

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3382

SECTIONAL ANALYSIS
Senate Bill 231

"An Act relating to the Alaska housing trust fund and to the Alaska Council on the Homeless; and providing for an effective date."

Section 1: Amends AS 18.56 by adding new sections that:

- a. Establishes the Alaska housing trust fund and its funding priorities.
- b. Increases AHFC's authority to participate in projects that meet the intent of the fund.
- c. Allows for administrative costs to be paid from the fund.
- d. Establishes long term affordability goals for projects funded through the trust fund.
- e. Establishes eligible organizations for funding.
- f. Allows for the adoption of regulations.
- g. Establishes the Alaska Council on the Homeless as an advisory council to AHFC.
- h. Outlines the Councils' membership.
- i. Establishes AHFC's reporting requirements for the trust fund.
- j. Defines specific terms.

Section 2: Effective date is July 1, 2008.



38 231



ALASKA
HOUSING
TRUST

Ratio of Average Home Price to Median Family Income

The Ratio of Average Home Price to Median Family Income (The ratio times MFI equals Ave Home Price.)

Location	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	% Change
Anchorage	2.7	2.8	2.8	3.0	3.0	3.1	3.4	3.6	3.2	3.3	3.6	4.0		46.4%
MatSu Borough	2.3	2.4	2.5	2.6	2.5	2.6	2.7	2.8	2.7	2.9	3.1	3.2		41.1%
Fairbanks North Star	2.7	2.8	3.0	3.1	3.0	3.0	3.1	3.1	2.7	2.7	2.8	3.4		25.1%
Kenai Peninsula Borough	2.2	2.3	2.4	2.7	2.9	2.8	2.9	3.2	2.6	2.6	2.9	3.1		42.3%
Juneau	2.7	3.0	3.1	3.1	3.1	3.1	3.2	3.3	2.9	3.1	3.3	3.5		27.6%
Ketchikan	2.9	3.0	2.9	2.9	2.9	3.0	3.1	3.1	3.2	2.8	3.2	2.8		-2.6%
Kodiak			3.2	3.4	3.4	3.5	3.7	3.4	2.8	3.0	3.2	3.1		-4.5%
Belhel						6.3	6.4	7.5	5.1	4.0	5.2	5.1		-18.6%
Sitka													6.2	0.0%
Rest of State Average	3.4	3.6	3.7	3.8	3.6	3.6	3.6	3.6	3.2	3.1	3.4	3.4		0.3%
Statewide Total	2.9	3.0	3.1	3.2	3.2	3.2	3.5	3.6	3.2	3.3	3.6	3.8		33.5%

Opportunity begins with a home

3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508

Tel: 907.334.2535 Fax: 907.269.7966 Email: kim@akhousingtrust.org www.akhousingtrust.org

February 6, 2008

The Honorable Bert Stedman
Chair, Senate Finance Committee
Alaska State Legislature
Juneau, Alaska 99801

Re: SB 231 - An Act relating to the Alaska housing trust and to the Alaska
Council on the Homeless

Dear Co-Chair Stedman:

SB 231 will create a housing trust fund within the Alaska Housing Finance Corporation (AHFC) to address the problems of homelessness in the State of Alaska. It will increase AHFC's flexibility in addressing long term solutions to homelessness.

This bill will also codify the role of the Governor's Council on the Homeless, which has been operating under Administrative Order.

Homelessness is one of the most important social issues facing Alaska. The Alaska constitution requires the State to protect the public's safety, including ensuring that all Alaskans have a safe and decent place to live. Housing alone is not enough. People who are homeless, or at risk of being homeless, frequently need supportive services to be self-reliant. There are high personal and public financial costs associated with homelessness and those at-risk of being homeless. Placing the housing trust within AHFC expands the services of the State without expanding government's size. The cost of administering this fund and the Council will be covered by AHFC from the capital appropriation. Creation of a housing trust is a proven model to address homelessness.

I respectfully request that this bill be scheduled for a hearing at your earliest convenience, upon referral. I urge your prompt and favorable action on this measure.

If you need assistance or information, please do not hesitate to contact Bryan Butcher at 330-8445.

Sincerely,

Daniel R. Fauske
CEO/Executive Director

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS SB 231 (HESS)
() Publish Date: _____

Identifier (file name): 0006-DOR-AHFC-2-18-08 Dept. Affected: Revenue 04
Title: Alaska Housing Trust Fund RDU: Alaska Housing Finance Corp.
Component: _____
Sponsor: Governor
Requester: Governor Component Number: 110

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required FY 2009	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	10,000.0	10,000.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts	0.0						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cos.: 0.0

POSITIONS

Full-time	0.0						
Part-time	0.0						
Temporary	0.0						

ANALYSIS: (Attach a separate page if necessary)

There is a zero fiscal note attached to this legislation. The cost of administering the housing trust fund and supporting the Governor's Council will be covered by the capital appropriation (not to exceed 10%) and AHFC's existing operating budget. Administrative costs will include: staff salaries and benefits, travel and training, supplies and materials, and consulting costs. This level of funding will be sufficient to administer the housing trust fund and the Governor's Council.

Prepared by: Bryan Butcher Phone: 330-8445
Division: Alaska Housing Finance Corporation Date/Time: 2/18/08 2:00 PM
Approved by: _____ Date: _____

Replaced

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 231
(S) Publish Date: 1/18/08

Identifier (file name): 0006-DOR-AHFC-1-14-08 Dept. Affected: Revenue 04
Title: Alaska Housing Trust Fund RDU: AHFC
Sponsor: Governor Component: _____
Requester: Governor Component Number: 110

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES		10,000,000.0	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()								

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts	0.0						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time	0.0						
Part-time	0.0						
Temporary	0.0						

ANALYSIS: *(Attach a separate page if necessary)*
There is a zero fiscal note attached to this legislation. The cost of administering the housing trust fund and supporting the Governor's Council will be covered by the capital appropriation (not to exceed 10%) and AHFC's existing operating budget. Administrative costs will include: staff salaries and benefits, travel and training, supplies and materials, and consulting costs. This level of funding will be sufficient to administer the housing trust fund and the Governor's Council.

Prepared by: Bryan Butcher
Division: Alaska Housing Finance Corporation
Approved by: Jerry Burnett
Department of Revenue

Phone: 330-8445
Date/Time: 1/14/08 4:00 p.m.
Date: 1/14/1900

Alaska Council on the Homeless

WHEREAS, the Alaska Council on the Homeless is charged with developing strategies designed to address the needs of homeless Alaskans; and

WHEREAS, approximately 3,500 people are homeless on any given night, including 1,600 people in families with children,¹ and more than 3,000 children were homeless or inadequately housed at some time during the 2005-2006 school year,² and

WHEREAS, approximately 4,000 households are waiting for public housing programs, mostly with children³ and approximately 20,000 low-income households spend over half their income on housing, placing them at risk of homelessness;⁴ and

WHEREAS, current housing programs are poorly connected to supportive services necessary to end the cycle of homelessness, and the lion's share of housing assistance is provided by federal programs that do not adequately focus on Alaska's homeless problem; and

WHEREAS, approximately \$45,000 is spent on intervention services on each homeless person in Alaska over a 20 month period;⁵ and

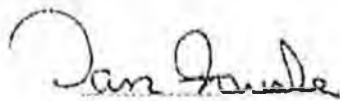
WHEREAS, more than 30 states have created housing trust funds, with consistent success in decreasing homelessness, which on average have leveraged \$9.25 in additional funding for each dollar invested; and

WHEREAS, an Alaska Housing Trust would emphasize prevention of homelessness in addition to addressing the needs of those who are already homeless; and

WHEREAS, an Alaska Housing Trust would be a strong partnership between public and private agencies and organizations; and

THEREFORE, BE IT RESOLVED THAT the Alaska Council on the Homeless supports the creation of an Alaska Housing Trust.

ADOPTED THIS 8th DAY OF February, 2007



Dan Fauske
Chairperson

¹ AHFC, Statewide Homeless Survey - Winter 2006. The survey uses the HUD definition, which focuses on people in shelters. It is a point-in-time count.

² Preliminary number from M. Gaber, Alaska Department of Education, Homeless Education Coordinator (personal communication to S. Schubert 9/25/06). The DOE definition also includes children in substandard housing, shared housing, and non-traditional spaces such as motels, campgrounds, and cars. DOE's number is cumulative for the school year.

³ AHFC, Statewide Homeless Survey - Winter 2006. The survey uses the HUD definition, which focuses on people in shelters. It is a point-in-time count.

⁴ MOA Housing and Community Development Consolidated Plan, 2003-2007, State 5-Year HUD Plan, 2006-10.

⁵ Segal, B. Center for Alcohol & Addiction Studies, UAA. Summary Progress Report - Innovative Services for Alaska's Homeless Persons with Mental Illness, 7/03.



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1300 Boniface Parkway
Anchorage, Alaska
907-333-6100

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Internet Web Site
<http://www.alhfc.state.ak.us>

Alaska Council on the Homeless

Members
SB231

Dan Fauske, CEO/Executive Director
Alaska Housing Finance Corporation

Joseph Schmidt, Commissioner
Department of Corrections

Karleen Jackson, Commissioner
Department of Health and Social Services

Jeff Jessee, Executive Director
Alaska Mental Health Trust Authority

Barbara Thompson, Acting-Commissioner
Department of Education and Early Development

Walt Monegan, Commissioner
Department of Public Safety

Major General Craig Campbell, Adjutant General/Commissioner
Department of Military and Veterans Affairs

Public Member Representing Regional Housing Authority

Public Member Representing Local Government

Four Public Members Representing Affordable Housing Industry



"HOUSING FOR ALASKANS"





ALASKA HOUSING TRUST

Alaska Housing Trust is able to pursue our goal of preventing and reducing homelessness with the support of our coalition members:

AARP
Abused Women Aid in Crisis
Access Alaska
Aiding Women in Abuse and Rape Emergencies Inc.
Akeela Development
Alaska Bankers Association
Alaska Coalition on Housing & Homelessness
Alaska Commission on Faith-Based
and Community Initiatives
Alaska Commission on the Aging
Alaska Office of Long-Term Care Ombudsman
Alaska Mental Health Trust
Alaska Network on Domestic Violence &
Sexual Assault
Alaska State Independent Living Council
Alaska State Council, Inc. Vietnam
Veterans of America
Alaska Traumatic Brain Injury Network
Alaska Veterans Foundation
Alaskan AIDS Assistance Association
Alaskan Women's Lobby
Alliance Bible Church
Anchorage Coalition on Homelessness
Anchorage Community Mental Health Center
Anchorage Downtown Partnership, Ltd
Anchorage Economic Development Corporation
Anchorage Housing Initiatives
Anchorage Neighborhood Housing Services
Association of Alaska Housing Authorities
Bartlett Regional Hospital, Rainforest Recovery Center
Bean's Cafe
Bridge Builders
Bristol Bay Native Corporation
Catholic Social Services
Christian Health Associates
City and Borough of Juneau Assembly
Continental Land Investments
Cook Inlet Housing Authority
Covenant House Alaska
Fairbanks Neighborhood Housing Services
First National Bank Alaska
Gaslineau Human Services Corporation
Glory Hole
Governor's Council on Disabilities &
Special Education Commission
Governor's Council on Homelessness
Housing First Coalition
Juneau Affordable Housing Coalition
Juneau Homeless Coalition
Juneau Housing Trust
Love in the Name of Christ
Lutheran Social Services
Partners for Progress
Mat-Su Borough Assembly
Municipality of Anchorage - Americans with
Disabilities Act Commission
Municipality of Anchorage - Housing and
Neighborhood Development Commission
Municipality of Anchorage - Senior Citizens
Advisory Commission
Native Village of Kwinhagak, Housing Dep't
Northrim Bank
Partners for Progress
Rasmuson Foundation
RuralCap/Homeward Bound
Safe Harbour Inn
Salvation Army
St. Vincent De Paul
United Way of Anchorage
United Way of Juneau
USDA Rural Development
Valley Residential Life Services
Vietnam Veterans of America, Chapter 904
Volunteers of America
Wells Fargo Bank
YWCA

Opportunity begins with a home

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Tel: 907.334.2535 Fax: 907.269.7066 Email: info@alaskahousingtrust.org www.alaskahousingtrust.org



ALASKA
HOUSING
TRUST

January 25, 2008

The Honorable Bettye Davis
Alaska Senate
State Capitol, Room 30
Juneau, AK 99801-1182

Dear Senator Davis:

On behalf of the over 70 groups that comprise the coalition in support of the Alaska Housing Trust, I would like to thank you for hearing SB 231. This important bill will give Alaska a needed tool to combat a growing problem in our state: homelessness.

The Alaska Housing Trust Initiative began in 2006 as a ground swell from service providers and affordable housing organizations to address a gap in the way that low income housing is built and to create stable housing with supportive services to help people transition into self-sufficiency.

The problem of homelessness is getting worse. Here are a few startling statistics:

- 3,500 Alaskans are homeless on any given night, including 1,600 people in families with children.
- 4,000 Alaskan households are on the waiting list for public housing programs – most are families with children.
- 20,000 low-income Alaska households spend more than half their income on housing, placing them at risk of homelessness.
- Families with children are the fastest growing segment of Alaska's homeless population.

The impacts of homelessness are not just limited to a lack of housing. Homeless people have trouble accessing services to help them get back on their feet, it is difficult to find or hold onto a job. Children suffer academically and often move from school to school.

There are high personal and public costs associated with being homeless or living on the edge of homelessness. Personal costs to individuals and families include greater family stress, lower student achievement, a higher risk of becoming a victim of crime, and increased medical and behavioral health needs. Costs to local governments and the State include increased use of emergency services, medical and behavioral health services, public safety and the courts.

The Housing Trust model is a tool that can help address some of the issues that cause homelessness and help homeless individuals get the services they need to get and maintain stable housing.

