

LEG. FINANCE - BILLS 1985 - 1986 2201

SB 183 - SB 187

2201

COMMITTEE REPORT
SENATE

FURTHER:

3/27/86

Date _____

Mr. President

The Committee on FINANCE considered SB 183

making a special appropriation for payment as a grant to the Matanuska-Susitna Borough for various capital improvement projects within the Matanuska-Susitna Borough School District; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DC PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT

SENATE

FINANCE

FURTHER:

2/21/85

Date _____

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MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman _____

Chairman recommendation _____

Introduced: 2/21/85
Referred: Health, Education and
Social Services and
Finance

Funding Information
General Fund \$53,000,000
Other Funds -0-
\$53,000,000

1 IN THE SENATE

BY DEVRIES

2 SENATE BILL NO. 183

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation for payment as
7 a grant to the Matanuska-Susitna Borough for various
8 capital improvement projects within the Matanuska-
9 Susitna Borough School District; and providing for an
10 effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. The sum of \$53,000,000 is appropriated from the general
13 fund for payment as a grant to the Matanuska-Susitna Borough for the fol-
14 lowing capital improvement projects:

15	Knik Road/Vine Road Elementary	\$ 9,000,000
16	Palmer High Addition	9,000,000
17	Wasilla/Palmer Sr./Jr. High	24,000,000
18	Willow Elementary addition	3,500,000
19	Susitna Valley High addition	3,500,000
20	Sutton School	4,000,000

21 * Sec. 2. The appropriation made by this Act shall be disbursed in
22 accordance with AS 37.05.315.

23 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

25
26
27
28
29
COMMITTEE COPY

ALASKA STATE LEGISLATURE

14th Legislature FIRST Session

SENATE BILL NO. 183

By DEVRIS

"An Act making a special appropriation for payment as a grant to the Matanuska-Susitna Borough for various capital improvement projects within the Matanuska-Susitna Borough School District; and providing for an effective date."

Introduced in the Senate 2/21, 1985

HISTORY IN THE SENATE

19 85

Read first time and referred to Committee on

2 21
19 85
3 7

HESS AND FINANCE

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced: 2/21/85
Referred: Health, Education and
Social Services and
Finance

Funding Information
General Fund \$53,000,000
Other Funds -0-
\$53,000,000

1 IN THE SENATE

BY DEVRIES

2

SENATE BILL NO. 183

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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22 accordance with AS 37.05.315.

23 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

Introduced: 2/22/85
Referred: State Affairs and
Finance

1 IN THE SENATE

BY ZHAROFF AND COGHILL

2

SENATE BILL NO. 186

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing the governor to lend up to
7 \$3,400,000 from the disaster relief fund for a break-
8 water failure on St. Paul Island; and providing for
9 an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The governor is authorized to lend up to \$3,400,000 to the
12 Department of Administration, division of risk management, from the assets
13 of the disaster relief fund (AS 44.19.048) to alleviate the effects of a
14 breakwater failure on St. Paul Island.

15 * Sec. 2. A loan made under the authority of sec. 1 of this Act shall
16 be made on the condition that the Department of Administration, division of
17 risk management, repay to the disaster relief fund the proceeds of insur-
18 ance payments received as a result of the breakwater failure on St. Paul
19 Island.

20 * Sec. 3. The authority given by sec. 1 of this Act terminates June 30,
21 1985.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: SB 186
Title: St/ Paul Breakwater

FISCAL DETAIL Administration
Agency Affected: Military & veterans' Affairs
Program Category Affected: _____

Sponsor: Sen. Zharoff
Requestor: House Finance
Date of Request: 4/4/85

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		3,400.0				
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill authorizes a loan from an existing fund therefore no new funds are required. The loan will come from the disaster relief fund.

Prepared By: Al Adams, Chair Phone: 465-3706
Division: House Finance Committee Date: 4/4/85

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

3/27/85

LETTER OF INTENT

HOUSE SPECIAL COMMITTEE ON STATE LOANS

Senate Bill 186 - "An act authorizing the governor to lend up to \$3,400,000 from the disaster relief fund for a breakwater failure on St. Paul Island; and providing for an effective date."

It is the Intent of the Legislature that, in order to ensure that all money will be repaid to the State of Alaska, Disaster Relief Fund, and the Division of Risk Management for the States' insurance deductible, as a condition of this loan for reconstruction of the Saint Paul Breakwater, the City of Saint Paul must agree to subrogate, up to a total of four million dollars, all claims to any insurance settlements from the breakwater failure,

Rep. Sam Cotten

Rep. Jim Duncan

Rep. Jack Fuller

Rep. Rick Uehling

Rep. John Sund, Chairman

DISASTER RELIEF FUND

RECAP OF ACTIVITY 7/1/84 THRU 2/28/85

PREPARED 4/4/85

Fund Balance as of June 30, 1984		\$13,082.7
Recovery Estimate FY 85		751.0
Subtotal		<u>13,833.7</u>
Commitments:		
Prior Year	\$5,079.3	
Current Year	<u>3,875.0</u>	<u>8,954.3</u>
Balance Available before Transfers In		4,879.4
Transfer In FY 85, AS 37.05.159		<u>5,000.0</u>
Balance Available After Transfer		\$ 9,879.4

NOTE: THE FUND WAS ENTITLED TO A ADDITIONAL \$5,000.0 FOR FY 84, HOWEVER THAT AMOUNT WAS NOT TRANSFERED BECAUSE THE FUND HAD A SIGNIFCANT BALANCE AT 6/30/84 (\$13-082.7). FURTHER ADDITIONS DID NOT APPEAR NECESSARY AT THAT TIME.

DISRELFUND

from Senator Fairley

Disaster Relief Fund Balance

The Department of Administration shows a balance of:

2/28/85 10,382.0

Of the \$5 million which the Department of Military and Veterans Affairs received for FY 85, the following transactions have occurred:

7/31/84	Cold Bay Power	740.0
8/9/84	Russian Mission	165.0
11/26/84	Southeast Alaska Storm	1000.0
HB 134	Haines Sewer System (Signed 3/6/85)	1600.0
2/27/85	Savocnga (encumbered)	377.0
	Balance	1125.0

BACKGROUND INFO on Disaster Relief and
Rainy Day Funds

MEMORANDUM

State of Alaska

TO: Senator Jan Faiks
Senate Finance Committee
Attn: Cheryl Frasca

DATE: 28 Jan., 1985

FILE NO:

TELEPHONE NO: 465-4600

RLO
FROM: Richard L. Rountree, Director
Admin. & Support Services Division
Department of Military & Veterans Affairs

SUBJECT: Disaster Relief Fund

I have reviewed the Department of Military & Veterans Affairs usage of the State Disaster Relief Fund from FY-80 to date and the following are my findings:

1. The Disaster Relief Fund has carried a balance in excess of 5,000.0 since FY-81 (+\$198.8) and the excess balance as of 7/1/84 was (+\$8,082.7).
2. The accumulation of the excess balance was caused by the following:
 - a. The Department of Military & Veterans Affairs was under the assumption that it did not control the Disaster Relief Fund; but was to receive an allocation of 5,000.0 at the beginning of each fiscal year. Also that any residue of the fiscal year allocation would lapse back to the Rainy Day Fund.
 - b. Since the Department of Military & Veterans Affairs accounted only for their current FY allocation we were not aware of the impact on the Disaster Relief Fund balance until late FY-84.

Note: The Department of Military & Veterans Affairs did not request any additional allocation from the Rainy Day Fund for FY-85 as we are now aware of the excess in the Disaster Relief Fund.

We are now advised by the Department of Administration, Division of Finance that we should be accounting for the State Disaster Relief Fund. Thereby I am recommending that the Department of Military & Veterans Affairs initiate the following:

1. Determine if there are any outstanding encumbrances against the excess balance created by prior years disasters.
2. Take action to return the unencumbered balance, in excess of \$5,000.0 as of 7/1/84, back to the Rainy Day Fund.
3. Change the Department of Military & Veterans Affairs Disaster Relief Fund allocation account to a non lapsing account.
4. Request funding only to replenish the Disaster Relief Fund to the \$5,000.0 level at the beginning of the fiscal year.

DMVA Accounting of the Disaster Relief Fund

FY-80 7/1/79 --6/30/80:

1.	11/79	West Coast Storm	121,353
2.	12/79	Willow Creek Flood	20,188
3.	2/80	Kodiak Island Storm	171,772
4.	4/80	Anchorage Storm	461,449
		Total Exp.	<u>774,762</u>

198.8 Bal.

FY-81 7/1/80 - 6/30/81:

Appropriation

5,000.0 (RDF)

1.	9/80	Bristol Bay Storm	113,084
2.	12/80	Copper Center Flood	13,168
3.	6/81	Angoon Water Disaster	10,987
		Total Exp.	<u>137,239</u>

5,061.6 Bal.

FY-82 7/1/81 - 6/30/82:

Appropriation

5,000.0 (RDF)

1.	7/81	South Central Storm	275,013
2.	2/82	Emmonak Fire	259,624
3.	5/82	Ft. Yukon Ice Jam	808,323
		Total Exp.	<u>1,342,960</u>

8,718.6 Bal.

FY-83 7/1/82 - 6/30/83:

Appropriation

5,000.0 (RDF)

1.	10/82	Russion Mission	375,000
2.	12/82	Takotna Fire	375,000
3.	4/83	Kipnuk Flood	900
4.	6/83	Aniak Flood	150,000
		Total Exp.	<u>900,900</u>

12,817.7 Bal.

FY-84 7/1/83 - 6/30/84: Appropriation 5,000.0 (RDF)

1.	9/83	- - Cordova Water Disaster	200,000
2.	11/83	Chefornak Disaster	50,000
3.	3/84	Unalakleet Water Dis.	1,000,000
4.	3/84	Mt. Village Water Dis.	1,000,000
5.	3/84	Elim Water Disaster	480,000
6.	4/84	Kotzebue Water Dis.	1,419,000
7.	5/84	Cold Bay Water Dis.	3,000
8.	6/84	Alakanuk Flood Dis.	550,000
9.	6/84	Emmonak Flood Disaster	33,000
		Total Exp.	4,735,000

13,082.7 Bal.

7/1/84 DMVA Allocation for FY-85 5,000,000

8,082.7 Bal.

FY-85 Disasters Funded to Date:

1.	7/31	Cold Bay Power Dis.	740,000
2.	8/9	Russ. Mission Power Dis.	165,000
3.	11/26	S.E. AK. Storm Dis.	1,000,000
		Total Exp. to Date	1,905,000

DMVA Account Balance to Date FY-85 3,095,000

HB-134 Haines Sewer Sys. Dis. 1,600,000
 DMVA Account Balance 1,495,000

→ should be in RDF

MEMORANDUM:

TO: John Hartle
FROM: Michael Thill
RE: SB 186

Contact persons for explanation and information pertaining to the bill:

- 1) Clark Gruening 586-8110
(representing City of St Paul)
- 2) Anselm Staack: 2200
(Dept of Admin)
- 3) Brad Thompson: 2180
(Div of Risk Management)
- 4) Vern McCorkle, (907) 546-2331
City Manager, St Paul, Alaska

Estimate to repair damage to Phase I of the St Paul Breakwater:

\$4,000,000	
<u>- 600,000</u>	(\$300,000 deductible per occurrence x 2 occurrences)
\$3,400,000	

SB 186: St Paul Breakwater

The purpose of this legislation is to provide for a loan from the Disaster Relief Fund to the Division of Risk Management to alleviate the effects of a breakwater failure on St. Paul Island. During Mid November and again in early December, the phase I construction of the St Paul Breakwater was subjected to 2 major winter storms which caused significant damage.

This project is covered by insurance from both the Division of Risk Management and the contractor and the loan of \$3.4 million will be repaid from the proceeds of the insurance settlement.

This temporary loan will enable repairs to be made to phase I of the breakwater project and insure that valuable construction time will not be lost waiting for the insurance settlement. Passage of this bill will allow the project to proceed within the 1985 construction "window" and preserve a \$2.5 million dollar federal EDA grant for the construction of the dock. This federal grant is conditioned upon portions of the project being completed by June 30th. Additionally, as a condition of the loan, the City of St Paul has agreed to relinquish all claims to the insurance settlement thus insuring that the money will be repaid to the disaster relief fund.


