

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3386

268

**Alaska Commission on Aging (ACoA)
Testimony on SB 243
Prepared by Denise Daniello, ACoA Executive Director**

The purpose of this proposed legislation is to amend state law to align the statutes with the current mission and activities of the Commission and the Department of Health and Social Services which were initiated by Executive Order 108 of July 1, 2003. In essence, the Order transferred grant administration and state agency on aging responsibilities previously performed by the Alaska Commission on Aging in the Department of Administration to the Department of Health and Social Services as the State Unit on Aging and reestablished ACoA in DHSS. Furthermore, Executive Order 108 established Senior and Disabilities Services within the Department which assumed the grant administration functions previously performed by ACoA. Currently, the Commission has retained all other responsibilities it previously performed within the Department of Administration, with the exception of those related to senior grants which have been assigned to Senior and Disabilities Services.

Specifically, this proposed legislation:

- ❖ Assigns authority for establishing state policy related to Older Americans Act federal programs and state programs for Older Alaskans to the Department of Health and Social Services, as the State Unit on Aging, and
- ❖ Transfers grant authority related to senior service grants, adult day care, and family respite care grants from ACoA to the Department of Health and Social Services. The Department has assigned these grant administrative duties to Senior and Disabilities Services.

The U.S. Administration on Aging distributes Older American Act funds to states to support home and community based services for seniors. For a state to receive these funds, a state agency must be designated as the "state unit on aging." In Alaska, the Department of Health and Social Services is the State Unit on Aging as determined by Executive Order 108. The state unit responsibilities (as defined by the federal Older Americans Act) are carried out jointly by Senior and Disabilities Services and the Alaska Commission on Aging. While SDS is responsible for administering and distributing federal funds, the Commission has been responsible for planning, community education, and advocating for Alaska seniors.

Passage of HB 279 is requested to amend statutes so that they reflect the current roles of ACoA and the Department and to cure the "one and only finding" reported by the Division of Legislative Audit in its sunset review of the Commission in July 2007. ACoA supports this legislation which allows the Commission to focus its work on planning, education, and advocacy activities on behalf of Alaska's seniors.

The 2007 audit reviewed the operation and activities of the Commission for the period July 1, 2003 through June 30, 2007 to determine if the termination date of the Commission should be extended and if the Commission is operating in the public interest. The audit report was very positive with more than a 90% approval rating by

those surveyed on a variety of dimensions related to the Commission's planning, advocacy, and community education activities. Regarding the organizational changes initiated by Executive Order 108, the report conclusions stated "... ACoA has emerged from the reorganization as a respected planner, educator, and advocator for Alaska's seniors...(p. 7)", that a public need exists for the continuation of ACoA, and that the legislature extend ACoA's termination date to June 30, 2016. There were no complaints filed against the Commission.

SB

243

SFIN

FILE

SLC

SENATE FINANCE COMMITTEE REPORT

DATE: 2/27/08

FURTHER:

DATE TURNED
IN TO OFFICE: 3/15/08

Finance Committee considered

SENATE BILL NO. 243

SB 243 COMMISSION ON AGING

"An Act relating to the duties and powers of the Alaska Commission on Aging and the Department of Health and Social Services."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS SB 243 (HES) (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	1/23/08			<input checked="" type="checkbox"/>	1

APPROPRIATION - no fiscal note

SIGNATURES/AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elta	<input checked="" type="checkbox"/>			
	Thomas	<input checked="" type="checkbox"/>			
	DYSON				<input checked="" type="checkbox"/>
	Huggins	<input checked="" type="checkbox"/>			
	Ockford			<input checked="" type="checkbox"/>	
CO-CHAIR:	HOFFMANN	<input checked="" type="checkbox"/>			
CO-CHAIR:	SPELMAN	<input checked="" type="checkbox"/>			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 2-3(HES)
 (S) Publish Date: 2/27/08
 Dept. Affected: Health & Social Services
 RDU: Senior and Disabilities Svcs
 Component: Senior/Disabilities Svcs Admin

ID(File name) SB243-DHSS-SDSA-1-24-2008
 Title COMMISSION ON AGING

Sponsor DAVIS
 Requester SENATE HES Component No. 2663

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation		Information				
	Required						
OPERATING EXPENDITURES	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
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							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES (0)							
-------------------------------	--	--	--	--	--	--	--

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)

This bill has zero fiscal impact. It seeks to bring into alignment grant duties and responsibilities that were previously given to DHSS when the Commission on Aging and Division of Senior Services became part of this department. Any fiscal impact from these changes has already been realized and assimilated into the grants process.

Prepared by: Rod Moline, Division Director
 Division: Senior and Disabilities Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3819
 Date/Time 01/23/2008
 Date 01/24/2008

LEGAL SERVICES

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

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

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

MEMORANDUM

March 11, 2008

SUBJECT: Sectional summary for CSSB 243(HES)
(Work Order No. 25-LS1351AE)

TO: Senator Bettye Davis
Attn: Tom Obermeyer

FROM: Kathryn L. Kurtz
Assistant Revisor

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds duties for the Department of Health and Social Services that include establishing state policy for older Alaskans and administering grants for older Alaskans, adult day care, and family respite care.

Section 2. Changes the reference to a paragraph in AS 47.45.240(a) to reflect the renumbering of the paragraph because of an amendment in sec. 4 of the bill.

Section 3. Changes the duties of the executive director for the Alaska Commission on Aging to formulate for the department a statewide plan for older Alaskans and deletes the duties pertaining to administering related federal grants and programs.

Section 4. Makes the Alaska Commission on Aging statewide plan subject to the review of the department and deletes program policy responsibilities of the commission.

Section 5. Limits the authority of the Alaska Commission on Aging to recommending standards of services provided to older Alaskans that are administered by the department and deletes rulemaking authority of the commission.

Section 6. Defines "department" as the Department of Health and Social Services in AS 47.45.010 - 47.45.160.

Section 7. Transfers authority for the distribution of appropriations for services to older

Senator Bettye Davis
March 11, 2008
Page 2

Alaskans from the commission to the department.

Section 8. Transfers the allocation authority for community service program funding for services to older Alaskans from the commission to the department.

Section 9. Transfers the allocation authority for pilot project grants for services to older Alaskans from the commission to the department.

Section 10. Transfers the authority to set contribution amounts for grants from the commission to the department.

Section 11. Transfers the authority to request state assessor computations from the commission to the department.

Section 12. Transfers the authority to estimate program costs for grant awards from the commission to the department.

Section 13. Transfers the authority to waive contributions and adopt regulations for waivers from the commission to the department.

Section 14. Transfers the authority to administer grants and make payments for services to older Alaskans from the commission to the department.

Section 15. Transfers the authority to make grants for adult day care and family respite services from the commission to the department.

Section 16. Removes the commission's authority to enter into certain contract and grant agreements.

Section 17. Transfers the authority to set fees for adult day care and family respite services from the commission to the department.

Section 18. Transfers the authority to award grants for family respite care and adult day care services from the commission to the department.

Section 19. Repeals the definition for "commission" and replaces it with the definition for "department." Defines "department" to be the Department of Health and Social Services in AS 47.65.

KLK:med
08-177.med

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

CS for Senate Bill 243(HES), 25-LS1351\E

“An Act relating to the duties and powers of the Alaska Commission on Aging and the Department of Health and Social Services.”

SPONSOR STATEMENT

The CS for Senate Bill 243(HES), 25-LS1351\E, has a zero fiscal note. As required by a 2007 Legislative Audit, this “clean-up” bill brings into alignment grant duties and responsibilities that were previously given to the Department of Health and Social Services (DHSS), when the Commission on Aging (ACoA) and Division of Senior Services became part of DHSS. For this reason, statutory changes repeatedly replace “Commission” (ACoA) with “Department” (DHSS) to properly recognize the duties and responsibilities of each. This bill, which mirrors CSHB 279(HES), 25-LS1106\E, assigns authority for establishing state policy related to the Older Americans Act federal programs and state programs for Older Alaskans to the Department of Health and Social Services. DHSS is recognized as the state “Unit on Aging.” The bill also transfers grant authority related to senior service grants, adult day care, and family respite care grants from the Alaska Commission on Aging to DHSS. DHSS has assigned these grant administrative duties to Senior and Disabilities Services.

As background to the importance of the duties and responsibilities recognized in this bill, the Alaska Commission on Aging is responsible for planning, advocacy, and community education activities related to the health and welfare of older Alaskans. It has relationships with state departments and agencies across the state, including the governor’s office, the Alaska Mental Health Trust Authority, the Alaska Housing and Finance Corporation, and non-governmental organizations. The need for senior programs and services is rapidly increasing. Per the State plan for Senior Services FY 2008-FY 2011, Alaska already has the highest proportion of baby boomers (32%) in the nation, and its senior population is growing faster than almost any other state. By 2030 seniors 60+ will comprise 17% of the Alaska population, with a doubling of the number of those 65+.

ALASKA

state plan
senior services
FY 2008 - FY 2011



**State of Alaska
Department of Health & Social Services**

**ALASKA COMMISSION ON AGING
State Plan for Senior Services**

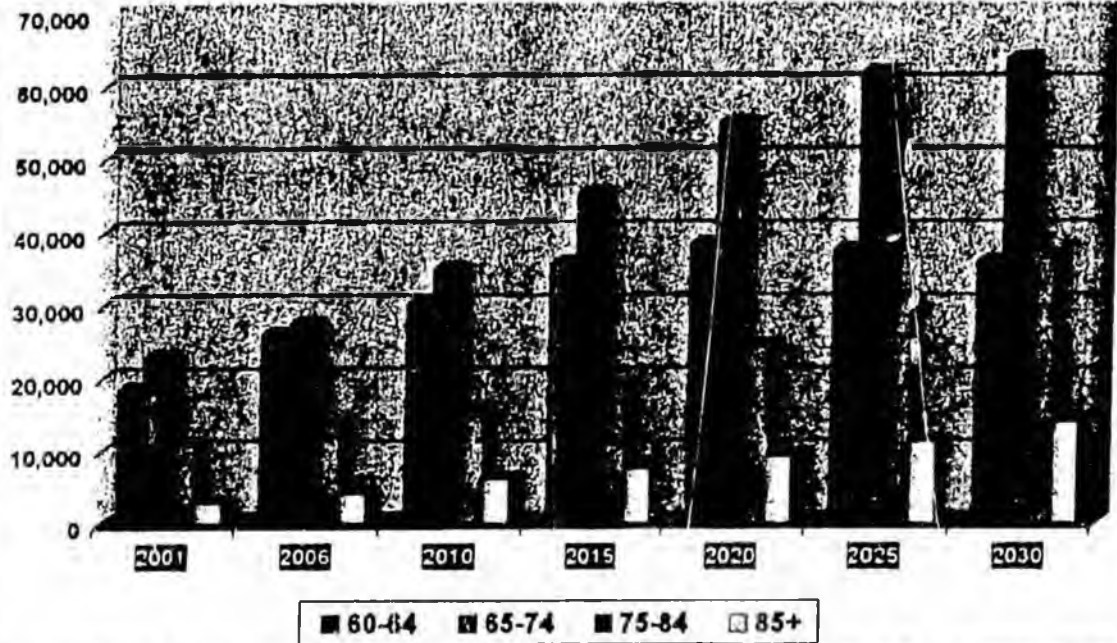
**FY 2008 – FY 2011
(July 1, 2007 – June 30, 2011)**

**Sarah Palin, Governor
State of Alaska**

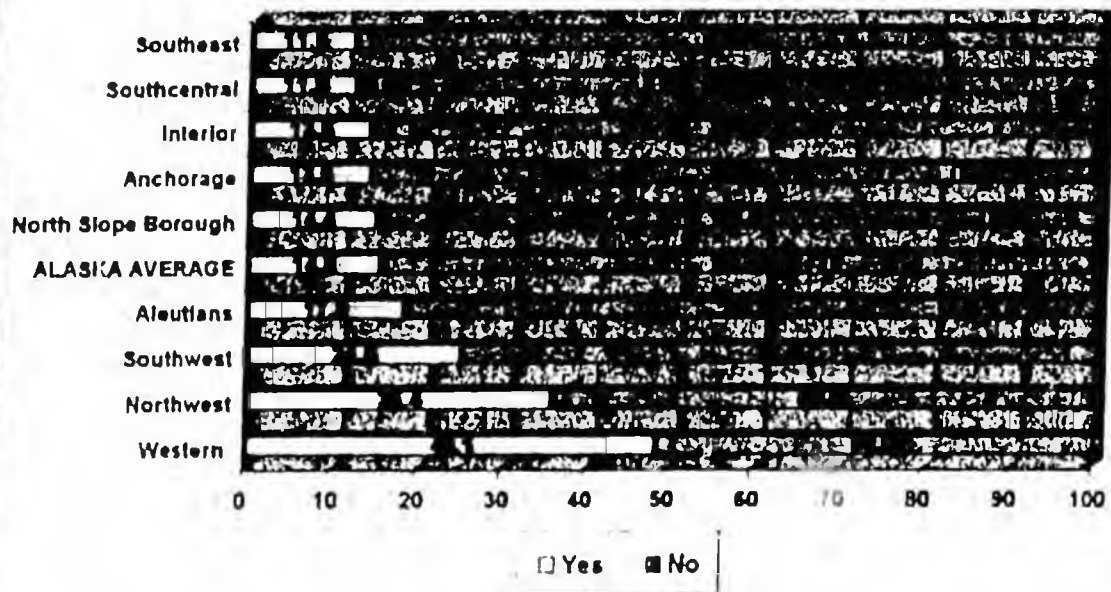
**Karleen K. Jackson, Ph.D., Commissioner
Alaska Department of Health & Social Services**