Opportunity begins with a home

3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508

Tel: 907.324.2535 Fax: 907.269.7906 Email: kim@alaskahousingtrust.org www.alaskahousingtrust.org

We have attached a regional breakdown of rents and wages demonstrating how long a person working at minimum wage would have to work to afford housing in their community. Clearly, many Alaskans are struggling to stay in housing and the pace of wages cannot keep up with the rising cost of housing.

The Housing Trust model has been successful in over 33 states and in hundreds of communities. Supportive housing is one of the least expensive ways of addressing the issues that so many homeless people face. It cost thousands less per year than incarceration, hospitalization or institutionalization.

On behalf of the Coalition, we respectfully submit these materials and look forward to working together to create the Alaska Housing Trust.

Sincerely,



Jeff Jessee
Chair, Housing Trust Steering Committee
CEO, Alaska Mental Health Trust Authority

Opportunity begins with a home

3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508

Tel: 907.334.2575 Fax: 907.269.7966 Email: info@alaskahousingtrust.org www.alaskahousingtrust.org



Sarah Palin
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

May 1st, 2007

ADMINISTRATIVE ORDER NO. 236

I, Sarah Palin, Governor of the State of Alaska, under the authority of art. III, secs. 1 and 24, of the Alaska Constitution, and in accordance with AS 44.19.145(c), establish the Alaska Council on the Homeless in the Alaska Housing Finance Corporation.

BACKGROUND AND PURPOSE

Homelessness is one of the most challenging domestic issues facing the United States. Alaska is no exception. Alaska's Faith-Based and Community Initiatives Task Force found housing to be the most commonly identified challenge facing those in need. The Alaska Council on the Homeless (council) was initially established by Administrative Order No. 214 in April 2004 to develop a statewide action plan addressing homelessness in Alaska.

The plan, *Keeping Alaskans Out of the Cold*, was completed and submitted in October 2005. Included in its recommendations was the appointment of a steering committee to assist the governor and the legislature to develop an affordable housing trust. The steering committee completed its work in 2006 and the current council has recommended that the Alaska Housing Trust Fund (fund) be created within the Alaska Housing Finance Corporation (AHFC) under AS 18.56. The purpose of this Administrative Order is to add additional members to the council and to expand the council's duties.

MEMBERSHIP

The council consists of members appointed by the governor to serve at the pleasure of the governor. Continuing members of the original council are: one representative each from the Alaska Housing Finance Corporation, Alaska Mental Health Trust Authority, Department of Health and Social Services, Department of Education and Early Development, Department of Public Safety, and Department of Corrections serving on the effective date of this Order. New members are: one representative of regional Native housing authorities, one representative of municipal government, and four additional members with experience and expertise in housing development or as consumers of affordable housing.

The council may invite to its meetings non-voting representatives from federal and local government agencies, the business community, providers of services to the homeless, philanthropic agencies, faith-based organizations, homeless advocacy organizations, homeless persons, and community leaders. The council may elect a chair and other officers as determined necessary.

DUTIES OF THE COUNCIL

The council's duties set out in Administrative Order No. 214 are amended by adding new duties as follows:

1. Assist with the development of the fund.
2. Upon establishment of the fund, annually evaluate housing needs and priorities to establish a statewide homeless action plan and recommend to the AHFC Board of Directors the allocation of money in the fund to implement the plan; other duties specific to the fund include monitoring implementation of the fund budget, recommending methods for evaluating and monitoring fund activities, recommending methodology for reporting to public and elected officials, coordinating the fund with other available financing sources, seeking additional money to support fund activities, and ensuring that projects supported by the fund are sustainable.
3. Monitor and review implementation of the statewide homeless action plan and annually report to the governor the council's findings and recommendations regarding implementation of the plan.
4. Annually report to the governor on how state resources, in addition to the fund, may be used to end homelessness.

ADMINISTRATIVE SUPPORT

The AHFC shall provide administrative support for the council. In accordance with law, the AHFC may enter into intergovernmental agreements necessary to accomplish the purposes of this Order.

GENERAL PROVISIONS

The following general provisions apply to the activities of the council:

1. Council members do not receive compensation as a member of the council. Per diem and travel expenses for state and federal members of the council are the responsibility of the state or federal agency the member represents.
2. To reduce costs, the council may use teleconferencing or other electronic means to the extent practicable in order to gain the widest public participation at minimum cost.
3. The council shall establish procedures for voting and meetings of the council.
4. Meetings of the council shall be conducted, and notice of the meetings provided, in accordance with AS 44.62.310 and 44.62.320 (Open Meetings of Governmental Bodies).

This Order takes effect immediately. This Order supplements Administrative Order No.

214 on this matter.

DATED at Juneau, Alaska, this 1st day of May, 2007.

/s/Sarah Palin
Governor

[WWW.GOV.STATE.AK.US](http://www.gov.state.ak.us)

Administrative Orders 201-present | Contact the Governor | Webmaster | State of Alaska

1 of 2

ALASKA COALITION ON HOUSING & HOMELESSNESS

RECEIVED

FEB 11 2008

February 8, 2008

The Honorable Bert Stedman
Alaska Senate
State Capitol, Room 516
Juneau, AK 99801-1182
Via fax: 907-465-3922

Re: SB 231

Dear Senator Stedman,

The Alaska Coalition on Housing and Homelessness strongly supports the Alaska Housing Trust in Senate Bill 231. Housing trusts are a proven model, effectively operating in 43 other states today to getting and keeping people housed.

Currently, 4000 Alaska households are on the waiting list for public housing programs, 20,000 low-income Alaskan households spend over 1/2 of their income on housing, placing them at risk for homelessness, and 45% of the homeless sector in Alaska are families with children. Stable and affordable housing is eluding too many Alaskans and the bad consequences to families and communities are too great.

Safe, stable, affordable housing promotes strong families. Home ownership provides a means for families to build assets and become more economically self-sufficient. Families have a foundation to grow their dreams and children are more successful in school. Seniors and persons with disabilities can live independently and with dignity.

Stable homes promote stable communities. When families are invested in neighborhoods, they increase their civic participation, juvenile delinquency rates are reduced, and employment rates are higher.

PO Box 200862
Anchorage, AK 99520

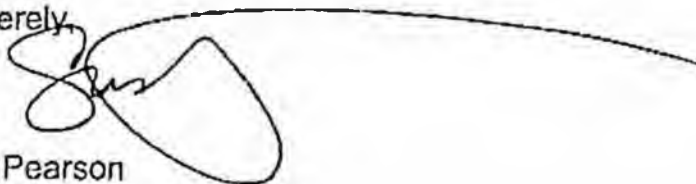
PHONE (907) 743-5726
FAX (907) suzi_p@awaic.org
WEB SITE

An Alaska Housing Trust provides consistent resources and community collaborations to provide affordable housing and the support systems that keep people housed. Support networks, building up on existing community resources, can assist with basic life skills, like financial literacy and job training, as well as assist people to address underlying problems – disabilities, chronic illness, domestic violence or addiction – all which contribute to repeated experiences of homelessness.

The Alaska Coalition on Housing and Homelessness asks that you take this information into consideration when making a decision as to supporting HB 324 in order to keep Alaskan housed.

Thank you for your consideration of this information on a Housing Trust when making your decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzi', with a long, sweeping horizontal line extending to the right from the end of the signature.

Suzi Pearson
Chair

SB

233

SFIN

FILE



Headquarters:
4300 Boniface Parkway
Anchorage, AK 99504
907-338-6100

Mailing Address:
PO Box 101020
Anchorage, AK 99510

Internet Web Site:
<http://www.ahfc.state.ak.us>

SPONSOR STATEMENT

Senate Bill 233

“An Act relating to the teachers’ and nurses’ housing loan program in the Alaska Housing Finance Corporation and providing for an effective date.”

Senate Bill 233 will repeal the sunset provision of the teachers’ and nurses’ housing loan program and expand the program to teachers and health care professionals.

This program was initially established in 2003 with the passage of Senate Bill 25. Communities in Alaska were and are still having difficulty recruiting and retaining teachers and registered nurses. Helping these professions to purchase a home allows them to establish roots in a community and become more likely to stay where they are needed.

The largest obstacle to homeownership is the availability of cash. This program allows 100% financing, which does not require a down payment, so entry level teachers and health care professionals can become home owners where otherwise they may not have the opportunity. The ability to own a home is an important factor in recruiting and retaining teachers and health care professionals.

Since 2003, when the program was initiated, 373 teachers and nurses have mortgaged homes in 34 different communities across the state, at no additional cost to AHFC or to the state.

In addition to teachers, it had come to the Corporation’s attention that there are difficulties with the recruitment and retention of other health care professionals other than registered nurses in many communities in Alaska. By expanding the program to include them, this will allow this small but important benefit to be utilized by other professional fields in the health care sector.

AHFC does not anticipate additional cost as the result of the change to the program to include health care professionals.



01/24/08 09:45:20

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E-Teachers & H-Nurses)

PAGE 1

COMMO	PADD2	AHPLD3	AREA	OPBL2	GROSS1
TOTAL AVG COUNT 114	ANCHORAGE, AK		E	20,921,850	630,079 5,527
TOTAL AVG COUNT 77	ANCHORAGE, AK		H	15,758,785	532,689 6,912
TOTAL AVG COUNT 191	ANCHORAGE, AK			36,681,635	1,162,768 6,088
TOTAL AVG COUNT 191	ANCHORAGE, AK			36,681,635	1,162,768 6,088
TOTAL AVG COUNT 1	ANIAK, AK		E	140,000	7,377 7,377
TOTAL AVG COUNT 1	ANIAK, AK			140,000	7,377 7,377
TOTAL AVG COUNT 1	ANIAK, AK			140,000	7,377 7,377
TOTAL AVG COUNT 1	HARRON, AK		H	175,000	6,401 6,401
TOTAL AVG COUNT 1	HARRON, AK			175,000	6,401 6,401

by DSima

(DSTEACHUR)

01/24/08 09:45:20

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E=Teachers & H=Nurses)

PAGE 2

COMMNO	PAGE	AHPLD3	AREA	OPBAL	GROSS1
TOTAL	BARROW, AK			175,000	6,403
AVG					6,403
COUNT 1					
TOTAL	BETHEL, AK		E	1,898,000	67,274
AVG					8,409
COUNT 8					
TOTAL	BETHEL, AK		H	1,126,000	51,131
AVG					10,226
COUNT 5					
TOTAL	BETHEL, AK			3,024,000	118,405
AVG					9,108
COUNT 13					
TOTAL	BETHEL, AK			3,024,000	118,405
AVG					9,108
COUNT 13					
TOTAL	BIG LAKE, AK		H	87,500	5,620
AVG					5,620
COUNT 1					
TOTAL	BIG LAKE, AK			87,500	5,620
AVG					5,620
COUNT 1					
TOTAL	BIG LAKE, AK			87,500	5,620
AVG					5,620
COUNT 1					
TOTAL	CHUGIAK, AK		E	690,500	21,828
AVG					7,276
COUNT 3					

by DSIMB (OSTEACHER)

01/24/08 09:45:20

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E=Teachers & H=Nurses)

PAGE 3

COGNNO	PADD2	PHFLD3	AREA	OPRAL	GROSS1
TOTAL AVG COUNT 2	CHUGIAK, AK		H	454,000	19,922 9,961
TOTAL AVG COUNT 5	CHUGIAK, AK			1,144,500	41,750 8,350
TOTAL AVG COUNT 5	CHUGIAK, AK			1,144,500	41,750 8,350
TOTAL AVG COUNT 1	DELTA JUNCTION, AK		E	113,500	4,026 4,026
TOTAL AVG COUNT 1	DELTA JUNCTION, AK			113,500	4,026 4,026
TOTAL AVG COUNT 4	DELTA JUNCTION, AK		E	475,000	25,403 6,351
TOTAL AVG COUNT 4	DELTA JUNCTION, AK			475,000	25,403 6,351
TOTAL AVG COUNT 5	DELTA JUNCTION, AK			588,500	29,429 5,886
TOTAL AVG COUNT 1	DEVALI PARK, AK		E	190,000	5,770 5,770

by DEANA (DSTEACHPUR)

01/24/08 09:45:20

Cumulative Purchases For
 Teacher/Nurse Option by Location
 Thru 01/24/08 (E-Teachers & N-Nurses)

PAGE 4

COMMNO	FADD2	AIPLD3	AREA	OPBAL	GROSS1
	DENALI PARK, AK				
TOTAL				190,000	5,770
AVG					5,770
COUNT 1					
	DENALI PARK, AK				
TOTAL				190,000	5,770
AVG					5,770
COUNT 1					
	DILLINGHAM, AK		E		
TOTAL				170,000	4,313
AVG					4,313
COUNT 1					
	DILLINGHAM, AK				
TOTAL				170,000	4,313
AVG					4,313
COUNT 1					
	DILLINGHAM, AK				
TOTAL				170,000	4,313
AVG					4,313
COUNT 1					
	DOUGLAS, AK		E		
TOTAL				110,000	4,436
AVG					4,436
COUNT 1					
	DOUGLAS, AK				
TOTAL				110,000	4,436
AVG					4,436
COUNT 1					
	DOUGLAS, AK				
TOTAL				110,000	4,436
AVG					4,436
COUNT 1					
	EAGLE HIVER, AK		E		
TOTAL				2,947,261	97,051
AVG					6,066
COUNT 16					

by D51ma (DSTEACHER)

01/24/08 09:45:20

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E-Teachers & H-Nurses)