The presence of a harbor in the Bering Sea is of vital concern for the economic development of the region and will also expedite the development of the worlds greatest whitefish resource.

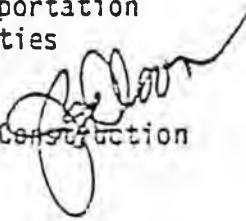
SB ~~184~~ 184

MEMORANDUM

State of Alaska

TO: Anselm Staack
 Deputy Commissioner
 Administrative Management
 Department of Administration

THRU: William R. Snell 
 Acting Deputy Commissioner
 Central Region
 Department of Transportation
 and Public Facilities

FROM: John B. Olson, P.E. 
 Director, Design & Construction
 Central Region

DATE: February 6, 1985

FILE NO: 220C

TELEPHONE NO: 266-1500

SUBJECT: Involvement of Risk
 Management with St.
 Paul Breakwater

The events leading up to the Department of Transportation and Public Facilities' (DOT&PF) contact with Risk Management focused primarily on the assessment of damage. Technical analyses to determine why the Breakwater failed were critical, in view of the fact that the City of St. Paul had opened bids for Phase II construction and was scheduled to award the contract in mid-December. Tetra Tech, Inc., was hired to perform the technical analysis.

Following the decision to have the City of St. Paul cancel the contract award for Phase II, the Department and the City began to explore ways to fund the restoration of Phase I of the Breakwater.

During the week of January 14, 1985, Risk Management was asked to assist the Department in exploring its options with regard to Phase I. Several conversations followed and an exchange of information took place. On January 29, 1985, Brad Thompson of Risk Management met with representatives of the City of St. Paul and DOT&PF to determine the best way to proceed to restore the Breakwater to its pre-storm condition.

It was decided that the Division of Risk Management through DOT&PF would solicit an estimate to reconstruct the facility to its pre-storm condition. The Department has identified a list of potential consultants to prepare this estimate.

The initial estimate given to DOT&PF to restore the Breakwater is \$4.0 million. A more specific estimate will be developed as a result of comprehensive field investigation.

MEH/bgc

cc: Clark Gruening, Smith, Robinsons & Gruening, Juneau
 Brad Thompson, Claims Manager, Risk Management, DOA
 Warren Sparks, Deputy Commissioner, Headquarters

A P P E N D I X A

ST. PAUL HISTORY

The significant events surrounding the construction of the St. Paul Breakwater the storm damage and the time frame of reconstruction.

<u>DATE</u>	<u>EVENT</u>
	Construction contract awarded to Callista Corp.
	Problems arose in production of large armor stone, construction temporarily halted.
	Construction proceeded with modified (berm) breakwater design.
	Completion of Phase 1 construction was accepted for payment.
10/15/84	Breakwater began to show signs of readjusting to a moderate wave climate.
11/13/84-11/14/84	Breakwater was subjected to a major storm which significantly damaged the outer 350'.
11/19/84	City of St. Paul contacted DOT&PF for assistance on confronting the problem.
11/30/84	DOT&PF signed an agreement with Tetra Tech Inc., using an existing Term Contract, to conduct an assessment of the damage and determine the probable cause(s) of failure.
12/07/84-12/08/84	The breakwater was subjected to a second major storm which destroyed an additional 150'-200'. At this time the head portion of the breakwater had receded from an original station 9+00 to station 4+25.
12/31/84	First draft of final Tetra Tech Inc report was received for review.
01/14/85	DOT&PF contacted Risk Management to ascertain the States insurance alternatives for reconstruction of the breakwater.

01/21/85

Final Tetra Tech Inc. report was delivered to DOT&PF.

City of St. Paul contracted with DePue & Associates to develop alternative dock designs.

City of St. Paul contracted with Tetra Tech Inc. to develop alternative designs and estimates for reconstructing the breakwater and continuation of phase 2 construction.

01/29/85

DOT&PF, City of St. Paul, and Risk Management met to discuss the current status of the breakwater and determine what involvements between the agencies is necessary to meet the critical time frame for construction and preservation of the EDA grant.

TENTATIVE SCHEDULE TO MEET 1985 CONSTRUCTION WINDOW AND FULFILL GRANT REQUIREMENTS.

02/15/85

Select from alternative designs of breakwaters and docks.

02/28/85

Contract for A/E services to develop final design, drawings, and specifications for breakwater and dock.

03/01/85-03/15/85

Field Investigations (detailed bathymetry, geotech, etc.)

03/15/85-04/30/85

Hydraulic Model Studies

03/01/85-04/15/85

Develop final design, construction, and bid documents

04/16/85-06/01/85

Advertise and award

06/15/85

Begin construction

11/15/85

Complete construction



TETRA TECH, INC.
2000 10TH AVENUE, SUITE 100
DENVER, COLORADO 80202
TELEPHONE (303) 733-0100

SB #12
FEB 4 1985 / 80

4 February 1985

Mr. Vern McCorkle
City Manager
City of St. Paul
St. Paul, Alaska

Dear Mr. McCorkle:

The following is a summarization of our analysis of the Saint Paul Harbor Project:

1. Estimated Costs to Re-build Phase I

	<u>w/o contingencies E&D and S&A</u>	<u>w/contingencies E&D and S&A</u>
a) to Norgaard's Original Design	\$4.02 million	\$4.74 million
b) Norgaard's A-B Design	3.40 million	4.01 million
c) to Tetra Tech's Preliminary Design	4.95 million	5.84 million

Basis of costs are shown on the attached sheets for (a) and (b). Unit prices are from Phase 2 bid summaries and quantity estimates assume that existing material from damaged section can be incorporated into the core. We have added the costs for mob/demobs, camps and have road maintenance which were not included in our original \$3 million estimate.

2. Extent of \$9.0 Million Breakwater Project

Using Tetra Tech's preliminary x-section, breakwater repairs and extension to about STA 14+00 can be accomplished for \$9 million. A head section incorporating 30-ton concrete dolos armor units and a trunk section using 14-ton stone on a 1:4 slope were used in this estimate. A project of this magnitude could protect a 200-foot barge dock while providing a 20' draft along the berth. Dredging of the harbor for the removal of washed out breakwater material would be required. Wave heights of about four feet along the berth would be expected several times per year during storm conditions. The evaluation of using a concrete caisson for the head section instead of the 30-ton dolos units may substantially affect the total possible breakwater length. Model testing of the caisson and our preliminary design for the trunk section is also required. We are presently investigating

Mr. Vern McCorkle
4 February 1965
Page two

the caisson alternative, but a precise construction cost estimate will be difficult. In summary, we are confident that a 1200- to 1500-foot breakwater can be constructed with a \$9.0 million budget. Estimated construction time for this project is seven months.

3. Estimated Costs for Re-build to Original Phase I/Phase II Project

Using Tetra Tech's preliminary design x-section and extending the project to STA 20+50 as shown in the Phase II construction drawings would cost about \$12.63 million in construction. Including a 5% contingency and allowances for engineering and design and supervision and administration would necessitate a \$14.9 million project budget. Estimated construction time for this project is 13 months, hence a two-season construction program would be needed.

4. Alternative X-Section Designs


We have examined six alternative cross-sections plus Norgaard's trunk and head section designs. Based on the 25-foot design wave, Norgaard's original design would expect considerable damage (about 20% or more). The other six designs are expected to sustain about 0 to 5% damage on an annual basis, but model tests of some alternatives are necessary to verify this damage estimate. We are presently evaluating a caisson section for use as the breakwater head. This may be similar in cost to a rubblemound dolos protected head section but afford an additional 50 feet of breakwater length. See attached table for a summary of x-sections examined.

I would like to emphasize that some of our designs can only be verified by scale model testing. We have preliminary sections drawn, along with a plan of the project to STA 14+00, which can be made available for your use if you feel they would be of any assistance. Once Tetra Tech, or possibly some other firm, is given a notice to proceed with the development of detailed plans and specifications, it will take approximately four weeks to have them ready for bid. Also, if the dock facilities are to be incorporated in this project, a subsoil investigation of the harbor bottom must be completed. Tetra Tech would be pleased to act as St. Paul's agent for this work, or if you desire to contract directly for this work we will recommend firms specializing in this type of work.

If you have any questions, please don't hesitate to give me a call at 564-8144.

Sincerely,

TETRA TECH, INC.


Robert H. Taylor
Manager, Alaska Operations

RHT:rd

Enclosures

cc: Tony Smith, Attorney

ALTERNATIVE	COSTS/FT	CREST EL.	USABLE ROADWAY	REMARKS
3. NORGARD <u>SECTION</u> 12-ton ARMOR	\$ 5090	+30	30'	DAMAGE = 15-20% UNDER 25' DESIGN WAVE
6. NORGARD HELD 18-ton ARMOR	7800	+30	30'	DAMAGE > 50% UNDER 25' DESIGN WAVE
1. ALT 1 14-ton stone 1:4 slope	8000	+37	40'	VERY WIDE STRUTTING MAY ENOUGH ON HARBOR CREST EL. REQUIRE MODEL TEST
2. ALT 2 18-ton stone 1:3 slope	7100	+30	none	18-TON PROBABLY NOT AVAILABLE IN REQ'D QUAN.
3. ALT 3 20-ton dolos 1:2 slope	11600	+30	none	USE FOR HELD SECTION. OVERTOPPED
4. ALT 4 20-ton dolos 1:2 slope	11000	+30	none	USE FOR TRUNK OVERTOPPED
5. ALT 5 46-ton tetrapod 1:1.5 slope	10300	+38	3'	CREST REQUIRES MODEL TEST
6. ALT 6 14-ton stone composite	6400	+40	30'	MODEL TEST NEEDED TO EVALUATE STABILITY
7. CAISSON	UNDER	EVALUATION		

§ 44.19.046

lieutenant governor shall appoint, departments of the need to the office of nor becomes vacant. majority of the mem- e person designated office of lieutenant If the person desig- e appointment, the mation in the same 174 SLA 1959)

and Employees, §§ 109, 7. es, §§ 94 to 101.

ancy occurs in the utenant governor r. III, § 11, of the otherwise becomes he office of lieuten- ds to the office of vacated, or until a nder AS 44.19.040 ernor shall appoint ernor in case of a

cond vacancy in utenant governor e constitution and term, the office of utenant governor al election to elect 174 SLA 1959)

pecial election, see AS

ncies in the office : simultaneously,

§ 44.19.048

STATE GOVERNMENT

§ 44.19.048

the person appointed under AS 44.19.040 succeeds directly to the office of acting governor until successors to the respective offices are elected in a special election (§ 5 ch 174 SLA 1959)

Revisor's notes. — Formerly AS 44.19.150. Renumbered in 1980. and time of calling special election, see AS 15.40.230.
Cross references. — As to condition

Article 3. Disaster and Emergency Relief Funds.

Section	Section
48. Disaster relief fund	50. Definition
49. Grants and loans to municipalities damaged by natural disaster	52. Fuel emergency fund

Revisor's notes. — In 1980, the sections of this chapter were extensively renumbered. For derivations of current sections and current disposition of former sections consult the parallel reference table at the beginning of this title and the Table of Sections Amended Etc. in binder no. 8.

Sec. 44.19.048. Disaster relief fund. (a) There is in the Office of the Governor a disaster relief fund. The Department of Revenue is custodian of the fund.

(b) Subject to the restrictions of (d) and (e) of this section, the governor may, without additional legislative authorization, expend not more than \$1,000,000 of the assets of the disaster relief fund for the following purposes:

(1) to implement provisions of law relating to disaster relief in the case of a disaster as defined in AS 44.19.050 occurring after October 11, 1967;

(2) to alleviate the effects of a disaster as defined in AS 44.19.050 occurring after October 11, 1967, by making loans or grants to persons or municipalities on terms the governor considers appropriate or by other means the governor considers appropriate.

(c) Subject to the restrictions of (d) and (e) of this section, the governor may, without additional legislative authorization, expend for any fiscal year not more than \$500,000 of the assets of the disaster relief fund to prevent or minimize the effects of an event which occurs in any part of the state after October 11, 1967 and which, in the determination of the governor, poses a direct and imminent threat of resulting in a disaster of sufficient magnitude and severity to justify state action.

(d) Expenditures authorized by the legislature to alleviate effects of the natural disaster occurring on August 14, 1967 shall be reimbursed to the general fund from the disaster relief fund before any other expenditures may be made from the disaster relief fund.

