060.

(e) TOD titles are nontestamentary

- States that TOD titles are nontestamentary, meaning that the associated vehicles do not need to be provided for in the decedents will.

(f)-(g) Revocation or Change to TOD titles.

- Provides that the owner may revoke or change the designated beneficiary on the TOD at any time without the beneficiary's consent.

- Explains the process by which owners may revoke or change a TOD title.

- o The owner can either assign and deliver the certificate of title for the vehicle to another person, thereby revoking the TOD title, or;
- o file with the DMV to reissue the title without a designated beneficiary or with a different designated beneficiary.

(h) Designated beneficiaries right to disclaim interest

- Allows designated beneficiaries to refuse the boat or vehicle designated to them in a TOD title.

o Language taken from TOD deed statute under AS 13.48.100.

(i) TOD titles subject to decedent's creditors, contracts, etc.

- Subjects the TOD title to creditor's claims against the owner's estate, as well as to other interests, contracts, liens, encumbrances, assignments, and other interests.

- These interests remain attached to the boat or vehicle after it is transferred to the designated beneficiary.

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MS. ORDAZ continued the sectional analysis, which read as follows [original punctuation provided]:

(j-m) Enforcing liability upon TOD titles.

- Imposes the same procedures for enforcing liability upon TOD titles that is applied to TOD deeds under AS 13.48.110 and AS 13.48.088.

o Provides that the estate may enforce liability against boats or vehicles with TOD titles if the owner's estate does not cover an allowed claim.

o States that if there are multiple vehicles and/or boats, and a liability exists in the deceased's estate, the liability will be apportioned to each asset in proportion to its net value.

o Requires that a proceeding to enforce a liability must begin within 12 months of the owner's passing and can only begin once proper notification to beneficiaries has occurred.

o Stipulates that TOD titles do not affect rights of ownership before the owner's death, and do not affect rights of the designated beneficiary or creditors of the owner(s).

o TOD titles do not give legal or equitable preference to the designated beneficiary.

o TOD titles do not affect designated beneficiaries' eligibility for state public assistance. (n-p) Uniform standard of survivorship, requirements to receive TOD title.

- Requires that the designated beneficiary survive the previous owner by 120 hours.

- Requires that the designated beneficiary submit proof of the owner's death and an application and associated fees to the DMV.

- If there are two beneficiaries listed on the TOD title, they become joint owners.

(q) TOD titles may not be changed by other instruments

- Provides that TOD titles may only be changed by the process outlined in section 3 and not by a will or any other instrument.

(r) Gives the DoA authority to develop regulations to implement the TOD titles, establish necessary forms and fees, etc.

(s) Definitions

Section 4:

Amends AS 13.48.110(c) to add a person acting on behalf of the surviving spouse of the decedent to the list of people who may demand to enforce liability against the decedents' property.

Section 5:

Adds a new section to AS 28.10.275, relating to vehicle titles, to clearly state that owners of vehicles for which the DMV issues titles may obtain a TOD title.

Section 6:

Gives the DoA authority to develop necessary regulations.

Section 7:

Applies an immediate effective date to section 6 of the bill to allow the department to develop regulations.

Section 8:

Applies an effective date of July 1, 2025 to the legislation except for section 7.

[1:15:48 PM](#)

REPRESENTATIVE RAUSCHER advised the committee that his chief of staff was not available for questions.

[1:16:09 PM](#)

REPRESENTATIVE MCCABE questioned whether the proposed legislation is exactly the same as [House Bill 81, heard during the Thirty-Third Alaska State Legislature].

REPRESENTATIVE RAUSCHER expressed the understanding that the proposed legislation is a refile of House Bill 81.

REPRESENTATIVE MCCABE expressed the understanding that [House Bill 81] passed out of the House under the previous legislature.