PAGE 5

COMMNO	PADD2	AHPLD3	AREA	OPBAL	GROSS1
	EAGLE RIVER, AK		H		
TOTAL				3,376,005	102,490
AVG					7,321
COUNT					14
	EAGLE RIVER, AK				
TOTAL				6,323,286	199,541
AVG					6,651
COUNT					10
	EAGLE RIVER, AK				
TOTAL				6,323,286	199,541
AVG					6,651
COUNT					10
	FAIRBANKS, AK		E		
TOTAL				2,085,500	75,409
AVG					6,284
COUNT					12
	FAIRBANKS, AK		H		
TOTAL				1,054,056	32,630
AVG					6,526
COUNT					5
	FAIRBANKS, AK				
TOTAL				3,139,556	108,039
AVG					6,355
COUNT					17
	FAIRBANKS, AK				
TOTAL				3,139,556	108,039
AVG					6,355
COUNT					17
	GALENA, AK		E		
TOTAL				116,000	7,027
AVG					7,027
COUNT					1
	GALENA, AK				
TOTAL				116,000	7,027
AVG					7,027
COUNT					1

by D33ma (DSTEACHERN)

01/24/08 09:45:20

Cumulative Purchases For
 Teacher/Nurse Option by Location
 Thru 01/24/08 (E-Teachers & H=Nurses)

PAGE 6

COMMNO	PADD2	AHFLD01	AREA	OPBAL	GROSS1
<hr/>					
TOTAL AVG COUNT 1	GALENA, AK			116,000	7,027 7,027
<hr/>					
TOTAL AVG COUNT 1	HAINES, AK		H	87,000	7,081 7,081
TOTAL AVG COUNT 1	HAINES, AK			87,000	7,081 7,081
TOTAL AVG COUNT 1	HAINES, AK			87,000	7,081 7,081
<hr/>					
TOTAL AVG COUNT 2	HEALY, AK		E	217,500	19,479 9,740
TOTAL AVG COUNT 2	HEALY, AK			217,500	19,479 9,740
TOTAL AVG COUNT 2	HEALY, AK			217,500	19,479 9,740
<hr/>					
TOTAL AVG COUNT 1	HOMER, AK		E	219,400	7,590 7,590
TOTAL AVG COUNT 1	HOMER, AK			219,400	7,590 7,590

By DSims

10/25/2007

01/ 1/08 09:45:20

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/21/08 (E=Teachers & N=Nurses)

PAGE 7

COMMNO	PADD2	AMFLD3	AREA	OPBAL	GROSS1
TOTAL AVG COUNT 1	HOMER, AK		II	198,000	7,673 7,673
TOTAL AVG COUNT 1	HOMER, AK			198,000	7,673 7,673
TOTAL AVG COUNT 2	HOMER, AK			417,400	15,263 7,632
TOTAL AVG COUNT 12	JUNEAU, AK		E	2,259,900	69,263 5,772
TOTAL AVG COUNT 9	JUNEAU, AK		II	2,202,400	61,186 6,798
TOTAL AVG COUNT 21	JUNEAU, AK			4,462,300	130,449 6,212
TOTAL AVG COUNT 21	JUNEAU, AK			4,462,300	130,449 6,212
TOTAL AVG COUNT 2	KENAI, AK		E	264,500	12,244 6,122
TOTAL AVG COUNT 2	KENAI, AK			264,500	12,244 6,122

by DSima (LSTEACH/PUN)

01/24/08 09:45:20

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E-Teachers & H-Nurses)

PAGE 8

COMMNO	PADD2	AMPLD3	AREA	OPBAL	GROSS1
TOTAL AVG COUNT 1	KENAI, AK		E	245,000	7,030
TOTAL AVG COUNT 1	KENAI, AK		H	119,000	4,683
TOTAL AVG COUNT 2	KENAI, AK			364,000	11,713
TOTAL AVG COUNT 4	KENAI, AK			628,000	23,957
TOTAL AVG COUNT 3	KETCHIKAN, AK		E	442,000	16,359
TOTAL AVG COUNT 3	KETCHIKAN, AK			442,000	16,359
TOTAL AVG COUNT 2	KETCHIKAN, AK		H	385,000	12,624
TOTAL AVG COUNT 4	KETCHIKAN, AK			385,000	12,624
TOTAL AVG COUNT 5	KETCHIKAN, AK			827,000	29,181

By D Sims

(BSTEACHFOR)

01/24/08 09:45:20

Cumulative Purchases For
Teacher/Retire Option by Location
Thru 01/24/08 (E-Teachers & H-Nurses)

PAGE 9

COMMNO	PAN02	AMOUNT	AREA	OPBAL	GROSS1
TOTAL	KODIAK, AK		E		
AVG				437,580	17,941
COUNT 2					8,971
TOTAL	KODIAK, AK			437,580	17,941
AVG					8,971
COUNT 2					
TOTAL	KODIAK, AK			437,580	17,941
AVG					8,971
COUNT 2					
TOTAL	KOTZEBUE, AK		E		
AVG				1,215,000	58,893
COUNT 6					9,816
TOTAL	KOTZEBUE, AK			1,215,000	58,893
AVG					9,816
COUNT 6					
TOTAL	KOTZEBUE, AK			1,215,000	58,893
AVG					9,816
COUNT 6					
TOTAL	NIKISKI, AK		E		
AVG				250,000	6,917
COUNT 1					6,917
TOTAL	NIKISKI, AK			250,000	6,917
AVG					6,917
COUNT 1					
TOTAL	NIKISKI, AK			250,000	6,917
AVG					6,917
COUNT 1					

by DSies (OSTTEACHER)

01/24/08 09:45:20

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E=Teachers & N=Nurses)

PAGE 10

COMMNO	PADD2	ANPLD3	AREA	GPBAL	GROSS1
TOTAL AVG COUNT 3	NOME, AK		H	540,000	22,718 7,573
TOTAL AVG COUNT 3	NOME, AK			540,000	22,718 7,573
TOTAL AVG COUNT 3	NOME, AK			540,000	22,718 7,573
TOTAL AVG COUNT 3	NORTH POLE, AK		E	529,400	19,120 6,373
TOTAL AVG COUNT 4	NORTH POLE, AK		H	839,000	27,524 6,881
TOTAL AVG COUNT 7	NORTH POLE, AK			1,368,400	46,644 6,663
TOTAL AVG COUNT 7	NORTH POLE, AK			1,368,400	46,644 6,663
TOTAL AVG COUNT 7	PALMER, AK		E	1,417,270	44,368 6,338
TOTAL AVG COUNT 11	PALMER, AK		H	2,487,696	92,241 7,095

by D51ma

(DSTEACHUR)

01/24/08 09:52:00

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E=Teachers & H=Nurses)

PAGE 11

COMMNO	PADD2	AREFLD3	AREA	OPBAL	GROSS:
TOTAL	PALMER, AK			3,904,966	136,609
AVG					6,830
COUNT 20					
TOTAL	PALMER, AK			3,904,966	136,609
AVG					6,830
COUNT 20					
TOTAL	SEWARD, AK		H	136,000	4,596
AVG					4,596
COUNT 1					
TOTAL	SEWARD, AK			136,000	4,596
AVG					4,596
COUNT 1					
TOTAL	SEWARD, AK		E	621,000	18,375
AVG					9,188
COUNT 2					
TOTAL	SEWARD, AK			621,000	18,375
AVG					9,188
COUNT 2					
TOTAL	SEWARD, AK			757,000	23,971
AVG					7,657
COUNT 3					
TOTAL	SITKA, AK		E	289,000	9,305
AVG					9,305
COUNT 1					
TOTAL	SITKA, AK		H	211,000	4,860
AVG					4,860
COUNT 1					

By D5100 (DISTRIBUOR)

01/24/08 09:52:08

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E-Teachers & H-Nurses)

COMMNO	PAG02	AMFLD3	AREA	GTBAL	GROSS1
TOTAL AVG COUNT 2	SITKA, AK			500,000	14,165 7,083
TOTAL AVG COUNT 2	SITKA, AK			500,000	14,165 7,083
TOTAL AVG COUNT 1	SOLDOTNA, AK	E		199,000	3,445 3,445
TOTAL AVG COUNT 1	SOLDOTNA, AK			199,000	3,445 3,445
TOTAL AVG COUNT 1	SOLDOTNA, AK	F		208,400	9,082 9,082
TOTAL AVG COUNT 1	SOLDOTNA, AK			208,400	9,082 9,082
TOTAL AVG COUNT 2	SOLDOTNA, AK			407,400	12,527 6,264
TOTAL AVG COUNT 1	STERLING, AK	E		295,000	11,479 11,479
TOTAL AVG COUNT 1	STERLING, AK	H		197,000	9,689 9,689

By 05104 (05 TRACHPUN)

01/24/08 09:52:00

Cumulative Purchases For
 Teacher/Nurse Option by Location
 Thru 01/24/08 (E-Teachers & H-Nurses)

PAGE 11

COMMNO	PADD2	AMPLD)	AREA	OPBAL	GROSS1
TOTAL AVG COUNT 2	STERLING, AK			492,000	21,168 10,584
TOTAL AVG COUNT 2	STERLING, AK			492,000	21,168 10,584
TOTAL AVG COUNT 2	TALKEETNA, AK		E	303,000	13,386 6,693
TOTAL AVG COUNT 2	TALKEETNA, AK			303,000	13,386 6,693
TOTAL AVG COUNT 2	TALKEETNA, AK			303,000	13,386 6,693
TOTAL AVG COUNT 3	TOK, AK		E	373,000	15,076 5,025
TOTAL AVG COUNT 3	TOK, AK			373,000	15,076 5,025
TOTAL AVG COUNT 3	TOK, AK			373,000	15,076 5,025
TOTAL AVG COUNT 1	VALDEZ, AK		E	182,100	5,457 5,457

01/24/08 09:52:08

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E-Teachers & H-Nurses)

PAGE 14

COMMNO	PADD2	ANFLD3	AREA	OPDAL	GROSS1
TOTAL AVG COUNT 1	VALDEZ, AK		II	211,000	4,070 4,870
TOTAL AVG COUNT 2	VALDEZ, AK			191,300	10,327 5,164
TOTAL AVG COUNT 2	VALDEZ, AK			191,300	10,327 5,164
TOTAL AVG COUNT 5	WASILLA, AK		E	1,035,025	31,272 5,212
TOTAL AVG COUNT 13	WASILLA, AK		II	2,495,134	76,832 5,910
TOTAL AVG COUNT 19	WASILLA, AK			1,530,159	108,104 5,690
TOTAL AVG COUNT 19	WASILLA, AK			1,530,159	108,104 5,690
TOTAL AVG COUNT 1	WRANGELL, AK		II	175,000	5,244 5,244
TOTAL AVG COUNT 1	WRANGELL, AK			175,000	5,244 5,244

By Group

(05/14/08)

01/24/08 09:52:08

Cumulative Purchases For
Teacher/Nurse Option by Location
Thru 01/24/08 (E-Teachers & H-Nurses)

PAGE 15

COMMO	PADD2	AMPLD3	AREA	OPBAL	GROSS1
	WRANGELL, AK				
TOTAL					
AVG				175,000	5,244
COUNT 1					5,244
<hr/>					
FINAL TOTALS					
TOTAL					
AVG				73,176,476	2,438,980
COUNT 378					6,452

*** END OF REPORT ***

Ly DSim

(DSTRACHUR)

January 17, 2008

The Honorable Bert Stedman
Co-Chair, Senate Finance Committee
Alaska State Legislature
Juneau, Alaska

Re: Teachers'/Health Care Professionals' Housing Loans

Dear Co-Chair Stedman:

SB 233 repeals the sunset provision of the teachers' and nurses' housing loan program and expands the program to teachers and health care professionals.

The largest obstacle to homeownership is the availability of cash. By allowing 100% financing, which does not require a down payment, it allows entry level teachers and health care professionals to become home owners where otherwise they may not have the opportunity. The ability to own a home is an important factor in recruiting and retaining teachers and health care professionals.

Since 2003, when the program was initiated, 373 teachers and nurses have mortgaged homes, at no additional cost to AHFC or to the state. AHFC does not anticipate additional cost as the result of the change to the program to include health care professionals.

I respectfully request that this legislation be scheduled for a hearing at your earliest convenience. I urge your prompt and favorable action on this measure.

If you need assistance or information, please do not hesitate to contact Bryan Butcher at 330-8445.

Sincerely

Daniel R. Fauske
CEO/Executive Director

SB

234

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): SB234CS(JUD)-CED-OL-03-26-08 Dept. Affected: Commerce
Title Criminal Law/Procedure: Omnibus Bill RDU Corp, Bus & Prof Licensing (117)
Component Corp, Bus & Prof Licensing
Sponsor Rules by Request of the Governor
Requester Senate Finance Component Number 2360

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This committee substitute amends AS 08.76 Pawnbrokers by requiring individuals to maintain an electronic record of information required by statute and submit the record as required by law enforcement agencies.

This legislation puts the requirements onto the individuals rather than the Department and would have no fiscal impact to the operations of the Division of Corporations, Business, and Professional Licensing.

Prepared by: Chris Wyatt, Administrative Officer Phone (907) 465-2572
Division Corporations, Business, and Professional Licensing Date/Time 3/26/08 6:19 PM
Approved by: Emil Notti, Commissioner Date 3/25/2008
Commerce, Community, and Economic Development

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): SB234CS(JUD)-DOA-OPA-3-21-08 Dept. Affected: Administration
Title: "An Act relating to the crimes of assault in the fourth degree..." RDU: Legal and Advocacy Services
Sponsor: Rules Committee Component: Office of Public Advocacy
Requester: Governor Component Number: 43

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services				20.2	53.5	92.5	131.5	144.5
Travel				0.7	1.8	3.1	4.4	4.6
Contractual				8.5	22.6	39.0	55.5	61.0
Supplies				0.4	1.0	1.7	2.5	2.7
Equipment				1.2	3.3	5.7	8.1	2.2
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	31.1	82.1	142.0	201.9	215.2	

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	31.1	82.1	142.0	201.9	215.2	
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	31.1	82.1	142.0	201.9	215.2	

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	0.0	0.00	0.00	0.00	0.00	0.00	1.00
Part-time	0.0	0	0	0	0	0	0
Temporary	0.0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will convert the class A misdemeanor crime of assault in fourth degree (physical crime against a person) into a class C felony for criminal defendants previously convicted two or more times of certain crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 -2b2 (excluding the non-physical crimes), most municipal assault offenses, stalking in the first and second degree, and first and second degree sexual assault and sexual abuse of a minor.