(e) The governor shall present to the legislature an annual accounting of money expended from the disaster relief fund. (§ 1 ch 25 FSSLA 1967; am §§ 4, 5 ch 104 SLA 1977; am § 10 ch 116 SLA 1980)

Revisor's notes. — Formerly AS 44.19.171. Renumbered in 1980. Cross references. — As to the Alaska Disaster Act, see AS 26.23.010 et seq.

Sec. 44.19.049. Grants and loans to municipalities damaged by natural disaster. (a) Grants and loans for urban renewal shall be made available to municipalities damaged by disasters occurring in the state after August 1, 1967 in order to match federal funds under federal urban renewal programs. A grant or loan of state funds to a municipality for an urban renewal program under this section may not exceed 25 percent of the aggregate of the net project costs of the urban renewal project. Funds shall be made available to a municipality to match federal funds only if the urban renewal project is made necessary by the disaster.

(b) The funds for the grants or loans under this section shall come from the disaster relief fund provided for in AS 44.19.048 — 44.19.050.

(c) No urban renewal project costing over \$30,000,000 is eligible for grants or loans under this section.

(d) The governor shall determine the eligibility of a municipality for a grant and loan of funds to match federal funds for urban renewal. In making the determination the governor shall consider the following standards:

- (1) the amount of participating money available from the United States government for urban renewal;
- (2) the amount and availability of funds from other sources to meet the municipality's required contribution of matching funds;
- (3) whether or not the urban renewal project was made necessary by a disaster;
- (4) the needs of other municipalities damaged by the disaster for funds to match federal funds for urban renewal projects, and the urgency of the needs of other communities as compared with the community under consideration;
- (5) the cost of the urban renewal project;
- (6) the general welfare of the state and its inhabitants.

(e) A report of activity under this section shall be made to the legislature each year.

(f) The governor shall determine the terms and conditions of a loan made under this section.

(g) In this section "disaster" means a disaster proclaimed by the President of the United States. (§ 1 ch 20 FSSLA 1967; am § 1 ch 171 SLA 1970; am §§ 7-10 ch 104 SLA 1977)

Revisor's notes. — Formerly AS 44.19.177. Renumbered in 1980.

Sec. 44.19.050. "Disaster" means a disaster which causes damage, injury, or loss of life or property by a landslide, an oil spill or other natural or man-made event which averts damage or infestation. (SLA 1977)

Revisor's notes. — Formerly AS 44.19.175. Renumbered in 1980.

Sec. 44.19.051. Office of the Governor shall determine the assistance to be provided from the fund to a city to purchase...

Revisor's notes. — Formerly AS 44.19.179. Renumbered in 1980.

Section 54. State Geologist; 56. Commissioner of Public Health; 58. Duties of the Governor; 59. Alaska National Guard.

Revisor's notes. — Portions of this section renumbered. Former sections and current sections.

Sec. 44.19.052. The Governor shall...

Revisor's notes. — Formerly AS 44.19.350. Renumbered in 1980.

§ 44.19.049

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§ 44.19.050

STATE GOVERNMENT

§ 44.19.054

Revisor's notes. Formerly AS
44.19.177. Renumbered in 1980.

Sec. 44.19.050. Definition. In AS 44.19.048 and 44.19.049, "disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, landslide, avalanche, wind-driven water, weather condition, tsunami, oil spill or other water contamination requiring emergency action to avert damage, volcanic activity, epidemic, air contamination, blight, infestation, explosion, or riot. (§ 1 ch 25 FSSLA 1967; am § 6 ch 104 SLA 1977)

Revisor's notes. — Formerly AS
44.19.175. Renumbered in 1980.

Sec. 44.19.052. Fuel emergency fund. There is established in the Office of the Governor the fuel emergency fund. When the governor determines that a shortage of fuel is sufficiently severe to justify state assistance the governor may make a grant from the fuel emergency fund to a city or borough, or to a village or unincorporated community, to purchase emergency supplies of fuel. (§ 37 ch 83 SLA 1980)

Revisor's notes. — Formerly AS
44.19.179. Renumbered in 1980.

Article 4. State Geographic Board.

Section

- 54. State Geographic Board
- 56. Composition
- 58. Duties of board
- 59. Alaska Native place names

Section

- 60. Use of names chosen
- 62. Advertising or publishing a name without approval

Revisor's notes. — In 1980, the sections of this chapter were extensively renumbered. For derivations of current sections and current disposition of former

sections consult the parallel reference table at the beginning of this title and the Table of Sections Amended, Etc. in binder no. 8.

Sec. 44.19.054. State Geographic Board. There is in the Office of the Governor a State Geographic Board. (§ 1 ch 119 SLA 1961)

Revisor's notes. — Formerly AS
44.19.350. Renumbered in 1980.

Introduced: 2/22/85
Referred: State Affairs and
Finance

1 IN THE SENATE

BY ZHAROFF AND COGHILL

2

SENATE BILL NO. 186

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing the governor to lend up to
7 \$3,400,000 from the disaster relief fund for a break-
8 water failure on St. Paul Island; and providing for
9 an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The governor is authorized to lend up to \$3,400,000 to the
12 Department of Administration, division of risk management, from the assets
13 of the disaster relief fund (AS 44.19.048) to alleviate the effects of a
14 breakwater failure on St. Paul Island.

15 * Sec. 2. A loan made under the authority of sec. 1 of this Act shall
16 be made on the condition that the Department of Administration, division of
17 risk management, repay to the disaster relief fund the proceeds of insur-
18 ance payments received as a result of the breakwater failure on St. Paul
19 Island.

20 * Sec. 3. The authority given by sec. 1 of this Act terminates June 30,
21 1985.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

COMMITTEE REPORT
SENATE

FURTHER:

Date _____

Mr. President

The Committee on FINANCE considered SI 786

authorizing the governor to loan up to \$3,400,000 from the State
treasury for a breakwater failure on St. Paul Island.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

W. C. ...

W. C. ...

Chairman

Chairman recommendation

Introduced: 2/22/85
Referred: State Affairs and
Finance

1 IN THE SENATE

BY ZHAROFF AND COGHILL

2

SENATE BILL NO. 186

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing the governor to loan up to
7 \$3,400,000 from the disaster relief fund for a break-
8 water failure on St. Paul Island; and providing for
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16 be made on the condition that the Department of Administration, division of
17 risk management, repay to the disaster relief fund the proceeds of insur-
18 ance payments received as a result of the breakwater failure on St. Paul
19 Island.

20 * Sec. 3. The authority given by sec. 1 of this Act terminates June 30,
21 1985.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

THIS FILE CONTAINED OVERSIZED DOCUMENTS
TOO LARGE FOR MICROFILMING
THEY CAN BE FOUND IN THE HARD COPY ORIGINAL

ANALYSIS FOR SENATE BILL 186

An Act authorizing the governor to loan up to \$3.4 million from the disaster relief fund for a breakwater failure on St. Paul Island

In November of last year, a storm hit St. Paul Island which destroyed about 500 feet of an 866 foot recently constructed but not yet completed breakwater. Construction of Phase I of the breakwater had ended for the season and bids for Phase II were to be accepted in December. It is estimated that it will cost \$3.4 million to repair the breakwater to pre-storm condition.

This project is covered by insurance through both Risk Management and the contractor. However, valuable construction time will be lost waiting for the insurance settlements. In addition, \$2.2 million in federal dollars will also be lost if certain portions of this entire project are not completed by June 30th.

Therefore, the purpose of Senate Bill 186 is to provide a temporary loan out of the disaster relief fund through Risk Management which would get the project going again. As a condition of the loan the City of St. Paul has agreed to relinquish all claims to the insurance settlement, thereby ensuring that the money would be repaid to the disaster relief fund.

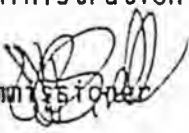
MEMORANDUM

SB #2-184
State of Alaska

TO: Anselm Staack
Deputy Commissioner
Administrative Management
Department of Administration

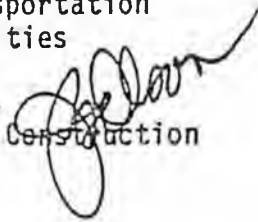
DATE: February 6, 1985

FILE NO: 220C

THRU: William R. Snell 
Acting Deputy Commissioner
Central Region
Department of Transportation
and Public Facilities

TELEPHONE NO: 266-1500

SUBJECT: Involvement of Risk
Management with St.
Paul Breakwater

FROM: John B. Olson, P.E. 
Director, Design & Construction
Central Region

The events leading up to the Department of Transportation and Public Facilities' (DOT&PF) contact with Risk Management focused primarily on the assessment of damage. Technical analyses to determine why the Breakwater failed were critical, in view of the fact that the City of St. Paul had opened bids for Phase II construction and was scheduled to award the contract in mid-December. Tetra Tech, Inc., was hired to perform the technical analysis.

Following the decision to have the City of St. Paul cancel the contract award for Phase II, the Department and the City began to explore ways to fund the restoration of Phase I of the Breakwater.

During the week of January 14, 1985, Risk Management was asked to assist the Department in exploring its options with regard to Phase I. Several conversations followed and an exchange of information took place. On January 29, 1985, Brad Thompson of Risk Management met with representatives of the City of St. Paul and DOT&PF to determine the best way to proceed to restore the Breakwater to its pre-storm condition.

It was decided that the Division of Risk Management through DOT&PF would solicit an estimate to reconstruct the facility to its pre-storm condition. The Department has identified a list of potential consultants to prepare this estimate.

The initial estimate given to DOT&PF to restore the Breakwater is \$4.0 million. A more specific estimate will be developed as a result of comprehensive field investigation.

MEH/bgc

cc: Clark Gruening, Smith, Robinsons & Gruening, Juneau
Brad Thompson, Claims Manager, Risk Management, DOA
Warren Sparks, Deputy Commissioner, Headquarters

A P P E N D I X A

ST. PAUL HISTORY

The significant events surrounding the construction of the St. Paul Breakwater the storm damage and the time frame of reconstruction.

<u>DATE</u>	<u>EVENT</u>
	Construction contract awarded to Calista Corp.
	Problems arose in production of large armor stone, construction temporarily halted.
	Construction proceeded with modified (berm) breakwater design.
	Completion of Phase 1 construction was accepted for payment.
10/15/84	Breakwater began to show signs of readjusting to a moderate wave climate.
11/13/84-11/14/84	Breakwater was subjected to a major storm which significantly damaged the outer 350'.
11/19/84	City of St. Paul contacted DOT&PF for assistance on confronting the problem.
11/30/84	DOT&PF signed an agreement with Tetra Tech Inc., using an existing Term Contract, to conduct an assessment of the damage and determine the probable cause(s) of failure.
12/07/84-12/08/84	The breakwater was subjected to a second major storm which destroyed an additional 150'-200'. At this time the head portion of the breakwater had receded from an original station 9+00 to station 4+25.
12/31/84	First draft of final Tetra Tech Inc report was received for review.
01/14/85	DOT&PF contacted Risk Management to ascertain the States insurance alternatives for reconstruction of the breakwater.

01/21/85 Final Tetra Tech Inc. report was delivered to DOT&PF.
City of St. Paul contracted with DePue & Associates to develop alternative dock designs.
City of St. Paul contracted with Tetra Tech Inc. to develop alternative designs and estimates for reconstructing the breakwater and continuation of phase 2 construction.

01/29/85 DOT&PF, City of St. Paul, and Risk Management met to discuss the current status of the breakwater and determine what involvements between the agencies is necessary to meet the critical time frame for construction and preservation of the EDA grant.

TENTATIVE SCHEDULE TO MEET 1985 CONSTRUCTION WINDOW AND FULFILL GRANT REQUIREMENTS.

