

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2884

**HB**

**1900**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAY 08 2006  
SENATE FINANCE COMMITTEE

DATE: 5/3/06

FURTHER:

DATE TURNED IN TO OFFICE: 8 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 190(FIN)

## HB 190 REQUIRED ID FOR PURCHASING ALCOHOL

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances."

and recommends:

- be replaced with S CS CS HB 190 (FIN)
- adopt previous \_\_\_\_\_ CS CS forthcoming (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Adm. Off	7/8/06			✓	#2
Adm. DMN	7/8/06		*		#3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>		✓		
COCHAIR: <i>[Signature]</i>		x		
COCHAIR: <i>[Signature]</i>			✓	

# FISCAL NOTE

REPORTED OUT  
MAY 08 2006  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 190(JL'D)  
(H) Publish Date: 2/13/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An act relating to the purchase of alcoholic RDU Legal and Advocacy Services  
beverages and to access to licensed premises... Component Office of Public Advocacy  
Sponsor Rep. Crawford  
Requester (H) Judiciary Component No. 43

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation would deny a person the privilege to purchase alcoholic beverages (AS 4.16.160) or enter premises (AS 4.16.047) that serve alcoholic beverages if the person has been ordered to refrain from consuming alcoholic beverages as part of a sentence for a crime under AS 28.35.030 or as a condition of probation or parole. This legislation would also provide a private right of civil action for a licensee against a person who enters a licensed premises in violation of the aforementioned. Finally, this legislation would require that driver's licenses be designed to allow the electronic reading and display of the person's identifying information and whether the person's privilege to purchase alcohol has been restricted under AS 4.16.160.

This legislation should have no fiscal impact on OPA.

Prepared by: Joshua P. Fink, Director Phone 907.269-3500  
Division Office of Public Advocacy Date/Time 2/8/06 at 7:50 p.m.  
Approved by: Mike Tibbles, Deputy Commissioner Date 2/8/2006  
Agency Administration

COMMITTEE COPY

# FISCAL NOTE

REPORTED OUT  
**MAY 08 2006**  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 3  
 Bill Version: CSHB 190(JUD)  
 (H) Publish Date: 2/13/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An Act relating to the purchase of alcoholic beverages..." RDU Division of Motor Vehicles  
 Component Motor Vehicles  
 Sponsor Rep. Crawford  
 Requester (H) Jud Component No. 2348

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</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>	**	**	**	**	**	**

Estimate of any current year (FY2006) cost: 00  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill requires the Division of Motor Vehicles (DMV) to physically 'mark' a driver's license or a State issued Identification Card if the holder's privilege to purchase alcohol has been restricted. The DMV today has no direct knowledge of a persons conditions of probation or parole

Until the number of customers and method of information transmission is ascertained in conjunction with the Alaska Court System, the DMV has no ability to measure the impact this will have on our planned operation. As a result we respectfully submit an 'indeterminate' fiscal note.

Once this information has been established, the DMV will provide a firm estimate of costs incurred and revenue generated as a result.

Prepared by: Duane Bannock, Director Phone 269 5008  
 Division: Motor Vehicles Date/Time 2/9/06 9:00 AM  
 Approved by: Mike Tibbles, Deputy Commissioner Date 2/9/2006  
 Agency: Department of Administration

SENATE FINANCE  
COMMITTEE

Amendment # #1

To Bill Number: HB 190

Sponsor: Bunde

Date: 5/8/06 Logged by: Mindy

24-LS0617\U.1

Luckhaupt

5/7/06

AMENDMENT

by Sen Bunde

OFFERED IN THE SENATE

TO: SCS CSHB 190(JUD)

1 Page 2, line 11, following "jurisdiction.":

2 Insert "The privilege to purchase alcoholic beverages is restricted during the period  
3 that the person is required to refrain from consuming alcoholic beverages under the sentence  
4 or condition of probation or parole."  
5

6 Page 2, line 29, following "section.":

7 Insert "A cancellation under this subsection remains in effect only during the period of  
8 time that the privilege to purchase alcoholic beverages is restricted under AS 04.16.160."  
9

10 Page 2, line 31:

11 Delete "has been"

12 Insert "is"  
13

14 Page 3, line 1, following "AS 28.15.111.":

15 Insert "A person who has received a marked identification card under this subsection  
16 may apply for an unmarked card when the period of restriction under AS 04.16.160 has  
17 expired."  
18

19 Page 4, line 1:

20 Delete "has been"

21 Insert "is"  
22

23 Page 4, line 4, following "AS 28.15.111":

1

Insert "if the period of restriction under AS 04.16.160 is still in effect"

SENATE FINANCE  
COMMITTEE  
Amendment # #2  
To Bill Number: HB 190  
Sponsor: Bunde  
Date: 5/8/06 Logged by: Mindy

24-LS0617U.2  
Luckhaupt  
5/7/06

AMENDMENT

OFFERED IN THE SENATE  
TO: SCS CSHB 190(JUD)

by Sen. Bunde

- 1 Page 2, line 9:
- 2 Delete "law or ordinance of another jurisdiction"
- 3 Insert "municipal ordinance"
- 4
- 5 Page 2, line 11:
- 6 Delete "law or ordinance of another jurisdiction"
- 7 Insert "municipal ordinance"
- 8
- 9 Page 4, line 8:
- 10 Delete "law or ordinance of another jurisdiction"
- 11 Insert "municipal ordinance"
- 12
- 13 Page 4, line 9:
- 14 Delete ", laws, or ordinances"
- 15 Insert "or a similar municipal ordinance"

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 08 2006  
 SENATE FINANCE COMMITTEE

DATE: 5/3/06

FURTHER:

DATE TURNED IN TO OFFICE: 8 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 190(FIN)

## HB 190 REQUIRED ID FOR PURCHASING ALCOHOL

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances."

and recommends:

- be replaced with S CS CS HB 190 (FIN)
- adopt previous \_\_\_\_\_ CS CS forthcoming (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Adm. Off	2/8/06			✓	#2
Adm. DMV	2/9/06		*		#3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>		✓		
COCHAIR: <i>[Signature]</i>		X		
COCHAIR: <i>[Signature]</i>			✓	

SENATE FINANCE COMMITTEE  
5/8/2006 COMMITTEE ACTION

Bill Number	HB 190		
Amendment	move from		
Motion	Committee		
<u>Motion by</u>			
<u>Objection by</u>			
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Hoffman	✓		
Senator Olson	✓		
Senator Stedman			✓
Senator Bunde	✓		
Senator Dyson	✓		
Co-Chair Wilken			✓
Co-Chair Green			✓
<u>Tally</u>			
Yea	4		
Nay	3		
Absent			
<u>OTION</u> <del>FAIL</del> PASS			

AMENDMENT

by Sen Bunde

OFFERED IN THE SENATE

TO: SCS CSHB 190(JUD)

1 Page 2, line 11, following "jurisdiction.":

2 Insert "The privilege to purchase alcoholic beverages is restricted during the period  
3 that the person is required to refrain from consuming alcoholic beverages under the sentence  
4 or condition of probation or parole."  
5

6 Page 2, line 29, following "section.":

7 Insert "A cancellation under this subsection remains in effect only during the period of  
8 time that the privilege to purchase alcoholic beverages is restricted under AS 04.16.160."  
9

10 Page 2, line 31:

11 Delete "has been"

12 Insert "is"

13

14 Page 3, line 1, following "AS.15.111.":

15 Insert "A person who has received a marked identification card under this subsection  
16 may apply for an unmarked card when the period of restriction under AS 04.16.160 has  
17 expired."  
18

18

19 Page 4, line 1:

20 Delete "has been"

21 Insert "is"

22

23 Page 4, line 4, following "AS 28.15.111":

I

Insert "if the period of restriction under AS 04.16.160 is still in effect"

AMENDMENT

OFFERED IN THE SENATE  
TO: SCS CSHB 190(JUD)

by Sen. Bunde

- 1 Page 2, line 9:
- 2 Delete "law or ordinance of another jurisdiction"
- 3 Insert "municipal ordinance"
- 4
- 5 Page 2, line 11:
- 6 Delete "law or ordinance of another jurisdiction"
- 7 Insert "municipal ordinance"
- 8
- 9 Page 4, line 8:
- 10 Delete "law or ordinance of another jurisdiction"
- 11 Insert "municipal ordinance"
- 12
- 13 Page 4, line 9:
- 14 Delete ", laws, or ordinances"
- 15 Insert "or a similar municipal ordinance"

Adopted

AMENDMENT

SENATE FINANCE  
COMMITTEE

Amendment # #3

To Bill Number: HB 190

Sponsor: Bunde

Date: 5/8/06 Logged by: Minky

OFFERED IN THE SENATE  
TO: SCS CS HB 190 (JUD)

BY SENATOR

by Sen. Bunde

- 1 Page 3, line 18
- 2 Delete ""ROC"" and insert ""COAR""
- 3
- 4 Page 3, line 23
- 5 Delete all material and insert:
- 6 ""COAR"" is an abbreviation for "court ordered alcohol restriction."

SENATE CS FOR CS FOR HOUSE BILL NO. 190(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES FOSTER, Crawford, Lynn, Gatto, Weyhrauch, Meyer, Kerttula, Gara, LeDoux, Kelly, Berkowitz, Gardner, Wilson, Dahlstrom, Anderson, Seaton, Samuels, Cissna

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the purchase of alcoholic beverages and to access to licensed  
2 premises; relating to civil liability for certain persons accessing licensed premises;  
3 requiring driver's licenses and identification cards to be marked if a person is restricted  
4 from consuming alcoholic beverages as a result of a conviction or condition of probation  
5 or parole and relating to fees for the marked license; and requiring the surrender and  
6 cancellation of driver's licenses under certain circumstances."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA.

8 \* Section 1. AS 04.16 is amended by adding a new section to read:

9       Sec. 04.16.047. Access of persons with restricted privileges. (a) A person  
10 who is not privileged to purchase alcohol under AS 04.16.16C may not knowingly  
11 enter or remain in premises licensed under this title to obtain or consume alcohol.

12       (b) A licensee may bring a civil action against a person who violates this  
15 section if the violation occurs on the premises of that licensee. If judgment is entered

1 in favor of the licensee, the court shall award civil damages in the amount of \$1,000  
2 and award reasonable costs and reasonable attorney fees allowed under the Alaska  
3 Rules of Civil Procedure.

4 \* Sec. 2. AS 04.16 is amended by adding a new section to read:

5 Sec. 04.16.160. Privilege to purchase alcoholic beverages. (a) Except as  
6 otherwise provided by law, a person who is 21 years of age or older has a privilege to  
7 purchase alcoholic beverages, unless the person has been ordered to refrain from  
8 consuming alcoholic beverages as part of a sentence for conviction of a crime under  
9 AS 28.35.030, 28.35.032, or a similar municipal ordinance or as a condition of  
10 probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar  
11 municipal ordinance. The privilege to purchase alcoholic beverages is restricted during  
12 the period that the person is required to refrain from consuming alcoholic beverages  
13 under the sentence or condition of probation or parole. A person whose privilege to  
14 purchase alcohol has been restricted shall be required to pay an enhanced fee to have a  
15 driver's license or identification card issued with the information required under  
16 AS 28.15.111(a)(6).

Amend #2  
Amend #2  
Amend #1

17 (b) A court imposing a restriction on a person under (a) of this section, and the  
18 Department of Corrections, shall notify the person that an identification card issued  
19 under AS 18.65.310 must list the restriction imposed for the period of the person's  
20 probation or parole.

21 \* Sec. 3. AS 04.21.050(b) is amended to read:

22 (b) Except as provided in AS 04.16.160. a [A] valid driver's license or a  
23 valid identification card is acceptable as proof of age when used for identification in  
24 the purchase of alcoholic beverages and for securing entry to and remaining on  
25 premises where alcoholic beverages are sold if the license or identification card is  
26 made of or encased in plastic and contains a photograph of the licensee [LICFNSE] or  
27 card holder and a statement of age or date of birth.

28 \* Sec. 4. AS 18.65.310 is amended by adding new subsections to read:

29 (h) The department shall cancel the identification card of a person whom a  
30 restriction has been imposed under AS 04.16.160 unless the person's identification  
31 card contains the information required by (i) of this section. A cancellation under this

Amend #1  
cont. →

1 subsection remains in effect only during the period of time that the privilege to  
2 purchase alcoholic beverages is restricted under AS 04.16.160.

