

1053 SENATE STATE AFFAIRS

**JUVENILE JUSTICE JURISDICTION LEGISLATION**  
**Sectional Analysis**

**Section 1** adds to the jurisdiction of juvenile court persons over 18 years of age who are alleged to have committed crimes when they were under 18 years of age, if the statute of limitations under AS 12.10.010 – 12 10.040 has not expired.

**Section 2** provides that, except as otherwise provided in the bill, the provisions of AS 47.12 (delinquency statutes) apply to persons 18 years of age and older who are subject to the expanded jurisdiction of juvenile court.

**Section 2** also describes the provisions in AS 47.12 that do not apply to persons over 18 years of age who are under the expanded jurisdiction of juvenile court. These are set forth in proposed AS 47.12.025(a) and provide that:

- (1) A delinquency petition may not state the name of a parent, guardian, or other person;
- (2) Notice of an investigation, adjustment, hearing, or other procedure is not required to be made to the person's parent, guardian, or foster parent;
- (3) There is no requirement that a parent, guardian, or foster parent participate in an investigation, adjustment, hearing, or other procedure;
- (4) There is no requirement that a parent or guardian agree to the terms and conditions of an informal adjustment under AS 47.12.060;
- (5) There is no requirement that a foster parent be given an opportunity to be heard before an informal adjustment;
- (6) At an interview of the person during an investigation, the parent or guardian need not be present;
- (7) If a person does not appear voluntarily in court after a petition is filed, the court may issue a summons or an arrest warrant for the person;
- (8) A court may order a person taken into custody released upon the person's own promise to appear, rather than to the custody of the person's parent or guardian;
- (9) A parent or guardian need not consent to a person's waiver of the right to appointed counsel or to a guardian ad litem;

- (10) There is no requirement that a guardian ad litem be appointed; the court may appoint a guardian ad litem if special circumstances exist concerning the physical or mental condition of the person;
- (11) A court order that releases a person to the custody of a parent, guardian, or other person must be with the consent of the parent, guardian, or other person; further, the parent, guardian, or other person does not, by consenting to custody, assume other statutory responsibilities or retain any residual rights regarding the person;
- (12) If the court finds the person was not delinquent, the person will be released without conditions;
- (13) There is no requirement that a parent, guardian, custodian, or foster parent participate in the annual review of the juvenile court order; notice to the parent, guardian, custodian, or foster parent of the review is not required, nor may a parent, guardian, or custodian apply for a review;
- (14) A parent or guardian may not file an appeal of the court's disposition;
- (15) Notice to the parent or guardian of the predisposition report is not required;
- (16) A parent or guardian may not be required to participate in or pay for treatment of the person, or to notify the department if the person violates a condition imposed on the person, unless the participation and notification is part of a conditional release plan that the parent or guardian has agreed to;
- (17) A parent or guardian may not apply to extend the jurisdiction of the court;
- (18) The court may not order a parent or guardian to pay for maintenance and care for the person; and
- (19) Disclosure of the name of a parent or guardian is not required when a delinquency petition is filed or a matter is informally adjusted.

**Section 2** also provides that at a detention hearing, the court may, after finding probable cause that the person has committed a crime, either release the person under the provisions of AS 12.30, or have the person released as arranged by the department.

**Section 2** also provides that a person arrested, detained, or committed to the custody of the department shall be held, detained, or committed to placement at the direction of the department.

**Sections 3 and 4** provide that the department may refer a person 18 years of age or older, who is alleged to have committed (while under 18) a crime, either a felony or a misdemeanor, to the district attorney for consideration of requesting imposition of a dual sentence.

**Sections 5 and 7** are conforming amendments for retention of jurisdiction over persons subject to the expanded juvenile jurisdiction.

**Section 6** provides that for a person subject to the expanded jurisdiction of juvenile court, the district attorney, in addition to the department, may request the court to impose the adult portion of a dual sentence if any of the conditions for imposition of the adult sentence are present. It also adds an additional condition for imposition of the adult sentence: if the person has escaped from an adult correctional facility.

**Section 8** provides that the powers and duties of the department for operation of facilities, care of minors placed in the department's custody, and other duties apply to persons 18 years of age and older.

**Section 9** allows the court to order telephonic participation in delinquency proceedings at the request of either party if personal appearance by the juvenile is not essential to the fair disposition of the matter. **Section 9** also allows televised participation by a juvenile if the juvenile is in custody and agrees to the procedure, for the hearings at which the juvenile has a right to be present. In any case where telephonic participation is allowed, televised participation may also be used.

**Section 10** enumerates the Alaska Delinquency Rules that are affected by the provisions in the bill that expand the jurisdiction of juvenile court.

**Section 11** provides for applicability dates for the provisions in the bill.

**Sections 12 and 13** provides that the bill is not effective unless the applicable court rule change is adopted by the requisite vote of the legislature.

**Section 14** adopts a July 1, 2005 effective date.

**Juvenile Justice Bill Regarding:  
Jurisdiction of Juvenile Court and  
Telephonic Participation by Juveniles in Court Hearings**

The goals of Alaska's juvenile justice system are to address juvenile crime by promoting accountability, public safety, and skill development.

This bill has two aims: to improve the state's ability to hold juvenile offenders accountable for their actions and to ensure that juvenile cases are being managed cost-effectively.

1. The bill addresses a serious gap in the Alaska statutes that is allowing young offenders to avoid prosecution if their role in an offense hasn't been determined until after they turn 18.
  - Currently, when individuals under 18 commit an offense in Alaska they are processed through the juvenile justice system; when individuals over 18 commit an offense they are processed through Alaska's adult criminal justice system.
  - However, when individuals under 18 commit offenses but the matter is not brought before the court until after they turn 18, neither the juvenile justice system nor the adult justice system has jurisdiction.
  - The importance of fixing this problem is illustrated by a recent, real-life case in Kenai:
    - The State filed a Petition for Adjudication of Delinquency on a 19-year-old who was alleged to have committed a sexual assault when he was 17.
    - The Superior Court dismissed the petition, writing, "there is nothing in the statutes that suggests the legislature contemplated adjudication trials for adults who committed crimes as juveniles."
  - Without this change the State has no ability to hold such offenders accountable for their behavior, provide restitution or other redress for victims, and provide offenders with services that can prevent continued offensive behavior.
  - The key change to statute can be found in the new section (b) of A.S. 47.12.020, which states: "Except as otherwise provided in this chapter, proceedings relating to a person 18 years of age or over are governed by this chapter if the person is alleged to have committed a violation of the criminal law of the state or municipality of the state, the violation occurred when the person was under 18 years of age, and the period of limitation under A.S. 12.10 has not expired."

2. The second aspect of this bill that requires your attention is an amendment to Alaska's Delinquency Rules of Court that will enable Alaskans to cost-effectively manage juvenile offenders while continuing to ensure that their rights to fair hearings and due process are being maintained.
- This proposal would allow certain juvenile court hearings to be conducted through telephonic participation of the juvenile, enabling the state to realize significant savings in terms of transportation, staff time, and other costs.
  - Currently, Alaska's Delinquency Rules of Court state that juveniles have the right to be physically present in court for all hearings, even hearings that are very brief and there is agreement by all parties on the course of action.
  - The Division of Juvenile Justice spends an estimated \$208,000 in plane fare (for both juveniles and escorts), other transportation costs, staff overtime pay, and escort services to transfer juveniles to court hearings.
  - The proposed change to the Delinquency Rules of Court would allow the court to consider allowing telephonic participation by the juvenile for certain hearings, when requested by any party.
  - For example, when the Department of Health and Social Services has custody of a youth in its Nome Youth Facility and the youth has a hearing on his case's status in Kotzebue, the Department could request that the youth attend telephonically. If the judge agrees, the youth would be able to attend by phone from the youth facility and no travel to Kotzebue would be necessary.
  - Hearings that would typically be considered for telephonic participation by the juvenile, include:
    - Arrestment: The initial hearing on the delinquency charge, when juveniles are advised of their rights and asked to enter a plea.
    - Detention review hearings: Held at 30-day intervals for youth remaining in detention pending adjudication on a charge
    - Status hearings: In which the dispositions of adjudicated youths are reviewed.
  - The right of juveniles to be physically present in court for hearings that are critical in determining a changed status for juveniles will remain unchanged. These hearings include adjudication, disposition, probation revocation, extension of jurisdiction, and waiver of jurisdiction hearings.



Jurisdiction. The court heard oral argument on the motion to dismiss on September 2, 2003, and the matter is now ripe for decision.<sup>1</sup>

██████ alleges that since he was 20 years old at the time of the filing of the Petition for Adjudication of Delinquency, this court cannot obtain juvenile jurisdiction over him. ██████ relies on AS 47.12.160 which reads in part:

(a) The court retains jurisdiction over the case and may at any time stay execution, modify, set aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise of its power of protection over the minor and for the minor's best interest, for a period of time not to exceed the maximum period otherwise permitted by law or in any event extend past the day the minor becomes 19. . . .

(c) If a minor is adjudicated a delinquent before the minor's 18<sup>th</sup> birthday, the court may retain jurisdiction over the minor after the minor's 18<sup>th</sup> birthday for the purpose of supervising the minor's rehabilitation, but the court's jurisdiction over the minor under this chapter never extends beyond the minor's 19<sup>th</sup> birthday, except that the department may apply for and the court may grant an additional one-year period of supervision past age 19 if continued supervision is in the best interests of the person and the person consents to it. . . .

AS 47.12.020 provides that proceedings involving a minor under 18 years of age are governed by AS 47.12, Delinquent Minors. The Alaska Supreme Court stated In the Matter of P.H. v. State of Alaska, 504 P. 2d 837 (Alaska 1972) that the age of 18 established by the statute refers to the age of the accused at the time of the alleged offense. Since ██████ was under the age of 18 at the time of the offenses alleged in the Petition for Adjudication of Delinquency, the provisions of AS 47.12, including AS 47.12.020, apply. That statute reads:

<sup>1</sup> In his original Motion to Dismiss ██████ claimed that the court lacked jurisdiction due to invalid service of process. Subsequent to that time ██████ was personally served with process. At the September 2, 2003 hearing the court allowed ██████ 5 days to file any challenge to service. None was filed. Accordingly, the court considers that issue to be moot.

Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the minor is alleged to be or may be determined by a court to be a delinquent minor as a result of violating a criminal law of the state or a municipality of the state.

The specific wording of AS 27.12.020 makes AS 47.12.160 applicable to this case. By its specific wording, AS 47.12.160(a) terminates juvenile jurisdiction "the day the minor turns 19 . . ." Juvenile jurisdiction can extend past the age of 19 for an additional one year period only upon the minor's consent. AS 47.12.160 (c).<sup>2</sup> For this reason, the court concludes that since the Petition for Adjudication of Delinquency was filed after [REDACTED] 20<sup>th</sup> birthday, there is no juvenile jurisdiction. Since there is no juvenile jurisdiction, the court cannot waive jurisdiction under AS 47.12.100. The court cannot waive jurisdiction which it did not acquire.

The charge in Count V of the Petition must be analyzed differently. AS 47.12.030 makes the provisions of AS 47.12 inapplicable in some cases with respect to minors who were 16 years or older at the time of the alleged offense. As to certain offenses listed in AS 47.12.030, such minors shall be charged, sentenced and incarcerated as an adult. AS 47.12.030 (a) (1) (2) (3). None of the listed offenses include the charge contained in Count V of the Petition.<sup>3</sup> Since [REDACTED] is not charged with any of the offenses listed in AS 47.12.030 (a), the provisions of AS 47.12 apply to the charge in Count V of the Petition, including AS 47.12.160. Thus, by the same reasoning applicable to Counts I-IV

<sup>2</sup> AS 47.12.030 cannot apply to the first four counts of the Petition for Adjudication of Delinquency since [REDACTED] was under 16 years of age at the time of the alleged offenses.

<sup>3</sup> AS 47.12.030 (a) provides that if "the minor is convicted of an offense other than an offense specified" in subsection (a) (1), (2), (3), the minor may attempt to prove that the minor is amenable to treatment under AS 47.12.

of the Petition, Count V is not within the jurisdiction of the juvenile court. This conclusion is consistent with State v. T.M. 860 P. 2d 1286 (Alaska App. 1993). In that case the superior court set aside a juvenile adjudication after the court's jurisdiction had expired. Addressing the predecessor of AS 47.12.160, the Court of Appeals stated:

Under AS 47.10.100 (a), the superior court "retains jurisdiction over [a delinquent juvenile's] case . . . in any event [not to] extend past the day the minor becomes 19, unless sooner discharged by the court . . ."