[1:16:41 PM](#)

REPRESENTATIVE RAUSCHER, in response to a question from Representative Stutes, expressed the understanding that HB 18 is the same as the version of House Bill 81 that had passed out of the House in the previous legislature. He corrected the answer by adding that the fiscal note [for House Bill 81] had been changed. In response to a follow-up question, he confirmed that after the initial cost to implement the proposed legislation, there would be no cost to the state; therefore, the fiscal note would be zero.

[1:18:29 PM](#)

CO-CHAIR CARRICK noted the cost of implementation on the fiscal note. She questioned whether this had been part of the previous legislation.

REPRESENTATIVE RAUSCHER responded that the fiscal note was changed to an indeterminate amount. He pointed out the analysis on the fiscal note indicated that 600 hours of programming would be needed to implement conforming information. He explained that this was the reason for the change.

[1:19:19 PM](#)

REPRESENTATIVE TILTON clarified that if two beneficiaries were listed on the Transfer on Death (TOD) title, they would become joint owners.

[1:20:04 PM](#)

REPRESENTATIVE RAUSCHER, in response to a question from Co-Chair Carrick, explained that the proposed legislation would not

include airplane transfers because aircraft would fall under federal regulation.

[1:21:12 PM](#)

CO-CHAIR CARRICK announced that HB 18 was held over.

[1:21:35 PM](#)

The committee took an at-ease from 1:21 p.m. to 1:23 p.m.

PRESENTATION: Alaska Long Trail, Project Overview and Update

[1:23:43 PM](#)

CO-CHAIR CARRICK announced that the final order of business would be a presentation on the Alaska Long Trail.

[1:24:05 PM](#)

HALEY JOHNSTON, Deputy Director, Alaska Trails, gave a PowerPoint presentation, titled "Alaska Long Trail" [hard copy included in the committee packet]. She stated that Alaska Trails is a nonprofit organization based in Southcentral Alaska; however, it does statewide trail work. She discussed its volunteer program and its work on the public lands in the state, adding that there are also paid trail crews working in a variety of locations. Alaska Trails also helps communities and other organizations with trail policy and planning, and she named two of these projects. She pointed out the most publicized project the organization is working on is the Alaska Long Trail.

MS. JOHNSTON stated that the Alaska Long Trail began as an economic development project. She stated that long trails across the country provide an economic benefit to small communities across the country, as the communities are connected by the trails, and they become a destination for recreation. She stated that as of 2023 the outdoor recreation economy of Alaska is \$3.14 billion, as seen on slide 2. She noted the number of jobs this creates in the state. She highlighted that the state estimates 81 percent of its residents participate in outdoor recreation, which is the highest in the country.

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REPRESENTATIVE MCCABE, in regard to outdoor recreation resulting in 4.6 percent of the state's gross domestic product (GDP), questioned whether this includes activities with motorized vehicles.

MS. JOHNSTON affirmed that this number encompasses all outdoor recreation.

[1:28:08 PM](#)

CO-CHAIR CARRICK, in response to a question from Representative Stutes, clarified that the Fish Creek Trail in Anchorage is not part of the Alaska Long Trail.

[1:28:46 PM](#)

MS. JOHNSTON, in response to a question from Representative Tilton, clarified that the outdoor recreation economy is studied federally and is the source of all the statistics on slide 2. She stated that per the federal definition, outdoor recreation includes motorized use, sales at recreational stores, and the jobs associated with outdoor recreation. In response to a follow-up question, she stated that this information is broken down by industry by the U.S. Bureau of Economic Analysis.

[1:30:22 PM](#)

MS. JOHNSTON, in response to a question from Co-Chair Eischeid concerning the return on investment (ROI) of outdoor recreation, clarified that the definition of "public open space spending" includes city and state parks, recreation areas, and any open space open to the public for recreational use. In response to a follow-up question, she provided her understanding that for every dollar invested in outdoor recreation in the Matanuska-Susitna (Mat-Su) Valley, the return is around five times. She added that the study producing the numbers did not include land acquisition, but it did include improvements to land that facilitated public use.