3 (i) The department shall, to the extent it is able, mark the identification card of  
4 an applicant whose privilege to purchase alcohol is restricted under AS 04.16.160 in  
5 the same manner required for a driver's license under AS 28.15.111. A person who has  
6 received a marked identification card under this subsection may apply for an  
7 unmarked card when the period of restriction under AS 04.16.160 has expired.

8 (j) The department may by regulation set a fee for issuance of an identification  
9 card under (i) of this section. The fee must meet the requirements of AS 04.16.160.

10 \* Sec. 5. AS 28.15.111(a) is amended to read:

11 (a) Upon successful completion of the application and all required  
12 examinations, and upon payment of the required fee, the department shall issue to  
13 every qualified applicant a driver's license indicating the type or general class of  
14 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a  
15 distinguishing number assigned to the license; (2) display the licensee's full name,  
16 address, date of birth, brief physical description, and color photograph; (3) display  
17 either a facsimile of the signature of the licensee or a space upon which the licensee  
18 must write the licensee's usual signature with pen and ink; (4) display a holographic  
19 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a  
20 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and  
21 (6) to the extent the department is able, be designed to allow the electronic  
22 reading and electronic display of the information described under (2) of this  
23 subsection and the electronic reading and display and a physical display on the  
24 license of the letters "COAR" if the person's privilege to purchase alcohol has  
25 been restricted under AS 04.16.160. A license may not display the licensee's social  
26 security number and is not valid until signed by the licensee. If facilities are not  
27 available for the taking of the photograph required under this section, the department  
28 shall endorse on the license, the words "valid without photograph." In this subsection,  
29 "COAR" is an abbreviation for "court ordered alcohol restriction."

30 \* Sec. 6. AS 28.15.161(a) is amended to read:

31 (a) The department shall cancel a driver's license upon determination that

Amend #1

Amend #1

} Amend #1

Amend #3

Amend #3

1 (1) the licensee is not medically or otherwise entitled to the issuance or  
2 retention of the license, or has been adjudged incompetent to drive a motor vehicle;

3 (2) there is an error or defect in the license;

4 (3) the licensee failed to give the required or correct information in the  
5 licensee's application; [OR]

6 (4) the license was obtained fraudulently; or

7 (5) the licensee is restricted from purchasing alcoholic beverages  
8 under AS 04.16.160: if a license is cancelled under this paragraph, when a new  
9 license is issued, it must reflect that restriction and the requirements of  
10 AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.

Amend #1

Amend #1

11 \* Sec. 7. AS 28.15.191 is amended by adding new subsections to read:

12 (g) A court that has ordered a person to refrain from consuming alcoholic  
13 beverages as part of a sentence for conviction of a crime under AS 28.35.030,  
14 28.35.032, or a similar municipal ordinance or as a condition of probation or parole  
15 following a conviction under those sections or a similar municipal ordinance shall

Amend #2  
Amend #2

16 (1) require the surrender of the person's license and forward the license  
17 to the department;

18 (2) report the order to the department within two days; and

19 (3) inform the person that the person's license is subject to cancellation  
20 under AS 28.15.161 and, if the person is otherwise qualified to receive a license, when  
21 the person obtains a new license the license must list the restriction imposed by  
22 AS 04.16.160 for the period of probation or parole.

23 (h) The board of parole shall notify the department within two days whenever  
24 a person has been ordered to refrain from consuming alcoholic beverages as a  
25 condition of parole and shall inform the person that the person's license is subject to  
26 cancellation under AS 28.15.161, and that, if the person is otherwise qualified to  
27 receive a license, when the person obtains a new license the license must list the  
28 restriction imposed by AS 04.16.160.

29 \* Sec. 8. AS 28.15.271 is amended by adding a new subsection to read:

30 (e) The department may by regulation set a fee for issuance of a new license to  
31 replace a license cancelled under AS 28.15.161(a)(5) because the person's privilege to

1  
2

purchase alcoholic beverages under AS 04.16.160 has been restricted or revoked. The fee must meet the requirements of AS 04.16.160.



Official Business

# Alaska State Senate

Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

## FAX COVER SHEET

DATE: 8 May 2006 TIME: 2:10 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final Please

SCS CS HB 190 (FIN)

24-LS0617\U Luckhaupt

plus amendments: \U.1, \U.2

and Amendment #3 - attached

Thanks

Mindy

# Alaska House of Representatives

Richard Foster  
P.O. Box 1630  
Nome, AK 99762  
907-443-5036  
Fax 907-2162



During Session  
State Capitol Rm. 410  
Juneau, AK 99801-1182  
907-465-3789  
Fax 907-465-3242

## Majority Whip

### MEMORANDUM

To: Senator Green, Chair  
Senate Finance  
From: Representative Richard Foster  
Date: May 7th, 2006

#### Why is the fiscal note indeterminate?

Director Bannock expressed concern regarding his indeterminate fiscal note. House Bill 190 provides that an enhanced fee may be charged to cover the cost of issuing the marked licenses and ID cards. Director Bannock explained that he does not know how many people HB 190 would affect. Every attempt has been made by the sponsor to quantify the number of individuals who would be affected, but unfortunately, the court system does not track the number of court orders issued restricting alcohol consumption. The committee may take comfort in that the bill provides for the State of Alaska to recover costs associated with the program from offenders.

#### Would HB 190 restrict access to a licensed premise?

Only if a person was trying to obtain or consume alcohol.

Director Bannock made the contention in his testimony that HB 190 would restrict access to licensed premises for persons with a marked license. That is inaccurate.

The House Judiciary and Finance Committees expressed concern that a person with a marked license would be prohibited from going to a restaurant to eat a meal with friends or family because the restaurant also serves alcohol. For this reason, the House Judiciary Committee amended page 1, line 11 to read "enter or remain in premises licensed under this title *to obtain or consume alcohol*" (emphasis added). The purpose of this amendment was to clarify that the intended purpose of HB 190 is to prohibit a person from obtaining or consuming alcohol.

This is also why the House Finance Committee determined the mark on a license or ID card should be ROC (restriction on consumption) as opposed to NFOC (not to enter or consume).

Director Bannock has suggested the mark on the license be changed to COAR, to stand for Court Ordered Alcohol Restriction. An amendment to this effect has been prepared and the sponsor does not object.

#### For how long is a person's original licensed cancelled?

Director Bannock expressed concern with the DMV's ability to know how long a license cancellation should be in effect. It is the intent of the sponsor that the duration of the cancellation should last for the period of the court order that restricts an individual from consuming alcohol. While the duration of the cancellation could be addressed through regulation, as are other cancellations, if the committee desires an amendment to the statute to clarify the duration one has been prepared and the sponsor does not object.

# Alaska House of Representatives

Richard Foster  
P.O. Box 1630  
Nome, AK 99762  
907-443-5036  
Fax 907-2162



During Session  
State Capitol Rm. 410  
Juneau, AK 99801-1182  
907-465-3789  
Fax 907-465-3242

## Majority Whip

### SPONSOR STATEMENT FOR CS FOR HB 190 (FIN)

Alaska has some of the strictest drunken driving laws in the country, and still approximately 30% of fatal motor vehicle collisions involve a DUI. House Bill 190 proposes a new approach to reducing the number of alcohol related deaths and accidents – prevent problem drinkers from getting their hands on alcohol.

House Bill 190 requires a physical display on state issued identification cards and driver's licenses if a person has been convicted of a DUI or refusal to submit to a breathalyzer, and is prohibited from consuming alcohol by a court or parole board. The identification card or license would be marked with "ROC," which stands for "Restriction On Consumption." This mark would alert those who sell alcohol that it is illegal for that individual to purchase or consume alcohol. While House Bill 190 provides a financial incentive for vendors to check the identification of their patrons, it remains completely voluntary on the part of the vendor to do so. If a vendor catches a person with a marked license or identification card attempting to purchase alcohol, the vendor can pursue a civil penalty of \$1000, similar to current provisions to prevent underage drinking.

This is a strong step toward preventing problem drinkers from purchasing alcohol and stopping some of the carnage they cause. I urge your support of HB 190.

# Alaska House of Representatives

Richard Foster  
P.O. Box 1630  
Nome, AK 99762  
907-443-5036  
Fax 907-2162



During Session  
State Capitol Rm. 410  
Juneau, AK 99801-1182  
907-465-3789  
Fax 907-465-3242

## Majority Whip

### SECTIONAL ANALYSIS CS FOR HB 190 (FIN)

**Section 1:** Amends AS 04 by adding a new section that provides that a person who is not privileged to purchase alcohol may not enter or remain on a licensed premises for the purpose of obtaining or consuming alcohol; provides a civil remedy for licensees against persons who violate this section.

**Section 2:** Amends AS 04 by adding a new section that revokes the privilege to purchase alcohol a of person convicted under AS 28.35.030 or 28.35.032 and has been restricted from consuming alcohol by court order or as a condition of probation or parole; requires the court or Department of Corrections to notify the individual that the person's identification card will be marked for the period of the person's parole or probation.

**Section 3:** Provides a conforming amendment to section 2.

**Section 4:** Amends AS 18.65.310 by adding a new subsections requiring the department to cancel the identification card of a person restricted from purchasing alcohol under section 2; requires identification cards to be marked in the same manner as driver's licenses; provides the ability for the department to charge a fee for issuing a marked identification card.

**Section 5:** Amends AS 28.15.111(a) by requiring driver's licenses to be designed to allow the license to display the letters "ROC" if the person's privilege to purchase alcohol has been restricted under section 2; defines "ROC" as an abbreviation for "restriction on consumption."

**Section 6:** Amends AS 25.15.161(a) by requiring the cancellation of a person's driver's license if their privilege to purchase alcohol has been restricted under section 2; requires a license be marked if the person obtains a new license.

**Section 7:** Amends AS 28.15.191 by adding new subsections requiring a court orders a person to refrain from consuming alcohol to require the surrender of the person's license and forward the license to the department; requires the court to provide notification to the restricted person that their new license will list the restriction imposed by section 2; requires the board of parole to notify the DMV when restricting a person from consumption of alcohol; requires the board to notify the individual that their license is subject to cancellation and a new license will list the restriction imposed by section 2.

**Section 8:** Amends AS 28.15.271 by adding a new subsection authorizing the department to set a fee for issuance of a marked license.

Department of Public Safety  
 Alaska State Troopers  
 Motor Vehicle Collision Cases  
 With Fatality or Injury  
 CY 2001 - CY 2005

Fatal Motor Vehicle Collisions			
Calendar Year	Alcohol and/or Drug Related	Total	Percent of Alcohol and/or Drug Related MVC
2001	18	46	39.1%
2002	18	43	41.9%
2003	18	50	36.0%
2004	19	54	35.2%
2005	13	44	29.5%

Injury Motor Vehicle Collisions			
Calendar Year	Alcohol and/or Drug Related	Total	Percent of Alcohol and/or Drug Related MVC
2001	144	939	15.3%
2002	148	973	15.2%
2003	126	977	12.9%
2004	121	911	13.3%
2005	106	932	11.4%

Based on Alaska State Trooper cases involving a Motor Vehicle Fatality or Injury recorded in APSIN as of April 26, 2006 for calendar years 2001 - 2005. A case was counted as Alcohol and/or Drug related based on the alcohol/drug flag.

# Press Archive

State of Alaska > Governor > Proclamations > Proclamations Archive

## Put the Brakes on Fatalities Day

More than 100 Alaskans died in traffic accidents last year, making 2004 the second year of increased fatalities in this state. Records show that, so far, traffic fatalities for 2005 are considerably lower than each of the last two years.

Traffic accident deaths and injuries on Alaska's roads and highways cost our economy nearly \$500 million each year.

Alaska experiences a higher traffic fatality rate per capita than the nation, with more than 15 deaths per 100,000 people each year.

Thirty-eight percent of Alaska's fatalities are related to excessive speed, exceeding the national average of 31 percent.

Thirty percent of Alaska's traffic fatalities are caused by drivers with a blood alcohol level of .08 or higher.

Good driving behaviors including seat belt use, sober driving, and obeying traffic laws can significantly reduce traffic fatalities.

In addition, the use of cost-effective roadway safety improvements such as wider road lanes and shoulders, medians, and bridge improvements have been shown to reduce fatalities.

The continued development of safer vehicles and protective traffic safety equipment will enhance people's ability to protect themselves and their families from preventable injury and death.