02/15/85	Select from alternative designs of breakwaters and docks.
02/28/85	Contract for A/E services to develop final design, drawings, and specifications for breakwater and dock.
03/01/85-03/15/85	Field Investigations (detailed bathymetry, geotech, etc.)
03/15/85-04/30/85	Hydraulic Model Studies
03/01/85-04/15/85	Develop final design, construction, and bid documents
04/16/85-06/01/85	Advertise and award
06/15/85	Begin construction
11/15/85	Complete construction



TETRA TECH, INC.
 3300 ARCADE BOULEVARD
 ANCHORAGE, ALASKA 99503-2775
 TELEPHONE (907) 561-0169

SB #02
 FEB 4 1985 / SC

4 February 1985

Mr. Vern McCorkle
 City Manager
 City of St. Paul
 St. Paul, Alaska

Dear Mr. McCorkle:

The following is a summarization of our analysis of the Saint Paul Harbor Project:

1. Estimated Costs to Re-build Phase I

	<u>w/o contingencies E&D and S&A</u>	<u>w/contingencies E&D and S&A</u>
a) to Norgaard's Original Design	\$4.02 million	\$4.74 million
b) Norgaard's A-B Design	3.40 million	4.01 million
c) to Tetra Tech's Preliminary Design	4.95 million	5.84 million

Basis of costs are shown on the attached sheets for (a) and (b). Unit prices are from Phase 2 bid summaries and quantity estimates assume that existing material from damaged section can be incorporated into the core. We have added the costs for mob/demobs, camps and have road maintenance which were not included in our original \$3 million estimate.

2. Extent of \$9.0 Million Breakwater Project

Using Tetra Tech's preliminary x-section, breakwater repairs and extension to about STA 14+00 can be accomplished for \$9 million. A head section incorporating 30-ton concrete dolos armor units and a trunk section using 14-ton stone on a 1:4 slope were used in this estimate. A project of this magnitude could protect a 200-foot barge dock while providing a 20' draft along the berth. Dredging of the harbor for the removal of washed out breakwater material would be required. Wave heights of about four feet along the berth would be expected several times per year during storm conditions. The evaluation of using a concrete caisson for the head section instead of the 30-ton dolos units may substantially affect the total possible breakwater length. Model testing of the caisson and our preliminary design for the trunk section is also required. We are presently investigating

Mr. Vern McCorkle

4 February 1985

Page two

the caisson alternative, but a precise construction cost estimate will be difficult. In summary, we are confident that a 1200- to 1500-foot breakwater can be constructed with a \$9.0 million budget. Estimated construction time for this project is seven months.

3. Estimated Costs for Re-build to Original Phase I/Phase II Project

Using Tetra Tech's preliminary design x-section and extending the project to STA 20+50 as shown in the Phase II construction drawings would cost about \$12.63 million in construction. Including a 5% contingency and allowances for engineering and design and supervision and administration would necessitate a \$14.9 million project budget. Estimated construction time for this project is 13 months, hence a two-season construction program would be needed.

4. Alternative X-Section Designs

We have examined six alternative cross-sections plus Norgaard's trunk and head section designs. Based on the 25-foot design wave, Norgaard's original design would expect considerable damage (about 20% or more). The other six designs are expected to sustain about 0 to 5% damage on an annual basis, but model tests of some alternatives are necessary to verify this damage estimate. We are presently evaluating a caisson section for use as the breakwater head. This may be similar in cost to a rubblemound dolos protected head section but afford an additional 50 feet of breakwater length. See attached table for a summary of x-sections examined.

I would like to emphasize that some of our designs can only be verified by scale model testing. We have preliminary sections drawn, along with a plan of the project to STA 14+00, which can be made available for your use if you feel they would be of any assistance. Once Tetra Tech, or possibly some other firm, is given a notice to proceed with the development of detailed plans and specifications, it will take approximately four weeks to have them ready for bid. Also, if the dock facilities are to be incorporated in this project, a subsoil investigation of the harbor bottom must be completed. Tetra Tech would be pleased to act as St. Paul's agent for this work, or if you desire to contract directly for this work we will recommend firms specializing in this type of work.

If you have any questions, please don't hesitate to give me a call at 564-8144.

Sincerely,

TETRA TECH, INC.


Robert H. Taylor

Manager, Alaska Operations

RHT:rd

Enclosures

cc: Tony Smith, Attorney

ALTERNATIVE	COSTS/FT	CREST EL.	USEABLE ROADWAY	REMARKS
a. NORGGAARD SECTION 12-ton ARMOR	\$ 5090	+30	30'	DAMAGE = 15-20% UNDER 25' DESIGN WAVE
b. NORGGAARD HEAD 18-ton ARMOR	7800	+30	30'	DAMAGE > 50% UNDER 25' DESIGN WAVE
1. ALT 1 14-ton Stone 1:4 slope	8000	+37	40'	VERY WIDE STRUCTURE MAY ENCRUSH ON HARBOR. CREST EL. REQUIRES MODEL TEST
2. ALT 2 18-ton Stone 1:3 slope	7100	+30	none	18-TON PROSALT NOT AVAILABLE IN REQ'D QTY.
3. ALT 3 30-ton dolos 1:2 slope	11600	+30	none	USE FOR HEAD SECTION. OVERTOPPED
4. ALT 4 20-ton dolos 1:2 slope	11000	+30	none	USE FOR TRUNK OVERTOPPED
5. ALT 5 4 1/2-ton tetrapod 1:1.5 slope	10300	+38	8'	CREST REQUIRES MODEL TEST
6. ALT 6 14-ton Stone composite	6400	+40	30'	MODEL TEST NEEDED TO EVALUATE STABILITY
7. CAISSON	UNDER	EVALUATION		

SB 186
H02



CITY OF ST. PAUL

BOX 29
ST. PAUL ISLAND, ALASKA
99660
(907) 546-2331

December 3, 1984

MEMORANDUM

FROM: CITY MANAGER

TO: DISTRIBUTION LIST

SUBJ: BREAKWATER SITUATION REPORT NO. 1

1. Due to the large number of inquiries the City is receiving for information on progress made to assess the damage to the Phase I Breakwater under construction at the Port of Saint Paul, the City will present periodic situation reports which will circulate general information about the assessment now underway. The information does not represent the official actual situation but rather attempts only to characterize the activity as a means of sharing information. The only official information will be released following the completion of the assessment now underway.

2. A storm in the Bering Sea on Tuesday and Wednesday, November 13 and 14, 1984 may have contributed to the damage of the Phase I Breakwater structure. The breakwater had been constructed to the 868-foot mark when terminated for the season by the City through agreement with the Contractor.

3. It is obvious that the damage is rather extensive and the City has received information which indicates that parts of the breakwater may not have been constructed to specification.

4. On Thursday, November 15, 1985, Members of the City Council who were in Anchorage on business, including Mayor Mike Zacharof and Deputy Mayor John R. Mercurief, together with Designer Eric Norgaard and Project Engineer Frank Carson flew to Saint Paul to personally inspect the damage.

5. Upon return from Saint Paul Thursday night, the inspection party met for several hours to review what had been seen and to develop plans for moving forward with the repairs.

6. On Friday morning, November 16, 1984 the inspecting party met with representatives of the State of Alaska with included Deputy Commissioner of the Department of Transportation and Public Facilities David Haugen and Grants Administrator Margaret E. Holland. City Attorney Tony Smith joined the group for this meeting. The following points were taken-up:

- o A review was thought to be necessary. It probably should include examination of weather conditions, technical assessments of the design, model testing, and other technical data, and examination of construction management and construction execution.
- o The Saint Paul Breakwater design is a State-of-the-Art design and meticulous testing, and even the most advanced design might not be able to forecast the real forces of the environment.
- o Construction management and construction execution which followed the design and specifications also could probably not be faulted.
- o It was obvious that a study to determine causes of the damage was needed. The State asked to be kept informed and offered technical assistance in keeping within its ability to offer assistance.

7. On Saturday, November 17, 1984 the City hosted a luncheon meeting for Citizens of Saint Paul who were in Anchorage attending the Annual Meeting of the Aleut Regional Corporation; 15 people were present. At the meeting an announcement to the press was presented which was later distributed to the Anchorage media. DOT Chief of Design and Construction Division John Olson was in attendance and during a question and answer period stated that it was his opinion that if the breakwater were going to fail it was best to have it over with now rather than a year or two later when it would be excessively costly to repair. Mr. Olson reaffirmed the interest of the State of Alaska to stand by Saint Paul with technical assistance and to do what ever it could to see us through the problems now facing the City and its breakwater project.

8. In the meantime, Mr. Eric Norgaard had flown to Copenhagen, Denmark with photographs and data for consultations with the Danish Hydrology Institute, the model test consultant.

9. On Monday, November 19, 1984 DOT representatives including Margaret E. Holland and Ocean Engineer Harvey Smith met with the City and presented a plan to provide "lead agency" action to bring about an independent study of the entire matter and situation. The City accepted. The State would contract with an independent engineering consulting-testing firm and get back to the City with the details.

10. During the week the State's search narrowed the field to the firm of Tetra Tech of Los Angeles and Anchorage and broad details of the scope of work were under discussion. A contract for services with Tetra Tech was finalized.

11. During the week of November 26-30 a scope of work was drafted and a contract signed on December 3, 1984.



CITY OF ST. PAUL

BOX 29
ST. PAUL ISLAND, ALASKA
99660
(907) 546-2331

December 10, 1984

SB 150
~~100~~

MEMORANDUM

FROM: CITY MANAGER
TO: DISTRIBUTION LIST
SUBJ: BREAKWATER SITUATION REPORT NO. 2

1. Due to the large number of inquiries the City is receiving for information on progress made to assess the damage to the Phase I Breakwater under construction at the Port of Saint Paul, the City will present periodic situation reports which will circulate general information about the assessments now underway. The information does not represent an official position but, rather, attempts to characterize the nature of the activity presently undertaken. An official report will be released following completion of the engineering study now going on.

2. Also during the week of November 26-30, Mr. Torben Sorensen, chief executive of the Danish Hydrology Institute, Copenhagen, Denmark, flew to Anchorage for continuing consultations with Norgaard Consultants, and the State of Alaska Dept. of Transportation. Together, the State and Norgaard et al, discussed the details of the scope of work to be undertaken by Tetra Tech with Norgaard having input upon the scope which would be written and supervised by DOT.

4. On Thursday, December 6 the first of Tetra Tech's engineering team arrived on Saint Paul. Likewise a representative of the Danish Hydrology Institute. Upon landing, an immediate inspection of the Breakwater was undertaken and several rolls of still photographs were taken.

5. On the evening of December 6 a heavy storm began forming in the Bering Sea. By Friday it was a full running major storm event and one which severely damaged the already heavily battered Breakwater.

6. Representatives of DHI and T-Tech were on hand to witness the storm event. Additional photography and video-tapes were taken, recording the storm in its fullness. Winds were out of the southwest at 38-47 mph with gusts to 51 mph. High tide at 4:32 P. M. was at 3.5 feet and full. Wave heights were 3-5 meters and wave length of 15 seconds. Local viewpoints of the storm were mixed: some felt that the storm was an average "bad winter storm" but others said it was the worst they had seen in 15 years--1970 being about as far back as could be clearly recalled by local residents of long standing on Saint Paul. The storm blew itself out late in the afternoon of Saturday, December 8, but not until the Breakwater had been reduced to about 300 feet of its original 358 feet.

DISTRIBUTION LIST:

John Shively
AK Dept. of Transportation/PF
Deputy Commissioner Haugen
John Olson
Margaret Holland
Harvey Smith
Pete Spivey
Hon. Fred Zharoff
Hon. Adelheid Herrmann
Hon. Michael Zacharof, Mayor
and City Council, Saint Paul
Hon. Max Malavansky
Hon. Jay S. Gage
Lt. Fulton Gregg, USCG
Leland Dishman
Fr. M. Lestenkof

J. Anthony Smith, Esq.,
Clark Gruening, Esq.,
Norgaard Consultants
Eric Norgaard
Frank Carson
Rich Wilson
Nancy Gross
Larry Glostén
Bob Morgan
W. H. Nichols
Chester A. Richmond
Larry Mercurieff
Maxim Lestenkof, Sr.
Kenneth Fay
Rick Luthi
Magistrate G. Rukovichnikoff



CITY OF ST. PAUL

BOX 29
ST. PAUL ISLAND, ALASKA
99660
(907) 546-2331

December 17, 1984

SB 1816

MEMORANDUM

FROM: CITY MANAGER
TO: DISTRIBUTION LIST
SUBJ: BREAKWATER SITUATION REPORT NO. 3

1. Due to the large number of inquiries the City is receiving for information on progress made to assess the damage to the Phase I Breakwater under construction at the Port of Saint Paul, the City will issue periodic Situation Reports which will characterize the general nature of activity to that time. This information is not an official report. That information will be presented when the engineering study now going on is complete, about December 31, 1984.
 2. Tetra Tech, the engineer firm selected by the Alaska Department of Transportation and Public Facilities to assess the damage to the Phase I Breakwater arrived on the scene on December 6 when the senior engineer came to the site. He was followed by an engineering technician and a geotechnical expert two days later. On December 10 the project manager arrived. A representative of the Danish Hydraulic Institute was also on site during this week.
 3. Another storm, with advance billing of "a 10 year storm" was forecast for the Bering Sea on December 13-15 but passed west of the Pribilof Islands resulting in a disturbance similar to the storm of December 7-9, 1984. The breakwater was affected only a little by that one but all the experts were on hand to witness it and gained insights into the damage/failure mechanisms
 4. Tasks completed between storm and lull included:
 - o Visual Inspections
 - o Photographic Documentations
 - o Topographic SubAerial Documentations
 - o Estimation of In Situ Gradation with Surface Sampling
 - o Visual Observation of Three Storm Events on the Rubble Mound Breakwater
- Tasks attempted included:
- o Excavation Test Pit, Gradation Work
 - o Bathymetric Survey, delayed do to weather
 - o Spot Bathymetric Reconnaissance Near Structure
5. The Engineering team departed the Island today and will consult in Anchorage prior to writing a report which is expected by Dec. 31.