Older Alaskans by Age Group, 2001 - 2030

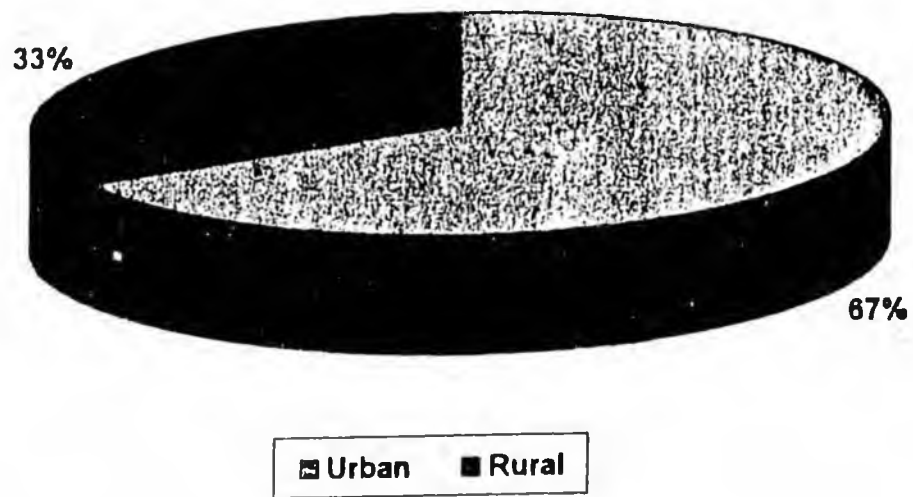


Seniors 65+ Receiving SeniorCare Benefits, April 2007

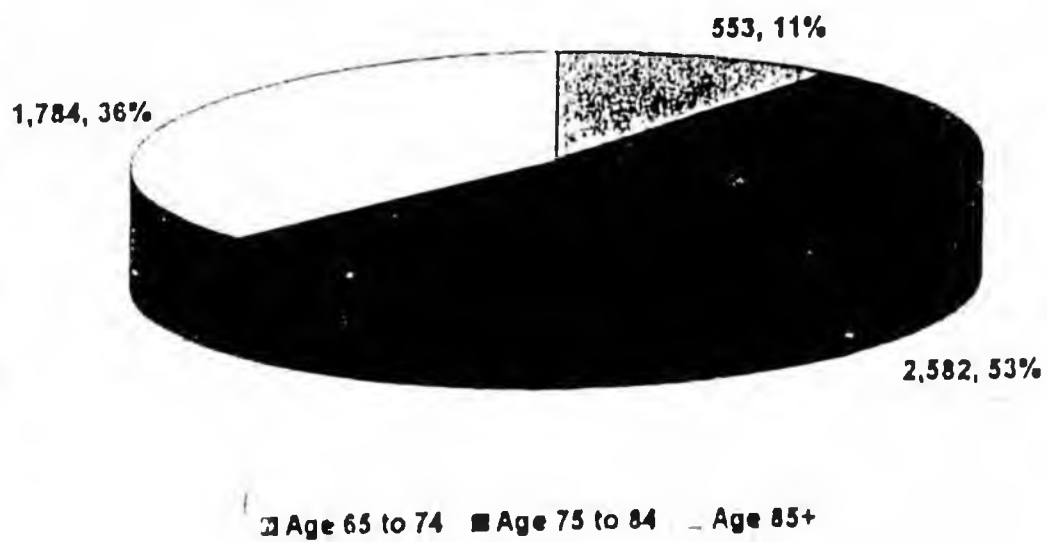


ALL GRAPHS PRODUCED BY ACoA

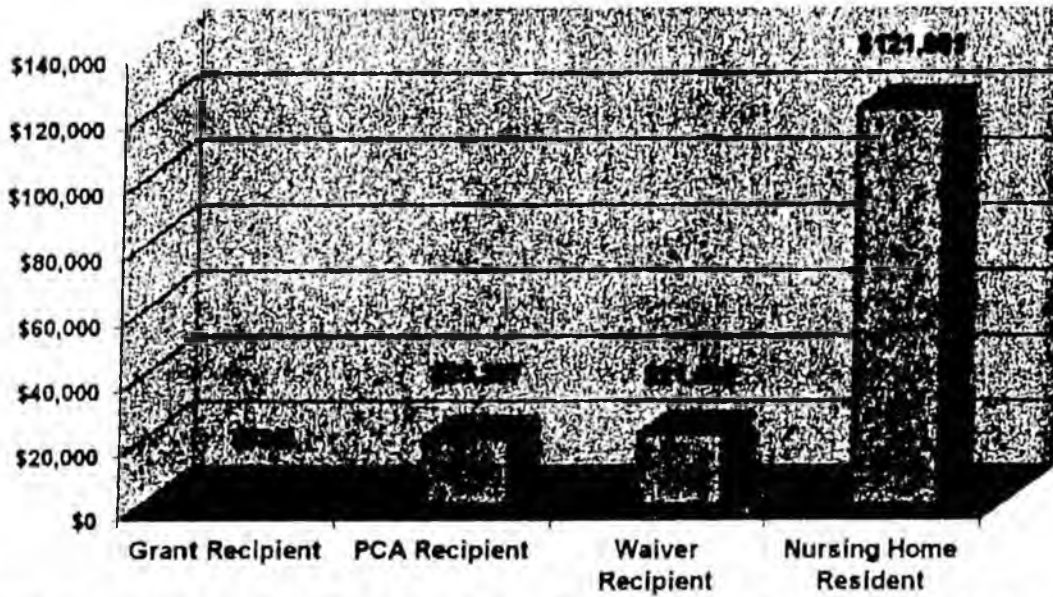
Urban and Rural Older Alaskans



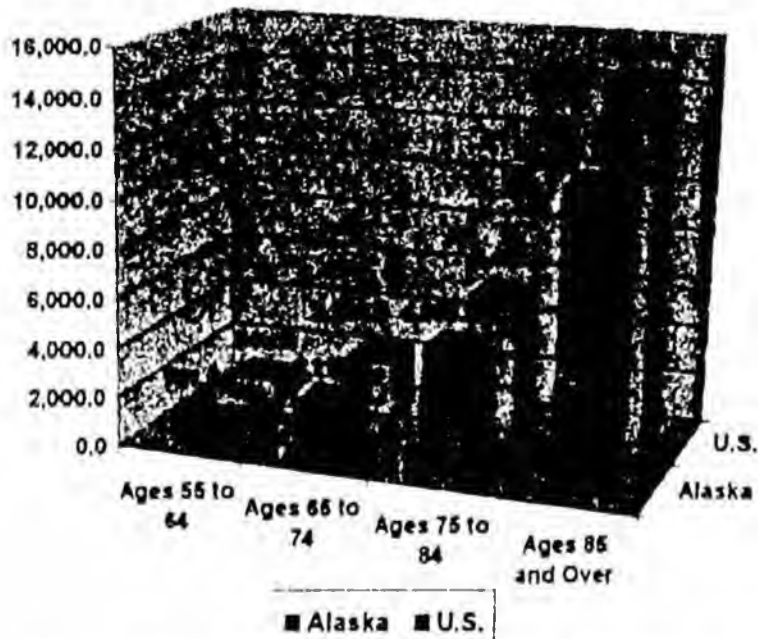
Estimated Number of Alaskans Age 65+ with ADRD



**Average Annual Costs of Long-Term Care Options, FY 08
(Senior & Disabilities Services)**



Age-Adjusted Death Rates (Per 100,000) by Age Group



ALL GRAPHS PRODUCED BY ACoA



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Assistant Secretary
Administration on Aging

Washington D.C. 20201

JUN 26 2007

The Honorable Sarah Palin
Governor of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001


Dear Governor Palin:

It is my pleasure to inform you that the four-year Alaska State Plan for Senior Services beginning July 1, 2007 through June 30, 2011 is approved. It is a comprehensive document that integrates Older Americans Act requirements with the extensive, collaborative plans produced by the inter-agency State Plan Advisory Committee.

I am particularly pleased by the efforts of the Alaska Commission on Aging in involving seniors, the public and providers as well as state agencies in the development and public review of the plan. This proactive strategy will enhance Alaska's continuing development of its service delivery system with an emphasis on choices for older individuals.

The Regional Office staff of the U.S. Administration on Aging in Seattle and I look forward to working with you in the implementation of the State Plan. If you have questions or concerns, please do not hesitate to contact us. I appreciate your dedication and commitment toward improving the lives of older persons in Alaska.

Sincerely


Josefina G. Carbonell
Assistant Secretary for Aging

**ALASKA
DEPARTMENT OF HEALTH & SOCIAL SERVICES
STATE PLAN FOR SENIOR SERVICES
APPROVAL**

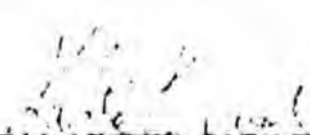
The Alaska Department of Health & Social Services (DHSS) hereby submits the Alaska State Plan for Senior Services for the period of July 1, 2007 through June 30, 2011 (State fiscal years 2008 through 2011). Governor Sarah Palin has designated the Department of Health & Social Services as Alaska's sole state agency on aging. The Alaska Commission on Aging within DHSS has been authorized by Alaska Statute [(AS 47.45.240(a)(1))] to develop the state plan on aging in accordance with the provisions of the Older Americans Act and its amendments. The plan, as submitted, documents the needs of older Alaskans and establishes direction for the coordination of all State activities related to seniors, with an emphasis on those efforts related to the Older Americans Act, including the development of a comprehensive and coordinated system for the delivery of supportive services.

The Plan, as submitted, has been developed in accordance with all federal statutory and regulatory requirements.

The State Plan for Senior Services is hereby approved by the Commissioner of the Department of Health & Social Services, as the Governor's designee, and constitutes authorization to proceed with activities under the Plan upon approval by the Assistant Secretary for Aging.

I hereby approve this State Plan and am pleased to present it to Alaskans.

Date



Karleen K. Jackson, Ph.D., Commissioner
Alaska Department of Health & Social Services


ALASKA COMMISSION ON AGING
STATE PLAN FOR SENIOR SERVICES
APPROVAL

The State Plan for Senior Services is hereby approved by the Alaska Commission on Aging, as the agency authorized by the Commissioner of the Department of Health & Social Services and by Alaska Statute [(AS 17.45.240(a)(1))] to develop the state plan on aging in accordance with the provisions of the Older Americans Act and its amendments.

Frank Appel, Chair
Michael Black, Designee, Department of Commerce, Community & Economic
Development
Lillian Roen-Kasnick
Patricia Branson
Sharon Howerton-Clark
Betty Keegan
Banarsi Lal
Rod Moline, Designee, Department of Health & Social Services
Iver Malutin
Paula Pawlowski
Edward Zastrow

Date

3/07


Frank Appel, Chair

Alaska Commission on Aging

**Alaska's State Plan for Senior Services,
FY 2008 – FY 2011
May 1, 2007**

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Executive Summary

As the state with the highest proportion of baby boomers (32%), Alaska will find its senior population growing faster than almost any other state as that group reaches its senior years. While in the past many Alaskans chose to leave the state after retirement, more and more retirees now prefer to remain here. By 2030, the proportion of seniors 65+ will double to comprise 13% of the Alaska population, with those age 60+ making up 17%. The oldest group of seniors, those age 85+, is expected to almost triple during the next 25 years, vastly increasing the number of Alaskans living with Alzheimer's disease and related disorders (ADRD).

While census data do not show high levels of poverty among Alaska seniors, the census does not consider differences in cost of living among different areas of the country. The most financially vulnerable groups of seniors typically include widowed and divorced women, Alaska Natives and other racial minorities, high-school dropouts, people not eligible for Social Security benefits (perhaps due to a subsistence lifestyle), those with a limited work history, and the oldest seniors (whose fixed incomes have taken a beating from inflation over the years).

Surprisingly to some who may view seniors as a liability to the state, retired Alaskans constitute one of the largest and healthiest sectors of Alaska's economy. In 2004, according to the University of Alaska Institute for Social and Economic Research, retired Alaskans age 60 and older contributed almost \$1.5 billion to the state's economy, primarily from retirement income and health care spending. This was roughly ten times the total cost of State programs targeting seniors. Senior spending provides a large economic multiplier effect in local communities, and many other advantages, including a high volume of local spending, a diverse job mix, a low level of seasonality, stability from year to year (not dependent on fluctuating world market conditions), an environmentally benign footprint, compatibility with other industries, non-enclave location (not concentrated in remote rural areas), and economies of scale which reduce costs for all Alaskans, particularly in health care services.

Alaskan seniors have a lower age-adjusted death rate than U.S. seniors overall. While more older Alaskans smoke, drink heavily, and binge drink, as a group they are more likely to eat plenty of fruits and vegetables, engage in physical activity, and describe themselves as being in good health. Falls are the leading cause of non-fatal injuries requiring hospitalization for every age group in Alaska, but serious injuries from falls increase dramatically in the senior population. Sadly, suicide rates among older Alaskans are considerably higher than national averages, though suicide does not constitute a leading cause of death here. Top causes of death in the older age groups in Alaska include cancer, heart disease, cerebrovascular disease, chronic lower respiratory disease, and Alzheimer's disease.¹

Challenges on the horizon for older Alaskans include income insecurity, the

¹ *Alaska Bureau of Vital Statistics*

need for more reliable access to health care and long-term care supports, a looming physician shortage, absence of geriatric education among providers, a shortage of a sufficient senior services and health care services workforce to meet future needs, the need for emergency preparedness for a wide range of potential disasters, and soaring energy and utility costs.

The State of Alaska provides a wide range of programs and services addressed to seniors, spanning multiple divisions and departments. Funds from the Older Americans Act as well as State general funds and resources from the Alaska Mental Health Trust Authority and other federal, State, and non-governmental sources help to pay for these services, many of which are provided through grant agreements with local non-profit service agencies. While the services and benefits available to Alaska seniors are impressive, increasing strain on the state's services system from the burgeoning senior population is inevitable, and demands advance planning (in particular the creation of a long-term care strategic plan) as well as a coordinated advocacy effort to obtain increased funding for senior needs.

This state plan focuses on six overall goals, with their respective objectives and recommended strategies. The goals cover keeping seniors healthy, active, and involved in their communities; ensuring access to an integrated array of health and social supports along the continuum of care; supporting families in their efforts to care for loved ones at home and in the community; providing a range of adequate, accessible, secure and affordable housing options for seniors; supporting a stable senior services and health care workforce as well as a range of attractive employment opportunities for seniors; and ensuring that older Alaskans are safe from catastrophic events and protected from personal exploitation, neglect, and abuse. For each year of the plan's coverage, an annual implementation plan will be created by all interested senior organizations, with each committing to work on specific strategies outlined in the plan.

While similar weighting factors (total number of seniors, seniors age 80+, minority seniors, poverty-level seniors, and rural seniors) have been used in the funding framework for this state plan as in the previous (FY 2003 – FY 2007) plan, seniors' demographic patterns have shifted substantially since the 2000 census. While no region of the state is seeing an actual decrease in its number of seniors, some regions are growing at a much faster rate than others. Railbelt census areas (those along the central rail corridor of the state, especially the Kenai Peninsula Borough, the Matanuska-Susitna Borough, Anchorage, and Fairbanks North Star Borough) are experiencing an influx of seniors from out-of-state and from more rural, remote regions of Alaska. Older Alaskans may move to more populated areas to obtain services or to be closer to relatives. In order to avoid the shock of a dramatic fund shift for some regions in the first year of this plan and to give those regions slated for a loss of funding the opportunity to seek other resources, the State will continue to use the FY 2003 – FY 2007 funding allotments during FY 2008 and FY 2009; in FY 2010, allocations will reflect 50% of the change dictated by the new funding framework, and by FY 2011 100% of the fund shifts will be implemented.