Much good work has been done to reduce Alaska's statistics. The fact that 2005 witnessed a significant reduction to Alaska's traffic fatalities. The efforts of the Department of Transportation and Public Facilities, the Alaska Highway Safety Office, local and state law enforcement, and community organizations, have also helped reduce Alaska's alcohol-related fatalities and increased Alaska's seatbelt usage. However, more improvements can be made. Put the Brakes on Fatalities Day encourages safer drivers, safer vehicles, and safer roads.

NOW THEREFORE, I, Frank B. Murkowski, Governor of the State of Alaska, do hereby proclaim October 10, 2005 as

Put the Brakes on Fatalities Day

Alaska's national effort in citizens' safety, overseen by the Alaska Highway Safety Office, by sharing these important messages about road safety.

Date: September 29, 2005

- All News >
- All Speeches >
- All Reports >
- All Proclamations >
- All Stories >



In other news: A 1 oversees Governor actor John Leguizamo ice ribbon to open t themed ice park for and promote the ne 2. The Meltdown "I

Office Contact  
First Lady of /  
Office of the L  
Management  
Governor's Ne  
Governor's Re  
Topic: Histo

Status of the  
The Alaska Ge  
2005 Accompl  
FY06 Enacted  
2004 Export F  
Human Rights  
Boards and Co

Governor's Ne  
BUILDING THE F  
A STATE OF OPPORTUNITY

THE  
FOLLOWING  
DOCUMENT(S)  
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ORIGINAL  
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## Josh Applebee

---

**From:** Janies Barlow - Alexander [courtwatch@maddalaska.com]  
**Sent:** Tuesday, March 22, 2005 11:44 AM  
**To:** Rep. Tom Anderson; Rep. Pete Kott; Rep. Bob Lynn;  
Rep\_Gabriel\_LeDoux@legis.state.ak.us; Rep\_Norm\_Rokeberg@legis.state.ak.us; Rep.  
David Guttenberg  
**Subject:** HOUSE BILL 190

My Dear Representatives,

This Bill is to be heard this afternoon and I ask for your full support for this practical, sensible legislation.

This is legislation which responsible retailers support and thereby will be enforced. Let it be known, that in the great state of Alaska, the right to drive and a drivers license are privileges, which will be revoked for driving crimes.

Thank you.

Janies

Janies Barlow-Alexander  
Court Monitoring Coordinator  
(907)562-6890-T (907)562-6896-F  
4105 Turnagain Blvd, Ste A (99517)

"We cannot solve the problems that we have created with the same thinking that created them" AE

For more information about MADD, its free victim services or to donate, please visit [www.maddalaska.com](http://www.maddalaska.com) or call (907) 562-6890.

The number also connects victims to trained staff who can provide emotional support and guidance through the criminal justice system.



**MADD**  
Activism | Victim Services | Education™

Anchorage Chapter  
4105 Turnagain Boulevard, Suite A • Anchorage, AK 99517  
(907) 562-6890/Fax (907) 562-6896  
Email: [info@maddalaska.com](mailto:info@maddalaska.com)  
Visit our Web Site: [www.maddalaska.com](http://www.maddalaska.com)

**Our Mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking**

DATE: March 22, 2005

TO: Labor and Commerce Commission  
Representative Tom Anderson, Chair  
Representative Pete Kott  
Representative Bob Lynn  
Representative Norm Rokeberg  
Representative David Guttenberg  
Representative Gabriel LeDoux

FROM: Marti Greeson, Executive Director  
MADD Anchorage Chapter

RF: HB 190

to the members, board of directors and staff of MADD in Anchorage, I am writing in support

The purchase of alcoholic beverages for persons over the age of 21 is a privilege, which can be and is revoked upon conviction for a DUI related offense. This revocation must be monitored and sales of alcohol refused to persons under order by the courts and/or as a consequence of probation or parole. Information provided on identification cards or driver's licenses will aid retailers and their agents in ensuring legal sales, and as a result reduce the recidivism rates for repeat offenders.

**Heather D. Beaty**

---

**From:** Brenda Moore [bmoore@christianhealth.org]  
**Sent:** Tuesday, March 22, 2005 11:57 AM  
**To:** Rep. Tom Anderson; Rep. David Guttenberg; Rep\_Norm\_Rokeberg@legis.state.ak.us;  
Rep\_Gabriel\_LeDoux@legis.state.ak.us; Rep. Bob Lynn; Rep. Pete Kott  
**Cc:** Rep. Harry Crawford  
**Subject:** HB 190

To: Labor & Commerce Committee

From: Brenda Moore

Re: HB 190

Representative Harry Crawford has introduced HB 190 "An Act relating to the purchase of alcoholic beverages and to requiring identification to buy alcoholic beverages; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole."

This is written in favor of HB 190. A number of years ago the daughter of a close friend was struck while driving her children to an activity. She was killed and one of her children was injured.

The driver of the car that struck and killed my friend's daughter was driving with a revoked license, while under the influence of alcohol. He had several previous convictions of driving while under the influence, which resulted in his license being revoked.

I feel my friend's daughter might be alive today if the driver that killed her had been required to prove his privilege to drive and purchase alcohol.

I ask that you support the passage of HB 190 as a measure to preserve lives.

Sincerely,  
Brenda Moore  
907-522-7081

**HB**

**197**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/05

FURTHER:

REPORTED OUT

MAY 2 2005

SENATE FINANCE  
COMMITTEE

DATE TURNED  
IN TO OFFICE: 2 May 2005

Finance Committee considered CS FOR HOUSE BILL NO. 197(RLS)

## HB 197 OIL SPILL EXEMPTIONS FOR GAS WELLS

"An Act exempting certain natural gas exploration and production facilities from oil discharge prevention and contingency plans and proof of financial responsibility, and amending the powers and duties of the Alaska Oil and Gas Conservation Commission with respect to those plans; and providing for an effective date."

and recommends:

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

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
DEC	3/14/05			✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓		✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>			X	
COCHAIR: <i>[Signature]</i>	✓			

MAY 2 2005

SENATE FINANCE COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 197  
(H) Publish Date: 3/16/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
Title: Related to oil discharge prevention and contingency plans for certain natural gas exploration facilities RDU: Spill Prevention and Response  
Sponsor: House Oil & Gas Committee Component: Industry Preparedness and Pipeline Operations  
Requester: House Oil & Gas Committee Component No.: 1922

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<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>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

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

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

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

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

This bill will not have a financial impact on the department. It clarifies DEC's authority to exempt natural gas exploration wells (that do not pose a threat of an oil spill) from contingency plan and proof of financial responsibility requirements. It corrects an unintended consequence of HB531 passed in May, 2004, which, in part, narrowed the scope of that exemption from the pre-existing broad exemption for all shallow natural gas facilities, to a narrower exemption for "nonconventional gas" wells, defined as strictly "coal bed" methane, gas contained in shales or gas hydrates". This bill repeals the "nonconventional gas" definition in applicable DEC contingency plan statutes AS 46.04.030(b) and 040(b)(3)(A) and replaces it with broader exemption language restated in AS 46.04.050(c) "for those natural gas exploration wells the AOGCC determines will not penetrate a formation capable of flowing oil to the ground surface."

Prepared by: Larry Dietrick, Director  
Division: Spill Prevention and Response  
Approved by: Kurt Fredriksson, Acting Commissioner  
Agency: Department of Environmental Conservation

Phone: 465-5250  
Date/Time: 3/14/05 3:43 PM  
Date: \_\_\_\_\_

**COMMITTEE COPY**

# ALASKA STATE LEGISLATURE

*Interim:*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 373-1842  
Fax (907) 373-4721



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

REPRESENTATIVE VIC KOHRING  
DISTRICT 14

## House Bill 197 Sponsor statement

House Bill 197 clarifies the Department of Environmental Conservation's (DEC) authority to exempt gas exploration wells and production facilities from *oil discharge prevention and contingency plans* ("C-Plans"). The legislation also removes the industry's burden of financial responsibility required of wells that do not pose an oil spill threat.

HB 197 fixes the unintended consequences of last year's HB 531. That legislation, in part, limited previous exemptions for gas exploration and production facilities for all shallow natural gas facilities to a narrow exemption for "non conventional gas wells." The problem HB 197 seeks to correct relates to the new definition of "non conventional gas," which HB 531 defined as "coal bed methane, gas contained in shales or gas hydrates."

Benefits of HB 197 include permitting DEC to focus its resources on the review of C-Plans and proof of financial responsibility for those gas exploration facilities that could potentially incur an oil spill. It also gives DEC authority to conduct inspections the Legislature directed when it changed the *contingency plan review renewal requirement* from three to five years. In addition, the bill relieves industry from unnecessary financial costs associated with preparing and implementing oil spill contingency plans for gas exploration facilities where no threat of an oil release spill exists. Lastly, HB 197 relieves industry from the costs involving demonstrating proof of financial responsibility in response to oil spills at gas exploration facilities, where no threat of spills exist.

CS for HB 197

Talking Points

*April 6, 2005*

"The SOLE purpose of CS for House Bill No. 197(Rules) is to clarify that oil discharge contingency plans and financial responsibility are NOT required for natural gas wells.

The bill does not otherwise change or exempt any other facilities from existing state requirements to have an oil discharge contingency plan or financial responsibility.

Natural gas wells, production or terminal facilities that may also explore, produce, store or transport oil are still required to have an oil discharge contingency plan if otherwise required by statute and regulation.

Under this bill natural gas exploration wells that do not encounter oil are not required to have an oil discharge contingency plan or proof of financial responsibility.

A well drilled to explore for gas would not be required to have an oil discharge contingency plan if the AOGCC determines that evidence demonstrates with reasonable certainty that the well will not penetrate a formation capable of flowing oil to the ground surface.

HB 197 takes the right approach by requiring c-plans only where oil could flow to the ground surface and cause an oil spill.

THE  
FOLLOWING  
DOCUMENT(S)  
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OVERVIEW DOCUMENT  
Natural Gas Facility Exemption from  
DEC Contingency Plan Requirements

This bill clarifies DEC's authority to exempt natural gas exploration wells – that do not pose a threat of an oil spill – from contingency plan and proof of financial responsibility requirements. It corrects an unintended consequence of HB 531, which passed the Legislature in May, 2004. That bill, in part, narrowed the scope of an exemption (for natural gas exploration and production facilities) from the preexisting broad exemption for all shallow natural gas facilities, to a narrow exemption for 'nonconventional gas' wells. The problem stems from the HB 531 definition of 'nonconventional gas' as strictly, "coal bed methane, gas contained in shales or gas hydrates."

**Benefits of the Legislation.**

- Allows DEC to focus its resources on the review of c-plans and proof of financial responsibility for those natural gas exploration facilities that could potentially threaten the environment with oil spills; and
- Ensures that DEC can conduct the additional inspections and drills that the Legislature envisioned would be performed when it changed the contingency plan review renewal requirement from three to five years;
- Relieves industry from the unnecessary financial costs and schedule impacts of preparing and implementing oil spill contingency plans for natural gas exploration facilities where there is not a threat of an oil release from the well; and
- Relieves industry from the unnecessary cost of demonstrating proof of financial responsibility (i.e. insurance, bonds or letters of credit) to respond to oil spills at natural gas exploration facilities where there is not a threat of an oil release from the well.

The "fix" proposed through this bill repeals the "nonconventional gas" provisions in applicable DEC contingency plan and financial responsibility statutes -- AS 46.04.030(b) and .040(b)(3)(A) -- and replaces them with broader exemption language restated in AS 46.04.050(c) for those natural gas exploration wells that the AOGCC determines the evidence "demonstrates with reasonable certainty . . . will not penetrate a formation capable of flowing oil to the ground surface."

DEC has used its existing authority in AS 46.04.050(b) for natural gas *production* wells to exempt natural gas *exploration* wells where there is sufficient geological information to determine that the wells will not penetrate a formation capable of flowing oil to the surface. In consultation with AOGCC, DEC has determined such wells to be natural gas production facilities under .050(b) even if sufficient information is unavailable to quantify their commercial potential as development wells. This bill would clarify DEC's existing exemption authority in AS 46.04.050(b) by exempting all natural gas exploration wells that are not capable of causing an oil spill from the c-plan and financial responsibility requirements. Sec. 5.