Continued on page 2

Prepared by: Rachael Levitt, Deputy Director
Division: Office of Public Advocacy
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907 269-3504
Date/Time 3/21/08, 12:00 p.m.
Date 3/21/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SB 234

ANALYSIS CONTINUATION

The Alaska Court System's records show that had this law been in place in calendar year 2007, there would have been 600 misdemeanor crimes charged as felonies. Because felony cases are more expensive and time consuming than misdemeanors, and because a number of these cases would otherwise be handled by municipal defenders rather than OPA, this bill will impact the Office of Public Advocacy. Although this bill is prospective, based upon numbers from the Department of Corrections, we believe that by 2014, the Agency will receive appointments in 130-180 new felony cases each year. This will result in the need for 1 new attorney position. We also anticipate increased contractual costs to pay for representation of clients in areas where OPA does not have staff attorneys or due to conflicts of interest.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): SB234CS(JUD)-DOA-PDA-3-20-08 Dept. Affected: Administration
Title: "An Act relating to the crimes of assault in the fourth degree..." RDU: Legal and Advocacy Services
Sponsor: Senate Rules Committee Component: Public Defender Agency
Requester: _____ Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services			107.1	214.2	321.3	321.3	321.3
Travel			2.6	5.2	7.7	7.7	7.7
Contractual			19.1	38.2	57.2	57.2	57.2
Supplies			1.7	3.4	5.0	5.0	5.0
Equipment			6.7	13.4	20.1	20.1	20.1
Lans & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0		137.2	274.4	411.3	411.3	411.3

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF			137.2	274.4	411.3	411.3	411.3
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	137.2	274.4	411.3	411.3	411.3

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time			1	2	3	3	3
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

CSSB 234(JUD) will make a misdemeanor, physical crime against a person (assault in the fourth degree) a class C felony if the defendant has been convicted two or more times of certain crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 - 282 (excluding the non-physical crimes), most municipal assault offenses, stalking in the first and second degree, and first and second degree sexual assault and sexual abuse of a minor offenses.

Continued on page 2

Prepared by: Quinlan Steiner, Director
Division: Public Defender Agency
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-4414
Date/Time 3/20/08 4 20 PM
Date 3/21/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 234(JUD)

ANALYSIS CONTINUATION

Court records show that had this law been in place in calendar year 2007 the court would have seen approximately 600 misdemeanor crimes charged as felonies. Because felony crimes are more expensive and time-consuming than misdemeanor crimes, this bill will impact the Agency.

This bill is prospective; the only prior convictions that will apply will be those that occur on or after the effective date of this Act. The Agency expects as many as 350-475 new felony cases. The Agency anticipates the need for two new attorney positions and one law office assistant position due to the expected additional cases and to the increased complexity of cases that would have formerly been processed as misdemeanors.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB234CS(JUD)-DOC-IDO-03-21-08
() Publish Date: _____

Identifier (file name): 0038-DOC-IDO-01-15-08 Dept. Affected: Corrections
Title: "Act relating to crimes of assault in fourth degree... relating to the determination of time of a conviction; ...offenses concerning controlled ..." RDU: Population Management
Sponsor: Rules Committee Component: Institution Director's Office
Requester: Senate Finance Component Number: 524

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
Miscellaneous
TOTAL OPERATING

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	.	.	.	.	.	.	.
1003 GF Match	.	.	.	.	.	.	.
1004 GF	.	.	.	.	.	.	.
1005 GF/Program Receipts	.	.	.	.	.	.	.
1037 GF/Mental Health	.	.	.	.	.	.	.
Other Interagency Receipts	.	.	.	.	.	.	.
TOTAL	.	.	.	.	.	.	.

Estimate of any current year (FY2008) cost: _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation will have an impact on the Department of Corrections.

The department has calculated costs associated with the potential increase in mandays based on a blended rate (average of in-state and out-of-state daily bed rates) of \$85.00 per day.

(See page 2)

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Dwayne Peoples, Deputy Commissioner
Department of Corrections

Phone: (907) 465-3339
Date/Time: 3/21/08 9:02 AM
Date: 3/21/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SB234CS(JUD)-DOC-IDO-03-21-08

ANALYSIS CONTINUATION

One additional Adult Probation Officer position with support costs will be necessary when the total crime legislation increases the offender population by 80. The estimated cost for each required position is \$85,600.

Offender population is based on the Courts information reflecting 600 Assault IV cases which have the potential to become felony cases. In FY2007, the Courts reflected a 76% conviction rate of felony cases.

Based on the information provided by the Courts, the Department of Corrections anticipates an impact of up to approximately 456 offenders annually. The department is also estimating that each offender will be incarcerated for 18 months.

The following reflects the impact of the increased offender population with passage of this legislation as:

Anticipated offender growth impact :

Increased mandays :

	2009	2010	2011	2012	2013	2014
Total Annual Offender Count :	0	63	192	312	395	457
Total 6 Month Offender Count :			63	192	312	395
Increased Mandays :	0	22,995	81,546	149,136	200,959	238,695

Estimated annual costs :

Blended Daily annual bed rate : **\$85.00**

Annual Incarceration Costs :	\$0	\$1,954,575	\$6,931,410	\$12,676,560	\$17,081,515	\$20,289,075
Probation Officer Costs :	\$0	\$0	\$0	\$85,600	\$256,800	\$513,600
Total Annual Costs :	\$0	\$1,954,575	\$6,931,410	\$12,762,160	\$17,338,315	\$20,802,675

PO PFT's :	0	0	0	1	3	6
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Data from Offender Tracking Information System reflecting the percentage of time from 1st to 3rd conviction :

Months	Offenders	Percentage
0 - 12	75	13.86%
13 - 24	153	28.28%
25 - 36	142	26.25%
37 - 48	98	18.11%
49 - 60	55	10.17%
61 - 67	18	3.33%
	541	100.00%

Sections 5, 10 and 11 will have an impact on the department. However, at this time Department of Corrections is unable to estimate the number of individuals who would be committed to the custody of the department as a result of these sections.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 234(JUD)
() Publish Date: _____

Identifier (file name): _____ Dept. Affected: Alaska Court System
Title Criminal Law/Procedure Omnibus Crime Bill RDU Trial Courts
Component Trial Courts
Sponsor Senate Rules Committee by Request of the Governor
Requester Senate Finance Committee Component Number 768

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services			23.8	40.9	67.1	94.1	101.4
Travel			0.8	2.3	4.0	5.6	6.0
Contractual			19.7	50.7	86.0	121.5	130.4
Supplies			6.0	3.0	3.0	3.0	3.0
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	50.3	96.9	160.1	224.2	240.8

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF			50.3	96.9	160.1	224.2	240.8
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	50.3	96.9	160.1	224.2	240.8

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time			1	1	1	1	1
Temporary			1	1	1	1	1

ANALYSIS: (Attach a separate page if necessary)

CSSB 234(JUD) will make a misdemeanor, physical crime against a person (assault in the fourth degree) a class C felony if the defendant has been convicted two or more times of certain crimes against a person within the past ten years. The predicate crimes include assault crimes under AS 11.41.100 - 282 (excluding the non-physical crimes), most municipal assault offenses, stalking in the first and second degree, and first and second degree sexual assault and sexual abuse of a minor offenses

Continued on page 2.

Prepared by: Doug Wooliver, Administrative Attorney
Division: Alaska Court System
Approved by: Stephanie Cole, Administrative Director
Alaska Court System

Phone: 907-463-4750
Date/Time: 3/20/08 11:56 AM
Date: 3/20/08

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 234(JUD)

ANALYSIS CONTINUATION

Court records show that had this law been in place in calendar year 2007 the court would have seen approximately 600 misdemeanor crimes charged as felonies. Because felony crimes are more expensive and time-consuming than misdemeanor crimes, this bill will impact the court system.

This bill is prospective in that the only prior convictions that will apply will be those that occur on or after the effective date of this Act. Based on a study of their current population, the Department of Corrections estimates that the criminal justice system will see approximately 14% of these new felony offenders in FY 2010, 23% in FY 2011, 27% in both FY 2012 and 2013, and 6% in FY 2014.

This fiscal note reflects the cost of additional superior court judicial and clerical time as well as additional juror costs.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB234CS(JUD)-LAW-CRIM-03-20-08
Bill Version: SB234CS(JUD)
() Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
Title An Act relating to the crimes of assault in the fourth degree RDU CRIMINAL
and of resisting or interfering with arrest; Component Criminal Appeals/Special Litigation
Sponsor Rules Committee
Requester Senate Finance Component Number 2203

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	132.2	0.0	132.2	132.2	132.2	132.2	132.2	132.2
Travel	2.2	0.0	2.2	2.2	2.2	2.2	2.2	2.2
Contractual	2.0	0.0	1.0	1.0	1.0	1.0	1.0	1.0
Supplies								
Equipment	6.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	142.9	0.0	135.4	135.4	135.4	135.4	135.4	135.4

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	1	-	1	1	1	1	1
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This omnibus legislation makes several changes in the criminal law which will increase prosecutions.

The bill will create a class C felony for persons who commit assault in the fourth degree (a class A misdemeanor), if the person has two convictions in the previous 10 years of serious crimes against a person. This goal of protecting society from persons who habitually assault others will have a statewide impact on the prosecution of assault.

The expansion in the court's jurisdiction to issue search warrants outside the state is designed to increase the number of cross-boarder crimes that can be prosecuted. It is anticipated that this will be especially true in computer-aided crimes and child pornography. The new attorney would receive specialized training in computer-aided offenses. **-continued-**

Prepared by: Betty Martin, Administrative Services Division Phone (907) 465-3673
Division: Administrative Services Date/Time 3/20/08 11:30 AM
Approved by: Talis Colberg, Attorney General Date 3/20/2008
Department of Law

FISCAL NOTE

ANALYSIS CONTINUATION

More sophisticated crimes in both conduct and offenders (white-collar to gang members) are being referred to the Criminal Division. The elimination of the restriction barring state prosecution of some offenses will increase the number of cases, especially these types of offenses. These are the most difficult crimes to identify and prosecute. They are generally complex. In order to deal with these matters, the Department will need a new Attorney V who will receive specialized training and skills in complex litigation, "following the money" accounting, computer forensics, and in crimes found outside the general criminal code.

The fiscal note also includes first year costs for office furniture and equipment

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 10
Bill Version: CSSB 234(JUD)
(S) Publish Date: 3/21/08

Identifier (file name): SB234-DOA-PDA-2-22-08 Dept. Affected: Administration
Title: "An Act relating to the crimes of assault in the fourth degree..." RDU: Legal and Advocacy Services
Component: Public Defender Agency
Sponsor: Senate Rules Committee Component Number: 1631
Requester: _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	321.3	0.0	321.3	321.3	321.3	321.3	321.3
Travel	7.7	0.0	7.7	7.7	7.7	7.7	7.7
Contractual	57.2	0.0	57.2	57.2	57.2	57.2	57.2
Supplies	5.0	0.0	5.0	5.0	5.0	5.0	5.0
Equipment	20.1	0.0	5.0	5.0	5.0	5.0	5.0
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	411.3	0.0	396.2	396.2	396.2	396.2	396.2

CAPITAL EXPENDITURES							
CHANGE IN REVENUES ()							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	411.3	0.0	396.2	396.2	396.2	396.2	396.2
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	411.3	0.0	396.2	396.2	396.2	396.2	396.2

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	3	0	3	3	3	3	3
Part-time	0.0	0	0	0	0	0	0
Temporary	0.0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will convert the class A misdemeanor crime of assault in fourth degree into a class C felony for criminal defendants previously convicted of two misdemeanor assaults or other crimes in violation of AS 11.41.100 - 11.41.289 within 10 years. This bill will also expand the definition of resisting arrest to include resisting arrest by disobeying an order of a peace officer.

Continued on page 2

Prepared by: Quinlan Steiner, Director
Division: Public Defender Agency
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone: 907-334-4414
Date/Time: 2/22/08 1:35 PM
Date: 2/22/2008

FISCAL NOTE # 10

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 234(JUD)

ANALYSIS CONTINUATION

Additionally, this bill will expand the court's authority to issue search warrants by phone, and the bill sets out additional procedures to be followed when a criminal defendant is incompetent to stand trial. The bill also eliminates the ten day requirement for execution and return of search warrant.

Because this bill will create a new felony offense and because it expands the definition of resisting arrest, it will have a fiscal impact on the Agency. Based upon 2007 caseload statistics derived from estimates generated by the court system and the UAA justice center (adjusted for factors impacting the percentage appointed public counsel), the Agency anticipates approximately 350-475 new felony cases; 200-300 cases that would have been assigned to the Agency as misdemeanors and 150-175 cases that would have been processed as misdemeanors by the Municipality of Anchorage. The Agency anticipates the need for two new attorney positions and one law office assistant position due to the expected additional cases and to the increased complexity of cases that would have formerly been processed as misdemeanors.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 8
 Bill Version: CSSB 234(JUD)
 (S) Publish Dat: 3/21/08
 Dept. Affected: Health & Social Services
 RDU: Behavioral Health
 Component: Alaska Psychiatric Institute

ID(File name) SB234-DHSS-API-1-31-08
 Title: CRIMINAL LAW/PROCEDURE: OMNIBUS BILL

Sponsor: RULES BY REQUEST OF THE GOVERNOR
 Requester: SENATE JUD Component No. 311

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation		Information						
	Required		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES									
Personal Services									
Travel									
Contractual									
Supplies									
Equipment									
Land & Structures									
Grants & Claims									
Miscellaneous									
TOTAL OPERATING			0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES									
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CHANGE IN REVENUES (0)									
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts									
1003 GF Match									
1004 GF									
1037 GF/Mental Health									
Other(Specify Type-do not abbreviate)									
Other(Specify Type-do not abbreviate)									
TOTAL			0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time									
Part-time									
Temporary									

ANALYSIS: (Attach a separate page if necessary)

The procedure for protecting the public from a person who, as a result of mental disease or defect, is incompetent to be tried for a crime is insufficient. This bill would address the gaps in two ways. It requires a person found incompetent to be referred to the commissioner of the Department of Health and Social Services for evaluation and treatment. It would also require 10 days notice to the prosecuting authority by the professional in charge of the person's care before the person may be released.