The coming quarter-century will usher in a dramatic period of growing need for senior services in Alaska. Nevertheless, seniors' many contributions to the state and its economy are recognized, and the State considers it a privilege to plan for and provide the services needed to preserve their quality of life. Alaska's State Plan for Senior Services, FY 2008 – FY 2011 presents a wide-ranging, inclusive vision to guide the effort to provide those services in a respectful manner that upholds the dignity and independence of older Alaskans.

**Alaska Commission on Aging (ACoA)
Testimony on SB 243
Prepared by Denise Daniello, ACoA Executive Director**

The purpose of this proposed legislation is to amend state law to align the statutes with the current mission and activities of the Commission and the Department of Health and Social Services which were initiated by Executive Order 108 of July 1, 2003. In essence, the Order transferred grant administration and state agency on aging responsibilities previously performed by the Alaska Commission on Aging in the Department of Administration to the Department of Health and Social Services as the State Unit on Aging and reestablished ACoA in DHSS. Furthermore, Executive Order 108 established Senior and Disabilities Services within the Department which assumed the grant administration functions previously performed by ACoA. Currently, the Commission has retained all other responsibilities it previously performed within the Department of Administration, with the exception of those related to senior grants which have been assigned to Senior and Disabilities Services.

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The U.S. Administration on Aging distributes Older American Act funds to states to support home and community based services for seniors. For a state to receive these funds, a state agency must be designated as the "state unit on aging." In Alaska, the Department of Health and Social Services is the State Unit on Aging as determined by Executive Order 108. The state unit responsibilities (as defined by the federal Older Americans Act) are carried out jointly by Senior and Disabilities Services and the Alaska Commission on Aging. While SDS is responsible for administering and distributing federal funds, the Commission has been responsible for planning, community education, and advocating for Alaska seniors.

Passage of HB 279 is requested to amend statutes so that they reflect the current roles of ACoA and the Department and to cure the "one and only finding" reported by the Division of Legislative Audit in its sunset review of the Commission in July 2007. ACoA supports this legislation which allows the Commission to focus its work on planning, education, and advocacy activities on behalf of Alaska's seniors.

The 2007 audit reviewed the operation and activities of the Commission for the period July 1, 2003 through June 30, 2007 to determine if the termination date of the Commission should be extended and if the Commission is operating in the public interest. The audit report was very positive with more than a 90% approval rating by

those surveyed on a variety of dimensions related to the Commission's planning, advocacy, and community education activities. Regarding the organizational changes initiated by Executive Order 108, the report conclusions stated "... ACoA has emerged from the reorganization as a respected planner, educator, and advocator for Alaska's seniors...(p. 7)", that a public need exists for the continuation of ACoA, and that the legislature extend ACoA's termination date to June 30, 2016. There were no complaints filed against the Commission.



March 13, 2008

The Honorable Lyman Hoffinan, Co-Chair
Senate Finance Committee
Alaska State Capitol, Room 518
Juneau, AK 99801-1182

The Honorable Bert Stedman, Co-Chair
Senate Finance Committee
Alaska State Capitol, Room 516
Juneau, AK 99801-1182

RE: SB 243 (Davis) – Support

Dear Co-Chairs Hoffinan and Stedman:

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the Senate Finance Committee to support SB 243 which is authored by Senator Bettye Davis.

SB 243 is basically a “clean up” bill which brings the Alaska Commission on Aging into compliance with changes that have been in place for several years that deal with Commission responsibilities and those of Senior and Disability Services.

SB 243 incorporates the recommendations of the Legislative Auditor.

AARP recommends an “AYE” vote on SB 243.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marie Darlin".

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

CC: Vice-Chair Charlie Huggins
Senator Kiju Elton
Senator Donald Olson

Senator Joe Thomas
Senator Fred Dyson
Senator Bettye Davis

SB

246

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 246 (RES)
() Publish Date: _____

Identifier (file name): SB246CS(RES)-CED-AEA-03-10-08 Dept. Affected: DCCED
Title Susitna Hydro Working Group; Renort RDU AEA (453)
Component Statewide Project Development
Sponsor Thomas et al
Requester Senate Finance Component Number 2888

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	2,750.0		1,500.0					
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	2,750.0		1,500.0				
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	2,750.0	0.0	1,500.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

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 legislation directs the Alaska Energy Authority (AEA) to analyze the hydroelectric potential of the Susitna River. AEA will consult with various government agencies, railbelt utilities, native corporations, other landowners, and various regional economic development councils.

The legislation requires the Governor to submit AEA's report of the findings to the legislature by June 1, 2010. The following pages detail the estimated cost of the report.

Prepared by: Sara Fisher-Goad, Deputy Director - Operations
Division: Alaska Energy Authority
Approved by: Emil R. Notti, Commissioner
Agency: Commerce, Community, and Economic Development

Phone 907 771 3012
Date/Time 3/10/08 5:06 PM
Date 3/10/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 246(RES)

ANALYSIS CONTINUATION

The work tasks and goals are envisioned to complete the objectives of SB 246, the timeline is provided for each task to illustrate work tasks that could be done in parallel rather than sequential.

SB 246 objectives 2,3,5,9,13

Work Task 1: Feasibility Study and Estimate of Plant and of Generated Power Costs

The 1984 estimates for construction of the Susitna Hydro project will be updated for current costs as well as current construction and design technology. Constructability and logistics will be key components of this update. Additionally a review of engineering and technical risks including seismic design will be identified. The design of this facility is such that there are minimal size reductions that can be done. While there may be a need for 700 MW of generating capacity the constraints of the Susitna site may allow for options of 300 MW, 1000 MW, and 1,620 MW only. The study therefore will examine the possible size options that are inherent in the 1984 estimate and provide capital, operating and maintenance costs and subsequent costs of power over the lifetime of the facility for those options. Additionally, modifications and estimates for upgrades of the Railbelt Electrical Grid to allow use of this new generation capacity will be developed. Timelines for design, permitting, and construction for each option will be developed.

Estimated Cost: \$1,500,000

Schedule: 30 June 2008 – 30 September 2009

SB 246 objectives 1,2,3,12

Work Task 2: Integrated Systems Energy Plan for the Railbelt

A strategic energy plan for the Railbelt area will be developed. This will examine projected energy demands under a variety of different future scenarios that will examine growth in population, potential new industrial demands, changes in air and water regulations, fuel costs, development of new energy technologies, as well as risks of the variety of generating options. The objective of this plan is to provide balanced view of energy needs and opportunities to allow for informed decisions on energy projects.

Estimated Cost: \$1,000,000

Schedule: 30 June 2008 – 30 January 2010

SB 246 objective 6

Work Task 3: Financing Options

The size of this single generation will be in excess of \$5 billion and while it may provide a competitive cost of power, the ability to finance the costs may be the limiting factor. An analysis of potential financing options will be developed.

Estimated Cost: \$200,000

Schedule: 30 January 2009 – 30 September 2009

SB 246 objective 4

Work Task 4: Cost of Power for Selected Alternatives

An estimate of approximate costs of alternative power generation that would be accessible to the Railbelt will be made. Options will consider the appropriate use of coal, natural gas, wind, geothermal, tidal and an alternate source of hydro. These estimates will be used to compare the reasonability of power generation from Susitna as well as the displacement opportunity of other fuels this project will enable. An important outcome of this activity will be the determination of the costs/values of emissions each generating option will provide, this will include such things as carbon emissions/capture and mercury emissions.

Estimated Cost: \$800,000

Schedule: 30 March 2009 – 31 December 2009

ANALYSIS CONTINUATION

SB 246 objectives 7,8,10,11

Work Task 5: Environmental/Socio-economic Impact Study

Environmental permitting and the socio-economic impact on the affected area is a key component of this study and will have the most impact on the feasibility of this study. A review of necessary permits, licenses and an analysis of potential impacts to the area will be done. Economic impacts and opportunities, including construction and operation jobs, which will result from a project of this size and generating capacity will be determined.

Estimated Cost: \$500,000

Schedule: 30 January 2009 – 30 September 2009

SB 246 objectives 8,10,11

Field Work

Limited field work is envisioned; however there may be need for helicopter access to the location of the proposed dam sites as well as limited amount of field work including terrain, river conditions and potential construction camp sites and lay down areas.

Estimated Cost: \$250,000

Schedule: 30 June 2008 – 30 September 2009

Proposal Summary

Total Estimated Susitna Study Cost: \$3,250,000

Total Estimated Cost with Railbelt Energy Plan: \$4,250,000

FY 09 - \$2,750,000

FY 10 - \$1,500,000

It is anticipated that this work will take approximately two years, with the draft report available in January 2010 and a final report including a Railbelt energy plan available in June 2010. Over the course of the project interim reports will be issued and specific decision gates on proceeding with phases of the project will be developed. If at anytime the feasibility of the Susitna Dam project becomes non-viable the project will be curtailed.

ALASKA STATE LEGISLATURE



SENATOR JOE THOMAS

Sponsor Statement – SS for SB 246

An act directing the Alaska Energy Authority to analyze the potential of a hydroelectric power project on the Susitna River.

Senate Bill 246 will direct the governor to have the Alaska Energy Authority analyze the hydroelectric potential of the Susitna River. The AEA will review and update the studies done in the past, evaluate cost analysis, financing options, current and future demand and other critical issues to determine the feasibility of the project. The governor will submit a final report to the legislature no later the July 1st, 2010.

In recent years, Alaskans have seen their energy costs skyrocket. These ever rising costs and uncertain supplies not only make it difficult for Alaskans across the state to make ends meet, but also have an adverse impact on economic growth.

The energy produced by a hydroelectric facility is predictable, stable, clean and low cost. Currently, the Bradley Lake hydroelectric dam produces energy for the Railbelt at just \$.05 per kWh, far below the \$.176 per kWh that the Interior is currently paying.

In addition to these factors, the majority of our combustion turbine power plants along the Railbelt are over 30 years old and all will need retrofitting and replacement that will cost between \$1 billion and \$2.5 billion over the next ten years. Once these replacements begin, we will continue with the same rising energy costs, fluctuating operating expenses and high polluting facilities that the citizens of the state have experienced in the past.

Twenty five years ago, when a dam along the Susitna River was last looked at, Cook Inlet Gas cost \$.21 per million cubic feet, the population and energy demand along the Railbelt was substantially less then today, and energy costs were no where near what they are today. I believe all these factors, along with the environmental and long term energy considerations merit a reopening of the Susitna discussion.

Nothing is as comprehensive of an approach to reducing costs, emissions and dependence on finite, non-renewable energy production for the Railbelt and adjacent areas as a Susitna Dam project.

I urge you to support the passage of SB 246.

Sectional Analysis for SS for Senate Bill 246

Section 1: Legislative Findings

This bill states that the legislature finds several critical issues regarding energy and economic environment in Alaska today requesting re-opening and re-evaluating the Susitna Dam studies.

These findings include increasing energy costs for Alaskans and Alaskan businesses, Railbelt combustion turbine replacement costs, operational lifetime of a hydroelectric project, energy and operating costs for a hydroelectric project and its stable and predictable nature.

Section 2: Working Group Established by the Governor

Senate Bill 246 directs the Governor to charge the Alaska Energy Authority with analyzing the hydroelectric potential of the Susitna River.

The AEA will consult with representatives from departments within the Administration including the Departments of Natural Resources, Environmental Conservation, Fish and Game, Labor and Workforce Development, and Commerce Community and Economic Development.

The AEA will also consult with the Railbelt electric utilities, native corporations, the Mat-Su Resource, Conservation and Development Council, the Fairbanks and Anchorage Economic Development Corporations and private land owners in the affected areas. The Army Corps of Engineers may also be consulted with due to their experience with the original studies and knowledge of large scale hydroelectric projects.

Section 2 further outlines what the AEA will evaluate in order to reach a conclusion on the feasibility of the project.

Section 2 details 13 different issues to be incorporated in the report. These include, but are not limited to, the projected midrange and long range energy supply and demand along the Railbelt, appropriate size and design of a hydroelectric project to meet these needs, to what extent hydroelectric power can be substituted for power generated by other means, financing options, permitting requirements, timeline, environmental concerns and a review of previous studies on Susitna Hydro electric power.

These 13 points allow the AEA an outline and general direction of what the legislature wants to see. They do not supply a restrictive or exclusionary list.

Lastly, this section sets the January 1st, 2010 date for reporting back to the legislature on the working group's findings; with a date of July 1st, 2010 for final study

Information on the Potential of a Susitna Hydroelectric project

- Nothing is as comprehensive an approach to reducing costs, emissions and dependence on finite, non-renewable energy production for the Railbelt and adjacent areas as a Susitna Dam project.
- Because of the nature of hydroelectric projects, there is always a substantial upfront capital cost. While daunting, when looking at hydro projects long term, they are the **single most cost effective and reliable generation source** available. Hydro power is far cheaper and more consistent than any fossil fuel generation source.
- Since no purchase of fuel is necessary for generation, the operating costs of a hydro project, estimated at \$.008 per kWh for a Susitna Dam, are essentially nonexistent and have been coined "**flat power.**"
- Hydroelectric projects have a **potential lifespan of over 100 years**. Because they have few moving parts, and rely only on the water behind the dam to activate the turbines, these projects have predictable maintenance costs and payoff schedules. Alaska still has hydroelectric projects in use dating from the Gold Rush days.
- **Generating electricity from gas turbines is extremely inefficient.** Chugach Electric Association's natural gas turbines have efficiency ratings between 15%-35%. A new turbine to go in around 2012 will be approximately 50% efficient. **Hydroelectric turbines are consistently in the neighborhood of 90% efficiency.**
- **The current power sources along the Railbelt are aging rapidly.** Chugach Electric Association's Beluga plant's natural gas turbines are all between 30 and 40 years old while their Bernice Lake plant's turbines are 27 to 37 years old. GVEA's largest power plant was built in 1975, and the Healy Clean Coal Plant is not in operation.
- With a hydroelectric project there are **no emissions, waste or hazardous byproducts**. The energy source is completely free and available as long as the river is running.
- Eliminating the use of fossil fuels allows utilities and their customers a stable, low cost source of electricity. **Chugach has seen their natural gas prices increase over 2000% since Susitna was last studied. GVEA has seen their kWh charges increase over 100% in just the last 8 years.**

- The estimated per kWh cost to the customers from a Susitna project is \$.05 for the lifetime of the project. AEL&P, here in Juneau, has seen only a 30% increase to their customers since 1989.
- By utilizing hydroelectric power as a significant energy source for the Railbelt's needs, other non-renewable energy sources could be sold or used more efficiently around the state. This could result in increased revenue to the state making money available for other necessary services and economic development or cheaper fuel costs off of the Railbelt.
- Senator Joe Thomas' Senate Bill 246 proposes a feasibility study of a Susitna River hydroelectric project. This bill would designate the Alaska Energy Authority to study a broad range of aspects involved in making a decision about the achievability of such a project, and returning to the legislature with a report in January 2010.
- Currently on record in support of Senate Bill 246 are:
 - The Palin Administration
 - Golden Valley Electric Association
 - Matanuska Energy Association
 - Chugach Electric Association
 - Mat-Su Resource, Conservation and Development Council, Inc.
 - Fairbanks Economic Development Co.