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MS. JOHNSTON, in response to a question from Representative Stutes, stated that there are no comprehensive economic ROI studies of the recreation economy for the entire state, only for the Mat-Su Valley.

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MS. JOHNSTON moved to slide 3 and described the vision of the Alaska Long Trail, which is 500 miles in length connecting communities from Seward to Fairbanks. She commented on the diversity of these communities and the economic benefit that they would receive. On slide 4, she listed the reasons for choosing this route for the trail, including landowner support, manageable costs, and the already existing trail system.

[1:36:25 PM](#)

MS. JOHNSTON, in response to a question from Co-Chair Carrick concerning the already existing trails, said that Resurrection Pass is not included in the project. She explained the reasoning behind the exclusion of this trail. In response to a follow-up question, she stated that Crow Pass Trail, K'esugi Ridge Trail, and the Curry Ridge Trail connector are included in the Alaska Long Trail.

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MS. JOHNSTON, in response to a question from Representative Stutes concerning what would be allowed on the trails, stated that the land manager determines what is allowed on any section of trail. She explained this further.

CO-CHAIR CARRICK summarized that a person could navigate on foot the entire distance of the Alaska Long Trail; however, only in certain sections could there be other uses, such as equestrian and snowmachine usage.

[1:39:59 PM](#)

REPRESENTATIVE MCCABE expressed the understanding that motorized use is prohibited on National Scenic Trails (NST). He questioned how this would be mitigated for the Alaska Long Trail.

MS. JOHNSTON responded that the outdoor recreation economy created NST. She explained that every time a trail is designated NST, the National Trails Act would be amended to give the new designee its own usage designation. She gave examples of motorized use on sections of NSTs.

MS. JOHNSTON noted the bipartisan support for the trail, as listed on slide 5. She discussed the issues some organizations

have with creating a national trail, such as the federal overreach that would occur.

REPRESENTATIVE MCCABE pointed out that there are two Mat-Su Borough resolutions in opposition to the designation of the Alaska Long Trail as NST. He argued that there is not as much bipartisan support as the slide suggests.

[1:44:38 PM](#)

REPRESENTATIVE STUTES questioned the National Trails Act amendment process for NSTs.

MS. JOHNSTON responded that a federal administrator would be created to manage the use of the newly designated NST. She further explained how the Iditarod National Historic Trail is federally managed by the Bureau of Land Management (BLM), but only in the sections that cross federal lands.

[1:45:57 PM](#)

MS. JOHNSTON, in response to a question from Co-Chair Eischeid, said that the support expressed for the Alaska Long Trail is conceptual and nuanced, with some groups in support expressing opposition to designating the Alaska Long Trail as NST. She stated there is a feasibility study on whether the trail should be designated NST. She stated that she would forward the letters of support from the entities listed on the slide to the committee.

[1:48:05 PM](#)

REPRESENTATIVE MCCABE expressed the opinion that the state's GDP listed on the previous slide mostly involves [revenue from] motorized vehicles. He read the language concerning motorized usage on trails designated NST and said this language "has everybody up in arms" because a federal secretary would be determining the usage. He continued that the Alaska Long Trail would create a half-mile corridor in the state that could not be crossed with a motorized vehicle.

MS. JOHNSTON argued that the federal government would not own the trail.

[1:50:50 PM](#)

REPRESENTATIVE TILTON informed the committee that because of the possible federal overreach the Alaska Snowmachine Alliance and the Alaska Outdoor Council are not in support of the Alaska Long Trail. She questioned whether there would be a better way to display the support for the trail than naming it "bipartisan."

MS. JOHNSTON stated that all the organizations listed on the slide support the trail as a concept; however, some are supportive of NST designation, while others are not.

[1:52:37 PM](#)

The committee took an at-ease from 1:52 p.m. to 1:53 p.m.