Because T.M. and J.B. filed their motions after this time limitation on the court's jurisdiction had expired, the superior court based its action, not on AS 47.10.100 (a), but on the court's "inherent" power to vacate any delinquency adjudication it had previously entered—even an adjudication it had previously entered—. . . We conclude that the superior court does not possess this kind of inherent authority.

In T.M. the Court of Appeals recognized that the court's jurisdiction had expired under the time limit of AS 47.10.100 (a). Moreover, the court had no inherent authority to exceed that time limit. The same reasoning applies to this case.

The court recognizes the state's concern that this interpretation can allow juvenile criminal activity to go unpunished if the crime did not come to light until after the juvenile's 18<sup>th</sup> (or 19<sup>th</sup>) birthday. This court shares Judge Coat's concern in State v. Jack, 67 P. 3d 673 (Alaska App. 2003):

This case [is] very difficult for me because it seems obvious that the State should have jurisdiction. Id. at 677.

This result is not of the court's making. For whatever reason, the legislature has mandated that juvenile jurisdiction in all cases comes to an end at the time of the

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This provision applies only if the defendant is convicted of a lesser offense included within the charged offense. Wilson v. State, 967 P. 2d 98 (Alaska App. 1998).

juvenile's 19<sup>th</sup> birthday unless the juvenile consents to a longer period. The resolution of this problem rests, not with the court, but the legislature.

For the foregoing reasons the Petition for Adjudication of Delinquency filed in this case is DISMISSED.

Dated at ██████████, Alaska this 15 day of September, 2003.

*[Handwritten Signature]*

██████████  
SUPERIOR COURT JUDGE

I certify that a copy of the foregoing, was mailed/faxed/placed in box in the Clerk's Office to the following at their addresses of record:

Minors ██████████, DJJ, ago - faxed  
Guardian - Mail

Date: 9/15/03 Clerk: [Signature]

To  
John D. Royak

RECEIVED  
AUG 18 2004

THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT [REDACTED]

LETIMIA M. SULLIVAN, CLERK  
OFFICE OF ATTORNEY GENERAL  
3RD JUDICIAL DISTRICT  
ANCHORAGE, ALASKA

In the Matter of:

[REDACTED]

A Minor Under the Age  
of Eighteen (18) Years.

Date of Birth: [REDACTED]

Case No. [REDACTED] CP

ORDER

[REDACTED] filed a Motion to Dismiss Petition for Adjudication of Delinquency on June 9, 2004. The Motion states that [REDACTED] turned 19 years of age on [REDACTED] 2004, and argues that AS 47.12.160 does not permit the court to retain jurisdiction beyond a juvenile offender's 19<sup>th</sup> birthday. The state has opposed the Motion and argues that AS 47.12.160 applies to the disposition phase of juvenile cases. The state suggests that although [REDACTED] is no longer subject to disposition because of his age, the law still requires [REDACTED] to appear at an adjudication trial. The state's position is not supported by the applicable statutes, and the Petition for Adjudication of Delinquency is dismissed.

CHRONOLOGY

The state alleges that on the late evening of July 1, 2002, [REDACTED] (17 years old at the time) arrived at M.Y.'s Seward residence with a backpack full of alcoholic

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beverages. M.Y. drank what [REDACTED] offered, became very intoxicated, and [REDACTED]

[REDACTED] digitally penetrated her vagina and anus.

[REDACTED] is from Wisconsin and was spending the summer with an uncle at the time of the alleged assault. When summer ended [REDACTED] returned to Wisconsin. The Division of Juvenile Justice filed a Petition for Adjudication of Delinquency based on the July 2002 events on January 14, 2003. [REDACTED] was apprehended and placed in the [REDACTED] County, Wisconsin jail on June 23, 2003 pending extradition. [REDACTED] was 18 when he was apprehended. The [REDACTED] court released [REDACTED] to his parents pending trial on July 18, 2003.

At the October 2, 2003, omnibus hearing, [REDACTED] attorney, [REDACTED], stated that he did not have discovery. According to [REDACTED], Chris Evenson from the Division of Juvenile Justice had been contacted and had promised to mail discovery.

At trial call on November 6th [REDACTED] stated he received a copy of a police report, but had not received copies of interview tapes. Chris Evenson said that he thought the Seward Police Department was going to send [REDACTED] a copy of the tapes when they sent the tapes to him. Mr. Evenson said that he would make copies of the tapes and get them to Mr. Montague. The trial was continued until January.

At the January 9, 2004, trial call, [REDACTED] stated that he had received the tapes from Mr. Evenson on December 4, 2004, but did not have the photographs taken by the nurse during the victim's Sexual Assault Response Team Examination. Assistant Attorney General John Darnell, appearing for the Division of Juvenile Justice, asked for a continuance. Mr. Darnell stated that the Division was having trouble getting the S.A.R.T.

ORDER

ITMO: T. T. CASE NO [REDACTED] CP

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photographs because they were in the custody of the Central Peninsula General Hospital. Mr. Darnall stated that he thought the Division would need an order to get the photographs. Trial was continued until March.

No motion for release of records was filed, and at the March 4, 2004, trial call, the S.A.R.T. photographs were still not in the Division of Juvenile Justice's hands. Aaron Poland, appearing for the Division, stated that he had talked to someone from Central Peninsula General Hospital that morning and he expected to have the S.A.R.T. photographs within one month. Trial call was continued until May.

On March 10, 2004, the Division submitted and the court signed orders requiring the hospital to produce the victim's S.A.R.T. records. At the May 6, 2004, trial call, [REDACTED] stated that he still did not have the photographs. Aaron Poland said that he had some difficulty getting the photographs from Central Peninsula General Hospital, but did get them in late April and had sent the photos to Copy Cats Printing to be copied, and the photos should be there for [REDACTED]

The trial was continued until June. At the June 9, 2004, trial call, [REDACTED] stated that he still had not received the S.A.R.T. photographs that the Division of Juvenile Justice said were available at Copy Cats. [REDACTED] also filed a Motion to Dismiss, based upon the fact that his client had turned [REDACTED] 6, 2004. Assistant Attorney General Karen Hawkins objected to the motion as untimely and objected to continuing the trial. On June 14, 2004, Ms. Hawkins filed a Notice of Expert.

#### DISCUSSION

██████████ argues that AS 47.12.020 gives the court jurisdiction over minors under 18 years of age, and Alaska Statute 47.12.160 allows the court to retain jurisdiction until the minor's 19<sup>th</sup> birthday. Since he turned 19 before he was brought to trial, ██████████ argues that the petition filed against him should be dismissed.

The state argues that AS 47.12.160 applies to disposition orders and has no effect until a juvenile has been adjudicated a delinquent. The state is asking the court to allow ██████████'s trial so that if the jury finds he has committed the delinquent acts alleged in the petition, a record will exist to be considered if ██████████ commits a crime as an adult.

The state's position is not supported by the statutes governing juvenile delinquents. There is nothing in the statutes that suggests the legislature contemplated adjudication trials for adults who committed crimes as juveniles. Moreover, there is nothing in the statutes that suggests the legislature has authorized adjudication trials when the court has no jurisdiction to enter a disposition order. It may even be prejudicial to hold an adjudication trial when the court lacks authority to modify the judgment as soon as it is entered because of the age of the defendant. See AS 47.12.160; State v. T.M., 860 P.2d 1286 (Alaska App. 1993).

For the above-stated reasons, the Petition for Adjudication of Delinquency is dismissed.

Dated at Kenai, Alaska this 15<sup>th</sup> day of August, 2004.



CHARLES T. HUGUELST  
SUPERIOR COURT JUDGE

I certify that a copy of the foregoing was mailed/faxed/placed in box in the Clerk's Office to the following at their addresses of record:

[REDACTED], D.T.S., Hawkins/REG,  
Parent

Date: 8/17/04 Clerk: PK Bute

**SB**

**172**



## Burial & Memorial Benefits

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*Veterans Benefits & Services*

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State Cemetery Grants  
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Office of Construction  
Management

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### State Cemetery Grants Program Establishing a State Veterans Cemetery

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#### Determine Need

Analyze existing service provided by national cemeteries and other state cemeteries. Consider service life of existing cemeteries. Provide data on veteran population, including age.

#### Investigate Availability of Suitable Land

Suitable land should be easily accessed by road, free of limitations such as rock, steep slopes and wetlands, uncompromised by incompatible land uses near by, and appropriate for cemetery use. Land already owned by the state, county or municipality is usually the best choice. The state must have title to the land.

#### Assess Impacts

Analyze possible negative environmental and historic preservation impacts the cemetery location may have. Can such limitations be overcome?

#### Encourage Support

Veterans service organizations should be informed of the project and be in support of an effort to establish a state veterans cemetery. Local governments should also be supportive. Ultimately, the state legislature must pass necessary legislation authorizing the state cemetery and appropriating funds for establishment and operation.

#### Complete Application

Apply to the Department of Veterans Affairs for federal assistance with a grant for establishing a state veterans cemetery. For forms and other guidance, see OMB Grants Management and the Catalog of Federal Domestic

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

Communications &amp; Outreach Support Division

Washington, DC

(202) 696-6000

FAX (202) 696-6000

www.va.gov

public.inquiry@va.gov

## State Cemetery Grants Program

- The U.S. Department of Veterans Affairs (VA) State Cemetery Grants Program was established in 1978 to complement VA's national cemeteries.
- The program assists states in providing gravesites for veterans in those areas where NCA cannot fully satisfy their burial needs
- Grants may be used only to establish, expand or improve veterans cemeteries that are owned and operated by a state. Aid is granted only to states, not to private organizations, counties, cities, or other government agencies.
- VA can provide up to 100 percent of the development cost for an approved project. For establishment of new cemeteries, VA can provide for operating equipment as well. VA cannot pay for acquisition of land.
- Cemeteries established under the grant program must conform to the standards and guidelines pertaining to site selection, planning, and construction prescribed by VA.
- Cemeteries must be operated solely for the interment of service members who die on active duty, veterans (as defined by federal law), and their eligible spouses and dependent children. States may impose residency requirements and other limitations to eligibility in addition to those imposed by federal law. State eligibility requirements, however, may not be less stringent than Federal requirements.
- The administration, operation, and maintenance of a VA-supported state cemetery is solely the responsibility of the state.
- VA is authorized to pay a "plot allowance" of \$300 to a state for expenses incurred in the burial of certain eligible veterans.
- VA has awarded grants totaling more than \$215 million to establish, expand or improve 62 veterans cemeteries in 32 states and the Commonwealth of Guam.
- In fiscal year 2003 NCA-supported state cemeteries provided more than 19,246 interments.

# ALASKA STATE LEGISLATURE

Senate District H  
600 E. Railroad Avenue  
Wasilla AK 99654  
907-376-4866  
907-373-4724 – Fax  
Senator\_Charlie\_Huggins@legis.state.ak.us



State Capitol, Room 417  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878  
[www.akrepublicans.org/huggins/](http://www.akrepublicans.org/huggins/)

## Charlie Huggins Senator

4/21/05

### Sponsor Statement

**SB 182 – “An Act authorizing the Department of Military and Veterans’ Affairs to establish and maintain Alaskan veterans’ cemeteries; and establishing the Alaska veterans’ cemetery fund in the general fund.**

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SB 182 authorizes the Alaska Department of Military and Veterans’ Affairs to establish and maintain state veterans’ cemeteries in our state to serve state veterans and spouses and eligible dependents of state veterans. This legislation enables the Alaska Department of Military and Veterans’ Affairs to accept gifts, donations, and grants, including land, for the purposes of establishing and maintaining an Alaska veterans’ cemetery. Land received by the department for an Alaska veterans’ cemetery shall be owned by the state.

The U.S. Department of Veterans’ Affairs, State Cemetery Grants Program was established in 1978 to complement the Veteran’s Affairs national cemeteries. The program assists states in providing gravesites for veterans in those areas where the National Cemetery Administration cannot fully satisfy their burial needs.

The U.S. Department of Veterans’ Affairs can provide up to 100 percent of the development costs for an approved project, as well as, operating equipment for the establishment of new cemeteries. The U.S. Veterans Affairs cannot pay for the acquisition of the land. The administration, operation, and maintenance of a Veterans Affairs supported state cemetery is solely the responsibility of the state.

Over the next few years there is estimated to be a 21 percent increase in the number of burials nationwide due to the advancing age of our World War II, Korean War and Vietnam War veterans.