7. Review of Local Climatological Data (NOAA) reveals that the mean wind speed for December is 22.3 mph and the extreme speed is 62 mph, which was recorded in 1970, the year of the last storm which local people can remember. Last year the peak gust speed in December was 56 mph on the 20th from the south southeast. The strongest wind last year overall was on November 23 at 58 mph out of the southeast.

8. At first light on Saturday, December 8, 1984 DHI and T-Tech began field reconnaissance during the final gusts of the storm. More photographs were taken. The overall length remaining of the main Breakwater is about 100 meters.

9. Bethemetric equipment did not arrive on Saint Paul as planned on Friday due to the weather. It will arrive on Monday, December 10 and depending upon the calmness of the water in Village Cove will begin in a day or two.

10. Bids for Phase II Breakwater were opened on November 13 and award of a contract was expected 45 days later on Friday, December 28, 1984. The City will ask for a 45-day extension from all bidders for the purpose of completing the present assessment of damage before commencement of pre-award negotiations and contract award then expected to take place in mid-February.

11. The time frame noted above is not expected to prevent the City from remaining on schedule which is to complete the Breakwater Phase I and II and the Dock Phase I in time for the 1986 season. The final design of the dock is now awaiting the programming of essential repair to Phase I Breakwater.

12. It is becoming increasingly obvious that very major problems which span a wide range of interests and incidents accompany the present situation. The assessment and study should lay before us some of the answers to the overriding question: "What happened?"

#

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COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/22/85

Date 02/28/85

Mr. President

The Committee on STATE AFFAIRS considered SB 186
authorizing the governor to loan up to \$3,400,000 from the disaster relief fund for a breakwater failure on St. Paul Island; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- my* do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Tim Kelly

V. Fischer

Edwin De Vries

[Signature]
Chairman

[Signature]
Chairman recommendation

**HOUSE
COMMITTEE REPORT**

(11)
Date referred: 2/5/86

FURTHER REFERRALS:

DATE: 2-5-86

The FINANCE Committee has considered SB 187
"An Act relating to adoption; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS SB 187 (2d Sud) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note 2/5/86

SIGNING DO PASS:

Mike Dymowski
James Duncan
Ronald J. Jones
Pat Raymond
Paul Vebek
Jim Gith

SIGNING OTHER RECOMMENDATIONS:

Gilbert A. Clark NO Rec
John Campbell NO REC
Alfred P. Regis NO Rec
Tom NO Rec.

Gilbert A. Clark
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/3/86

REQUEST

Bill/Resolution No. : HCSSB187 (2nd Judiciary)
 Title : "An Act relating to adoption"

Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : DHSS Administrative Services

Components : Vital Statistics

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

No fiscal impact

Prepared by : Joan P. Brooks *Joan P. Brooks* Phone : 465-3391
 Division : Planning/Vital/Statistics Date : 2/3/86

Approved by Commissioner : *John R. Coy* Date : 2/15/86
 Agency : _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 2/5/86
Referred: Finance

395 7 vote
1986

Herrin

Original sponsors: Rodey, P.Fischer,
Sturgulewski and Kerttula

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 187 (2d Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to adoption; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 13.11.045 is amended to read:

10 Sec. 13.11.045. MEANING OF "CHILD" AND RELATED TERMS. If, for
11 purposes of intestate succession, a relationship of parent and child
12 must be established to determine succession by, through, or from a
13 person,

14 (1) an adopted person is the child of an adopting parent
15 and not of the natural parents unless the decree of adoption specif-
16 ically provides for the continuation of inheritance rights [EXCEPT
17 THAT ADOPTION OF A CHILD BY THE SPOUSE OF A NATURAL PARENT HAS NO
18 EFFECT ON THE RELATIONSHIP BETWEEN THE CHILD AND EITHER NATURAL PAR-
19 ENT];

20 (2) in cases not covered by (1) of this section, a person
21 born out of wedlock is a child of the mother; that person is also a
22 child of the father, if:

23 (A) the natural parents participated in a marriage
24 ceremony before or after the birth of the child, even though the
25 attempted marriage is void; or

26 (B) the paternity is established by an adjudication
27 before the death of the father or is established thereafter by
28 clear and convincing proof, except that the paternity established
29 under this subparagraph is ineffective to qualify the father or

1 the father's kindred to inherit from or through the child unless
2 the father has openly treated the child as the father's, and has
3 not refused to support the child.

4 * Sec. 2. AS 18.50.220(b) is amended to read:

5 (b) When a new certificate of birth is established, the actual
6 place and date of birth shall be shown. The new certificate shall be
7 substituted for the original certificate of birth, and

8 (1) thereafter, in the case of an adoption, the original
9 certificate and the evidence of adoption are not subject to inspection
10 except as provided in AS 18.50.500 - 18.50.510 or by order of the
11 superior court under AS 25.23.150; but the state registrar shall allow
12 inspection by an agent of the state or federal government acting in
13 the performance of the agent's official duties; in the case of a
14 legitimation, the original certificate and the evidence of [ADOPTION
15 OR] legitimation are not subject to inspection except upon order of
16 the superior court or as provided by regulation; however, the regula-
17 tion shall allow inspection by an agent of the state or federal gov-
18 ernment acting in the performance of the agent's [HIS] official
19 duties;

20 (2) upon receipt of a report that an adoption has been
21 vacated, the original certificate of birth shall be restored to its
22 place in the files and the new certificate and evidence are not sub-
23 ject to inspection except upon order of a superior court.

24 * Sec. 3. AS 18.50.370 is amended by adding new paragraphs to read:

25 (14) "adoptive parent" means a person who has adopted another
26 person under AS 25.23;

27 (15) "biological parent" means a parent named on the origi-
28 nal certificate of birth of an adopted person;

29 (16) "child adoption agency" means a child adoption agency

1 licensed under AS 47.35.100;

2 (17) "commissioner" means the commissioner of health and
3 social services;

4 (18) "medical history" includes information relating to a
5 person's medical conditions and treatment, immunization records, and
6 other medical information about the person that could be important to
7 the health care of the adopted person.

8 * Sec. 4. AS 18.50 is amended by adding new sections to read:

9 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

10 Sec. 18.50.500. IDENTITY OF BIOLOGICAL PARENTS. (a) After
11 receiving a request by an adopted person 18 years of age or older for
12 the identity of a biological parent of the person, the state registrar
13 shall provide the person with an uncertified copy of the person's
14 original birth certificate, and any change in the biological parent's
15 name or address attached to the certificate, if the biological par-
16 ent's written consent to disclosure is on file with the state regis-
17 trar. The state registrar may not provide to an adopted person a copy
18 of the person's original birth certificate or disclose the name and
19 address of a biological parent without that parent's written consent,
20 except as required by the court under AS 25.23.150.

21 (b) The state registrar upon request shall provide to a bio-
22 logical parent a form containing the text of this section and AS 18.-
23 50.510 and a statement, to be signed by the biological parent, indi-
24 cating the biological parent's desires regarding the disclosure of
25 information under (a) of this section. The form must contain at least
26 the following information and appear substantially as follows:

27 INSTRUCTIONS TO STATE REGISTRAR OF VITAL STATISTICS REGARDING
28 DISCLOSURE OF INFORMATION TO AN ADOPTED CHILD

29 I. Disclosure During Biological Parent's Lifetime (Choose A, B, or C)

1 A. PROVIDE to my biological child a copy of the child's
2 original birth certificate, and my name and address, when
3 the child is 18 years of age or older, if requested by
4 the child.

5 B. DO NOT PROVIDE to my biological child a copy of the
6 child's original birth certificate, or my name and
7 address, unless required by law or by court order.

8 C. If my biological child, when 18 years of age or older,
9 requests a copy of the child's original birth
10 certificate, or my name and address, these are my
11 instructions:

12 1. I want to be notified of the request in the following
13 manner (choose a or b):

14 a. by certified mail, deliverable to me only, at
15 my last known address

16 b. _____
17 (Specify how you want to be notified)

18
19 2. If I do not reply to your notice within 90 days after
20 you send it, or if you cannot locate me, then (choose
21 a or b)

22 a. PROVIDE the information requested by the
23 child;

24 b. DO NOT PROVIDE the information requested by
25 the child.

26 II. Disclosure After Biological Parent's Death (Choose A or B)

27 In the event that you are properly notified of my death or other-
28 wise verify that I have died, and my biological child, when 18
29 years of age or older, requests a copy of the child's original

1 certificate of birth or my name and address, these are my in-
2 structions:

3 A. PROVIDE the information requested by the child and
4 INFORM the child of my death;

5 B. DO NOT PROVIDE the information requested by the child,
6 but INFORM the child of my death.

7 My current name and address:

8 _____
9 (Signature of biological parent)

_____ (Please print or type)

10 _____
11 (Date)

12 _____
13 (c) A biological parent may at any time obtain from, and submit
14 to, the state registrar a new instruction form described under (b) of
15 this section, or may otherwise submit written instructions regarding
16 disclosure of information under this section.

17 (d) If one biological parent consents to disclosure, but the
18 other biological parent objects, the state registrar shall remove the
19 name of the objecting parent before providing the birth certificate to
20 the adopted person under (a) of this section.

21 (e) An adopted person 18 years of age or older, or a biological
22 parent, may submit to the state registrar a notice of change of name
23 or address. The state registrar shall attach the information to the
24 original birth certificate of the adopted person.

25 (f) The state registrar shall disclose to a biological parent,
26 at that parent's request, the most current name and address of an
27 adopted child that appear in the state registrar's adoption files if
28 the child is 18 years of age or older and has requested in writing
29 that the information be disclosed if ever requested by the biological

1 parent.

2 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL
3 PARENTS. (a) The state registrar shall, at the request of an adop-
4 tive parent or of an adopted person 18 years of age or older, release
5 the following information regarding a biological parent named on the
6 original birth certificate of the adopted person if available from the
7 registrar's adoption records:

8 (1) the age of the biological parent on the day the adopted
9 person was born;

10 (2) the heritage of the biological parent, to include:

11 (A) national origin;

12 (B) ethnic background; and

13 (C) tribal membership;

14 (3) the medical history of the biological parent and of
15 blood relatives of the biological parent;

16 (4) the number of years of school completed by the biologi-
17 cal parent by the day the adopted person was born;

18 (5) a physical description of the biological parent on the
19 day the adopted person was born, including height, weight, and color
20 of hair, eyes and skin;

21 (6) the existence of other children of the biological
22 parent;

23 (7) whether the biological parent was alive at the time of
24 adoption;

25 (8) the religion of the biological parent; and

26 (9) other information provided by the biological parent for
27 disclosure to the child.

28 (b) Information released under (a) of this section shall be on a
29 standard form prepared by the commissioner. The information may not

1 include the name of a biological parent or other information not
2 listed in (a) of this section.

