

**ALASKA LEGISLATURE**

**2513**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004**

79

# ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH  
HOUSE DISTRICT 4



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3744  
FAX (907) 465-2273

## Sectional Analysis

### HB 93 The Alaska Boating Safety Act

**Background.** In 2000, the Legislature passed HB108 or The Alaska Boating Safety Act. This was a comprehensive bill regulating boats and establishing a uniform state waterway marking system. It was enacted in ch. 25, SLA 2000. Bill sections 1, 2, 4, 5, 8, 10, 12, 13, 15, 17, 19, 21, 22, 24, and 25 took effect on August 9, 2000 and they appear in the statutes under AS 05.25.010 – 05.25.100. These statutes are The Alaska Boating Safety Act that is in effect today.

In addition, HB 108 enacted other sections (3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27) that will repeal some of the provisions that took effect on August 9, 2000. These bill sections have not yet taken effect, but according to section 30, they will take effect on one of two possible dates or circumstances:

1. July 1, 2005; or
2. 90 days after the chair of Legislative Council notifies the reviser of statutes that in the previous fiscal year, the state did not receive and does not anticipate receiving federal funding for a statewide boating and safety education program.

The provisions found in sections 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27 are minimal boating safety provisions that not only fall short of the federal guidelines but fail to provide Alaskans with a comprehensive boating safety and education program.

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**Section 1.** Amends AS 05.25.055(a), the registration and numbering of boats.  
Deletes the registration requirement for all boats not equipped with mechanical propulsion.

**Section 2.** Amends AS 05.25.055(i), exempts all boats not equipped with mechanical propulsion.

**Section 3.** Extends the "sunset" date of the federally recognized Alaska Boating Safety Act until July 1, 2010, or 90 days after the chair of Legislative Council notifies the reviser of statutes that in the previous fiscal year, the state did not receive and does not anticipate receiving federal funding for a statewide boating and safety education program.

**Section 4.** Provides for an immediate effective date.

Updated: February 2, 2004

Headquarters:  
217 2nd Street, Suite 201  
Juneau, Alaska 99801  
(907) 586-2323 FAX 463-5515

Regional Office:  
601 West 5<sup>th</sup> Ave., Suite 600  
Anchorage, Alaska 99501  
(907) 278-2722 FAX 278-6643



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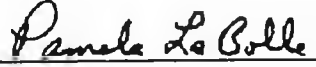
Alaska State Chamber of Commerce

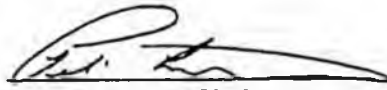
Position 3-2004

Continuation of the Alaska Boating Safety Program

The Alaska State Chamber of Commerce supports the continuation of the successful Alaska Boating Safety Program, and therefore encourages the Alaska State Legislature to repeal the sunset provisions of the Alaska Boating Safety Act.

Adopted December 4, 2003

  
Pamela La Bolle, President

  
Pete Leathard, Chairman



**Bristol Bay Area Health Corporation**  
 6000 Kakanak Road  
 P.O. Box 130  
 Dillingham, AK 99576  
 (907) 842-5201  
 800-478-5201  
 FAX (907) 842-9354

*Bristol Bay Area Health Corporation is a tribal organization representing 34 villages in Southwest Alaska:*

- Aleknagik
- Chignik Bay
- Chignik Lagoon
- Chignik Lake
- Clark's Point
- Dillingham
- Egegik
- Ekuk
- Ekwok
- Goodnews Bay
- Iglugig
- Iliamna
- Ivanof Bay
- Kanatak
- King Salmon
- Kokhanok
- Koliganek
- Levelock
- Manokotak
- Naknek
- New Stuyahok
- Newhalen
- Nondalton
- Olsonville
- Pedro Bay
- Perryville
- Pilot Point
- Platinum
- Port Heiden
- Portage Creek
- South Naknek
- Togiak
- Twin Hills
- Ugashik

**FEB 24 2003**

February 18, 2003

Representative Bruce Weyhrauch  
 House District #4  
 Room #102  
 State Capital  
 Juneau, AK 99801

Dear Representative Weyhrauch:

I am writing you in support of House Bill 93 and to thank you for submitting it.

As I understand it, the original reason for a sunset was that if the state takeover of boat registration from the Coast Guard did not work out the issue could be revisited. The State of Alaska now receives over four hundred thousand dollars in formerly unavailable federal (Wallop-Breaux) funds, is now able to keep funds generated from boat registration instead of having them acquired by the Coast Guard and this registration is going well (forty percent above expectation).

These funds are being used to further boating safety programs and are needed to reduce the drowning rate of rural Alaskans. Drowning is a major killer in the Bristol Bay Area Health Corporation region. Forty people have drowned in this region during the last ten years.

I believe that there is no longer a need for review of this issue and both as a member of the Alaska Boating Safety Advisory Council and the Injury Prevention Specialist for Bristol Bay Area Health Corporation I support House Bill 93.

Sincerely,

Ward Jones  
 Injury Prevention Specialist

*To promote health  
 with competence,  
 a caring attitude &  
 cultural sensitivity*



To: Representative Bruce Weyhrauch

From: Dave Ausman

Re: Alaska Boating Safety Law

Dear Representative Weyhrauch,

The Personal Watercraft Club of Alaska is in complete support of your efforts in repealing the sunset clause of the Alaska Boating Safety Law.

To familiarize you with our club, the PWCA promotes the sport of watercraft riding for pleasure recreation and other non-profitable purposes. We also work for fair and equitable watercraft laws, promote development of launching and docking facilities, and provide education and promote safety in all water sports.

The Alaska Boating Safety Law; by providing education to Alaska boaters through Federal and State funding; has proven effective in reducing the number of boating fatalities. It is essential this law not be allowed to lapse through the sunset clause.

Sincerely,

Dave Ausman

President,

Personal Watercraft Club of Alaska

Website: [www.pwcalaska.org](http://www.pwcalaska.org) email [akpwcrdr@acsalaska.net](mailto:akpwcrdr@acsalaska.net) or [davealaska@aol.com](mailto:davealaska@aol.com)

Club contact number 345-6723

**Subject: boating safety and GDL**

**Date: Wed, 26 Mar 2003 21:35:40 -0900**

**From: Perkins <perkins@ak.net>**

**To: Representative\_Bruce\_Weyhrauch@legis.state.ak.us**

Dear Representative Weyhrauch,

I'm impressed with your involvement with several safety issues. I'm an Eagle River constituent and an injury epidemiologist (I study injury patterns in various communities and populations). I have lived in Alaska for 25 years, 8 of which were in Dillingham. My injury prevention work with the U.S. Public Health Service took me to communities throughout Alaska before my retirement in 1998. I'm writing to encourage you in your support of HB93, to keep the Boating Safety Law active and in place. As you know, this Law brings in about \$600,000 of federal funds each year and the hardship on individuals is a miniscual \$10 registration fee every 3 years. It helps pay for flotation devices which are used on Kids Don't Float loaner boards throughout Anchorage and Alaska. It is a good law with huge positive impacts on the safety of all Alaskans and a very small impact on individuals. I introduced and encouraged the use of Float Coats throughout rural Alaska in the mid-seventies, and now they are used as the rule rather than the exception.

The other very positive legislation you are developing is the strengthening of the Graduated Driver's Licensing requirement for new drivers. Teens are 4 times more likely to die in a motor vehicle crash than their adult counterparts. Much of this increased risk is due to inexperience, lower seat belt useage, and alcohol. Teens rarely get into crashes when they are learning to drive with an adult present. Their risks increase tremendously shortly after they go solo, drive with other teens in the car, and drive after midnight. The good GDL laws that have been inacted in other states and countries have cut the teen crashes in half. They demand that teens have 6 months behind the wheel under an adult's supervision, no other non-family passengers, and no driving after midnight. Motor vehicles related injuries are the leading cause of death for our teens and we must see that they recieve the proper experience before turning them loose on the roads. School based driver's education has been shown to be ineffective, FYI.

I'm currently the Exec. Director of a non-profit injury prevention center and my special interest is to reduce the needless deaths and trauma from preventable injuries. If I can be of technical assistance to you on any injury prevention issues, please call 907-929-3941.

Ron Perkins, MPH

United States Coast Guard Auxiliary



*From the Desk of Gary A. Taylor, District Commodore, District 17*

11 Feb. 2003

To: Representative Bruce Weyhrauch  
Re: Boating Safety Law

Representative Weyhrauch:

The U.S. Coast Guard Auxiliary is an all-volunteer group of nearly 400 Alaskans dedicated to making boating safer for Alaskans. We teach public education classes, perform complimentary vessel safety checks and run safety patrols, along with search and rescue, throughout the State. We are a part of the United States Coast Guard and augment their many missions in Alaska.

We enthusiastically support your pending legislation which will repeal the sunset clause in Alaska's boating safety law. Making the law permanent will not only insure that Alaska's waters remain safer, it will maintain a very effective State Boating Educational Program that we are proud partners with.

If I'm able to assist in any way, please don't hesitate to contact me at (907) 344-0206 or by e-mail at [gtaylor@alaska.net](mailto:gtaylor@alaska.net) Thank you again for your interest in boating safety and in Alaska's future.

Sincerely,  
**G.A. Taylor**

Gary A. Taylor  
District Commodore  
U.S. Coast Guard Auxiliary  
District 17 Alaska



# RECREATIONAL BOATING SAFETY



**Legislative Information**  
*Provided by the U.S. Coast Guard*

This packet is information provided by the U.S. Coast Guard and prepared by the Office of Recreational Boating Safety. Contact Mike Folkerts at (907) 463-2297 or e-mail [mfolkerts@cgalaska.uscg.mil](mailto:mfolkerts@cgalaska.uscg.mil)

Informative web site for information on Wallop-Breaux funding. <http://www.wallop-breaux.org/>

Web site for the Alaska Office of Boating Safety: <http://www.dnr.state.ak.us/parks/boating/>

Web site for the Coast Guard Recreational Boating Safety: <http://www.uscg.mil/d17/d17rbs/d17rbs.htm>

Contents:

- 1) Question & Answer sheet – 2 pages
- 2) Registration statistics, DMV – 2 pages
- 3) Fatality listings, 1999-2002 -- 6 pages
- 4) Kids Don't Float – 2 pages

*Also available on CD-ROM is the Alaska Boater's Opinion Survey Nov. 2002.*

**RECREATIONAL BOATS ONLY\***

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CGHQ 3923 (Rev. 12-90)	<b>REPORT OF CERTIFICATES OF NUMBER ISSUED TO BOATS</b> Numbered in accordance with 33 CFR Parts 173 & 174 Total Valid State Certificates Outstanding As of 31 December 2002	FOR THE STATE OF ALASKA
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HULL MATERIAL	UNDER 16 FEET						16 TO LESS THAN 26 FEET					26 TO LESS THAN 40 FEET				
	POWER			AUXILIARY SAIL			POWER			AUXILIARY SAIL		POWER			AUXILIARY SAIL	
	INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD		INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD	INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD
Wood	1	105	1	0	2		26	385	24	6	14	93	39	18	21	11
Fiberglass	101	1,538	23	0	13		883	4,182	2,982	36	195	721	124	743	203	63
Metal	90	4,157	19	0	0		1,734	14,364	332	2	3	67	201	60	5	1
Inflatable	2	2,479	0	0	1		0	503	0	0	0	1	2	0	0	0
Other	0	44	0	0	2		1	50	4	0	1	1	1	0	5	0

HULL MATERIAL	40 TO 65 FEET						OVER 65 FEET					TOTAL				
	POWER			AUXILIARY SAIL			POWER			AUXILIARY SAIL		POWER			AUXILIARY SAIL	
	INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD		INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD	INBOARD	OUTBOARD	STERNDRIVE*	INBOARD	OUTBOARD
Wood	17	5	2	3	0		3	1	0	0	0	140	535	45	30	27
Fiberglass	40	2	2	11	0		3	5	4	0	0	1,748	5,851	3,754	250	271
Metal	8	6	5	3	0		2	6	1	1	0	1,901	18,734	417	11	4
Inflatable	0	1	0	0	0		0	2	0	0	0	3	2,987	0	0	1
Other	0	1	0	3	0		0	0	0	0	0	2	96	4	8	3

\*The term "sterndrive" includes inboard/outboards and jet drives.