Demographically, there is a need for a veterans’ cemetery in the Interior. Currently in Alaska, there is a National Cemetery in Sitka, which has no room to expand, and the National Cemetery in Fort Richardson is 350 miles away. The Fairbanks North Star Borough has approximately 11,164 veterans and forty percent of families in Fairbanks have a least one veteran in their household. According to the U.S. Veterans’ Affairs, a cemetery in Fairbanks would increase the number of veterans served by a veterans’ cemetery.

This Legislation would put in place the mechanism for the U.S. Department of Veterans’ Affairs in conjunction with the State of Alaska, to establish a veterans cemetery where our soldiers can be laid to rest with full military funeral honors, pallbearers, rifle team, flag folding and flag presentation.

**Contact Person – Deborah Grundmann 465-4711**

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

Communications &amp; Outreach Support Division

Washington, DC

(202) 696-6000

FAX (202) 696-6000

www.va.gov/nca  
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## **Facts About the National Cemetery Administration**

### **MISSION**

The National Cemetery Administration (NCA) honors veterans with a final resting place and lasting memorials that commemorate their service to our nation.

### **NCA STATISTICS**

- NCA currently maintains more than 2.6 million gravesites at 120 national cemeteries in 39 states and Puerto Rico, as well as in 33 soldier's lots and monument sites.
- Approximately 300,000 full-casket gravesites, 65,000 in-ground gravesites for cremated remains, and 35,000 columbarium niches are available in already developed acreage in our 120 national cemeteries.
- There are approximately 14,200 acres within established installations in NCA. Just over half are undeveloped and—with available gravesites in developed acreage—have the potential to provide more than 3.6 million gravesites.
- Of the 120 national cemeteries, 60 are open to all interments; 22 can accommodate cremated remains and family members of those already interred; and 38 are closed to new interments, but may accommodate family members in already occupied gravesites.
- Since 1973, annual interments in VA national cemeteries have increased by more than 150 percent, from 36,400 to more than 93,000 in fiscal year 2004. Interments are expected to increase annually until 2008.
- Of the more than 93,000 interments conducted in fiscal year 2004, 72.8 percent were in the 20 busiest national cemeteries: Riverside, Calif., Calverton, N.Y., Florida, Jefferson Barracks, Mo., Fort Snelling, Minn., Fort Sam Houston, Texas, Willamette, Ore., Fort Logan, Colo., National Memorial Cemetery of Arizona, Fort Rosecrans, Calif., Houston, Texas, Dallas-Fort Worth, Texas, Tahoma, Wash., San Joaquin Valley, Calif., Massachusetts, Abraham Lincoln, Ill., Indiantown Gap, Pa., Long Island, N.Y., Puerto Rico, and Ohio Western Reserve National Cemeteries.

- As of Sept. 30, 2004, eight national cemeteries each contained more than 100,000 occupied gravesites, collectively accounting for 43.1 percent of all NCA gravesites maintained: Long Island, N.Y., Calverton, N.Y., Fort Snelling, Minn., Riverside, Calif., Jefferson Barracks, Mo., Golden Gate, Calif., Willamette, Ore., and Fort Sam Houston, Texas, National Cemeteries.
- Largest National Cemetery: Calverton (N.Y.) 1,045 acres.  
Smallest National Cemetery: Hampton VAMC, (Va.) .03 acres.  
Oldest National Cemetery: 14 established in 1862 (12 are maintained by VA).  
Newest National Cemetery: Fort Sill opened in November 2001.
- Since 1973, NCA has provided more than 8.8 million headstones and markers. In fiscal year 2004, NCA provided more than 349,000 headstones and markers.
- NCA provided more than 435,000 Presidential Memorial Certificates to the loved ones of deceased veterans in fiscal year 2004.
- Since 1980, NCA's State Cemetery Grants Program (SCGP) has obligated over \$215 million to 32 states and Guam for the establishment, expansion or improvement of 62 state veterans cemeteries. In fiscal year 2004, NCA-supported state cemeteries provided more than 19,200 interments.
- Volunteers donated approximately 364,000 hours at national cemeteries during fiscal year 2004.
- Over 8.7 million people visited VA national cemeteries in fiscal year 2004.
- In 1999 and 2003, with the passage of two laws, Congress directed VA to establish 12 new national cemeteries. One has been opened in Oklahoma. The rest – one in Alabama, two in California, three in Florida, one in Georgia, one in Michigan, two in Pennsylvania and one in South Carolina – will be located near large populations of veterans who currently do not have access to a burial option.

### VETERAN STATISTICS

- Veterans' deaths are expected to peak at 676,000 in 2008. VA estimates that more than 662,000 veterans died in 2004. Historically, about 11 percent of U.S. veterans choose to be buried in VA national cemeteries. This percentage will increase with the opening of new national cemeteries.

February 2005

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

Demographic Factors	Data	Notes
Veterans in four areas	11,164	Fairbanks/North Star and 3 adjoining areas
Avg. annual death rate	149	2005-2026 VA figures
Usage factor	0.50	50% will choose cemetery
Dependents factor	1.50	1 dependent per 2 veterans
Annual burial rate	112	[Death rate x usage] x dependents factor
Graves per acre (gross)	600	Rule of thumb
Min. gravesites needed (20 yr.)	1,676	[Annual burials x 0.75] x 20
Min. burial acreage needed	2.79	One of four is a "second interment"
Gross acreage recommended	20.00 <sup>2</sup>	Min. gravesites/600 see note below
<b>Personnel Factors</b>		
		<b>Data</b>
Admn. Workers (230 Inter. Per FTE)	0.49	Based on NCA estimates
Field workers		Cumulative
Interments (250 per FTE)	0.45	Includes PT, temp., etc.
Gravesites (7,844.4 per FTE)	0.21	Rises over time
Acres Maint. (10.7 per FTE)	0.26	Burial acres used/developed acres may vary
Field Workers Subtotal	0.92	
Employees	1.41	Admn. & field workers
Cem. Director		NCA Costs
(GS 9--\$36.7 x 1.3 for fringes)	\$47,652.80	1.0 Full Time Equivalent Employee (FTEE)
Equip. Operator		
(WG-8--\$28 x 1.3)	\$36,142.60	1.0 FTEE
<b>Total Salary</b>	<b>\$83,795.40</b>	
<b>Operations Factors</b>		
		<b>Data</b>
Utilities & communications	\$1,117.50	Phone, water, electricity, gas (\$400 x acres)
Supplies & materials	\$2,095.31	Fuel, fertilizer, etc. (\$750 x acres)
Contractual services	\$1,187.34	Janitorial, security, irrigation (\$425 x acres)
<b>Subtotal</b>	<b>\$4,400.16</b>	
<b>Total Annual Operations   \$88,195.56</b>		
<i>Maintenance and Repairs           extra</i>		
<i>Equipment Replacement           extra</i>		

<sup>1</sup> The standard usage factor is 25% but we have increased the factor to 50% in this case because of the difficulty in projecting usage in this area. While 50% usage may be high, it would be better to estimate a higher number at this point rather than a lower number.

<sup>2</sup> The model assumes a suitable site with easily developed cemetery land. In this case, it would be better to acquire as large a parcel as possible in order to assure suitable land and the ability to buffer surrounding land uses. At least 20 acres should be considered.

**SB**

**176**

SENATOR KIM ELTON  
MEMORANDUM

**DATE:** April 21, 2005  
**TO:** Senator Gene Therriault, Chair  
Senate State Affairs Committee  
**FROM:** Senator ~~Kim Elton~~  
**SUBJ:** Hearing Request for SB 176, an Act naming the Charles Gamble Jr. -  
Donald Sperl Joint Use Facility in Juneau.

---

I respectfully request a hearing for SB 176, requesting that the Joint Use Facility/UAS Student Recreation Center/National Guard Readiness Center be named after Charles Gamble Jr. and Donald Sperl, two Juneau men who lost their lives in combat during the Vietnam war.

I ask that you hear SB 30 at your earliest convenience.



SENATOR KIM ELTON

**SB 176**  
**Sponsor Statement**

*"An Act naming the Charles Gamble Jr. - Donald Sperl Joint Use Facility in Juneau."*

Charles Gamble Jr. and Donald Sperl were two young graduates of Juneau-Douglas High School. Both young men lived their entire lives in Juneau. Both men joined the United States Army and served in Vietnam. Both men were killed in the line of duty at age 20 within months of each other.

The Joint Use Facility/UAS Student Recreation Center/National Guard Readiness Center is under construction and due to be completed July 2005. The facility was built with combined federal, state and university funds for a total of \$16.3 million.

To name the joint use facility after these two young men would show our respect to their dedication and would honor them for their service to our country. Neither young man had a chance to live out his life but their names would live on and serve as a reminder of honor and duty to all.

---

ALASKA SENATE

Presented by: Assembly  
Introduced: 04/11/2005  
Drafted by: J.W. Hartle

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2306**

**A Resolution Requesting that the Army National Guard Name  
the New National Guard Readiness Center After Donald W.  
Sperl and Charles F. Gamble, Jr.**

WHEREAS, Juneau-Douglas High School graduates Donald W. Sperl and Charles F. Gamble, Jr., died serving our country in the Vietnam war; and

WHEREAS, both of these two Juneau residents are listed on the Vietnam Veterans' Memorial, and are the only two soldiers listed from Juneau, Alaska; and

WHEREAS, the U.S. Army National Guard and the University of Alaska Southeast are building a joint UAS Student Recreation Center and Alaska Army National Guard Readiness Center in Juneau; and

WHEREAS, the National Guard will have to name the new "Readiness Center" facility; and

WHEREAS, it would be appropriate to name the new facility after these two young men who gave their lives for their country.

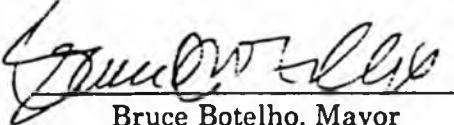
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1.** The Assembly of the City and Borough of Juneau respectfully requests that the U.S. Army National Guard name the new Alaska Army National Guard Readiness Center in honor of these two Juneau men, Donald W. Sperl and Charles F. Gamble, Jr.

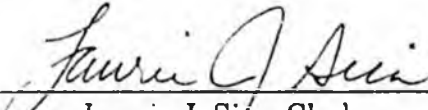
**Section 2.** Copies of Resolution 2306 shall be provided to the University of Alaska Southeast and the Alaska Army National Guard.

**Section 3. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 11<sup>th</sup> day of April, 2005.

  
Bruce Botelho, Mayor

Attest:

  
Laurie J. Sica, Clerk

**SB**

**186**

## Suggested amendments to SB186.

---

I.

Add reference in title to crime of disclosing confidential information.

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II.

Section 3. AS 39.52.130(f) is amended to read:

(f) A public officer who knows that a family member or business associate has received a gift because of the family member's or business associate's connection with the public office held by the public officer shall report the receipt of the gift by the family member or business associate to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

---

III.

Page 2, line 2

Remove the word "direct" so it would read: "...public officer has no management control over the financial interest; or..."

This would exclude mutual fund investments and deferred compensation plans that are not self-managed. It would allow brokerage-managed accounts where the officer would have no management control.

---

IV.

Remove the word "entity" after "business" throughout the subsection.

"Business" is defined in AS 39.52.960(5) to include a corporation, company, firm, partnership, sole proprietorship, etc., or any other "entity" carrying on as a business, whether for profit or non-profit. Therefore, the word "entity" after "business" is unnecessary.

---

V.

In all places where the bill uses "closely associated person," substitute "business associate."

Define "business associate" in 39.52.960 as follows:

"business associate" means a person with whom a public officer jointly shares the management, control, or majority ownership of a venture for the conduct of trade, commerce, the practice of a profession or any other occupation for the purpose of providing income or potential income to the public officer, regardless of how the venture is organized.

---

VI.

Section 4. "AS-IS"

---

VII.

Section 5. See "business associate" discussion. Otherwise "AS-IS."

---

VIII.

Section 6. See "business associate" discussion. Otherwise "AS-IS."

---

IX.

Section 7. See "business associate" discussion. Otherwise "AS-IS."

---

X.

Section 8.

Remove the words "personal or."

This subsection relates only to financial interests, not personal interests.

Change the subsection on lines 2-5 to read "(B) the placement by the employee of the financial interest that gives rise to the potential violation into a blind trust or other investment where the employee has no management control over the financial interest."

---

XI.

Section 9

Page 4, line 9.

add the following sentence: "The summary is confidential unless the dismissal or resolution agreed to under AS 39.52.320 or 39.52.330 is public."

Note: It would be useful for designated ethics supervisors, state employees, and the public to have access to ethics settlements as a way of better understanding how the Act is applied and the types of conduct that may give rise to violations of the Act. Access also increases public confidence that the law is being enforced.