3 * Sec. 5. AS 25.23.060(a) is amended to read:

4 (a) The required consent to adoption shall be executed at any
5 time after the birth of the child in the presence of the court or in
6 the presence of a person authorized to take acknowledgments. The
7 consent is not valid unless the consent form states that the person
8 consenting to the adoption has the right to withdraw that consent as
9 provided in AS 25.23.070(b), and unless the person consenting to the
10 adoption acknowledges receipt of a copy of the consent form. The
11 person giving consent shall state in the consent form whether the
12 child is a member of an Indian tribe or the biological child of a
13 member of an Indian tribe, so that the court may determine whether the
14 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act of 1978)
15 apply.

16 * Sec. 6. AS 25.23.060 is amended by adding a new subsection to read:

17 (c) A consent executed under this section is effective as a
18 power of attorney under AS 13.26.020. Unless the consent form pro-
19 vides otherwise, and regardless of whether the form names or iden-
20 tifies the adoptive parent, the consent delegates to the adoptive
21 parent all powers that may be delegated under AS 13.26.020. The power
22 of attorney takes effect when the child is delivered to the adoptive
23 parent, and remains in effect as long as the consent is in effect; but
24 the power of attorney is not effective beyond one year, unless the
25 court extends it for good cause. The power of attorney does not
26 terminate on the death or disability of the person executing the
27 consent, unless the consent form so states. This subsection may not
28 be construed to alter the requirements of the Interstate Compact on
29 the Placement of Children (AS 47.70).

1 * Sec. 7. AS 25.23.070(b) is amended to read:

2 (b) A consent to adoption may be withdrawn before the entry of a
3 decree of adoption, within 10 days after the consent is given, by
4 delivering written notice to the person obtaining the consent, or
5 after the 10-day period, if the court finds, after notice and oppor-
6 tunity to be heard is afforded to petitioner, the person seeking the
7 withdrawal, and the agency placing a child for adoption, that the
8 withdrawal is in the best interest of the person to be adopted and the
9 court orders the withdrawal.

10 * Sec. 8. AS 25.23.080(c) is amended to read:

11 (c) A certified copy of the birth certificate or verification of
12 the birth record of the person to be adopted, if available, the infor-
13 ation specified in AS 25.23.185(a), if available, and the required
14 consents, relinquishments, and termination orders shall be filed with
15 the clerk.

16 * Sec. 9. AS 25.23.100(a) is amended to read:

17 (a) After the filing of a petition to adopt a minor, the court
18 shall fix a time and place for hearing the petition. At least 20 days
19 before the date of hearing, the petitioner shall give notice of the
20 filing of the petition and of the time and place of hearing [SHALL BE
21 GIVEN BY THE PETITIONER] to (1) the department, unless the adoption is
22 by a stepparent of the child; (2) any agency or person whose consent
23 to the adoption is required by this chapter, but who has not consent-
24 ed; and (3) a person whose consent is dispensed with upon any ground
25 mentioned in AS 25.23.050(a)(1), (2), (3), (6), (7), (8) and (9), but
26 who has not consented. The notice to the department shall be accom-
27 panied by a copy of the petition. [IN THIS SUBSECTION, "STEPPARENT"
28 MEANS THE SPOUSE OF A NATURAL PARENT OF THE CHILD RESIDING IN THE SAME
29 HOUSEHOLD.]

1 * Sec. 10. AS 25.23.100(b) is amended to read:

2 (b) Notice to persons specified in AS 25.23.050 shall include a
3 statement of the grounds under which consent to the adoption is not
4 required. Notice given under this section shall be adequate to give
5 actual notice of the proceedings, taking into account education and
6 language differences which are known or reasonably ascertainable by
7 the petitioner or the department. The notice of hearing shall contain
8 all names by which the minor has been identified and shall state in
9 summary form the effect of a decree of adoption. Notice shall be
10 given in the manner appropriate under rules of civil procedure for the
11 service of process in a civil action in this state or in any manner
12 the court by order directs. Notice by publication may not be given
13 unless, for compelling reasons, the court orders it to be given under
14 the procedure established in Rule 4 of the Alaska Rules of Civil
15 Procedure. Proof of the giving of the notice shall be filed with the
16 court before the petition is heard, subject to the time limitations in
17 (e) of this section.

18 * Sec. 11. AS 25.23 is amended by adding a new section to read:

19 Sec. 25.23.125. INTERESTS OF MINOR TO BE ADOPTED. (a) If the
20 person to be adopted is a minor under the age of 10 and the person is
21 of sufficient age and intelligence to state desires concerning the
22 adoption, the court shall consider the person's desires.

23 (b) The court may appoint a guardian ad litem or attorney, or
24 both, under AS 25.24.310 for a minor who is to be adopted.

25 (c) The court may issue a protective order or other order that
26 is in the best interest of a minor who is to be adopted.

27 * Sec. 12. AS 25.23.130(a) is amended to read:

28 (a) A final decree of adoption, whether issued by a court of
29 this state or of any other state, has the following effect as to

1 matters within the jurisdiction or before a court of this state:

2 (1) except with respect to a spouse of the petitioner and
3 relatives of the spouse, to relieve the natural parents of the adopted
4 person of all parental rights and responsibilities, and, except as
5 provided in (c) of this section, to terminate all legal relationships
6 between the adopted person and the natural parents and other relatives
7 of the adopted person, so that the adopted person thereafter is a
8 stranger to the former relatives for all purposes including inheri-
9 tance, unless the decree of adoption specifically provides for contin-
10 uation of inheritance rights, and the interpretation or construction
11 of documents, statutes, and instruments, whether executed before or
12 after the adoption is decreed, which do not expressly include the
13 person by name or by some designation not based on a parent and child
14 or blood relationship; and

15 (2) to create the relationship of parent and child between
16 petitioner and the adopted person, as if the adopted person were a
17 blood descendant of the petitioner, for all purposes including inheri-
18 tance and applicability of statutes, documents, and instruments,
19 whether executed before or after the adoption is decreed, which do not
20 expressly exclude an adopted person from their operation or effect.

21 * Sec. 13. AS 25.23.130 is amended by adding a new subsection to read:

22 (c) Nothing in this chapter prohibits an adoption that allows
23 visitation between the adopted person and that person's natural par-
24 ents or other relatives.

25 * Sec. 14. AS 25.23.150(b) is repealed and reenacted to read:

26 (b) The papers and records relating to an adoption that are a
27 part of the permanent record of a court are subject to inspection only
28 upon consent of the court. The papers and records relating to an
29 adoption on file with the department, an agency, or an individual are

1 subject to inspection only with consent of all interested persons or
2 by order of a court for good cause shown. Except as provided in this
3 section, adoption records of the Bureau of Vital Statistics are sub-
4 ject to inspection under the provisions of AS 18.50.

5 * Sec. 15. AS 25.23.150(c) is amended to read:

6 (c) Except as otherwise provided by law, or as authorized in
7 writing by the adopted child, if 14 or more years of age, or by the
8 adoptive parent, or upon order of the court for good cause shown [IN
9 EXCEPTIONAL CASES], a [NO] person may not [IS REQUIRED TO] disclose
10 the [NAME OR] identity or address of either an adoptive parent or an
11 adopted child.

12 * Sec. 16. AS 25.23.150 is amended by adding a new subsection to read:

13 (d) The court may order the disclosure of a natural parent's
14 identity or address only if

15 (1) the court makes an express finding that the disclosure
16 is required because of a ~~medical~~ medical necessity or other extraordinary
17 circumstance; and

18 (2) the natural parent, the adopted child, and the adoptive
19 parents are afforded proper notice and a hearing.

20 * Sec. 17. AS 25.23 is amended by adding a new section to read:

21 Sec. 25.23.173. INDIAN CHILD ADOPTION REPORTS. After entering a
22 final decree or order in an Indian child adoptive placement, the court
23 shall send to the Secretary of the Interior a copy of the decree or
24 order and other information required by 25 U.S.C. 1951 (sec. 301(a) of
25 the Indian Child Welfare Act of 1978).

26 * Sec. 18. AS 25.23 is amended by adding a new section to read:

27 Sec. 25.23.185. RECORDS AND INFORMATION. (a) At the time a
28 petition for adoption is filed with the court, the agency or individu-
29 al placing the person for adoption, or the petitioner, shall file with

1 the court, for release to the state registrar of vital statistics, the
2 following information, or an explanation of its unavailability, on
3 forms provided by the department:

4 (1) the address of each parent named on the original birth
5 certificate;

6 (2) background information required under AS 18.50.510;

7 (3) a statement signed by each parent named on the original
8 birth certificate acknowledging receipt of a copy of AS 18.50.500 -
9 18.50.510 and an understanding of those provisions; and

10 (4) a statement signed by each parent named on the original
11 birth certificate that indicates whether the parent consents to dis-
12 closure of the parent's identity under AS 18.50.500.

13 (b) Upon entry of a decree of adoption, the clerk of the court
14 shall transmit to the Bureau of Vital Statistics the statement and the
15 information provided under (a) of this section. The bureau shall
16 attach the statement and information to the original birth certificate
17 of the adopted person.

18 (c) A child adoption agency licensed under AS 47.35.100 shall
19 maintain records of the information required to be furnished to the
20 court under this section or under regulations of the commissioner
21 implementing this section. If a child adoption agency ceases to place
22 persons for adoption, it shall transfer its records to the commission-
23 er.

24 * Sec. 19. AS 25.23.230 is amended to read:

25 Sec. 25.23.230. REGULATIONS. The department shall adopt regu-
26 lations necessary to implement the provisions of AS 25.23.185 - 25.-
27 23.240 [AS 25.23.190 - 25.23.240].

28 * Sec. 20. AS 25.23.240 is amended by adding a new paragraph to read:

29 (9) "stepparent" means the spouse of a natural parent of

1 the child residing in the same household.

2 * Sec. 21. AS 44.21.410(a) is amended to read:

3 (a) The office of public advocacy shall

4 (1) perform the duties of the public guardian under AS 13.-
5 26.360 - 13.26.410;

6 (2) provide visitors and experts in guardianship proceed-
7 ings under AS 13.26.131;

8 (3) provide guardian ad litem services to children in child
9 protection actions under AS 47.17.030(e) and to wards and respondents
10 in guardianship proceedings who will suffer financial hardship or
11 become dependent upon a government agency or a private person or
12 agency if the services are not provided at state expense under AS 13.-
13 26.112;

14 (4) provide legal representation in guardianship proceed-
15 ings to respondents who are financially unable to employ attorneys
16 under AS 13.26.106(b), to indigent parties in cases involving child
17 custody in which the opposing party is represented by counsel provided
18 by a public agency, and to indigent parents or guardians of a minor
19 respondent in a commitment proceeding concerning the minor under
20 AS 47.30.775;

21 (5) provide legal representation and guardian ad litem
22 services under AS 25.24.310; in cases arising under the Uniform Inter-
23 state Compact on Juveniles (AS 47.15); in cases involving petitions to
24 adopt a minor under AS 25.23.125(b) [AS 25.23.100(j)]; in cases in-
25 volving petitions to remove the disabilities of a minor under AS 09.-
26 55.590; in children's proceedings under AS 47.10.050(a); and in cases
27 involving indigent persons who are entitled to representation under
28 AS 18.85.100 and who cannot be represented by the public defender
29 agency because of a conflict of interests.

1 * Sec. 22. AS 25.23.100(j) is repealed.

2 * Sec. 23. RETROACTIVE EFFECT; RECONSIDERATION OF DENIAL OF VISITATION
3 RIGHTS. (a) The amendments to AS 25.23.130 made by secs. 13 and 14 of
4 this Act are retroactive with regard to

5 (1) an adoption decree in which the superior court granted
6 visitation rights to a natural parent or other relative of the adopted
7 person; and

8 (2) an adoption decree entered on or after January 1, 1984, in
9 which the superior court denied a request that a natural parent or other
10 relative of the adopted person be granted visitation rights, if the request
11 was made in the pleadings and the adopted person is under 18 years of age.

12 (b) A party to an adoption under (a)(2) of this section may petition
13 the court for reconsideration of the denial of visitation rights.

14 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1986

SUBJECT: Sectional analysis
HCS SB187 (2d Judiciary))

TO: Representative Al Adams
Chairman, House Finance Committee

FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 provides that, for purposes of intestate succession, an adopted child inherits from the adoptive parents instead of the natural parents, unless the adoption decree specifically provides for continuation of inheritance rights through the natural parents. This eliminates a conflict between the adoption chapter and the intestate inheritance provisions.