This bill will not have a significant fiscal impact on DHSS. However, if the current trend of increasing admissions to the Alaska Psychiatric Institute continues, it will cause capacity issues that may have to be addressed at a later date.

Prepared by: Melissa Stone, Director
 Division: Behavioral Health
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 269-3410
 Date/Time: 01/29/2008
 Date: 01/31/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: SB 234
(S) Publish Date: 1/18/08

Identifier (file name): 0038-DPS-DET-01-11-08 Public Safety
Title "An Act relating to crimes of assault in the fourth degree..." RDU Alaska State Troopers
Component AST Detachments
Sponsor Rules Committee
Requester Governor Component Number 2325

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill increases the severity of subsequent Assault IV convictions, adds a new element to the crime of Resisting or Interfering with Arrest, adds two new substances to the schedule IVA list of prohibited substances and clarifies in statute that a third conviction for theft within five years increases the severity of the crime one level. This bill also addresses problems concerning the release of persons found to be incompetent to stand trial and repeals statutes to allow for the state to prosecute for an act that another jurisdiction has already prosecuted. Finally, this bill allows the court to issue search warrants telephonically and provides for a later return of search warrant inventory.

Passage of this legislation would cause a slight increase in the number of arrests made and cases referred for prosecution. This increase can be assumed by the DPS and will have no fiscal impact on the department.

Prepared by: Lt Rodney Dial
Division: Alaska State Troopers
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone 907-269-5591
Date/Time 1/11/08 10:15 AM
Date 1/11/2008

STATE OF ALASKA

DEPARTMENT OF LAW
CRIMINAL DIVISION

Darwin

SARAH PALIN,
GOVERNOR

Mailing: PO Box 110300
Juneau, AK 99811-0300
Physical: 123 4th Street, Ste 717
Juneau, AK 99801
Phone: (907) 465-3428
Fax: (907) 465-4043

March 20, 2008

RECEIVED

MAR 20 2008

Senator Bert Stedman
Chair, Senate Finance Committee
Alaska State Capitol, Room 516
Juneau, Alaska 99801

Re: CSSB 234 (JUD)
An Act relating certain persons who lend money on secondhand articles;
relating to penalizing certain recidivist offenders as felons; etc.

Dear Senator Stedman:

I am writing to respectfully request that you schedule the referenced bill for hearing in the Senate Finance Committee at your earliest convenience. The bill includes several provisions to enhance public safety in Alaska, including a provision that would raise the consequences for bullies who repeatedly assault others, including their family members; and would help avoid the release of persons found incompetent to be tried for a crime without adequate evaluation and notice to law enforcement. It also includes provisions to make the administration of justice more efficient; for example, it would allow a court to issue a search warrant by telephonic or other electronic means in all investigations.

A sectional analysis is attached that describes each provision of the bill.

Thank you for your consideration of this request.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By:

Richard Svobodny
Richard Svobodny
Deputy Attorney General

CSSB 234 (JUD)
SECTIONAL ANALYSIS

Sections 1 and 2 require a person who lends money on secondhand articles in a municipality with over 5,000 residents to maintain records in an electronic format of the transactions the person makes.

Sections 3 and 4 provide that a person commits assault in the third degree, a class C felony, if the person commits assault in the fourth degree that is an injury assault, and has been convicted in the past 10 years of two or more crimes against the person that are homicide, assault (except misdemeanor fear assault), stalking, first and second degree sexual assault, or first or second degree sexual abuse. Generally, fourth degree assault is a class A misdemeanor. Making a third conviction of this offense a class C felony will help stop the often escalating violence by persons who repeatedly harm other people. Section 4 clarifies that a conviction occurs on the date that the sentence is imposed.

Section 5 allows for a peace officer or owner of a commercial establishment to detain a person for a reasonable time if there is probable cause to believe the person has committed or attempted to commit theft from the establishment.

Section 6 clarifies that when a theft offense is enhanced one level because the defendant has two prior thefts within five years of the new crime, a prior conviction occurs on the date the defendant was sentenced for the theft.

Section 7 adds carisprodol (commonly called Soma and listed as a controlled substance in 17 states), zolpidem (commonly called Ambien and listed as a Schedule IV substance in the federal schedules), and zopiclone (commonly called Lunesta and listed as a Schedule IV substance in the federal schedules) to Alaska's schedules of controlled substances. The substances would be listed in Schedule IVA. These prescription drugs have been widely abused, and have been found by law enforcement to be present in drivers who are impaired.

Section 8 clarifies that a court may issue a search warrant for property located outside the state. The issue of a court's authority out of state has arisen in white collar investigations where the state seeks stored electronic information. Companies that store this information are willing to provide it if law enforcement presents a search warrant for it. This will clarify that a court may issue a warrant to obtain the information.

Section 9 allows a judicial officer to issue a search warrant over the telephone or other electronic means in all cases. Alaskans rely on the telephone and other electronic communication in the important affairs of their lives. Law enforcement should not have to drive or fly to a judicial officer for a search warrant when electronic means are available for the court to fairly evaluate the evidence.

Sections 10, 11, 12, 14, and 15 will help avoid the potentially dangerous situation where a person charged with a crime, but found incompetent to be tried for it, is released back into a community without adequate consideration of the danger the individual may present, and without notice of release to the prosecution.

It requires a person charged with a felony and found incompetent to be evaluated for commitment and treatment. If the defendant remains incompetent after one year (for persons charged with crimes involving force and presenting a substantial danger to others), the bill would require that civil commitment proceedings be considered.

The bill would also adopt a rebuttable presumption that a person charged with a felony but found incompetent to proceed is mentally ill and likely to present a danger to himself or others. It allows the court to consider the conduct with which the person was charged in making this determination.

Before a person found incompetent to proceed may be released from the hospital, the professional authorizing the release must give at least 10 days notice to the prosecution. This notice will allow the prosecution time to reinstate charges if appropriate under the circumstances, and also give law enforcement forewarning that the person will be returning to the community.

Section 13 allows the governor to delegate her extradition responsibilities either to the lieutenant governor or the head of a principal department in the executive branch. The appointment must be in writing and filed with the lieutenant governor.

Section 16 repeals AS 12.35.015(f) to conform to the amendment in Section 9, that allows a court to issue search warrants by telephone and other electronic means.

Section 17 repeals AS 11.71.310 and AS 12.20.010, that prohibit prosecution by the state for violations of state law if the federal government has prosecuted the same act for violation of federal law. Although this situation does not occur often, it is important that Alaska has the authority to enforce its laws and protect its interests and its citizens.

Section 18 changes a court rule to allow a more time for the return with inventory of a search warrant.

Sections 19 and 20 include the applicability and effective date clauses.

*Adopted
3/24/08*

RECEIVED
25-GS2038\K
Luckhaupt
3/24/08
MAR 24 2008

CS FOR SENATE BILL NO. 234(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain persons who lend money on secondhand articles; relating to
2 penalizing certain recidivist offenders as felons; relating to defenses for the detention
3 of persons suspected of committing concealment of merchandise or theft; relating to
4 controlled substances; relating to the determination of time of a conviction; relating to
5 issuance of search warrants; relating to persons found incompetent to stand trial
6 concerning criminal conduct; relating to probation for certain offenses; relating to
7 restitution for fish and game violations; relating to aggravating factors at sentencing;
8 relating to criminal extradition authority of the governor; removing the statutory bar
9 to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of Criminal
10 Procedure, relating to execution of warrants; and providing for an effective date."

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

12 * Section 1. AS 08.76.010 is amended by adding a new subsection to read:

1 (b) A person who lends money on secondhand articles under (a) of this
2 section and is located in a municipality that has a population of over 5,000 shall also
3 maintain an electronic record that provides the information required by (a)(1) and (4)
4 of this section for the secondhand articles on which the person lends money. The
5 person shall submit the electronic record as required by the municipal law
6 enforcement agency.

7 * Sec. 2. AS 08.76.020 is amended to read:

8 Sec. 08.76.020. **Manner of recording entry.** The entries in the book and
9 the electronic record required by AS 08.76.010 shall appear in chronological order
10 and, when made in a book, in ink or indelible pencil. Blank lines may not be left
11 between entries. Obliterations, alterations, or erasures may not be made. Corrections
12 shall be made by drawing a line [IN INK] through the entry without destroying its
13 legibility, and, when made in a book, the line shall be drawn in ink. The book
14 shall be open to the inspection of a peace officer at reasonable times.

15 * Sec. 3. AS 11.41.220(a) is amended to read:

16 (a) A person commits the crime of assault in the third degree if that person

17 (1) recklessly

18 (A) places another person in fear of imminent serious
19 physical injury by means of a dangerous instrument;

20 (B) causes physical injury to another person by means of a
21 dangerous instrument; or

22 (C) while being 18 years of age or older

23 (i) causes physical injury to a child under 10 years of
24 age and the injury would cause a reasonable caregiver to seek medical
25 attention from a health care professional in the form of diagnosis or
26 treatment;

27 (ii) causes physical injury to a child under 10 years of
28 age on more than one occasion;

29 (2) with intent to place another person in fear of death or serious
30 physical injury to the person or the person's family member makes repeated threats to
31 cause death or serious physical injury to another person;

1 (3) while being 18 years of age or older, knowingly causes physical
 2 injury to a child under 16 years of age but at least 10 years of age and the injury
 3 reasonably requires medical treatment; [OR]

4 (4) with criminal negligence causes serious physical injury under
 5 AS 11.81.900(b)(56)(B) to another person by means of a dangerous instrument; or

6 (5) violates AS 11.41.230(a)(1) or (2) and, within the preceding 10
 7 years, the person was convicted on two or more separate occasions of a crime in
 8 violation of

9 (A) AS 11.41.100 - 11.41.170;

10 (B) AS 11.41.200 - 11.41.220;

11 (C) AS 11.41.230(a)(1) or (2);

12 (D) AS 11.41.280 - 11.41.282;

13 (E) AS 11.41.260 - 11.41.270;

14 (F) AS 11.41.410, 11.41.420, 11.41.436, or 11.41.438;

15 (G) a law in another jurisdiction that is similar to those

16 described in (A) - (F) of this paragraph.

17 * Sec. 4. AS 11.41.220 is amended by adding a new subsection to read:

18 (c) In (a)(5) of this section, the court shall consider the date of a previous
 19 conviction as occurring on the date that sentence is imposed for the previous offense.

20 * Sec. 5. AS 11.46.230(a) is amended to read:

21 (a) In a civil or criminal action upon the complaint of a person who has been
 22 detained in or in the immediate vicinity of a commercial establishment for the
 23 purpose of investigation or questioning as to the ownership of merchandise, it is a
 24 defense that

25 (1) the person was detained in a reasonable manner and for not more
 26 than a reasonable time to permit investigation or questioning by a peace officer or by
 27 the owner of the commercial establishment or the owner's agent; and

28 (2) the peace officer, owner, or owner's agent had probable cause to
 29 believe that the person detained was committing or attempting to commit
 30 concealment of merchandise or theft from the commercial establishment.

31 * Sec. 6. AS 11.46.295 is amended to read:

1 **Sec. 11.46.295. Prior convictions.** For purposes of considering prior
2 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or
3 11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under
4 AS 11.46.220(c), a conviction for an offense under another law or ordinance with
5 similar elements is a conviction of an offense having elements similar to those of an
6 offense defined as such under Alaska law at the time the offense was committed.
7 **The court shall consider the date of a prior conviction as occurring on the date**
8 **that sentence is imposed for the prior offense.**

9 * Sec. 7. AS 11.71.170(b) is amended by adding new paragraphs to read:

10 (30) carisprodol;

11 (31) zolpidem;

12 (32) zopiclone.

13 * Sec. 8. AS 12.35.010(a) is amended to read:

14 (a) A judicial officer may issue a search warrant upon a showing of probable
15 cause, supported by oath or affirmation, and particularly describing the place to be
16 searched and the thing to be seized. **The court may issue a search warrant for a**
17 **place or property located either in the state or outside the state.**

18 * Sec. 9. AS 12.35.015(a) is amended to read:

19 (a) A judicial officer may issue a search warrant upon the sworn oral
20 testimony of a person communicated by telephone or other appropriate means, or
21 sworn affidavit transmitted by facsimile machine [, IF THE JUDICIAL OFFICER
22 FINDS THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT

23 (1) THE PRESENTATION OF THE APPLICANT'S AFFIDAVIT
24 OR TESTIMONY PERSONALLY BEFORE THE JUDICIAL OFFICER WOULD
25 RESULT IN A DELAY IN OBTAINING OR EXECUTING A SEARCH
26 WARRANT; AND

27 (2) THE DELAY MIGHT RESULT IN LOSS OR DESTRUCTION
28 OF THE EVIDENCE SUBJECT TO SEIZURE OR MIGHT INTERFERE WITH
29 AN ONGOING INVESTIGATION].