HULL MATERIAL	OTHER BOATS						TOTAL	SCOPE OF CURRENT NUMBERING SYSTEM	COMMENTS (Continue on plain paper or reverse)	*TOTALS:	
	NOT MECHANICALLY PROPELLED	PERSONAL	OTHER	PERSONAL	OTHER	OTHER				Commercial Passenger:	Commercial Fishing:
	ROWBOATS	SAILBOATS	CANOE/KAYAKS	WATER-CRAFT	BOATS						
Wood	226	27	0	1	13	267			Dealers:	15	
Fiberglass	4,161	134	0	1,419	123	5,837			Rentals:	1,646	
Metal	1,151	2	0	23	142	1,318			Other:	0	
Inflatable	895	1	0	1	47	944			Total Powered Boats:	36,822	
Other	536	3	0	4	3	546			Total Other Boats:	8,912	
								Total all certified 12/31/ 2002		56,911	

I Certify that to the best of my knowledge and belief, the data above are correct.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Boat Registration - DMV

*Registration is for three years*

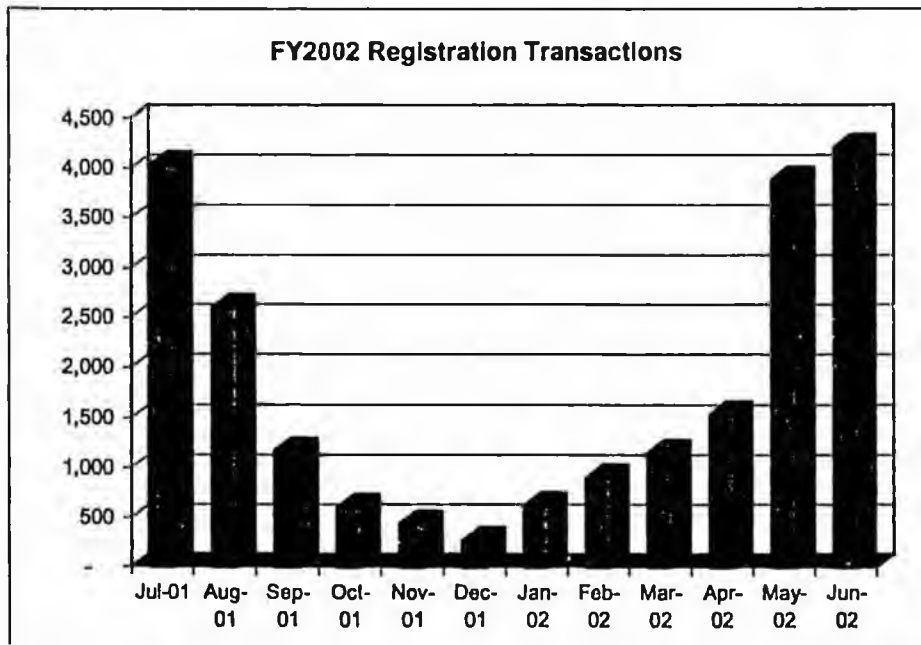
### FY2002 Summary Year-To-Date

	TOTAL DEP	Motorized	Non-Motorized	Total Trans
Jul-01	\$ 82,845	70,198	12,647	4,031
Aug-01	\$ 55,643	49,352	6,291	2,601
Sep-01	\$ 24,785	22,793	1,992	1,168
Oct-01	\$ 13,351	12,224	1,127	600
Nov-01	\$ 9,707	9,151	556	437
Dec-01	\$ 5,723	5,573	150	268
Jan-02	\$ 14,226	13,884	342	620
Feb-02	\$ 20,665	20,348	317	899
Mar-02	\$ 26,610	26,112	498	1,145
Apr-02	\$ 33,269	31,267	2,002	1,530
May-02	\$ 82,981	77,860	5,121	3,881
Jun-02	\$ 86,868	78,682	8,186	4,202
<b>Total</b>	<b>\$ 456,673</b>	<b>\$ 417,444</b>	<b>\$ 39,229</b>	<b>21,382</b>

### Number of Transactions by Type - Motorized

	Original \$24	Dup \$5	Renew/Web \$24	Dealer \$10	Add/Drop \$5	Transfer \$24	Total
Jul-01	1,689	48	621	2	31	598	2,989
Aug-01	1,149	49	483		17	408	2,106
Sep-01	387	30	380		7	175	979
Oct-01	147	11	216		9	142	525
Nov-01	108	7	171		4	100	390
Dec-01	71	23	98		2	58	252
Jan-02	92	9	404		3	80	588
Feb-02	124	18	622		10	96	870
Mar-02	177	18	765		6	141	1,107
Apr-02	415	40	597		12	281	1,345
May-02	1,070	136	1,402		23	739	3,370
Jun-02	1,530	105	1,006	2	39	711	3,393
<b>Total</b>	<b>6,959</b>	<b>494</b>	<b>6,765</b>	<b>4</b>	<b>163</b>	<b>3,529</b>	<b>17,914</b>
Percent	39%	3%	38%	0%	1%	20%	100%

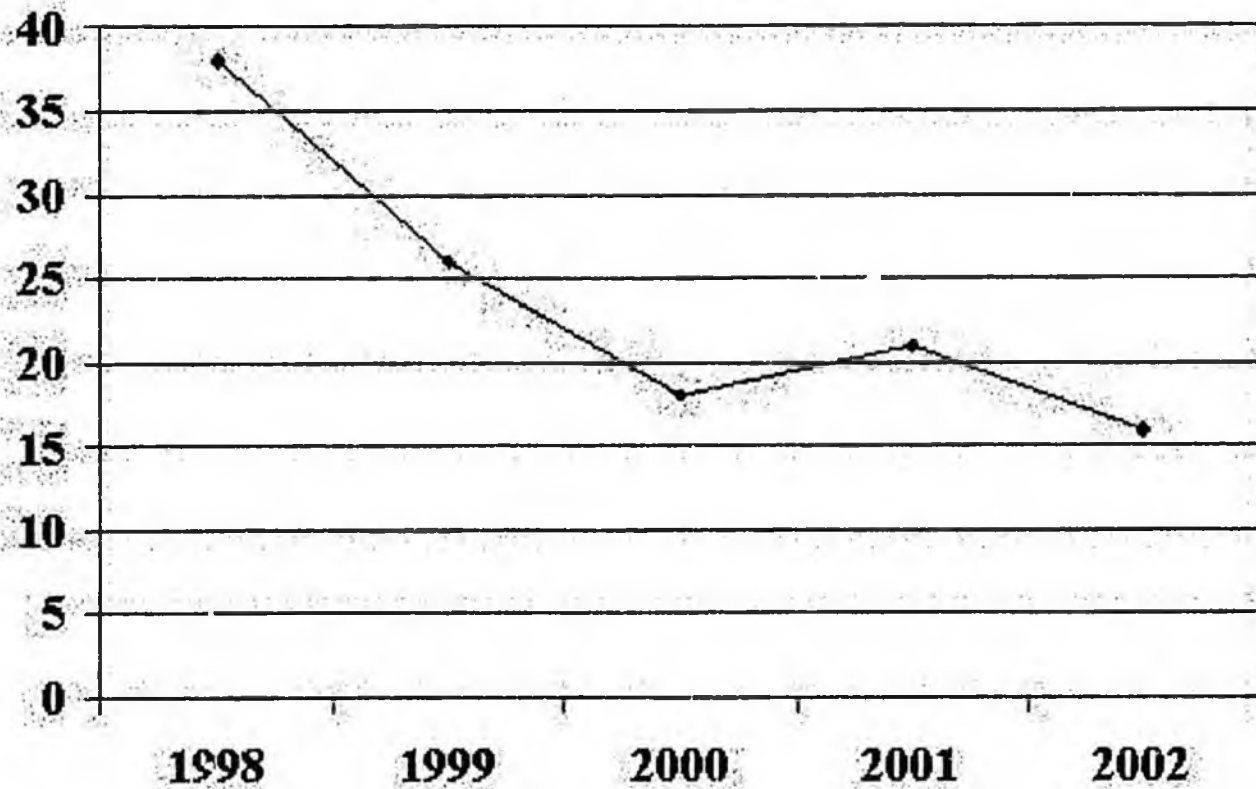
### FY2002 Registration Transactions



### Number of Transactions by Type - Non-Motorized

	Original \$10	Dup \$5	Renew/Web \$10	Search \$5	Dealer \$10	Add/Drop 5	Transfer \$10	Total
Jul-01	1,010	6	9	4		(1)	14	1,042
Aug-01	460	10	10	8			7	495
Sep-01	169	(1)	2	2			17	189
Oct-01	63		3	6			3	75
Nov-01	32			5		10		47
Dec-01	12	1	1	1			1	16
Jan-02	21		3	5			3	32
Feb-02	24		1	4				29
Mar-02	29	1	1	7				38
Apr-02	164	3	4	4			10	185
May-02	463	13	15	5		1	14	511
Jun-02	741	21	16	1			30	809
<b>Total</b>	<b>3,188</b>	<b>54</b>	<b>65</b>	<b>52</b>	<b>-</b>	<b>10</b>	<b>99</b>	<b>3,468</b>
Percent	92%	2%	2%	0%	0%	0%	3%	100%

# Alaska's Recreational Boating Fatalities



## 1999 FATALITIES

<u>Case</u>	<u>Name</u>	<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PFD</u>
1	9902003 Scott Weismantel	32M	22-Apr	Fell overboard	Zizhuyak Bay	Nav	Salt	YES	UNK
2	9902006 John Wolski	36M	30-May	Ovrloaded canoe	Kenai River	Nav	Fresh	NO	NO
3	9902007 Douglas Sheldon	69M	20-May	Seal hunter	Bering Sea	Nav	Salt	NO	UNK
4	9902007 Raymond Brown, Sr.	61M	20-May	Seal hunter	Bering Sea	Nav	Salt	NO	UNK
5	9902009 Kenneth Dale Rollins	58M	16-May	Skiff adrift	Thorne Bay	Nav	Salt	NO	YES
6	9902013 Larry Taylor	41M	22-May	Canoe capsized	Barley Lake	Non-Nav	Fresh	NO	NO
7	9902014 Vernon Shomshak	70M	27-May	Fell off anchored S/V	Annette Island	Nav	Salt	NO	UNK
8	9902019 Eloise Hubbard	75F	29-May	Thrown out of raft	Nenana River	Nav	Fresh	NO	YES
9	9902019 Doris North	75F	29-May	Thrown out of raft	Nenana River	Nav	Fresh	NO	YES
10	9902025 Grafton Njootli	42M	18-Jun	Failed to rtn	Ft Yukon	Nav	Fresh	UNK	UNK
11	9902030 Nicholas M. Newman	15M	27-Jun	Fell off PWC	Pond	Non-Nav	Fresh	NO	NO
12	9902031 Herbert Jones	33M	03-Jul	Fell overboard	Selawick River	Nav	Fresh	YES	NO
13	9902032 Sinka Crane	70M	06-Jul	Boat hit log, fell ovrbd	Kuskokwim Rvr	Nav	Fresh	NO	UNK
14	9902034 John Kittleson	21M	21-Jul	Canoe capsized	Spirit Lake	Non-Nav	Fresh	NO	NO
15	9902042 Florence Ignatius	51F	25-Jul	Skiff overturned	Sheldon Pt	Nav	Salt	NO	NO
16	9902042 Anthony Raphael	58M	25-Jul	Skiff overturned	Sheldon Pt	Nav	Salt	NO	NO
17	9902044 David Michael Phillips	41M	23-Jul	Fell off PWC	Robe Lake	Non-Nav	Fresh	NO	NO
18	9902047 Victor Severov	57M	03-Aug	Skiff capszd-rough wx	Bering Sea	Nav	Salt	NO	NO
19	9902047 Dennis Polvolski	26M	03-Aug	Skiff capszd-rough wx	Bering Sea	Nav	Salt	NO	NO
20	9902055 William Jackson	28M	07-Aug	Fell overboard	Unalakleet Rvr	Nav	Fresh	YES	NO
21	9902058 Stewart P. Shafer	20M	17-Aug	Fell off PWC	Bear Lake	Non-Nav	Fresh	NO	NO
22	9902060 Kenneth Paul	36M	23-Aug	Skiff capsized	Beaufort Sea	Nav	Salt	NO	NO
23	9902060 Sandra Meyook	12F	23-Aug	Skiff capsized	Beaufort Sea	Nav	Salt	NO	NO
24	9902060 Sylvia Meyook	16F	23-Aug	Skiff capsized	Beaufort Sea	Nav	Salt	NO	NO
25	9902064 Alvin Haynes	64M	04-Sep	Swept downstream	Yukon River	Nav	Fresh	NO	NO
26	9902070 David Poole	55M	31-Nov	S/V sank in heavy seas/wx	Glacier Bay	Nav	Salt	NO	UNK

## 2001 FATALITIES

<u>Case</u>	<u>Name</u>	<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PFD</u>
1 AK-003	Roger DeLong	58M	12-Feb	Overtuned skiff carrying sand Died overnight fm exposure	Stack Is-Ketch	NAV	SALT	NO	NO
2 AK-010	James Deitz	39M	14-Apr	Beachcombing, raft capsized enr to boat and sank, 1 pob drowned	Bear Glacier	NAV	SALT	NO	NO
3 AK-015	Aaron Keller	28M	23-May	sitting on edge of boat, wake fm other boat, fell ovrbd, drowned	Chena River	NAV	FRESH	YES	NO
4 AK-18	Stephanie Bennis	16F	05-Jun	Boat hit submerged object, fell ovrbd, body not found	Kobuk River	NAV	FRESH	UNK	NO
5 AK-020	George Zeiter	41M	06-Jun	Canoe flipped in high, fast water	Charley River	NAV	FRESH	NO	YES
6 AK-021	Michele Saint Andre'	55M	11-Jun	Raft hit log and overturned, trapped by by snagged PFD, got it off & disappeared downstream	Talachulitna River	NON-NAV	FRESH	NO	YES
7 AK-026	Richard Cook	70M	18-Jun	Fell out of canoe - his only means of transportation	Tatonduk River	NAV	FRESH	NO	NO
8 AK-028	Michael Bjornstad	37M	24-Jun	Skiff ran aground, struck rocks- op was knocked out and died	Sand Point	NAV	SALT	YES	NO
9 AK-029	David Phillips	45M	22-Jun	While at the back of boat checking engine, he fell in - drowned	Ivanof Bay	NAV	SALT	YES	NO
10 AK-030	Gilbert Kitka	67M	26-Jun	Had been beachcombing - body found next to overturned 7ft Zodiac	Sitka Point	NAV	SALT	NO	NO
11 AK-032	Curtis Keitel	20M	28-Jun	Departed from cabin on Hawkins Is enr Codova - kayak found on the rocks	Deep Bay	NAV	SALT	YES	NO
12 AK-032	Lee Houser	20M	28-Jun	Departed from cabin on Hawkins Is enr Codova - kayak found on the rocks	Deep Bay	NAV	SALT	YES	NO
13 AK-036	Jesse Provo	30M	07-Jul	Jet ski tipped over and Provo fell off, submerged and not located	Willow Long Lake	NON-NAV	FRESH	UNK	NO
14 AK-042	Clarence Hrefon- Harried III	16M	17-Jul	Crossing lake, skiff capsized, other boy was treated for hypothermia	Six Mile Lake	NON-NAV	FRESH	NO	NO
15 AK-044	Frank Commack	M	20-Jul	Boat found empty going in circles, PFD floating near boat	Kobuk River	NAV	FRESH	NO	NO
16 AK-050	Archie Thurmond	71M	06-Aug	Died from injuries sustained from boat fire during refuelling.	Koyukuk River	NAV	FRESH	NO	NO

