

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672
11030 HOUSE STATE AFFAIRS

FISCAL NOTE
FN #

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 92

ANALYSIS CONTINUATION

The Department supports Section 2 as written.

Section 3 amends AS 47.17.290 by adding a definition of "clergy member." The Department agrees with this definition.

Section 4 amends the uncodified law to address clergy reports of past sexual abuse. The amendment states that on or before January 1, 2004, a member of the clergy or a custodian of records for the clergy may report to the Department or law enforcement, suspected or known child sexual abuse that may have occurred in the past that they did not report. This applies even if the alleged victim has reached the age of majority. Law enforcement would have the jurisdiction to investigate these reports of past sexual abuse. There would be no penalty for failure to report the suspected abuse in the past. The Department supports this amendment.

Should this bill become law the department does not anticipate any fiscal impact.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 92
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to reports by members of the BRU Criminal Division
clergy . . .suspect that a child has suffered harm . . ." Component All
 Sponsor Representative Lynn
 Requester House State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would add members of the clergy to the list of mandatory reporters of child abuse and neglect, unless the knowledge of or reasonable cause to suspect child abuse and neglect was acquired during a penitential communication. The law would be retroactive, even if the victim had reached the age of majority. Failure to report is a class B misdemeanor.

The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division Attorney General's Office Date/Time 2/24/03 5:13 PM
 Approved by: Kathryn Daughhelee for Gregg D. Renkes, Attorney General Date 2/24/2003
 Agency Department of Law



NORTHWEST RELIGIOUS LIBERTY ASSOCIATION

February 20, 2003

Representative Bob Lynn
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Lynn:

The Northwest Religious Liberty Association is the government relations division of the Seventh-day Adventist Church.

As the vice-president for the NRLA, I would like to give my/our support of HB 92. The bill is certainly in line with our church policy. As a pastor I must help to protect our children in any way possible, and I believe that this bill could work toward that end. I would be interested when this bill is scheduled for committee.

Sincerely,

Gary S. Waterhouse, vice-president
Northwest Religious Liberty Association;
pastor, Juneau 7-th day Adventist Church

Mailing: P.O. Box 16670
Portland, OR 97292-0670

Location: 10225 E. Burnside St.
Portland, OR 97216

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SEARCH HELP

Word, concept or phrase
 Keywords

Faith and peace

What role should faith groups play in advocating world peace?

- They should participate fully, including political activism and civil disobedience.
- They should abide by local law and custom, but make their voice heard.
- They should not interfere or comment on secular policy.

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ReligionLink

APRIL 1 , 2002

STATES

Clergy sex abuse: New move toward tougher state laws

Just as policies on handling accusations of clergy sex abuse vary from Roman Catholic diocese to diocese, state laws differ widely on whether clergy and religious institutions are required to report allegations to law enforcement. Now, more states are considering tougher laws. The New York Senate, for one, unanimously passed a bill on March 26 to require clergy to report suspicions of child abuse.

Twelve states specifically require clergy to report suspected abuse, according to the National Clearinghouse on Child Abuse and Neglect Information, a federal agency. Another 16 states require "all persons" to report abuse. But many states grant exemption for information clergy learn during confession. (See list below).

In states where clergy are required to report abuse, what have been the effects, according to state attorneys general, advocates of children and victims, and religious leaders? Are clergy exempted if reporting accusations would violate confidentiality between clergy and confessor? What statutes of limitation for sex-abuse allegations are in effect? Is your state considering a new law, or a tougher one? Are there other laws, such as those involving mental health counseling, that apply or that grant special clergy exemptions?

Why it matters

Because some religious institutions have handled allegations without involving the criminal justice system, many victims' only recourse has been lawsuits. Now child advocates, prosecutors and citizens are calling for laws to be toughened.

- [Skip to hot sources](#)
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Background

- A March 22 Associated Press article, "Clergy Reporting Rules," about state laws for reporting clergy abuse of minors is posted here. Under the listing of "Tort Law News" click "More" to find it.
- AdvocateWeb, a nonprofit group working against exploitation by professionals such as clergy and therapists, links to a sampling of state laws regarding sexual offenses. AdvocateWeb also tracks news stories via a

free electronic newsletter and Media Update Archives.

- A Princeton Theological Seminary field handbook article explaining areas of the law affecting clergy, including child abuse reporting and privileged communication, can be found here.
- The Poynter Institute is tracking clergy abuse news stories here.

Hot sources

- The National Clearinghouse on Child Abuse and Neglect Information, Washington, D.C., a federal agency under the U.S. Department of Health and Human Services, can help with research and statistics. Call (800) FYI-3366 or (703) 385-7565 or email nccanch@calib.com.
- The U.S. Conference of Catholic Bishops supports stricter laws as long as the laws shield the privilege of confession and other clergy-parishioner conversations, (202) 541-3000.
- Attorney Jeff Anderson of St. Paul, Minn., has represented hundreds of clients who say Catholic priests sexually victimized them. Reinhardt & Anderson law firm, 651-227-9990 or info@ralawfirm.com.
- The Rev. Marie M. Fortune, founder and senior analyst at the Center for the Prevention of Sexual and Domestic Violence in Seattle, Wash., has written several books, including *Is Nothing Sacred? When Sex Invades the Pastoral Relationship* (HarperSanFrancisco). Dr. Fortune, a United Church of Christ minister, edits *The Journal of Religion and Abuse*. 206-634-1903, mfortune@cpsdv.org. See a March 9 column Fortune wrote for *The Dallas Morning News*.
- James T. Richardson, professor of sociology and judicial studies at the University of Nevada, Reno, specializes in ways religious groups come into conflict with the law. Office 775-784-6270, department 775-784-6647, jtr@unr.edu.

In your region

- The states that specifically require clergy to report suspected child abuse and neglect but grant confessional privilege are Arizona, California, Maine, Minnesota, Montana, Nevada, North Dakota, Oregon, and Pennsylvania, according to the National Clearinghouse on Child Abuse and Neglect Information.
- New Hampshire mandates clergy reporting and specifically denies confessional privilege.
- Connecticut and Mississippi require clergy to report, and say nothing in child abuse and neglect reporting statutes about confessional privilege.
- The states that mandate all persons to report child abuse or neglect but grant confessional privilege are Delaware, Florida, Idaho, Kentucky, Maryland, Utah, and Wyoming.
- The states that mandate all persons to report and specifically deny confessional privilege are North Carolina, Rhode Island, and Texas.
- Indiana, Nebraska, New Jersey, New Mexico, Oklahoma, and Tennessee require everyone to report; child abuse and neglect reporting statutes say nothing about confessional privilege.
- Four states' statutes do not specifically mention clergy or "all persons" as people required to report child abuse and neglect, but they do bring up confessional privilege. Among those states, Louisiana, Missouri, and South Carolina grant it, and Washington State denies it.

ILLINOIS

- Illinois does not require clergy to report suspected child abuse. The Illinois Department of Children and Family Services discusses the law here.

INDIANA

- Indiana requires all citizens and, specifically, staff members of any public or private institution, school, facility or agency to report suspected child abuse. A copy of the code is posted here.

KENTUCKY

- Kentucky requires all citizens to report suspected child abuse, but exempts clergy-penitent communication. The Governor's Office of Child Abuse and Domestic Violence Services discusses the law and the exemptions.

MICHIGAN

- Michigan enacted legislation last year criminalizing sexual contact between mental health professionals and clients, but HB 4525 only moved forward after the deletion of language that had included clergy and spiritual counselors.
- Michigan does not require clergy to report suspected child abuse. The *Detroit Free Press* reported March 27 that a statewide poll, conducted March 19-25 by Lansing-based EPIC/MRA, found that more than 80 percent of Michigan residents said the law should be changed to require the reports.

OHIO

- Ohio specifically requires religious "healers" to report suspected child abuse or neglect. Look up a copy of the revised code relating to child abuse and neglect, Section 2151.421.

WEST VIRGINIA

- West Virginia specifically requires clergy and religious healers to report suspected child abuse or neglect. See West Virginia Children's Services' discussion of reporting requirements.

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OPINION

Abuse law

Clergy should be included

Rep. Bob Lynn has introduced a bill that would require priests, ministers, rabbis and other religious leaders to report instances of abuse or neglect of minors to police.

Rep. Lynn's measure is in response to allegations of sexual abuse by the Rev. Francis Murphy, a former Anchorage priest, made by Service High School principal Pat Podvin. The Rev. Murphy never was charged with a crime, and Mr. Podvin was not a minor when the abuse allegedly occurred, but allegations of other abuse by the Rev. Murphy and the widespread reports of abuse of minors by priests prompted Rep. Lynn, a Catholic, to act.

Failure to report abuse or neglect would be a misdemeanor.

Perhaps the most important aspect of the measure is its message that religious leaders are not above the law or beyond the law. If anything, their positions of authority and trust require they be held to a higher standard, certainly on a par with doctors and teachers. The Rev. Greg Lindsay of Juneau pointed out that children "should be protected before anyone else." He's right.

Rep. Lynn said people expect their legislators to act responsibly. His bill would make it a legal requirement that men and women of the cloth act responsibly in cases of abuse. It's a step in the right direction.

Bill would expand law on abuse

■ **MINORS:** Religious leaders would have to report incidents.

The Associated Press

JUNEAU — A bill filed by a lawmaker would hold priests, ministers, rabbis and other religious leaders accountable for failing to report incidents of abuse or neglect of a minor.

Rep. Bob Lynn, R-Anchorage, wants to extend a law that applies to school teachers and staff, doctors, child care providers and police officers to religious institutions.

Failure to report instances of abuse, sexual or otherwise, is a misdemeanor under Alaska law.

Lynn said the measure would apply to religious leaders but not their congregations. It would exempt any information acquired through a confession or penitential communication.

Lynn, a Catholic who attends St. Benedict's Church in Anchorage, said media reports of clerical sexual abuse prompted his bill.

Whenever anything gets in the headlines



Alaska Legislature

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adn.com/legislature

REPORT: *Would be a misdemeanor*

Continued from B-1

or on the evening news, people become aware of it and expect responsible legislators to address the issue, and that's what I'm trying to do as a responsible legislator," Lynn said.

An Anchorage high school principal recently alleged a former priest at St. Patrick's Catholic Church abused him when he was 18. Pat Podvin said the Rev. Francis Murphy, who later transferred from Anchorage to the Boston area, sexually abused him at a Girdwood residence more than 20 years ago. Murphy was named last week as one of several Catholic priests accused of sexual abuse who were allowed to move to other states and continue their work.

Retired Catholic Archbishop Francis Hurley last week apologized for not helping Podvin after he reported the abuse. Hurley also admitted

that there have been other allegations of abuse within the "last few years" but no one was charged with a crime.

Bob Flint, executive director for the Alaska Catholic Conference, said he believes the conference will support the measure. The conference includes Anchorage, Fairbanks and Juneau. Flint pointed out that the measure would not have applied in the Podvin case because the victim was not a minor.