[1:53:42 PM](#)

MS. JOHNSTON moved to slide 6 and explained the NST designation. She paraphrased from the slide, which read as follows [original punctuation provided]:

- NSTs are designated by Congress to provide for maximum outdoor recreation potential and for the conservation and enjoyment of nationally significant scenic, historic, natural, or cultural qualities.
- National Trails System Act of 1968
- NST system includes 11 trails around the country, including the Appalachian Trail and Pacific Crest Trail
- Opens the door to federal funding
- NST designation does not put restrictions on land use for non-federal land managers
- Motorized use - where already allowed - would not be impacted

MS. JOHNSTON continued by giving examples of motorized use on parts of the NST trail systems.

[1:55:13 PM](#)

CO-CHAIR CARRICK questioned whether a vehicle would be able to cross the trail where a road or driveway already exists.

MS. JOHNSTON affirmed that individuals would be able to cross trails on roads and drives that already allow vehicle use. She reiterated that the National Trails Act would be amended with every new trail.

CO-CHAIR CARRICK questioned what would happen with new development after the implementation of the trail.

MS. JOHNSTON responded that state statute provides that the new development would have to recognize usage of recreational easements. She added that state statute would protect the [owners] of the new development from liability if anything happened on the easement. In response to a follow-up question on the amount of federal funding for NST designation, she said the federal funding for the project would be helpful for the project's completion, as it would be twice the amount of state funding. She further explained that federal funding is prohibited on nonfederal lands in the state; therefore, NST status would allow more funding for nonfederal trail sections.

[1:59:52 PM](#)

REPRESENTATIVE MCCABE expressed the understanding that 71 percent of the Continental Divide Trail had been available for motorized usage, but now this is down to 23 percent. He expressed the belief that this is because it is managed by BLM. He questioned whether BLM would be responsible for the entire Alaska Long Trail, if it is built.

MS. JOHNSTON clarified that sections of the trail managed by municipalities and other entities would still be managed by these. She put forth that the motorized usage has decreased on the Continental Divide Trail because the trail has been moved off the road system.

REPRESENTATIVE MCCABE questioned the funding for maintenance of the proposed trail.

MS. JOHNSTON responded that there is not a known cost per mile for the Alaska Long Trail, but the funding so far has gone to repairing trails, maintenance, and improving access points.

[2:04:11 PM](#)

MS. JOHNSTON moved to slide 7, titled "National Scenic Trail Designation Timeline," which read as follows [original punctuation provided]:

- ✓ January 2023 - Appropriations bill included \$1M for the BLM to conduct feasibility study
- ✓ Fall 2023 - BLM hires contractor for study

- ✓ Spring-Summer 2024 - Public feedback process with 5 in-person and 3 virtual meetings,
- ✓ Fall 2024 - Interviews with land managers
- Spring 2025 - First draft study released for public feedback (no recommendation)
- Fall 2025 - Final study (including a recommendation) will be submitted to Congress

MS. JOHNSTON noted that when the first draft of the feasibility study is complete, it would not have a recommendation. However, the information would be released to the public, who would then have an opportunity to give feedback. She explained that when the final study is released a recommendation would be made, which would go to the U.S. Congress, where action may or may not be taken. She added that Alaska Trails is not managing the process; rather, BLM manages this.

[2:07:11 PM](#)

MS. JOHNSTON moving to slide 8 addressed the state funding for trails. She said that \$6.7 million has been received over the last three fiscal years, and in turn, this has funded 14 projects and 4 grantees. She stated that some of the funded projects were for planning, while most were for maintenance and rerouting trails. She expressed the opinion that the funding went for "chronically deferred maintenance."

[2:08:33 PM](#)

REPRESENTATIVE MCCABE questioned ROIs from trails.

MS. JOHNSTON clarified that some of ROI for trails comes from trailhead parking. She expressed interest in having a cost analysis for recreational trails. She shared her perspective on the economic impact of the recreational access, explaining that it feeds into the business community.