## 2000 FATALITIES

<u>Case</u>	<u>Name</u>	<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PFD</u>
1 AK-0010	Travis Mason	16M	21-Apr	Fell off PWC	Spuhn Island	NAV	SALT	NO	NO
2 AK-0020	Gordon Peterson	48M	22-Jun	Boat ran aground	Yukon River	NAV	FRESH	YES	NO
3 AK-0021	Ken Tyler	43M	24-Jun	Fell ovrbd/hit by prop	Metlakalla	NAV	SALT	NO	YES
4 AK-0022	Dave Worman	40M	25-Jun	Raft flipped	Kenai-6 mile rvr	NON-NAV	FRESH	NO	YES
5 AK-0025	Mary Semone	33F	29-Jun	Jumped out of boat, drowne	Yukon River	NAV	FRESH	YES	NO
6 AK-0026	Andrew Frank, Sr.	54M	01-Jul	Fell overboard	Kuskokwim Rvr	NAV	FRESH	YES	NO
7 AK-0030	Robert Mills	34M	10-Jul	Fell overboard	Susitna Lake	NAV	FRESH	NO	NO
8 AK-0030	Rocky Mills	55M	10-Jul	Fell overboard	Susitna Lake	NAV	FRESH	NO	NO
9 AK-0035	Curtis Gloko	19M	24-Jul	Swam from skiff, drowned	Amanka Lake	NON-NAV	FRESH	NO	NO
10 AK-0039	Jerry Sheets	66M	01-Aug	Boat capsized	Valdez Bay	NAV	SALT	NO	YES
11 AK-0043	Atsushi Sugiura	38M	07-Aug	Swamped canoe	Naknek Lake	NON-NAV	FRESH	NO	YES
12 AK-0043	Naomi Sugiura	?F	07-Aug	Swamped canoe	Naknek Lake	NON-NAV	FRESH	NO	UNK
13 AK-0046	Thomas Olson	54M	11-Aug	Fell overboard	Nushagak Bay	NAV	SALT	YES	NO
14 AK-0051	Richard Reamy	65M	22-Aug	Capsized skiff	Kinky Island	NAV	SALT	NO	NO
15 AK-0052	Michael McGovern	38M	22-Aug	Capsized kayak	Blackstone Bay	NAV	SALT	NO	YES
16 AK-0053	Ron Olrun	60M	25-Aug	Fell overboard	Mekoryuk River	NAV	FRESH	NO	NO
17 AK-0054	Jackson P. Brooks	66M	02-Oct	Thrown ovrbd, drowned	Chilkat Lake	NON-NAV	FRESH	NO	YES
18 AK-0070	Walt Cunningham	57M	27-Oct	Drowned, diving	Sitka Sound	NAV	SALT	NO	NO

17	AK-051	Lucy Harless	43F	09-Aug	Jumped into the river to prove she was a better swimmer, did not re-surface.	Togiak River	NAV	FRESH	YES	NO
18	AK-057	Gene E. Needels	71M	25-Aug	Drowned after overturning his boat	Tatondan Lake	NON-NAV	FRESH	NO	NO
19	AK-064	Michael Coghill	25M	09-Sep	Swamped boat, last seen clinging to a gas can floating down river	Tanana River	NAV	FRESH	NO	UNK
20	AK-067	Matthew Epchook	21M	05-Oct	Travelling via boat from Bethel to Kwethluk, ended up in the water and drowned	Kuskokwim River	NAV	FRESH	YES	NO
21	AK-070	Kenneth Schaeffe	49M	08-Nov	Teaching kayak rolls, hit head on rock and drowned.	Thompson Harbor	NAV	SALT	NO	YES

2002 FATALITIES

<u>Case</u>	<u>Name</u>	<u>Age/Gender</u>	<u>Date</u>	<u>Remarks</u>	<u>Area</u>	<u>NAV/NON-NAV</u>	<u>SALT/FRESH</u>	<u>ALC</u>	<u>PDF</u>
1 AK-02	Bethany Lynn	26/F	16-Jan	Capsized kayak. Reached Casey Island and died of hypothermia. Body washed out to sea.	Casey Island, Kachemak Bay	Nav	Salt	No	yes
2 AK-10	Jason Burrows	28/M	25-May	capsized inflatable raft. Alcohol involved. Two persons went in water. One survived.	Prator Lake, Houston, AK	Non-Nav	Fresh	yes	no
3 AK-20	Yako Nick	26/M	19-JUN	Found floating in Kwethluk River. Boat found still running. NO pfd	Kwethluk River Kwethluk, AK	Nav	Fresh	yes	no
4 AK-21	Oscar Mezak	71/M	19-JUN	Drowned while trying to free his skiff that was aground on a sand bar	Oscarville slough Oscarville, AK	Nav	Fresh	yes	no
5 AK-23	Melton Ozenna	41/M	26-JUN	Gray Whale capsized skiff, man hit head on side of boat and died.	Little Diomedé Island	Nav	Salt	no	unk
6 AK-34	Sinka Williams SR	68/M	20-Jul	Drowned while trying to free a line wrapped in his prop.	Kuskokwim River Lower Kalskag	Nav	Fresh	unk	unk
7 AK-43	Walter Jack JR	21/M	19-Aug	Left hunting area in morning. Not know where he went. Body later found in lake. Drowned	Salt Lake Angoon	Non-Nav	Fresh	yes	no
8 AK-50	Jordan Porter	3months/M	03-Sep	Boat overturned five persons went in water. infant in car seat was located under boat.	Starrigavin Bay Sitka, AK	Nav	Salt	no	no
9 AK-57	Steve Katchis	31/M	20-Sep	While attempting to canoe across Malanuska River canoe capsized and one man drowned. No PFD	Malanuska River Chiklaoon, AK	Nav	Fresh	unk	no
10 AK-60	Kevin Ayojiak	22/M	28-Sep	3 men going down Togiak River in small craft, capsized one not located	Togiak River Togiak, AK	Nav	Fresh	unk	unk
11 AK-63	Keith Kvernvik	41/M	28-Sep	Reported overdue on a trip from Wrangel to Mitkof Island. Boat found with equip. POB still missing.	Stikine River Wrangell, AK	Nav	Salt	yes	unk
12 AK-64	Ralph Ahkivgak	69/M	03-Oct	Whale boat capsized. 6POB went in water. One died and five taken to hospital and treated for hypo.	Arctic Ocean Barrow, AK	Nav	Salt	no	no
13 AK-65	Michael Constantine	38/M	04-Oct	Three men were crossing a small river in an Argo Amphibious. Capsized, two persons missing	Nikoli River Shirleyville, AK	Nav	Fresh	no	no
14 AK-65	Daniel Standifer	34/M	04-Oct	Three men were crossing a small river in an Argo Amphibious. Capsized, two persons missing	Nikoli River Shirleyville, AK	Nav	Fresh	no	no
15 AK-68	Christopher Cooper	31M	31-Dec	Three men capsized their canoe while attempting to cross a Lake. One survived, one body located one missing.	Lake Aleknagik Aleknagik, AK	Non-Nav	Fresh	yes	no
16 AK-68	Ronald Ramey	43M	31-Dec	Three men capsized their canoe while attempting to cross a Lake. One survived, one body located one missing.	Lake Aleknagik Aleknagik, AK	Non-Nav	Fresh	yes	no

### KIDS DON'T FLOAT Program

334 active sites throughout Alaska - 135 communities- 14 new sites added for 2002 season

Akhiok	Eagle City	Kenai	Northway	Susitna
Akutan	Eagle River	Kiana	Nunam Iqua	Takotna
Aleknagnik	Eagle Village	King Cove	Old Harbor	Talkeetna
Amber	Elim	King Salmon	Ouzinkie	Tanacross
Anchor Point	Ester	Kivalina	Palmer	Tatitlik
Anchorage	Ewok	Klawock	Pelican	Tenakee Springs
Anderson	Fairbanks	Klukwan	Petersburg	Teller
Angoon	False Pass	Kobuk	Pilot Point	Tetlin
Aniak	Fort Yukon	Kodiak	Point Hope	Thorne Bay
Barricw	Galena	Kokhanok	Point Lay	Togiak
Bethel	Game Creek	Kotzebue	Port Alsworth	Tok
Big Lake	Glennallen	L. Chatanika	Port Lions	Tok/BLM
Buckland	Golovin	Larson Bay	Port Protection	Toksook Bay
Chevak	Haines	Manley Hot Springs	Ruliy	Trapper Creek
Chignik Lake	Halibut Cove	Manokotak	S. Soldotna	Unalakleet
Chuathbaluk	Healy	McGrath	Salcha	Unalaska
Chugiak	Homer	Mentasta	Sand Point	Valdez
Clear AS	Hoonah	Naknek	Selawik	Wasilla
Coffman Cove	Huslia	Nanwalek	Seldovia	White Mountain
Council	Hydaburg	Nenana	Seward	White Water
Cooper Landing	Iliamna	Newhalen	Shungnak	Whittier
Cordova	Jackolof Bay	Nicholai	Sitka	Willow
Craig	Juneau	Nikiski	Skagway	Wrangell
Deering	Kake	Niniichik	Soldotna	
Delta Junction	Kalskag	Noatak	Sourdough	
Dry Creek Community	Karluk	Nome	South Naknek	
Dutch Harbor	Kasaan	Noorvik	St. Paul	<b>334 sites</b>
Dillingham	Kasliof	North Pole	Sterling	<b>135 communities</b>

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Della Junction	Kalskag	Noatak	Sourdough	
Dry Creek Community	Karluk	Nome	South Naknek	
Dutch Harbor	Kasaan	Noorvik	St. Paul	
Dillingham	Kasliot	North Pole	Sterling	135 communities

updated 1/24/03

## Alaska's Federal Boating Safety Dollars At Work

- Boating safety is on the National Transportation Safety Board's "12 Most Wanted list" for needed transportation safety improvements. Alaska's boating fatality rate is among the highest in the nation. In Alaska, only highway related accidents account for more unintentional deaths than does drowning. Alaska was the last of the states and territories to establish a boating safety program.
- Boating safety programs work. Since the Alaska Boating Safety Program was established in 1998, Alaska's boating fatalities have decreased steadily from 38 that year, down to 16 in 2002. The four-year average of Alaska boating fatalities fell from 26 per year (between 1995 and 1998), to 21 per year (from 1999-2002).
- At least 6 Alaskan children are alive today because of a *Kids Don't Float* loaner life jacket. To date, over 320 loaner life jacket display boards, with over 6,000 life jackets, have been placed in over 120 towns and villages around the state. Alaska's boating safety program is a primary source of life jackets for *Kids Don't Float*.
- The program provides for school programs that teach Alaskan students about cold water and the importance of life jackets. Over 5,000 children have been reached.
- Alaska's new and nationally approved state boating safety course, *Alaska Water Wise*, has been developed. Over 100 potential boating safety instructors from Fairbanks, Kenai, Bethel, Kotzebue, Galena, Anchorage, Glen Allen, Valdez and Sitka, have been trained.
- The program produces a web page ([alaskaboatingsafety.org](http://alaskaboatingsafety.org)), a variety of public service messages for radio and television, and publications and articles including the popular *Alaska Boater's Handbook*, and an award - winning poster series.
- The program offers financial support for the efforts of our boating safety partners, including the U.S. Coast Guard Auxiliary's Vessel Safety Check and "*Coastie the Safety Boat*" programs.
- The Alaska Boating Safety Program is funded entirely by a U.S. Coast Guard grant.
- The Alaska Boating Safety Program has received the U.S. Coast Guard's *Public Service Commendation*, and the U.S. Department of Transportation's *Partnering for Excellence Award*. The *Kids Don't Float Peer Educator Program* was the regional winner of the National Safe Boating Council's 2002 *Boating Education Advancement Award*.

Distributed by Rep. Weynandt



# Wallop-Breaux Aquatic Resources Trust Fund

## Trust Fund Pays Off

By Kimberly Hermes  
Editor, *Small Craft Advisory*

[Wallop-Breaux 101  
PowerPoint Presentation](#)

[Boating Safety's Fair  
Share?](#)

Recreational boating fatalities have dramatically decreased since the 1960s and '70s. This decline is even more significant considering that the number of recreational vessels has more than doubled since that time. According to the U.S. Coast Guard, the lives of an estimated 27,000 boaters have been saved through the nation's various boating safety measures over the past three decades. This success is due in large part to the implementation of a series of boating safety legislative acts, namely those that have established and improved the Aquatic Resources Trust Fund, which generates money to support various safe boating outreach efforts through public education, awareness and enforcement. With the upcoming reauthorization of the trust fund, now is a good time to review the history of this funding.

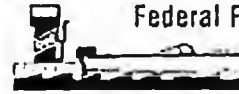
### History

The federal government first became involved in recreational boating safety with the Motor Boat Regulation Act of 1910 (36 Stat 462). This statute set minimum safety standards for motorboats by requiring certain vessels to use navigation lights and carry life preservers and fire extinguishers. The biggest problem with early boating legislation in the United States was that each requirement was part of the law passed by Congress. This meant that it took an act of Congress to change, improve or add new requirements as the need arose. The Coast Guard's authority was greatly expanded by the Federal Boat Safety Act of 1971, the model for today's program. The FBSA created a more flexible regulatory authority concerning the use of boats and associated equipment to include all recreational vessels and expanded its jurisdiction to all United States navigable waters.

The 1971 act also included provisions for the Recreational Boating Safety (RBS) federal financial assistance program to "encourage greater state participation and uniformity in boating safety efforts, and particularly to permit the states to assume the greater share of boating safety education, assistance, and enforcement activities" (46 U.S.C. 13101). Administration of the program was delegated to the Coast Guard. With general revenue funds authorized by this act, the State Recreational Boating Safety Grant Program was established, but the first appropriation was for 1973.

### AQUATIC RESOURCES TRUST FUND FLOW CHART

18.3¢ per Gallon  
Federal Fuel Tax



1.08% of the total Highway Trust Fund is attributable to motorboat fuel. However, under present law, only 13 cents per gallon is used for purposes of calculating the amount to be transferred to the Aquatic Resources Trust Fund. This will rise to 13.5 cents on October 1, 2003.



The Aquatic Resources Trust Fund (Wallop-Breaux) consists of excise taxes attributable to motor boat fuels and fishing equipment along with import duties on fishing equipment, yachts and pleasure boats, interest earned on the funds and excise taxes attributable to gasoline used in small engines.