Fairbanks Energy

November 2007

Strategic Business Plan

This document contains confidential and proprietary information
belonging exclusively to:

Fairbanks Economic Development Corporation
301 Cushman Street, Suite 301
Fairbanks, Alaska 99701
U.S.A.
(907) 452-2185

The best time to plant a tree was 20 years ago. The second best time is today.
-Chinese Proverb-

Hydroelectric Subsection of the Energy Task Force

Participants: John Davies, Mike Wright, Karl Monetti, Dave Van Den Berg

Hydroelectric Workgroup Proposal

Consider the installation of a 600-megawatt Susitna Hydroelectric project that would supply the electrical needs of the Railbelt. Construction of multiple transmission lines to Fairbanks and Anchorage would also be required for the reliable "firm" delivery of the Susitna energy.

Delivery of electrical power from Susitna to rural Alaska would likely not be economic, but Susitna energy could augment or power the production of Fischer-Tropsch liquid fuels for delivery to rural Alaska that would be used in existing infrastructure.

In the long-term, a 20 to 50-year timeframe, once the technology is commercially available, electricity from Susitna could be used to power electrolyzers for the creation of hydrogen. Hydrogen would be delivered locally for use in home fuel cells for heat and electric cogeneration and car fuel cells for transportation. This is idealistic; zero-emission renewable energy used in a technology that only produces energy and distilled water.

Discussion

Hydroelectric power has been an important source of electrical power throughout the World for decades. Regions have developed and grown from the construction of hydro projects, many of which were constructed with Federal governmental support.

Hydroelectric projects typically have very high initial capital costs to construct the original dams and generators. The operations and maintenance costs that typically are predictable with increases linked to inflation. The predictability of the very stable hydroelectric costs, over 100-year plus project lives, has coined the phrase "flat power".

In the 1930's through the 1950's, when most of the large federal projects were built, the National Environmental Policy Act (NEPA) was not in existence. The goal of these projects was to provide jobs, abundant and cheap power to regions for economic growth. After the passage of NEPA, the rules governing the evaluation of projects and their effects on the environment were developed and clarified into the current day, Environmental Impact Statement (EIS).

All the legacy combustion turbines in the Railbelt are over thirty years old, and will need to be replaced within the next ten years. The cost of replacing these aging electric generators is approximated to be in the range of \$1.5 billion to \$2.5 billion. The general approach to the aging generation situation will be the replacement of the combustion turbines with new more efficient combustion turbines or with low cost fuel options such as coal power plants. Financially, once the new turbines have been installed and the investment has been made the turbines are expected to be operated and emit some level of pollutants and carbon dioxide for their economic life of about thirty years. Fuel

switching or changing to hydroelectric is a only viable option before commitment to the construction of the replacement turbines. Environmentally, the carbon-based power plants will emit varying amounts of oxides of sulfur, oxides of nitrogen, particulate matter and carbon dioxide. Hydroelectric generation will provide a renewable alternative to combustion technology that will emit near zero emission. Hydroelectric emissions are considered near zero rather than zero due to recent discussions of methane released from submerged biomass due decomposition from the creation of the lake behind the dam. There is little data on this topic in northern regions but it is suspected that the potential release of the quantity of methane released would have much less impact as a green house gas than the carbon dioxide release from even the most efficient combustion turbine using natural gas as a fuel. In addition, logging and clearing the area to be inundated prior to filling the reservoir can greatly reduce the quantities of methane released after the reservoir is completed.

Cost of hydroelectric Construction and Operation

The capital cost of a 600,000-kilowatt Susitna project was estimated at \$5,000/kilowatt for a hydroelectric capital cost of \$3,000,000,000. The electrical transmission lines for inclusion were 20 miles and 300 miles if line at a cost of \$1,000,000 and \$1,500,000., respectively, for a total transmission line cost of \$470,000.

The State of Alaska provided a September 13, 2005 memo on an update of the cost estimate for the Susitna project, from the 1984 Update Study adjusted to 2005, at a cost of \$10.5 billion. The reason for this 3 fold increase in price are not known, but needs to be examined and evaluated. The scope of this project is not known and needs to be verified to ensure the proper cost estimate. The full 1,600-kilowatt project was referenced in the FERC application but in the later stages of the project there were discussions of a reduced scope Susitna Project. More research needs to be conducted on the project scope. A former Alaska Power Authority employee involved in the project estimated the Watana dam to be 4/5 of the project costs.

Operation and maintenance cost were estimated at \$0.008/kWh, based on a DOE Large Hydro report.

Recommendations for next steps:

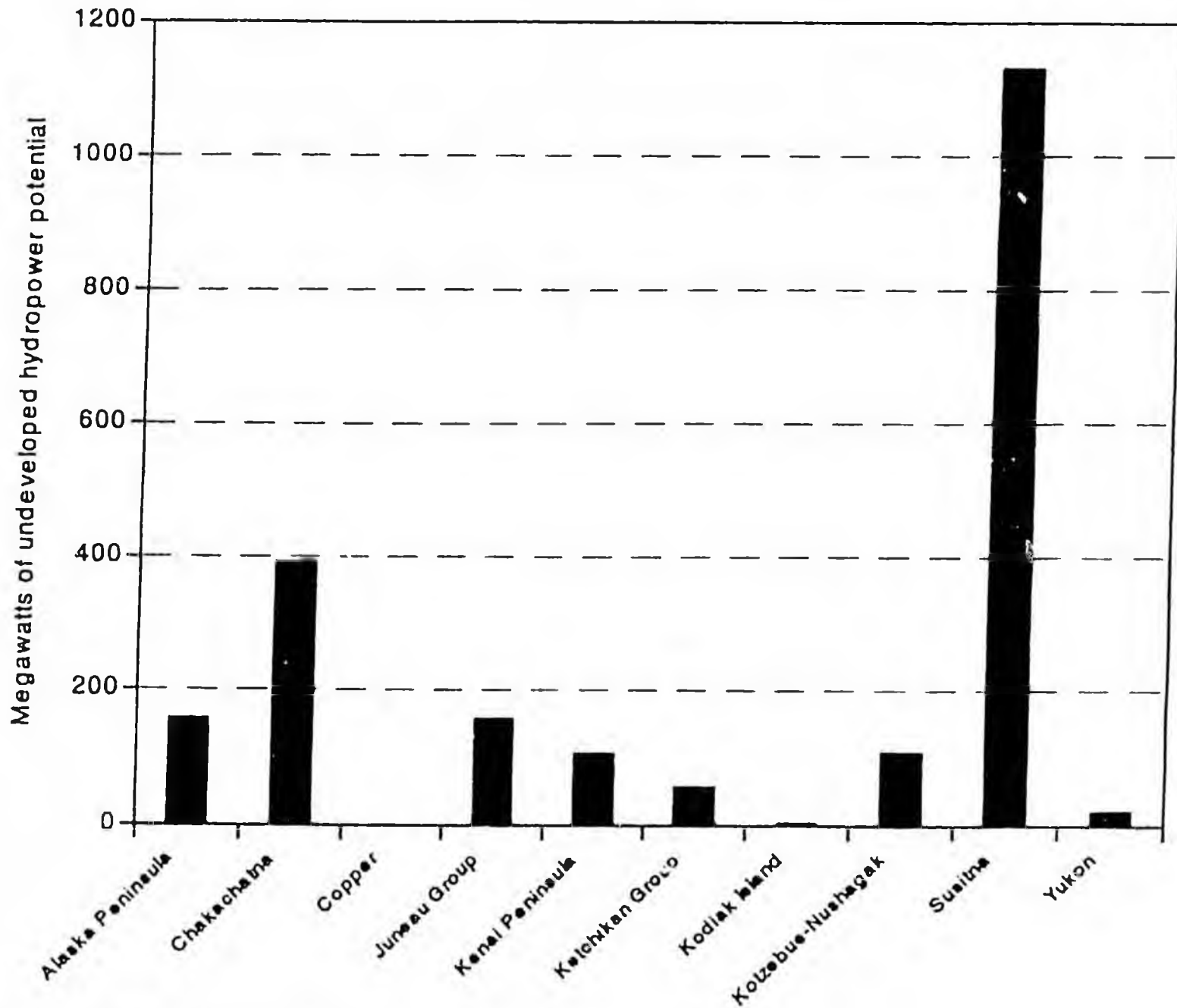
Analysis should be done on the appropriate sizing of the dam to power both the mid-term and long-term energy of the Railbelt.

The hydrological design should be reviewed once the sizing has been completed.

System security should also be analyzed to ensure power supplies in the Railbelt would continue following any common mode failure or natural disaster. Peaking units could be maintained at each load center to ensure continuity of energy supply if the hydroelectric was unavailable. The existing aging generators may provide many years of emergency power at a realistic price. Delivery of the electric energy of high-voltage transmission lines can be secured through multiple transmission lines, which are separated by distance to reduce one cause removing multiple lines from service.

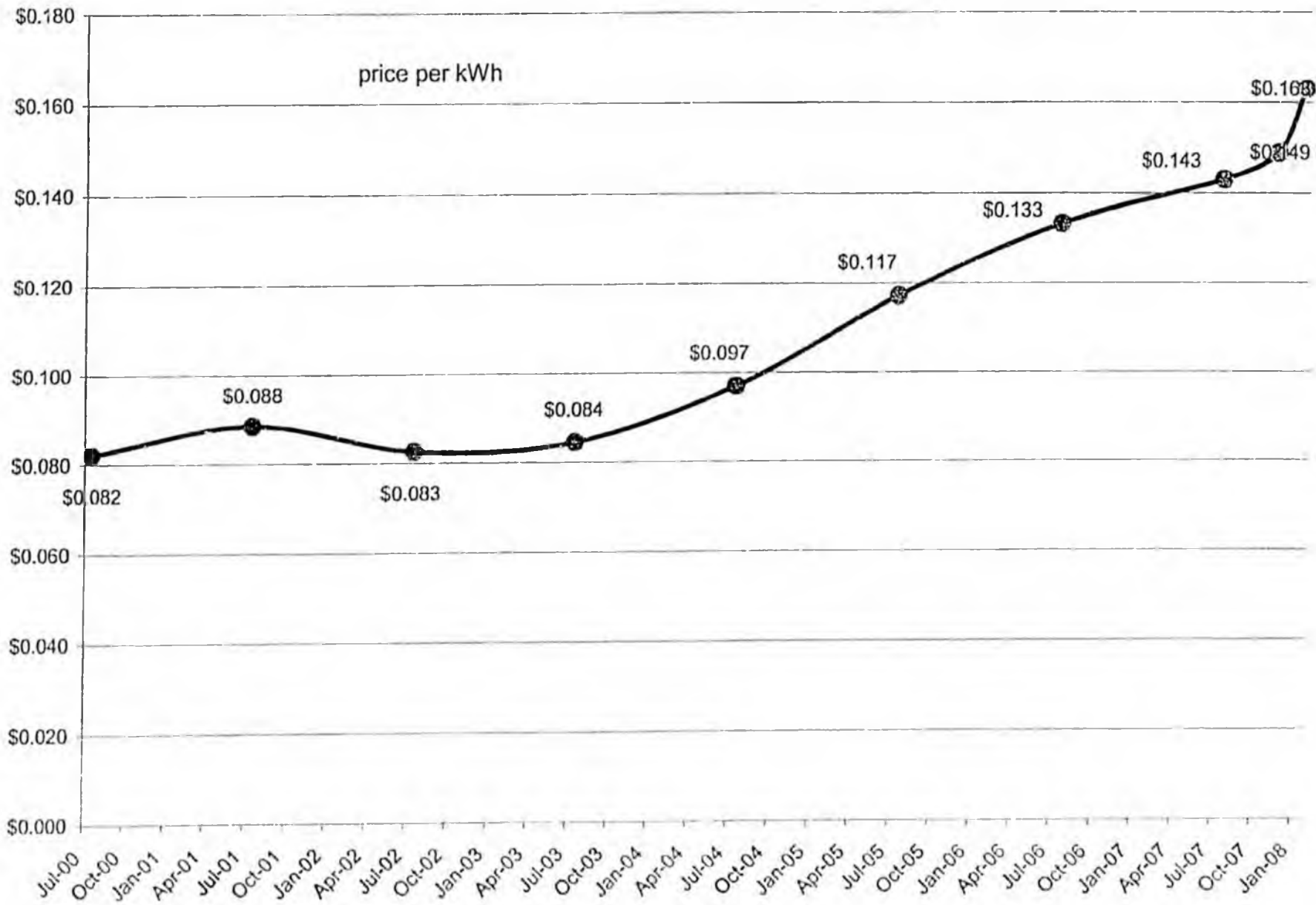
The timing of permitting and licensing should be reviewed to identify the effect of re-filing the existing FERC license for Susitna, or modifying the dam design, which may require additional environmental field studies.