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

## ALASKA OIL AND GAS CONSERVATION COMMISSION

233 W. 7<sup>TH</sup> AVENUE, SUITE 100  
ANCHORAGE, ALASKA 99501-3539  
PHONE (907) 278-1488  
FAX (907) 278-7542

March 14, 2005

The Honorable Victor Kohring  
Chair, House Special Committee on Oil and Gas  
State Capitol  
Juneau, Alaska 99801

Re: Letter of Support Concerning House Bill No. 197

Dear Representative Kohring:

The Alaska Oil and Gas Conservation Commission ("Commission") supports House Bill No. 197 ("HB 197"), which amends the laws regarding oil discharge prevention and contingency plans and proof of financial responsibility ("C-plans") to allow better use of geologic information and understanding in determining the need for such plans.

Under current law, a C-plan is required for wells drilled to explore for or produce oil. On the other hand, a C-plan is not required for wells drilled to produce only gas. The treatment of wells drilled to *explore* for gas has a complicated history. Previously, wells drilled for shallow gas were exempted from the C-plan requirement. In 2004, however, HB 531 changed the language from "shallow" gas to "nonconventional" gas. In practical terms, this means that wells drilled to explore for coalbed methane qualify for exemption, but wells drilled to explore for other shallow gas are generally not entitled to exemption. In the Commission's view, there is a mismatch between the current scope of the C-plan exemption and the facts of Alaska's geology.

What the Commission has learned over the years is that drilling in many areas of the state poses essentially no risk of an oil spill. These areas have thick geologic sections containing both conventional and nonconventional gas reservoirs, but have very little potential for the existence of zones capable of flowing liquid hydrocarbons. Requiring a C-plan for wells drilled in these circumstances adds cost and delay to gas exploration without providing increased protection to the environment.

HB 197 corrects the inadequacies in current law by providing for a case-by-case geological evaluation of wells drilled to explore for gas – whether shallow or deep, nonconventional or conventional. Under this bill, a well drilled to explore for gas would qualify for a C-plan exemption if, but only if, the Commission determines that evidence demonstrates with reasonable certainty that the well will not penetrate a formation capable of flowing oil to the ground surface. The approach of HB 197 is to base C-plan exemption decisions on application of the Commission's geologic expertise to the specific facts of a proposed exploration project. The Commission believes this is exactly the right approach.

Thank you for your attention.

Sincerely,

Daniel T. Seamount, Jr.  
Commissioner

SUPPORT

Unocal Alaska  
Union Oil Company of California  
909 West 9th Avenue, P.O. Box 196247  
Anchorage, Alaska 99519-6247  
Telephone (907) 276-7600  
Fax (907) 263-7698



Kevin A. Tabler, Manager  
Land/Government Affairs

March 11, 2003

Representative Vic Kohring  
State of Alaska Legislature  
Room 24, State Capitol  
Juneau, Alaska 99801-1182

Re: Support for HB197

Representative Kohring:

Union Oil Company of California was delighted to see the introduction of HB 197 to clean up the effect of HB531 (2003 legislation) which created the unintended consequence of elimination of the exemption for oil spill contingency plans for exploration and production facilities used solely to explore, develop or produce shallow natural gas. Our review of the proposed legislation concludes that HB 197 clears up the unintentional change caused by implementation of HB 531 and supports your efforts.

Thank you for taking the initiative to fix this problem.

Sincerely,

A handwritten signature in cursive script that reads "Kevin A. Tabler".

Kevin A. Tabler

## SENATE COMMITTEE REPORT

DATE: 4/8/05

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 4/18/05

Resources Committee considered CS FOR HOUSE BILL NO. 197(RLS)

### HB 197 OIL SPILL EXEMPTIONS FOR GAS WELLS

"An Act exempting certain natural gas exploration and production facilities from oil discharge prevention and contingency plans and proof of financial responsibility, and amending the powers and duties of the Alaska Oil and Gas Conservation Commission with respect to those plans; and providing for an effective date."

and recommends:

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

**CS Senate Bill:**

- Same Title
- New Title

**SCS House Bill:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
ADEC	3/19			✓	1

APPROPRIATION - no fiscal note

**SIGNATURES AND RECOMMENDATIONS:**

	Do PASS	Do NOT PASS	No REC	AMEND
Elton <i>[Signature]</i>			✓	
Guess <i>[Signature]</i>			✓	
Dyson <i>[Signature]</i>	✓			
Seelins <i>[Signature]</i>	✓			
Stedman <i>[Signature]</i>	✓			
B Stevens <i>[Signature]</i>	✓			
Wagner <i>[Signature]</i> CHAIR:	✓			

**HB**

**208**

**HFIN**

**FILE**

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# ALASKA STATE LEGISLATURE



Sponsor

Statement

SESSION:  
Alaska State Capitol, Room 13  
Juneau, AK 99801  
(907) 465-4457 Office  
(907) 465-3519 Fax  
(800) 928-4457 Toll Free

INTERIM:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
Office (907) 486-8872  
Fax (907) 486-5264

Representative David Guttenberg

## SPONSOR STATEMENT House Bill 208

Alaskan veterans deserve a cemetery that is located in the Interior that honors their service. Their sacrifices while serving our country, often in less comfortable conditions and many times in harms way, should be recognized.

There are many hardships involved in losing a loved one. Alaska has more residents in the military on a per-capita basis than any other state. According to the USDA Veterans Association, Fairbanks North Star Borough has approximately 11,164 veterans. Forty percent of families in the Fairbanks area have at least one veteran in their household and 16% have at least one woman in the household who is a veteran.

A state veterans' cemetery in the Interior would better serve needs of the veterans and their families, and provide a place that is centrally located, honorable, and well maintained. HB 208 seeks to establish a state cemetery that will be modeled similar to the Fort Richardson and Sitka National Cemeteries. It will provide a place in the Interior for soldiers to be laid with full military funeral honors, pallbearers, rifle team, flag folding, and flag presentation.

HB 208 authorizes the Alaska Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans cemetery with funds from the U.S. Department of Veterans Affairs (VA) State Cemetery Grants Program. Through the State Cemetery Grants Program, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs for an approved project.

To date, the VA has awarded 137 grants totaling more than \$200 million to establish, expand or improve 62 veterans cemeteries in 32 states plus Guam. Fifty-six cemeteries in 29 states and Guam are now operational.

I urge your support on this legislation.

R.O. as amended 5/6/05 ~~CS~~ amended p. 2 lines 21 + 28

24-LS0204\G

CS FOR HOUSE BILL NO. 208(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 4/1/05

Referred: State Affairs, Finance

Sponsor(s): REPRESENTATIVES GUTTENBERG, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the Department of Military and Veterans' Affairs to establish and  
2 maintain Alaskan veterans' cemeteries; and establishing the Alaska veterans' cemetery  
3 fund in the general fund."

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

5 \* Section 1. AS 28.10.421(d)(16) is amended to read:

6 (16) special request plates commemorating Alaska veterans ..... \$100  
7 plus a fee of \$35 and the fee required for that vehicle under (b)(1) or (2) of this  
8 section; the \$100 fee required by this paragraph shall be collected only on the first  
9 issuance of and the replacement of the commemorative veterans' plates; the \$35 fee  
10 required by this paragraph shall be collected biennially in the same manner as the fee  
11 required under (b)(1) or (2) of this section; the commissioner of administration shall  
12 separately account for the fees received under this paragraph that the department  
13 deposits in the general fund; notwithstanding (g) of this section, the annual estimated  
14 balance in the account that is in excess of the cost of issuing special request plates may

1 be appropriated by the legislature to the Alaska veterans' cemetery fund created  
 2 under AS 37.05.590 and for the support of programs benefiting Alaska veterans.

3 \* Sec. 2. AS 37.05 is amended by adding a new section to article 6 to read:

4 Sec. 37.05.590. Alaska veterans' cemetery fund. (a) There is created as a  
 5 special account in the general fund the Alaska veterans' cemetery fund into which  
 6 shall be deposited appropriations to the Alaska veterans' cemetery fund.

7 (b) Beginning with the appropriations for the fiscal year beginning July 1,  
 8 2005, on an annual basis and under AS 37.07 (Executive Budget Act), the legislature  
 9 may appropriate amounts from the Alaska veterans' cemetery fund to the Department  
 10 of Military and Veterans' Affairs for the construction, operation, and maintenance of  
 11 the Alaska veterans' cemeteries established under AS 44.35.035.

12 (c) Appropriations to the Alaska veterans' cemetery fund are not one-year  
 13 appropriations and do not lapse under AS 37.25.010.

14 (d) The unexpended and unobligated balance of an appropriation from the  
 15 Alaska veterans' cemetery fund lapses into the Alaska veterans' cemetery fund at the  
 16 end of the fiscal year for which it was appropriated.

17 (e) Nothing in this section exempts money deposited into the Alaska veterans'  
 18 cemetery fund from the requirements of AS 37.07 (Executive Budget Act) or dedicates  
 19 that money for a specific purpose.

20 \* Sec. 3. AS 44.35 is amended by adding a new section to read:

21 Sec. 44.35.035. Alaska veterans' cemeteries. (a) The department ~~shall~~ <sup>may</sup>  
 22 establish and maintain Alaska veterans' cemeteries in Fairbanks and elsewhere in the  
 23 state to serve state veterans and spouses and eligible dependents of state veterans.

24 (b) The department may accept gifts, donations, and grants, including land,  
 25 under AS 26.10.030 for the purpose of establishing and maintaining Alaska veterans'  
 26 cemeteries. Land received by the department for an Alaska veterans' cemetery shall  
 27 be owned by the state.

28 (c) The department shall <sup>"in consultation with the Alaska Veterans Advisory Council"</sup>

29 (1) adopt regulations for determining individuals eligible for burial in  
 30 an Alaska veterans' cemetery;

31 (2) receive the plot or interment allowance on behalf of the state under

1 38 U.S.C. 2303;

2 (3) comply with all requirements for a state veterans' cemetery grant  
3 established by the United States Department of Veterans Affairs under 38 U.S.C.  
4 2408; and

5 (4) apply to the United States Department of Veterans Affairs for state  
6 veterans' cemetery grants under 38 U.S.C. 2408.

7 (d) The department may

8 (1) adopt regulations necessary to administer Alaska veterans'  
9 cemeteries;

10 (2) enter into agreements for the maintenance and operation of Alaska  
11 veterans' cemeteries with political subdivisions of the state and other persons; and

12 (3) solicit gifts, donations, and grants in addition to a state veterans'  
13 cemetery grant in (c) of this section that may be designated for the establishment and  
14 maintenance of an Alaska veterans' cemetery and received by the department under  
15 AS 26.10.030.

16 (e) In this section, "department" means the Department of Military and  
17 Veterans' Affairs.



# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 208(MLV)  
(H) Publish Date: 4/1/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Military and Veterans Affairs  
Title: An Act authorizing DMVA to establish and KDU: Military and Veterans Affairs  
maintain an Alaskan veterans' cemetery. Component: Veterans Services  
Sponsor: Representative Guttenberg  
Requester: Military and Veterans Affairs Component No.: 421

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	.	.	.	.	.	.
Travel	.	.	.	.	.	.
Contractual	.	.	.	.	.	.
Supplies	.	.	.	.	.	.
Equipment	.	.	.	.	.	.
Land & Structures	.	.	.	.	.	.
Grants & Claims	.	.	.	.	.	.
Miscellaneous	.	.	.	.	.	.
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

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

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 00  
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time	.	.	.	.	.	.
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
At this time the Department is unable to determine the fiscal impact of maintaining a Veterans' Cemetery in Fairbanks, Alaska. Further information, such as the location of where the cemetery will be, the size of the cemetery, the amount that would be developed each year from inception, the approximate number of plots per year used, the size of cremains section if one will be included, how many structures built, etc. This is all necessary in order to calculate annual supplies, equipment, personal services, and other maintenance costs.