Money is divided into the following accounts:

Boat Safety Account  
\$59 million in FY02  
U.S. Coast Guard  
\$5 million in FY02  
Sport Fish Restoration Account  
\$322.22 million in FY02

Authorization for the State RBS Grant Program expired in 1979 but was reestablished by the National Recreational Boating Safety and Facilities Improvement Act of 1980, also known as the Biaggi Act. In addition, the act provided that a portion of federal excise tax receipts attributable to motorboat fuel use would be transferred to a new RBS account to fund the program.

By returning a portion of the fuel taxes paid by boaters to boating safety, the Biaggi Act ensured that those benefiting from the program would also help pay the costs – “user pays, user benefits.” The Biaggi Act authorized a total of \$20 million per year – \$10 million for boating safety and \$10 for facilities. However, Congress never supported the facilities improvement part of the program and appropriated funds only for boating safety. The first appropriations under this new mechanism were not approved until 1982.

Congress built upon the Biaggi Act with the Wallop-Breaux Amendments to the Sport Fishing Restoration Act in 1984. Sponsored by Sen. Malcolm Wallop of Wyoming and then-Congressman John Breaux of Louisiana, this legislation created the Aquatic Resources Trust Fund, also known as the Wallop-Breaux Trust Fund, with two separate accounts – one for boating safety funds and another for sport fish monies – and authorized the transfer of all but \$1 million of the motorboat fuel taxes to the new trust fund. It also expanded the excise taxes and import duties on fishing equipment and recreational boats deposited into that account.

An amendment in 1988 (102 Stat. 1836) increased the amount of motorboat fuel taxes authorized to be transferred into and appropriated from the Boat Safety Account from \$45 million to \$60 million for fiscal years 1989 and 1990, then to \$70 million for fiscal years 1991-1993.

In 1990, Sen. Breaux developed a new program for Coastal Wetlands Restoration to be funded from small engine fuel tax revenues but appropriated through the Sport Fish Restoration Account's permanent appropriation. Following the five-cent gas tax increase that same year, a proposal by Congress in 1991 to increase the Boat Safety Account authorization from \$70 million to \$90 million was opposed by the Coast Guard because the discretionary appropriation of Boat Safety Account funds were scored against the Coast Guard budget.

The Clean Vessel Act enacted by Congress in 1992 left the discretionary BSA authorization at \$70 million per year and provided additional state RBS funding via Sport Fish Restoration's mandatory appropriation – but only half the amount originally proposed. The original proposal would have increased the BSA authorization by \$10 million in fiscal year 1992, \$15 million in FY 1993-94 and \$20 million in 1995. However, half the increase was taken out for another program and RBS did not get the full \$20 million until 1998.

Under the Transportation Equity Act for the 21st Century (TEA-21) in 1998, Congress expanded on the Clean Vessel Act transfer of mandatory appropriations from the Sport Fish Restoration Account. The Boat Safety Account remained subject to the annual appropriations process. However, the amendments guaranteed a minimum funding level of \$59 million, with a maximum of \$71.6 million for fiscal years 1999-2003, for boating safety if the \$70 million authorized from the BSA is appropriated. In addition, the Coast Guard receives \$5 million mandatory funding for coordination of the national RBS program. Yet funds from the Boat Safety Account have not been appropriated and the states are receiving only \$59 million per year in mandatory funding transferred from the Sport Fish Restoration Account under the formula in the Clean Vessel Act.

### Gauging success

Annual boat registrations have more than doubled in the past three decades. In fact, just since 1988, annual boat registrations have steadily increased from 10 million to nearly 13 million boats – an increase of 23 percent. Approximately 78 million Americans enjoy recreational boating each year. Yet, due to the cooperative efforts of various organizations, recreational boating fatalities have continued to decline.

At the time the Federal Boat Safety Act of 1971 was approved, the fatality rate for recreational boaters stood at 29.2 deaths per 100,000 registered boats. And in 1973, the number of reported

# SENATE COMMITTEE REPORT

DATE: 04/02/04

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4/21/04

State Affairs Committee considered CS FOR HOUSE BILL NO. 93(FIN)

## HB 93 BCATING SAFETY,REGISTRATION, NUMBERING

"An Act relating to boating safety, registration, and numbering; extending the sunset date of changes in ch. 28, SLA 2000; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous S CS CSHB 93 (TRA)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
<u>DNR</u>	<u>1/13/04</u>			<input checked="" type="checkbox"/>	<u>3</u>
<u>DOA</u>	<u>1/16/04</u>	<input checked="" type="checkbox"/>			<u>4</u>

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<u>John J. Casady</u>	<input checked="" type="checkbox"/>			
<u>Robert H. Stebbins</u>	<input checked="" type="checkbox"/>			
CHAIR: <u>[Signature]</u>	<input checked="" type="checkbox"/>			

*Casady  
Stebbins*

*S. Stebbins*

# SENATE COMMITTEE REPORT

DATE: 2/6/04

FURTHER: State Affairs  
Finance

DATE TURNED  
IN TO OFFICE: 4/1/04

Transportation Committee considered CS FOR HOUSE BILL NO. 93(FIN)

## HB 93 BOATING SAFETY,REGISTRATION, NUMBERING

"An Act relating to boating safety, registration, and numbering; extending the sunset date of changes in ch. 28, SLA 2000; and providing for an effective date."

and recommends:

- be replaced with S CS CS HB 93 (TRA)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#
DNR	1/13/04		✓		3
ADM	1/16/04	✓			4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<del>Handwritten signature</del>				
<del>Handwritten signature</del>				
Lincoln Mrs. Cowden <i>John Starkley</i>	✓			
Therriault <i>Therriault</i>			✓	
Olson <i>Olson</i>			✓	
Wagoner COCHAIR <i>Wagoner</i>	✓			
COCHAIR				

SENATE FINANCE COMMITTEE

SIGN-IN

HB 93-BOATING SAFETY,REGISTRATION,NUMBERING

NAME: Tack Padigan Subject/Bill No: HB-93  
Co./Dept./Title: U.S. Coast Guard Auxiliary Phone: 907-321-3466  
Address: 3199 Pio in Ju. Junction Zip: 99501  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: SUB MARGIS Subject/Bill No: HB93  
Co./Dept./Title: COAST GUARD Phone: 463-2297  
Address: BX 25517 JUNEAU Zip: 99802  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: Martha Moore Subject/Bill No: HB93  
Co./Dept./Title: Dept Health & Social Services Phone: 465-8631  
Address: P.O. BOX 110616 Zip: 99811-0616  
Do you wish to testify?  Yes  No  Respond To Questions (support)

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions







**HB**

**97**

**HFIN**

**FILE**



# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 97  
 (H) Publish Date: 3/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title Long Term Leases of Alaska Railroad Land BRU Alaska Railroad Corporation  
 Component \_\_\_\_\_  
 Sponsor Representative Kohring  
 Requester House Transportation Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

House Bill 97 would authorize the Alaska Railroad Board of Directors to extend the term of a current lease under Alaska Railroad Contract No. 8371 beyond 55 years. If HB 97 bill passes, and the Alaska Railroad Board of Directors approves the lease proposal, revenue derived from the lease would be extended at the current fair market value rate, subject to the terms and conditions of the lease agreement.

Prepared by: Wendy Lindskoog, Director External Affairs Phone 907-265-2498  
 Division Alaska Railroad Corporation Date/Time 3/5/03 4:48 PM  
 Approved by: Edgar Blatchford, Commissioner Date 3/5/2003  
 Agency Department of Community & Economic Development

ORIGINAL COPY

# LEGAL SERVICES

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

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

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

## MEMORANDUM

March 31, 2003

**SUBJECT:** Is HB 97 local and special legislation (HB 97)

**TO:** Representative Vic Kohring  
Attn: Sharron O'Dell

**FROM:** George Utermohle *GU*  
Legislative Counsel

You have asked whether HB 97 is local or special legislation.

House Bill 97 provides legislative approval for a lease of specific land in Anchorage by the Alaska Railroad Corporation for a period of more than 55 years without reserving the right for the corporation to terminate the lease during the period of the lease. House Bill 97 is made necessary by AS 42.40.285 which prohibits the Alaska Railroad Corporation from engaging in certain activities (such as issuance of bonds, conveying its entire interest in corporation lands, extending rail lines, or entering into certain long term leases of corporation land) without the prior approval of the legislature by law.

Article II, sec. 19, Constitution of the State of Alaska limits the power of the Alaska Legislature to pass local or special legislation. Article II, sec. 19, Constitution of the State of Alaska states, in relevant part:

**Local or Special Acts.** The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. . . .

Though the local and special legislation issue may well arise in the context of a lease of a specific parcel of land by an Act of the legislature, it is not certain that such a transfer would violate the prohibition against local and special legislation. The ultimate resolution of any local and special legislation challenge to a particular legislative transfer of railroad land to another entity would depend on the specific facts and circumstances surrounding the transfer.

The prohibition against local and special legislation has been construed several times by the Alaska Supreme Court. The fundamental test applied by the court in reviewing legislation under the local and special legislation clause focuses on the legislative goals underlying the legislation and the means used to advance the goals. If the legislation

Representative Vic Kohring

March 31, 2003

Page 2

bears a fair and substantial relationship to a legitimate state purpose, the legislation will be upheld, in spite of incidental local or private advantages. State v. Lewis, 559 P.2d 630 (Alaska 1977), cert. den., 432 U.S. 901 (1977). In the Lewis case, the court agreed that legislation does not become "local" merely because it operates only on a limited number of geographical areas rather than on a statewide geographical basis. Id. at 643. The case involved the Cook Inlet land exchange and the court accepted the premise that the land transfer, while only affecting land in Southcentral Alaska, required legislation to be accomplished and was of statewide significance.

The Alaska Supreme Court has also rejected a local and special legislation challenge to the legislative approval of modifications to oil and gas leases in the Northstar oil field at Prudhoe Bay. Baxley v. State of Alaska, 958 P.2d 422 (Alaska 1998). The court found that several factors of the leases distinguished them from other state oil and gas leases: numerous key terms of the leases were unique to the Northstar leases and the development history of the field was unique. The extent of legislative deliberations regarding the Northstar leases, the legislative findings supporting the approval of the modifications to the leases, and the narrow focus of the legislation all emphasized the uniqueness of the legislation. The unique nature of the legislation was an important factor in the court's determination that the legislation did not violate the prohibition against local and special legislation.

In a case where an Act was found to be impermissible local legislation, the court said that legislation establishing the Eagle River Borough was special and peculiar to the locality where the borough was established. Since there was nothing in the nature of the Eagle River-Chugiak area that justified a departure from the existing general law scheme for the establishment of boroughs, the Act was unconstitutional local legislation. Abrams v. State, 534 P.2d 91 (Alaska 1975).

Though the ultimate determination of whether certain legislation is local or special legislation lies with the Alaska Supreme Court, there is sufficient reason to believe that legislative approval of a specific lease as provided by HB 97 would be viewed by the court as similar to the legislative approval of the leases in the Baxley case. The legislature has provided by law that long term leases of Alaska Railroad Corporation land without a right to terminate the lease is prohibited unless approved by the legislature. Thus there is no way other than specific legislation to approve such leases. Land of the corporation is unique because the railroad and its land are subject to possible sale or lease. Under AS 42.40.940, the governor may sell or lease the Alaska Railroad and dissolve the corporation if the state can be assured that the railroad would continue to operate and if the state would receive the amount of money that it has expended for the railroad. The sale or lease of the railroad is itself subject to legislative approval by law. The legislature has a significant interest in the land of the corporation. The land of the corporation is one of the significant assets of the railroad. If the land of the railroad can be encumbered for long periods of time through long term leases issued by the corporation, then there is a risk that the marketability of the railroad would be impaired. The legislature has thus reserved to itself the power to approve certain actions of the

Representative Vic Kohring  
March 31, 2003  
Page 3

corporation that would affect the marketability of the railroad. The unique status of corporation land and the statutory requirement for legislative approval of certain long term leases by the corporation would support a determination that HB 97 is not local or special legislation if it were ever challenged on those grounds.

\* \* \*

As the consequence of the requirement for legislative approval of certain actions by the Alaska Railroad Corporation under AS 42.40.285, the legislature has acted three times to approve the lease, transfer, or exchange of land by the corporation. The corporation was authorized by the legislature to enter into a long term lease of railroad land at Healy in 2000. Ch. 91, SLA 2000. The corporation was authorized by the legislature to acquire the DeLong Dock in Whittier from the federal government and to dispose of certain land in Whittier in 2000. Ch. 100, SLA 2000. The corporation was authorized by the legislature to transfer several parcels of land as part of land exchanges with the federal government, private corporations and individuals, and with state agencies in 2000. Ch. 116, SLA 2000.

If I may be of further assistance, please advise.

GU:lmb  
03-115.lmb

Alaska Enfranchise  
Facilities, Inc.

Providing safe,  
Clean and affordable  
Housing for Alaskan  
Seniors.

Alaska Enfranchised Facilities, Inc. respectfully requests your assistance in providing legislation allowing for the development of senior housing, on land leased from the Alaska Railroad Corporation, using HUD's 202 program.

HUD's 202 program was initiated in the 1960's as a low interest loan program, designed to provide rental housing for low income persons sixty-two years of age and older. The program has evolved over the years and in the mid 1990's the program became a grant program whereby 501 C-3 not-for-profit applicants would receive the grant funds and use the money to build and operate housing for low income people sixty-two years of age and older.

Each year HUD uses a formula to determine how many housing units to assign to each of the fifty states in two categories. The categories are rural and urban. Once the allocation is made the opportunity to apply for the grant funds is advertised to all potential not-for-profit applicants with a NOFA (notification of funding availability). The NOFA is typically posted on the HUD website each April.

The last several years Alaska's annual allocation has been twenty urban units and five rural units. The grant program allows for grant funded buildings to be built on leased land. Before the 2002 grant cycle the rules called for the duration of the lease to be a minimum of forty years. In the April 2002 NOFA the duration of the lease, necessary to build on leased land, was increased to seventy-five years.

Alaska Enfranchised Facilities, Inc. has received seven grants in the past eight years. Four buildings are built and occupied in Anchorage. One building is under construction in Sutton, and later this summer another building will be built in Sutton and one in downtown Anchorage. These buildings total 115 housing units. Marc Marlow has acted as the contractor for most of the buildings built with the grants AEF has received to date. Mr. Marlow also acts as a facilitator for AEF, Inc., coordinating requirements for application in a timely manner as well as assisting in coordinating efforts after AEF, Inc. has received a grant.