Undeveloped Hydroelectric Potential in Alaska in MW



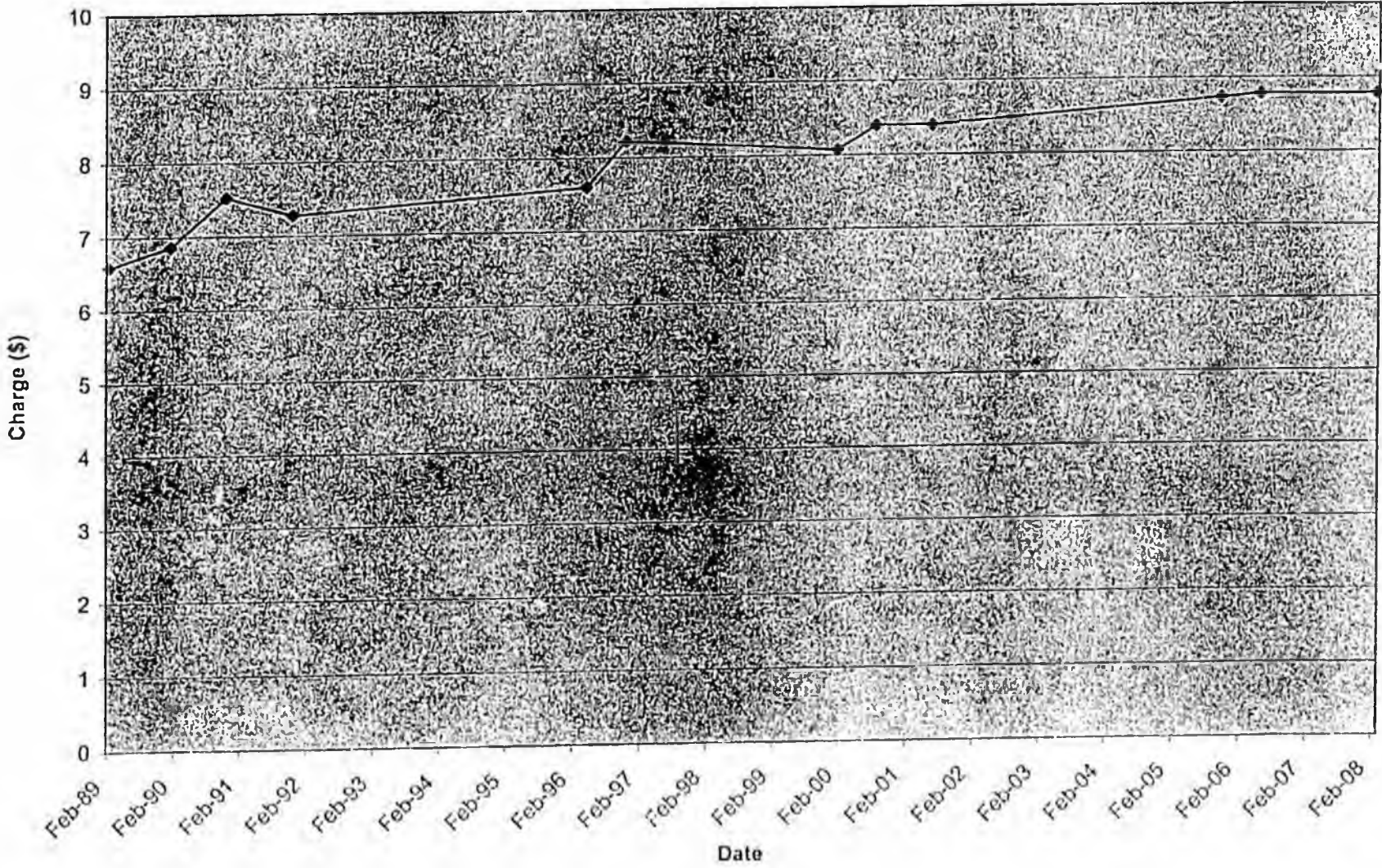
Data from U.S. Hydropower Resource Assessment for Alaska, November 1997 by Idaho National Engineering and Environmental Laboratory for the U.S. Department of Energy

GVEA Residential kWh charges

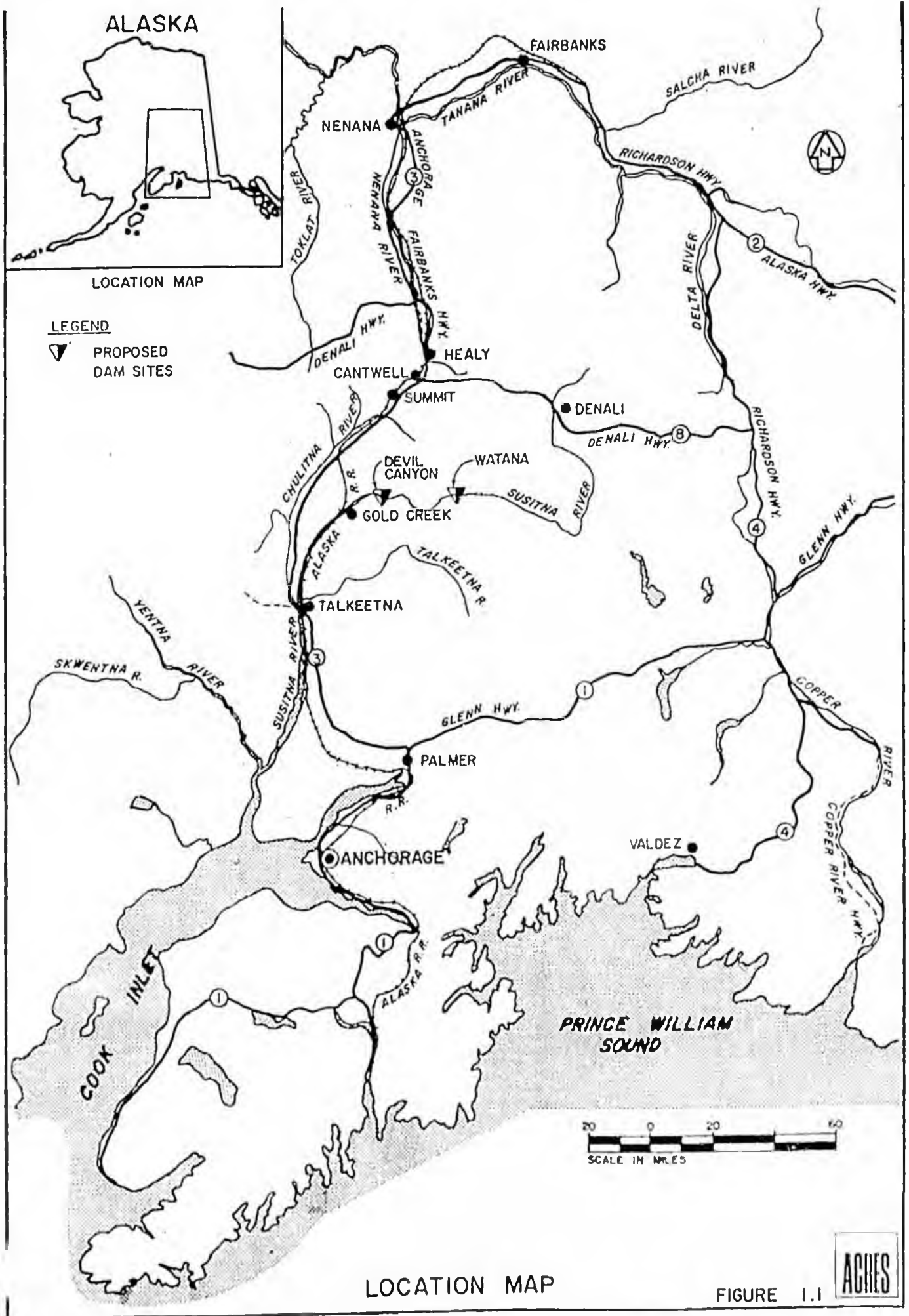


Courtesy of Todd Hoener, GVEA Energy Efficiency Specialist

AEL&P Average Residential kWh Charge



Courtesy of AEL&P



ALASKA

LOCATION MAP

LEGEND

▼ PROPOSED DAM SITES

LOCATION MAP

FIGURE 1.1



Generation Resources

Chugach uses various generation resources to ensure reliable, affordable power. Chugach has 530.10 megawatts of installed capacity. The unit ratings shown are taken at 30 degrees Fahrenheit. Chugach also takes power from the state-owned Bradley Lake hydroelectric project near Homer. In 2006, 90 percent of the kilowatt-hours Chugach sold came from natural gas units and the other 10 percent from hydroelectric resources.

Beluga

Located on the west side of Cook Inlet near Tyonek, combustion turbines; unit Nos. 1-3 and 5-7 are fueled by natural gas; Unit 8 is a steam turbine.

Units	Commissioned	Power Rating (megawatts)
No. 1	1968	19.6
No. 2	1968	19.6
No. 3	1972	64.8
No. 5	1975	68.7
No. 6	1975	79.2
No. 7	1978	80.1
No. 8	1981	53.0

TOTAL 385.0

Cooper Lake

Located near Cooper Landing on the Kenai Peninsula; units are hydro-turbines

Units	Commissioned	Power Rating (megawatts)
No. 1	1960	9.6
No. 2	1960	9.6

TOTAL 19.2

Bernice Lake

Located near Nikiski on the Kenai Peninsula; units are natural gas combustion turbines

Units	Commissioned	Power Rating (megawatts)
No. 2	1971	19.0
No. 3	1978	26.0
No. 4	1981	22.5

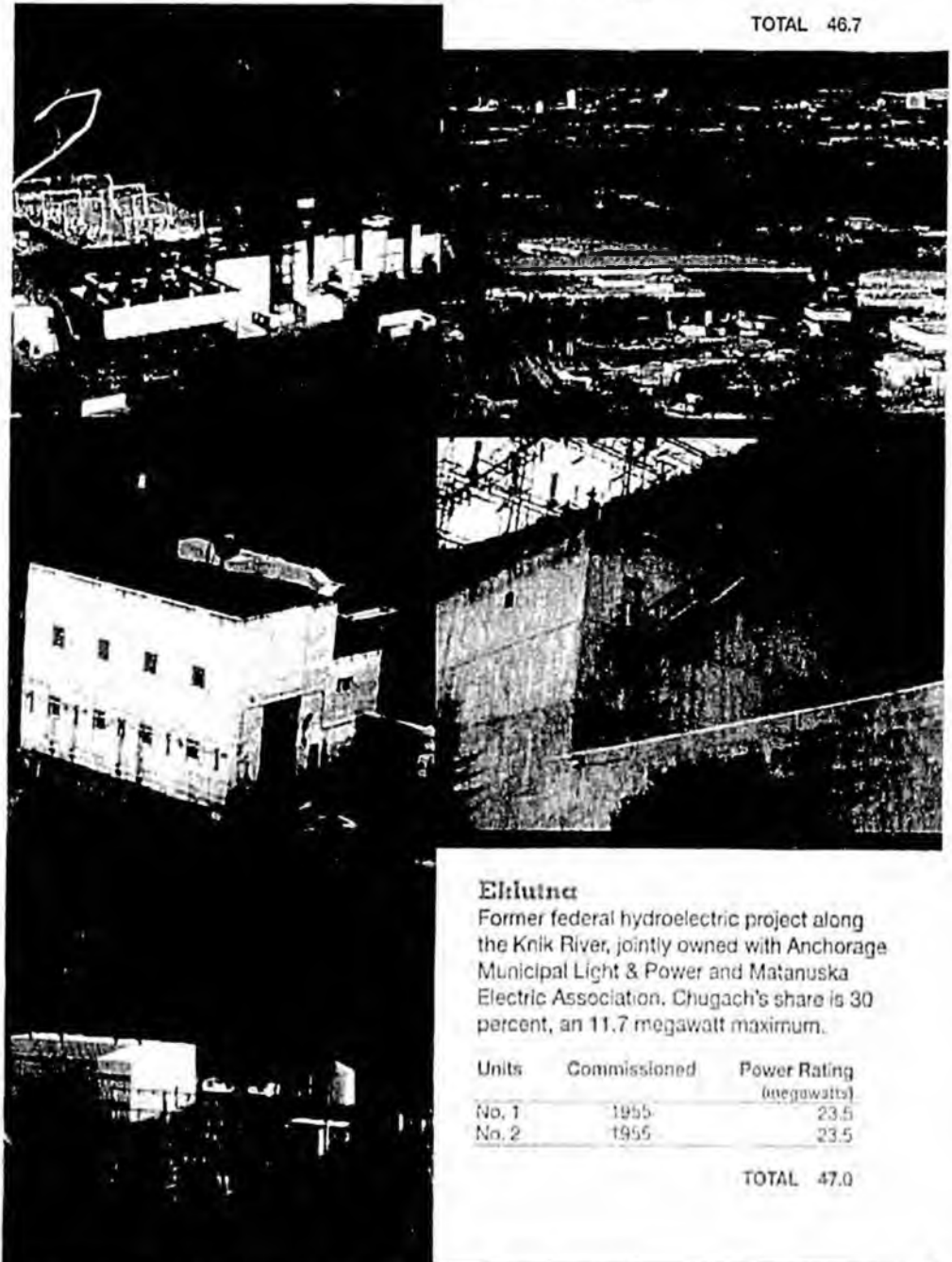
TOTAL 67.5

International

Located off International Airport Road in Anchorage; units are natural gas combustion turbines

Units	Commissioned	Power Rating (megawatts)
No. 1	1964	14.1
No. 2	1965	14.1
No. 3	1969	18.5

TOTAL 46.7



Eliutna

Former federal hydroelectric project along the Knik River, jointly owned with Anchorage Municipal Light & Power and Matanuska Electric Association. Chugach's share is 30 percent, an 11.7 megawatt maximum.

Units	Commissioned	Power Rating (megawatts)
No. 1	1955	23.5
No. 2	1955	23.5

TOTAL 47.0



**Matanuska Electric
Association, Inc.**

P.O. Box 2929
Palmer, Alaska 99645-2929
Telephone: (907) 745-3231
Fax: (907) 761-9368

February 20, 2008

Senator Charlie Huggins
State Capitol
Juneau, AK 99801

Dear Senator Huggins:

Thank you for the opportunity to provide comments in support of SB 246, **Susitna Hydro Working Group; Report.**

Matanuska Electric Association (MEA) is the oldest and second largest electric utility cooperative in the state. MEA serves more than 53,000 customers in the Matanuska-Susitna Valley and Chugiak-Eagle River areas of Alaska.

On February 11, MEA's Board of Directors unanimously passed a resolution supporting a similar piece of legislation, HB 336. As soon as a formal, signed copy is available, I will forward it to you.

Similarly, MEA supports SB 246 and your efforts to encourage the development of renewable energy projects in our service territory that would benefit the entire Railbelt. Last year, MEA expressed its desire to see the remaining balance of the Railbelt Energy Fund be dedicated to Southcentral Railbelt renewable energy projects.

Reviewing existing studies on the Susitna Hydro Project will spark important conversations about long-term energy policy for Alaska. While the actual development of a Susitna hydro project may take decades to complete, MEA is encouraged by the forward thinking laid out in SB 246.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorali M. Carter".

Lorali M. Carter
Manager of Government & Corporate Communications

cc: Senator Joe Thomas, Sponsor, SB 246

Enclosure: MEA Press Release on Railbelt Energy Fund Dedication



Mat-Su Resource Conservation & Development

*"Fostering Responsible Resource Conservation and
Economic Development in the Matanuska-Susitna Borough"*

Resolution 001-08

A RESOLUTION OF THE MAT-SU RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC. TO SUPPORT THE STUDY OF A SUSITNA HYDRO ELECTRIC PROJECT.