30 * Sec. 10. AS 12.47.110(a) is amended to read:

31 (a) When the trial court determines by a preponderance of the evidence, in

1 accordance with AS 12.47.100, that a defendant is so incompetent that the defendant
2 is unable to understand the proceedings against the defendant or to assist in the
3 defendant's own defense, the court shall order the proceedings stayed, except as
4 provided in (d) of this section shall, [AND MAY] commit a [THE] defendant
5 charged with a felony and may commit a defendant charged with any other
6 crime to the custody of the commissioner of health and social services or the
7 commissioner's authorized representative for further evaluation and treatment until
8 the defendant is mentally competent to stand trial, or until the pending charges
9 against the defendant are disposed of according to law, but in no event longer than
10 90 days.

11 * Sec. 11. AS 12.47.110(b) is amended to read:

12 (b) On or before the expiration of the initial 90-day period of commitment,
13 the court shall conduct a hearing to determine whether or not the defendant remains
14 incompetent. If the court finds by a preponderance of the evidence that the defendant
15 remains incompetent, the court may recommit the defendant for a second period of
16 90 days. The court shall determine at the expiration of the second 90-day period
17 whether the defendant has become competent. If, at the expiration of the second 90-
18 day period, the court determines that the defendant continues to be incompetent to
19 stand trial, the charges against the defendant shall be dismissed without prejudice,
20 and continued commitment of the defendant shall be governed by the provisions
21 relating to civil commitments under AS 47.30.700 - 47.30.915 unless the defendant
22 is charged with a crime involving force against a person and the court finds that the
23 defendant presents a substantial danger of physical injury to other persons and that
24 there is a substantial probability that the defendant will regain competency within a
25 reasonable period of time, in which case the court may extend the period of
26 commitment for an additional six months. If the defendant remains incompetent at
27 the expiration of the additional six-month period, the charges shall be dismissed
28 without prejudice, and continued [EITHER CIVIL] commitment proceedings shall
29 be governed by the provisions relating to civil commitment under AS 47.30.700 -
30 47.30.915 [INSTITUTED OR THE COURT SHALL ORDER THE RELEASE OF
31 THE DEFENDANT]. If the defendant remains incompetent for five years after the

1 charges have been dismissed under this subsection, the defendant may not be
2 charged again for an offense arising out of the facts alleged in the original charges,
3 except if the original charge is a class A felony or unclassified felony.

4 * Sec. 12. AS 12.47.110 is amended by adding a new subsection to read:

5 (c) A defendant charged with a felony and found to be incompetent to
6 proceed under this section is rebuttably presumed to be mentally ill and to present a
7 likelihood of serious harm to self or others in proceedings under AS 47.30.700 -
8 47.30.915. In evaluating whether a defendant is likely to cause serious harm, the
9 court may consider as recent behavior the conduct with which the defendant was
10 originally charged.

11 * Sec. 13. AS 12.55.090(a) is amended to read:

12 (a) Probation may be granted whether the offense under AS 11 or AS 16 or
13 the crime is punishable by fine or imprisonment or both. If an offense under AS 11
14 or AS 16 or a crime is punishable by both fine and imprisonment, the court may
15 impose a fine and place the defendant on probation as to imprisonment. Probation
16 may be limited to one or more counts or indictments, but, in the absence of express
17 limitation, shall extend to the entire sentence and judgment.

18 * Sec. 14. AS 12.55.155(c)(8) is amended to read:

19 (8) the defendant's prior criminal history includes conduct involving
20 aggravated assaultive behavior or repeated instances of assaultive behavior; in this
21 paragraph, "aggravated assaultive behavior" means assault that is a felony
22 under AS 11.41. or a similar provision in another jurisdiction;

23 * Sec. 15. AS 12.55.155(l) is amended to read:

24 (l) If the state seeks to establish a factor in aggravation at sentencing
25 (1) under (c)(7), (8), (12), (15), (18)(B), (19), (20), (21), or (31) of
26 this section, or if the defendant seeks to establish a factor in mitigation at sentencing,
27 written notice must be served on the opposing party and filed with the court not later
28 than 10 days before the date set for imposition of sentence; the factors in aggravation
29 listed in this paragraph and factors in mitigation must be established by clear and
30 convincing evidence before the court sitting without a jury; all findings must be set
31 out with specificity;

1 (2) other than one listed in (1) of this subsection, the factor shall be
 2 presented to a trial jury under procedures set by the court, unless the defendant
 3 waives trial by jury, stipulates to the existence of the factor, or consents to have the
 4 factor proven under procedures set out in (1) of this subsection; a factor in
 5 aggravation presented to a jury is established if proved beyond a reasonable doubt;
 6 written notice of the intent to establish a factor in aggravation must be served on the
 7 defendant and filed with the court

8 (A) 20 days before trial, or at another time specified by the
 9 court;

10 (B) within 48 hours, or at a time specified by the court, if the
 11 court instructs the jury about the option to return a verdict for a lesser
 12 included offense; or

13 (C) five days before entering a plea that results in a finding of
 14 guilt, or at another time specified by the court.

15 * Sec. 16. AS 12.70.280(2) is amended to read:

16 (2) "governor" includes

17 (A) a person performing the functions of governor by
 18 authority of the law of this state; and

19 (B) the lieutenant governor or the head of a principal
 20 department in the executive branch appointed by the governor to act on
 21 behalf of the governor in performing extradition duties under this
 22 chapter; the appointment shall be in writing and filed with the lieutenant
 23 governor;

24 * Sec. 17. AS 16.05.925(b) is amended to read:

25 (b) In addition to a penalty imposed under (a) of this section or any other
 26 penalty for violation of this title or a regulation adopted under this title, a person
 27 who is convicted of unlawfully taking an animal listed in this subsection may be
 28 ordered by the court to pay restitution to the state in the amount set out in this
 29 subsection for each animal unlawfully taken:

- 30 (1) Bear, black \$ 600
 31 (2) Bear, brown or grizzly 1,300

1 (3) Bison 1,300
 2 (4) Caribou 850
 3 (5) Deer 400
 4 (6) Elk 800
 5 (7) Goat 800
 6 (8) Moose 1,000
 7 (9) Musk oxen 3,000
 8 (10) Sheep 1,100
 9 (11) Wolf 500
 10 (12) Wolverine 500.

11 * Sec. 18. AS 47.30.780 is amended to read:

12 Sec. 47.30.780. Early discharge. Except as provided in (b) of this section,
 13 the [THE] professional person in charge shall at any time discharge a respondent on
 14 the ground that the respondent is no longer gravely disabled or likely to cause serious
 15 harm as a result of mental illness. A certificate to this effect shall be sent to the court,
 16 which shall enter an order officially terminating the involuntary commitment.

17 * Sec. 19. AS 47.30.780 is amended to add a new subsection to read:

18 (b) The professional person in charge shall give the prosecuting authority 10
 19 days' notice before discharging a respondent who was committed after having been
 20 found incompetent to proceed under AS 12.47.110.

21 * Sec. 20. AS 12.35.015(f) is repealed.

22 * Sec. 21. AS 11.71.310 and AS 12.20.010 are repealed.

23 * Sec. 22. The uncodified law of the State of Alaska is amended by adding a new section
 24 to read:

25 DIRECT COURT RULE AMENDMENT. Rule 37(b), Alaska Rules of
 26 Criminal Procedure, is amended to read:

27 (b) **Execution and Return with Inventory.** The warrant shall be executed
 28 and returned within 30 [10] days after its date of issuance. However, upon sworn
 29 application made before the expiration of the initial 30 [10] day period or any
 30 subsequent extension, the court may for good cause extend the execution period for a
 31 reasonable time not to exceed 30 [10] days. Good cause includes protecting the

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confidentiality of an ongoing investigation and protecting a person working with law enforcement authorities on an investigation. The officer taking property under the warrant

(1) shall give to the person from whom or from whose premises the property was taken a copy of the warrant, a copy of the supporting affidavits, and receipt for the property taken, or

(2) shall leave the copies and the receipt at the place from which the property was taken.

The return shall be made promptly and shall be accompanied by a written inventory of any property taken as a result of the search pursuant to or in conjunction with the warrant. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be signed by the officer under the penalty of perjury pursuant to AS 09.63.020 or sworn to in front of a magistrate or judge, or a notary public. The magistrate or judge or the court to which the return is made shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

* Sec. 23. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) Sections 3, 4, 7, 13 - 15, 17, and 21 of this Act apply to an offense occurring on or after the effective date of this Act. References to previous convictions under sec. 3 of this Act apply to convictions occurring on or after the effective date of this Act.

(b) Section 6 of this Act applies to an offense occurring before, on, or after the effective date of this Act.

(c) Sections 8, 9, 20, and 22 of this Act apply to search warrants applied for on or after the effective date of this Act, regardless of whether the offense occurred before, on, or after the effective date of this Act.

(d) Sections 10 - 12, 18, and 19 of this Act apply to procedures occurring after the

1 effective date of this Act, regardless of whether the offense occurred before, on, or after the
2 effective date of this Act.

3 (e) Section 16 of this Act applies to applications for criminal extraditions submitted
4 on or after the effective date of this Act, regardless of whether the offense occurred before,
5 on, or after the effective date of this Act.

6 (f) Section 5 of this Act applies to offenses occurring and actions arising on or after
7 the effective date of this Act.

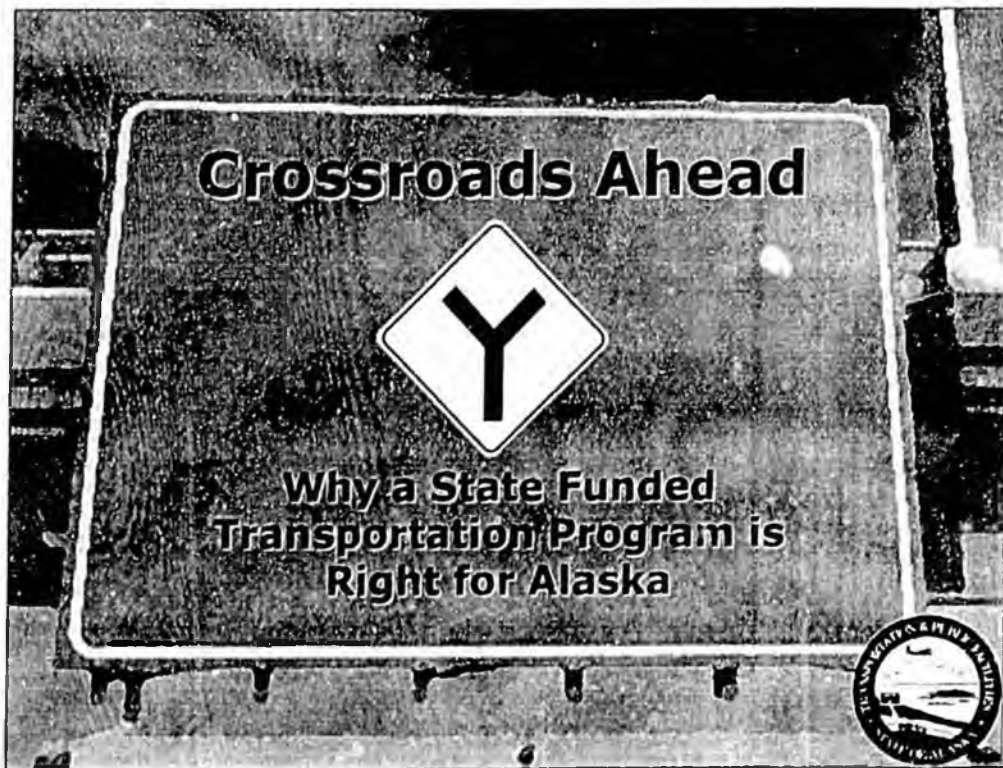
8 * Sec. 24. This Act takes effect July 1, 2008.

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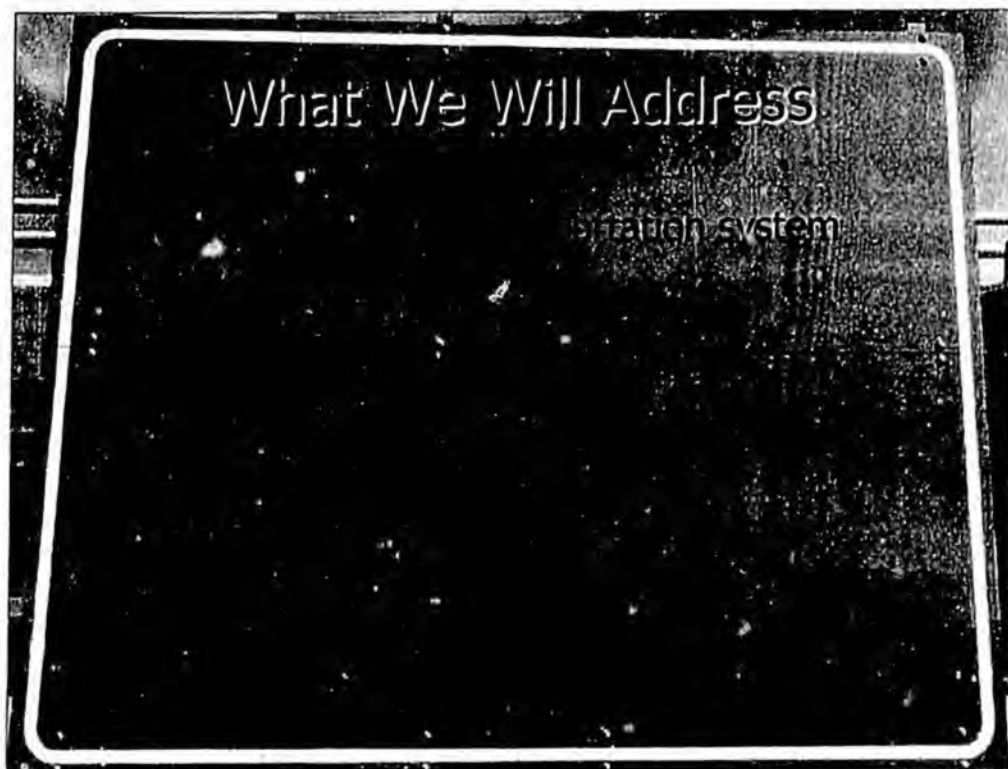
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Good afternoon Mr. Chairman and Members of the Committee.