Please find attached a brochure of the buildings AEF, Inc. has finished for Alaska's elderly to date.

Alaska Enfranchised Facilities, Inc. desires to apply for the 2003 HUD 202 grant and hopes to build the building on Government Hill in Anchorage, on a piece of land that the Alaska Railroad Corporation owns. The Alaska Railroad Corporation is only allowed to lease land for a period not to exceed fifty-five years, unless a longer period is approved by the legislature. In so far as the 202 program requires a lease period of at least seventy-five years, the legislature's approval is hereby requested to allow the Alaska Railroad Corporation to lease the portion of Section 8, Township 13 North, Range 3 West, Seward Meridian that is owned by the Alaska Railroad Corporation for a period in excess of fifty-five years.

## HISTORY

Alaska Enfranchise Facilities, Inc., previously Alaska Evangelistic Fellowship, Inc., received its non-profit corporation status in 1991.

The purpose of the corporation as amended in March, 1999 states: "the purpose of this corporation is to (1) research community needs and target feasible projects; (2) build facilities to support programs by seeking incentives for developers; (3) organize and train program-specific management and volunteers; (4) coordinate the utilization of community-based services in the programs; (5) obtain support for quality-of-life improvements in completed facilities; (6) seek continuous evaluation of facility and program effects; and (7) involve local and regional leadership in the entire process."

Current activities include sponsoring and facilitating the development of owner corporations for seven (7) Section 202 Capital Advance, Supportive Housing for the Elderly, projects in Alaska.

## CURRENT PROJECTS

### Muldoon Manor

Project #176-EE007  
20 units  
2040 Muldoon Road  
Anchorage, Alaska 99504  
Funded 1995  
Grant amount \$2,438,199  
100% Occupied

### Commodore Park Plaza

Project #176-EE010  
25 units  
10415 Jamestown Drive  
Anchorage, Alaska 99507  
Funded 1996  
Grant amount \$3,034,440  
100% Occupied

### Russian Jack Manor

Project #176-EE015  
20 units  
1260 Delasala Place  
Anchorage, Alaska 99508  
Funded 1999  
Grant amount \$2,821,200  
100% Occupied

### Sutton Manor

Project #176-EE025  
5 units  
15816 North Glenn Highway  
Sutton, Alaska 99674  
Funded 2001  
Grant amount \$891,100  
Under construction

**Jewel Lake Plaza**

Project #176-EE014  
20 units  
8300 Jewel Lake Road  
Anchorage, Alaska 99502  
Funded 1998  
Grant amount \$2,351,000  
100% Occupied

**Sutton Annex**

Project #176-EE028  
5 units  
15838 North Glenn Highway  
Sutton, Alaska 99674  
Funded 2002  
Grant amount \$891,100  
Design phase

**Sullivan Manor**

Project #176-EE027  
20 units  
Anchorage, Alaska  
Funded 2002  
Grant amount \$3,620,500  
Design phase

The Board of Directors works with Manor Management of Alaska, Inc. (MMA) on the development and operation of its current facilities as well as future projects. MMA was formed as a sister corporation to Manor Management Services, Inc. (MMS) specifically to provide housing and related services to seniors in Alaska. MMA was incorporated on July 29<sup>th</sup>, 1992.

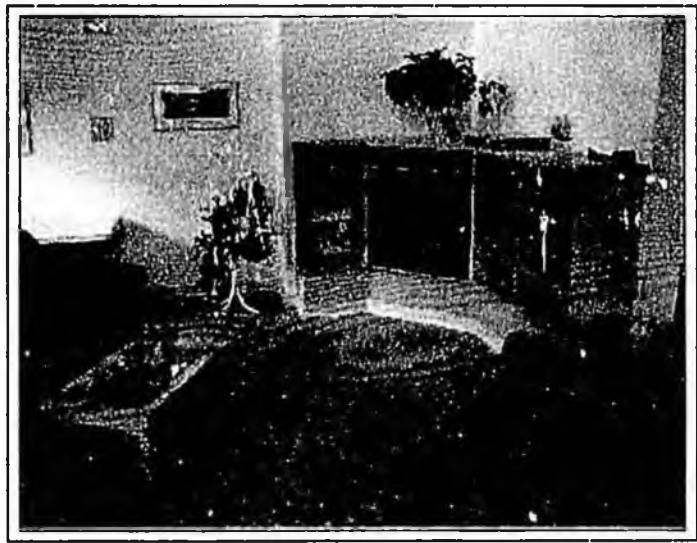
Board meetings are held on a quarterly basis with the management team. Board members are asked to review financial statements from each facility, comment on facility operations, and provide support for project funding, design phase to project completion.

Attached for your review are photographs from our current facilities. Should you have any questions please contact Patrick C. O'Toole, President, MMA, at 1-800-201-4922.



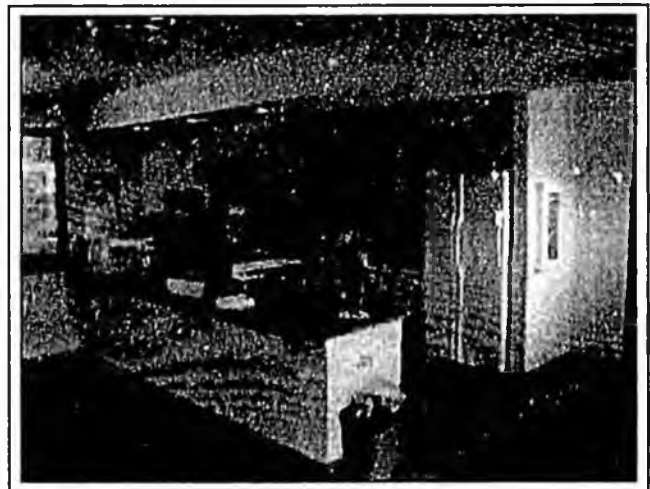
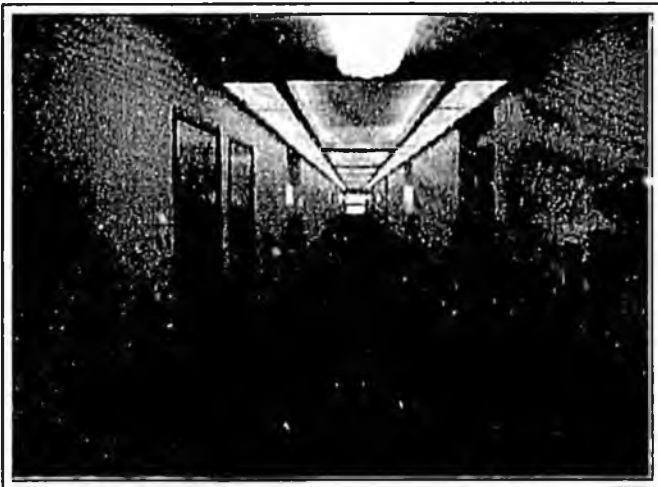
Muldoon Manor  
#176-EE007

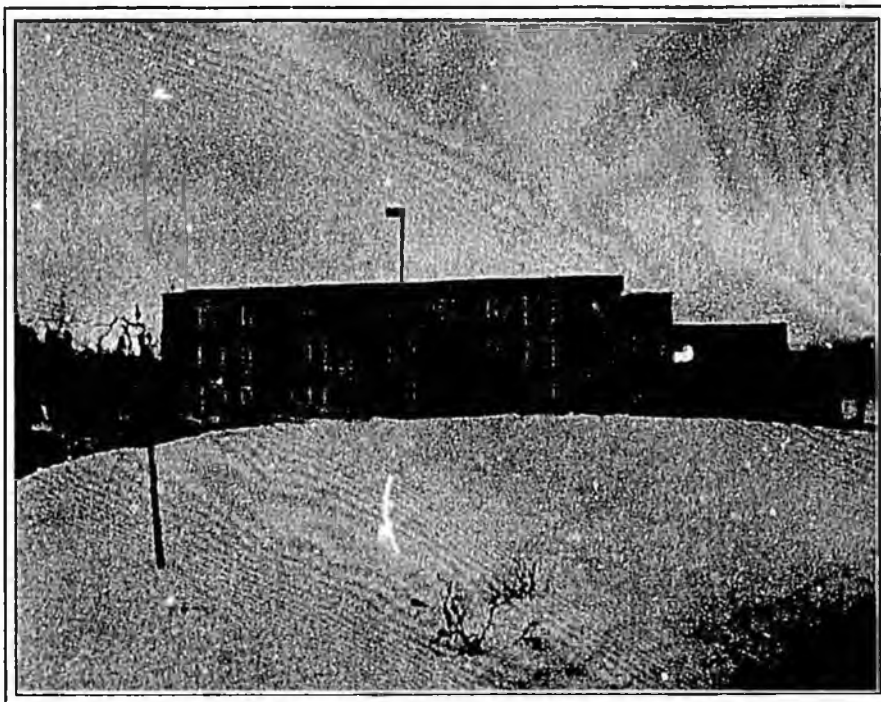




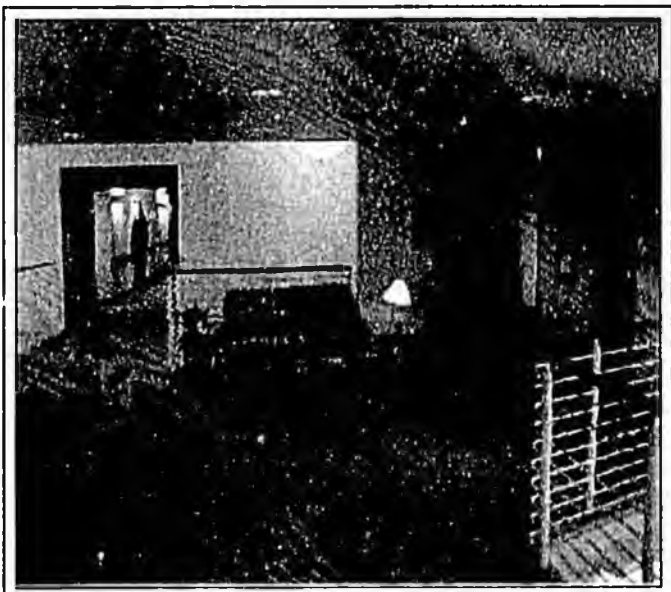
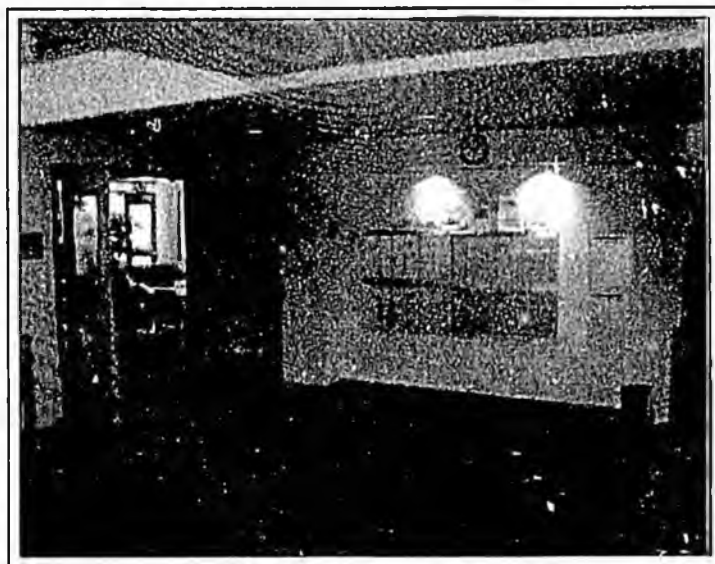
Russian  
Jack  
Manor

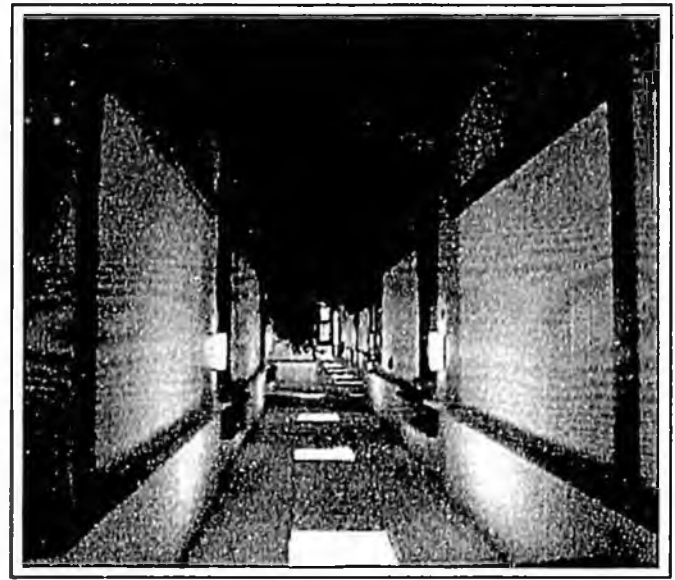
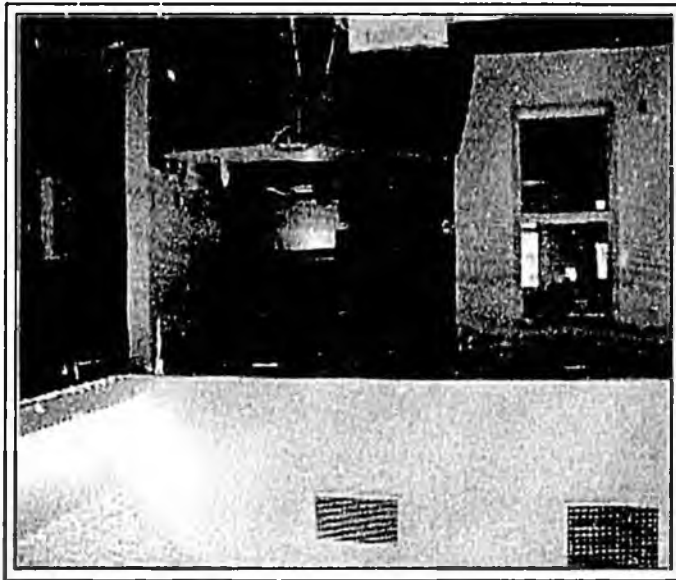
#176-EE015