WHEREAS, the Mat-Su Resource Conservation & Development Council, Inc. is a Nonprofit Corporation in the State of Alaska; and

WHEREAS, the Mat-Su Resource Conservation & Development Council, Inc recognizes that renewable energy plays an important role in the future development of the State of Alaska; and,

WHEREAS, the Matanuska Susitna Borough and surrounding areas rely heavily on fossil fuels, whose pricing is highly volatile in today's market; and,

WHEREAS, the electric production of hydro electric projects emit no CO₂; and,

WHEREAS, substantial progress has been made on the Susitna Hydro Electric project since it was first studied in the 1970s; and

WHEREAS, the size and financing of this project is yet to be determined:

HEREBY BE IT RESOLVED that on this day February 5, 2008.

The Mat-Su Resource Conservation & Development Council, Inc supports the further advancement of the Susitna Hydro Electric Project.

Attest:

Roger Purcell

Roger Purcell, Vice-President

Darcie Salmon

Darcie Salmon, President





FAIRBANKS
Economic Development
CORPORATION

301 Cushman St., Suite 301, Fairbanks, AK 99701

February 11, 2008

Senator Joe Thomas
Alaska State Legislature
State Capitol
Juneau, Alaska 99801

Alaska is facing a growing and unanswered energy crisis. Within the next 10 years Alaska's Railbelt communities will need to replace 100% of their current power generation. In Rural Alaska the energy crisis is threatening to close communities that have existed hundreds of years.

Finding affordable, sustainable and environmentally friendly energy solutions for Alaska is the right investment in Alaska's future. Moving beyond an economy dependent on Federal spending and the price of oil will require leadership from both the State of Alaska Legislature and our Governor. We must make investments in Alaska that will contribute to our more self-dependent economic future.

We urge the Alaska State Legislature and the Governor of the State of Alaska to support Senate Bill 246 and create a task force to analyze the potential

Sincerely,

Jim Dodson
President & CEO
Fairbanks Economic Development Corporation

SB

247

SFIN

FILE

ALASKA STATE LEGISLATURE



Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN SENATE DISTRICT G

SB 247 Sponsor Statement

On October 30, 2004, President Bush signed into law the "Justice for All Act of 2004," which established enforceable rights for victims of crimes, enhances DNA collection and analysis efforts, and provides for postconviction DNA testing. As a result of this law, the President's DNA Initiative was launched by the U.S. Department of Justice to help Federal, State and local governments improve their laws to solve more crimes, protect the innocent and identify missing persons. In August 2005, the Department of Justice published "Identifying the Missing: Model State Legislation." Based on this model legislation, I have introduced SB 247.

Every year, numerous Alaskan families go through the agonizing process of reporting missing persons to law enforcement so they can begin the process of finding their loved ones. I believe it is a worthwhile effort to do anything we can to improve that process and increase the success rate of finding missing persons. I am very proud of our law enforcement community in Alaska. It is my intent through the introduction of this bill to help improve their ability to locate and safely return missing persons. This legislation provides the framework necessary for that improvement.

Specifically, SB 247:

- Prohibits the disposal of unidentified human remains unless DNA samples are archived.
- Prohibits a law enforcement agency from refusing to accept a missing persons report.
- Provides a detailed list of specific information to be gathered and recorded by law enforcement about a missing person.
- Allows law enforcement to obtain a DNA sample from the family of a missing person who has been missing for more than 30 days and forward that DNA to an approved facility for analysis and dissemination to missing persons databases.

- Requires all missing person reports to be entered into the National Crime Information Center (NCIC) Missing Person File, the Unidentified Person File, and the state crime information system.
- Provides a mechanism for law enforcement to determine if a missing person is deemed "high-risk" and if so, take immediate action.
- Improves procedures for handling human remains and communicating with the family of a missing person.

This legislation will give more hope to all the families of the missing and also keeps families actively engaged in helping to bring home their missing loved ones. I encourage your support for this important step forward to help law enforcement find missing persons as quickly as possible.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 247(JUD)
(S) Publish Date: 2/13/08

Identifier (file name): SB247-DOC-OC-01-28-08 Dept. Affected: Corrections
Title: "Act relating to missing persons and unidentified remains.." RDU: Administration and Operations
Component: Office of the Commissioner
Sponsor: Senator Green
Requester: Senate Judiciary Component Number: 694

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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	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	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

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

Phone: (907) 465-3339
Date/Time: 1/25/08 12:46 PM
Date: 1/25/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 247(JUD)
(S) Publish Date: 2/13/08

Identifier (file name): SB247-DPS-R&I-01-28-08 Dept. Affected: Public Safety
Title: "An Act relating to missing persons and unidentified human remains." RDU: Statewide Support
Sponsor: Senator Green Component: Records & Identification
Requester: Senate Judiciary Committee Component Number: 1190

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	186.0							
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	186.0	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	186.0						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	186.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

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 legislation requires law enforcement agencies, in accepting a report of a missing person, to gather specific information relating to the disappearance of the missing person and requires all missing person reports accepted by a law enforcement agency to be immediately entered into national and state missing person databases.

Modifications to the Alaska Public Safety Information Network (APSIN) - the state's crime information system - as well as the department's current missing person clearinghouse database will be required as a result of this legislation. Development of standardized forms and training for law enforcement agencies will also be required. (Continued)

Prepared by: David Schade, Director
Division: Statewide Services
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone: 269-0202
Date/Time: 1/28/08 12:46 PM
Date: 1/28/2008

FISCAL NOTE # 2

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 247(JUD)

ANALYSIS CONTINUATION

Currently when a person is reported missing, the law enforcement agency enters basic "locate" information into APSIN which is then uploaded to the National Crime Information Center (NCIC). The information is cleared from APSIN when the person is located. At some point, if the person remains missing, the law enforcement agency will send a report to the department's Missing Persons Clearinghouse. There currently are no consistent standards or protocol for the content, timing, and method of submission of these reports amongst law enforcement agencies.

This analysis assumes the information collected regarding a missing person's disappearance must be immediately submitted to the department's Missing Persons Clearinghouse. Creation and implementation of standardized missing person report forms will be necessary in order to provide law enforcement agencies a consistent method of collecting all of the information regarding a missing person's disappearance as required by this legislation. A means of submitting the information to the department's Missing Persons Clearinghouse must also be developed.

To accomplish this, an analysis and redesign of APSIN and the current missing persons clearinghouse database will be required to ensure these systems can capture the information required by this legislation. This will involve the addition of new fields, screens, and system reports. The possibility of using a web service to capture, submit, and also query missing person information will be investigated.

This analysis assumes it will take eight months of contract programmer analysis, development, coding, and testing of system enhancements at an estimated cost of \$120,000 (\$100/hr x 150 hrs/month x 8 months). Once developed, training of all stakeholders would need to take place. This will involve the development of training materials and the actual training at an estimated cost of \$16,000 (\$100/hr x 160 hrs/month x 1 month). Software (\$10,000), hardware (\$10,000), data migration, and new APSIN programming (\$30,000) are estimated to total \$50,000.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 247(JUD)
(S) Publish Date: 2/13/08

Identifier (file name): SB247-DPS-ABI-1-25-08 Dept. Affected: Public Safety
Title: "An Act relating to missing persons and unidentified human remains." RDU: Alaska State Troopers
Sponsor: Senator Green Component: Alaska Bureau of Investigation
Requester: Senate Judiciary Component Number: 2744

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	100.8		100.8	100.8	100.8	100.8	100.8	100.8
Travel	8.3		8.3	8.3	8.3	8.3	8.3	8.3
Contractual	46.6		31.8	31.8	31.8	31.8	31.8	31.8
Supplies	4.5		4.5	4.5	4.5	4.5	4.5	4.5
Equipment	46.6		0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	206.8	0.0	145.4	145.4	145.4	145.4	145.4	145.4

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	206.8		145.4	145.4	145.4	145.4	145.4	145.4
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	206.8	0.0	145.4	145.4	145.4	145.4	145.4	145.4

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

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

This bill provides that certain investigative steps must be taken by a law enforcement agency when a person is reported missing. These duties require a risk assessment, 30 day review, and the collection of additional evidence to include DNA from the family of the missing person.

While it is not expected that this bill will increase the number of missing person reports that the DPS receives, it will increase the length of many investigations. Currently the DPS receives approximately 1500 reports of missing persons annually. The cumulative affect of the additional investigative steps required by this legislation will result in the need for an additional investigator position in the DPS.

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

Phone (907)247-4480
Date/Time 1/25/08 12:20 PM
Date 1/25/2008

FISCAL NOTE # 1

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 247(JUD)

ANALYSIS CONTINUATION

Included in this analysis is one State Trooper - Investigator position based in Anchorage. The funding needed to support this position includes travel, communications, lease space, office supplies, uniforms, ammunition, law enforcement supplies, vehicle, and one-time costs such as academy training, portable radio, computers, firearms, and office furniture.

AUGUST 2005

**Identifying the Missing:
Model State Legislation**

PRESIDENT'S

DNA

INITIATIVE



www.DNA.gov

U.S. Department of Justice
Office of Justice Programs
810 Seventh Street N.W.
Washington, DC 20531

Alberto R. Gonzales
Attorney General

Regina B. Schofield
Assistant Attorney General

Sarah V. Hart
Director, National Institute of Justice

The National Institute of Justice is the research, development, and evaluation agency of the U.S. Department of Justice. NIJ's mission is to advance scientific research, development, and evaluation to enhance the administration of justice and public safety.

On October 30, 2004, President Bush signed into law the "Justice for All Act of 2004," which establishes enforceable rights for victims of crimes, enhances DNA collection and analysis efforts, provides for postconviction DNA testing, and authorizes grants to improve the quality of representation in State capital cases.

The President's DNA Initiative—Advancing Justice Through DNA Technology—is a 5-year program that directs more than \$1 billion to improve the use of DNA in the criminal justice system. Designed to help Federal, State, and local forensic laboratories in particular, the initiative provides funding, training, and assistance to ensure that DNA technology reaches its full potential to solve crimes, protect the innocent, and identify missing persons.

Office of Justice Programs
Partnerships for Safer Communities
www.ojp.usdoj.gov

Identifying the Missing: Model State Legislation

AUGUST 2005

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice

NCJ 210740

MODEL STATE MISSING PERSONS STATUTE

AN ACT relating to improving the ability of law enforcement to locate and return missing persons, to improving the identification of human remains, and to improving timely information and notification to family members of missing persons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____:

(A) TITLE _____, _____ CODE, is amended by adding Article XXX to read as follows:

ARTICLE XXX: PROCEDURES FOR LAW ENFORCEMENT OFFICERS, CORONERS/
MEDICAL EXAMINERS AND OTHER GOVERNMENT PERSONNEL
RELATING TO MISSING PERSONS REPORTS AND IDENTIFYING UNIDENTIFIED
PERSONS/HUMAN REMAINS

SEC. XXX.1. MISSING PERSON(S) REPORTS

- (1) REPORT ACCEPTANCE. All law enforcement agencies within the State shall accept without delay any report of a missing person(s). Acceptance of a missing person(s) report may not be refused on any ground. No law enforcement agency may refuse to accept a missing person report on the basis that—
- (A) the missing person(s) is an adult;
 - (B) the circumstances do not indicate foul play;
 - (C) the person(s) has been missing for a short period of time;
 - (D) the person(s) has been missing a long period of time;
 - (E) there is no indication that the missing person(s) was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
 - (F) the circumstances suggest that the disappearance may be voluntary;
 - (G) the person(s) reporting does not have personal knowledge of the facts;

- (H) the reporting individual cannot provide all of the information requested by the law enforcement agency;
 - (I) the reporting person lacks a familial or other relationship with the missing person;
 - (J) or for any other reason.
- (2) **MANNER OF REPORTING.** All law enforcement agencies shall accept missing person(s) reports in person. Law enforcement agencies are encouraged to accept reports by phone or by electronic or other media to the extent that such reporting is consistent with law enforcement policies or practices.
- (3) **CONTENTS OF REPORT.** In accepting a report of a missing person(s), the law enforcement agency shall attempt to gather relevant information relating to the disappearance. The law enforcement agency shall attempt to gather at the time of the report information that shall include, but not be limited to, the following:
- (A) The name of the missing person(s) (including alternative names used);
 - (B) The date of birth;
 - (C) Identifying marks (such as birthmarks, moles, tattoos, scars, etc.);
 - (D) Height and weight;
 - (E) Gender;
 - (F) Race;
 - (G) Current hair color and true or natural hair color;
 - (H) Eye color;
 - (I) Prosthetics, surgical implants, or cosmetic implants;
 - (J) Physical anomalies;
 - (K) Blood type (if known);
 - (L) Drivers License number (if known);
 - (M) Social Security Number (if known);

- (N) A photograph of the missing person(s) (recent photographs are preferable; the agency is encouraged to attempt to ascertain the approximate date the photograph was taken);
- (O) A description of the clothing the missing person(s) was believed to be wearing;
- (P) A description of items that might be with the missing person(s) (jewelry, accessories, shoes or boots etc.);
- (Q) Information on missing person's electronic communications devices such as but not limited to cell phone numbers, email addresses, etc.;
- (R) The reasons why the reporting person(s) believes that the person(s) is missing;
- (S) Name and location of missing person's school or employer (if known);
- (T) Name and location of missing person's dentist and/or primary care physician (if known);
- (U) Any circumstances that may indicate that the disappearance was not voluntary;
- (V) Any circumstances that indicate that the missing person(s) may be at risk of injury or death;
- (W) A description of the possible means of transportation of the missing person(s) (including make, model, color, license, and VIN of a vehicle);
- (X) Any identifying information about a known or possible abductor and/or person(s) last seen with the missing person(s) including:
 - (1) Name;
 - (2) A physical description;
 - (3) Date of birth;
 - (4) Identifying marks;

- (5) The description of possible means of transportation (including make, model, color, license, and VIN of a vehicle);
 - (6) Known associates.
- (Y) Any other information that can aid in locating the missing person(s); and
- (Z) Date of last contact.
- (4) NOTIFICATION AND FOLLOW UP ACTION.
- (A) NOTIFICATION. The law enforcement agency shall notify the person(s) making the report, a family member, or other person(s) in a position to assist the law enforcement agency in its efforts to locate the missing person(s):
- (1) General information about the handling of the missing person(s) case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or protect the missing person(s), to apprehend or prosecute any person(s) criminally involved in the disappearance;
 - (2) That the person(s) making the report or other necessary person(s) should promptly contact the law enforcement agency if the missing person(s) remains missing to provide additional information and materials that will aid in locating the missing person(s). The law enforcement agency should also notify the person(s) of the specific information or materials needed such credit/debit cards the missing person has access to (and other banking information) and records of cell phone use;
 - (3) The law enforcement agency shall notify the person(s) making the report that any DNA samples provided for the missing person(s) case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose;
 - (4) The law enforcement agency is encouraged to make available informational materials (through publications or electronic or other media) that advise the public about how the information or materials identified in this subsection are used to help locate or identify missing persons.