Sec. 2 supplies the correct statutory reference for court ordered inspections of original birth certificates and other evidence of adoption held by the bureau of vital statistics, and clarifies that the state registrar, not the regulations, must allow inspection by government agents.

Sec. 3 adds definitions to the vital statistics chapter, AS 18.50.

Sec. 4 establishes procedures and restrictions for release of information by the bureau of vital statistics to an adopted person regarding the person's biological parents. Proposed AS 18.50.500 would allow adopted persons 18 or older to ask the bureau to disclose the identity of the person's biological parents. The information may be disclosed only if the biological parent consents in writing. This section illustrates the form to be developed and provided by the Department of Health and Social Services on which a biological parent may give instructions regarding disclosure of his or her identity to the child. A biological parent may object or consent only to

February 4, 1985

disclosure of his or her own name and address. If either parent objects, that parent's name will be deleted from the copy of the original birth certificate given to the adopted child. Adopted children 18 and older, as well as biological parents, may submit notices of changes of name and address to the bureau for attachment to the child's original birth certificate. A biological parent may obtain the name and address of his or her child from the state registrar if the child is 18 or older and has requested disclosure.

Proposed AS 18.50.510 requires the bureau of vital statistics to provide to an adopted person 18 or older who requests the information, descriptive, historical, and medical information about the person's biological parents if the information is available from the bureau's adoption records.

Sec. 5 provides that a consent form for an adoption must include a statement of the right to withdraw consent, an acknowledgement that the consenter received a copy of the form, and a statement of whether the child is an Indian child for purposes of compliance with the Indian Child Welfare Act.

Sec. 6 incorporates into the consent to an adoption a power of attorney giving the adoptive parents powers regarding the child's care, custody, property, etc., unless specifically limited in the consent form. The power of attorney is good for one year, or longer if the court approves for good cause. The court's extension beyond one year is not contained in AS 13.26.020. The power of attorney would not expire on the death or disability of the consenter, unless the consent form said so. C.F., AS 13.26.325 - 13.26.330. This section is not to be construed as altering requirements of the Interstate Compact on the Placement of Children.

Sec. 7 clarifies when the 10-day period for automatic withdrawal of consent to an adoption begins to run.

Sec. 8 is a cross-reference to AS 25.23.185(a), which is added in sec. 18 of the bill.

Sec. 9 deletes the definition of "stepparent," which is transferred to the definitions section, AS 25.23.240 by sec. 20 of the bill. Sec. 9 also changes the second sentence of AS 25.23.100(a) from the passive voice to the active voice.

Sec. 10 authorizes the court in an adoption proceeding to order notice by publication of an adoption hearing for compelling reasons. This is intended to assist in notifying persons entitled to notice by law, but who cannot otherwise be found.

Sec. 11 requires the court in an adoption proceeding to consider the wishes of a minor under 10 who is to be adopted, if the minor is of "sufficient age and intelligence to state desires concerning the adoption." The authority of the court to appoint a guardian ad litem or attorney for a minor who is to be adopted is transferred here from AS 25.23.100(j), which is then repealed in sec. 22 of the bill. Also, the court is authorized by sec. 11 to issue protective orders and other orders that are in the best interest of a minor who is to be adopted.

Sec. 12 provides that allowing visitation by natural parents or relatives is an exception to the requirement that an adoption decree terminates all legal relationships between an adopted person and the natural parents and relatives. (See sec. 13 comments.)

Sec. 13 makes clear that visitation between adopted children and their natural parents and relatives is not prohibited. This change is intended to resolve confusion on this question caused by the language of AS 25.23.130(a)(1), which says that the effect of an adoption is "to terminate all legal relationships between the adopted person and the natural parents and other relatives of the adopted person, so that the adopted person thereafter is a stranger to the former relatives for all purposes . . ." This change has the effect of reversing the Alaska Supreme Court's holding in the case of In re W.E.G. and J.R.G., Op. No. 2998 (Dec. 6, 1985).

Sec. 14 makes clear that court adoption records may be inspected only with the court's consent; adoption records held by the Department of Health and Social Services, an adoption agency, or individuals may be inspected only with the consent of all interested persons or by court order; and that, excepted as provided here, adoption records held by the Bureau of Vital Statistics may be inspected only in accordance with AS 18.50.

Sec. 15 adds to AS 25.23.150(c) an exception for disclosures of the name or identity of adoptive parents and

adopted children under proposed AS 18.50.500 - 18.50.510, and other provisions of law related to disclosure of adoption records that might be in conflict with this subsection if the exception were not inserted.

Sec. 16 allows a court to disclose a natural parent's identity and address only for a medical emergency or other extraordinary circumstance and with due process protections for the adopted child, the natural parents and the adoptive parents.

Sec. 17 incorporates into state law the federal requirement of reporting Indian child adoptions to the Secretary of the Interior under provisions of the Indian Child Welfare Act.

Sec. 18 specifies information that must be filed with the court with the petition for adoption and that must be transmitted by the court clerk to the state registrar of vital statistics. This is the information needed for the operation of AS 18.50.500 - 18.50.510. This section also requires private adoption agencies to maintain records containing this same information, and to transfer its records to the commissioner of health and social services if the agency discontinues adoption placements.

Sec. 19 corrects a statutory reference in existing law to provide for the addition of a new statute added by sec. 18 of the bill.

Sec. 20 adds a definition of "stepparent" for purposes of the adoption chapter, AS 25.23. See comments under sec. 9 of this sectional analysis.

Sec. 21 corrects a statutory reference necessitated by the repeal and transfer of AS 25.23.100(j). See comments under sec. 11 of this sectional analysis.

Sec. 22 repeals AS 25.23.100(j). See comments under sec. 11 of this sectional analysis.

Sec. 23 applies the provisions of this bill retroactively to certain adoption decrees that were entered before the effective date of the act and that involved visitation rights by a natural parent or relative of the adoptive child. The section also establishes a procedure for requesting a court to reconsider a denial of such visitation rights in adoption decrees entered on or after January 1, 1984.

Representative Al Adams
Page 5
February 4, 1986

Sec. 24 provides for an immediate effective date.

EHH:mkr
M2:137

Offered: 1/17/86
Referred: Judiciary and
Finance

Original sponsors: Rodey, P.Fischer,
Sturgulewski and Kerrtula

1 IN THE SENATE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 187 (2d HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to adoption; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 13.11.045 is amended to read:

10 Sec. 13.11.045. MEANING OF "CHILD" AND RELATED TERMS. If, for
11 purposes of intestate succession, a relationship of parent and child
12 must be established to determine succession by, through, or from a
13 person,

14 (1) an adopted person is the child of an adopting parent
15 and not of the natural parents unless the decree of adoption
16 specifically provides for the continuation of inheritance rights
17 [EXCEPT THAT ADOPTION OF A CHILD BY THE SPOUSE OF A NATURAL PARENT HAS
18 NO EFFECT ON THE RELATIONSHIP BETWEEN THE CHILD AND EITHER NATURAL
19 PARENT];

20 (2) in cases not covered by (1) of this section, a person
21 born out of wedlock is a child of the mother; that person is also a
22 child of the father, if:

23 (A) the natural parents participated in a marriage
24 ceremony before or after the birth of the child, even though the
25 attempted marriage is void; or

26 (B) the paternity is established by an adjudication
27 before the death of the father or is established thereafter by
28 clear and convincing proof, except that the paternity established
29 under this subparagraph is ineffective to qualify the father or

1 The father's kindred to inherit from or through the child unless
2 the father has openly treated the child as the father's, and has
3 not refused to support the child.

4 * Sec. 2. AS 18.50.220(b) is amended to read:

5 (b) When a new certificate of birth is established, the actual
6 place and date of birth shall be shown. The new certificate shall be
7 substituted for the original certificate of birth, and

8 (1) thereafter, the original certificate and the evidence
9 of adoption or legitimation are not subject to inspection except upon
10 order of the superior court under AS 25.23.150; however, the state
11 registrar [OR AS PROVIDED BY REGULATION; HOWEVER, THE REGULATION]
12 shall allow inspection by an agent of the state or federal government
13 acting in the performance of the agent's [HIS] official duties;

14 (2) upon receipt of a report that an adoption has been
15 vacated, the original certificate of birth shall be restored to its
16 place in the files and the new certificate and evidence are not sub-
17 ject to inspection except upon order of a superior court.

18 * Sec. 3. AS 18.50.370 is amended by adding new paragraphs to read:

19 (14) "adoptive parent" means a person who has adopted another
20 person under AS 25.23;

21 (15) "biological parent" means a parent named on the original
22 certificate of birth of an adopted person;

23 (16) "child adoption agency" means a child adoption agency
24 licensed under AS 47.35.100;

25 (17) "commissioner" means the commissioner of health and
26 social services;

27 (18) "medical history" includes information relating to a
28 person's medical conditions and treatment, immunization records, and
29 other medical information about the person that could be important to

1 the health care of the adopted person.

2 * Sec. 4. AS 18.50 is amended by adding new sections to read:

3 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

4 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) Except as
5 provided in (b) of this section, upon receiving a request by an adopt-
6 ed person 18 years of age or older for the identity of a biological
7 parent of the person, the state registrar shall provide the person
8 with an uncertified copy of the person's original birth certificate,
9 and any change in the parent's name or address attached to the certifi-
10 cate, if

11 (1) the biological parent's consent to disclosure is on
12 file with the state registrar; or

13 (2) a written objection to disclosure is not received from
14 the biological parent within 90 days after the state registrar sends a
15 notice of the request to the biological parent at the parent's most
16 current address contained in the state registrar's adoption records;
17 the notice shall be sent by certified mail, return receipt requested,
18 deliverable to the addressee only.

19 (b) The state registrar may not disclose the name and address of
20 a biological parent, except as required by the court under AS 25.23.-
21 150, if a written objection to disclosure under (a) of this section is
22 received from the biological parent

23 (1) when the adopted person is 17 years of age or older; or

24 (2) within 90 days after the date notice is mailed under
25 (a) of this section.

26 (c) If one biological parent agrees to disclosure, but the other
27 biological parent objects, the state registrar shall remove the name
28 of the objecting parent before providing the birth certificate to the
29 adopted person under (a) of this section.

1 (d) An adopted person 18 years of age or older or a biological
2 parent may submit to the state registrar a notice of change of name or
3 address. The state registrar shall attach the information to the
4 original birth certificate of the person or of the adopted child of
5 the biological parent. The state registrar shall disclose to a bio-
6 logical parent, upon request, the most current name and address of the
7 parent's child that appear in the state registrar's adoption files.

8 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL
9 PARENTS. (a) The state registrar shall, at the request of an adop-
10 tive parent or of an adopted person 18 years of age or older, release
11 the following information regarding a biological parent named on the
12 original birth certificate of the adopted person if available from the
13 registrar's adoption records:

14 (1) the age of the biological parent on the day the adopted
15 person was born;

16 (2) the heritage of the biological parent, to include:

17 (A) national origin;

18 (B) ethnic background; and

19 (C) tribal membership;

20 (3) the medical history of the biological parent and of
21 blood relatives of the biological parent;

22 (4) the number of years of school completed by the biologi-
23 cal parent by the day the adopted person was born;

24 (5) a physical description of the biological parent on the
25 day the adopted person was born, including height, weight, and color
26 of hair, eyes and skin;

27 (6) the existence of other children of the biological
28 parent;

29 (7) whether the biological parent was alive at the time of

1 adoption;

2 (8) the religion of the biological parent; and

3 (9) other information provided by the biological parent for
4 disclosure to the child.

5 (b) Information released under (a) of this section shall be on a
6 standard form prepared by the commissioner. The information may not
7 include the name of a biological parent or other information not
8 listed in (a) of this section.

9 * Sec. 5. AS 25.23.060(a) is amended to read:

10 (a) The required consent to adoption shall be executed at any
11 time after the birth of the child in the presence of the court or in
12 the presence of a person authorized to take acknowledgments. The
13 consent is not valid unless

14 (1) the consent form states that the person consenting to
15 the adoption has the right to withdraw that consent as provided in
16 AS 25.23.060(b); and

17 (2) the person consenting to the adoption acknowledges
18 receipt of a copy of the consent form.