For the Record – Frank Richards, Deputy Commissioner for the DOT&PF

I am here to tell you about the FORK in the road we are approaching with our Transportation System



Today, I will describe for you the State of Alaska's Transportation System and how we are constrained in addressing our aging assets.

I will describe for you what other States are doing to meet similar issues, particularly on their Highways, and

Present to you Governor Palin's approach to meeting our Transportation needs in the Future with an Alaska Transportation Fund.

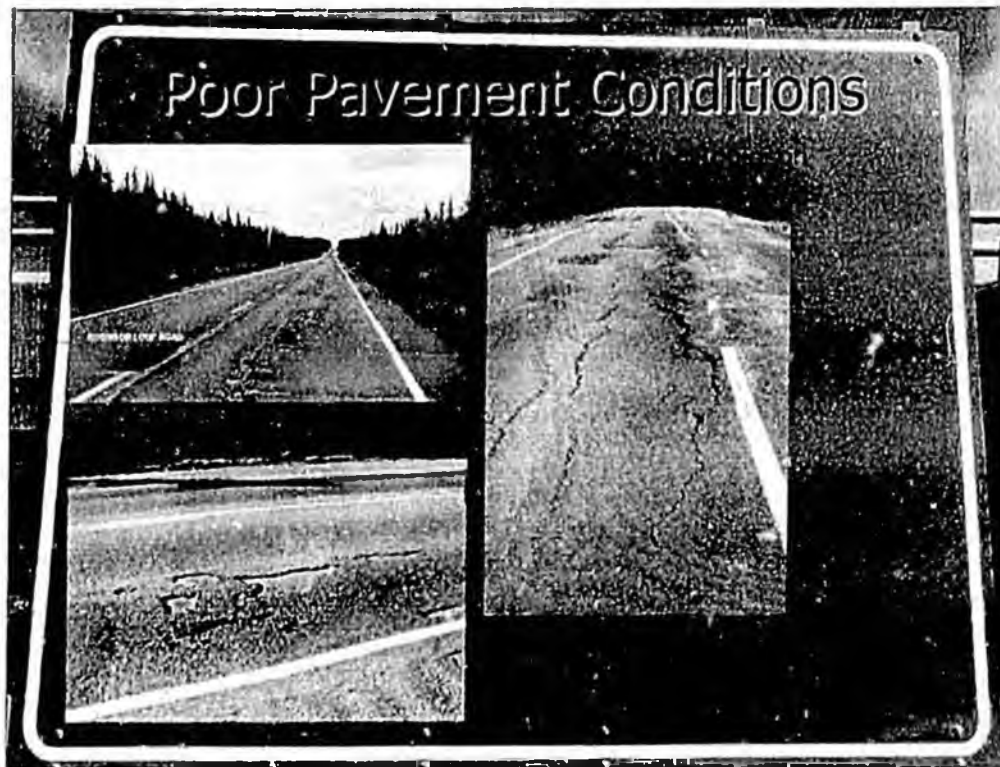


When we look at the existing infrastructure across Alaska,

We see SAFETY concerns across the modes: from fatal accidents on our roads and highways to seasonal closures of airports which significantly impact the flow of goods and people;

We see CONGESTION impacting our larger communities affecting everything from Commuters to the movement of freight and School buses;

AND we see that our assets are deteriorating because we are unable to do the necessary preservation and preventative activities due to our limited funding

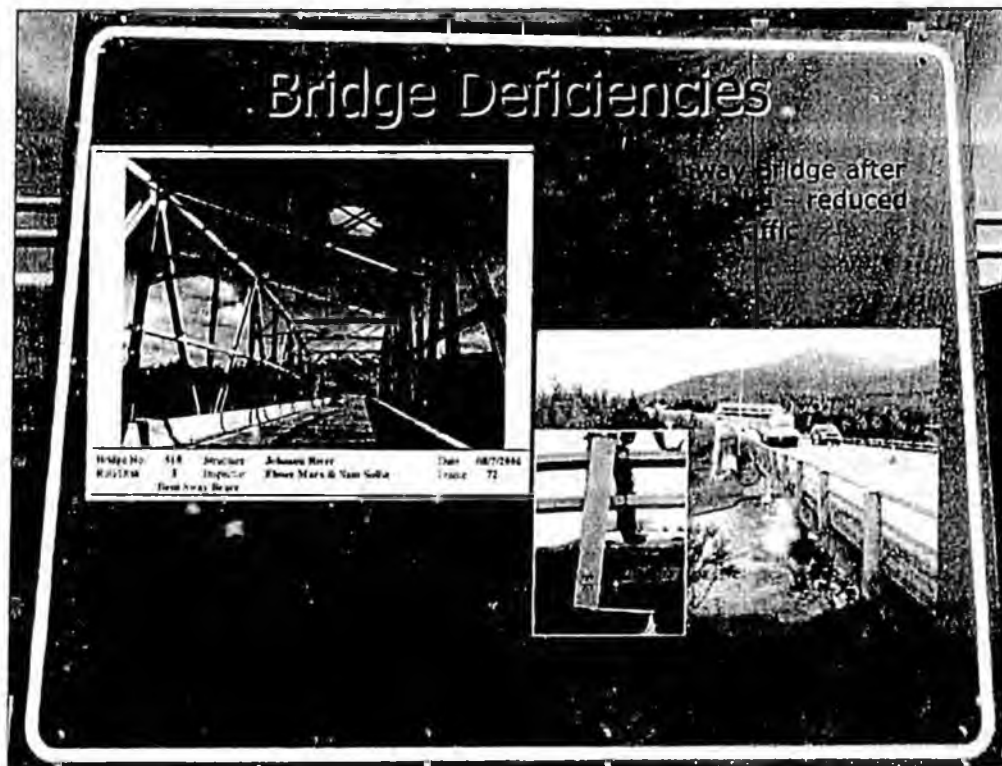


As these photos illustrate portions of our highways are in very poor condition.

We estimate the backlog of pavement that has reached the end of its useful life is ~\$300 M for our NHS routes (2,100 miles), this includes such highways as the Glen, Parks, Richardson, Sterling, Alaska and Dalton Highways. We estimate the pavement deterioration on these routes alone is growing at a rate of about \$80 M each year. Other systems, Alaska Highway System and Community Transportation Program (including local owned) are in addition to this need.

We estimate that every \$1 of timely pavement life cycle investment can save \$4 of more extensive repairs.

This is very hard to put this into practice, with such a large backlog of already failed pavements.



We also have challenges with our bridges although we have made good progress towards bridge repairs, but by no means is the job done yet.

For example we have completed or will complete work on: Washington Creek Bridge, several Parks Hwy bridges, Hicks Creek, Kenai River at Soldotna, and South Channel at Unalaska. The Tanana River Bridge on Alaska and bridges at Hyder and Gustavus are scheduled for projects this year, if we can obtain the environmental permits.

As the slide notes, about 10% of our bridges (86) need seismic retrofits. This work includes:

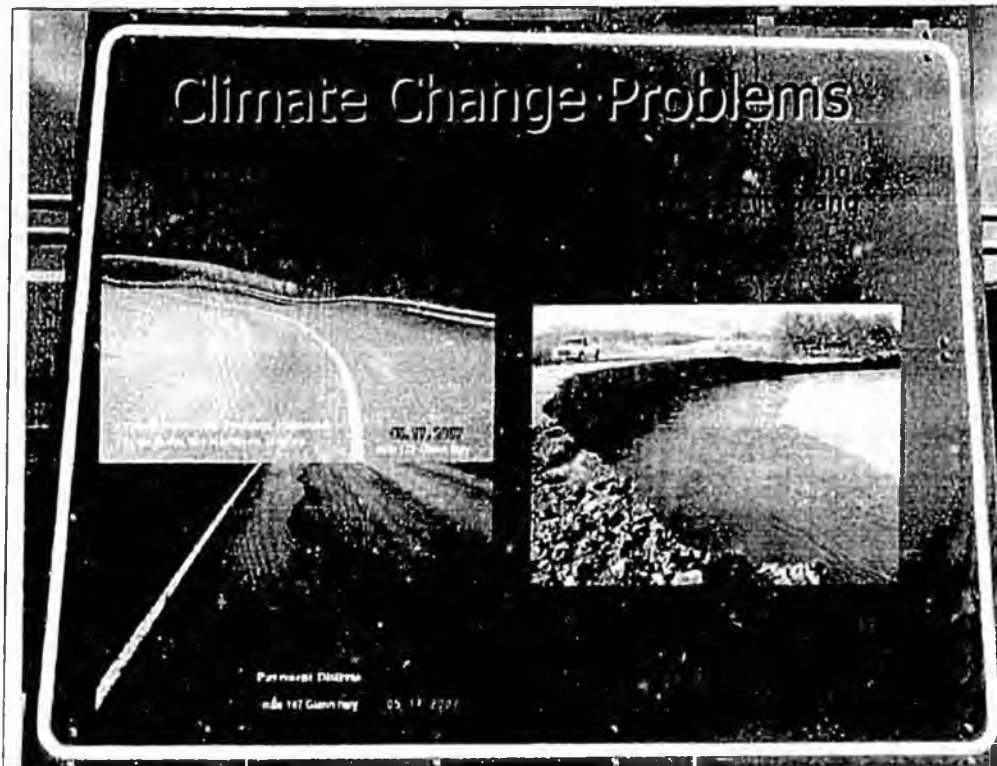
- Lengthening bearing seats
- Cabbling girders together
- Anchoring bridges to their supports
- Strengthening columns and footings
- Replacing tall rocker bearings with shorter rubber bearing pads or isolators

I believe that we have spent almost \$20M to date and we are not done. So far, we have performed "Phase I" (most bang for the buck – about 10 bridges per project) retrofit. Within the next few years we will need to start "Phase II" (expensive – maybe one or two bridges per project).

+++++
 Other key facts:

About 15 other NHS bridges are in need of replacement or rehabilitation (scoring below 50 on the rating scale) and their turn for funding must wait. The structural deficiency rating scale ranges from 0 to 100, and a bridge must have at least one deficient scoring factor (deck, super structure, sub structure) also.

Another 45 non-NHS bridges also score below 50 on the rating scale. (some of these may be on very low volume roads, such as logging roads).



Across the State our Transportation assets are being impacted by **CHANGING CLIMATIC CONDITIONS** – we are seeing

Heavier Precipitation Events

Greater frequency of Strong Storms

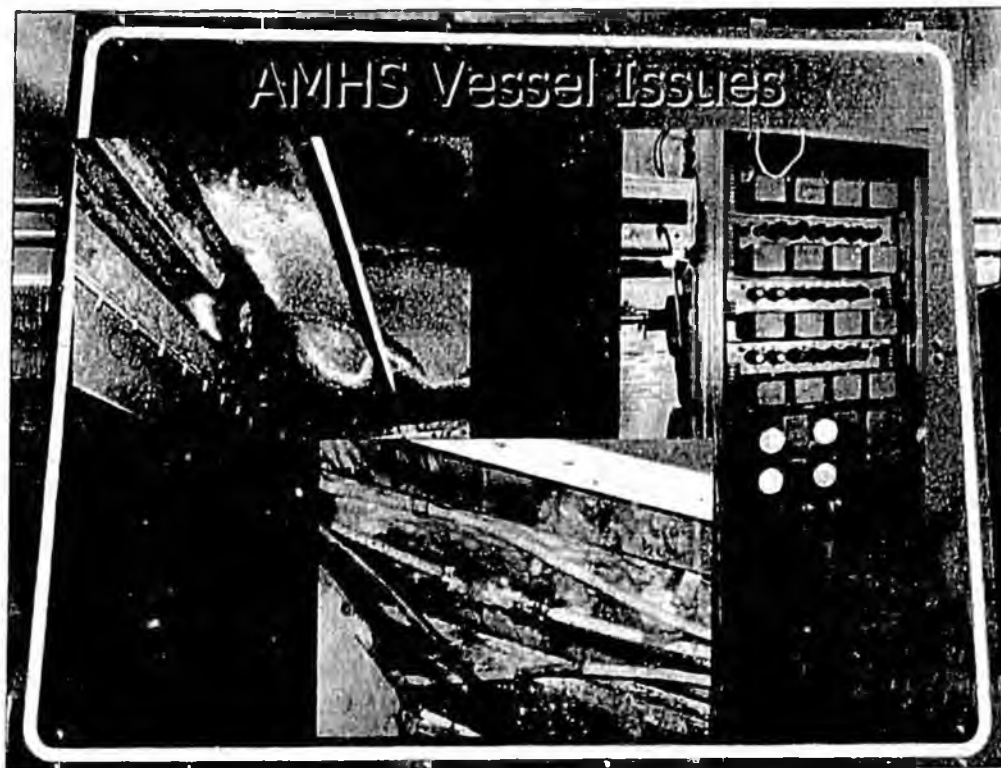
Warmer Summers and

Extended shoulder seasons both fall and spring with more freeze/thaw cycles

We are also seeing more extensive Permafrost Degradation and the associated shifting ground that is impacting our highways and airports.

Work is needed to protect the Copper River Highway. We estimate ~ \$50 M to shore up and raise the grade as a direct consequence of the river changing course following a major 2006 storm event.