The Rev. Greg Lindsay of Northern Light United Church in Juneau said he supports the measure.

"I think that because children get the short end of the stick a lot of the time, they should be protected before anyone else," said Lindsay, who heads a Presbyterian-Methodist congregation.

Measure would hold Alaska clergy responsible for abuse

By TIMOTHY INKLEBARGER
JUNEAU EMPIRE © 2003

Priests, ministers, rabbis and other religious leaders would be held accountable for failing to report incidents of abuse or neglect of a minor under a bill filed Monday by an Anchorage lawmaker.

Mandatory reporting laws already exist for school teachers and staff, doctors, child-care providers and police officers. But Republican Rep. Bob Lynn said the law should extend to clergy to protect children as well as religious institutions.



REP. BOB LYNN

Failure to report instances of abuse, sexual or otherwise, constitutes a misdemeanor under Alaska law. Lynn said the measure, which is expected

to be read on the House floor Wednesday, would apply to religious leaders but not members of their congregations.

It would, however, exempt any information acquired through a confession or "penitential communication."

Lynn did not cite specific examples but noted media reports of clerical sexual abuse prompted his bill.

"Whenever anything gets in the headlines or on the evening news, people become aware of it, and expect responsible legislators to address the issue and that's what I'm trying to do as a responsible legislator," said Lynn, a Catholic who attends St. Benedict's Church in Anchorage.

An Anchorage high school principal recently alleged a former priest at St. Patrick's Catholic Church abused him when he was 18. Pat Podvin said the Rev. Francis Murphy, who later transferred from Anchorage to the Boston area, sexually abused him at a Girdwood residence more than 20 years ago. Murphy was named last week as one of several Catholic priests accused of sexual abuse who were allowed to move to other states and continue their work.

Clergy: Law would only apply to the state's religious leaders

Retired Catholic Archbishop Francis Hurley last week apologized for not helping Podvin after he reported the abuse. Hurley also admitted that there have been other allegations of abuse within the "last few years" but no one was charged with a crime.

Bob Flint, executive director for the Alaska Catholic Conference, said the law would not have applied in Murphy's alleged abuse of Podvin, because the victim was 18, but added that he believes the conference will support the measure.

The Alaska Catholic Conference includes the diocese of Anchorage, Fairbanks and Juneau.

Flint, an attorney who argues business law in Anchorage, said Lynn consulted with him before introducing the bill. Flint said Lynn was looking for language that provided exceptions for the Catholic confession and extended to similar confessions to other religious leaders.

The Rev. Greg Lindsay of Northern Light United Church in Juneau said he supports the measure and noted he thought it already existed.

"I think that because children get the short end of the stick a lot of the time, they should be protected before anyone else," said Lindsay, who heads a Presbyterian-Methodist congregation.

Lindsay noted that moving religious leaders around from church to church is just as common for Methodists as it is for Catholics.

"(This law) might have the affect of ministerial colleagues holding one another accountable," he said.

Lynn said his bill would protect the church from allowing child abuse to go unpunished.

"I think many in the clergy will welcome this. If you are concerned about the health of the church, you have got to be concerned about this," he said.

Juneau
Empire
Tuesday
Feb 11, 2003



The Family Church

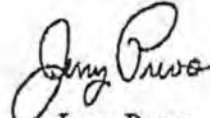
ANCHORAGE BAPTIST TEMPLE

February 24, 2003

Dear Representative Lynn:

Thank you for the opportunity to comment on HB 92. At this time we agree with the provisions of HB 92. I had our Christian Law Association review the provisions and they were complimentary on the wording of the bill. They believe it will help provide public safety for the children of Alaska, yet preserve the "confidentiality aspect" necessary for a minister to perform his ministerial duties. I would support the bill as it is written, but would like to be notified if there are any changes.

Sincerely,



Jerry Prevo

**Representative Bob Lynn
District 31 Anchorage
Fax: (907) 269-0207**

Bob,

Thanks for sending me the fax concerning your bill IIB 92. I do support your bill that the clergy should be required to report actual or suspected child abuse. I also agree with your reasoning for the bill. The public safety of our children and preserving the reputation of the clergy is essential. I am, as a Christian, mandated by the Lord in the scriptures to do just what you are asking me to do. Ephesians 5:11 says, "And do not participate in the unfruitful deeds of darkness, but instead even expose them." If it is your desire for me to be of any additional service in this matter, then please do not hesitate to call.

Grateful for your service to our state,

Pastor John F. Hunn



**Pastor Hunn from
Anchorage Grace Church**

February 19, 2003

Rob Lynn
Representative Lynn
State Capitol, Room 415
Juneau, AK 99801-1182
United States of America

Dear Representative Lynn,

We have read HB 92 and find that it is in keeping with our goal for Legislation that Actively works for the protection of our children. We feel that it can only benefit our children to make those that protect their spirits to also protect their bodies. It is our feeling that we all should work to protect our children.

Clergy have often been welcomed into homes and families in ways that no one else has. This position allows them to be aware of the internal family working in a child's life. Just as teacher and childcare providers are expected to report suspected child abuse, so should clergy. Their access to a family is often the same if not greater. We feel that there is sufficient language in the bill to protect the sanctity of confession made within the bounds of religious practice. At the same time not allowing a loophole. We also appreciate the effective date for reporting compliance regarding past sexual abuse. As well as expanding reporters in that instance to include those who keep records for the clergy.

The more adults who put the safety of the children in their lives first, the better off our children will be. Child Abuse is not a family problem it is a community problem. It is time that we as a community confront it. It is only right that our moral compass step up to the front lines in that confrontation. Thank you for your work to advance the right of safety for our children.

Sincerely,

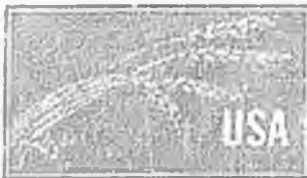
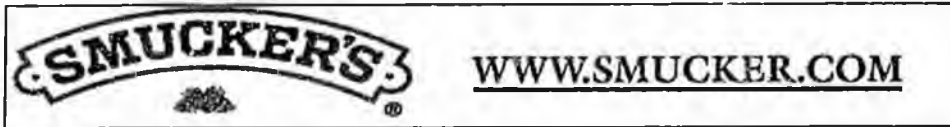
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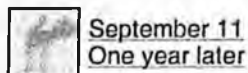
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SPECIAL PROJECTS



USA > Society & Culture
 from the June 10, 2002 edition



COMFORT: James Egan and Anita Guibault, alleged clergy-abuse victims, hug at a protest. STEW MILNE/AP

More states moving to tighten sex-abuse laws for clergy

Bills call for clergy to report alleged abuse or extend time period for victims to file suits.

By **Seth Stern** | Staff writer of *The Christian Science Monitor*

The sexual-abuse scandal spreading through the Roman Catholic Church this spring is prompting moves in legislatures nationwide to tighten laws designed to ensure that cases of abuse are reported to authorities and prosecuted.

Lawmakers in at least seven states have introduced bills this year to extend the period when civil and criminal charges can be filed against abusers, or to require clergy to report allegations they hear about.

The moves come as the Catholic Church faces a continuing tide of lawsuits – some 300 since January – and new allegations of sexual abuse of boys and young men by priests.

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An incident last week shows how close US forces and their allies in Afghanistan come to fighting one another.

At a meeting in Dallas this week, Catholic bishops are expected to revise their internal policies regarding abuse allegations. But for now, the lawsuits and media coverage have put pressure on legislatures to act.

Revised laws could provide new protection for sex-abuse victims while creating new liabilities for churches and clergy.

Currently, all 50 states have mandatory-reporting laws regarding sexual abuse of children. But many do not apply to the clergy. Others, in a middle ground, provide that clergy need not report information that comes to light in situations such as the Catholic sacrament of confession.

This year, the tenor of the laws has begun to shift.

In Massachusetts, the epicenter of the scandal, acting Gov. Jane Swift signed a bill last month adding clergy to the list of mandatory reporters, which already included teachers, doctors, and child-care workers. Legislators in Illinois, Missouri, and Colorado have all recently approved bills requiring clergy to report abuse. State governors are expected to sign the measures.

Other states are extending their statutes of limitation that govern whether years-old cases can be brought up in court. Connecticut has extended its statute of limitations. Similar legislation is making its way through California's legislature, but has failed in Minnesota.

As state lawmakers consider such moves, they are being lobbied by a range of groups. These include Catholics and other religious denominations, including The First Church of Christ, Scientist, which publishes this newspaper, and child advocates. But lawmakers say the strongest lobbying often comes, not surprisingly, from embattled Catholic churches in each state.

Connecticut State Rep. Michael Lawlor (D), who sponsored one such bill, says the Catholic Church was the main opponent to expanding the statute of limitations.

The lobbying efforts, large or small, come within a new political climate.

In Wisconsin, state Sen. Alberta Darling says she plans to present mandatory-reporting legislation for priests next year, and expects much easier going than when she backed a similar measure in 1995.

The legislative climate can put the Catholic Church and other denominations in a difficult position as they acknowledge public pressure for new standards and at the same time stand up for time-

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honored traditions such as the confidentiality of confessions.


"We would support any legislation that would protect children," says Marie Hilliard, executive director of the Connecticut Catholic Conference. "Whether this will do that remains to be seen." She says the church did not actively lobby against any provisions of the legislation, but enlisted a law firm it regularly hires to monitor legislation.

In Missouri and Illinois, Catholic bishops proved willing to accept legislation making clergy mandatory reporters, as long as the laws protected confessions. Both states passed bills carving out such exceptions, advocated by an array of denominations, to protect clergy who learn about abuse while serving as spiritual advisers. The provision was criticized by victims' advocates. "This exception could gut the rule," says Lyn Schollett of the Illinois Coalition Against Sexual Abuse.

In Colorado, a coalition of Protestant churches enlisted Martin Nussbaum, a lawyer specializing in church-state law, to oppose the initial draft of a proposed mandatory-reporting law. A revised version of the bill overwhelmingly passed both houses and now awaits the governor's signature.

In Minnesota, associations representing public schools and municipalities joined churches to oppose legislation extending the statute of limitations.

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Autumn Brenton / KTUU

Rep. Bob Lynn says his bill aims to "help the clergy help themselves," but will not violate the seal of the confessional.

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Bill would require clergy to report sexual abuse

Juneau, Alaska, Feb. 1. - Should a minister, priest or rabbi face criminal charges for not reporting the sexual abuse of children? A bill being introduced Wednesday in the Alaska Legislature could do just that.



Dan Fagan

Alaska has a mandatory reporting law for some professions, but it does not apply to ministers, priests or other clergy.

Under state law, police officers, day care providers, health care workers, drug counselors, teachers and other professionals must report any known case of child abuse or face charges.

"I think we have to help the clergy help themselves," said Rep. Bob Lynn, R-Anchorage. The former head of Anchorage



Justin Fr

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Right to Life, Lynn wants the law to apply to clergy, too.

"I think clergy, as a whole, would respond positively to this legislation," Lynn said. "I don't know why they would not. The only ones who would not respond positively, I would think, are those who like the status quo."