Prepared by: John Cramer Phone: (907) 465-4602  
Division: Division of Administrative Services Date/Time: 3/11/05 11:51 AM  
Approved by: Commissioner Craig E. Campbell Date: 3/11/2005  
Agency: Military and Veterans Affairs

## FAIRBANKS VETERANS CEMETERY WORKSHEET OPERATIONAL AND MAINTENANCE COSTS<sup>1</sup>

Demographic Factors	Data	Notes
Veterans in four areas	11,164	Fairbanks/North Star and 3 adjoining areas
Avg. annual death rate	149	2005-2025 VA figures
Usage factor	0.50 <sup>1</sup>	50% of veterans will use cemetery
Dependents factor	1.50	1 dependent per 2 veterans
Annual burial rate	112	[Death rate x usage] x dependents factor
Graves per acre (gross)	600	Rule of thumb
Min. gravesites needed (20 yr.)	1,676	[Annual burials x 0.75] x 20
		One of four is a "second interment"
Min. burial acreage needed	2.79	Min. gravesites/600
Gross acreage recommended	20.00 <sup>2</sup>	see note below
<b>Personnel Factors</b>		
	<b>Data</b>	
Admn. Workers (230 inter. Per FTE)	0.49	Based on NCA estimates
Field workers		Cumulative
Interments (250 per FTE)	0.45	Includes PT, temp., etc.
Gravesites (7,844.4 per FTE)	0.21	Rises over time
Acres Maint. (10.7 per FTE)	0.26	Burial acres used/developed acres may vary
Field Workers Subtotal	0.92	
Employees	1.41	Admn. & field workers
Cem. Director		NCA Costs
(GS 9--\$36.7 x 1.3 for fringes)	\$47,652.90	1.0 Full Time Equivalent Employee (FTEE)
Equip. Operator		
(WG-8--\$29 x 1.3)	\$36,142.60	1.0 FTEE
<b>Total Salary</b>	<b>\$83,795.40</b>	
<b>Operations Factors</b>		
	<b>Data</b>	
Utilities & communications	\$1,117.50	Phone, water, electricity, gas (\$300 x acres)
Supplies & materials	\$2,095.31	Fuel, fertilizer, etc. (\$750 x acres)
Contractual services	\$1,187.34	Janitorial, security, irrigation (\$425 x acres)
Subtotal	\$4,400.15	
<b>Total Annual Operations    \$88,195.56</b>		
<i>Maintenance and Repairs</i>	<i>extra</i>	
<i>Equipment Replacement</i>	<i>extra</i>	

- <sup>1</sup> The standard usage factor is 25% but we have increased the factor to 50% in this case because of the difficulty in projecting usage in this area. While 50% usage may be high, it would be better to estimate a higher number at this point rather than a lower number.
- <sup>2</sup> The model assumes a suitable site with easily developed cemetery land. In this case, it would be better to acquire as large a parcel as possible in order to assure suitable land and the ability to buffer surrounding land uses. At least 20 acres should be considered.

-Original Message-----

From: Jayne, Bill [mailto:bill.jayne@va.gov]

Sent: Friday, March 04, 2005 12:55 PM

To: Danielle Brown

Subject: RE: Ft. Wainwright

Danielle,

The State Cemetery Grants Program in the U.S. Department of Veterans Affairs (VA) is able to provide grants to states to establish, expand and improve state-owned and state-operated veterans cemeteries. Current law authorizes us to provide 100 percent of allowable costs for design, construction and operating equipment in the case of a grant to establish a new cemetery. The state is entirely responsible for the land and for operations and maintenance.

VA's long-term goal is to provide an operational veterans' cemetery-either a national or state facility-within 75 miles of 90 percent of the veterans in the country. Ft. Richardson National Cemetery, located 350 miles away in Anchorage, is the nearest veterans' cemetery to Fairbanks. According to VA's criterion, a cemetery in Fairbanks would increase the number of veterans served by a veterans' cemetery.

A very rough, ballpark estimate of the total grant cost for design, construction and operating equipment for the Interior would be about \$3.5 to \$4.0 million. My estimate is based on the total grant cost of some recent, comparable projects (in terms of the number of veterans to be served). My estimate includes a minimal amount for allowable administrative costs such as some travel, legal fees for land transfer, etc. It has \$300,000 for "A/E", which is architect/engineer; that is, design work. There's another \$50,000 for "other A/E" which would account for consultants such as environmental, historic, etc. Plus I have \$50,000 for inspection. The actual construction cost is \$3 million. Equipment needed to operate the cemetery is estimated at \$300,000. Finally, we factor in a "contingency" allowance of 3% of the construction cost, which amounts to \$150,000 in this case. The grand total is \$3,550,000.

If this model is accurate, the state would need about \$350,000 "front" money to accomplish the necessary planning. That money would be reimbursed when the grant is awarded.

I've tried to quickly factor in an allowance for increased construction costs in Alaska, but I don't have any data to go on. This estimate is about 15% higher than the cost of a grant we awarded to Kansas two years ago to build a cemetery in Dodge City.

The \$300 VA plot allowance would be paid to the state to help off-set the cost of operating and maintaining the cemetery (i.e., making interments) In every case that I know of, the plot allowance payments are put toward the cemetery budget. The allowance is payable for each veteran buried at no cost. So, if 100 veterans were buried, VA would pay the state \$30,000.

*Bill Jayne*

Director, State Cemetery Grants Service (41E) National Cemetery  
Administration U.S. Department of Veterans Affairs  
State Cemetery Grants Program  
Washington, DC 20420  
(202) 565-6152



*STATE CEMETERY GRANTS*  
*National Cemetery Administration*  
*(41E)*  
*Washington, DC 20420*  
*(202) 565-6152*

## State Cemetery Grants Program Facts

- The U.S. Department of Veterans Affairs (VA) State Cemetery Grants Program was established in 1978 to complement VA's network of national cemeteries.
- The program assists states in providing gravesites in those areas where the National Cemetery Administration (NCA) cannot fully satisfy their burial needs.
- Grants may be used only for the purpose of establishing, expanding or improving veterans cemeteries that are owned and operated by the state. Aid can be granted only to states or territories. VA cannot provide grants to private organizations, counties, cities or other government agencies.
- VA can now provide up to 100 percent of the development cost for an approved project. For establishment of new cemeteries, VA can provide for operating equipment. VA does not provide for acquisition of land.
- Cemeteries established under the grant program must conform to VA-prescribed standards and guidelines for site selection, planning and construction.
- Cemeteries must be operated solely for the interment of service members who die on active duty, veterans, and their spouses and minor children. States may impose residency requirements for eligibility.
- The administration, operation and maintenance of a VA-supported state cemetery is solely the responsibility of the state. Applicants must assure VA that they will operate and maintain cemeteries built with grant funds according to the standards of the National Cemetery Administration.
- VA is authorized to pay a "plot allowance" of \$300 to a state for expenses incurred if the veteran's burial is provided without charge to the next-of-kin.
- VA has awarded 137 grants totaling more than \$209 million to establish, expand or improve 62 veterans cemeteries in 32 states plus Guam. Fifty-six cemeteries in 29 states and Guam are now operational.



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*Washington, DC 20420*  
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## VA Share of State Cemetery Grants is Up to 100%

- The Veterans Benefits Enhancement Act of 1998, Public Law 105-368, went into effect on January 11, 1999. Codified at 38 U.S.C., Section 2408, the law improved VA's State Cemetery Grants Program.
- Originally proposed by VA, the measure authorizes the federal government to pay up to 100 percent of the cost of establishing, improving or expanding state-owned and -operated veterans cemeteries.
- The legislative change was backed by \$32 million in funding for each of FY 2003 and FY 2004. VA requested the same amount for FY 2005. VA now also provides funding for equipment needed to operate new cemeteries.
- Under the original State Cemetery Grants law, VA provided up to 50 percent of the total cost. The law, however, did not provide for the cost of equipment needed to operate the cemetery. Neither the original law nor the current change allows VA to provide operational support to the cemetery.
- Under the old law, the value of the land could be counted toward the state's matching share, with certain limitations. With the new, 100 percent formula, the value of the land will not be included as an allowable cost under the grant award. States are solely responsible for acquisition of the land needed.
- States continue to be responsible for operation of these cemeteries. The program envisions a real, working partnership between the federal government and the states to honor our nation's veterans and help provide for dignified burial.
- There is strong demand for grant funds. Louisiana, Nebraska, Maine, New Mexico, South Carolina, Arizona, Texas, Iowa, Montana, Puerto Rico, Missouri and the U.S. Virgin Islands have applied for grants to establish new cemeteries.



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## Site Selection Standards

- **Location**—The site should be located as closely as possible to the veteran population center to be served with minimal overlap of areas served by existing veterans cemeteries. Primary consideration should be given to the highway network that would serve the site. The grant cannot fund access roads.
- **Surrounding Land Use**—The site should avoid nearby man-made features such as factories that produce a great deal of noise, visual intrusion or other inappropriate developments. The aesthetic quality of surrounding development should also be considered. Nearby deteriorated manmade development should be avoided.
- **Manmade Constraints**—The site should also avoid easements such as pipelines and roads. Visual intrusions such as power lines should also be avoided. Regularly shaped parcels are most conducive to cemetery development. Irregular parcels and long, narrow parcels can produce undue constraints on the design of the cemetery. Potentially negative impacts on historic sites should be avoided.
- **Surrounding Natural Landscape**—Thought should be given to natural, undisturbed or rural views available from the site. A site with attractive views would be more desirable than one without such scenic qualities if other factors are equal.
- **Natural Constraints**—The State should avoid sites with extensive wetlands, shallow rock, unstable earth and sites that have a negative impact on natural resources such as endangered species. The state must prepare an environmental assessment of the site.
- **Topography**—The land should range from comparatively level to rolling and moderately hilly. Burial areas must have a minimum slope of two percent but cannot exceed 15 percent. Road grades should not exceed ten percent.
- **Utilities**—The site should have reasonable access to utilities including potable water, storm and sanitary sewer, electricity, etc. Public utilities are not required but the cemetery must have an approved means to dispose of storm flow and sewage and must also have an adequate supply of potable water.
- **Size**—Sufficient acreage must be available to provide gravesites for at least 20 years. Twenty years is the minimum period of service. If the site cannot provide at least 20 years of service, VA cannot award a grant. It is recommended that a site be large enough to provide for more than 20 years of service. Buffer areas should also be considered in determining the necessary size of a cemetery.

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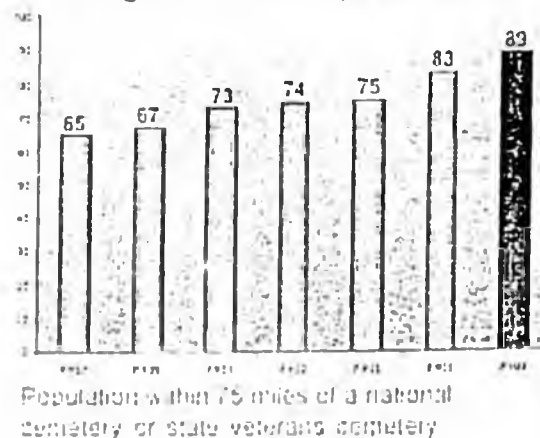
**Department of Veterans Affairs**  
**National Cemetery Administration**

## NATIONAL CEMETERY DEVELOPMENT

One of the National Cemetery Administration's (NCA) goals is to provide eligible veterans reasonable access to Department of Veterans Affairs (VA) burial options. Experience and recent historical data show that over 80 percent of persons interred in national cemeteries resided within 75 miles of the cemetery at time of death. NCA considers reasonable access to burial benefits to mean that a first interment option, for casketed or cremated remains in a national or state veterans cemetery, is available within 75 miles of the veteran's place of residence.

To meet the burial needs of veterans, NCA builds new national cemeteries in areas where veterans do not have reasonable access to burial options. NCA also manages the State Cemetery Grants Program that encourages states to build state veterans cemeteries in areas unserved by a national veterans cemetery. The percentage of veterans with reasonable access to burial benefits has increased from 65 percent in 1995 to 75 percent today. By 2009, 89 percent of veterans will have reasonable access to a national or state veterans cemetery.

Percentage of Veteran Population Served



NCA has built six new national cemeteries since 1997 and is currently directed to build 11 new national cemeteries to serve veterans. NCA also seeks to increase the long-term burial capacity of current national cemeteries by acquiring adjacent land, building columbaria where feasible and using innovative designs that maximize the burial space available.

NCA follows a 6-step process to build a new national cemetery: site selection; environmental assessment; land acquisition; master planning and design development; construction documents preparation; and construction award and completion.

### Site Selection

NCA identifies a geographic area with a large veteran population that is unserved by a

national or state veterans cemetery. The cemetery size and number of gravesites are determined by current and future demographic forecasts. NCA canvases the local area for sites of the size needed to meet demographic forecasts. These sites are evaluated for their suitability for cemetery development and the top two to five sites advance to the next step in the process.