---

XII.

Section 10.

Add the suggested language in Section 9 comments.

---

XIII.

Section 11.

Change this section to provide that accusations are kept confidential until there is a finding of "probable cause." This would apply at any place in the process – no matter who is being accused.

Page 5, line 14.

change to read: "...of that agency that has also been made available in connection with **an investigation** or a proceeding under..."

---

XIV.

Section 12. "AS-IS."

---

XV.

Section 13. "AS-IS."

---

XVI.

Section 14. "AS-IS."

---

XVII.

Section 15. See "business associate" discussion. Otherwise "AS-IS."

---

XVIII.

Section 16.

Change the definition of "immediate family member" as follows:

(11) "immediate family member" means any of the following persons living in the same household as the person:

(A) the spouse of the person;

(B) another person cohabitating with the person in a sexual relationship that is not a legal marriage;

(C) a child, including a stepchild and an adoptive child, of the person, the person's spouse, or of a person cohabitating with the person in a sexual relationship that is not a legal marriage;

(D) a parent, stepparent, adoptive parent, stepgrandparent or adoptive grandparent of the person, the person's spouse, or of a person cohabitating with the person in a sexual relationship that is not a legal marriage.

---

XIX.

Section 17. See "business associate" discussion. Otherwise "AS-IS."

---

XX.

Section 18.

Remove repeal of AS 24.60.170(m). Deals with the legislative ethics code and has nothing to do with this bill.

Conform with recommendations in sections 9 & 10.

**SB**

**187**

## Suggested amendments to SB187.

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I.

Section 1. No Changes.

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II.

Section 2. No Changes.

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III.

Section 3. No Changes.

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IV.

Section 4.

Provide that public members shall be selected to represent a diversity of professions and geographic regions and **no more than one** may be employed by the state or a political subdivision of the state.

---

V.

Section 5.

Provide that alternate members be allowed to attend all meetings rather than just hearings.

---

VI.

Section 6.

There are advisory opinions and then there are opinions. No objection to sanitized advisory opinions. Opinions that find no violation must be kept confidential unless all parties release the information – then all related records become public.

---

VII.

Section 7 – 14.

Confidentiality must be maintained until there is a finding of probable cause. Public hearings are to be allowed following a finding of probable cause unless the only recommendation is corrective action (Sect. 10, line 4).

---

VIII.

Section 15.

Add "obtained" along with "disclosed" on page 8, line 26.

---

IX.

Section 16.

Do not repeal either section. Discuss with drafter.

---

X.

General:

Provide consistency throughout regarding meetings and proceedings.

**SB**

**189**

# ALASKA STATE LEGISLATURE

Senate District H  
600 E. Railroad Avenue  
Wasilla AK 99654  
907-376-4866  
907-373-4724 – Fax  
Senator\_Charlie\_Huggins@legis.state.ak.us



State Capitol, Room 417  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878  
[www.akrepublicans.org/huggins/](http://www.akrepublicans.org/huggins/)

## Charlie Huggins Senator

March 17, 2006

### Sponsor Statement

**CSSB 189 – “An Act relating to issuance of identification cards and to issuance of driver’s licenses.”**

---

On May 11, 2005 President Bush signed into law the REAL ID Act. Provisions of this legislation improved security for drivers’ licenses and personal identification cards as well as set uniform standards for state driver’s licenses and identification cards. CSSB 189 is designed to bring Alaska into compliance with the new federal Real ID Act.

Proper documentation shall be provided to the Division of Motor Vehicles that establishes that an applicant is either a U.S. citizen or legally present in the United States for the purposes of issuing an identification card or drivers license.

As required by the REAL ID Act, CSSB 189 establishes that in order to issue temporary licenses or temporary ID cards, that will be acceptable to the federal government for identification purposes, there must be an expiration date of the identification card or driver license to coincide with the length of stay in the United States. If the period of authorized stay is indefinite, the expiration date of the license is one year from the date of issue.

A federal agency may not accept a driver’s license or personal identification card after May 11, 2008, unless the state has been certified by the U.S. Department of Homeland Security in consultation with the U.S. Department of Transportation to meet the requirements of the law.

CSSB 189 is needed to enhance the security of the driver’s license and identification card due to increasing problems of identity theft and fraud. Driver’s licenses and state issued identification cards have been used as proof of identity more often than proof of one’s ability to drive safely. Holding one of these credentials provides access to an ever-increasing number of privileges and services, from obtaining credit to cashing checks, buying or leasing cars and boarding airplanes.

Alaskans deserve the right to be assured motorists driving with Alaska driver’s licenses are legally in the United States and we know their identities.

**Contact Information – Deborah Grundmann 465-4711**

# ALASKA STATE LEGISLATURE

Senate District H  
600 E. Railroad Avenue  
Wasilla AK 99654  
907-376-4866  
907-373-4724 - Fax  
Senator\_Charlie\_Huggins@legis.state.ak.us



State Capitol, Room 417  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878  
[www.akrepublicans.org/huggins/](http://www.akrepublicans.org/huggins/)

## Charlie Huggins Senator

1/31/06

### Sponsor Statement

**CSSB 189 – “An Act relating to issuance of identification cards and to issuance of driver’s licenses.”**

---

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Currently the Alaska Division of Motor Vehicles, through Standard Operating Procedures, has required that proper documentation be provided to establish that an applicant is either a U.S. citizen or legally present in the United States for the purposes of issuing an identification card or drivers license. CSSB 189, puts into statute what DMV is currently requiring procedurally.

Secondly, as required by the REAL ID Act, CSSB 189 establishes that in order to issue temporary licenses or temporary ID cards, that will be acceptable to the federal government for identification purposes, there must be an expiration date of the identification card or driver license to coincide with the length of stay in the United States. If the period of authorized stay is indefinite, the expiration date of the license is one year from the date of issue.

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Alaskans deserve the right to be assured motorists driving with Alaska driver’s licenses are legally in the United States and we know their identities.

**Contact Information – Deborah Grundmann 465-4711**

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 189(STA)  
 (S) Publish Date: 2/8/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to issuance of Identification Cards and RDU Division of Motor Vehicles  
and the Issuance of Driver's Licenses'..." Component: Motor Vehicles  
 Sponsor: Sen. Huggins  
 Requester: (S) State Affairs Component No. 2348

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	20.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>20.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Rcpt Svcs	20.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>20.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill is designed to bring Alaska into compliance with the new federal Real ID Act. While all of the details of the Act are currently being created through the rulemaking committee, this bill includes the 2 major components of the Act: all DL/ID applicants must be either US citizens or be able to establish their legal presence; and those persons with 'time-limited' legal status may not receive a DL/ID with an expiration date later than the allowable length of stay.

The cost associated in FY 07 is to make major changes in our database (ALVIN) to accept these new expiration dates and other verification fields. Other costs may be associated with the Real ID Act that will not be noted until later.

Prepared by: Duane Bannock, Director Phone 269 5008  
 Division: Motor Vehicles Date/Time 1/31/06 8:00 AM  
 Approved by: Mike Tibbles, Deputy Commissioner Date 1/31/2006  
 Agency: Department of Administration

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### ► Democracy@Work Home

- What is the definition of Citizenship?
- How do you become a citizen?
- **What does the Constitution say about citizenship?**
- What does it mean to be "Naturalized"?
- How can you lose your citizenship?
- What is the history of citizenship in the U.S.?
- Why is it important to vote?

## What does the Constitution say about citizenship?

*Courtesy of Grolier's New Book of Knowledge*

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Grolier On!

The United States Constitution, drafted in 1787, did not explain citizenship, but it did mention "citizens of the States" and a "citizen of the United States." Citizens of the United States became entitled to the rights guaranteed to them by the Constitution and its later amendments. Among these rights were the right to vote, own property, seek elective office, and be protected by the laws of the land.

Because the young United States followed British common law, it accepted the rule of *jus soli* (place of birth). As early as 1790, Congress recognized the rule of *jus sanguinis*, or blood relationship, by passing laws giving citizenship to a child born in a foreign country if the father was a citizen of the United States.

### The 14th Amendment

The first official written explanation of American citizenship was included in the 14th Amendment to the Constitution (1868). Section 1 of this amendment declares that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The wording of this amendment places national citizenship before state citizenship. In other words, an American is first a citizen of the United States and then a citizen of the state in which he or she lives. Citizens are entitled to the rights granted by both national government and their own state's government.

The 14th Amendment was passed to guarantee citizenship to blacks who were freed from slavery after the Civil War (13th Amendment, 1865). The amendment made the rule of *jus soli* (place of birth) a law for all U.S. citizens. This means that any child born in the United States becomes a citizen at birth, even if its parents are aliens. (However, the rule does not apply to children born to foreign diplomats or United Nations officials.)

The 14th Amendment does not include *jus sanguinis*. American citizenship acquired at birth in a foreign nation is usually determined by the law that is in effect at the time the child is born. The Immigration and Nationality Act of 1952, amended in 1965, 1976, and 1978, gives the requirements.

For a child born on or after December 24, 1952, both parents must have been American citizens. In addition, one parent must have lived in the United States for ten years (and for at least five years after the age of 14) before the birth of the child.

Ward Whipple  
Editor, *Civic Leader*

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What does it mean to be "Naturalized"?

Courtesy of Grolier's New Book of Knowledge

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The U.S. Constitution gives Congress the power to make naturalization laws for the United States. No state can give citizenship to aliens.

A person can become a naturalized citizen of the United States individually or as part of a group. Generally any person who has come into the United States as an immigrant may become a naturalized citizen. To do so, a person must be over 18 years old and must have lived in the United States for five years, without leaving for more than a total of 30 months (and not more than 12 consecutive months) throughout that five-year period.

People who wish to become U.S. citizens must file a petition for naturalization and take an examination that shows that they can read, speak, and write simple English and have a fair knowledge of American history, government, and the Constitution. They must be able to prove they are of good, moral character. Two American citizens whom they know well must verify if applicant will be a good citizen and loyal to the United States.

Once an applicant has passed the requirements and examination, he or she may become a U.S. citizen by taking an oath of allegiance. Group naturalization ceremonies often take place on September 17--Citizenship Day. Naturalized citizens are entitled to all of the rights granted to natural-born citizens, except they may not become president or vice president of the United States.

Congress has granted honorary citizenship, an extremely high honor, to only two foreigners. Winston Churchill, who was prime minister of the United Kingdom, was the first to receive this honor in 1963. Raoul Wallenberg, a Swedish diplomat who rescued tens of thousands of Hungarian Jews during World War II, received the honor in 1981.

Ward Whipple  
Editor, Civic Leader

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**How can you lose your citizenship?**

*Courtesy of Grolier's New Book of Knowledge*

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Most nations permit individuals to give up their citizenship. This act, known as **expatriation**, means that a person no longer wants the rights and responsibilities of citizen in a particular country. Such a person may then become a citizen of another country or may become a stateless person (one without a country). If U.S. citizens wish to give up their citizenship they must declare this on a form provided by the secretary of state.

A citizen of the United States loses U.S. citizenship by becoming a citizen of a foreign country unless a special exception is made by the State Department. A person can also lose U.S. citizenship for serving in the armed forces of, or holding office in, a foreign government. U.S. citizenship can also be taken away from people who have been convicted of a major federal crime such as treason. But people cannot lose their citizenship for something they were forced to do. A person who is forced to serve in a foreign army, for example, will not lose U.S. citizenship.

Interestingly, Robert E. Lee, one of the greatest generals of all time, lost his U.S. citizenship when he took command of the Confederate forces during the American Civil War. Due to a mistake citizenship was not restored to him until Congress acted on the matter in July 1975.

Ward Whipple  
Editor, *Civic Leader*

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What is the history of citizenship in the U.S.?

Courtesy of Grolier's New Book of Knowledge

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The idea of citizenship came into being many centuries ago. In the ancient city-state of Athens, citizenship was granted to males of certain classes. Citizenship was also granted to a few foreigners and freed slaves. Citizenship meant that a man could vote, hold or serve on committees and juries, and give military service. He was also expected to share the of government. Women, slaves, and practically all foreigners were protected under the law but few of the rights and privileges of Athenian citizens.

Citizenship was also important to the people of ancient Rome. Roman citizens often took part their government. Roman citizenship was extended to foreign soldiers serving in the army and men of conquered lands. By A.D. 212 almost all of the men in Roman provinces, except slave were citizens.