Lynn filed his bill now after all the publicity in Anchorage and nationwide involving unreported sexual abuse in the Catholic Church. But Lynn, who is a Catholic, says his bill applies to all religions. "It is unfair, I think, to single out one church or another."

Bob Flint is an attorney for the Anchorage Diocese. "One of the things we certainly want to do in all this controversy is for everybody to cooperate the best we can to protect children," he said.

Rep. Lynn's bill does not require priests to report child abuse learned during confession. "It would break the seal of the confessional, and that's sacred to our church," he said.

As for the question, which is more sacred -- a child's safety or the seal of confession? "Well, I guess God's going to have to answer that," Lynn said.

Last week, former Anchorage Archbishop Francis Hurley apologized for not helping a teen-ager 20 years ago when he reported being sexually abused by a priest. Lynn said he hopes his bill would prevent that from happening again.

Among other things happening in the legislature Tuesday, Sen. Gretchen Guess, D-Anchorage, introduced a bill shrinking the time the legislature meets from 120 days down to 90 days. Guess said that would save the state almost \$1 million a year.

Also, Rep. Lesil McGuire introduced a bill that would permanently confiscate the computer from anyone convicted of possessing child pornography.

And Fairbanks Sen. Ralph Seekins passed out during a Senate Finance Committee meeting. He was taken to the hospital and is now OK. Seekins said he had flu-like symptoms and that may be why he passed out.

LINKS, SITES & MEDIA

MSNBC not responsible for content of Internet links



February 26, 2003

Representative Bob Lynn
Alaska State Legislature
Alaska State Capitol
Juneau, AK 99801-1182

Re: HB 92

Dear Bob,

This morning the Alaska Catholic Conference formally endorsed your bill on clergy reporting of suspected sexual abuse of minors, HB 92.

The bishops commend you on your efforts to enhance the protection of children while preserving the sanctity of penitential rites.

Very truly yours,

Robert B. Flint
Executive Director

Russian Orthodox Diocese of Sitka and Alaska

Orthodox Church in America

The Most Blessed HERMAN, Metropolitan and Primate

The Right Reverend NIKOLAI, Bishop of Sitka, Anchorage and Alaska

PO Box 210569 Anchorage, AK 99521-0569 Telephone: 907-279-0025 Fax: 907-279-9748

www.AlaskanChurch.org E-Mail: BishopNikolai@gci.net

February 22, 2003

Representative Bob Lynn
Alaska State Legislature
Via Fax - 907-269-0207

To whom it may concern:

I am writing in support of proposed House Bill 92 which would add clergy to the list of mandated reporters of actual or suspected child abuse. I believe this bill will not only protect the public safety of our children, but will also maintain the integrity of religious groups throughout Alaska.

Sincerely,

+ Bishop Nikolai

NIKOLAI

Bishop of Sitka, Anchorage and Alaska

Post-it® Fax Note	7671	Date	2/27/03	# of pages	1
To	REP. BOB LYNN	From	Bishop NIKOLAI		
Co./Dept.	FAX	Co.	DIOCESE OF AK		
Phone #	907 465 4316	Phone #	907 279 0025		
Fax #	907 269 0207	Fax #	907 279 9748		



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(907) 586-6623 (business)
(907) 586-2479 (fax)
(907) 586-1090 (crisis)
1-800-478-1090 (toll free in state)
E-mail: aware@alaska.com

February 27, 2003

Representative Bob Lynn
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Lynn:

I am writing this letter in support of HB 92, a bill adding clergy to the list of mandated reporters of suspected or actual child abuse or neglect. Mandated reporting serves to help protect the safety of children and gives children the message that adults want them to be safe and will make efforts to ensure their safety.

As a member of the Alaska Network on Domestic Violence and Sexual Assault, the Executive Director of the Network, Lauree Hugonin, is available to provide testimony on this bill as needed.

Thank you for your work on behalf of Alaska's children, as we work together to end violence in the lives of those impacted by domestic violence and sexual assault.

Sincerely,

Saralyn Tabachnick
Executive Director



MAR 03 2003

Vincent J. Doran
No. 411 Pioneers' Home
923 West Eleventh Avenue
Anchorage, AK 99501-4390
1 907 272 5262

February 26, 2003

Representative Bob Lynn
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Lynn:

Thank you for sponsoring House Bill 92. The measure, if passed into law, will certainly strengthen the statute on child protection.

Members of the clergy must do their part by reporting instances of sexual abuse of children when they learn of them.

Cordially,

Vincent



Episcopal Diocese of Alaska

1205 Denali Way
Fairbanks, AK 99701-4137

(907) 452 - 3040
(907) 456 - 6552 (Fax)

March 3, 2003

Rep. Robert Lynn
Alaska State Legislature
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Rep. Lynn:

Thank you for your letter of February 19, regarding HB 92 which adds clergy to the list of mandated reporters of actual or suspected child abuse. Enclosed you will find a copy of the diocesan Safe Church Program manual. On pages 4 and 5 you will note that we already instruct clergy and lay leaders to notify authorities in such cases.

I am pleased to support your proposed legislation. When it is scheduled for committee, I would be willing to provide testimony on behalf of the bill.

Sincerely,

The Rt. Rev. Mark L. MacDonald
7th Bishop of Alaska

MLM/clf

Enclosure (1)

Memorandum

To: Rep. Bruce Weyhrauch, Chairman, State Affairs
From: Cynthia Lamb Faust, Episcopal Diocese of Alaska
Date: 06 March 2003

Re: HB 92

I am Cynthia Lamb Faust, Safe Church Program Consultant. I am representing The Rt. Rev. Mark MacDonald, bishop of The Episcopal Diocese of Alaska, speaking in support of HB 92.

For over 10 years the Episcopal Church in the U.S.A. has required that every diocese develop and implement a program to prevent sexual misconduct on the part of clergy and church leaders. In the Diocese of Alaska, part of the Safe Church Program includes an 8-hour training for clergy and laity, and deals directly with sexual abuse of children, elders, and the disabled. Our manual states:

Sexual misconduct is more about the misuse of power than it is about sex. In relationships of trust, with children or adults, church leaders must use great care to avoid taking advantage of or abusing their power so they do not betray God's image in themselves and others, becoming reckless bullies. It is the responsibility of every church leader to keep a clear boundary between conduct that is trustworthy and misconduct. Keeping this high standard is always the responsibility of the minister or leader.

Sexual abuse is sexual involvement or contact by a person with a minor, an elder, a disabled person or someone who may not be legally competent to give consent. Abuse of power especially hurts children and those too weak to defend themselves. Children are not able to give consent to sexual activity because they don't and can't understand everything involved in what they are being asked to do and what it will do to them. Therefore, even if they "go along" with what the older and more powerful abuser wants, children cannot be considered capable of true "consent."

...The Gospel shows Jesus always takes the side of children and the weak against those who misuse their power to hurt others. The Church forbids this behavior. It is also a criminal offense, to be reported to law enforcement officials. If you suspect or are aware that a child, elder, or disabled person, is being abused and it is within your ability, seek to protect them from further harm. Contact the nearest office of the Division of Family and Youth Services and/or the Alaska State Troopers or police and report it. If the abuser is a church leader, notify the bishop immediately.

Safe Church Program Manual, pp. 4-5

Rep. Bruce Weyhrauch
06 March 2003
Re: HB 92

In regard to the question about confession, while I cannot speak to the legalities regarding the confessional seal, I can tell you that we do discuss this issue with clergy. If they suspect someone may be on the point of disclosure, they are to let them know about the Safe Church Program and the instruction to report. If a disclosure is made in a confessional setting, clergy have the option of withholding absolution until the penitent turns himself or herself in.

Thank you.

Subject: HB 92 info requested

Date: Wed, 12 Mar 2003 09:48:24 -0900

From: "Gibbens, Joanne" <Joanne_Gibbens@health.state.ak.us>

To: "Ginny Austerman (E-mail)" <Ginny_Austerman@legis.state.ak.us>

CC: "Lesmann, Michael" <Michael_Lesmann@health.state.ak.us>

Ginny - at the last State Affairs Committee hearing on HB 92, Rep. Gruenberg asked me for information on a couple of issues. I have attached a link to a document that summarizes all the state laws that pertain to clergy as mandated reporters. Please let me know if the link worked or not so you can access the document.

<http://www.calib.com/nccanch/pubs/readref/mandclergy.pdf>

Also, Representative Gruenberg had two additional questions for me - one was how other states that have clergy as mandated reporters deal with faiths like the Quakers who don't have what is generally considered as clergy. I have queried other states regarding their definition of clergy as it relates to mandated reporting - here are the responses I've received to date - the one from Vermont might be the most helpful:

Vermont:

This is from their proposed bill:

(12) "Member of the clergy" means a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, nun, brother, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner.

Maryland law contains this language - "A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice" (meaning make a report) if "the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under cannon law, church doctrine, or practice".

Minnesota law provides the following on clergy:

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).

A couple of other states that I have heard from have no definition for clergy. I would like to point out that it appears that the term "religious practitioner" in HB 92 may cover quite a broad group of individuals. That, however, would be a question for the Dept. of Law.

The other question from Rep. Gruenberg was whether any other mandated reporters were expected to go back 10 years and report any known or suspected sexual abuse they were aware of before they became mandated reporters. I have discussed this with the Department of Law. Their initial response was probably not, but, in order to be certain someone would have to go back through the previous session laws and research the issue, which could take some time - this could be conducted by legislative audit for the representative if he wants the research done, or the DFYS could request the Dept. of Law.

Please let me know if you have any questions - thanks

Joanne Gibbens
Social Services Program Administrator
Division of Family & Youth Services
P.O. Box 110630
Juneau, AK 99811

Phone: (907) 465-3023
Fax: (907) 465-3397
E-mail: joanne_gibbens@health.state.ak.us

Joanne Gibbens
Social Services Program Administrator
Division of Family & Youth Services
P.O. Box 110630
Juneau, AK 99811

Phone: (907) 465-3023
Fax: (907) 465-3397
E-mail: joanne_gibbens@health.state.ak.us

HB 92 List of names read by Rep. Lynn

Mr Robert Hint

Exec. Director Alaska Catholic Conference
Represents position of Archbishop Sweitz of Anchorage,
Bishop Kettler of Fairbanks &
Bishop Warfel of Juneau

Gunny - I need
to verify the
spelling

Pastor John Hunn

Right Rev Mark MacDonald

Bishop of the Episcopal Diocese of AK in Fairbanks

Right Rev. Bishop NIKOLAI

Russian Orthodox Diocese of Sitka & AK

Saralyn Tabachnick

Exec. Director of "AWARE"

OR Aiding Women in Abuse & Rape Emergencies"

Dr. Jerry Prevo

Anchorage Baptist Temple

Gary Waterhouse pastor of Seventh-Day-Adventist
Church & Vice-president of the Northwest
Religious Liberty Conference.