#### Environmental Assessment

To comply with the National Environmental Policy Act (NEPA), the top sites are assessed to determine the impact of cemetery development and operations on the environment. An Environmental Assessment document is prepared, identifying the VA preferred site. The site's assessment must result in a "Finding of No Significant Impact" (FONSI) in order to be considered for acquisition. If the NEPA evaluation results in a FONSI, then NCA makes the results available to the general public for a 30-day comment period. After the comment period, NCA makes a final recommendation to the Secretary of Veterans Affairs, who decides whether to purchase the property.

#### Land Acquisition

In some instances, land is donated to VA. Federal and state lands have also been transferred to VA at no cost to establish some national cemeteries. Otherwise, land is purchased at the fair market value established by a real property appraisal. Before the final sales contract is signed, the Department of Justice, acting on behalf of VA, reviews all documents to ensure that the contract and title meet all the requirements for a legal transfer of ownership.

#### Master Planning and Design Development

Once VA takes title to the land, bids are solicited from architectural and engineering (A/E) firms. NCA selects an A/E firm and a contract is negotiated with the firm to design the new cemetery. A master plan for developing all phases of the cemetery on the entire site is prepared, followed by more detailed design development for the first phase of construction. The first phase usually includes the first active burial section and the requisite infrastructure to operate the cemetery. Subsequent phases generally include new burial sections and associated infrastructure in the new section. Typically, each phase of construction is designed to provide sufficient burial space to last 10 years.

#### Construction Document Preparation

Under a second negotiated contract, the A/E prepares plans and specifications that detail all aspects of phase one construction: active burial sections, administrative buildings, maintenance buildings, public information center, committal shelters, roads and other infrastructure. These documents provide the basis for contractors to bid on constructing the project.

#### Construction Award and Completion

Finally, NCA solicits bids and awards a contract for construction of the new cemetery. The bid and award process takes about three months; actual construction of phase one takes about 24 months.

Funds approved by Congress must be available in order to complete the various steps. Land purchases and construction require multiple appropriations, over several years of budgets, to complete each phase. Site selection, NEPA compliance, master planning, design and phase one construction require more than five years to complete.



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*Burial and Plot-Interment Allowances*

**What Is A VA Burial Allowance ?**

A VA burial allowance is a partial reimbursement of an eligible veteran's burial and funeral costs. When the cause of death is not service-related, the reimbursement is generally described as two payments: (1) a burial and funeral expense allowance, and (2) a plot interment allowance.

**Who Is Eligible ?**

*You may be eligible for a VA burial allowance if:*

- ❖ you paid for a veteran's burial or funeral **AND**
- ❖ you have not been reimbursed by another government agency or some other source, such as the deceased veteran's employer **AND**
- ❖ the veteran was discharged under conditions other than dishonorable.

*In addition, at least one of the following conditions must be met:*

- ❖ the veteran died because of a service-related disability **OR**
- ❖ the veteran was receiving VA pension or compensation at the time of death **OR**
- ❖ the veteran was entitled to receive VA pension or compensation but decided not to reduce his/her military retirement or disability pay **OR**
- ❖ the veteran died in a VA hospital or while in a nursing home under VA contract, or while in an approved state nursing home.

**How Much Does VA Pay ?**

**Service-Related Death.** VA will pay up to \$1,500 toward burial expenses for deaths prior to September 10, 2001. For deaths on or after September 11, 2001, VA will pay \$2,000. If the veteran is buried in a VA national cemetery, some or all of the cost of moving the deceased may be reimbursed.

**Nonservice-Related Death.** VA will pay up to \$500 toward burial and funeral expenses, and a \$150 plot interment allowance for deaths prior to December 1, 2001. The plot-interment allowance is \$300 for deaths on or after December 1, 2001. If the death happened while the veteran was in a VA hospital or under contracted nursing home care, some or all of the costs for transporting the deceased's remains may be reimbursed.

**How Can You Apply ?**

You can apply by filling out VA Form 21-530, Application for Burial Allowance. You should attach proof of the veteran's military service (DD 214), a death certificate, and copies of funeral and burial bills you have paid.

**Related Benefits**

Burial in VA National Cemeteries  
Presidential Memorial Certificates

Headstones and Markers  
Burial Flags

For More Information Call Toll-Free 1-800-827-1000  
Or Visit Our Web Site At <http://www.cem.va.gov>



## Burial & Memorial Benefits

Veterans Benefits & Services

*State will mirror  
the National requirements*

NCA Home Page

"A Sacred Trust"

Nationwide Gravesite  
Locator

What's New

About NCA

History

National Cemetery  
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Military Funeral  
Honors

State Cemetery Grants  
Program

Obtaining Military  
Records & Medals

Office of Construction  
Management

FACs

Site Map

### Burial Benefits Eligibility

To confirm your eligibility for burial benefits, please  
call a Veteran's Benefits Counselor at:

**1-800-827-1000**

#### Persons Eligible for Burial in a VA National Cemetery

VA national cemetery directors have the primary responsibility for verifying eligibility for burial in VA national cemeteries. A determination of eligibility is usually made in response to a request for burial in a VA national cemetery. VA Regional Offices will also assist in determining eligibility for burial in a VA national cemetery. The toll-free number for the nearest VA Regional Office is 1-800-827-1000.

#### a. Veterans and Members of the Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard)

(1) Any member of the Armed Forces of the United States who dies on active duty.

(2) Any veteran who was discharged under conditions other than dishonorable. With certain exceptions, service beginning after September 7, 1980, as an enlisted person, and service after October 16, 1981, as an officer, must be for a minimum of 24 continuous months or the full period for which the person was called to active duty (as in the case of a Reservist called to active duty for a limited duration). Undesirable, bad conduct, and any



other type of discharge other than honorable may or may not qualify the individual for veterans benefits, depending upon a determination made by a VA Regional Office. Cases presenting multiple discharges of varying character are also referred for adjudication to a VA Regional Office.

(3) Any citizen of the United States who, during any war in which the United States has or may be engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last active service was terminated honorably by death or otherwise, and who was a citizen of the United States at the time of entry into such service and at the time of death.

**b. Members of Reserve Components and Reserve Officers' Training Corps**

(1) Reservists and National Guard members who, at time of death, were entitled to retired pay under Chapter 1223, title 10, United States Code, or would have been entitled, but for being under the age of 60. Specific categories of individuals eligible for retired pay are delineated in section 12731 of Chapter 1223, title 10, United States Code.

(2) Members of reserve components, and members of the Army National Guard or the Air National Guard, who die while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.

(3) Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who die under honorable conditions while attending an authorized training camp or on an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while engaged in one of those activities.

(4) Members of reserve components who, during a period of active duty for training, were disabled or died from a disease or injury incurred or aggravated in line of duty or, during a period of inactive duty

training, were disabled or died from an injury or certain cardiovascular disorders incurred or aggravated in line of duty.

**c. Commissioned Officers, National Oceanic and Atmospheric Administration**

(1) A Commissioned Officer of the National Oceanic and Atmospheric Administration (formerly titled the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.

(2) A Commissioned Officer who served before July 29, 1945, and,

(a) Was assigned to an area of immediate military hazard as determined by the Secretary of Defense while in time of war, or in a Presidentially declared national emergency; or,

(b) Served in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter.

**d. Public Health Service**

(1) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who served on full-time duty on or after July 29, 1945. If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in section 101(22), title 38, United States Code, he or she must have been disabled or died from a disease or injury incurred or aggravated in the line of duty.

(2) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who performed full-time duty prior to July 29, 1945:

(a) In time of war;

(b) On detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or,

(c) While the Service was part of the military forces of the United States pursuant to Executive Order of the President

(3) A Commissioned Officer serving on inactive duty training as defined in section 101(23), title 38, United States Code, whose death resulted from an injury incurred or aggravated in the line of duty.

**e. World War II Merchant Mariners**

(1) United States Merchant Mariners with oceangoing service during the period of armed conflict, December 7, 1941, to December 31, 1946. Prior to the enactment of Public Law 105-368, United States Merchant Mariners with oceangoing service during the period of armed conflict of December 7, 1941, to August 15, 1945, were eligible. With enactment of Public Law 105-368, the service period is extended to December 31, 1946, for those dying on or after November 11, 1998. A DD-214 documenting this service may be obtained by submitting an application to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593. Notwithstanding, the Mariner's death must have occurred on or after the enactment of Public Law 105-368.

(2) United States Merchant Mariners who served on blockships in support of Operation Mulberry during World War II.

**f. The Philippine Armed Forces**

(1) Any Philippine veteran who was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States at the time of their death; and resided in the United States at the time of their death; and,

(a) Was a person who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including organized guerilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who died on or after November 1, 2000; or,

(b) Was a person who enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, pursuant to section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who died on or after December 16, 2003.

#### g. Spouses and Dependents

(1) The spouse or surviving spouse of an eligible veteran is eligible for interment in a national cemetery even if that veteran is not buried or memorialized in a national cemetery. In addition, the spouse or surviving spouse of a member of the Armed Forces of the United States whose remains are unavailable for burial is also eligible for burial.

(2) The surviving spouse of an eligible veteran who had a subsequent remarriage to a non-veteran and whose death occurred on or after January 1, 2000, is eligible for burial in a national cemetery, based on his or her marriage to the eligible veteran.

(3) The minor children of an eligible veteran. For purpose of burial in a national cemetery, a minor child is a child who is unmarried and:

(a) Who is under 21 years of age; or,

(b) Who is under 23 years of age and pursuing a full-time course of instruction at an approved educational institution.

(4) The unmarried adult child of an eligible veteran. For purpose of burial in a national cemetery, an unmarried adult child is:

Of any age but became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution. Proper supporting documentation must be provided.

#### g. Others

Such other persons or classes of persons as designated by the Secretary of Veterans Affairs (38 U.S.C. § 2402(6)) or the Secretary of Defense (Public Law 95-202, § 401, and 38 CFR § 3.7(x)).

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Persons NOT Eligible for Burial in a VA National Cemetery

**a. Former Spouses**

A former spouse of an eligible individual whose marriage to that individual has been terminated by annulment or divorce, if not otherwise eligible.

**b. Other Family Members**

Family members of an eligible person except those defined as eligible in Section III, paragraph g.

**c. Disqualifying Characters of Discharge**

A person whose only separation from the Armed Forces was under dishonorable conditions or whose character of service results in a bar to veterans benefits.

**d. Discharge from Draft**

A person who was ordered to report to an induction station, but was not actually inducted into military service.

**e. Person Found Guilty of a Capital Crime**

Under 38 U.S.C. § 2411, interment or memorialization in a VA cemetery or in Arlington National Cemetery is prohibited if a person is convicted of a Federal capital crime and sentenced to death or life imprisonment, or is convicted of a State capital crime, and sentenced to death or life imprisonment without parole. Federal officials are authorized to deny burial in veterans cemeteries to persons who are shown by clear and convincing evidence to have committed a Federal or State capital crime but were not convicted of such crime because of flight to avoid prosecution or by death prior to trial. The Secretary is authorized to provide aid to States for the establishment, expansion and/or improvement of veterans cemeteries on the condition that the State is willing to prohibit

interment or memorialization in such cemeteries of individuals convicted of Federal or State capital crimes, or found by clear and convincing evidence to have committed such crimes, without having been convicted of the crimes due to flight to avoid prosecution or death prior to trial. (38 U.S.C. § 2408 (d)(2)). This prohibition is also extended to other burial benefits, including furnishing a Presidential Memorial Certificate, a burial flag, or a headstone or marker.

#### **f. Subversive Activities**

Any person convicted of subversive activities after September 1, 1959, shall have no right to burial in a national cemetery from and after the date of commission of such offense, based on periods of active military service commencing before the date of the commission of such offense, nor shall another person be entitled to burial on account of such an individual. Eligibility will be reinstated if the President of the United States grants a pardon.

#### **g. Active or Inactive Duty for Training**

A person whose only service is active duty for training or inactive duty training in the National Guard or Reserve Component, unless the individual meets the eligibility criteria listed in Section III.1.b. of this information sheet.

#### **h. Other Groups**

Members of groups whose service has been determined by the Secretary of the Air Force under the provisions of Public Law 95-202 as not warranting entitlement to benefits administered by the Secretary of Veterans Affairs.