- (B) FOLLOW UP ACTION. If the person(s) identified in the missing person report remain missing after thirty days, and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:
- (1) DNA samples from family members and/or from the missing person(s) along with any needed documentation, including any consent forms, required for the use of State or Federal DNA databases including but not limited to the Local DNA Database (LDIS), State DNA Database (SDIS), and National DNA Database (NDIS);
 - (2) An authorization to release dental or skeletal x-rays of the missing person(s);
 - (3) Any additional photographs of the missing person(s) that may aid the investigation or an identification. The law enforcement agency shall not be required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person(s);
 - (4) Dental information and x-rays; and
 - (5) Fingerprints.
- (C) All DNA samples obtained in missing person(s) cases shall be immediately forwarded to [specify state crime laboratory or other accredited laboratory that will perform the DNA analysis] for analysis. The laboratory should establish procedures for determining how to prioritize analysis of the samples relating to missing persons cases;
- (D) Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.
- (E) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the thirty-day period.

SEC XXX.2. LAW ENFORCEMENT ANALYSIS AND REPORTING OF MISSING PERSON(S) INFORMATION.

(I) PROMPT DETERMINATION OF HIGH-RISK MISSING PERSON(S)

(A) DEFINITION. A high-risk missing person(s) is an individual whose whereabouts are not currently known and the circumstances indicate that the individual may be at risk of injury or death. The circumstances that indicate that an individual is a "high-risk missing person(s)" include any of the following, but are not limited to:

- (1) The person(s) is missing as a result of a stranger abduction;
- (2) The person(s) is missing under suspicious circumstances;
- (3) The person(s) is missing under unknown circumstances;
- (4) The person(s) is missing under known dangerous circumstances;
- (5) The person(s) is missing more than thirty (30) days;
- (6) The person(s) has already been designated as a "high-risk missing person(s)" by another law enforcement agency;
- (7) There is evidence that the person(s) is at risk because:
 - (A) The person(s) missing is in need of medical attention, or prescription medication;
 - (B) The person(s) missing does not have a pattern of running away or disappearing;
 - (C) The person(s) missing may have been abducted by non-custodial parent;
 - (D) The person(s) missing is mentally impaired;
 - (E) The person(s) missing is a person under the age of twenty-one;
 - (F) The person(s) missing has been the subject of past threats or acts of violence.

- (8) Any other factor that may, in the judgment of the law enforcement official, determine that the missing person may be at risk.

(B) LAW ENFORCEMENT RISK ASSESSMENT.

- (1) Upon initial receipt of a missing person(s) report, the law enforcement agency shall immediately determine whether there is a basis to determine that the person(s) missing is a high-risk missing person(s);
- (2) If a law enforcement agency has previously determined that a missing person(s) is not a high-risk missing person(s), but obtains new information, it shall immediately determine whether the information provided to the law enforcement agency indicates that the person(s) missing is a high-risk missing person(s);
- (3) Risk assessments identified in this subsection shall be performed no later than ___ hours after the initial missing person(s) report or the new information was provided to the law enforcement agency.
- (4) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person(s) cases to accomplish the purpose of this act.

(C) LAW ENFORCEMENT AGENCY REPORTS.

- (1) When the law enforcement agency determines that the missing person(s) is a high-risk missing person(s) it shall notify [specify here the central state agency responsible for handling missing person(s) cases and notifying law enforcement agencies of missing person(s)]. It shall immediately provide to the [specify here the central state agency] the information most likely to aid in the location and safe return of the high-risk missing person(s). It shall provide as soon as practicable all other information obtained relating to the missing person(s) case;
- (2) The [specify here the central state agency] shall promptly immediately notify all law enforcement agencies within the State and surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person(s);

- (3) The local law enforcement agencies who receive the notification from the State agency specified in subsection (2) shall notify officers to "be on the look out" for the missing person(s) or a suspected abductor;
- (4) The responding local law enforcement agency shall immediately enter all collected information relating to the missing person(s) case in available State and Federal databases. If the responding local law enforcement agency does not have the capability to enter this data directly in the State and Federal databases, the [specify the central state agency] shall immediately enter all collected information relating to the missing person(s) case in available State and Federal databases. The information shall be provided to in accordance with applicable guidelines relating to the databases. The information shall be entered as follows:
 - (A) A missing person(s) report in high-risk missing person(s) cases (and relevant information provided in the report) shall be entered in the National Crime Information Center database immediately, by no more than 2 hours of the determination that the missing person is a high-risk missing person; All other missing person(s) reports (and relevant information provided in the report) shall be entered within one day after the missing person(s) report is received. Supplemental information in high-risk missing person(s) cases should be entered as soon as practicable;
 - (B) All DNA profiles shall be uploaded into the missing persons databases of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry;
 - (C) Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.
- (5) The [specify the central state agency] shall ensure that person(s) entering data relating to medical or dental records in State or Federal databases are specifically trained to understand and correctly enter the information sought by these databases. The [specify the central agency] is strongly encouraged to either use person(s) with specific expertise in

medical or dental records for this purpose or consult with the [specify here a chief medical examiner, forensic anthropologist, or an odontologist] to ensure the accuracy and completeness of information entered into the State and Federal databases;

- (6) Pursuant to any applicable State criteria, local law enforcement agencies should also provide for the prompt use of an Amber Alert or public dissemination of photographs in appropriate high risk cases;

SEC.XXX.3. REPORTING OF UNIDENTIFIED PERSONS/HUMAN REMAINS

(1) HANDLING OF DEATH SCENE INVESTIGATIONS.

- (A) The [specify central state agency] shall provide information to local law enforcement agencies about best practices for handling death scene investigations;
- (B) The [specify central state agency] shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers concerning the handling of death scene investigations.

(2) LAW ENFORCEMENT REPORTS.

- (A) After performing any death scene investigation deemed appropriate under the circumstances, the official with custody of the human remains shall ensure that the human remains are delivered to [specify here appropriate coroner or medical examiner];
- (B) Any person with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the [specify central state agency] of the location of those remains;
- (C) If the person with custody of remains cannot determine whether or not the remains found are human, it shall notify the [specify central state agency] of the existence of possible human remains.

SEC. XXX.4. UNIDENTIFIED PERSONS/HUMAN REMAINS IDENTIFICATION RESPONSIBILITIES.

- (1) If the official with custody of the human remains is not a medical examiner, the official shall promptly transfer the unidentified remains to the [specify the medical examiner agency qualified to examine human remains for the purpose of identification] with responsibility for seeking to determine the identity of the human remains;
- (2) Notwithstanding any other action deemed appropriate for the handling of the human remains, the medical examiner shall make reasonable attempts to promptly identify human remains. These actions may include but not are limited to obtaining:
 - (A) Photographs of the human remains (prior to an autopsy);
 - (B) Dental or skeletal X-rays;
 - (C) Photographs of items found with the human remains;
 - (D) Fingerprints from the remains (if possible);
 - (E) Sample[s] of tissue suitable for DNA typing (if possible);
 - (F) Sample[s] of whole bone and/or hair suitable for DNA typing;
 - (G) Any other information that may support identification efforts.
- (3) No medical examiner or any other person shall, dispose of, or engage in actions that will materially affect the unidentified human remains before the medical examiner obtains—
 - (A) Samples suitable for DNA identification, archiving;
 - (B) Photographs of the unidentified person/human remains; and
 - (C) All other appropriate steps for identification have been exhausted;
- (4) Cremation of unidentified human remains is prohibited.
- (5) The medical examiner, coroner, or the [agency designated by the central state law enforcement agency] shall make reasonable efforts to obtain prompt DNA analysis of biological samples, if the human remains have not been identified by other means within 30 days.

- (6) The medical examiner, coroner, or the [agency designated by the central state law enforcement agency] shall seek support from appropriate State and Federal agencies for human remains identification efforts. Such support may include, but is not be limited to, available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or Federal grants for crime laboratory or medical examiner office improvement;
- (7) The [medical examiner or other agency designated by central state law enforcement agency] shall promptly enter information in Federal and State databases that can aid in the identification of missing person(s). Information shall be entered into Federal databases as follows:
- (A) Information for the National Crime Information Center within [X] hours;
 - (B) DNA profiles and information shall be entered into the National DNA Index System (NDIS) within five business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile; and
 - (C) Information sought by the Violent Criminal Apprehension Program database as soon as practicable.
- (8) If medical examiner office personnel do not input the data directly into the Federal databases, the [specify the central state agency] shall consult with the medical examiners office to ensure appropriate training of the data entry personnel and the establishment of a quality assurance protocol for ensuring the ongoing quality of data entered in the Federal and State databases;
- (9) Nothing in this Act shall be interpreted to preclude any medical examiner office, the [central state law enforcement agency], or a local law enforcement agency from pursuing other efforts to identify unidentified human remains including efforts to publicize information, descriptions or photographs that may aid in the identification of the unidentified remains, allow family members to identify missing person(s), and seek to protect the dignity of the missing person(s).

Explanatory Comments

Each year families in the United States struggle with the agony of having to report a missing loved one. Far too often, missing persons investigations grow cold leaving many to cope with the loss of a loved one without closure. Historically, law enforcement community's ability to locate and ensure a safe return of those missing has been hampered by an inability to share resources and information when conducting investigations and identifying remains.

This model state legislation seeks to address this significant national problem as it relates to reporting persons as missing and the identification of human remains. For cases involving missing persons, law enforcement's ability to locate and ensure a safe return must be improved. This can occur if law enforcement is granted additional tools to identify high-risk missing persons cases and can promptly disseminate critical information to other law enforcement agencies and the public. This model legislation provides a framework for improving law enforcement's response in this regard.

Sec XXX.1. Missing Person(s) Reports. This section provides a proposed statutory scheme that ensures that missing persons reports are promptly taken by law enforcement. National experts on the issues of missing persons and identification have reported that some law enforcement policies are inadvertently impeding the collection of missing persons information. Subsections XXX.1(1)-(2) ensure that any family member or interested person will have multiple options available to make a missing persons report. For jurisdictions covering large geographic areas, the legislation may need to require law enforcement agencies to accept missing persons reports by phone. Subsection XXX.1(3) encourages the collection of specific information that is most likely to aid in the location, swift return, or identification of the missing person. At the same time, this section provides a scheme that allows immediate collection of information likely to be available to the reporting person. Subsection XXX.1(4) provides for notification to persons making law enforcement reports, family members and loved ones about law enforcement efforts for missing person cases generally and, to the extent appropriate, provides information relating to their specific missing person. Subsections XXX.1(4)(B)-(C) ensure the collection within 30 days of additional information or samples that can aid in the identification of human remains.

Section XXX.2. Law Enforcement Analysis and Reporting of Missing Persons(s) Information. After the collection of critical information, law enforcement agencies need to be able to analyze it promptly to determine whether the missing person is at risk of immediate harm. This section establishes a mechanism for determining high-risk missing persons cases and disseminating critical information to other law enforcement agencies and the public that can help locate the missing person. The dissemination strategy for high-risk cases maximizes the use of national databases, ensures prompt dissemination of information to patrolling officers, and encourages the use of Amber Alerts (proven to be highly effective in promptly locating abducted juveniles).

Specifically, subsections XXX.2(1)(A)–(B) provide a mechanism for promptly making an assessment whether the missing person is a “high-risk missing person.” Subsection XXX.2(C) provides for the centralized and prompt reporting of a high-risk missing person, the notification of appropriate local law enforcement agencies of the high-risk missing person, and encourages patrolling officers to seek to locate the high-risk missing person and abductor. If the central state agency official in subsection XXX.2(C)(2) is not staffed 24 hours a day, the statute should specify how this notification will be accomplished. Subsection XXX.2(C)(4) ensures prompt reporting of essential information to national and State databases. Subsection XXX.2(C)(6) encourages the use of specially trained person who can enter information in the national databases (as national experts have reported that data entry of this forensic and medical information requires specialized training). Subsection XXX.2(C)(6) also encourages the use of Amber Alerts to locate promptly high-risk missing juveniles.

Section XXX.3. Reporting of Unidentified Persons/Human Remains. Section XXX.3 and Section XXX.4 together provide a step-by-step approach for improving the collection, analysis and dissemination of information that will aid in the identification of human remains. Subsection XXX.3(1) seeks to improve death scene investigations through increased dissemination of best practice information, publications and notification of training opportunities. Subsection XXX.3(2) seeks to ensure that remains are delivered to appropriate agencies and that there is centralized reporting for the state of the existence of unidentified human remains.

Section XXX.4 Unidentified Persons/Human Remains Identification Responsibilities. Subsection XXX.4(1) seeks to ensure that unidentified remains are transferred to a medical examiners office, as that office would be most likely to possess the expertise necessary for an identification. Subsection XXX.4(2) ensures reasonable means are pursued by the medical examiner to make an identification. Section XXX.4.(3) ensures that the remains of unidentified persons are protected from cremation or other actions until the medical examiner conducts an examination and collects of samples to assist in the identification investigation. Section XXX.4(4) encourages that State agencies to seek available support from appropriate Federal agencies for the identification effort. (Currently, such support is available through the National Institute of Justice and the Federal Bureau of Investigation. Additional information relating to available resources can be found at www.dna.gov.) Section XXX.4(5) and (6) ensures that information critical to identification efforts is entered into existing Federal databases. Section XXX.4(7) makes clear that other identification efforts should be examined and pursued, if appropriate.

For more information on this and other issues, please visit www.DNA.gov.

NIJ is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime

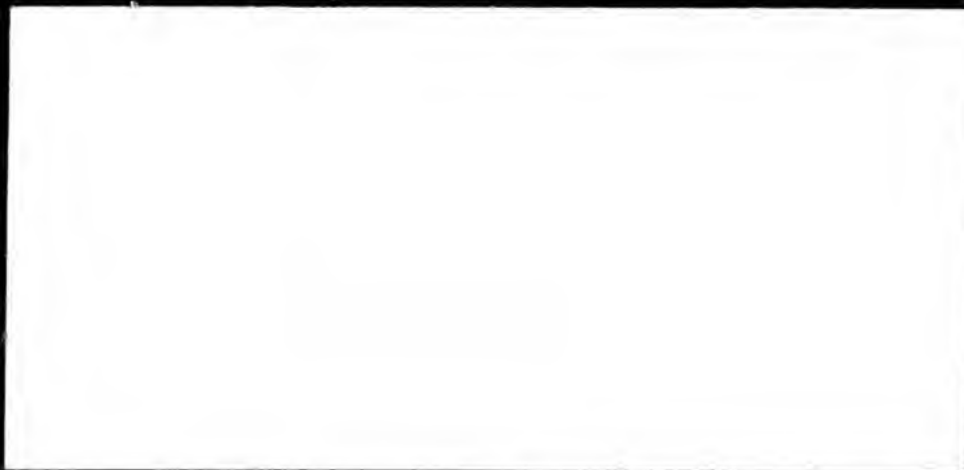
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It has come to my attention that there is a very real and growing problem here in the state of Alaska.