Alaska State Legislature



Chair
Military and Veterans Affairs Committee

Vice-Chair
Labor and Commerce Committee

Member
Resources Committee
State Affairs Committee
Joint Armed Services Committee

Finance Subcommittees
House Environmental Conservation
House Military & Veterans' Affairs
House Court System

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800)-870-4391

Interim:
716 W. 4th Ave., #330
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207
Representative_Bob_Lynn@legis.state.ak.us

February 24, 2003

To: Representative Bruce Weyhrauch, Chairman
State Affairs Committee

Fr: Representative Bob Lynn *BL*

Re: Scheduling of HB 92
"An Act relating to reports by members of the clergy and custodians of clerical records who have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect."

Please schedule HB 92 to be heard before the State Affairs Committee as soon as your calendar allows it. Thank you.

HB

93

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 2, 2003

FURTHER REFERRALS:

Date of Committee Action: April 8, 2003

The STATE AFFAIRS Committee considered:

HB 93

HOUSE BILL NO. 93

REPEAL BOATING SAFETY SUNSET

"An Act relating to boating safety; repealing secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, 27, and 30, ch. 28, SLA 2000; and providing for an effective date."

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
ADM		✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DNR				✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Paul Seaton</i>	SEATON	✓			
<i>Mr. Friendly</i>	Friendly	✓			
<i>John</i>	John	✓			
<i>Raymond</i>	LYNN	X			
<i>Raymond</i>	Dalbrom	X			
Chair: <i>BW Krauch</i>	Krauch	X			
Chair:					

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 93(TRA)
(H) Publish Date: 4/2/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
Title An Act relating to boating safety: repealing BRU Parks & Recreation Management
secs. 3,5,7,9,11,14,18,23,26,27,30 Component Parks & Recreation Access
Sponsor Representative Weyhrauch
Requester (H) TRANS Component No. 2136

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is associated with this bill.

The primary purpose of this bill is to repeal the sunset provision of the Alaska Boating Safety Program.

Prepared by: Jeff Johnson Phone 907/269-8705
Division Parks and Outdoor Recreation Date/Time 2/21/2003
Approved by: Tom Irwin, Commissioner Date 2/21/2003
Agency Natural Resources

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB 93 (TRA)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An act relating to boating safety and BRU Motor Vehicles
numbering..... Component Motor Vehicles
Sponsor Representative Weyhrauch
Requester (H) STA Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	(22.5)	(22.5)	(22.5)	(22.5)	(22.5)	(22.5)
Travel						
Contractual	(1.5)	(2.0)	(2.0)	(2.0)	(2.0)	(2.0)
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(24.0)	(24.5)	(24.5)	(24.5)	(24.5)	(24.5)

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

CHANGE IN REVENUES ()	(35.0)	(35.0)	(35.0)	(35.0)	(35.0)	(35.0)
------------------------	--------	--------	--------	--------	--------	--------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(24.0)	(24.5)	(24.5)	(24.5)	(24.5)	(24.5)
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	(24.0)	(24.5)	(24.5)	(24.5)	(24.5)	(24.5)

Estimate of any current year (FY2003) cost: 0.0

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The committee substitute exempts non-powered boats from registration. In FY 2002 there were 3,500 transactions for non-powered boats which were registered for 3 years for a \$10 fee. The revenue loss is from the registration fees that are currently collected on non-powered boats. The operating budget decreases are for a part-time position and associated forms and mailing costs for the registration program.

Prepared by: Charles R. Hosack Phone 269-5559
Division Motor Vehicles Date/Time 4/3/03
Approved by: Mike Miller, Commissioner Date 4/4/2003
Agency Department of Administration

HB 93 4/3/03

Good Morning, Mr.Chairman, Members of the Committee, Ladies and Gentlemen:

My name is Mike Folkerts...I am the Recreational Boating Safety Specialist for District 17 representing the United States Coast Guard.

The Coast Guard, through the Secretary of Transportation, is directed to carry out a national recreational boating safety program under Chapter 131 of Title 46, United States Code. The goal of the program is to encourage the States to assume the major role in carrying out the boating safety mission.

Federal financial assistance to the States is provided through the Boating Safety Account of the Aquatic Resources Trust Fund, also known as the Wallop-Breaux Trust Fund. Part of the eligibility requirement to receive the funding was achieved when Alaska passed House Bill 108, an Act Relating to Boating Safety in 2000.

HB108 was passed with a sunset clause that would allow the legislature to revisit the law, primarily to insure that consistent and adequate funding was in place. House Bill 93 repeals that sunset, allowing the law to become permanent and helping build a long term program that will continue to reduce recreational boating fatalities.

The United States Coast Guard supports House Bill 93 and will maintain the relationship with the State of Alaska as outlined in a Memorandum of Understanding between the State and the Coast Guard.

I'll be happy to answer any questions you may have regarding this issue or boating safety in Alaska.

.....Thank you.

HB 93

4/3/03

Good Morning, Mr.Chairman, Members of the Committee, Ladies and Gentlemen:

I'm Captain John Schott, Chief of Operations for the 17th Coast Guard District here in Juneau.

The Coast Guard enthusiastically supports the State of Alaska's Safe Boating program. This program provides vital boating safety education for Alaskans, reducing the number of accidents, saving lives, and reducing the need for costly search and rescue.

The accurate Vessel Registration information available to us from the State is also essential to our search and rescue efforts.

With the Homeland Security concerns we all share, it's more important than ever that we educate boaters so they operate safely. This helps the Coast Guard and other public safety agencies maintain an appropriate homeland security posture with our surface and air assets.

I'll be happy to answer any questions you may have.

Thank you.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 93
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title An Act relating to boating safety: repealing BRU Parks & Recreation Management
secs. 3,5,7,9,11,14,18,23,26,27,30 Component Parks & Recreation Access
 Sponsor Representative Weyhrauch
 Requester (H) TRANS Component No. 2136

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is associated with this bill.

The primary purpose of this bill is to repeal the sunset provision of the Alaska Boating Safety Program.

Prepared by: Jeff Johnson Phone 907/269-8705
 Division: Parks and Outdoor Recreation Date/Time 2/21/2003
 Approved by: Tom Irwin, Commissioner Date 2/21/2003
 Agency: Natural Resources

ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4

ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

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

CS for HB 93 (TRA)

Sponsor Statement

Boating Safety Act Reauthorization

Between 1965 and 1987, every state and territory except Alaska successfully established a comprehensive boating safety program. During this same time period, Alaska consistently suffered from the worst recreational boating fatality rate in the nation – over 10 times the national average. Finally, in 2000, *HB 108*, the Alaska Boating Safety Act, sponsored by Representative Bill Hudson, was signed into law after 11 successive attempts at passage.

The Act did two things: it consolidated boating regulatory functions and it created a steady funding source for boater education program for the state of Alaska. Funding for the new registration function is derived from federal motor fuel taxes collected in Alaska as well as revenues from the boat registration program.

Proceeding cautiously, the 21st Legislature added repealing language for the program if the state did not receive the anticipated federal marine fuel funds. If the future funding stream did not come through, the 2005 sunset would take effect and the comprehensive boating safety education program would face termination.

Essentially, it was left to a future legislature to verify the funding stream was indeed in place. The Sponsor of HB 93 states that as expected, the federal funds for the boater education component are in place and the sunset provisions of the Alaska Boating Safety Act can be dropped. The House Transportation Committee eliminated the single-most controversial provision of the Boater Safety Act: the requirement for registration of non-powered boats. This revision can be accomplished without impacting any federal funding to the state's boater education programs.

Contact: Rep. Bruce Weyhrauch
465-3744

Last updated: March 31, 2003

U.S. Department
of Transportation

United States
Coast Guard



Commander
Seventeenth Coast Guard District

P. O. Box 25517
Juneau, AK 99802-5517
Staff Symbol: osr-3
Phone: (907)463-2297
Toll Free: (800)478-6381 (Alaska)
Fax: (907)463-2256

16750
February 18, 2003

Representative Bruce Weyhrauch
State Capitol – Room 102
Juneau, Alaska 99801

Dear Representative Weyhrauch,

When the State of Alaska passed a comprehensive safe boating law in May, 2000, Alaskan waters became much safer, literally with the sweep of a pen. Alaska now enjoys an educational program, funded with Wallop-Breaux and State matching funds.

The State Office of Boating Safety coordinates with the U.S. Coast Guard, the Coast Guard Auxiliary and others in developing and delivering educational programs that will continue to have a positive effect on Alaska's recreational boating fatality rate.

A repeal of the sunset clause in Alaska's safe boating law would help the Coast Guard work with the State to achieve our mutual goal of making Alaskan waters safer for recreational boaters.

Thank you for your support of this important legislation. We look forward to working with you to make Alaska's waterways safer. Please feel free to contact myself or Michael Folkerts, Recreational Boating Safety Specialist at (907) 463-2297.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Underwood", written over a horizontal line.

J.W. UNDERWOOD

Rear Admiral, U. S. Coast Guard
Commander, Seventeenth Coast Guard District

United States Coast Guard Auxiliary



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

11 Feb. 2003

To: Representative Bruce Weyhrauch
Re: Boating Safety Law

Representative Weyhrauch:

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

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

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

Sincerely,

G.A. Taylor

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



Alaska's Federal Boating Safety Dollars At Work

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

Distributed by Rep. Washburn

KIDS DON'T FLOAT Program

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

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

updated 1/24/03



Wallop-Breaux Aquatic Resources Trust Fund

Trust Fund Pays Off

By Kimberly Hermes
Editor, *Small Craft Advisory*

[Wallop-Breaux 101
PowerPoint Presentation](#)

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

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

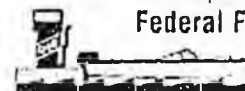
History

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

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

AQUATIC RESOURCES TRUST FUND FLOW CHART

18.3¢ per Gallon
Federal Fuel Tax



1.03% of the total Highway Trust Fund is attributable to motorboat fuel. However, under present law, only 13 cents per gallon is used for purposes of calculating the amount to be transferred to the Aquatic Resources Trust Fund. This will rise to 13.5 cents on October 1, 2003.



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



Money is divided into the following accounts:

Boat Safety Account

\$59 million in FY02

U.S. Coast Guard

\$5 million in FY02

Sport Fish Restoration Account

\$322.22 million in FY02

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

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

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

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

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

The Clean Vessel Act enacted by Congress in 1992 left the discretionary BSA authorization at \$70 million per year and provided additional state RBS funding via Sport Fish Restoration's mandatory appropriation – but only half the amount originally proposed. The original proposal would have increased the BSA authorization by \$10 million in fiscal year 1992, \$15 million in FY1993-94 and \$20 million in 1995. However, half the increase was taken out for another program and RBS did not get the full \$20 million until 1998.

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

Gauging success

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

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

recreational boating fatalities reached a high of 1,754. Last year, the fatality rate dropped to 5.4 deaths per 100,000 registered boats, with a record low of just over 700 deaths reported to the Coast Guard from the 50 states, five U.S. territories, and the District of Columbia. These encouraging figures confirm the effectiveness of the Recreational Boating Safety program supported by the Wallop-Breaux Trust Fund. The money generated through the fund is being well used toward spreading the word about safety among boaters through public education, awareness and enforcement.