After the fall of the Roman Empire, in the 400's, the idea of citizenship became less important many centuries. The feudal system spread through western Europe in the Middle Ages. This system was based on services and loyalty to a higher person in exchange for his protection. Millions of serfs worked the land for lords. The lords owed their allegiance to overlords. The overlords in turn were controlled by the king. In this system the king and nobles, rather than a government independent of these rulers, gave the people rights and privileges.

By the 1600's some kings had made many small states into nations. The common people no owed allegiance, or loyalty, to the nobles in their immediate region. Their first allegiance now the king. They began to take pride in their whole country. They also began to feel that they sh have a voice in their country's government. As these changes took place, people started think themselves as citizens of a nation as well as the loyal subjects of their king.

Today, most people place a high value on their citizenship. They know that when they pledge allegiance to their flag, they are willing to fulfill specific obligations to their country and will be granted many rights and privileges in return.

Ward Whipple  
Editor, *Civic Leader*

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A citizen of the US at birth is a person born in the US

Naturalized citizen of the US is a person, who though not a citizen of the US, owes permanent allegiance to the US

Permanent Resident of the US is a person that has been lawfully accorded the privilege of residing permanently in the US as an immigrant in accordance with the immigration laws.

Conditional Resident alien-any alien granted permanent resident status on a conditional basis (e.g. spouse of a US citizen and immigrant investor) who is required to petition for the removal of the set conditions before the second anniversary of the approval of his or her conditional status.

Legal presence means that a person is either a U.S. Citizen or is legally authorized to be in the United States. Legal presence can be provided using a U.S. birth certificate or U.S. passport. It also can be provided using a variety of other documents such as a Certificate of Citizenship or Naturalization, Resident Alien Card or a valid foreign passport with a visa.

Identity theft- this legislation helps protect the identities through a verification process keeping official documents out of the hands of those who legally do not deserve them.

## **WHAT EXACTLY IS THE MEXICAN MATRICULA CONSULAR CARD?**

The Matricula Consular cards are photo identification cards issued by the Mexican Consulate. They were created as a means for Mexican nationals living in the United States to have a form of pictured I.D. Matricula Consular cards do not indicate immigration status. This type of identification has been used to conduct business, open a bank account, and apply for utility services.

Show

**305.01 Definition of U.S. Citizen (FSM)**

**SR 01-24 Dated 08/01**

**Previous Policy**

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U.S. citizens are:

- individuals born in the United States, Puerto Rico, Guam, Northern Mariana Islands, Virgin Islands, American Samoa, or Swain's Island;
- foreign-born children, under age 18, residing in the U.S. with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and
- individuals granted citizenship status by Immigration and Naturalization Services (INS).

To receive benefits, an individual must be either a U.S. citizen or an eligible qualified alien (see Section 305.09, *Determining Qualified Alien Status*).

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- [What is the definition of Citizenship?](#)
- [How do you become a citizen?](#)
- [What does the Constitution say about citizenship?](#)
- [What does it mean to be "Naturalized"?](#)
- [How can you lose your citizenship?](#)
- [What is the history of citizenship in the U.S.?](#)
- [Why is it important to vote?](#)

## How do you become a citizen?

*Courtesy of Grolier's New Book of Knowledge*

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Every nation provides ways of becoming a citizen. For most people citizenship is a matter of birth. For others it may be acquired through a process known as naturalization.

Two rules are used to determine citizenship by birth: (1) *jus sanguinis* ("law of the blood"); an *jus soli* ("law of the soil"). Under *jus sanguinis*, children take their parents' nationality regardless where they are born. For example, a child born to Italian parents in Britain is a citizen of Italy. The other hand, the rule of *jus soli* says that children are citizens of the nation in which they are born, no matter what the parents' nationalities are. Thus a child born to Italian parents in Britain is also a citizen of Britain. Since most nations apply both of these rules, a person can become a citizen of two nations. This is called dual citizenship.

**Dual citizenship** can result from naturalization, which is the legal way in which people change citizenship. Internal law protects naturalized citizens as long as they live in their new country. They may lose their new citizenship if they return to the country of their birth and remain for a time. In wartime, a serious problem could arise if both countries demand their services in the forces.

Ward Whipple  
Editor, *Civic Leader*

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**SB**

**214**

## Need help with heating bills?

The Heating Assistance Program strives to ensure that no one's health is jeopardized due to the inability to pay heating bills.

For many Alaska households, heating costs place a severe and continuing stress on the family's budget. In some instances, the household is forced to make painful decisions regarding which bills to pay and which necessities to survive without.

The Heating Assistance Program (HAP) helps eligible low-income households pay for winter heating costs. HAP will provide a one-time benefit to eligible households to be used for heat and associated electric bills. The payment amount is determined by geographic location, fuel type, income, and household size.



## How does it work?

We provide a one-time benefit to eligible households to be used for heating bills.

- ◆ An overdue bill or cut-off notice is not required.
- ◆ You do not have to own your home or pay heating bills directly to be eligible for assistance.
- ◆ You do not have to be receiving public assistance to qualify.

## How to apply...

### STEP 1: Application

Application forms are available from your heating supplier, electric company, WIC clinic, Senior Center, Division of Public Assistance Office, or we'll mail one to you upon request. You can also download one from our web site at:

*<http://www.hss.state.ak.us/dpa/heat>*

To apply, complete the application form, enclose the following information, and mail it to us:

- ◆ Proof of gross income from all household members for the calendar month prior to application date;
- ◆ A copy of your current heat and electric bills (if you pay for your home energy directly);
- ◆ If you rent, a copy of your rental agreement and a recent rent receipt.



### STEP 2: Notification

We will determine if you are eligible based on the information provided. You will be notified of eligibility status within 45 days. If you are eligible, you will be informed of the amount of assistance you will receive.

### STEP 3: Payment

If you are eligible, a payment is made to your heating vendor as a credit to your account or, in some cases, directly to you.

**For more information contact us at:**

**(800) 470-3058**

**[www.hss.state.ak.us/dpa/heat](http://www.hss.state.ak.us/dpa/heat)**

## It's easy to apply!

Just complete the application form, enclose the requested information and mail it to us.

Applications must be postmarked between September 1 and April 30. Payments are awarded beginning November 1.

Income guidelines change annually. This information may be obtained on our website at [www.hss.state.ak.us/dpa/heat](http://www.hss.state.ak.us/dpa/heat) or by calling (800) 470-3058.



The Heating Assistance Program is funded by the federal Low Income Home Energy Assistance Program (LIHEAP)

State of Alaska  
Heating Assistance Program  
400 Willoughby, Suite 301  
Juneau, AK 99801-1700



# The Heating Assistance Program



Let us help you  
stay warm  
this winter!

(800) 470-3058

[www.hss.state.ak.us/dpa/heat](http://www.hss.state.ak.us/dpa/heat)





# Alaska State Legislature

Senate Majority Web: [www.akrepublicans.org](http://www.akrepublicans.org)

Sponsor: Senator Albert Kookesh  
Sponsor: Senator Gene Therriault  
Current Version: SB 214  
Contact: Dave Stancliff, 465-4797

## Fact Sheet for: Senate Bill 214

### Summary:

- Appropriates the following amounts from the general fund for energy assistance and weatherization:
  - \$150,770,000 for an energy dividend to residents eligible for the 2005 permanent fund dividend.
  - \$5,700,000 for the power cost equalization program.
  - \$10,000,000 to be allocated over the next six years for the low income weatherization program.

### Benefits:

- Helps Alaska residents cope with escalating energy costs.
- Provides three methods to share a portion of the current budget surplus with Alaskans.
- Assists rural Alaskans by providing the funding needed for the power cost equalization program for 2006.

### Background:

- SB 214 funds three separate programs to provide relief for high energy costs. The energy dividend program would pay \$250 to each individual who was eligible for a 2005 permanent fund dividend, and is contingent on passage of SB 215, which establishes the program.

The PCE program, administered through the Department of Commerce, Community and Economic Development, was established in 1984 as a successor to similar programs in effect since 1980. It reduces the cost of electricity in communities whose primary source of electricity is diesel fuel—characteristically small, remote communities with small populations.

The Alaska Housing Finance Corporation administers the low-income weatherization program to improve the energy efficiency of low-income homes statewide.

# Alaska State Legislature

SENATOR  
**GENE THERRIAULT**

Mailing Address  
119 H. Cushman, Suite 101  
Fairbanks, Alaska 99701  
(907) 488-0857  
Fax (907) 488-4271

While in session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax (907) 465-3884  
SENATE DISTRICT F

## Senate

### Senate Bills 214 and 215

#### Background

During the fall of 2005 I participated in two public forums in Interior Alaska discussing the approaching winter season and the impact on individual Alaskans from high-energy costs.

At the first meeting fuel oil distributors and lenders in the interior market attended. The members of the Interior Delegation who were in attendance that day heard concerns from the distributors that a growing number of their customers were likely to be unable to pay their monthly fuel bills and they as independent businesses would not be able to carry these unpaid accounts on their books. After I prompted some discussion on the current low income heating assistance program the response back from the distributors was that they feared there would be many households that did not qualify for the (LIHEAP) (Low Income Energy Assistance) program and were struggling to cover their energy costs.

The second forum was a radio call in program where much of the discussion centered on energy costs. One caller suggested that the state should sell its oil resources below market value to lower energy costs to citizens. After I had discussed the constitutional prohibitions such actions and the impact it would have on the permanent fund, the caller challenged me to propose a way to give Alaskans assistance to mitigate the rapid escalation of energy costs. The result of those meetings and subsequent discussions in my office was the introduction of SB 214 and SB 215.

TO: Senator Gene Therriault  
 FROM: Citizens of Nulato  
 DATE: November 21, 2005  
 SUBJECT: 2006 Supplemental Energy Dividend Bill

\*\*\*\*\*

During 2005 while the State of Alaska earned well over \$1 billion from the oil industry, everyone else throughout Alaska experienced rising fuel costs that caused municipalities to shutdown, strained the working man's budget, all this and more while the state's coffers were consistently added to.

It's time that the State of Alaska consider the distressing conditions of its citizens, especially those in the rural villages who are burdened with \$5.00 to \$10.00 per gallon of gas.

As the 2006 Legislature gets underway in January, 2006, your first order of business must be to pass a Supplemental Energy Dividend Bill, payable to every Alaskan who received a 2005 Permanent Dividend Check.

A \$500.00 supplemental dividend check for 2006 will help alleviate the Alaskan's financial woes and help them meet their energy expenses.

Signed by the Citizens of Nulato

PRINTED NAME:	SIGNATURE:
WALTER STICKLITH SR.	Walter Sticklith Sr.
HARRY DEMOSE	Harry Demose
Lernin A. Moches Sr.	Lernin A. Moches Sr.
Doug Paley	Doug Paley
Ross Moses	Ross Moses
George Agnes SR	George N. Agnes Sr.
Christopher Stanley	Christopher Stanley
Lisa Patsy	Tim Patrow
Shirley Moses	Shirley Moses
Ladean Ambrose	Ladean Ambrose

PRINTED NAME:

SIGNATURE:

Jeanie Nickoli	Jeanie Nickoli
Gloria N. Patsy	Gloria N. Patsy
Shirley Kriska	Shirley Kriska
Josephine McEnty	Josephine McEnty
RUTH A. MADROS	Ruth A. Madros
Berchmen Esmailka	Berchmen Esmailka
Rita Demoski - Painter	Rita Demoski - Painter
William Marshall	William Marshall
Jim Dub Webb	Jim Dub Webb
Conce Esmailka	Conce Esmailka
J. Demoski	J. Demoski
LAWANA SAMMER	LAWANA SAMMER
Maryann Patsy	Maryann Patsy
Eileen M. Stickman	Eileen M. Stickman
HAZEL D. PUNTER	HAZEL D. PUNTER
Kathleen M. Sam	Kathleen M. Sam
Eddie Hildebrand	Eddie Hildebrand
Flora Esmailka	Flora Esmailka
Chas. Patsy Sr	Chas. Patsy Sr
Conce ESMAILKA SR	Conce ESMAILKA SR
John Sammer Sr	John Sammer Sr
Rudolph J. Peters Sr	Rudolph J. Peters Sr
Rose D. Punter II	Rose D. Punter II
Robert Ruzicki	Robert Ruzicki
Virginia Patsy	Virginia Patsy
Edward Demoski	Edward Demoski
Howard Esmailka	Howard Esmailka
Michael W. Silas	Michael W. Silas

PRINTED NAME:

SIGNATURE:

Karla Mante

Karla Mante

FRED SIMMER SR.

Fred Simmer Sr.