## AMERICAN LEGION

C. RUSSELL HUBER POST #57

*"The Friendly Post"--Home of Happy Bears*  
1634 Cushman Street • Fairbanks, Alaska 99701  
Phone: (907) 452-5757 • Fax: (907) 452-8954

April 11, 2005

Dear Representative David Guttenberg:

Information concerning House Bill 208 was discussed at our April 6 Executive Board meeting and I was instructed to testify in support of the bill on April 9. Since I did not attend the teleconference, I am sending this letter stating the Post's full support of establishing a state veteran's cemetery in the interior as the bill states.

We are concerned that the few veterans' sites left at Birch Hill will soon be filled with no provision existing for additional veterans graves anywhere in the interior. While there are some costs associated with the Bill, our several veterans' organizations fully support this bill that would provide needed cemetery grounds for military veterans who have served our country so well with honor.

For God and Country,

  
Don Lowell, Commander

cc: Interior Delegation

Dear Members of the Alaska State Legislature,

The Fairbanks Elks Lodge has 1,200 members and each one of them are fully in support of our Veterans as our Order has been since its inception.

Since 1917, the Benevolent and Protective Order of Elks has demonstrated its compassion for the veterans of our armed forces through a number of programs and activities. The Order made a pledge that "So long as there are veterans, the Benevolent and Protective Order of Elks will never forget them."

The Order's history of caring for veterans is something of which every Elk is proud, and that pride shows permanently in the Elks National Veterans memorial, an awe-inspiring monument on Chicago's lakefront. Dedicated in 1926 to the memory of those who had fought in World War I, the memorial was rededicated in honor of the men who served in World War II. Rededications followed in 1976 for the patriots of the Korean and Vietnam wars, and in 1994 for the men and women who have served in all of our nation's conflicts since.

In 1999, the members of the Order gladly approved a resolution pledging an amount equal to one dollar per member to the National World War II Memorial. The memorial which has been built on the National Mall in Washington, D.C. will preserve the memory of the more than 16 million people who served in World War II, the more than 400,000 who died and the millions more who made other sacrifices to support those in combat overseas. The Elks exceeded their pledge, generating more than \$1.22 million for this monument of tribute. I am a charter member of the Memorial.

Elks patriotism and generosity helped the nation to victory in World War I. In 1917, the Grand Lodge allocated \$2 million to finance efforts to assist U.S. soldiers. The Order organized and equipped the first two base hospitals in France. And to accommodate the maimed and wounded, the Elks built a 700-bed Reconstruction Hospital and gave it to the War Department in 1918. This was the first of what were to become the Veterans Administration medical facilities. That same year, the Order built a 72-room Community House to take care of the families visiting the 40,000 soldiers stationed at Camp Sherman Ohio.

Following the war's end, the Elks made \$40,000,000 rehabilitation, vocational, and educational loans to disabled veterans who were ineligible for government help or who were waiting approval of their applications. This serviced was so effective that the government followed the Elks example and established a revolving fund that was the precursor of the GI Bill.

More than 70,000 Elks served in the armed forces during World War I. More than 1,000 made the supreme sacrifice.

Throughout World War II, the Elks contributed to the war effort by providing for members of the armed forces both at home and abroad. By the time hostilities ceased, The Grand Lodge had spent more than \$1.5 million, while local lodges spent hundreds of thousands of dollars more to provide assistance to our men in uniform.

The Order also realized the need to boost the morale of servicemen stationed far from home. Across the country, the Elks sponsored 155 Elks fraternal centers, where GI's were invited to relax, socialize and enjoy the hospitality of the Elks. More than one million servicemen visited the center in New York City. For those

...  
serving overseas, the Elks prepared and sent care packages containing candy, personal grooming supplies, and other comforting items.

When war broke out in Korea in 1950, the Elks responded by sending gift packs to those serving their country as they had one in World War II. In 1951, the secretary of defense appealed to the order for help in procuring blood for the wounded. Within a few months, Elks lodges obtained more than half a million pints.

During the Vietnam War, the Elks again answered the call by beginning the Letters from Home campaign. Elks members from across the country flooded our young servicemen and women with letter expressing gratitude for the sacrifices they were making on behalf of the nation. In addition to the letters, the Order provided care packages to soldiers.

As in previous conflicts, the Order stood ready to aid the men and women of the U.S. armed forces when the Gulf War commenced. Once again, the Elks mounted a letter writing campaign to thank these patriots for their dedicated service, and gift packs for soldiers were provided as they had been in the past.

At the close of the Gulf War, many Elks lodges made arrangements to host ceremonies honoring the brave soldiers returning from the conflict in the Middle East, making the Order one of the first organizations to formally welcome these veterans home.

And now the Elks have stepped forward yet again to help our armed forces. Today the Army of Hope is charged with assisting the families of those in uniform with their needs at home.

Fairbanks Elks Lodge has entered into partnership with their Army of Hope for the Chamber's program for our soldiers deploying to Iraq. We host a FREE dinner for all Veterans and their families in November and have a year-round program to support our local Vets Center in Fairbanks.

As the Elks State Public Relations Director, I thought it was time to let you know exactly what Elks are all about when it comes to our Veterans. We have 17 Lodges within the State that are very willing to assist with any program regarding Veterans -- as this is not political issue.

I personally support HB 208 and have asked our members to support it with letters and calls to Juneau, but in so doing it would be nice to be recognized as an organization that not Cares, but Shares!

Joyce D. Brownlow, PER  
Fairbanks Elks Lodge #1551 Veterans Chairman  
Alaska State Elks Public Relations Director and Historian



## Marine Corp League

Detachment #674

PO Box 73324

Fairbanks, AK 99707-3324

The Marine Corps League Detachment # 674 is at last count 100% in favor of a veteran's cemetery in Fairbanks, Alaska. We believe that this is a good move that will honor our many veterans in the Interior. Instead of having to drive or fly at the families' expense to the Anchorage area, especially at the price of gas, vehicle use and or plane fare.

On a personal note I thoroughly believe that there should be a veteran's cemetery in every County, Borough and Parish through out the United States. Simply because in my opinion it is ridiculous to expect a veteran, or their family members to travel half way or totally across their state of residence to visit the site of their past friends and loved ones.

Please pass this bill we are all registered voters.

A handwritten signature in cursive script, appearing to read "Dana Nachtrieb".

Dana Nachtrieb Past Commandant

Marine Corps League #674

Fairbanks, Alaska

Ian Laing

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**From:** Tim-Jerri [tim-jerri@gci.net]  
**Sent:** Monday, April 04, 2005 4:38 PM  
**To:** Rep. Paul Seaton  
**Subject:** HB-208

I urge your support for the passage of HB 208. With Alaska having the highest per capita number of veterans than any other state, people who served their country and Alaska with dedication and pride, I am not alone in feeling it only appropriate that the state show some appreciation by getting behind any effort to provide them a suitable resting place of honor.

Tim Armstrong  
8169 Thunder Street  
Juneau, Alaska 99801

30 year resident of Alaska  
Vietnam Combat Veteran  
Past VFW Post Commander  
Past American Legion Post Commander  
Vice Commander Disabled American Veterans  
Life Member Military Order of the Purple Heart

Support

4/4/2005



April 8, 2005

The Honorable Paul Seaton, Chair  
House State Affairs Committee  
Alaska State Capitol, Room 102  
Juneau, Alaska 99801-1182

Dear Chair Seaton:

RE: HB 208 (Guttenberg) - Support

On behalf of the AARP members in Alaska, we encourage your colleagues on the House State Affairs Committee to support HB 208, authored by Representative David Guttenberg and co-sponsored by Representatives Nancy Dahlstrom and your Committee member Jay Ramras.

HB 208 would establish a new veterans' cemetery in the Interior. As you know, the closest military cemetery is in Anchorage yet the Fairbanks area alone has over 11,000 veterans, many of whom are AARP members.

Burial in a veterans' cemetery is one of the last honors we can offer our fellow citizens who have served in the Armed Forces. We think it is a well-deserved tribute to these men and women who served our country and a veterans' cemetery in the Interior simply makes sense. It is a proper thank you to the veterans and their families.

Undoubtedly there may be some costs associated with a new cemetery. Our veterans didn't weigh the costs when they joined the armed services. Surely we can bear the costs of this final thank-you to them.

AARP recommends an "AYE" vote on HB 208.

Should you have any questions about our position, please feel free to contact me (536-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

*Marie Darlin*

Marie Darlin, Coordinator  
AARP Capital City Task Force  
415 Willoughby Avenue, Apt. 506  
Juneau, AK 99801  
586-3637 (voice)  
463-3580 (fax)

CC: Representative Jim Elkins  
Representative Berta Gardner  
Representative Carl Gatto  
Representative Max Gruenberg  
Representative Bob Lynn  
Representative Jay Ramras  
Representative David Guttenberg

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By: Luke Hopkins  
Hank Bartos  
Introduced: 03/24/05  
Adopted: 03/24/05

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2005 - 15

A RESOLUTION SUPPORTING THE CREATION OF A STATE VETERANS' CEMETERY IN THE INTERIOR THROUGH LEGISLATION THAT ESTABLISHES AN ALASKAN VETERANS CEMETERY WITH FUNDS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA) STATE CEMETERY GRANTS PROGRAM.

WHEREAS, Alaskan veterans deserve a cemetery that is located in the Interior that honors their service; and

WHEREAS, according to the Department of Veterans Affairs National Cemetery Administration, Alaska has more residents in the military on a per-capita basis than any other state. There are approximately 11,164 veterans living in the Fairbanks North Star Borough; and

WHEREAS, the nearest officially designated military cemetery is located in Anchorage at Fort Richardson Army base; and

WHEREAS, the VA National Cemetery Administration follows a 6-step process to build a new state veterans cemetery: site selection; environmental assessment; land acquisition; master planning and design development; construction documents preparation; and construction award and completion; and

WHEREAS, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs from the VA State Cemetery Grants Program for an approved project and the VA has awarded 137 grants to establish and improve veterans cemeteries around the country; and

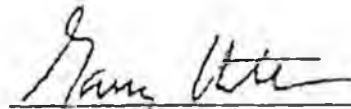
WHEREAS, a State Veterans' Cemetery in the Interior would better serve needs of the veterans and their families, and provide a place that is centrally located, honorable, and would provide a place in the Interior for soldiers to be laid with full military funeral honors, pallbearers, rifle team, flag folding, and flag presentation; and

NOW THEREFORE BE IT RESOLVED, that the Fairbanks North Star Borough Assembly supports the creation of a State Veterans' Cemetery in the Interior and recognizes veterans' sacrifices while serving our country.


46 BE IT FURTHER RESOLVED, that copies of this resolution shall be  
47 forwarded to The Honorable Governor Frank Murkowski, the Alaska Interior Delegation,  
48 members of the House Military and Veterans Affairs Committee, Major General Craig E.  
49 Campbell Adjutant General/Commissioner, Military and Veterans Affairs, The Honorable  
50 Senator Ted Stevens, the Honorable Senator Lisa Murkowski, the Honorable  
51 Congressman Don Young.

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PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF MARCH 2005.

  
\_\_\_\_\_  
Garry Hutchison  
Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Mona Lisa Drexler, CMC  
Municipal Borough Clerk

55  
56 Ayes: Romans, Barros, Sattley, Rex, Williams, Hopkins, Aldridge, Frank, Hutchison  
57 Nces: None



## Alaska State Legislature

Representative David Guttenberg

<http://guttenberg.akdemocrats.org>

Representative David Guttenberg

Telephone: 907-465-4457

Fax: 907-465-3519

Year Round from Fairbanks: 456-8172

Toll Free from Denali Borough: 1-800-928-4457

[guttenberg@akdemocrats.org](mailto:guttenberg@akdemocrats.org)

**FOR IMMEDIATE RELEASE · March 7, 2005**

### *Guttenberg Files Bill For Veterans' Cemetery Bill establishes burial ground in Interior Alaska*

JUNEAU - Representative David Guttenberg, D-Fairbanks, introduced a bill today to establish a state veterans' cemetery in the Interior.

"Forty percent of families in the Fairbanks area have at least one veteran in their household and 16 percent have at least one woman in the household who is a veteran," Representative Guttenberg said. "Alaska Natives have the highest per capita service record of any ethnic group in the country. Alaskan veterans deserve a cemetery that is located in the Interior that honors their service. Their sacrifices while serving our country, often in less-than-comfortable conditions and many times in harm's way, should be recognized."