[Home](#) | [History](#) | [References](#) | [News](#) | [Links](#) | [Contact](#)
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Comments? Visit our [Contact](#) page.
If you would like to provide site feedback, contact the Wallop-Breaux [Webmaster](#) by e-mail.



home driver's manuals license plates parking permits vehicle registration

Boat Registration

Link to Division of Parks - [Boating Safety](#)

General Information:

On January 1st, 2001, the Division of Motor Vehicles assumed the boat registration program from the U.S. Coast Guard. House Bill 108, passed in the 2000 legislative session, authorized this registration program and a comprehensive boating safety program. Prior to January 1st, 2001, the Coast Guard registered powered boats that are used on navigable waterways of the state. These registrations are valid for three years and a Certificate of Number issued by the USCG will still be valid until the expiration date, unless the boat changes ownership. When the USCG issued registration expires or when the ownership changes, boat owners must renew the registration with DMV.

What Must Be Registered:

The USCG registered only powered boats used on navigable waterways, however, the state law requires the following to be registered:

- All powered boats (including non-powered boats with auxiliary power units) used on any water of the state. (This includes all rivers, streams, and lakes, regardless of size, and all salt water within 3 miles of land.)
- Non-powered boats 10 feet or greater in length when used on any water of the state.

NOTE: "Boat" means a watercraft used or capable of being used as a means of transportation on water, except for:

- A ship's lifeboat
- A seaplane
- An inspected passenger vessel
- A single air mattress, single inner tube or other water toy

NOTE: Tenders are boats that are used exclusively for transportation from a boat to shore. Under the previous USCG registration program, tenders did not have to be registered. This changes under the state program. Tenders must be registered unless they are non-powered and are under 10 feet in length.

What Cannot Be Registered in Alaska:

Boats that are not principally used in Alaska. (Alaska residents such as military members or college student that live outside of the state cannot register their boats in Alaska. They must register them in the state where they are currently living or using the boat. This is required

by federal law and there is no exemption for any group.)

Exempt from Registration in Alaska:

- A boat with a valid registration from another state or country that is not operated more than 90 consecutive days in Alaska.
- A boat owned by any government agency at the federal, state or local level.
- A boat not equipped with mechanical propulsion and that is:
 - Under 10 feet in length or
 - Owned by a non-resident and is operated not more than 30 days in a calendar year.
- A documented boat. The documentation may be either from the U.S. or a foreign country.

Fees:

- \$24.00 for powered boats
- \$10.00 for non-powered boats

A registration is valid for three years and will expire at the end of the month in which the boat is first registered. The Certificate of Number must be carried aboard the boat whenever it is in operation.

NOTE: If you register your boat as a powered boat and remove the source of power at a later time, you may wait until renewal to change to a non-powered boat class. If you register as a non-powered boat and then obtain auxiliary power, you must submit a change with DMV and pay the \$24.00 fee for a powered boat. The registration period will start over and there will not be any refund given for any unused portion of the registration.

Items Required to Register a Boat:

- Application
- Fees
- Ownership document. Must be one of the following:
 - Manufacture Statement of Origin (MSO)
 - Carpenter's Certificate
 - Bill of sale from previous owner or dealer
 - Title or registration from a previous state
 - Affidavit of ownership

The first time a boat is registered in Alaska, or when there is a transfer of ownership, the paperwork must be submitted in person. Renewals, duplicate stickers and duplicate certificate of number can be requested through the mail.

Lost Certificate of Number or Validation Sticker:

- Must apply for a duplicate within 15 days
- Complete an application if any information has changed
- Fees of \$5.00

Address Change:

- Must notify DMV within 15 days, in writing, by one of the following methods:
 - Mailed or delivered to any DMV office
 - E-mail to DMV webmaster
- Notice must contain the boat number or HIN, name of the owner, new address.

Transfer of Ownership:

- New owner must apply for a Certificate of Number within 30 days of purchase
- Registration starts over and full fees must be paid.

NOTE: If a registered owner is adding or deleting an owner's name from the registration record, this is not considered a transfer of ownership. Complete an application and pay fees of \$5.00 for the duplicate Certificate of Number. No other fees are required unless the registration is being renewed at the same time. In this case, the \$5.00 fee is not required as a new Certificate of Number will be issued when the boat registration is renewed.

Renewal of Registration:

Renewal notices will be mailed approximately 60 days prior to the expiration date. Renewal can be processed:

- Over the Internet Registration Renewal. Payment by Visa or MasterCard only
- Over the telephone (Must have a registration renewal number). Payment by Visa or MasterCard only
 - 1-888-DMV-KWIK - Only within the State of Alaska (Other than Anchorage)
 - 269-5590 - Anchorage
- By Mail (DMV; 1300 W Benson Boulevard STE 200; Anchorage AK 99503-3600)
- At any DMV office

Boat Number Information:

- Cannot be transferred to another boat
- Assigned by computer. No special request number will be issued
- Display of boat number is required for POWERED boats. (Optional for non-powered boats) Painted or permanently attached to each side of the forward half of the boat.

- in plain vertical block characters, 3 inches or more in height
- contrast with the color of the background and be distinctly visible and legible
- have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings.
(Example: AK-1234-AA or AK 1234 AA)
- read from left to right

NOTE: It is illegal to operate a boat with a number other than the assigned boat number on the forward half of the boat. The boat number must be removed when the boat is documented by the USCG or when the boat is no longer principally used in Alaska.

Validation Sticker Information:

- Powered boats: Two stickers issued. Must be affixed within six inches of the Boat Number on boat sides of the forward half of the boat.
- Non-powered boats: Single sticker issued. Must be displayed in a location that is visible when the boat is in operation, on the top or side of the forward half of the boat.

Boats Purchased From a Boat Dealer:

State law requires a boat dealer to have the purchaser of a new or used boat sold at retail complete an application and pay the registration fee before the boat leaves the dealer's premises, other than exempt boats. The following are included in addition to regular boat or marine dealers:

- Dealers and consignment businesses who act as an agent for the owner
- Car dealers that take boats in trade
- Warehouse and department stores that sell boats
- Hobbyists who build or recondition boats and sell more than three boats in a year

Lienholder Information:

DMV does not record lienholders for boats. Contact the Recorder's Office for information on Uniform Commercial Code (UCC) filing procedures.

3300 B. Fairbanks Street, Anchorage AK 99503

[Title](#) - [Registration](#) - [Driver License](#) - [DMV HOME PAGE](#) - [Dept. of Administration](#) - [State](#)

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

DIVISION OF MOTOR VEHICLES

3300B FAIRBANKS STREET

ANCHORAGE, AK 99503

CONTACT (907) 269-5559 www.state.ak.us/dmv FAX (907) 269-6084

TO:

FROM:

Linda Sylvester

Chuck Hosack

FAX NUMBER:

DATE:

465-2273

2-24-03

PHONE NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

4

PLEASE COMMENT

URGENT

PLEASE REPLY

PLEASE ACKNOWLEDGE RECEIPT

CONFIDENTIAL

Linda - Boat Registration Procedure page plus copies of two common forms. If owner has these 2 forms + money, DMV will register the boat. Nothing else is required. Forms are available at DMV offices or on DMV web site.



State of Alaska Division of Motor Vehicles Standard Operating Procedures		SOP No. B-30	Page No. 1 of 1	
		Effective May 18, 2001		
Subject:	ORIGINAL REGISTRATION		Supersedes B-30	Dated 02/14/01
			Approved <i>Way Markle</i>	
Statute: AS 05.25.055	Regulation: 02 AAC 70.100 - 120	Form No. 02-841		

An original registration is a registration for a boat that is not currently on the Alaska License and Vehicle Information Network (ALVIN) system. This may be a new boat, a boat from another state or country that is being registered in Alaska, a boat in the state that was not required to be registered or has not been previously registered, or a boat that was previously registered in Alaska but the boat record is not in the ALVIN system (this situation may occur if the registration has been expired for more than a year).

Alaska does not issue titles for boats and the registration is not absolute proof of ownership. A variety of documents may be used to show that the owner is entitled to possession of the boat. If the owner has no documents from the seller, the owner may complete an affidavit of ownership which must contain the following information:

1. Date boat was acquired
2. The name of the previous owner or dealer who sold the boat
3. Hull Identification Number (HIN)
4. Printed name and signature of the owner. (Not required to be notarized)

REGISTRATION PERIOD:

The boat is assigned the registration month the boat is first registered in the state. The registration period is three years and the registration expires on the last day of the assigned month. Registration periods may not be prorated to allow shorter or longer periods of registration.

REGISTRATION REQUIREMENTS:

To register the boat, an owner must:

1. Complete the Boat Registration Application (Form 02-841)
2. Submit one of the following:
 - Manufacturer Statement of Origin (MSO) - Copy
 - Carpenter's Certificate - Copy (similar to the MSO. Usually used for larger boats.)
 - Bill of sale from previous owner or dealer - Original (Copy when customer requests to keep original)
 - Title or registration from previous state - Copy
 - Affidavit of ownership - Original required
3. Pay all required fees

NOTE: When an application is submitted by a Boat Dealer, only the application and fees are required.

FEES & CLASS CODES:

Powered Boats	Class B1	\$24.00
Non-powered Boats	Class B2	\$10.00

**STATE OF ALASKA
DIVISION OF MOTOR VEHICLES
BOAT REGISTRATION APPLICATION**

Notice: A copy of this application may be used as a temporary registration for up to 60 days. The temporary registration becomes invalid when a certificate of number is issued by DMV.