REPRESENTATIVE MCCABE expressed the opinion that these are secondary benefits, and he questioned whether there would be a cost benefit [for building the Alaska Long Trail]. He expressed interest in how much the state would make.

MS. JOHNSTON explained that state parks have receipts from the usage of parking lots, trailheads, and cabins. For example, she suggested that the Chugach State Park is economically positive.

[2:13:19 PM](#)

The committee took an at-ease from 2:13 p.m. to 2:18 p.m.

[2:18:28 PM](#)

MS. JOHNSTON, moving to slide 9, discussed the funds received from nonstate entities. She pointed out that private, corporate, and foundation funds have been received, and she read from a list of these, as seen on the slide. She pointed out that the federal funds received total \$11.9 million.

MS. JOHNSTON moved to slide 10 and spoke to the significant construction projects. She pointed out the state and federal funding for these projects, as seen on the slide.

[2:23:00 PM](#)

REPRESENTATIVE TILTON addressed the slide, titled "Alaska Long Trail - Other Funders." She questioned the percentage of private and corporate funding.

MS. JOHNSTON said that since 2021 there has been about \$2 million in funding from private entities. In response to a follow-up question, she stated that these donors were specifically giving to the Alaska Long Trail and its associated projects. In response, she stated that the total funding for the Alaska Long Trail is broken down into \$12 million from the federal government, \$6.7 million from the state, and \$2 million from private donors.

[2:25:05 PM](#)

MS. JOHNSTON, in response to a question from Co-Chair Eischeid, affirmed that the Eklutna Lakeside Trail is part of the Alaska Long Trail and the funding received for this trail was in support of the Alaska Long Trail. She added that it is one of the most used trails in the Chugach State Park.

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REPRESENTATIVE MCCABE expressed the understanding that the Recreational Trails Program (RTP) funding comes from motor fuel taxes and rental car tax. He questioned whether this money goes to the state parks.

MS. JOHNSTON clarified that rental car tax in the state funds about 60 percent of the budget for state parks; however, RTP funds are federal funds that pass through the state.

REPRESENTATIVE MCCABE informed the committee that motorized vehicle trail users are arguing that they pay for trails they cannot use, and this is causing "a real problem for many Alaskans."

MS. JOHNSTON stated that the RTP program has a separate amount of money used only for projects involving motorized usage.

[2:31:07 PM](#)

CO-CHAIR CARRICK asked that the committee be provided with information about the breakdown of trail system users and revenue.

MS. JOHNSTON stated that the data available would be provided.

[2:32:16 PM](#)

MS. JOHNSTON, moving from slide 11 to slide 14, displayed pictures of various trail projects. She gave details on each project. She moved to slide 15 and reviewed what is expected next for the Alaska Long Trail. She reiterated that the feasibility study would be released this year.

[2:36:35 PM](#)

REPRESENTATIVE MOORE questioned the estimated cost of the Alaska Long Trail.

MS. JOHNSTON responded that there is not a cost estimate for the entire trail, as some of the segments are in the planning stage. In response to a follow-up question, she stated that there are many phases, and the first phase addresses Southcentral Alaska. She estimated that funding is up to \$20 million. She stated that with another \$5 million there would be connectivity from the north side of Anchorage to Seward.

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CO-CHAIR EISCHEID thanked the presenter and commented on the "good discussion." He suggested that a component of any innovative project is the fear of change and suggested that this

be addressed going forward. He requested copies of any economic study available.

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REPRESENTATIVE MCCABE expressed agreement that the budget is important, as there needs to be a return on any investment by the state.

CO-CHAIR CARRICK expressed support for the outdoor recreation economy. She noted that the Alaska Long Trail is just one aspect of the outdoor recreation economy. She gave closing comments.

[2:42:17 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:42 p.m.