Fred W. Frank O

Fred W. Frank

Ida Demoski

Ida Demoski

ADOLPH C. KLEWST

Adolph C. Klewst

Paula Demoski

Paula Demoski

Flora Dickoli

Flora Dickoli

Carl Nickoli

Carl Nickoli

Mary D. Stickman

Mary D. Stickman

Richard J. Stickman

Richard J. Stickman

Permer Hildebrand

Permer Hildebrand

Ekene H. Hildebrand

Ekene H. Hildebrand

Martina Ekanda

Martina Ekanda

Colleen Stickman

Colleen Stickman

Pat T. Demoski

Pat T. Demoski

Aphonsus A. Peters

Aphonsus A. Peters

William P. Hartness

William P. Hartness

Peter Sipe

Peter Sipe

Martin Hildebrand

Martin Hildebrand

Paul A. Hildebrand

Paul A. Hildebrand

ROSE METON

Rose Meton

Melanie Hibbert

Melanie Hibbert

Margita Demoski

Margita Demoski

GLORIA ZIEBELL

Gloria Ziebell

Jessica Lohmer

Jessica Lohmer

Nathan Ekada

Nathan Ekada

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Mary N. Madros

Mary N. Madros

PRINTED NAME:

SIGNATURE:

PATRICK J. MAOROS. SR	Patrick J. Maoros Sr.
George Semakow	George Semakow
Joseph L. PATSY SR	Joseph L. Patsy Sr.
Joseph Stickman	Joseph Stickman
Rosalie Peter	Rosalie Peter
Ronald Stickman SR	Ronald Stickman

State of Alaska  
Legislative Members  
Juneau, AK.

Subject: Budget Considerations/Priorities  
Reference: Denali Park North Access and Stampede Road Projects

Dear

*Sen. Tom Skelton*

I have attended several meetings in reference to studies/updates on the proposed Denali Park Northern Access Route via Stampede road. I do not criticize the concept of a Northern access to Denali. As a matter of fact, I embrace it. I simply think that the Stampede route is too restrictive and not very well thought out. A majority of the Denali Borough is opposed to the Stampede route.

It seems there has been no thought given to the town of Healy. What will Healy become in 5, 10, 15, 20, or even 50 years? Is there any projected size or direction of Healy's growth? Due to its geographical location, Healy has to grow to the North when it grows, and growth will surely happen. Healy, and the Denali Borough, are both in their infancy, but not for long.

Since the Parks Highway is the major North/South route between Fairbanks and Wasilla, is there a projection of its increase in size/width? Will it become a multiple lane, limited access road, requiring frontage roads in the Healy area?

If Stampede is selected as the northern access route, will it soon be in the middle of a city center? Will it become the source of congestion that it is proposed to eliminate? I don't think residents are willing to blindly follow legislators that have not considered probable future growth issues, especially when those legislators do not live or work in this area themselves.

The more tourist industries grow, the more support elements will be required. More support elements could be located in Healy, giving us good growth possibilities for business development and better job opportunities for local residents.

Why would you want to strangle us to death, by restricting growth potential, in any way? Denali National Park borders Stampede road on three sides. This pretty much limits business growth to tour companies. Tour companies, who take the profits made and go home, leaving a ghost town, for all but four months of the year. Can't we do better than that?

Even if the expansion is for only four or five months, what services will be required by the Denali Borough and/or the Healy area? Must we provide 24 hour medical, fire, and emergency services? Is there a need to identify and site refuse disposal facilities? Or, is what we now have, sufficient for the next 30 years? Do we need water and/or sewage treatment plants to accommodate an ever-increasing population, both seasonal and permanent? Do laundry/shower facilities need to be increased from current levels? Do we need motor home, bus, and/or car wash facilities? How about a bank, a supermarket, a hardware store, or automotive maintenance facility?

Perhaps a cold storage facility to make storage/access to supplies more readily available to tour companies, as well as local businesses and residents, in a more economically feasible situation than we already have? We certainly have close enough proximity to the railroad, which could be utilized to service such a facility. Would this reduce some of the truck traffic on the Parks Highway?

Have you even asked ANY of these questions before you voted for approval of this project? As the project is currently funded, there would be zero benefits to the local residents. Experience base for tourists would not be realized. No relief for traffic congestion at the current park entrance would be forthcoming. There would be little, or no, natural resource development opportunities.

One thing is for sure... There would be no additional monies approved for maintenance budgets for local D O T facilities. You folks are always real quick to cut maintenance budgets, (except for education). You took additional funds for education from the permanent fund, but you don't even concern yourselves with the fact that school busses can't safely pick up children for school. School bus stops and turn-a-rounds are not plowed and/or sanded BEFORE busses are on routes. If education is really important enough to tap the permanent fund, would it not follow that safety of the students (and teachers) should be considered, to and from the schools? The permanent fund is there for the good of all residents of the state of Alaska. It is not there just for a



dividend check. Heck...I'd give it back if our community could benefit, as a whole, under a leadership of wisdom.

This state builds all kinds of nice rest facilities along the Parks Highway. They must be built for the tourists, because when the tourists are gone, these facilities are locked up, closed down, and few are even plowed out. They are not opened until the following spring. So, for seven months, or so, there are no facilities available to resident/local night travelers. If you need to use a bathroom at night, there is nothing open from Fairbanks to the Veterans Memorial! It would seem the five million dollars earmarked for the Stampede project, could be better spent lighting, heating, cleaning, and plowing all the rest areas. It would sure be nicer, (and less of a health hazard) than having to clean up feces, underwear, handkerchiefs, T-shirts and toilet paper, at the ends of our driveways and /or the few pull outs that are open.

You folks that live in the city are way out of touch with the reality of rural Alaska, (which, by the way, is the biggest part of this state)! It seems that personal gain and greed are a driving force behind all of our legislative actions for some reason. You guys took the longevity checks from our pioneering seniors. That debt would have been reduced every year by attrition alone, and would ultimately be gone. Yet you took this small check from them on the premise that it was so small, they didn't need it anyway. Then, you voted yourselves a big fat raise. Evidently, the budget was not really a concern, as was stated.

Governor Murkowski bought himself a private jet that can't even be landed at most of the airports in Alaska, especially not at most of the villages. Taxpayers furnish a house in Anchorage, for him, because he may need to be close to his doctor. How is he, or any of you, more important than any other Alaska resident? I think the concept of REAL leadership was lost somewhere along the way. There are no Generals leading charges anymore. None of our leaders go without food or water to make sure that their people have plenty. Where have we gone wrong? Has God decided who should have enough to eat and a place to live, or is it a genetic predisposition among our "leaders"? Leaders are our legislators, at all levels of government. Recent Emergencies have proven that a large gap exists, especially between Republicans and everybody else. Things have gone very wrong over the 60 years that I have been alive. Ethics no longer have any relationship with humanities and moral issues.

My first thought when I heard about the five million dollars for the Stampede extension was, "I wonder how many legislators, or their families/friends own or have interests in property or businesses that would benefit from this project?"

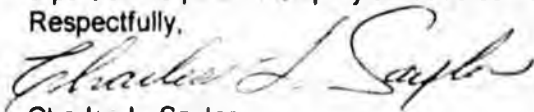
My second thought is that, "It makes no sense to throw five million dollars at a project that could not achieve any of the stated goals, unless it's just a 'foot-in-the-door' and an excuse to not consider any of the alternate routes."

Please don't cram this project down our throats! Especially when you are not prepared to fund the project in its entire scope. Allow us to grow and have some say in our future. This is our home! We'll have suggestions and questions that you won't even think of/about.

Please review your decisions and look at the proposed alternate routes for the Parks North Access. Wouldn't it be nice if the access route could do double duty by opening up state and Native lands, and provide access to villages like McGrath, Lake Manchumina, and others? The Stampede route would provide no possibility of such potential year round access.

I do apologize for expressing so much grief and frustration with the actions of current officials in our government, but I needed to get it said. Perhaps you can be a part of the solution, rather than a part of the problem. I pray that this can be so!

Respectfully,



Charles L. Saylor  
HC 1, Box 3780  
Healy, A. 99743



-Mung  
-4952  
-3441

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

**Frank H. Murkowski**  
Governor  
P.O. Box 110001  
Juneau, Alaska 99811-0001  
**FACT SHEET**



**Karleen Jackson**  
Commissioner  
907-465-3030  
FAX: 907-465-3068  
[www.hss.state.ak.us](http://www.hss.state.ak.us)

December 6, 2005

## Heating Assistance Program Funding

### What is the Heating Assistance Program?

- The Heating Assistance Program (HAP) provides assistance to low-income households to offset the cost of home heating.
- The program is 100 percent federally funded by the Low-Income Home Energy Assistance Program (LIHEAP) block grant.
- The Heating Assistance Program accepts applications from September 1 through April 30, and begins issuing benefits on November 1. An eligible household will receive one heating assistance grant during this period. The grant is typically paid to the home energy vendor and reflected as a credit on the customer's account.
- Congress is expected to fund LIHEAP in FY 2006 at the same level as FY 2005, a total of \$11.9 million for Alaska's state and tribal LIHEAP.

### Issues

- The Governor is requesting \$8.8 million in state funds in fiscal year 2006 to supplement the LIHEAP funds. The funds will be used to increase household grants. The Department will also grant funds to the Alaska tribal LIHEAP providers to supplement their programs.
- The price of home heating oil has increased 90% over the past two years, based upon Alaska spot market prices from 10 communities around the state. This is creating great difficulties for low income Alaskans, as their grants do not adequately cover their increased costs.
- In Kotzebue the average grant two years ago purchased 735 gallons of home heating oil compared to 402 gallons today. In Nome the number of gallons has decreased from 650 to 339 gallons.
- In fiscal year 2005, 9,055 households received a HAP grant, with another 4,924 households served by tribal LIHEAP providers. So far this winter the number of applications received by the HAP has increased 18 % over the same time last year. Low-income households in virtually every community in Alaska are assisted by LIHEAP.

Heating Assistance Program Fact Sheet, Page 2

**Major Goals**

- Increase benefits for Heating Assistance Program recipients and tribal LIHEAP programs to counter increases in energy prices.
- Continue to provide benefits to all eligible Alaskan households that apply for assistance.
- Minimize the economic impact of customer bad debt on Alaska home energy suppliers, particularly in rural Alaska.

-30-

*For more information, please contact*

Sherry Hill (907) 465-1618, Cell (907) 321-2838

Jeff Kasper (907) 465-8194



## DIVISION OF COMMUNITY ADVOCACY REPORT TO THE COMMISSIONER

# CURRENT COMMUNITY CONDITIONS: FUEL PRICES ACROSS ALASKA

### INTRODUCTION

Fuel prices have significantly increased over the past year across Alaska. With the onset of the winter season and associated extreme low temperatures, rural Alaska communities and households that are reliant on fuel to heat their homes and buildings and to generate electricity are confronted with the challenge of paying increased retail fuel prices to meet basic survival needs. Current nationwide statistics suggest households heated primarily with heating fuel are paying approximately 32% more in 2005 than in 2004 (United States Energy Information Administration, 2005). Significantly increased fuel and energy costs combined with high unemployment rates, limited local economic bases, and local governments that are struggling to provide basic local services have presented rural Alaska communities and households with difficult circumstances.

In response to current rural Alaska energy challenges, Governor Frank Murkowski has pledged to seek financial assistance to meet rising fuel costs, provide emergency assistance for small municipalities, and provide a state contribution to a federal program that helps low-income households pay for energy. The Murkowski Administration has advocated for a variety of specific programs focused on alleviating the consequences of increased retail fuel prices including the following: 1) Small Municipality Energy Assistance Program; 2) Bulk Fuel Revolving Loan Fund; 3) Fuel Bridge Loan Program; 4) Power Cost Equalization; 5) Low Income Home Energy Assistance Program; 6) Power Project Loan Fund; 7) Power, Fuel, and Hyrdo Training; and 8) Bulk Fuel Upgrades.

In an effort to assess current retail fuel prices and start tracking longitudinal price changes across rural Alaska, the Division of Community Advocacy conducted a statewide survey of retail heating fuel and gasoline prices in a cross-section of select Alaska communities. This report, *Current Community Conditions: Fuel Prices Across Alaska*, summarizes fuel survey findings, provides a national perspective of fluxuating fuel prices, and presents a short case study of increased fuel costs and associated impacts to electrical costs in five rural Alaska communities.

## METHODOLOGY

The DCA Research and Analysis Section, in consultation with the Local Government Assistance Section, developed the survey instrument and community sample frame. In short, communities were selected to represent differing socioeconomic conditions and various Alaska regions including the Interior, North Slope, South Coastal, Southeast, and Western Regions. Selected communities had also generally been the recipient of an Alaska Energy Authority bulk fuel project in the past. Since a non-probability sampling method was utilized, this survey should be considered a non-scientific study with results not generalizable to the entire population of rural Alaska communities.