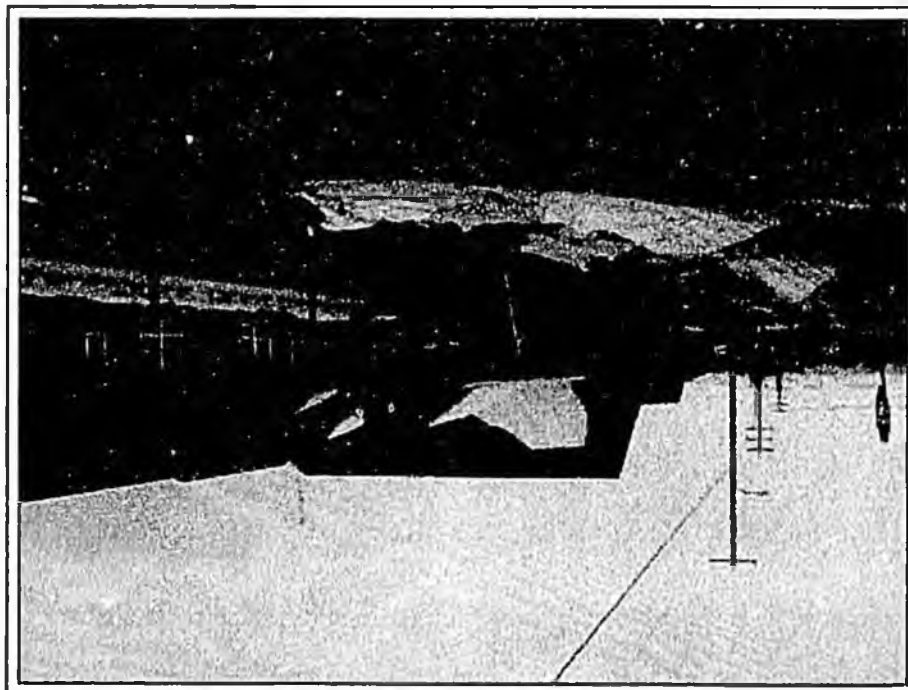


Commodore Park  
Plaza  
#176-EE010





Jewel Lake Plaza  
#176-EE014



(2) an application for an appropriation to be used for providing any service that is not self-sustaining.

(b) The report under (a) of this section shall be in writing, describe the proposed undertaking in detail, and specify

(1) its financial impact on the corporation;

(2) its impact on the level and nature of services provided by the corporation;

(3) the reasons the action is necessary or desirable to achieve the purposes of this chapter;

(4) whether and when the undertaking or service is expected to be self-sustaining financially; and

(5) if the undertaking requires an appropriation to be used for providing a service that is not self-sustaining, that the amount of the appropriation has been strictly calculated in accordance with United States Interstate Commerce Commission standards for determining rail service subsidies. (§ 2 ch 153 SLA 1984)

**Sec. 42.40.285. Legislative approval required.** Unless the legislature approves the action by law, the corporation may not

(1) exchange, donate, sell, or otherwise convey its entire interest in land;

(2) issue bonds;

(3) extend railroad lines; this paragraph does not apply to a spur, industrial, team, switching, or side track;

(4) lease land for a period in excess of 55 years unless the corporation reserves the right to terminate the lease if the land is needed for railroad purposes;

(5) apply for or accept a grant of federal land within a municipality; before approving an action under this paragraph, the legislature must determine that the federal land is required for essential railroad purposes; this paragraph does not apply to the application for or acceptance of a grant of federal land associated with

(A) the Anchorage-Wasilla line change project on Elmendorf Air Force Base and Fort Richardson;

(B) the Fairbanks intermodal rail yard expansion project;

(C) a conveyance of rail properties of the Alaska Railroad under the original Alaska Railroad Transfer Act of 1982 as set out in Title VI, P.L. 97-468; in this subparagraph, "rail properties of the Alaska Railroad" has the meaning given in 45 U.S.C. 1202(10). (§ 2 ch 153 SLA 1984; am § 4 ch 59 SLA 1999; am § 1 ch 30 SLA 2002)

**Cross references.** — For legislative approval of a lease of certain Alaska Railroad Corporation land at Healy for a period in excess of 35 years without reservation of the right of early termination, see sec. 3, ch. 91, SLA 2000 in the 2000 Temporary & Special Acts; for legislative approval related to the Delong Dock at Whittier, see ch. 100, SLA 2000 in the 2000 Temporary & Special Acts; for legislative approvals of the exchange of certain Alaska Railroad Corporation land with Eklutna, Inc., see sec. 1, ch. 116, SLA 2000 in the 2000 Temporary & Special Acts; for the exchange of certain Alaska Railroad Corporation land with the United States Department of the Army and the Department of the Air Force, see sec. 2, ch. 116, SLA 2000 in the 2000 Temporary & Special Acts; for the exchange of certain Alaska Railroad Corporation

land with Chugach Alaska Corporation, see sec. 3, ch. 116, SLA 2000 in the 2000 Temporary & Special Acts; for the exchange of certain Alaska Railroad Corporation land with the Municipality of Anchorage and with certain named individuals having adjacent parcels of land, see sec. 4, ch. 116, SLA 2000 in the 2000 Temporary & Special Acts; for legislative intent and authorization giving the Alaska Railroad Corporation permission to engage in land transfers or conveyances affecting Chugach State Park, see secs. 5 — 8, ch. 116, SLA 2000 in the 2000 Temporary & Special Acts.

**Effect of amendments.** — The 1999 amendment, effective September 8, 1999, added paragraph (5) and made a related stylistic change.

The 2002 amendment, effective May 30, 2002, substituted "55 years" for "35 years" in paragraph (4).

**Sec. 42.40.290. Long-range capital improvement and program plan.** (a) The corporation shall prepare and the board shall adopt a long-range capital improvement and program plan. The plan must explain the manner in which the corporation intends to accomplish the purposes of this chapter and the corporation's anticipated capital improvements during each of the five years after the plan is adopted.

**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**SECTION 202 SUPPORTIVE HOUSING  
FOR THE ELDERLY**

Billing Code 4210-32-C

categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and RHS; e.g., public housing); State or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure, and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building design, including a description of the number of units with bedroom distributions, any special design features, amenities, and/or community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10-20 years.

Note: If these community spaces, amenities, or features would not comply with the project design and cost standards of 24 CFR 891.120 and the special project standards of 24 CFR 891.210, you must state your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (i.e., in addition to the Section 202 units) with the use of Section 202 capital advance funds in combination with other funding sources. Specify the number of Section 202 units and the number of additional units from non-Section 202 funding sources. Provide

copies of any letters you have sent seeking outside funding for the non-Section 202 units and any responses thereto. You also must demonstrate your ability to proceed with the development of a Section 202 project that will not involve mixed-finance or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding or HUD disapproves your proposal for mixed-finance or a mixed-use.

Note: Approval of the Section 202 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at the time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 202 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure).

(4)(c)(iv) Describe your plan for completing the proposed project within the initial 18-month term of the fund reservation (optional).

(4)(d) Evidence that the Sponsor has site control and permissive zoning, including the following:

(4)(d)(i) Acceptable evidence of site control is limited to any one of the following:

(A) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 75 years;

(B) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 202 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 202 closing.

(C) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due, and

must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six months option period.

(D) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier 202 or an FHA insured mortgage), you must submit evidence that consent to release of the site from that mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(E) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 202 capital advance. Where HUD determines that time constraints of the funding round will not permit all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens and are involved in litigation will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring the site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (e.g., reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of such covenants or restrictions must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the application will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or the option agreement contains

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
Bill Version: HB 97  
(H) Publish Date: 3/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
Title Long Term Leases of Alaska Railroad Land BRU Alaska Railroad Corporation  
Component \_\_\_\_\_  
Sponsor Representative Kohring  
Requester House Transportation Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

House Bill 97 would authorize the Alaska Railroad Board of Directors to extend the term of a current lease under Alaska Railroad Contract No. 8371 beyond 55 years. If HB 97 bill passes, and the Alaska Railroad Board of Directors approves the lease proposal, revenue derived from the lease would be extended at the current fair market value rate, subject to the terms and conditions of the lease agreement.

Prepared by: Wendy Lindskoog, Director External Affairs Phone 907-265-2498  
Division: Alaska Railroad Corporation Date/Time 3/5/03 4:48 PM  
Approved by: Edgar Blatchford, Commissioner Date 3/5/2003  
Agency: Department of Community & Economic Development

# ALASKA STATE LEGISLATURE

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



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

REPRESENTATIVE VIC KOHRING  
DISTRICT 14

## SPONSOR STATEMENT

### HOUSE BILL 97

### LONG-TERM LEASES OF ALASKA RR LAND

In 2002, the Legislature passed House Bill 298 to increase the maximum lease term without termination rights the Alaska Railroad can grant without Legislative approval to 55 years from the 35-year maximum set in 1984. The increase was to encourage economic development in communities along the Railbelt by making it easier for large commercial and residential developers to obtain financing through grants and other sources which require a longer lease. For example, the HUD 202 Senior Housing Grants required a minimum 40-year lease. The 55-year lease maximum set forth in HB 298 went into effect May 30, 2002.

Shortly after, the minimum lease requirement for Federal Housing and Urban Development (HUD) 202 grants increased from 40 years to 75 years, in effect putting developers back at square one. The Alaska Railroad can approve a lease in excess of 55 years; however, they must reserve the right to terminate the lease in the event the land is needed for railroad purposes.

A multi-family senior housing project has been planned for Government Hill in Anchorage and the developer was granted a 55-year lease by the Alaska Railroad Board for the project site. When HUD changed the terms of the 202 program, it disqualified the project for consideration for HUD 202 grants.

House Bill 97 will allow the Alaska Railroad to extend the developer's current 55-year lease, without the termination clause, allowing him to apply for HUD 202 funding.

-----\*\*\*-----

updated 3-28-03  
bill contact aide: Sharron O'Dell

**HB**

**97**

**SFIN**

**FILE**

HB 97

was referred to the  
Senate Finance  
Committee

No hearing was held  
on this bill

**HB**

**100**

**HFIN**

**FILE**

23-GH1061V  
Utermohle  
3/3/03

adopted 3-3-03

**CS FOR HOUSE BILL NO. 100(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making supplemental and other appropriations; amending appropriations;**  
2 **making appropriations to capitalize funds; and providing for an effective date."**

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

4 **\* Section 1. DEPARTMENT OF ADMINISTRATION.** (a) The sum of \$2,200,000 is  
5 appropriated from the general fund to the Department of Administration, office of public  
6 advocacy, for operating costs of the office for the fiscal year ending June 30, 2003.

7 (b) The sum of \$390,700 is appropriated from the general fund to the Department of  
8 Administration, Alaska Pioneers' Home system, for increased costs for certified nurse aides  
9 and assisted living aides for the fiscal year ending June 30, 2003.

10 (c) The sum of \$14,300 is appropriated from federal receipts to the Department of  
11 Administration, Alaska Oil and Gas Conservation Commission, for the underground injection  
12 control program for the fiscal year ending June 30, 2003.

13 (d) The sum of \$1,000,000 is appropriated from the general fund to the Department of  
14 Administration, Public Defender Agency, for operating costs of the agency for the fiscal year

1 ending June 30, 2003.

2 (e) The sum of \$73,000 is appropriated from Alaska Mental Health Trust Authority  
3 authorized receipts to the Department of Administration, Public Defender Agency, for costs  
4 of a mental health court attorney in Anchorage for the fiscal year ending June 30, 2003.

5 (f) The sum of \$209,300 is appropriated from the general fund to the Department of  
6 Administration, labor relations section, for the costs of a mediated labor settlement for the  
7 fiscal year ending June 30, 2003.

8 \* **Sec. 2. DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.** (a)  
9 The federal receipts from the United States Department of Agriculture, Community Facilities  
10 Economic Impact Initiative Grants program, authorized by RPL 08-3-0104, are appropriated  
11 to the Department of Community and Economic Development, Regulatory Commission of  
12 Alaska, for rural Alaska Internet access capital grants under the federal grant agreement.

13 (b) The sum of \$200,000 is appropriated from receipt supported services to the  
14 Department of Community and Economic Development, division of insurance, for operating  
15 costs for the fiscal year ending June 30, 2003.

16 (c) The sum of \$115,000 is appropriated from statutory designated program receipts  
17 to the Department of Community and Economic Development, international trade and market  
18 development, for costs associated with the Korea USA economic conference for the fiscal  
19 year ending June 30, 2003.

20 (d) The amount received by the Alaska Science and Technology Foundation under  
21 AS 37.17.090(g) during the fiscal year ending June 30, 2003, is appropriated to the principal  
22 of the Alaska science and technology endowment (AS 37.17.020).

23 \* **Sec. 3. DEPARTMENT OF CORRECTIONS.** (a) The sum of \$500,000 is appropriated  
24 from the general fund to the Department of Corrections, inmate health care, for medical and  
25 other costs for the fiscal year ending June 30, 2003, resulting from a November 19, 2002,  
26 accident at mile 19.5 of the Seward Highway.

27 (b) The sum of \$500,000 is appropriated from statutory designated program receipts  
28 to the Department of Corrections, Anchorage jail, for operating costs for the fiscal year  
29 ending June 30, 2003.

30 (c) The sum of \$100,000 is appropriated from the general fund to the Department of  
31 Corrections, inmate health care, for the fiscal year ending June 30, 2003, for payment of

1 unpaid bills for services received in the fiscal year that ended June 30, 2002.

2 \* Sec. 4. DEPARTMENT OF ENVIRONMENTAL CONSERVATION. The sum of  
3 \$100,000 is appropriated from the general fund to the Department of Environmental  
4 Conservation, division of air and water quality, for legal services from the Department of Law  
5 to represent the state's position before the United States Supreme Court regarding the Red  
6 Dog Mine air permit dispute with the Environmental Protection Agency for the fiscal year  
7 ending June 30, 2003.