Additionally, we are seeing the large impacts on coastal communities such as Newtok, Shishmaref and Kivalina from fall storm damage

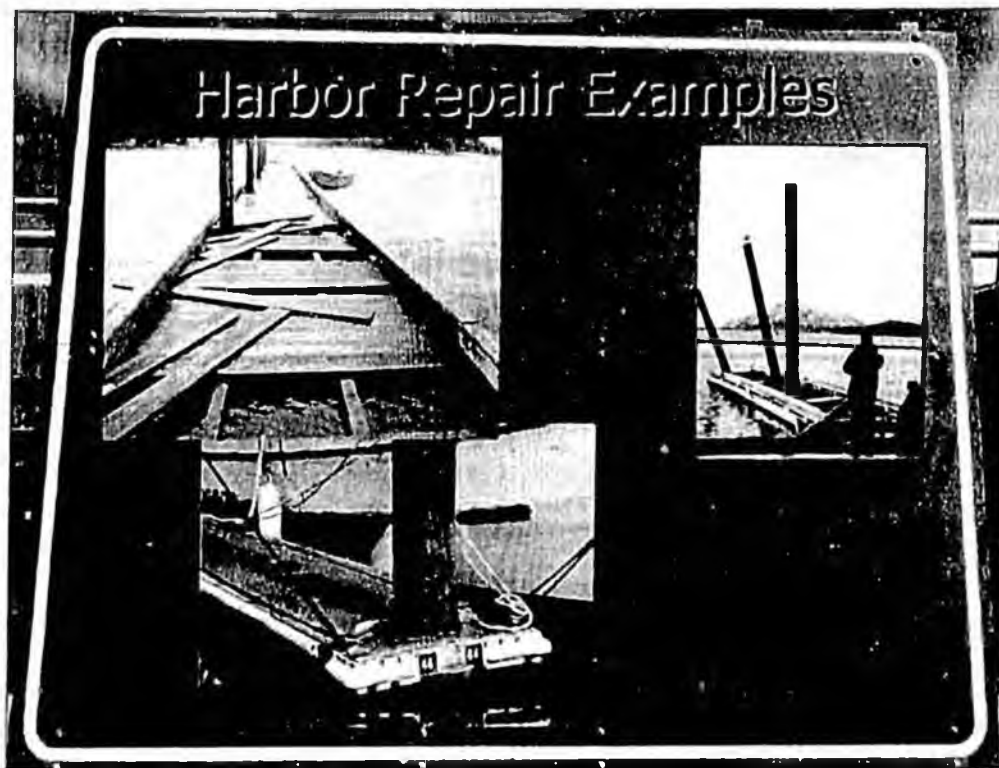


Our AMHS has identified a list of deferred maintenance, by vessel, that amounts to \$18M of immediate needs.

This information suggests the real number is much larger, but often, without access to hidden spaces, we simply can't know the degree of need. These problems are often only discovered when a vessel goes into the yard, and hidden areas are opened as part of planned work, at which time bigger problems are discovered.

This does not include major capital projects such as complete reconstruction of engine rooms, hull parts and other needs.

Many of these needs are mission or life safety critical, such as fire/bilge pump replacement, salt water cooling pumps, sprinkler piping renewal, fire control systems, ventilation fans and ducts, engine control systems, exhaust stack replacement, boiler controls,



The department has been divesting itself of Ports and Harbors ownership for two decades primarily due to long standing budget concerns. But the needs of our remaining assets and those of the community owned facilities continues to be an issue.

The state has not kept comprehensive records of deferred maintenance or capital needs, but the Alaska Association of Harbormasters and Port Administrators have estimated they have ~ \$100M in harbor repair needs. **But this only covers 49 harbors in 22 communities** (Chenega, Cordova, Craig, Homer, Juneau, Ketchikan, King Cove, Kodiak, Old Harbor, Pelican, Petersburg, Sand Point, Seldovia, Seward, Sitka, Skagway, Tatitlek, Valdez, Wrangell, Whittier, and Yakutat).

There are approximately 476 (public and private) port and harbor facilities in the state (as of 2004), with 240 in SE Alaska and 236 in SW and western Alaska.

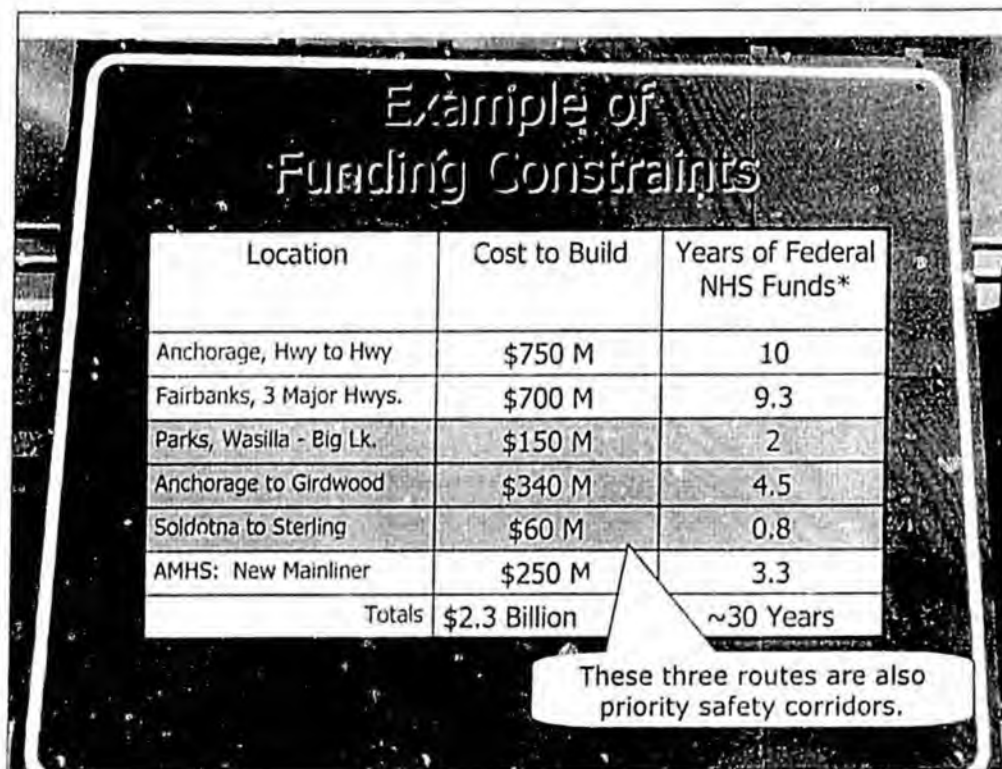
We recently partnered with the Denali Commission and the Army Corps of Engineer to conduct a comprehensive study of the needs of Ports and Harbors in Alaska. We have placed \$500 K into 2008 supplemental request for this effort . Not only are existing facilities aging, but there are examples of new investments that are needed also. We intend to look at both marine and inland needs.



We are the largest airport operator in the nation with 256 airports statewide. This includes airports from Barrow to Adak to Hollis. Even though we continue to receive a very healthy investment from FAA for airports, many of our needs are unmet.

Our needs include SAFETY items such as rutting on soft embankments and crowding of the runway/airports by homes and businesses.

Additionally, we see our assets deteriorating. We have cracked asphalt surface surfaces, loss of gravel surfacing materials, and aging lighting systems that are very difficult to maintain.



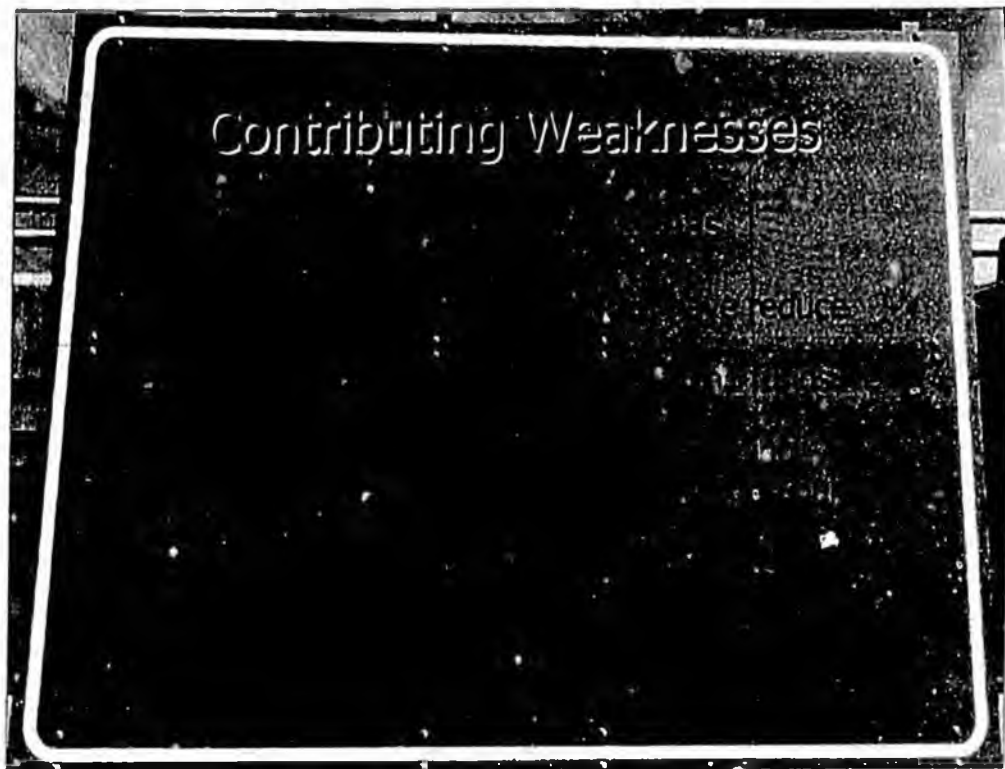
I present this chart to illustrate how challenged we are to FUND major priority NHS projects with our current Federal Program. Our current annual NHS allocation is ~ \$80M. This chart shows how long it would take to fund one of our priority projects if we funded just that project with our annual allocation of NHS funds. For example if we wanted to upgrade the Parks Highway we would have to allocate all the NHS funds for 2 years to just that project. The list could include dozens of other equally worthy projects, such as Haines Highway or Seward Highway near Trail and Kenai lakes or Cooper Landing.

The Fairbanks list is the 3 main routes that lead to Fairbanks:

- Parks, Houston to Fairbanks \$200 M
- Rich, Upgrade deficient sections and bridges \$425 M
- Elliott, MP 4 to Dalton junction \$75 M

These costs are in 2008 dollars and does not include the impact of future construction cost increases or in trends in federal program which may result in smaller funding levels, so likely even a longer timeline is needed to address this selected set of needs.

The point of this list is to illustrate the degree of need far outpaces the revenue available.



The use of Federal funds became more challenging with the latest Highway Reauthorization bill, named SAFETEA-LU due to:

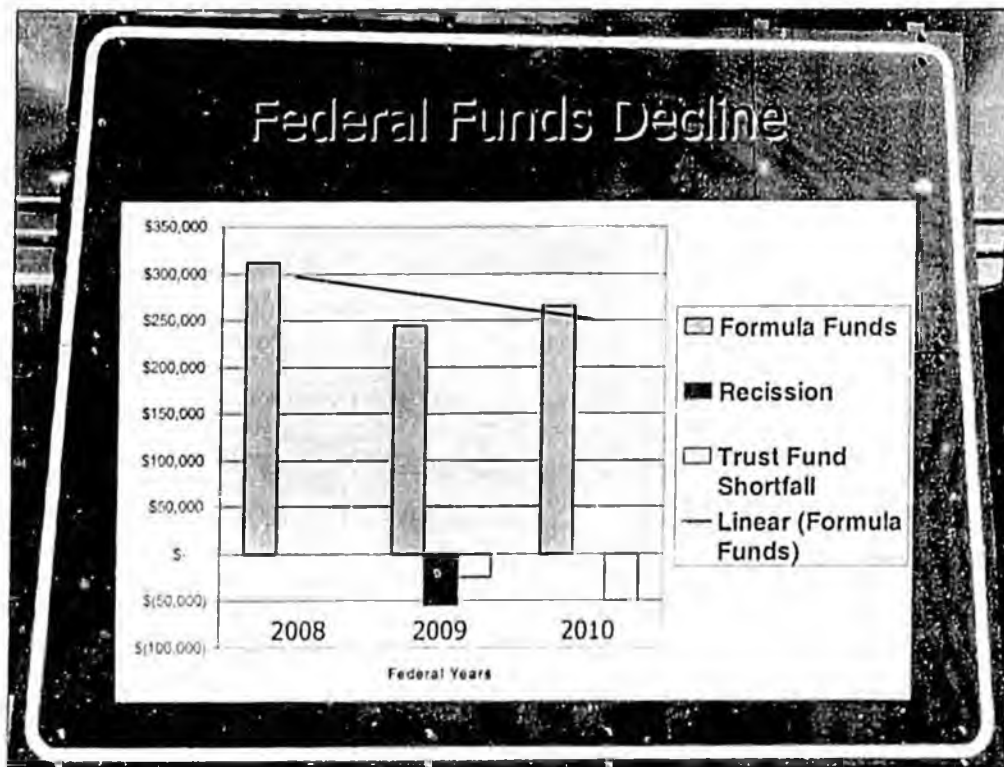
Deductive Earmarks

More set aside programs such as safe routes to school, recreational trails, and others

More Restrictive Regulations and

Loss of flexibility within the various funding categories

General purpose funds in SAFETEA-LU available for project accomplishment were actually lower than in its predecessor bill TEA-21.



This represents a best estimate on what our FHWA receipts will be over the next couple of years based on current information from FHWA, with plenty of uncertainty thrown in.

Formula funds, are inclusive of both the flexible and inflexible types of apportionment. The Chart does not include earmark funds anticipated in the 2008 and 2009 years, from SAFETEA-LU earmarks.

The trust Fund shortfall has been updated with the latest information from FHWA.

The \$50M recission shown in 2009 is as written into SAFETEA-LU legislation. Only a act of Congress can change this.

The 2010 Year is very much a guess. What will the program change to, and in what year we do not know as the next Reauthorization is due in 2010. I have assumed 2010 is a continuation year, and funds will grow very modestly before accounting for trust fund difficulties.

Please Note that the shortfall is about equal to the initial funding from the ATF, of about \$50 M each year.