Local Government Specialists from DCA Regional Offices implemented the survey instrument during November 17 – 29, 2005. In total, local fuel retailers from 100 communities were contacted (via telephone) and requested to provide current heating fuel and gasoline prices. Survey results should be considered one-time measurements and representative of fuel prices on the particular day of contact. Furthermore, heating fuel and gasoline prices may have changed between the time of contact and publishing of this report.

## CURRENT FUEL PRICES ACROSS ALASKA

As Table 1 on the following page illustrates, average heating fuel prices per gallon vary across Alaska by region. Western Alaska communities report the highest average heating fuel retail price at \$3.73 per gallon while North Slope communities report the lowest retail price at \$1.64 per gallon. Of noteworthy importance, the North Slope Borough provides free heating fuel for residential use through village corporations who distribute fuel to borough community residents, charging only a delivery fee on a per gallon basis. The North Slope Borough does not subsidize heating fuel to village corporations for commercial use. Consequently, heating fuel retail price for commercial entities is higher than residential use heating fuel (see Table 2).

To accurately summarize statewide heating fuel prices, it is appropriate to exclude North Slope Borough communities due to the North Slope Borough subsidy for residential use heating fuel. When considering statewide heating fuel prices, Everts Fuel in Hughes (Western Alaska) reported the highest heating fuel retail price at \$5.40 per gallon. In contrast, the City of Akutan (South Coastal Alaska) reports the lowest heating fuel retail price at \$2.30 per gallon. On average, heating fuel retail price is \$3.48 per gallon across Alaska with 93 communities reporting heating fuel prices.

**Table 1. Heating Fuel (#1) Retail Price Summary**

	Statewide		North Slope		Interior		South Slope	
High	\$5.40	\$5.40	\$5.40	\$2.50	\$4.75	\$4.10	\$4.65	
Low	\$1.20	\$2.30	\$2.31	\$1.20	\$2.30	\$2.80	\$2.99	
Range	\$4.20	\$3.10	\$3.09	\$1.30	\$2.45	\$1.30	\$1.66	
Mean	\$3.37	\$3.48	\$3.34	\$1.64	\$3.30	\$3.24	\$3.73	
Median	\$3.39	\$3.40	\$3.05	\$1.53	\$3.15	\$3.10	\$3.70	
<b>Total Communities Reporting</b>	<b>99</b>	<b>93</b>	<b>15</b>	<b>6</b>	<b>27</b>	<b>11</b>	<b>40</b>	

As Tables 2 and 3 illustrate, average gasoline prices per gallon also vary across Alaska by region. North Slope communities report the highest average gasoline retail price at \$4.26 per gallon while Southeast communities report the lowest retail price at \$3.29 per gallon. Statewide retail prices indicate significant variation in gasoline retail price. Specifically, Kuukpiik Corporation in Nuiqsut (North Slope Region) reports the highest gasoline price at \$6.25 per gallon. In contrast, Nenana Heating in Anderson (Interior Alaska) reports the lowest gasoline retail price at \$2.11 per gallon. On average, gasoline retail price is \$3.83 per gallon across Alaska with 95 communities reporting gasoline prices.

**Table 2. North Slope Heating Fuel (#1) and Gasoline Retail Prices**

Community	Heating Fuel Supplier	Heating Fuel Price	Gasoline Price	Total Price
Anaktuvuk Pass	Nunamut Corporation	\$1.20	\$4.29	\$5.94
Atkasuk	Atkasuk Corporation	\$1.45	Not Available	\$4.10
Barrow	BUEC, Inc	Natural Gas	Natural Gas	\$3.95
Kaktovik	Kaktovik Inupiat Corporation	\$1.60	\$4.25	\$2.65
Nuiqsut	Kuukpiik Corporation	\$2.50	Not Available	\$6.25
Point Hope	Tigara Corporation	\$1.64	\$3.90	\$3.57
Wainwright	Olgoonik Corporation	\$1.45	\$3.26	\$3.35

**Table 3. Gasoline Retail Price Summary**

High	\$6.25	\$5.00	\$6.25	\$5.25	\$4.15	\$5.50
Low	\$2.11	\$2.11	\$2.65	\$2.75	\$2.76	\$3.39
Range	\$4.14	\$2.89	\$3.60	\$2.50	\$1.39	\$2.11
Mean	\$3.83	\$3.61	\$4.26	\$3.65	\$3.29	\$4.09
Median	\$3.75	\$3.50	\$3.95	\$3.46	\$3.20	\$4.09
<b>Total Communities Reporting</b>	<b>95</b>	<b>15</b>	<b>7</b>	<b>22</b>	<b>11</b>	<b>40</b>

Method of transporting heating fuel and gasoline varies across Alaska with fuel retailers using barge, air, truck, or a combination to transport fuel into the community (Table 4). With 100 communities reporting, the wide majority (83%) report barging fuel into the community. In contrast, nine communities (nine percent) report trucking fuel into the community, three communities (3%) report air freighting fuel into the community, and four communities (4%) utilize multiple methods of transporting fuel into the community (i.e., barge/truck, barge/air, or truck/air). Valdez reports no need to transport fuel because an on-site refinery exists within the community.

**Table 4. Fuel Transportation Method**

No Transport Required	1	0	0	1	0	0
Barge Only	83	4	4	24	11	40
Truck Only	9	8	0	1	0	0
Air Only	3	3	0	0	0	0
Barge/Truck	1	0	0	1	0	0
Barge/Air	2	0	2	0	0	0
Truck/Air	1	0	1	0	0	0
<b>Total Communities Reporting</b>	<b>100</b>	<b>15</b>	<b>7</b>	<b>27</b>	<b>11</b>	<b>40</b>

### COMMUNITY CASE STUDIES: INCREASING FUEL PRICES AND ELECTRICAL COSTS

Rural communities rely heavily on diesel fuel to generate electricity and to heat homes and buildings. Not only do rural communities depend on this form of fuel for meeting basic energy needs, the cost of fuel as a percent of total community operating cost is also significant. As a supplement to the community fuel survey, the DCA Research and Analysis Section also examined longitudinal fuel costs as a percent of total electrical costs in a select number of remote communities from various Alaska regions. In total, five case-study communities were selected for further evaluation including Coffman Cove, McGrath, Ouzinkie, St. Paul, and Tanana.

As Figure 1 illustrates, case-study findings suggest Coffman Cove, McGrath, Ouzinkie, St. Paul, and Tanana have generally experienced significant increased fuel costs as a percent of total electrical costs between 2004 and 2005. Specifically, fuel costs as a percent of total electrical costs increased six percent in Coffman Cove, 14 percent in Tanana, 19 percent in Ouzinkie, 33 percent in McGrath, and 36 percent in Ouzinkie. Of noteworthy importance, 2005 figures were current through mid summer and are likely to have increased by the end of the year.

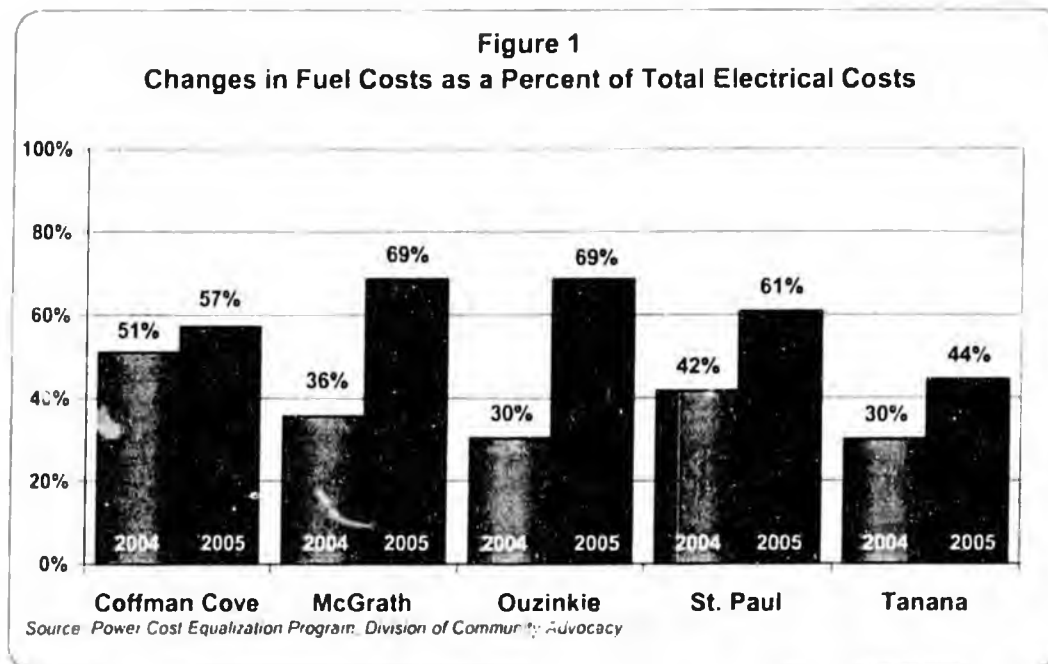
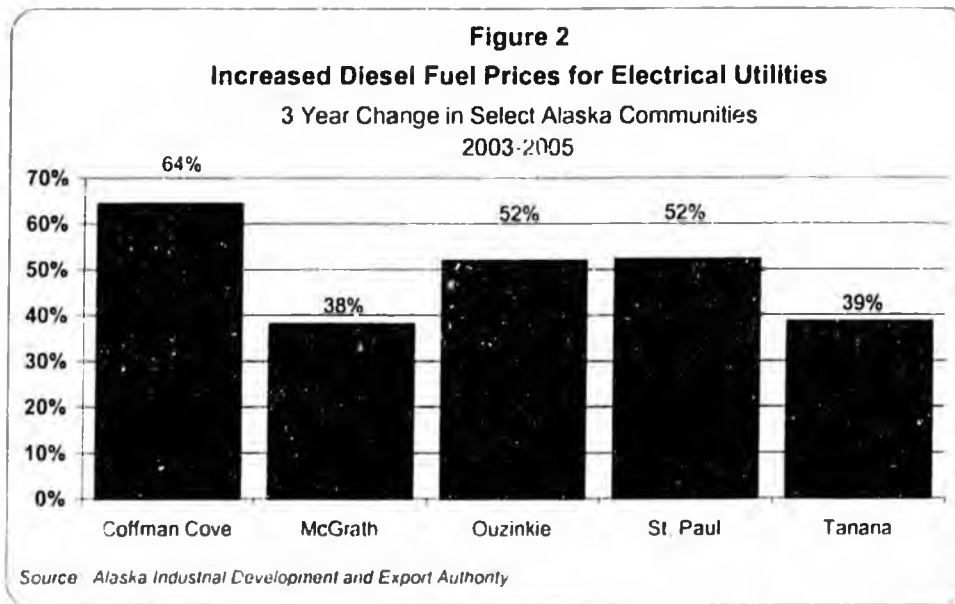


Figure 2 depicts a three-year average (2003 – 2005) of fuel cost changes in selected case-study communities. Coffman Cove reports the highest average diesel fuel cost increase at approximately 64 percent. In contrast, McGrath reports the lowest average diesel fuel cost increase at approximately 38 percent. The remaining case-study communities, Ouzinkie, Tanana, and St. Paul, have also experienced diesel fuel cost increases ranging from 39 to 52 percent.



### THE NATIONAL CONTEXT

Gasoline and diesel fuel prices are expected to remain elevated over the short term as U.S. refining companies continue their gradual recovery following the devastation of September hurricanes Katrina and Rita in the Gulf of Mexico.

In September 2005, retail diesel fuel prices nationwide averaged \$3.18 per gallon compared with \$2.07 one year ago (Figure 3). According to the U.S. Energy Information Administration, which publishes official energy statistics from the United States Government, residential heating expenditures for this reporting period reflected fuel supply concerns following the hurricanes.