8 \* Sec. 5. DISASTER RELIEF FUND. The sum of \$41,870,300 is appropriated to the  
9 disaster relief fund (AS 26.23.300) to capitalize the fund for declared disasters during the  
10 fiscal year ending June 30, 2003, and for core emergency preparedness and operations costs  
11 from the following sources in the amounts listed:

12	Federal receipts	\$31,093,900
13	General fund	10,776,400

14 \* Sec. 6. DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT. The sum  
15 of \$366,800 is appropriated from the general fund to the Department of Education and Early  
16 Development, schools for the handicapped, for additional education costs for children in out-  
17 of-state placement for the fiscal year ending June 30, 2003.

18 \* Sec. 7. FIRE SUPPRESSION. The sum of \$19,033,800 is appropriated from the general  
19 fund to the Department of Natural Resources for fixed operating costs and costs incurred for  
20 fire suppression expenditures for the fiscal year ending June 30, 2003.

21 \* Sec. 8. DEPARTMENT OF HEALTH AND SOCIAL SERVICES. (a) The sum of  
22 \$271,000 is appropriated from the general fund to the Department of Health and Social  
23 Services, general relief assistance, for the fiscal year ending June 30, 2003, for additional  
24 operating costs due to caseload growth.

25 (b) The sum of \$615,300 is appropriated from the general fund to the Department of  
26 Health and Social Services, foster care special need, for the fiscal year ending June 30, 2003,  
27 for additional operating costs due to caseload growth.

28 (c) The sum of \$2,000,000 is appropriated from the general fund to the Department of  
29 Health and Social Services, subsidized adoptions and guardianship, for the fiscal year ending  
30 June 30, 2003, for additional operating costs due to caseload growth.

31 (d) The sum of \$110,000 is appropriated from the general fund to the Department of

1 Health and Social Services, old age assistance-Alaska longevity bonus hold harmless, for the  
2 fiscal year ending June 30, 2003, for additional operating costs due to caseload growth.

3 (e) The sum of \$2,368,000 is appropriated to the Department of Health and Social  
4 Services, adult public assistance, for the fiscal year ending June 30, 2003, for additional  
5 operating costs due to caseload growth, from the following sources in the amounts listed:

6	Federal receipts	\$ 285,000
7	General fund	2,083,000

8 (f) The sum of \$450,000 is appropriated from federal receipts to the Department of  
9 Health and Social Services, family preservation, for the fiscal year ending June 30, 2003, for  
10 increased operating costs.

11 (g) The sum of \$100,800 is appropriated from the general fund to the Department of  
12 Health and Social Services, Nome Youth Facility, for the fiscal year ending June 30, 2003, for  
13 additional operating costs.

14 (h) The sum of \$100,000 is appropriated from receipt supported services to the  
15 Department of Health and Social Services, bureau of vital statistics, for the fiscal year ending  
16 June 30, 2003, for additional operating costs.

17 (i) Section 1, ch. 94, SLA 2002, page 19, lines 6 and 7, is amended to read:

	ALLOCATIONS	APPROPRIATION ITEMS	GENERAL FUND	OTHER FUNDS
20	Medical Assistance	<u>796.442.300</u>	<u>167.552.600</u>	<u>628.889.700</u>
21		[790,306,800]	[144,352,600]	[645,954,200]
22	Medicaid Services	<u>796.442.300</u>		
23		[790,306,800]		

24 (j) Section 96(d), ch. 1, SSSLA 2002, is amended to read:

25 (d) The appropriations made by secs. 10(b), 12(c), 12(d), 12(e), 14(c),  
26 21(c)(1), 23, 28, 54(b), and 75(a) of this Act lapse June 30, 2004.

27 \* Sec. 9. JOINT LEGISLATIVE SALMON INDUSTRY TASK FORCE. The  
28 appropriation made by sec. 2, ch. 94, SLA 2002, page 45, lines 30 - 31 (SCR 28 Joint  
29 Legislative Salmon Industry Task Force - \$258,000) lapses June 30, 2004.

30 \* Sec. 10. JUDGMENTS AND CLAIMS. The sum of \$1,136,400 is appropriated to the  
31 Department of Law to pay judgments and claims against the state for the fiscal year ending

1 June 30, 2003, from the following sources in the amounts listed:

2	SOURCE	AMOUNT
3	General fund	\$1,064,300
4	Public employees retirement trust fund	72,100

5 \* Sec. 11. DEPARTMENT OF LAW. (a) The sum of \$582,600 is appropriated from the  
 6 general fund to the Department of Law, criminal division, for outside counsel costs for the  
 7 fiscal year ending June 30, 2003.

8 (b) The sum of \$600,000 is appropriated from the general fund to the Department of  
 9 Law for oil and gas litigation for the fiscal years ending June 30, 2003, and June 30, 2004.

10 \* Sec. 12. DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS. (a) Section 1,  
 11 ch. 94, SLA 2002, page 27, lines 21 - 24, is amended to read:

12		APPROPRIATION	GENERAL	OTHER
13		ALLOCATIONS	FUND	FUNDS
14	[COMMISSIONER'S	1,607,700	930,800	676,900
15	OFFICE			
16	OFFICE OF THE	1,721,100		
17	COMMISSIONER			
18	AGENCY-WIDE	-113,400		
19	UNALLOCATED			
20	REDUCTION]			

21 (b) Section 1, ch. 94, SLA 2002, page 28, lines 3 - 13, is amended to read:

22		APPROPRIATION	GENERAL	OTHER
23		ALLOCATIONS	FUND	FUNDS
24	Alaska National Guard	<u>25,219,300</u>	<u>5,697,200</u>	<u>19,522,100</u>
25		[23,611,600]	[4,766,400]	[18,845,200]
26	<u>Office of the</u>	<u>1,721,100</u>		
27	<u>Commissioner</u>			
28	<u>Agency-wide</u>	<u>-113,400</u>		
29	<u>Unallocated Reduction</u>			
30	National Guard	544,000		
31	Military Headquarters			

1	Army Guard	11,860,600
2	Facilities Maintenance	
3	Air Guard	5,850,600
4	Facilities Maintenance	
5	State Active Duty	320,000
6	Alaska Military	4,777,700
7	Youth Academy	
8	Starbase	258,700

9 (c) Section 2, ch. 94, SLA 2002, page 45, lines 24 - 26, is amended to read:

10	APPROPRIATION	GENERAL	OTHER
11	ITEMS	FUND	FUNDS
12	SB 345 School Services for Disabled	641,500	<u>-850,400</u> <u>1,491,900</u>
13	Students appropriated to Department		[-1,505,100]      [2,146,600]
14	of Military and Veterans Affairs		

15 (d) The sum of \$830,000 is appropriated from the general fund to the Department of  
 16 Military and Veterans' Affairs for core emergency preparedness and operation costs for the  
 17 fiscal year ending June 30, 2003.

18 \* Sec. 13. DEPARTMENT OF NATURAL RESOURCES. (a) The sum of \$149,100 is  
 19 appropriated from receipt supported services to the Department of Natural Resources,  
 20 recorder's office, for increased workload and operating costs for the fiscal year ending  
 21 June 30, 2003.

22 (b) The sum of \$4,000 is appropriated from statutory designated program receipts to  
 23 the Department of Natural Resources, parks management, for increased operating costs for the  
 24 fiscal year ending June 30, 2003.

25 (c) The sum of \$553,000 is appropriated from federal receipts to the Department of  
 26 Natural Resources for a United States Department of the Interior coastal wetlands grant to be  
 27 passed through to the City and Borough of Juneau to go toward the purchase of a Herbert  
 28 River parcel.

29 \* Sec. 14. DEPARTMENT OF PUBLIC SAFETY. (a) The sum of \$171,100 is  
 30 appropriated from the general fund to the Department of Public Safety, fish and wildlife  
 31 protection, for increased fuel costs for the fiscal year ending June 30, 2003.

(b) Section 1, ch. 94, SLA 2002, page 33, lines 5 - 12, is amended to read:

	ALLOCATIONS	APPROPRIATION ITEMS	GENERAL FUND	OTHER FUNDS
<b>Statewide Support</b>		<u>8,483,100</u>	4,110,800	<u>4,372,300</u>
		[8,583,100]		[4,472,300]
Training Academy	1,485,100			
Administrative Services	848,100			
Alaska Wing Civil Air Patrol	503,100			
Alaska Public Safety	2,091,700			
Information Network				
Alaska Criminal Records	<u>3,555,100</u>			
and Identification	[3,655,100]			

\* Sec. 15. DEPARTMENT OF REVENUE. (a) The sum of \$142,000 is appropriated from municipal bond bank receipts to the Department of Revenue, Alaska Municipal Bond Bank Authority, for operating costs for the fiscal year ending June 30, 2003.

(b) The sum of \$26,000 is appropriated from general fund program receipts to the Department of Revenue, Alcoholic Beverage Control Board, for operating costs for the fiscal year ending June 30, 2003.

\* Sec. 16. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. (a) Section 1, ch. 1, SSSLA 2002, page 54, lines 10 and 11, is amended to read:

ALLOCATIONS	
Nondalton: Airport	450,000
<u>Improvements and</u>	
<u>Airport Lavout Plan</u>	
[RESURFACING]	
(ED 40)	

(b) Section 1, ch. 1, SSSLA 2002, page 60, lines 9 - 13, is amended to read:

ALLOCATIONS	
Anchorage: Muldoon	2,160,000
Road Landscaping and	
Pedestrian Improvements -	

1 Regal Mountain to Bartlett

2 Drive [GLENN HIGHWAY

3 TO 36TH AVENUE]

4 (ED 10-25)

5 (c) Section 1, ch. 135, SLA 2000, page 33, lines 15 and 16, is amended to read:

6 ALLOCATIONS

7 Juneau: Gastineau 1,660,000

8 Channel Second

9 Crossing [WEST

10 DOUGLAS HIGHWAY

11 EXTENSION] (ED 3-4)

12 (d) Section 1, ch. 61, SLA 2001, page 30, lines 32 and 33, is amended to read:

13 ALLOCATIONS

14 Nunapitchuk: Airport 5,000,000

15 Relocation

16 [RESURFACING

17 AND LIGHTING]

18 (ED 39)

19 (e) Section 100, ch. 2, FSSLA 1999, page 62, lines 10 and 11, is amended to read:

20 ALLOCATIONS

21 Nunapitchuk Airport 1,200,000

22 Relocation

23 [RESURFACING

24 & LIGHTING] (ED 39)

25 (f) The sum of \$225,700 is appropriated from the general fund to the Department of  
26 Transportation and Public Facilities for central region facilities for general maintenance and  
27 operations for the fiscal year ending June 30, 2003.

28 (g) The sum of \$105,000 is appropriated from the general fund to the Department of  
29 Transportation and Public Facilities for northern region facilities for the fiscal year ending  
30 June 30, 2003, to reopen Chit'na, Birch Lake, and Montana Creek maintenance stations.

31 (h) The sum of \$432,000 is appropriated from the general fund to the Department of

1 Transportation and Public Facilities for central region highways and aviation for the fiscal  
2 year ending June 30, 2003, to restore the Ninilchik maintenance station operations and restore  
3 highway winter maintenance levels.

4 (i) The sum of \$1,535,300 is appropriated from the general fund to the Department of  
5 Transportation and Public Facilities for northern region highways and aviation for the fiscal  
6 year ending June 30, 2003, to restore Birch Lake and Chitina maintenance station operations,  
7 restore winter maintenance levels on northern region roads, and restore operations at the Clear  
8 and Circle Hot Springs airports.

9 (j) The sum of \$264,000 is appropriated from the general fund to the Department of  
10 Transportation and Public Facilities for southeast region highways and aviation for the fiscal  
11 year ending June 30, 2003, to restore winter maintenance levels on southeast roads.

12 (k) The sum of \$8,200,000 is appropriated from federal receipts to the Department of  
13 Transportation and Public Facilities for the Dillingham-Aleknagik Road MP 8-23 resurfacing  
14 project.

15 (l) The sum of \$6,000,000 is appropriated from federal receipts to the Department of  
16 Transportation and Public Facilities for the Glenn Highway intersection improvements and  
17 resurfacing Gambell to McCarrey project.

18 (m) The sum of \$5,625,000 is appropriated from federal receipts to the Department of  
19 Transportation and Public Facilities for Old Glenn Highway reconstruction, North Eagle  
20 River Exit to Peters Creek.

21 (n) The sum of \$4,900,000 is appropriated from federal receipts to the Department of  
22 Transportation and Public Facilities for the Barrow runway apron paving and safety area  
23 expansion project.

24 (o) The sum equal to the amount of toll receipts from the Whittier Tunnel operations  
25 that were collected but that were not expended during the fiscal year ending June 30, 2002, is  
26 appropriated from the general fund to the Department of Transportation and Public Facilities,  
27 central region highways and aviation, for operation of the Whittier Tunnel for the fiscal year  
28 ending June 30, 2003.

29 (p) Section 19(c), ch. 1, SSSLA 2002, is amended to read:

30 (c) The appropriations made in (b) of this section are from the following  
31 sources:

FUNDING SOURCE	AMOUNT
Federal receipts	<u>\$4,397,400</u> [\$4,723,400]
General fund	271,000
International Airports Revenue Fund	<u>1,000,500</u> [674,500]
Receipt supported services	109,900

(q) The sum of \$46,900 is appropriated to the Department of Transportation and Public Facilities, regional administrative services, for additional personnel costs for the fiscal year ending June 30, 2003, from the following sources:

Highways equipment working capital fund	\$ 6,700
International Airports Revenue Fund	13,500
Capital improvement project receipts	5,300
Alaska marine highway system fund	21,400

(r) The sum of \$450,000 is appropriated from the Alaska marine highway system fund (AS 19.65.060) to the Department of Transportation and Public Facilities, Alaska marine highway system, for increased operating costs for the fiscal year ending June 30, 2003.