BASIC BOAT INFORMATION - MUST BE COMPLETED IN FULL ON ALL APPLICATIONS

PRESENT AK BOAT NUMBER AK	REASON FOR APPLICATION <input type="checkbox"/> NEW <input type="checkbox"/> TRANSFER OF OWNERSHIP <input type="checkbox"/> DUPLICATE DECAL (\$5) <input type="checkbox"/> RENEWAL <input type="checkbox"/> DUPLICATE CERTIFICATE (\$5)
BOAT NAME (IF APPLICABLE)	CLASS OF BOAT <input type="checkbox"/> POWER BOAT (B1) \$24 <input type="checkbox"/> NON-POWER BOAT (B2) \$10

COMPLETE FOR NEW BOATS, TRANSFERS, OR WHEN INFORMATION HAS CHANGED

HULL IDENTIFICATION NUMBER (HIN)	ADF&G # (IF ANY)	LENGTH (FT)	YEAR	MAKE/BUILDER OF BOAT
BOAT TYPE <input type="checkbox"/> A. RUNABOUT/SKIFF <input type="checkbox"/> B. CABIN CRUISER <input type="checkbox"/> C. PWC (i.e. JET SKI) <input type="checkbox"/> D. HOUSEBOAT <input type="checkbox"/> E. SAILBOAT <input type="checkbox"/> F. OTHER _____	PROPULSION <input type="checkbox"/> A. OUTBOARD <input type="checkbox"/> B. INBOARD <input type="checkbox"/> C. INBOARD/OUTDRIVE <input type="checkbox"/> D. SAIL ONLY <input type="checkbox"/> E. OARS/PADDLES	USE <input type="checkbox"/> A. PLEASURE <input type="checkbox"/> B. COMMERCIAL PASSENGER <input type="checkbox"/> C. COMMERCIAL FISHING <input type="checkbox"/> D. RENTAL <input type="checkbox"/> E. OTHER _____	FUEL TYPE <input type="checkbox"/> A. GAS <input type="checkbox"/> B. DIESEL <input type="checkbox"/> C. OTHER <input type="checkbox"/> D. NONE	HULL MATERIAL <input type="checkbox"/> A. ALUMINUM/METAL <input type="checkbox"/> B. FIBERGLASS/PLASTIC <input type="checkbox"/> C. WOOD <input type="checkbox"/> D. INFLATABLE <input type="checkbox"/> E. OTHER _____
HULL COLOR	TRIM COLOR	CABIN COLOR	CONTACT TELEPHONE NUMBER	

OWNER NAME AND ADDRESS INFORMATION - MUST BE COMPLETED IN FULL ON ALL APPLICATIONS

MAILING ADDRESS:	STREET/PO BOX	CITY	STATE AK	ZIP CODE
RESIDENCE ADDRESS:	PHYSICAL LOCATION (NO PO BOX OR MAIL CACHE)	CITY	STATE AK	ZIP CODE
OWNER	FULL NAME (FIRST, MIDDLE, LAST, SUFFIX OR COMPANY NAME)	SSN	DOB	DRIVER LICENSE #
#1				
#2				
#3				
#4				

I certify under penalty of law that I am the legal owner of the boat described in this application, that this boat is used primarily in Alaska and that all statements in this application are true and correct. I also acknowledge that I must notify DMV within 15 days of change of address or if the boat is destroyed, abandoned or becomes documented.

PRINTED NAME AND SIGNATURE OF APPLICANT	DATE
---	------

DMV USE ONLY

PREV. STATE	STICKER NUMBER	BATCH	INITIALS	DOCS. ACCEPTED: AK REG MCO CARP. CERT. BOS OWNER AFF. TITLE	FEEs: \$5 \$10 \$24 PAYMENT TYPE: CA CC CK	DATE
-------------	----------------	-------	----------	---	---	------

*The Social Security Number (SSN) will be used only for DMV purposes and will not be disclosed as part of a boat record. Disclosure of the SSN is not required by law.

AFFIDAVIT OF BOAT OWNERSHIP

Hull Identification Number (HIN): _____

Boat Description: _____
(model year or year completed, make, model)

I, _____, certify that I am the owner
(Print Your Name)
of the boat described above. I purchased the boat on: _____
(Date of Purchase)

I obtained the boat in the following manner:

- | | |
|--|---|
| <input type="checkbox"/> Dealership - New | <input type="checkbox"/> I built the boat |
| <input type="checkbox"/> Dealership - Used | <input type="checkbox"/> Garage Sale |
| <input type="checkbox"/> Newspaper Advertisement | <input type="checkbox"/> Gift |
| <input type="checkbox"/> Other: _____ | |

Purchased from: _____
(Name of person or business that the boat was obtained from, if applicable)

Signature of Owner: _____



Alaska Department of Natural Resources
Division of Parks and Outdoor Rec.



Office of Boating Safety

Boat Registration

Boating Education:

Alaska Water Wise Courses

U.S. Coast Guard Auxiliary

Boat/U.S. Foundation Course

Boating Basics Course

PWC Safety School Course

Alaska Marine Safety Education Association

Coastie The Safety Boat

Kids Don't Float Program

Publications and Reports:

Alaska Boater's Handbook

PWS Supplement to the Handbook

Laws and Regulations:

Alaska, the largest state, has over 33,000 miles of coastline, over 3,000 rivers, and more than 3 million lakes. While most our 621,000 residents live in the 10 largest cities, many others live miles from the road system in isolated towns and villages spread along Alaska's vast coastline and interior rivers. Alaskans certainly use their boats to enjoy our world-class boating and fishing, but also as an important means of transportation, and to support subsistence. Alaskans are truly "lifestyle" boaters.

Perhaps it is not surprising that drowning is second only to highway fatalities as the leading cause of unintentional death in Alaska. Alaska has one of the highest non-commercial boating fatality rates in the nation. Alaska's cold water and remote settings are risk factors that significantly reduce the odds of surviving a boating accident in Alaska. Most boating fatalities in Alaska are not due to a collision, but rather from capsizing or a fall overboard where the victim was not wearing a life jacket.

In response, the State Office of Boating Safety was established within the Division of Parks and Outdoor Recreation. The Office is responsible for administering the Alaska Boating Safety Program, working to reduce Alaska's boating fatalities and enhance safe enjoyable boating statewide, primarily through boater education.

We hope you enjoy our web page. We offer a wide range of resources for boaters, and new items are being added, so check back occasionally.

BOAT SMART FROM THE START - WEAR YOUR LIFE JACKET!

[Alaska Boating Laws](#)

[Federal Equipment Requirements](#)

[State Equipment Requirements](#)

[The Navigation Rules](#)

[Boat Accident Reporting](#)

Grant Programs:

[Boat US Foundation](#)

[National Water Safety Congress](#)

[National Safe Boating Council](#)

Weather and Tides:

[National Weather Service-Alaska Region](#)

[Tide Tables](#)

Other:

[Donate Life Jackets!](#)

[AK Boating Safety Advisory Council](#)

Boating Links:

[17th Coast Guard District Boating Safety Program](#)

[U.S. Coast Guard Office of Boating Safety](#)

[National Association of State Boating Law Administrators](#)

[National Safe Boating Council](#)

[National Vessel Documentation Center U.S. Coast Guard](#)

For more information contact:

POSTERS

The Alaska Boating Safety Program publishes a variety of educational materials, including a series of award-winning posters that highlight specific boating safety messages. If you would like to receive a poster, please contact Georgia Rand at (907) 269-8706





Take a Boating Safety Course and Certification Test online.

- Learn to be a better boater - no matter how much boating experience you have there's always more to learn.
- Receive a boating safety certificate upon successful completion of this NASBLA-approved boating course.
- Qualify for a discount on your boat or personal watercraft insurance.
- Progress on your own schedule and at your own pace.

This boating safety course is approved by the National Association of State Boating Law Administrators and recognized by the U.S. Coast Guard.

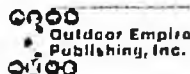
All of the safe boating information is free.
Why not get started right now?

[Start the Course](#)

[Our Privacy Policy](#)

[Contact Us](#)

Powered by [Outdoor Empire Publishing, Inc.](#) and [BoatSafe.com](#)



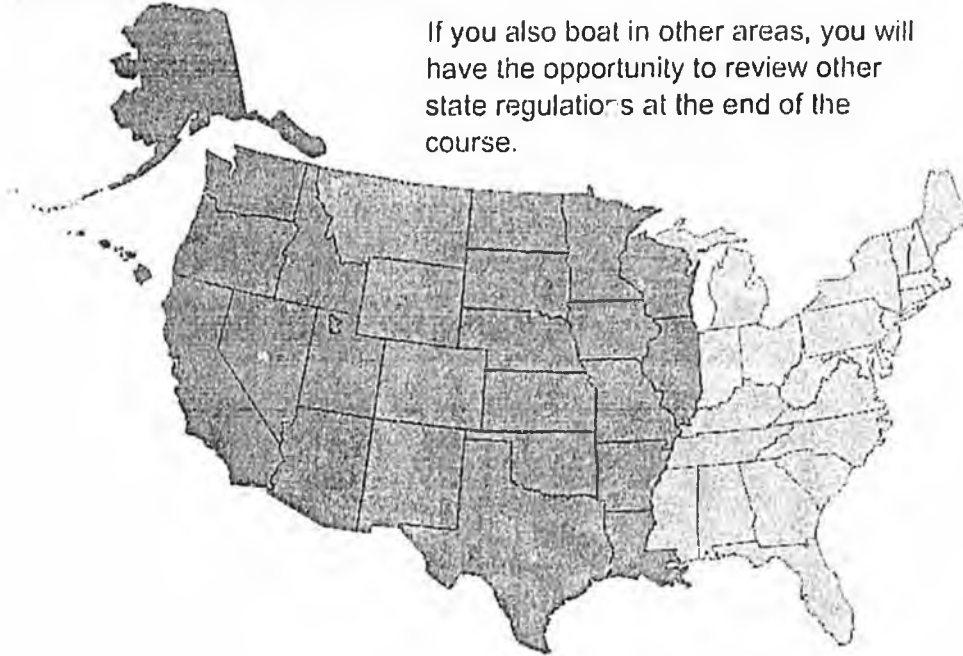
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BoatingBasicsOnline.com Basic Boating Safety Course
Please choose a state

Welcome to the Boating Safety Course

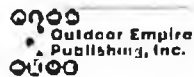
Please choose the state in which you reside (where your certificate and ID card will be mailed) so that we may include state-specific information as you progress through the course.

If you also boat in other areas, you will have the opportunity to review other state regulations at the end of the course.



If you have a slow connection or cannot see the map, [click here](#) for a text-based version of the boating safety course that meets Section 508 Accessibility requirements.

Powered by [Outdoor Empire Publishing](#) and [BoatSafe.com](#)



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BoatingBasicsOnline.com Basic Boating Safety CourseAK Select or Change State

12 Introduction

introduction

3 The Boat

4 Requirements

5 Preparation

6 Operations

7 Underway

8 Accidents

9 Special Items

10 State Info

Final Exam

This Basic Boating Safety course is approved by the National Association of State Boating Law Administrators (NASBLA) and recognized as acceptable to the United States Coast Guard Recreational Boating Program. Most insurance companies give marine insurance discounts to persons successfully completing a NASBLA approved course.

This course covers basic boating safety concepts that you need to know if you intend to participate in water sport activities. It has been designed by marine educators to provide information to people who might not otherwise have the opportunity to receive it. You can progress at your own pace and on your own time schedule.

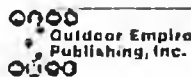
Welcome Aboard!

This Basic Boating Safety Course gives only the minimum requirements for safety equipment and general information. To obtain a greater knowledge of boating skills and seamanship we encourage you to attend more in-depth boating courses.

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Alaska Department of Natural Resources
Division of Parks and Outdoor Rec.