19 * Sec. 6. AS 25.23.060 is amended by adding a new subsection to read:

20 (c) A consent executed under this section is effective as a
21 power of attorney under AS 13.26.020. Unless the consent form pro-
22 vides otherwise, and regardless of whether the form names or iden-
23 tifies the adoptive parent, the consent delegates to the adoptive
24 parent all powers that may be delegated under AS 13.26.020. The power
25 of attorney takes effect when the child is delivered to the adoptive
26 parent, and remains in effect as long as the consent is in effect; but
27 the power of attorney is not effective beyond one year, unless the
28 court extends it for good cause. The power of attorney does not
29 terminate on the death or disability of the person executing the

1 consent, unless the consent form so states.

2 * Sec. 7. AS 25.23.070(b) is amended to read:

3 (b) A consent to adoption may be withdrawn before the entry of a
4 decree of adoption, within 10 days after the consent is given, by
5 delivering written notice to the person obtaining the consent, or
6 after the 10-day period, if the court finds, after notice and oppor-
7 tunity to be heard is afforded to petitioner, the person seeking the
8 withdrawal, and the agency placing a child for adoption, that the
9 withdrawal is in the best interest of the person to be adopted and the
10 court orders the withdrawal.

11 * Sec. 8. AS 25.23.080(c) is amended to read:

12 (c) A certified copy of the birth certificate or verification of
13 the birth record of the person to be adopted, if available, the infor-
14 information specified in AS 25.23.185(a), if available, and the required
15 consents, relinquishments, and termination orders shall be filed with
16 the clerk.

17 * Sec. 9. AS 25.23.100(a) is amended to read:

18 (a) After the filing of a petition to adopt a minor, the court
19 shall fix a time and place for hearing the petition. At least 20 days
20 before the date of hearing, the petitioner shall give notice of the
21 filing of the petition and of the time and place of hearing [SHALL BE
22 GIVEN BY THE PETITIONER] to (1) the department, unless the adoption is
23 by a stepparent of the child; (2) any agency or person whose consent
24 to the adoption is required by this chapter, but who has not consent-
25 ed; and (3) a person whose consent is dispensed with upon any ground
26 mentioned in AS 25.23.050(a)(1), (2), (3), (6), (7), (8) and (9), but
27 who has not consented. The notice to the department shall be accom-
28 panied by a copy of the petition. [IN THIS SUBSECTION, "STEPPARENT"
29 MEANS THE SPOUSE OF A NATURAL PARENT OF THE CHILD RESIDING IN THE SAME

1 HOUSEHOLD.]

2 * Sec. 10. AS 25.23.100(b) is amended to read:

3 (b) Notice to persons specified in AS 25.23.050 shall include a
4 statement of the grounds under which consent to the adoption is not
5 required. Notice given under this section shall be adequate to give
6 actual notice of the proceedings, taking into account education and
7 language differences which are known or reasonably ascertainable by
8 the petitioner or the department. The notice of hearing shall contain
9 all names by which the minor has been identified and shall state in
10 summary form the effect of a decree of adoption. Notice shall be
11 given in the manner appropriate under rules of civil procedure for the
12 service of process in a civil action in this state or in any manner
13 the court by order directs. Notice by publication may not be given
14 unless, for compelling reasons, the court orders it to be given under
15 the procedure established in Rule 4 of the Alaska Rules of Civil
16 Procedure. Proof of the giving of the notice shall be filed with the
17 court before the petition is heard, subject to the time limitations in
18 (c) of this section.

19 * Sec. 11. AS 25.23 is amended by adding a new section to read:

20 Sec. 25.23.125. INTERESTS OF MINOR TO BE ADOPTED. (a) If the
21 person to be adopted is a minor under the age of 10 and the person is
22 of sufficient age and intelligence to state desires concerning the
23 adoption, the court shall consider the person's desires.

24 (b) The court may appoint a guardian ad litem or attorney under
25 AS 25.24.310 for a minor who is to be adopted.

26 (c) The court may issue a protective order or other order that
27 is in the best interest of a minor who is to be adopted.

28 * Sec. 12. AS 25.23.130(a) is amended to read:

29 (a) A final decree of adoption, whether issued by a court of

1 this state or of any other state, has the following effect as to
2 matters within the jurisdiction or before a court of this state:

3 (1) except with respect to a spouse of the petitioner and
4 relatives of the spouse, to relieve the natural parents of the adopted
5 person of all parental rights and responsibilities, and, except as
6 provided in (c) of this section, to terminate all legal relationships
7 between the adopted person and the natural parents and other relatives
8 of the adopted person, so that the adopted person thereafter is a
9 stranger to the former relatives for all purposes including inheri-
10 tance, unless the decree of adoption specifically provides for contin-
11 uation of inheritance rights, and the interpretation or construction
12 of documents, statutes, and instruments, whether executed before or
13 after the adoption is decreed, which do not expressly include the
14 person by name or by some designation not based on a parent and child
15 or blood relationship; and

16 (2) to create the relationship of parent and child between
17 petitioner and the adopted person, as if the adopted person were a
18 blood descendant of the petitioner, for all purposes including inheri-
19 tance and applicability of statutes, documents, and instruments,
20 whether executed before or after the adoption is decreed, which do not
21 expressly exclude an adopted person from their operation or effect.

22 * Sec. 13. AS 25.23.130 is amended by adding a new subsection to read:

23 (c) Nothing in this chapter prohibits an adoption that allows
24 visitation between the adopted person and that person's natural
25 parents or other relatives.

26 * Sec. 14. AS 25.23.150(b) is repealed and reenacted to read:

27 (b) The papers and records relating to an adoption that are a
28 part of the permanent record of a court are subject to inspection only
29 upon consent of the court. The papers and records relating to an

1 adoption on file with the department, an agency, or an individual are
2 subject to inspection only with consent of all interested persons or
3 by order of a court for good cause shown. Except as provided in this
4 section, adoption records of the Bureau of Vital Statistics are sub-
5 ject to inspection under the provisions of AS 18.50.

6 * Sec. 15. AS 25.23.150(c) is amended to read:

7 (c) Except as otherwise provided by law, or as authorized in
8 writing by the adopted child, if 14 or more years of age, or by the
9 adoptive parent, or upon order of the court for good cause shown [IF
10 EXCEPTIONAL CASES], a [NO] person may not [IS REQUIRED TO] disclose
11 the [NAME OR] identity or address of either an adoptive parent or an
12 adopted child.

13 * Sec. 16. AS 25.23.150 is amended by adding a new subsection to read:

14 (d) The court may order the disclosure of a natural parent's
15 identity or address only if

16 (1) the court makes an express finding that the disclosure
17 is required because of a medical necessity or other extraordinary
18 circumstance; and

19 (2) the natural parent, the adopted child, and the adoptive
20 parents are afforded proper notice and a hearing.

21 * Sec. 17. AS 25.23 is amended by adding a new section to read:

22 Sec. 25.23.173. INDIAN CHILD ADOPTION REPORTS. After entering a
23 final decree or order in an Indian child adoptive placement, the court
24 shall send to the Secretary of the Interior a copy of the decree or
25 order and other information required by 25 U.S.C. 1951 (sec. 301(a) of
26 the Indian Child Welfare Act of 1978).

27 * Sec. 18. AS 25.23 is amended by adding a new section to read:

28 Sec. 25.23.135. RECORDS AND INFORMATION. (a) At the time a
29 petition for adoption is filed with the court, the agency or

1 individual placing the person for adoption, or the petitioner, shall
2 file with the court, for release to the state registrar of vital
3 statistics, the following information, or an explanation of its
4 unavailability, on forms provided by the department:

5 (1) the address of each parent named on the original birth
6 certificate;

7 (2) background information required under AS 18.50.510;

8 (3) a statement signed by each parent named on the original
9 birth certificate acknowledging receipt of a copy of AS 18.50.500 -
10 18.50.510 and an understanding of those provisions; and

11 (4) a statement signed by each parent named on the original
12 birth certificate that indicates whether the parent consents to dis-
13 closure of the parent's identity under AS 18.50.500 and acknowledges
14 that a refusal to consent becomes effective under AS 18.50.500 only if
15 reaffirmed after the adopted person has reached 17 years of age.

16 (b) Upon entry of a decree of adoption, the clerk of the court
17 shall transmit to the Bureau of Vital Statistics the statement and the
18 information provided under (a) of this section. The bureau shall
19 attach the statement and information to the original birth certificate
20 of the adopted person.

21 (c) A child adoption agency licensed under AS 47.35.00 shall
22 maintain records of the information required to be furnished to the
23 court under this section or under regulations of the commissioner
24 implementing this section. If a child adoption agency ceases to place
25 persons for adoption, it shall transfer its records to the commission-
26 er.

27 * Sec. 19. AS 25.23.230 is amended to read:

28 Sec. 25.23.230. REGULATIONS. The department shall adopt regu-
29 lations necessary to implement the provisions of AS 25.23.185 -

1 25. 3.240 [AS 25.23.190 - 25.23.240]

2 * Sec 20. AS 25.23.240 is amended by adding a new paragraph to read:

3 (9) "stepparent" means the spouse of a natural parent of
4 the child residing in the same household.

5 * Sec. 21. AS 44.21.410(a) is amended to read:

6 (a) The office of public advocacy shall

7 (1) perform the duties of the public guardian under AS
8 13.26.360 - 13.26.410;

9 (2) provide visitors and experts in guardianship proceed-
10 ings under AS 13.26.131;

11 (3) provide guardian ad litem services to children in child
12 protection actions under AS 47.17.030(e) and to wards and respondents
13 in guardianship proceedings who will suffer financial hardship or
14 become dependent upon a government agency or a private person or
15 agency if the services are not provided at state expense under AS
16 13.26.112;

17 (4) provide legal representation in guardianship proceed-
18 ings to respondents who are financially unable to employ attorneys
19 under AS 13.26.106(b), to indigent parties in cases involving child
20 custody in which the opposing party is represented by counsel provided
21 by a public agency, and to indigent parents or guardians of a minor
22 respondent in a commitment proceeding concerning the minor under
23 AS 47.30.775;

24 (5) provide legal representation and guardian ad litem
25 services under AS 25.24.310; in cases arising under the Uniform Inter-
26 state Compact on Juveniles (AS 47.15); in cases involving petitions to
27 adopt a minor under AS 25.23.125(b) [AS 25.23.100(j)]; in cases in-
28 volving petitions to remove the disabilities of a minor under AS 09.-
29 55.590; in children's proceedings under AS 47.10.050(a); and in cases

1 involving indigent persons who are entitled to representation under
2 AS 18.85.100 and who cannot be represented by the public defender
3 agency because of a conflict of interests.

4 * Sec. 22. AS 25.23.100(j) is repealed.

5 * Sec. 23. The amendments to AS 25.23.130 made by secs. 13 and 14 of
6 this Act are retroactive with regard to

7 (1) an adoption decree in which the superior court granted
8 visitation rights to a natural parent or other relative of the adopted
9 person; and

10 (2) an adoption decree entered on or after January 1, 1984, in
11 which the superior court denied a request that a natural parent or other
12 relative of the adopted person be granted visitation rights, if the request
13 was made in the pleadings and the adopted person is under 18 years of age;
14 a party to an adoption under this paragraph may petition the court for
15 reconsideration of the denial of visitation rights.

16 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

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Offered: 5/9/85
Referred: Finance

Original sponsors: Rodey, P.Fischer,
Sturgulewski and Kerttula

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 187 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to adoption; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.50.220(b) is amended to read:

10 (b) When a new certificate of birth is established, the actual
11 place and date of birth shall be shown. The new certificate shall be
12 substituted for the original certificate of birth, and

13 (1) thereafter, the original certificate and the evidence
14 of adoption or legitimation are not subject to inspection except upon
15 order of the superior court; however, the state registrar [OR AS
16 PROVIDED BY REGULATION; HOWEVER, THE REGULATION] shall allow inspec-
17 tion by an agent of the state or federal government acting in the
18 performance of the agent's [HIS] official duties;

19 (2) upon receipt of a report that an adoption has been
20 vacated, the original certificate of birth shall be restored to its
21 place in the files and the new certificate and evidence are not sub-
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23 * Sec. 2. AS 18.50.370 is amended by adding new paragraphs to read:

24 (14) "adoptive parent" means a person who has adopted another
25 person under AS 25.23;

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27 certificate of birth of an adopted person;

28 (16) "child adoption agency" means a child adoption agency
29 licensed under AS 47.35.100;