(s) Section 1, ch. 1, SSSLA 2002, page 55, lines 7 and 8, is amended to read:

ALLOCATIONS

Scammon Bay: Snow	650,000
Removal Equipment	
Building <u>and Airport</u>	
<u>Lavout Plan</u> (ED 38)	

(t) Section 1, ch. 1, SSSLA 2002, page 63, lines 27 - 29, is amended to read:

ALLOCATIONS

Hatcher Pass:	9,000,000
Milepost <u>25</u> [34] to 39 -	
Rehabilitation (ED 26-28)	

\* Sec. 17. STATE DEBT AND OTHER OBLIGATIONS. (a) Section 31(e), ch. 94, SLA 2002, is amended to read:

(e) The sum of \$17,746,000 [\$17,744,000] is appropriated to the Department of Administration, division of finance, for the fiscal year ending June 30, 2003, for payment of debt service and trustee fees on outstanding international airports revenue

1 bonds from the following sources in the amounts stated:

2 SOURCE	AMOUNT
3 International Airports Revenue	<u>\$13,746,000</u> [\$13,744,000]
4 Fund (AS 37.15.430)	
5 Passenger facility charge	4,000,000

6 (b) Section 31(f), ch. 94, SLA 2002, is amended to read:

7 (f) The sum of \$52,536,000 [\$56,378,400] is appropriated to the Department  
8 of Education and Early Development for the fiscal year ending June 30, 2003, for state  
9 aid for costs of school construction under AS 14.11.100 from the following sources:

10 Alaska debt retirement fund (AS 37.15.011)	<u>\$20,935,800</u> [\$27,372,100]
11 School fund (AS 43.50.140)	<u>31,600,200</u> [29,006,300]

12 \* **Sec. 18. MISCELLANEOUS CLAIMS AND STALE-DATED WARRANTS.** The  
13 following amounts are appropriated from the general fund to the following agencies to pay  
14 miscellaneous claims and stale-dated warrants for the fiscal year ending June 30, 2003:

15 DEPARTMENT	APPROPRIATION
16 (1) Administration	\$44,916.88
17 (2) Corrections	3,385.35
18 (3) Education and Early Development	5,107.28
19 (4) Environmental Conservation	568.03
20 (5) Fish and Game	3,254.31
21 (6) Health and Social Services	42,267.93
22 (7) Law	17,947.82
23 (8) Military and Veterans' Affairs	580.88
24 (9) Public Safety	47.50
25 (10) Transportation and Public Facilities	26.82

26 \* **Sec. 19. RATIFICATIONS.** (a) The following departmental expenditures made in fiscal  
27 years 1998 - 2003 are ratified to reverse the negative account balances in the Alaska state  
28 accounting system in the amounts listed for each AR number. The appropriations from which  
29 these expenditures were actually paid are amended by increasing those appropriations by the  
30 amount listed as follows:

31 (1) Department of Community and Economic Development

1	(A) AR56381-02 Delta Junction	\$562.95
2	(B) AR56385-02 Rural Utility Management	0.83
3	(2) Department of Corrections	
4	(A) AR50981-01 Non-custodial Fingerprints	219.77
5	(B) AR50982-01 ADAM PGM/UNTV AK ANC	66.64
6	(3) Department of Health and Social Services	
7	(A) AR22520-01 Medicaid Services	2,753,274.86
8	(B) AR22553-01 Family and Youth Services Staff	
9	Training	54,910.55
10	(4) Department of Fish and Game	
11	(A) AR43655-01 EVOS Fish Pass	8.05
12	(B) AR42100-02 Administrative services	16,437.65
13	(5) Department of Public Safety	
14	AR47829-03 RS DOT/AST DET .08	2,615.00
15	(b) The expenditures by the Department of Natural Resources for fire suppression for	
16	the fiscal year ending June 30, 2002 (AR37313-02 Fire General Fund) are ratified in the	
17	amount of \$13,340,900.	
18	(c) The expenditures by the Department of Natural Resources for fire suppression for	
19	the fiscal year ending June 30, 2002 (AR37311-02 Fire Federal Receipts) are ratified in the	
20	amount of \$3,000,000.	
21	(d) Notwithstanding any other provision of an appropriation Act, if amounts from	
22	sources available to finance the appropriations listed in (1) - (6) of this subsection fall short of	
23	estimates appropriated by law, deposits of amounts in the fish and game fund (AS 16.05.100)	
24	from the general fund derived from criminal fines, penalties, and forfeitures, not specifically	
25	appropriated for another purpose, are ratified and appropriated to the fish and game fund	
26	(AS 16.05.100) to cover the shortfall:	
27	(1) sec. 14, ch. 60, SLA 2001;	
28	(2) sec. 16, ch. 133, SLA 2000;	
29	(3) sec. 9, ch. 84, SLA 1999, as amended by sec. 31, ch. 135, SLA 2000;	
30	(4) sec. 9, ch. 137, SLA 1998;	
31	(5) sec. 9, ch. 98, SLA 1997.	

1 (e) Notwithstanding sec. 77, ch. 1, SSSLA 2002, the transfer of \$51,000 of the  
2 unexpended balance of the appropriation made by sec. 2, ch. 34, SLA 1998, from the disaster  
3 relief fund (AS 26.23.300) to the commercial fishing revolving loan fund (AS 16.10.340) is  
4 ratified.

5 (f) The transfer of the amounts received by the Alaska Science and Technology  
6 Foundation under AS 37.17.090(g) and paid into the principal of the Alaska science and  
7 technology endowment (AS 37.17.020) by the board of directors of the Alaska Science and  
8 Technology Foundation before July 1, 2002, is ratified.

9 \* Sec. 20. REPEAL OF CONDITION ON FY 2002 OPERATING APPROPRIATIONS.  
10 Section 6, ch. 94, SLA 2002, is repealed.

11 \* Sec. 21. LAPSE OF APPROPRIATIONS. (a) The appropriations made by secs. 2(d), 5,  
12 19(e), and 19(f) of this Act are to capitalize funds and do not lapse.

13 (b) The appropriations made by secs. 2(a), 13(c), 16(k), 16(l), 16(m), and 16(n) of this  
14 Act are for capital projects and lapse under AS 37.25.020.

15 \* Sec. 22. RETROACTIVITY. (a) Section 12(c) of this Act is retroactive to July 1, 2002.

16 (b) Section 2( ) of this Act is retroactive to October 3, 2002.

17 \* Sec. 23. EFFECTIVE DATE. This Act takes effect immediately under AS 01.10.070(c).

3-3-03

passed  
obj withdrawn (Harris)

**Amendment #**   1  

Amendment to CS for HB100(FIN)

Section 14 line 29, DEPARTMENT OF PUBLIC SAFETY. (a) The sum of \$189,100  
[\$171,100]

Add \$18,000 additional funds requested for fuel cost increases.

3-3-03

passed

NO OBJ

(Harris)

**Amendment # 2**

Amendment to CS for HB100(FIN)

Delete section 2(c) Korea USA economic conference

Delete section 12(d) DMVA Core service.

Section 5, line 10 fiscal year ending June 30, 2003, [~~and for core emergency preparedness and operations cost~~]

Section 18 line 17, Miscellaneous Claims and State-Dated Warrants, amend the amount for the Department of Corrections to read as follows:

Corrections            \$5,829.85    [\$3,385.35]

Fund 3-7

3-3-03

AMENDMENT -CROFT

3

OFFERED IN HOUSE FINANCE COMMITTEE  
BY REPRESENTATIVE CROFT

TO: CS FOR HOUSE BILL NO. 100(FIN)

Page 1, line 4

Delete: "2,200,000"

Insert: "3,300,000"

*This amendment adds \$1,100,000 to fund FY '03 caseload growth.*

# House Finance Committee Vote Sheet

DATE: 3-3-03

SUBJECT: # 3

MEMBER	YES	NO
CROFT	✓	
FOSTER		✓
HAWKER		✓
JOULE	✓	
MEYER		✓
MOSES	✓	
STOLTZE		✓
<del>WHITAKER</del>		
CHENAULT		✓
WILLIAMS		✓
HARRIS		✓
TOTAL:		

PASSED: 3 -

FAILED: 7

3-3-03

Failed 3-7

4

AMENDMENT - Croft

OFFERED IN HOUSE FINANCE COMMITTEE  
BY REPRESENTATIVE CROFT

TO: CS FOR HOUSE BILL NO. 100(FIN)

Page 1, line 13

Delete: "1,000,000"

Insert: "1,157,000"

*This amendment adds \$157,000 to fund FY '03 caseload growth.*

House Finance Committee Vote Sheet

DATE: 3/3/03

SUBJECT: #4

MEMBER	YES	NO
FOSTER		✓
HAWKER		✓
JOULE	✓	
MEYER		✓
MOSES	✓	
STOLTZE		✓
WHITAKER		
CHENAULT		✓
CROFT	✓	
HARRIS		✓
WILLIAMS		✓
TOTAL:		

PASSED: 3

FAILED: 7

3-3-03

Failed 3-7

5

AMENDMENT

(joule)

OFFERED IN HOUSE FINANCE  
BY REPRESENTATIVE REGGIE JOULE

To: CS HB 100

Page 3, line 28

Delete: \$2,000,000

Insert: \$2,833,300

The subsidized adoption program helps children with special needs obtain permanent homes by providing the adopting family a monetary subsidy. It enables families to overcome the financial hurdle so that they can make the commitment to adopt a special needs child. This is a cost effective alternative to foster care and places children in permanent, stable families. The additional money is needed to cover caseload growth and an increase in the subsidy. In FY 2003, the program was intentionally short funded and did not account for the anticipated caseload growth. This is a wonderful program that provides stable, permanent homes for children while providing a cost savings to the state. It makes more sense to provide this funding then to pay for increased foster care costs while allowing children to languish in nonpermanent homes.

House Finance Committee Vote Sheet

DATE:

3-3-03

SUBJECT:

# 5

- Joubert

MEMBER

YES

NO

HAWKER		✓
JOULE	✓	
MEYER		✓
MOSES	✓	
STOLTZE		✓
WHITAKER		
CHENAULT		✓
CROFT	✓	
FOSTER		✓
WILLIAMS		✓
HARRIS		✓
TOTAL:		

PASSED:

3

FAILED:

7

3-3-03

withdrawn

6

AMENDMENT

(Joule)

OFFERED IN HOUSE FINANCE  
BY REPRESENTATIVE REGGIE JOULE

To: CS HB 100

Page 4, line 24

Insert: (c) Section 12 (c), ch 1, SSSLA is amended to read:

- (c) The sum of \$300,000 is appropriated from the general fund to the Department of Health and Social Services, Statewide Suicide Prevention Council, for the fiscal years [YEAR] ending June 30, 2003, and June 30, 2004, for a follow-back study seeking ways to address the causative factors contributing to suicides in Alaska. It is the intent of the legislature that the Alaska Mental Health Trust Authority provide \$100,000 to match the appropriation made in this section.

Re-number accordingly

Alaska has one of the highest suicide rates in the nation. Alaskan natives are hit particularly hard by this tragedy. As a state we need to find out why this tragedy plagues us. This study would be a good start in trying to resolve this issue. This money was previously funded and the Suicide Council just needs more time to get the study underway. I believe it is in the best interest of the state to continue to fund this study.

3-3-03

Fald 4-6

AMENDMENT

(Joule)

7

OFFERED IN HOUSE FINANCE  
BY REPRESENTATIVE REGGIE JOULE

To: CS HB 100

Page 3, line 8

Delete:\$41,870,300

Insert: \$45,270,300

Page 3, line 13

Delete:\$10,776,400

Insert:\$14,176,400

Re-number accordingly

This amendment adds \$3.4 million to prevent the erosion of the beachfront in Shishmaref allowing the community time to relocate. This amendment will keep the community intact saving property from destruction. An additional \$1.1 million will be contributed by Kawerak.

# House Finance Committee Vote Sheet

DATE: 3-3-03

SUBJECT: #7

MEMBER	YES	NO
JOULE	✓	
MEYER		✓
MOSES	✓	
STOLTZE		✓
WHITAKER		
CHENAULT		✓
CROFT	✓	
FOSTER	✓	
HAWKER		✓
HARRIS		✓
WILLIAMS		✓
TOTAL:		

PASSED: 4

FAILED: 6

2-3-03

8

2-8  
(Failed)  
AMENDMENT

(~~House~~)  
(CROFT)

OFFERED IN HOUSE FINANCE COMMITTEE  
BY REPRESENTATIVE CROFT

TO: CS FOR HOUSE BILL NO. 100(FIN)

Page 5, line 5 through line 9  
Delete all text

Page 6, line 29 through line 31  
Delete all text

Page 8, lines 25 through 31  
Page 9, lines 1 through 11  
Delete all text

Renumber accordingly

*This amendment removes the supplemental requests for the Departments of Law (\$1,182,600), Public Safety (\$171,100), and Transportation & Public Facilities (\$2,562,000) for a total savings of \$3,915,700.*

*The Legislature directed these Departments to curb spending through unallocated budget cuts. The Departments identified specific BRUs as being the appropriate places to make these cuts. Restoring these cuts undermines the Legislature's sole power of appropriation.*

# House Finance Committee Vote Sheet

DATE: \_\_\_\_\_

3-3-03

SUBJECT: \_\_\_\_\_

#8

MEMBER

YES

NO

MEYER		✓
MOSES	✓	
STOLTZE		✓
<del>WHITAKER</del>		
CHENAULT		✓
CROFT	✓	
FOSTER		✓
HAWKER		✓
JOULE		✓
WILLIAMS		✓
HARRIS		✓
TOTAL:		

PASSED: \_\_\_\_\_

2

FAILED: \_\_\_\_\_

8

3-3-03

23-GH1061V.1  
Utermohle  
3/3/03

passed,  
NO OBJ  
AMENDMENT 9

OFFERED IN THE HOUSE

TO: HB 100(FIN), Draft Version "I"

- 1 Page 2, following line 7:
- 2       Insert a new subsection to read:
- 3       "(g) The sum of \$400,000 is appropriated from the general fund to the Department of
- 4 Administration, division of finance, for charge-back overruns on the state's accounting and
- 5 payroll systems for the fiscal year ending June 30, 2003."

**Alaska State Legislature**  
**HOUSE OF REPRESENTATIVES**  
***House Finance Committee***

**AGENDA**

March 3, 2003 - Monday

HB 100-SUPPLEMENTAL APPROPRIATIONS: FAST TRACK  
HB 110-SUPPLEMENTAL APPROPRIATIONS

Teleconference:

*Chair: Mr. [unclear]*

DOA:

*DM* Brant McGee, Public Advocate, Office of Public Advocacy

*BB* Barbara Brink, Director, Public Defender Agency

DPS:

Howard Starbard, Capt., Director, Division of Fish and  
Wildlife Protection