Alaska Water Wise

Check out other boating safety courses at:

[U.S. Coast Guard Auxiliary](#)

[Boat/U.S. Foundation](#)

[Boating Basics Online](#)

[PWC Safety School](#)

For more information contact:

Joe McCullough
Boating Education Specialist
Division of Parks and Outdoor
Recreation
Office of Boating Safety
550 W. 7th Avenue #1370
Anchorage, AK 99501-3561
(907) 269-8690 phone
(907) 269-8907 fax

e-mail:

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Jeffrey S. Johnson
Boating Law Administrator
Division of Parks and Outdoor
Recreation
Office of Boating Safety
550 W. 7th Avenue #1370
Anchorage, AK 99501-3561

The Alaska Office of Boating Safety is proud to offer *Alaska Water Wise*, a basic course for Alaskan boaters. This eight-hour course is approved by the National Association of State Boating Law Administrators (NASBLA) and recognized by the U.S. Coast Guard. The course satisfies most states boating safety education requirements and may even qualify boaters for boat insurance discounts.

Segments include pre-departure preparation, boating operations, boating emergencies, cold-water survival, navigation/rules of the road, and legal requirements. Students who attend all sessions, and pass the written exam and skills will be issued a course completion certificate.

The following classes are being offered once a week from 6:30-8:30 P.M. through Anchorage Community Schools. For more information contact Joe McCullough at (907) 269-8690.

Chester Valley (Thursdays) Feb. 6 through March 6.

Hanshew (Mondays) Feb. 10 through March 10.

Four Valleys in Girdwood (Wednesdays) Feb. 12 through March 12.

Ancorage, AK 99501-5501

(907) 269-8705 phone

(907) 269-8907 fax

e-mail: 

Jeff_Johnson@dnr.state.ak.us

Bear Valley (Thursdays) Apr. 24 through May 22.

Creekside (Tuesdays) April 22 through May 20.

Gruening in Eagle River (Wednesdays) April 23 through May 21.

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Last update: Tuesday, February 18, 2003

Webmaster: www-parks@dnr.state.ak.us

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Last update: Friday, February 7, 2003

Webmaster: www-parks@dnr.state.ak.us



To: Representative Bruce Weyhrauch

From: Dave Ausman

Re: Alaska Boating Safety Law

Dear Representative Weyhrauch,

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

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

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

Sincerely,

Dave Ausman
President,

Personal Watercraft Club of Alaska

Website: www.pwcalaska.org email akpwcrdr@acsalaska.net or davealaska@aol.com

Club contact number 345-6723

Subject: boating safety and GDL

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

From: Perkins <perkins@ak.net>

To: Representative_Bruce_Weyhrauch@legis.state.ak.us

Dear Representative Weyhrauch,

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

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

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

Ron Perkins, MPH

HB

102

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

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

STATE AFFAIRS COMMITTEE

Fax

To: Legislative Legal –
Jerry Luckhaupt

From: Ginny Austerman

Fax: 2029

Date: April 22, 2003

Phone: 2450

Pages: one

Re: CS HB 102

CC:

Urgent For Review Please Comment Please Reply

•Comments:

Jerry:

I messed up last week and forgot to ask for a final CS on HB 102 (23-LS0515II) before I took the bill file to the Clerk.

The members passed version I and I took version D to the Clerk's office without asking for a final draft on version I to send on to Judiciary. I just got a little confused.

Please complete the CS HB 102 final form as soon as possible. House Judiciary is hearing the bill in their committee at 1 p.m. Wednesday.

Thank you, Ginny

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA 99801-1182

(907) 465-2028
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

April 22, 2003

Vanessa:

OK, your version is now Q (same as I with a new letter). So if you can have your Committee adopt version Q on Wednesday that would be great and. I have notified Mark in Rep. Croft's office of the letter change on the bill version and have furnished him a copy of the new version for his file. The Clerk's office will get you the original of the Bill either tonight or tomorrow morning.

There are 20 copies here for you. I'm sorry, but am glad this is a screw up that could be fixed! If all of them were this simple.

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



REPRESENTATIVE ERIC CROFT

MEMORANDUM

TO: Members of the House State Affairs Committee

FROM: Representative Eric Croft

DATE: April 2, 2003

RE: HB 102

Dear Colleagues,

In our last meeting about HB 102, there were many questions about the technicalities of this bill and the logic behind each proposed change to the statutes. We drafted a proposed committee substitute that takes into consideration the committee members' valid points and hopefully puts them forward in a clear manner. To further clarify the intent of the bill, I have included our new committee substitute, my own sectional analysis and a letter of support from the National Rifle Association in this memo.

I hope this helps to answer any questions you might have about HB 102.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Croft".

Representative Eric Croft

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REPRESENTATIVE ERIC CROFT

SPONSOR SUMMARY HB 102

"An Act relating to concealed deadly weapons."

Section 1. Section 1(a)(1) makes it legal for someone to carry a concealed deadly weapon without a permit if they are 21 years old or older with the same restrictions that permit holders have now. The original bill did not include the requirement to be 21 to carry concealed.

Section 1(a)(1)(A) requires anyone carrying a concealed deadly weapon to inform a peace officer that they are carrying a concealed weapon when contacted by an officer, to secure the weapon when directed by the officer, and to allow the officer to secure the weapon if requested to do so by the officer. Under the changes brought by this bill, these requirements apply even if the person is on their own property when contacted by the officer. This is not currently required in statute.

Section 1(a)(1)(B) states that before a person carrying a concealed deadly weapon enters the residence of another person, the carrier must obtain express permission of an adult residing in the residence allowing the carrier to bring the weapon into the residence.

Part (6) makes it a crime for anyone under the age of 21 to carry a concealed deadly weapon other than an ordinary pocketknife or a defensive weapon [as defined in AS 11.81.900(b) 19]. Currently, anyone applying for a concealed weapon permit must be at least 21 years old. By adding subsection (6), I am simply maintaining the current age requirement to carry concealed or to obtain a permit.

Section 2. The changes to this section make it conform to Section 1.

Section 2. (b). The reference (a)(1) is deleted because the following defenses in this section are unnecessary because it is no longer a crime to carry a



SPONSOR SUMMARY HB102
"An Act relating to concealed deadly weapons."

concealed weapon in accordance with Section 1. The reference (a)(6) replaces (a)(1) because now these defenses apply to people under the age of 21. In other words, this provision keeps it legal for a person under 21 to carry a concealed weapon in their house, on their land or while engaged in a lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection such as hunting, fishing or trapping.

Section 2.(b)(3) and (4) are deleted because the whole section (b) now only applies to people under the age of 21 and those people cannot be permit holders.

Section 3. The change to this section takes into consideration peace officers under the age of 21.

Section 4. This section replaces the clause from AS 18.65.750(b) that defines the phrase "contacted by a peace officer." Section 7 of this bill repeals this language, so we replace it here. We maintain this language in statute to help clarify the law and aid in prosecution of the crime.

Section 5. This section gives permit holders from outside Alaska the same rights as Alaskan permit holders and holds them to the same responsibilities as Alaskan concealed weapons carriers.

Section 6. This section takes the list of permit applications, permits and renewals off the public record. It also absolves the Department of Public Safety of the responsibility of compiling a list of permittees and applications for access by peace officers. This does not preclude the department from keeping such a list; it just helps protect the rights of those who still wish to get a concealed carry permit. Why should the law require that they be on a list when anyone can carry concealed without a permit?

Section 7. This section repeals three sections that no longer apply if a permit is not required to carry a concealed weapon.

AS 18.65.750 I repeal this section because Section 1 and Section 4 of this bill address the issues surrounding contact by a peace officer. Also, if it is legal to carry a concealed weapon without a permit, than there is no reason to mandate that a permit holder carry his permit at all times.

Page 3 of 4



SPONSOR SUMMARY HB102
"An Act relating to concealed deadly weapons."

AS 18.65.755(a)(1) Section 1 of this bill covers this provision.

AS 11.61.220(d)(1)(A) Section 1 of this bill makes this an unnecessary requirement of defense. Currently, permittees can carry legally in a restaurant (as defined in AS 04.16.049) because of the defenses listed in this section. Without removing the permit part of the affirmative defense, it would make it illegal for a person to carry concealed in a restaurant unless they had a permit even if they were not drinking. This exception would be confusing and unfair to those citizens who choose to carry without a permit. I remove this clause because it was not my intention to add or remove any restrictions of where a person is allowed to carry a concealed weapon.

23-LS0515V
Luckhaupt
4/2/03

CS FOR HOUSE BILL NO. 102()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CROFT, Foster, Stoltze, Crawford, Gatto, Anderson

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to concealed deadly weapons."

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

3 * Section 1. AS 11.61.220(a) is amended to read:

4 (a) A person commits the crime of misconduct involving weapons in the fifth
5 degree if the person

6 (1) is 21 years of age or older and knowingly possesses a deadly
7 weapon, other than an ordinary pocket knife or a defensive weapon,

8 (A) that is concealed on the person, and, when contacted by a
9 peace officer, the person fails to

10 (i) immediately inform the peace officer of that
11 possession; or

12 (ii) allow the peace officer to secure the deadly
13 weapon, or fails to secure the weapon at the direction of the peace
14 officer, during the duration of the contact;

15 (B) that is concealed on the person within the residence of

1 another person unless the person has first obtained the express permission
2 of an adult residing there to bring a concealed deadly weapon within the
3 residence;

4 (2) knowingly possesses a loaded firearm on the person in any place
5 where intoxicating liquor is sold for consumption on the premises;

6 (3) being an unemancipated minor under 16 years of age, possesses a
7 firearm without the consent of a parent or guardian of the minor;

8 (4) knowingly possesses a firearm

9 (A) within the grounds of or on a parking lot immediately
10 adjacent to a center, other than a private residence, licensed under AS 14.37,
11 AS 47.33, or AS 47.35 or recognized by the federal government for the care of
12 children;

13 (B) within a

14 (i) courtroom or office of the Alaska Court System; or

15 (ii) courthouse that is occupied only by the Alaska
16 Court System and other justice-related agencies; or

17 (C) within a domestic violence or sexual assault shelter that
18 receives funding from the state; [OR]

19 (5) possesses or transports a switchblade or a gravity knife; or

20 (6) is less than 21 years of age and knowingly possesses a deadly
21 weapon, other than an ordinary pocket knife or a defensive weapon, that is
22 concealed on the person.

23 * Sec. 2. AS 11.61.220(b) is amended to read:

24 (b) In a prosecution under (a)(6) [(a)(1)] of this section, it is an affirmative
25 defense that the defendant, at the time of possession, was

26 (1) in the defendant's dwelling or on land owned or leased by the
27 defendant appurtenant to the dwelling; or

28 (2) actually engaged in lawful hunting, fishing, trapping, or other
29 lawful outdoor activity that necessarily involves the carrying of a weapon for personal
30 protection [;

31 (3) THE HOLDER OF A VALID PERMIT TO CARRY A

1 CONCEALED HANDGUN UNDER AS 18.65.700 - 18.65.790 AND THE
2 WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN AS 18.65.790; OR
3 (4) CONSIDERED A PERMITTEE UNDER AS 18.65.748 AND
4 THE WEAPON WAS A CONCEALED HANDGUN AS DEFINED IN
5 AS 18.65.790].

