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# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAN 26 1981  
JAY S. HAMMOND, GOVERNOR

POUCH K-STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3656

January 21, 1981

Daniel L. Behnke  
Project Engineer  
TETRA TECH, INC.  
Suite 101  
909 W. 9th Ave.  
Anchorage, AK 99501

Re: Proposed Territory Waiver-Nome  
Causeway. Our file J-66-450-81

Dear Mr. Behnke:

Your December 3, 1980 letter to Mr. Claud Hoffman regarding a possible waiver of any claim the state might make to additional submerged lands based on construction of the proposed Nome causeway has been referred to me.

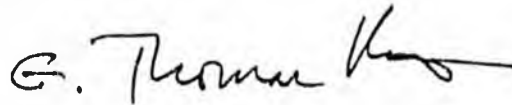
Following discussion with Robert E. LeResche, Commissioner of the Department of Natural Resources, and Wilson L. Condon, Attorney General, I have been instructed to inform you that we cannot give the requested assurance that construction of the causeway will not extend the state's boundary seaward. The state has given such assurances only once in the past, and then only because failure to do so might have resulted in a failure to obtain maximum production from the Prudhoe Bay oil and gas field.

If you have additional questions, I will be happy to discuss this matter at your convenience.

Sincerely,

WILSON L. CONDON  
ATTORNEY GENERAL

By:



G. Thoams Koester  
Assistant Attorney General

GTK:d1m

cc: Senator Frank R. Ferguson  
Mr. I. Widom, City of Nome  
Mr. J. Caruth, Corps of Engineers  
Mr. Orin B. Collier, BLM  
Mr. Louis F. Claiborne, Deputy Solicitor General  
Representative John G. "Jack" Fuller

POSITION PAPER

SENATE CONCURRENT RESOLUTION NO. 5

Purpose: Free travel for severely handicapped Alaskans on the State marine highway system.

Analysis: The resolution requests the Governor to direct the Division of Marine Highways to initiate a program whereby severely handicapped Alaskans may travel on state ferries for no charge on a space-available basis between Alaska's points of embarkation from October 1 to May 15 annually.

We estimate that about 2,000 disabled Alaskans do not have the income or employment potential to allow purchase of ferry tickets without presenting the person with a further hardship. Of this total, about 250 live in areas served by the ferry system.

The Department of Transportation and Public Facilities has initiated the process of making the ferries more accessible to the handicapped. The car and passenger decks on the Columbia, Matanuska, and Taku are accessible by elevator. Continued work is needed for barrier free access to toilet facilities on these ferries and for removing architectural barriers on other ferries.

One suggestion for improving this resolution would be extending the time of this travel throughout the year, since it is to be made available on a space available basis in the original instance.

Departments Position:

The Department supports passage of the resolution.

Recommended by: Verner Stillner, (H11)  
Verner Stillner, Director  
Division of Mental Health and  
Developmental Disabilities

Date: 2/2/81

Recommended by: David Bruce  
David Bruce, Deputy Director  
Division of Public Health

Date: 2/2/81

Approved by: Helen D. Beirne  
Helen D. Beirne, Commissioner  
Department of Health & Social Services

Date: 5/2/81

**THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE**

**FISCAL NOTE**

**I. REQUEST**

Bill/Resolution No. Senate Concurrent Resolution No. 5  
 Title Free travel for severely handicapped Alaskans for the State marine highway system.  
 Requested by Commissioner's Office Date January 29, 1981

**II. FISCAL DETAIL**

Agency Affected Department of Health and Social Services  
 Program Category Affected Division of Marine Highways.  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

**EXPENDITURES (Thousands of Dollars)**

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

**FUNDING (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

**POSITIONS**

FULL TIME						
PART TIME						
TEMPORARY						

**III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)**

No cost impact is foreseen to the Department of Health & Social Services as a result of this legislation.

IV. DATE January 29, 1981 PREPARED BY Verner Stillner, Director  
 AGENCY Mental Health & Developmental Disabilities  
 PHONE 465-3370  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) Wesley Hubbard 2/1/81

Draft CS for SCR5

Explanation of changes proposed by the sponsor, Senator Eliason.

Took out "severely" throughout the resolution and added the definition of "handicapped person" from the Federal Rehabilitation Act of 1973. The State Department of Transportation felt that a single definition for handicapped was necessary and preferred that it be defined at the legislative level.

Changed "Alaskans" to "persons" throughout to avoid legal challenge on basis of discrimination against out-of-state residents.

Added provision for requiring the signature of a physician verifying that the person meets the established definition of handicapped person. (D.O.T. was also concerned about how to administrate the program.) This method of qualification for the free travel pass would provide uniform criteria, would be simple and inexpensive to administer and most importantly, would protect the privacy and right to medical confidentiality of the handicapped person. The simple yes or no and signature of the doctor negates the need for the handicapped persons to specify or describe their disabilities to any non-medical personnel such as the ferry's purser.