Each year, families in Alaska struggle with the agony of having to report a missing loved one. Far too often missing persons investigations grow cold, leaving many to cope with this loss. Historically, the law enforcement community's ability to locate and ensure a safe return of those missing has been hampered by an inability to share resources and information when conducting investigations and identifying remains.

In collaboration with experts representing State and local law enforcement, policymakers, forensic scientists, medical examiners and coroners, and crime victims, the U.S. Department of Justice has developed model State legislation. This model legislation seeks to address the national problems of missing persons and the identification of human remains.

For cases involving missing persons, law enforcement's ability to locate and ensure a safe return must be improved. Law enforcement must be granted additional tools to identify high-risk missing persons cases and promptly disseminate critical information to other law enforcement agencies and the public. This model legislation provides framework for improving law enforcement's response.

It suggests ways States can improve the collection of critical information about missing persons, prioritize high-risk missing persons cases, and ensure prompt dissemination of critical information to other law enforcement agencies and the public that can improve the likelihood of a safe return. At the same time, this model legislation suggests an approach for collecting information during the missing persons reporting process that can later be used to help identify human remains.

The model legislation will also ensure that information that could help identify human remains is promptly collected and reported to national databases. Specifically, the model legislation suggests a mechanism for improving death scene investigations, centralizing within the State the reporting of unidentified remains, ensuring the delivery of human remains to an entity that can conduct an appropriate examination, ensuring the timely reporting of identifying information to national databases, and maximizing available resources that can reduce the cost of identifications.

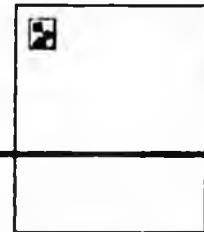
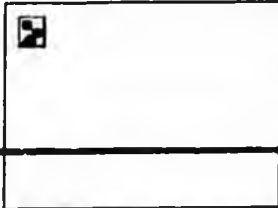
There are an estimated 40,000-50,000 unidentified deceased persons in the US. Many of these persons may be reported missing, but without the model legislation in place as law, this number will continue to grow. This leaves families of the missing without answers, sometimes for years, and unfortunately, sometimes forever.

With more than 100,000+ missing persons cases open in the US, it is clear that we must place more importance upon actions taken that will decrease this number. We are, after all, not talking about numbers, but about human beings. These missing persons are loved and missed by their families. We need to take swift and firm action to put into place laws which will give these families hope and increase the number who come back home.

Sincerely,

Mary Weir
407 E Caribou Ave
Palmer AK 99645
janedoe.17@hotmail.com

*Mother of
Samantha Bonnell #1987-9/24/05
aka Jane Doe #17-05*



GARY PENROD, SHERIFF-CORONER

August 17, 2007

To: Legislators for the state of Alaska

RE: Letter in support of for Missing Persons Legislation in Alaska

I am a deputy coroner investigator with 15 years of experience in one of the largest county jurisdictions in the world (20,000 square miles). This department serves a population of nearly two million, and investigates just over 10,000 deaths a year. I have personally investigated nearly 6,000 deaths in my career. My current duties as Unidentified Persons Coordinator are to identify the just over 300 long-term unidentified persons cases being actively investigated. I directly assist the Sheriff Department's administration of nearly 10,000 missing persons reports annually and have developed a missing persons identifier records acquisition protocol.

My experience tells me that there are only three scientific means by which a person who is either unwilling (actively hiding or psychological disability) or unable (unconscious or dead) to identify themselves: fingerprints, dental records, and DNA. These vital "identifier records" must be obtained and submitted into state and federal searchable databases. Our goal, as missing person investigators, must be to put into play those items that will allow the missing person to be detected by law enforcement's "radar." The only way to ensure that these crucial records are obtained and submitted is to compel their acquisition by legislation.

It is a sad reality that those jurisdictions that do not require submissions do not regularly or adequately complete these submissions. Nationally, dental records are the most common identifier records submitted, and on average these are entered for only approximately 4% of the missing persons records.

Legislation must mandate the following:

- Missing person reports must be taken without fail and without delay - priority assigned over crimes of property
- Identifier records must be obtained and submitted into state and national databases
 - Fingerprints** "registered" into Automated Fingerprint Identification System (state) and Integrated AFIS (federal)
 - Dental records** (charts and X-rays) to the state clearinghouse and the National Dental Image Repository (FBI)
 - dental characteristics updated into the NCIC record
 - DNA** (arrest and reference samples) into the Combined DNA Index System (CODIS)
- Training for missing persons investigators

For the legislature of the State of Alaska to settle for any less is to perpetuate this epidemic in our society.

Sincerely,

David Van Norman
Deputy Coroner Investigator/Unidentified Persons Coordinator
San Bernardino County Sheriff Department - Coroner Division
175 S. Lena Rd., San Bernardino, CA 92415
Office: 909-387-2978
Desk: 909-388-0159
FAX: 909-387-2989
Email: dvannorman@sbscd.org

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Palmer woman's daughter disappeared for 19 months

Photos of bodies on Web sites left mother with nightmares

By ANDREW WELLNER
awellner@adn.com

(Published: September 14, 2007)

PALMER -- The phone call came Sept. 24, 2005.

Mary Weir's daughter, Samantha Bonnell, had left Alaska for California earlier that year, just two or three days shy of her 18th birthday.

Now, Samantha's boyfriend was calling. He told Weir he and her daughter had had a fight at a movie theater in Montclair. Samantha had run off. Had Weir heard from her daughter?

She said she hadn't.

It was the last she heard of Samantha for almost six months. And it would be a year and a half before she found out what had happened that night.

Her daughter died crossing a busy highway on foot. Her body ended up in a San Bernardino County morgue, one of hundreds of unidentified corpses waiting for family members or friends to find them, claim them and take them home, according to deputy coroner David Van Norman.

Even after all this time, her mother still doesn't know exactly what led to Samantha's death. The San Bernardino County Sheriff's Department announced this week it had ruled out foul play, according to coroner's spokeswoman Sandy Fatland.

As authorities tried to piece together the girl's last minutes, Weir searched the Internet, scanning Web pages devoted to unidentified bodies for her missing daughter.

The search left her skeptical of -- and at times angry at -- the system that allows a body to go unidentified for so long.

"For the last 19 months I've been searching every Internet Web site I can find with unidentified bodies," Weir said in April. "It is, it's not something I would want anybody to have to go through,"

Though she said a handful of Web sites post photos of the actual bodies, photos that left her with nightmares, most show artist renderings or computer composite images instead.

But they still contain stories of what happened to the person. That, in some ways, is almost worse



Weir's hands frame a portrait of her daughter that was made when Bonnell was 16 years old. "I'd like to get her story out so that this doesn't happen to anyone else," Weir said recently. (EVAN R. STEINHAUSER / Anchorage Daily News)



Mary Weir is the mother of Samantha Bonnell, who lived in California after leaving Alaska in 2005. Police reports there show that Bonnell was struck and fatally injured by cars on Interstate 10 in Montclair in September 2005. Her body went unidentified for a year and a half. (EVAN R. STEINHAUSER / Anchorage Daily News)

than the photos, Weir said.

"Before I knew what she was doing, she was staying up all night long while I slept, going through sites on the computer," said Weir's husband, Paul Weir.

"I thought as long as I kept it secret I wasn't looking for a dead body," Mary Weir said.

NO KNOWN ADDRESS

Samantha was an avid reader who wanted to be a corporate lawyer, her mother said. As a girl, she read law books and the entirety of Shakespeare before she left elementary school.

But her daughter was also a free spirit, Weir said. She got into the Valley meth scene in high school and was impossible to keep home. Though they'd fought in the past, it was strange Samantha hadn't called. The longest she'd stayed out of contact was six weeks.

Soon after Samantha's boyfriend called, Weir tried to file a missing persons report. She said she got the same response from all the agencies she called in California -- without a last known address she couldn't file a report. And besides, Bonnell was 18. It's not illegal for an adult to be missing, Weir said she was told.

Then, in February 2006, Bonnell's suitcases showed up, inexplicably, under a carport in Hanahan, S.C.

"I was like, 'Oh my God, she's still alive. There's hope. There's hope,'" Weir said. "But it just turned into another dead end."

The police in Hanahan called Weir asking if she knew her daughter's whereabouts. Weir told them the story and they told her to file a report with Alaska State Troopers, just to get the information into the system.

So finally a trooper, Sgt. Kathy Peterson -- now a lieutenant-- took the report.

Weir said she kept looking.

Nearly a year after they were found, Bonnell's bags arrived from South Carolina. Inside, Weir found one sock she'd bought her and a shirt that might have been hers. Otherwise, the contents belonged to someone else, probably a man, Weir said. She still has no idea how the bags ended up in South Carolina or who was using them.

In April she found a composite photo on a Web site, doenetwork.org.

"I looked at it and I said I think that might be her," Weir said.

April 1 she e-mailed the Web site to Peterson and asked that she check with San Bernardino County, where Jane Doe 17-05 was in cold storage. Peterson said she'd look into it.

More than two weeks later, on the 19th, Weir called San Bernardino herself.

"I said, 'I don't even know if I can do this but I think this is my daughter. I want to check it,'" Weir said.

Within 24 hours she'd sent them Samantha's dental records and been told they matched. In less

than a week, she'd sent the coroner the originals and it was confirmed.

The young woman's body in that California cemetery belonged to her daughter.

SHE RAN AS IF BEING CHASED

Then more details of Samantha's death emerged.

Five months later, her mother says she's numb to the details but her words stall when trying to recount them.

The California police reports show that, within an hour of when Weir got that call in 2005, her daughter was hit by at least two cars on Interstate 10 in Montclair, Calif., Weir said.

"I don't even want to think about what kind of a mess it made," she said. "I'm afraid to ask."

The spot on the highway is close to a theater. Witnesses said Bonnell ran across the highway, as if being chased, Weir said. She was not carrying identification.

"No personal belongings whatsoever except for the clothing on her back," Paul Weir said.

"Nothing, not Chap Stick or lip gloss," Mary Weir said.

Once Samantha was identified, Weir talked to coroners in California. They told her they had kept Samantha's body in cold storage longer than most because she seemed like the type of person who had people who cared for her.

The only people at the burial were coroner's staff.

Weir said that at first she was planning on leaving her daughter there. But then the coroner's office told her she was in the county cemetery, in a grave used to store unclaimed bodies.

They told her "right now she was in there by herself," Weir said, "I said, 'She's in there by her ... what?' Well, they stack them up to five deep."

She arranged to have Samantha's body flown to Oregon.

WHAT TOOK SO LONG?

Though she was noticeably more subdued during an interview this month, in April Weir was visibly angry with Peterson. What did Peterson do with the information she'd forwarded and why did she have to track her daughter down on her own? What took so long?

Earlier this month Peterson explained that law enforcement generally wants reports filed closer to where the person went missing.

"You don't have any idea where to start in another state," she said. "The reason I took this case is because she had already indicated she had tried those avenues and was unsuccessful."

Peterson said she did what she could, then forwarded the case to the state's Missing Person's Clearing House. Those folks have in-state cases to deal with that they prioritize before moving on to others, she said.

What angered Weir the most, she said, is her perception that she sent Peterson a link to Samantha's doenetwork.org page and the trooper did nothing with it.

Peterson said she did do something -- she sent it to the clearinghouse. But she didn't feel right asking Weir to work directly with them as she'd been bounced around so much already.

Weir this summer started working to get legislation passed to make it mandatory for law enforcement agencies to take missing persons reports, even for people over the age of 18 missing out of state. She's been talking to legislators and, really, anybody she can buttonhole.

"You're not safe standing next to me at the grocery store," Weir said. "I've become the very thing I never wanted to be -- an activist."

She gets e-mails from people with missing children.

And she hasn't stopped looking at unidentified bodies on the Internet. There's one case she thinks she can solve -- a woman found wearing a necklace from a fraternity or sorority.

"I'll probably spend the rest of my life trying to put a name to somebody," Weir said.

On Mother's Day, Samantha was buried in Rainier, Ore., where a lot of Weir's family lives.

The funeral was well attended. There was a collection box for donations to doenetwork.org.

Afterwards, they collected petals from Bonnell's coffin piece and spread them on the aisle at her sister's wedding.

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With help from advocacy group, mom finds body of missing daughter

By ANDREW WELLNER, Anchorage Daily News

(Published: September 20, 2007)

WASILLA, Alaska (AP) - Law enforcement didn't help Mary Weir track down her missing daughter this spring. On her own, she found her daughter's picture on the Internet and connected her to Jane Doe 17-05 in San Bernardino County, Calif.

Samantha Bonnell left her Palmer home two or three days shy of her 18th birthday and moved to California, Weir said. The last Weir heard of Samantha was a September 2005 phone call from her boyfriend saying she'd run off after a fight at a Montclair, Calif., movie theater.

It wasn't until April that Weir learned her daughter died that night, struck by several cars as she ran across Interstate 10. Samantha had no identification on her and she lay unclaimed at the San Bernardino County Coroner's Office until Weir called.

Alaska State Troopers took a missing persons report for Weir after Samantha's luggage surfaced in South Carolina. Weir's tenacity led her to the coroner's office.

Still she wasn't acting alone. She had help from Doe Network, a missing/unidentified persons advocacy group and from deputy coroner investigator David Van Norman, San Bernardino County's unidentified persons coordinator.

Though the news was bad, Weir said Van Norman gave her the first comfort she'd had in 19 months. Finally she knew what happened.

160 ATTEMPTS TO IDENTIFY BODY

"Can you imagine the courage it would take for a mother, terrified, not knowing the fate of her young daughter, to call a coroner?" Van Norman wrote by e-mail.

Weir's call was the 160th attempt by someone to match a missing person with Jane Doe 17-05, Van Norman wrote.

He counts himself an advocate for unidentified persons. His e-mail was at its most strident in criticizing law enforcement for what he sees as its relaxed attitude toward missing persons reports. He said he's heard countless stories of people turned away while trying to report someone missing. And he was very critical of the National Crime Information Center report troopers made for Weir.

"Samantha's NCIC gave the date that she was last seen as six months after she died!" Van Norman wrote.