6 * Sec. 3. AS 11.61.220(h) is amended to read:

7 (h) The provisions of (a)(1) and (6) of this section do not apply to a

8 (1) peace officer of this state or a municipality of this state acting
9 within the scope and authority of the officer's employment;

10 (2) peace officer employed by another state or a political subdivision
11 of another state who, at the time of the possession, is

12 (A) certified as a peace officer by the other state; and

13 (B) acting within the scope and authority of the officer's
14 employment; or

15 (3) police officer of this state or a police officer or chief administrative
16 officer of a municipality of this state; in this paragraph, "police officer" and "chief
17 administrative officer" have the meanings given in AS 18.65.290.

18 * Sec. 4. AS 11.61.220 is amended by adding a new subsection to read:

19 (j) In (a)(1) of this section, "contacted by a peace officer" means stopped,
20 detained, questioned, or addressed in person by the peace officer for an official
21 purpose.

22 * Sec. 5. AS 18.65.748 is amended to read:

23 **Sec. 18.65.748. Permit holders from other jurisdictions considered Alaska**
24 **permit holders.** A person holding a valid permit to carry a concealed handgun from
25 another state or a political subdivision of another state is a permittee under
26 AS 18.65.700(b) for purposes of AS 18.65.755 - 18.65.765 [AS 18.65.750 -
27 18.65.765] if the person has not had an application for a concealed handgun permit
28 rejected in this state because the person was unqualified under AS 18.65.705 or had a
29 concealed handgun permit revoked or suspended by this state.

30 * Sec. 6. AS 18.65.770 is amended to read:

31 **Sec. 18.65.770. Permits, applications, and other materials not public**

1 records [ACCESS TO LIST OF PERMITTEES BY PEACE OFFICERS].
2 Applications [THE DEPARTMENT SHALL COMPILE A LIST OF PERMITTEES
3 IN A MANNER THAT ALLOWS IMMEDIATE ACCESS TO THE
4 INFORMATION BY PEACE OFFICERS. THE LIST OF PERMITTEES AND ALL
5 APPLICATIONS], permits, and renewals are not public records under AS 40.25.110 -
6 40.25.125 and may only be used for law enforcement purposes.

7 * Sec. 7. AS 11.61.220(d)(1)(A); AS 18.65.750, and 18.65.755(a)(1) are repealed.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
555 CAPITOL MALL, SUITE 625
SACRAMENTO, CALIFORNIA 95814
(916)446-2455 voice ■ (916)448-7469 fax

STATE & LOCAL AFFAIRS DIVISION
BRIAN JUDY, ALASKA STATE LIAISON

April 4, 2003

Representative Eric Croft
State Capitol, Room 400
Juneau, AK 99801-1182

Dear Representative Croft:

On behalf of the over 24,000 Alaska members of the National Rifle Association, let me take this opportunity to offer our strong **support for House Bill 102**. HB 102 would repeal the existing provision of law which prohibits the carrying of a concealed weapon in Alaska.

Law-abiding citizens should not be required to obtain permission to provide a means of self protection for themselves or their family. Indeed, Article I, Section 19 of the Alaska State Constitution provides that "The *individual* right to keep and *bear* arms shall not be denied or infringed by the state..." Alaska's prohibition on concealed carry essentially puts a pricetag on those Alaskan's natural right to self-defense for whom carrying a firearm in plain view is not a reasonable nor responsible option.

In fact, in Alaska a law-abiding citizen needs no permission to carry a firearm openly anywhere in the state, whether loaded or unloaded, nor to carry concealed when engaged in lawful outdoor activities that necessarily involve the carrying of a weapon for self protection. But if that person desires to wear outer clothing which might cover a weapon, is dressed in a manner which is not compatible with open carry, is engaged in other than an "outdoor activity" or is in a situation in which open carry might not be responsible due to possible intimidation of others, advance governmental permission must be obtained.

It really makes no sense to require a law-abiding citizen to pay a fee, endure a relatively significant bureaucratic process, be subjected to fingerprinting, obtain the government's permission and be added to a government-maintained list of firearm owners simply so they can wear a coat or carry in what would arguably be a more responsible manner during circumstances in which open carry is not appropriate.

Vermont is currently the only state which allows the carrying of concealed weapons without a permit. Unlike other states, Vermont has no criminal code provision prohibiting concealed carry and thus, no concealed weapon permit system. In Vermont any law-abiding citizen who can legally own and possess a firearm is entitled to carry it openly or concealed, loaded or unloaded. According to the FBI Uniform Crime Report, the State of Vermont consistently falls near the bottom of the list in terms of crime. For 2001, the most recent year for which statistics are available, Vermont ranks as follows: Total violent crime - 49, Murder & non-negligent manslaughter - 48, Forcible rape - 49, Robbery - 47 and Aggravated Assault - 48.

There is absolutely nothing inherently wrong with a law-abiding citizen carrying a firearm concealed. The prohibition against concealed carry is a "Malum prohibitum" offense, that is it is only wrong (illegal) because a statute has been passed to arbitrarily make it illegal. This is as opposed to a "Malum in se" offense (such as murder), that is an offense which is inherently wrong.

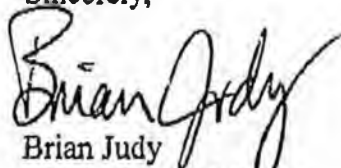
Only law-abiding citizens are currently obtaining permits to carry concealed firearms. Being allowed to carry concealed without the permit will not change the fact they are law-abiding. Criminals, on the other hand, are already carrying concealed firearms without permits. Those with existing criminal records who are prohibited from owning or possessing firearms can be prosecuted for mere possession. Those with no prior record, but who commit a crime in conjunction with the concealed carry, can be charged with the other, probably more serious, offense.

Alaska's concealed handgun permit law was passed in 1995. Opponents screamed hysterically that "blood would run in the streets." Such did not occur. The permit system was reformed in 1998 amidst the same dire warnings and predictions. Empirical evidence, again, proved the alarmist rhetoric to be unfounded. Further streamlining in 2000 and 2002 has not had negative consequences and no increase in firearm-related problems. Repealing the prohibition on concealed carry is the ultimate in streamlining and the predictable outcome is that such a statutory revision will have no negative impact. If anything, Alaska residents should expect that crime rates will decrease, moving in the direction of those in the State of Vermont.

The National Rifle Association supports your approach to this issue with House Bill 102 by maintaining Alaska's concealed handgun permit system and repealing only the prohibition on concealed carry. As such, any person who would still desire a permit so that they can carry in other states which reciprocate with or recognize Alaska permits or who want to continue to be exempt from firearm purchase background checks may still obtain a permit.

Please let me know how I can be of assistance in the effort to pass House Bill 102.

Sincerely,


 Brian Judy
 Alaska State Liaison

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

April 9, 2003

SUBJECT: Concealed Deadly Weapons and Contacted by a Peace Officer
(Work Order No. 23-LS0515\A)

TO: Representative Eric Croft
Attn: Mark

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have asked about the origin of the term "contacted by a peace officer" which is used in sec. 1 of CSHB 102() and defined in sec. 4 of that bill. This term exists in the Alaska statutes in AS 18.65.750.¹ It currently governs the conduct of concealed handgun permittees when those permittees are "contacted by a peace officer." This language was developed after much discussion in 1994 when the concealed handgun permit system was

¹ AS 18.65.750 provides:

Sec. 18.65.750. Possession and display of permit.

(a) A permittee shall carry the permit at all times the permittee carries a concealed handgun. The permittee shall display both the license and other proper identification when asked to do so by a peace officer at any time.

(b) Whenever a permittee who is carrying a concealed handgun is contacted by a peace officer, the permittee shall immediately inform the peace officer that the permittee is carrying a concealed handgun under the permit.

(c) During a contact with a permittee, a peace officer may secure a handgun, or direct that it be secured, during the duration of the contact if the peace officer determines that the action is necessary for the safety of any person, including the peace officer, present. The permittee shall submit to the securing of the handgun.

(d) In this section, "contacted by a peace officer" means stopped, detained, questioned, or addressed in person by the peace officer for an official purpose.

(e) A person who violates (a) of this section is guilty of a violation and upon conviction may be punished by a fine of not more than \$100.

(f) A person who violates (b) or (c) of this section is guilty of a class A misdemeanor.

Representative Eric Croft

April 9, 2003

Page 2

first adopted. I have not been informed of any problems in the application of this statute in the concealed handgun permit system. It was designed to reach situations when a concealed handgun permittee is contacted by a peace officer and the peace officer is entitled to do a protective frisk of the person under the authority of *Terry v. Ohio*, 392 U.S. 1 (1968).

GPL:med

03-381.med



REPRESENTATIVE ERIC CROFT

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REPRESENTATIVE ERIC CROFT

Sponsor Statement HB 102 An Act Relating to Concealed Deadly Weapons

HB 102 repeals the concealed carry laws that require permits to carry deadly weapons including handguns, knives and other legal to own deadly weapons. It does not repeal any of the restrictions on where a person can carry a concealed weapon such as on school grounds, in courthouses or on private property where the owner may prohibit such weapons.

Under HB 102, a person will be allowed to carry a concealed weapon without a permit with the same freedoms allowed in Vermont under that state's gun laws as long as the person is not a convicted felon or anyone else who is by law prohibited from obtaining a permit. The laws in Vermont have not proven to increase the rate of crime or to be reckless in any way. Vermont, like Alaska, is rural by nature and has a high number of outdoor sportsmen and other citizens who carry weapons for a variety of legitimate reasons.

HB 102 does not eliminate the state's concealed carry permit program for two reasons. First, a person may want a permit to allow reciprocity, i.e. traveling to a reciprocity state for a hunt. Second, a concealed carry permit is useful for purchasing because it allows permit holders to bypass the required waiting period because the FBI background checks have already been completed during the permitting process.

LEGAL SERVICES

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Mail Stop 3101

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

MEMORANDUM

February 21, 2003

SUBJECT: Sectional Summary (HB102)

TO: Representative Eric Croft
Attn: Mark

FROM: Gerald P. Luckhaupt *JRL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. Please be advised that a sectional summary is not an authoritative interpretation of the contents of a bill - the bill itself is the best statement of its contents.

Section 1. Provides a conforming amendment to the repeal of AS 11.61.220(e) in sec. 3 of the bill.

Section 2. Provides a conforming amendment to the repeal of AS 18.65.750 in sec. 3 of the bill.

Section 3. Repeals various provisions of law relating to the possession of concealed deadly weapons.

GPL:med
03-180.med

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 102
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to concealed deadly BRU Criminal Division
weapons." Component All
Sponsor Representative Croft
Requester House State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	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)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

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

POSITIONS

Full-time	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill recognizes valid permits to carry a concealed weapon from other jurisdictions. Holders of those permits would automatically be considered Alaska permittees as well, unless the person had an application to carry a concealed weapon in Alaska rejected because they were unqualified, or the person had their Alaska permit revoked or suspended by the state.

Passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

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Division Attorney General's Office Date/Time 3/11/03 11:02 AM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 3/11/2003
Agency Department of Law