Representative Guttenberg's bill establishes a state cemetery similar to the Fort Richardson and Sitka National Cemeteries. It will provide a place in the Interior for soldiers to be laid to rest with full military funeral honors, pallbearers, rifle team, flag folding, and flag presentation.

House Bill 208 authorizes the Alaska Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans cemetery with funds from the U.S. Department of Veterans Affairs' State Cemetery Grants Program. Through the State Cemetery Grants Program, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs for an approved project.

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[http://www.akdemocrats.org/Documents/030705\\_guttenberg\\_dignified\\_veterans\\_resting\\_place.pdf](http://www.akdemocrats.org/Documents/030705_guttenberg_dignified_veterans_resting_place.pdf)

Additional information: [Representative David Guttenberg](#)

[Print](#) [Forward this page](#)

*Putting Alaskans First · Moving Alaska Forward 2005*

# Fairbanks Daily News-Miner

## Guttenberg pushes for veterans' cemetery

Friday, March 11, 2005 - By DANIEL RICE

News-Miner Juneau Bureau

JUNEAU--With so many veterans in Fairbanks, state Rep. David Guttenberg believes the area should have a veterans' cemetery.

Guttenberg, D-Fairbanks, has introduced a bill to build a state veterans' cemetery in Fairbanks that would be similar to the national veterans' cemeteries in Sitka and on the Fort Richardson Army Post in Anchorage.

House Bill 208 would create a veterans' cemetery fund within the state budget to pay for maintenance and operation of the new burial grounds.

The start-up money, Guttenberg said, would come from a federal Department of Veterans Affairs cemetery grant program, which to date has paid out more than \$209 million for some 62 cemeteries around the nation. The state would also have to find a suitable site of about 20 acres.

Once established, the cemetery would take about \$80,000 in annual state money to maintain, Guttenberg said.

"There's always a lot of worry about state dollars," he said, "but I think with so many veterans, it's a worthy cause, and if that's what it takes to put one in Fairbanks, then I think it's worth it."

The Fairbanks North Star Borough is home to about 11,164 veterans, according to figures cited by Guttenberg in a sponsor statement for his bill. The 2000 U.S. Census put the number of veterans in the borough at 10,458.

Guttenberg said the widow of a Fairbanks veteran helped convince him to pursue the idea in the Legislature.

"This is just giving them (veterans) one place," he said.

The idea of a state veterans' cemetery in the Interior has been floated off and on in the past within various veteran circles, though there's never been united support for the idea, said Joe Fields, chairman of the Interior Veterans Coalition and a member of the state Veterans Advisory Council.

While many veterans seem to support the emotional appeal of having a veterans' cemetery in the Interior, he said, they also recognize that the state maintenance dollars could take away from funding for programs for living veterans.

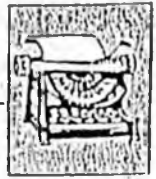
Fields said he would personally rather see the money spent on outreach programs for veterans in rural areas of Alaska.

"We certainly have to pay our respects to the dead, but I think you got to do more for the living," he said.

Fields added that Fairbanks already features burial options for veterans. For example, Birch Hill Cemetery and Northern Lights Memorial Park on Yankovich Road both feature plots for veterans.

HB208 has been referred to the House Military and Veterans Affairs Committee. Guttenberg said he has requested a hearing, though one has not yet been set.

Reporter Daniel Rice can be reached at [drice@newsminer.com](mailto:drice@newsminer.com) or (907)463-4893.



## The Interior needs its own state veterans cemetery

By REP. DAVID GUTTENBERG

Alaska is a great place to live. The vast mountainous landscape and potential for adventure and exploration has drawn people from all walks of life, including a large resident population of military veterans. According to the Dept. of Veterans Affairs, the Fairbanks North Star Borough has approximately 11,164 veterans.

With so many veterans in the Fairbanks area, the creation of a state veterans' cemetery in the Interior would better serve the needs of veterans and their families, as well as provide a respectable place that is centrally located and well maintained.

The Interior region qualifies for a grant from the U.S. Department of Veterans Affairs (VA) State Cemetery Grants Program to establish a state veterans cemetery. This federal grant would

provide 100 percent of the design and construction costs, which is a wonderful opportunity for the Interior veteran residents. Once established, the Alaska Military and Veterans Affairs would maintain and operate the cemetery similar to the two national cemeteries at Fort Richardson in Anchorage and Sitka.

From Fairbanks, the nearest military cemetery is a six to seven hour, 360-mile drive to Anchorage at the Fort Richardson National Cemetery. I would think you would agree with me that such a drive is unreasonable, especially during the winter months.

There is no reason that friends and families of veterans should be burdened with such a long drive to pay their respects especially when the region qualifies for a federal grant to construct a state veterans cemetery and that is why I spon-

sored HB 208, "a bill that establishes a state veterans cemetery in the Interior".

For more information about HB 208, or any other bills or issues of concern, I want to make sure it is easy to contact me. Your letters, faxes, and emails are always welcome. My address is Rep. David Guttenberg, State Capitol Room 13, Juneau AK 99801. My fax number is (907) 465-3519. You can also reach me by e-mail anytime at [Representative\\_David\\_Guttenberg@legis.state.ak.us](mailto:Representative_David_Guttenberg@legis.state.ak.us). In addition, I would be happy to add you to my e-mail list to give you updates on issues that you care about.

*Rep. David Guttenberg is a Democrat and represents district 8 Fairbanks and Denali Borough in the Alaska State House.*

## Opinion

### Veterans' cemetery

April 5, 2005

To the editor:

Currently, Alaska has more residents in the military per-capita than any other state in the nation. Just the Fairbanks North Star Borough alone has 11,164 veterans and many more in rural Alaska. As a representative on the Alaska Native Veterans Association Chapter 1 here in Fairbanks, we have been the voice for all veterans in the villages for many years. Let's make House Bill 208 the first step to help our veterans in the Interior.

Yes, there is a cemetery near Anchorage, but how can our people from the Interior travel to this site? The distance from Interior villages to Fairbanks is in the same region and makes good sense for a veterans cemetery here in Fairbanks. The Alaska Native Veterans Association has been encouraging hub villages to start their own chapters to be part of Chapter 1 in Fairbanks. This is how your voices will be heard in Washington, D.C.

Currently for years many of our veterans in the Interior do not utilize the benefits given at Fairbanks and Anchorage. The people of Alaska sooner or later must look to help all our veterans, including the ones coming back to us from Iraq and war on terrorism conflicts. On April 9, at 9:30 a.m., the House State Affairs Committee will consider HB 208. Please call or get with your representatives to support this bill. Any questions may be sent to: AK NVA, 1006 22nd Ave, Fairbanks, AK 99701.

Pete J. Peter  
AK NVA administrator  
Fairbanks



## Alaska State Legislature

Representative David Guttenberg

<http://guttenberg.akdemocrats.org>

Representative David Guttenberg

Telephone: 907-465-4457

Fax: 907-465-3519

Year Round from Fairbanks: 456-8172

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[guttenberg@akdemocrats.org](mailto:guttenberg@akdemocrats.org)

**FOR IMMEDIATE RELEASE · March 7, 2005**

### *Guttenberg Files Bill For Veterans' Cemetery* *Bill establishes burial ground in Interior Alaska*

JUNEAU - Representative David Guttenberg, D-Fairbanks, introduced a bill today to establish a state veterans' cemetery in the Interior.

"Forty percent of families in the Fairbanks area have at least one veteran in their household and 16 percent have at least one woman in the household who is a veteran," Representative Guttenberg said. "Alaska Natives have the highest per capita service record of any ethnic group in the country. Alaskan veterans deserve a cemetery that is located in the Interior that honors their service. Their sacrifices while serving our country, often in less-than-comfortable conditions and many times in harm's way, should be recognized."

Representative Guttenberg's bill establishes a state cemetery similar to the Fort Richardson and Sitka National Cemeteries. It will provide a place in the Interior for soldiers to be laid to rest with full military funeral honors, pallbearers, rifle team, flag folding, and flag presentation.

House Bill 208 authorizes the Alaska Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans cemetery with funds from the U.S. Department of Veterans Affairs' State Cemetery Grants Program. Through the State Cemetery Grants Program, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs for an approved project.

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[http://www.akdemocrats.org/Documents/030705\\_guttenberg\\_dignified\\_veterans\\_resting\\_place.pdf](http://www.akdemocrats.org/Documents/030705_guttenberg_dignified_veterans_resting_place.pdf)

Additional information: [Representative David Guttenberg](#)

[Print](#) [Forward this page](#)

***Putting Alaskans First · Moving Alaska Forward 2005***

3/25/05

REP. DAVID GUTTENBERG  
119 N. CUSHMAN ST. SUITE 211  
FAIRBANKS, AK 99701

(907) 451-9293 (FAX)

RE: HB 208 STATE VET CEMETERY

DEAR REP GUTTENBERG

DAVID

I AM IN SUPPORT OF HB 208.

IT'S TIME IS OVERDUE. BOTH

FT RICH & SIGMA'S MILITARY

CEMETERIES ARE TOO FAR

AWAY FOR INTERIOR VETERANS

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CEMETERY MAINTENANCE OF (COMPLETED) HAVE

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G.D. "CORY" COCHRAN - FAIRBANKS

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By: Luke Hopkins  
Hank Bartos  
Introduced: 03/24/05  
Adopted: 03/24/05

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2005 - 15

A RESOLUTION SUPPORTING THE CREATION OF A STATE VETERANS' CEMETERY IN THE INTERIOR THROUGH LEGISLATION THAT ESTABLISHES AN ALASKAN VETERANS CEMETERY WITH FUNDS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA) STATE CEMETERY GRANTS PROGRAM.

WHEREAS, Alaskan veterans deserve a cemetery that is located in the Interior that honors their service; and

WHEREAS, according to the Department of Veterans Affairs National Cemetery Administration, Alaska has more residents in the military on a per-capita basis than any other state. There are approximately 11,164 veterans living in the Fairbanks North Star Borough; and

WHEREAS, the nearest officially designated military cemetery is located in Anchorage at Fort Richardson Army base; and

WHEREAS, the VA National Cemetery Administration follows a 6-step process: to build a new state veterans cemetery: site selection; environmental assessment; land acquisition; master planning and design development; construction documents preparation; and construction award and completion; and

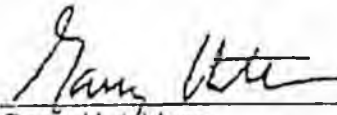
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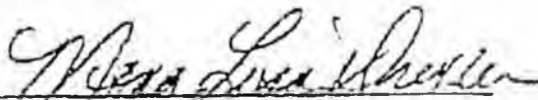
NOW THEREFORE BE IT RESOLVED, that the Fairbanks North Star Borough Assembly supports the creation of a State Veterans' Cemetery in the Interior and recognizes veterans' sacrifices while serving our country.

46 BE IT FURTHER RESOLVED, that copies of this resolution shall be  
47 forwarded to The Honorable Governor Frank Murkowski, the Alaska Interior Delegation,  
48 members of the House Military and Veterans Affairs Committee, Major General Craig E.  
49 Campbell Adjutant General/Commissioner, Military and Veterans Affairs, The Honorable  
50 Senator Ted Stevens, the Honorable Senator Lisa Murkowski, the Honorable  
51 Congressman Don Young.

52 PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF MARCH 2005.  
53  
54

  
\_\_\_\_\_  
Garry Hutchison  
Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Mona Lisa Drexler, CMC  
Municipal Borough Clerk

55  
56 Ayes: Romans, Bartos, Sattley, Rex, Williams, Hopkins, Aldridge, Frank, Hutchison  
57 Noes: None



## Marine Corp League

Detachment #674

PO Box 73324

Fairbanks, AK 99707-3324

The Marine Corps League Detachment # 674 is at last count 100% in favor of a veteran's cemetery in Fairbanks, Alaska. We believe that this is a good move that will honor our many veterans in the Interior. Instead of having to drive or fly at the families' expense to the Anchorage area, especially at the price of gas, vehicle use and or plane fare.

On a personal note I thoroughly believe that there should be a veteran's cemetery in every County, Borough and Parish through out the United States. Simply because in my opinion it is ridiculous to expect a veteran, or their family members to travel half way or totally across their state of residence to visit the site of their past friends and loved ones.

Please pass this bill we are all registered voters.

A handwritten signature in cursive script, appearing to read 'Dana Nachtrieb'.

Dana Nachtrieb Past Commandant

Marine Corps League #674

Fairbanks, Alaska