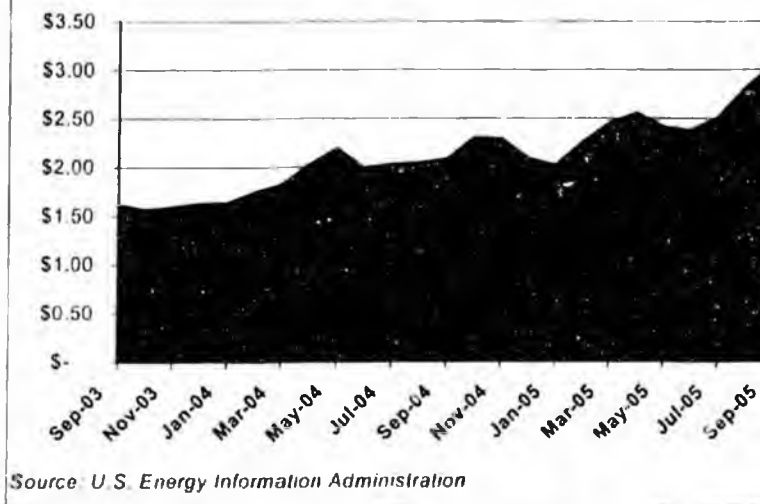
As recently as October 2005, the U.S. Department of Energy reported up to 15 percent of the U.S. refining capacity could be out of service for numerous weeks – especially with over 90 percent of the Gulf of Mexico's crude oil production shut down as a result of hurricane damage. However, recent U.S. Energy Information Administration mid-term trend information regarding heating fuel inventories and pricing predicts lower fuel prices heading into the 2005/2006 winter season.

It now appears fuel supply concerns are diminishing due in part to an unusual act of good luck and timing. Following the damages sustained from Hurricane Katrina, foreign fuel suppliers immediately responded to demand by increasing their exports to the United States. These new supplies of energy began entering the U.S. fuel distribution chain just as the second devastating hurricane (Rita) made landfall. The predicted crash in supply never occurred and some damaged refineries managed to come back on line sooner than expected.

U.S. residential heating fuel prices decreased for the second time during November, going from \$2.51 per gallon during week one to \$2.47 per gallon by November 14. However, the current price for heating fuel (\$2.47 per gallon) still represents a \$0.45 increase over the same time last

year, which is equivalent to a 22 percent per gallon price increase. Wholesale heating fuel prices (current November 14) stand at \$1.77 per gallon, down \$0.08 from November first, but up \$0.37 per gallon from a year ago.

Figure 3  
Nationwide Diesel Fuel Retail Price



#### ADDRESSING THE FUEL CHALLENGE: SHORT- AND LONG-TERM STRATEGIES

Effective short-term strategies for alleviating high fuel costs and corresponding impacts for rural energy primarily include implementing energy assistance funding programs, which can only occur through the continued cooperation between federal agencies, state agencies, local governments, and tribal governments. Currently, the State of Alaska has implemented several programs to assist with the high cost of energy. The Small Municipalities Energy Assistance Program (SMEAP), which began in Fiscal Year 2005, offers municipalities with populations less than 2,500 grants ranging from \$22,396 to \$67,188 for fuel purchase. Governor Murkowski announced he will again ask the legislature for another \$6.4 million to be added to the Small Municipality Energy Assistance Program for the upcoming winter. Alaska Energy Authority's (AEA) Bulk Fuel Revolving Loan Fund provides loans to communities, utilities, or fuel retailers in rural communities to purchase emergency, semi-annual, or annual bulk fuel supplies. The Fuel Bridge Loan Program provides loan assistance to communities that are ineligible for AEA's Bulk Fuel Revolving Loan Fund. To date, the Fuel Bridge Loan Program has serviced 13 communities across Alaska. Governor Murkowski announced he will again seek full and supplemental funding from the Legislature for the Power Cost Equalization Program (PCE), which helps reduce the cost of electricity for residential consumers

and community facilities in rural Alaska. For the first time, Governor Murkowski has requested the addition of State funds for the federal Low Income Home Energy Assistance Program, which provides fuel purchase assistance to low-income households. The Power Project Loan Fund provides loans to local utilities, local governments, or independent power producers for the development or upgrade of electric power facilities, which includes bulk fuel storage facilities, waste energy conservation, or potable water supply projects.

While a variety of funding programs exist to address the short-term fuel challenge, long-term strategies remain elusive when considering the prognosis of predictable and sustainable energy costs. Seeking long-term solutions to the current fuel challenge will likely include a combination of greater fuel supply, developing appropriate local bulk fuel infrastructure, reducing transportation costs, and increasing local human capital. Specifically, AEA in collaboration with the Denali Training Fund, provides training opportunities to local residents regarding energy projects and infrastructure. The purpose of the training is to ensure community personnel have the appropriate skills to maintain bulk fuel infrastructure in a consistent and sustainable manner. Addressing the adequacy of bulk fuel farms is also a critical component of a long term strategy to addressing fuel prices. Specifically, many bulk fuel farms were constructed more than 20 years ago and are currently in poor condition. With substantial contributions from the Denali Commission, the Bulk Fuel Upgrades Program provides funding for the design/engineering, business planning, and construction management services to build bulk fuel farms in rural communities.

Recognizing the need to study and develop feasible short- and long-term strategies to address rural energy in Alaska, Governor Murkowski commissioned the formation of the Rural Energy Action Council (REAC). During 2005, REAC closely reviewed the Power Cost Equalization (PCE) Program, energy conservation measures, diesel alternatives, the development of fuel cooperatives, and the cost of energy for schools. As a result, REAC recommended short- and long-term strategies to lower the cost of energy in rural Alaska. Short-term strategies included the following: 1) fully fund the PCE Program; 2) front-load the PCE endowment; 3) develop a bulk fuel operator technical assistance program; 4) incorporate downstream tanks and pipes into bulk fuel infrastructure upgrades; 5) support the development of regional bulk fuel cooperatives; 6) recommend higher loan limits for Bulk Fuel Revolving Loan Program single and cooperative applicants; 7) improve power plant operational efficiencies and remote capabilities; 8) increase support for development of alternative energy sources including coal, instream, wind, and gas projects; 9) accelerate renewable energy programs and implement energy conservation measures; 10) continue low-income home energy assistance program funding; and 11) create a new line-item for school district energy funding.

REAC also identified the following as elements of a long-term approach to improving the affordability of rural energy: 1) study the direct impacts of high fuel cost in rural Alaska; 2) develop regional energy centers on rural campuses; 3) support a feasibility study to examine links with the Railbelt Energy Grid; 4) develop a fuel price reporting system for "non-PCE" communities; 5) divest the State of rural energy infrastructure; and 6) improve transportation and distribution systems. For further information regarding REAC and its resultant rural energy recommendations, please visit the following website: <http://www.akenergyauthority.org/REAC/>.

**Appendix**  
**Community Heating Fuel and Gasoline Survey**

Community	Region	Community Retailer: (entity selling fuel)	Community Retailer Telephone Number:	Heating Fuel #1 Retail Price: (selling price per gallon)	Percent +/- Statewide HF Average (\$3.48):	Gasoline Retail Price: (selling price per gallon)	Percent +/- Statewide Gas Average (\$3.83):	Transport Method:		
Alatna	Interior	Everts Fuel	(907) 450-2307	\$4.00	15%	\$4.50	17%		Air	
Anderson	Interior	Nenana Heating	(907) 832-5445	\$2.32	-33%	\$2.11	-45%			Truck
Arctic Village	Interior	Everts Fuel	(907) 450-2307	\$3.83	10%	\$4.08	7%		Air	
Circle	Interior	Interior Fuel	(907) 456-1312	\$2.85	-18%	\$3.30	-14%			Truck
Delta Junction	Interior	Delta Fuel Company	(907) 895-4515	\$2.31	-34%	\$2.72	-29%			Truck
Eagle	Interior	Telegraph Hill Services	(907) 547-2261	\$3.25	-7%	\$3.50	-9%			Truck
Fairbanks	Interior	Petro Star - Flint Hill	(907) 488-2575	\$2.44	-30%	\$2.59	-32%			Truck
Galena	Interior	Crowley Marine Services	1-800-977-9771	\$3.50	1%	\$3.52	-8%	Barge		
Healy	Interior	Nenana Heating	(907) 832-5445	\$2.54	-27%	\$2.97	-22%			Truck
Hughes	Interior	Everts Fuel	(907) 450-2307	\$5.40	55%	\$4.75	24%		Air	
Huslia	Interior	Yukon Fuel	(907) 832-5476	\$4.50	29%	\$5.00	31%	Barge		
Minlo	Interior	Alaska Petro	(907) 488-2575	\$3.05	-12%	\$3.75	-2%			Truck

Community	Region	Community Retailer: (entity selling fuel)	Community Retailer Telephone Number:	Heating Fuel #1 Retail Price: (selling price per gallon)	Percent +/- Statewide HF Average (\$3.48):	Gasoline Retail Price: (selling price per gallon)	Percent +/- Statewide Gas Average (\$3.83):	Transport Method:		
Nenana	Interior	Interior Fuel	(907) 832-5445	\$2.46	-29%	\$2.96	-23%			Truck
Ruby	Interior	Dinega Fuel Corporation	(907) 832-5476	\$4.15	19%	\$4.40	15%	Barge		
Tanana	Interior	TCCo.	(907) 832-5476	\$3.55	2%	\$3.98	4%	Barge		
Anaktuvuk Pass	North Slope	Nunamiut Corporation	(907) 661-3026	\$1.20	-66%	\$5.94	55%	Barge	Air	
Atkasuk	North Slope	Atkasuk Corporation	(907) 633-6414	\$1.45	-58%	\$4.10	7%	Barge	Air	
Barrow	North Slope	BUEC, Inc	(907) 852-6166	Natural Gas	N/A	\$3.95	3%	Barge		
Kaktovik	North Slope	Kaktovik Inupiat Corporation	(907) 640-6120	\$1.60	-54%	\$2.65	-31%	Barge		
Nuiqsut	North Slope	Kuukpik Corporation	(907) 480-6711	\$2.50	-28%	\$6.25	63%		Air	Truck
Point Hope	North Slope	Tigara Corporation	(907) 368-2235 or (907) 368-2126	\$1.64	-53%	\$3.57	-7%	Barge		
Wainwright	North Slope	Olgoonik Corporation	(907) 763-2614	\$1.45	-58%	\$3.35	-13%	Barge		
Akutan	South Coastal	City of Akutan	(907) 698-2228	\$2.30	-34%	\$2.78	-27%	Barge		
Alka	South Coastal	Alka Native Store	(907) 839-2230	\$4.35	25%	\$4.90	28%	Barge		
Chenega Bay	South Coastal	Chengega Bay Utility	(907) 573-5132	\$3.00	-14%	\$3.60	-6%	Barge		

Community	Region	Community Retailer: (entity selling fuel)	Community Retailer Telephone Number:	Heating Fuel #1 Retail Price: (selling price per gallon)	Percent +/- Statewide HF Average (\$3.48):	Gasoline Retail Price: (selling price per gallon)	Percent +/- Statewide Gas Average (\$3.83):	Transport Method:		
Chignik	South Coastal	City of Chignik	(907)749-2280	\$2.83	-19%	None Sold	N/A	Barge		
Chitina	South Coastal	Chitina Services Oil and Gas	(907) 822-3375	\$2.69	-23%	\$2.83	-26%	Barge		
Clark's Point	South Coastal	City of Clark's Point	(907) 236-1221	\$3.82	10%	\$3.82	0%	Barge		
Cordova	South Coastal	Hovers Mover	(907) 424-3221	\$3.39	-3%	\$3.36	-12%	Barge		
Dillingham	South Coastal	Delta Western	(907) 842-5441	\$4.00	15%	\$4.69	22%	Barge		
Glennallen	South Coastal	Service Oil and Gas	(907) 822-3375	\$2.99	-14%	\$2.87	-25%			Truck
Goodnews Bay	South Coastal	Mumfram Pikkai Village Corporation	(907) 967-8520	\$3.08	-11%	\$2.75	-28%	Barge		
Homer	South Coastal	Homer Run Oil	(907) 235-1393	\$2.55	-27%	\$2.89	-25%	Barge		Truck
King Cove	South Coastal	Peter Pan Seafood	(907) 497-2234	\$2.58	-26%	\$2.97	-22%	Barge		
Kodiak	South Coastal	Thompson Transfer	(907) 486-5774	\$3.01	-14%	None Sold	N/A	Barge		
Kokhanok	South Coastal	Kokhanok Tribal Council	(907) 282-2202	\$4.00	15%	\$5.00	31%	Barge		
Larsen Bay	South Coastal	City of Larsen Bay	(907) 847-2211	\$3.12	-10%	\$3.25	-15%	Barge		
Nelson Lagoon	South Coastal	Crowley	(907) 989-2204	\$3.30	-5%	\$3.61	-6%	Barge		
New Stuyahok	South Coastal	New Stuyahok Village Corporation	(907) 693-3122	\$3.80	9%	\$4.63	21%	Barge		